

# Zoning Ordinance

---

Adopted: March 2009

*Amended August 2016*



**Brownstown Township**

---

## Table of Contents

---

# Article 00



**Brownstown Township Zoning Ordinance**

---



## Part I Introduction

<b>Article 1</b>	<b>Purpose and Title</b>	<b>1-1</b>
1.01	Short Title _____	1-2
1.02	Purpose _____	1-2
1.03	Conflicting Regulations _____	1-3

## Part II Zoning Districts

<b>Article 2</b>	<b>Mapped Districts</b>	<b>2-1</b>
2.01	Districts Established _____	2-2
2.02	Zoning Map _____	2-2
2.03	District Boundaries Interpreted _____	2-3
2.04	Zoning of Vacated Areas _____	2-3
2.05	Zoning of Acquired Areas _____	2-3

<b>Article 3</b>	<b>Single Family Residential Districts</b>	<b>3-1</b>
3.01	Intent _____	3-2
3.02	Schedule of Uses _____	3-2
3.03	Area, Height and Placement Requirements _____	3-4
3.04	Averaging of Lot Sizes _____	3-6
3.05	Open Space Cluster Housing Option _____	3-6

<b>Article 4</b>	<b>Multiple Family Residential Districts</b>	<b>4-1</b>
4.01	Intent _____	4-2
4.02	Schedule of Uses _____	4-2
4.03	Area, Height and Placement Requirements _____	4-4

<b>Article 5</b>	<b>Manufactured Home Park Districts</b>	<b>5-1</b>
5.01	Intent _____	5-2
5.02	Schedule of Uses _____	5-2
5.03	Area, Height and Placement Requirements _____	5-4



---

**Article 6 Business Districts 6-1**

---

6.01	Intent_____	6-2
6.02	Schedule of Uses _____	6-2
6.03	Area, Height and Placement Requirements _____	6-5

---

**Article 7 Town Center Districts 7-1**

---

7.01	Intent_____	7-2
7.02	Schedule of Uses _____	7-2
7.03	Area, Height and Placement Requirements _____	7-5
7.04	Architectural Requirements_____	7-8
7.05	Streetscape Requirements _____	7-13
7.06	Parking and Loading_____	7-16
7.07	Open Space Requirements_____	7-17
7.08	Other Requirements and Review Process _____	7-18

---

**Article 8 Industrial Districts 8-1**

---

8.01	Intent_____	8-2
8.02	Schedule of Uses _____	8-3
8.03	Area, Height and Placement Requirements _____	8-6
8.04	Industrial Performance Standards _____	8-8

---

**Article 9 Waterfront Marina Districts 9-1**

---

9.01	Intent_____	9-2
9.02	Schedule of Uses _____	9-2
9.03	Area, Height and Placement Requirements _____	9-3

---

**Article 10 Mining/Extraction Districts 10-1**

---

10.01	Intent_____	10-2
10.02	Schedule of Uses _____	10-2
10.03	Conditional Requirements_____	10-3
10.04	Application, Review, and Permit Renewal Procedure_____	10-3
10.05	Specific Operating Requirements _____	10-4



## **Article 11 Use Requirements 11-1**

11.01 Residential Uses _____	11-2
11.02 Agriculture and Animal Uses _____	11-4
11.03 Religious, Civic, Educational and Governmental Uses _____	11-6
11.04 Retail Trade and Service Uses _____	11-7
11.05 Motor Vehicle Uses _____	11-9
11.06 Accommodation and Food Service Uses _____	11-12
11.07 Art, Entertainment and Recreation Uses _____	11-13
11.08 Finance, Insurance, Real Estate, Professional, Scientific and Technical Service Uses _____	11-18
11.09 Health and Human Care Uses _____	11-18
11.10 Transportation, Utility and Warehousing Uses _____	11-20
11.11 Manufacturing and Construction Uses _____	11-22

## **Part III Provisions Generally Applicable to All Districts**

### **Article 12 General Provisions 12-1**

12.01 Building Grades _____	12-2
12.02 Corner Clearance (Clear Vision Triangle) _____	12-2
12.03 Determination of Similar Use _____	12-2
12.04 Dwellings in Non-Residential Districts _____	12-3
12.05 Essential Services _____	12-3
12.06 Height Limit _____	12-4
12.07 Lot Area Allocation _____	12-4
12.08 Lots Adjoining Alleys _____	12-4
12.09 Projections into Required Yards _____	12-5
12.10 Road Frontage _____	12-5
12.11 Storage of Hazardous Substances _____	12-6
12.12 Uses per Lot _____	12-7
12.13 Voting Place _____	12-8
12.14 Temporary Buildings, Structures, Uses, and Special Events _____	12-8
12.15 Wireless Communication Facilities and Services _____	12-10



---

**Article 13    Accessory Buildings and Uses** **13-1**

---

13.01	Accessory Buildings, Structures and Uses _____	13-2
13.02	Entranceways _____	13-3
13.03	Fences and Walls _____	13-3
13.04	Lots Having Water Frontage _____	13-6
13.05	Porches and Decks _____	13-6
13.06	Solar Panels _____	13-7
13.07	Swimming Pools and Hot Tubs _____	13-7
13.08	Antennas _____	13-8
13.09	Storage of Recreational Vehicles _____	13-9
13.10	Sale and Maintenance of Vehicles _____	13-10
13.11	Commercial Vehicles _____	13-11

---

**Article 14    General Site Development Requirements** **14-1**

---

14.01	Building Appearance _____	14-2
14.02	Landscaping _____	14-4
14.03	Sidewalks and Non-Motorized Pathways _____	14-12
14.04	Lighting _____	14-13
14.05	Waste Receptacles _____	14-14
14.06	Mechanical Equipment _____	14-16
14.07	Mailbox Clusters _____	14-16

---

**Article 15    Off-Street Parking, Loading, Access and Circulation Requirements** **15-1**

---

15.01	Off-Street Parking, Loading, Access and Circulation Requirements _____	15-2
15.02	Off-Street Parking Facility Design _____	15-9
15.03	Off-Street Loading Requirements _____	15-11
15.04	Truck Maneuvering, Access and Circulation Standards _____	15-12
15.05	Driveway Access Management _____	15-13




---

## **Article 16 Signs 16-1**

---

16.01	Intent _____	16-2
16.02	Scope of Requirements _____	16-3
16.03	Prohibited Signs _____	16-3
16.04	Signs Not Requiring a Permit _____	16-4
16.05	General Provisions for Permitted Signs _____	16-7
16.06	Permitted Sign Regulations _____	16-9
16.07	Nonconforming Signs _____	16-11
16.08	Sign Inspection and Maintenance _____	16-12
16.09	Sign Permits _____	16-13

## **Part IV Approval Procedures**

### **Article 17 Site Plan Review 17-1**

---

17.01	Intent _____	17-2
17.02	Uses Requiring Review _____	17-2
17.03	Site Plan Review Procedures _____	17-4
17.04	Standards for Site Plan Approval _____	17-8
17.05	Conditions of Site Plan Approval _____	17-10
17.06	Administrative Sketch Plan Review _____	17-11
17.07	Validity of Approved Plans _____	17-12
17.08	Amendment to Approved Plans _____	17-12
17.09	Traffic Impact Studies _____	17-13
17.10	Site Investigation Reports _____	17-17

### **Article 18 Special Land Use Review 18-1**

---

18.01	Intent _____	18-2
18.02	Procedures _____	18-2
18.03	Appeals and Waivers _____	18-4
18.04	Review Standards _____	18-4
18.05	Amendments, Expansions and Change in Use _____	18-5
18.06	Restrictions on Resubmittal of a Special Land Use Request _____	18-5
18.07	Validity of Permit _____	18-6
18.08	Revocation of an Approved Special Land Use _____	18-6

**Article 19 Planned Unit Developments (PUDs)****19-1**

---

19.01	Intent	19-2
19.02	Qualifying Conditions	19-2
19.03	Permitted Uses	19-4
19.04	Residential Density	19-4
19.05	Dimensional Requirements	19-5
19.06	Open Space	19-5
19.07	Access and Circulation	19-6
19.08	PUD Site Plan Information	19-7
19.09	Conceptual PUD Review Procedures	19-9
19.10	Preliminary PUD Review Procedures	19-10
19.11	Final PUD Review Procedures	19-11
19.12	Deviations from Approved Final PUD Site Plan	19-12
19.13	Appeals and Variances	19-14

**Article 20 Condominiums****20-1**

---

20.01	Intent	20-2
20.02	Submittal Requirements	20-2
20.03	Review	20-3
20.04	District Requirements	20-5
20.05	Design Standards	20-5
20.06	Compliance with Federal, State and Local Law	20-5
20.07	Monuments Required	20-5
20.08	Temporary Occupancy	20-6

**Article 21 Nonconformities****21-1**

---

21.01	Intent	21-2
21.02	Nonconforming Uses	21-3
21.03	Nonconforming Buildings and Structures	21-4
21.04	Nonconforming Lots	21-5
21.05	Nonconforming Sites	21-6
21.06	Nonconforming Resulting in Right-of-Way Dedication	21-6
21.07	Repairs and Maintenance	21-7
21.08	Change of Tenancy or Ownership	21-7





## Part V Administrative Provisions

<b>Article 22</b>	<b>Administration and Enforcement</b>	<b>22-1</b>
22.01	Planning Commission _____	22-2
22.02	Enforcement _____	22-2
22.03	Duties of Building Official _____	22-2
22.04	Plot Plan/Survey _____	22-3
22.05	Permits _____	22-3
22.06	Certificates _____	22-6
22.07	Fees _____	22-7
22.08	Security for Completion of Improvements _____	22-7
22.09	Performance Guarantees _____	22-7
22.10	Public Hearings _____	22-8
22.11	Violations and Penalties _____	22-10
22.12	Each Day a Separate Offense _____	22-10
22.13	Nuisance Declared _____	22-10
22.14	Rights and Remedies Cumulative _____	22-10
<b>Article 23</b>	<b>Zoning Board of Appeals</b>	<b>23-1</b>
23.01	Creation and Membership _____	23-2
23.02	Proceedings of the ZBA _____	23-3
23.03	Powers and Duties _____	23-3
23.04	Decisions of the ZBA _____	23-6
<b>Article 24</b>	<b>Amendments to Ordinance</b>	<b>24-1</b>
24.01	Initiation of Rezoning and Zoning Ordinance Text Amendments _____	24-2
24.02	Application Procedure _____	24-2
24.03	Rezoning and Zoning Ordinance Text Amendment Procedure _____	24-3
24.04	Criteria for Amendment of the Official Zoning Map (Rezoning) _____	24-4
24.05	Conditional Zoning Agreement _____	24-4



---

**Article 25 Definitions 25-1**

---

25.01 Construction of Language	25-2
25.02 Definitions A-B	25-3
25.03 Definitions C-D	25-10
25.04 Definitions E-F	25-15
25.05 Definitions G-H	25-19
25.06 Definitions I-J	25-20
25.07 Definitions K-L	25-21
25.08 Definitions M-N	25-24
25.09 Definitions O-P	25-26
25.10 Definitions Q-R	25-28
25.11 Definitions S-T	25-31
25.12 Definitions U-V	25-37
25.13 Definitions W-Z	25-37

---

**Article 26 Enactment Provisions 26-1**

---

26.01 Repeal of Ordinances	26-2
26.02 Severability	26-2
26.03 Enactment and Effective Date	26-2

---

**Part VI Appendices**

---

---

**Appendix A Table of Uses A-1**

---

---

**Appendix B Index B-1**

---



**CHARTER TOWNSHIP OF BROWNSTOWN**

**Wayne County, Michigan**

**ORDINANCE NO. 141-45**

**AN ORDINANCE TO RESTATE THE ZONING ORDINANCE FOR THE  
CHARTER TOWNSHIP OF BROWNSTOWN THAT REPLACES  
ORDINANCE NO. 141-38 AND ALL PRIOR AMENDMENTS.**

THE CHARTER TOWNSHIP OF BROWNSTOWN ORDAINS:

The Table of Contents, 26 Articles, Appendix A and B and the Zoning Map of the attached Charter Township of Brownstown Zoning Ordinance are hereby adopted.



**Purpose and Title**

---

**Article  
01**





---

**Section 1.01            Short Title**

---

This Ordinance establishes comprehensive zoning regulations for Brownstown Township, and provides for the administration, enforcement, and amendment of those regulations, in accordance with the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended). This Ordinance shall be known and may be cited as the "Zoning Ordinance of Brownstown Township", the "Zoning Ordinance" or "this Ordinance."

---

**Section 1.02            Purpose**

---

This Zoning Ordinance is based on the adopted Brownstown Township Master Plan and similar plans addressing development patterns and development goals, and any amendments to those plans. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- (a) Create a diversified and balanced mixture of land uses that will support the economic vitality, tax base, and livability of the Township.
- (b) Regulate the intensity of land development to ensure compatibility among land uses and where applicable, provide transitions between land uses to reduce the negative physical and visual impact on adjacent properties.
- (c) Provide a solid residential base that will accommodate expansion of existing neighborhoods, protect residential areas from incompatible land uses, offer a variety of housing opportunities, and support the needs of Brownstown's residents.
- (d) Protect the character and stability of residential properties, non-residential uses and public amenities within the Township and promote orderly development and/or redevelopment of these areas.
- (e) Provide commercial and office uses that offer a diversity of services for different target markets that are appropriately located for convenience and safety and maximize the design potential to create aesthetic business districts in the Township that reflect the intended character of the area.
- (f) Provide an organized pattern of various industrial land uses that is flexible for business development, properly minimizes negative impacts such as noise and truck traffic, is located away from residential areas, and reflects a quality image of the Township.



- (g) Promote development and redevelopment of sites and buildings that fulfill the Township's land use goals and enhance the desirability of the Township for future development.
- (h) Protect and enhance natural resources and maintain views into open spaces.
- (i) Incorporate open space elements into the land use pattern in a manner that creates an interconnected, unified system and provides green space, recreation, and/or protects sensitive natural features as applicable.
- (j) Preserve, protect, and enhance the integrity, character, economic viability and livability of Brownstown's neighborhoods.
- (k) Improve the appearance and design quality of non-residential development in Brownstown.
- (l) Create a safe, balanced, and coordinated multi-modal transportation system adequate to accommodate the current and future needs of the Township.
- (m) Preserve and improve the capacity and safety of the existing road system and to mitigate direct impacts of new development where possible.
- (n) Balance the Township's right to compatible and quality development with the property owners' right to a reasonable rate of return on investment.

### **Section 1.03      Conflicting Regulations**

---

- (a) Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.
- (b) Except as otherwise provided in this section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building or structure is located.
- (c) No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.





- (d) This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Zoning Administrator to be more restrictive or impose a higher standard.
- (e) The regulations established herein shall be the minimum for promoting and protecting the public health, safety and general welfare, any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.
- (f) Public projects on land owned by the Charter Township of Brownstown shall not be subject to the provisions of this Ordinance.
- (g) Uses not expressly permitted by this Zoning Ordinance are prohibited. Uses that are contrary to or in violation of local state, or federal law, ordinances, or other regulations are prohibited.

## Mapped Districts

---

# Article 02





## Section 2.01 Districts Established

---

For the purpose of this Ordinance, Brownstown Township is hereby divided into the following districts:

### (a) Residential Districts

- (1) R-E Single Family Residential Estate District
- (2) R-1 Single Family Residential District
- (3) R-2 Single Family Residential District
- (4) R-3 Single Family Residential District
- (5) RM-1 Multiple Family Residential District
- (6) RM-2 Multiple Family Residential District
- (7) MHP Mobile Home Park District

### (b) Non-Residential Districts

- (1) B-1 Local Business District
- (2) B-2 Community Business District
- (3) B-3 General Business District
- (4) OR-1 Office Retail District
- (5) TC Town Center District
- (6) I-RT Industrial Research Technology District
- (7) I-1 Light Industrial District
- (8) I-2 General Industrial District
- (9) WM Waterfront Marina District
- (10) ME Mining/Extraction District

## Section 2.02 Zoning Map

---

An official Zoning Map is adopted as a part of this Ordinance. The Zoning Map shows the boundaries of the zoning districts and the applicable zoning district that regulates each parcel of land within the Township. The Township Board may amend the Zoning Map following the procedures outlined in *Article 24 Amendments to Ordinance*.



---

## Section 2.03 District Boundaries Interpreted

---

Where uncertainty exists with respect to the boundaries of any of the districts established in this Ordinance, as shown on the Zoning Map, the following rules shall apply:

- (a) **Centerline or Right-of-way of Roads.** Boundaries indicated as approximately following the centerlines of roads, highways, or alleys, shall be construed to follow such centerlines.
- (b) **Lot Lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) **Township Limits.** Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
- (d) **Railroad Lines.** Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (e) **Shorelines.** Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- (f) **Parallel.** Boundaries indicated as parallel to, or extensions of, features indicated in subsections (a) through (e), above, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- (g) **Determination.** The Zoning Board of Appeals shall make a determination, upon written application or upon its own motion, in those situations where un-zoned property may exist, or where, due to the scale, lack of detail, or illegibility of the Zoning Map there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

---

## Section 2.04 Zoning of Vacated Areas

---

Whenever any road, alley, or other public way, within the Township shall be vacated such road, alley, or other public way, or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches.

---

## Section 2.05 Zoning of Acquired Areas

---

Zoning of areas acquired by the Township through any means shall, immediately upon acquisition or transfer, be automatically classified as "R-E Residential Estate", until otherwise classified.

---



# Single Family Residential Districts

---

# Article 03





### Section 3.01 Intent

---

The R-E and R-1 through R-3, Single Family Residential Districts are intended to provide for an environment of predominately single family detached dwellings along with other residentially-related facilities which serve the residents in the district. These districts provide a range of housing opportunities from large estate-sized residential lots to more compact development designed for senior oriented housing. It is also the intent of these districts to protect natural areas and include open space within neighborhoods and throughout the Township.

- (a) The R-E Single Family Residential Estate District is intended for large lot residential in areas of the Township that have a more rural character, a less developed infrastructure system and natural features such as woodlands.
- (b) The R-1 Single Family Residential District is intended for intermediate lot residential in transitional areas between the rural areas of the Township and the more developed areas.
- (c) The R-2 Single Family Residential District is intended for intermediate lot residential in areas with greater infrastructure capacity and locations that are closer to urban areas of the Township.
- (d) The R-3 Single Family Residential District is intended for higher density residential in more traditional subdivisions with smaller lots.

### Section 3.02 Schedule of Uses

---

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 3.02* may be used for the purposes denoted by the following abbreviations:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.



<b>Table 3.02 Schedule of Uses</b>					
Use	R-E	R-1	R-2	R-3	Additional Requirements
<b>Residential Uses</b>					
1. Home Occupations	P	P	P	P	Section 11.01 (a)
2. Single Family Detached Dwellings	P	P	P	P	Section 11.01 (b)
<b>Agriculture &amp; Animal Uses</b>					
3. Boarding or Riding Stables	SLU	--	--	--	Section 11.02 (a)
4. Farms	P	P	P	P	Section 11.02 (c)
5. Private Kennels	SLU	SLU	SLU	SLU	Section 11.02(f)
<b>Religious, Civic, Educational &amp; Governmental Uses</b>					
6. Cemeteries (which lawfully occupied land at the time of adoption of this Ordinance)	SLU	SLU	SLU	SLU	Section 11.03 (a)
7. Churches, Temples & Other Places of Worship	SLU	SLU	SLU	SLU	Section 11.03 (b)
8. Clubs, Fraternal Organizations, Lodge Halls or Other Places of General Assembly	SLU	SLU	SLU	SLU	Section 11.03 (c)
9. Private Noncommercial Recreation Areas, Institutional or Community Recreation Centers, Nonprofit Swimming Pool Clubs	SLU	SLU	SLU	SLU	--
10. Public Buildings, Telephone Exchange Buildings, Electric Transformer Stations & Substations, & Gas Regulator Stations, but not including Storage Yards, & only when Operating Requirements Necessitate Locations within the District to Serve the Immediate Vicinity	SLU	SLU	SLU	SLU	--
11. Schools: Colleges & Universities	SLU	SLU	SLU	SLU	Section 11.03 (d)
12. Schools: Public, Parochial or Private Elementary, Middle & High	P	P	P	P	--
<b>Accommodation &amp; Food Service Uses</b>					
13. Bed & Breakfast Inns	SLU	SLU	--	--	Section 11.06 (a)
<b>Art, Entertainment &amp; Recreation Uses</b>					
14. Golf Courses	SLU	SLU	SLU	SLU	Section 11.07 (b)
15. Marinas & Boat Clubs	--	--	SLU	SLU	--
16. Open Space & Parks	P	P	P	P	--
17. Public Parks & Recreation Facilities	SLU	SLU	SLU	SLU	--
<b>Health &amp; Human Care Uses</b>					
18. Adult Foster Care Family Home (6 or fewer adults)	P	P	P	P	--
19. Adult Foster Care Small Group Home (7 to 12 adults)	SLU	SLU	SLU	SLU	--
20. Child Care Center, Nursery Schools & Day Nurseries	SLU	SLU	SLU	SLU	Section 11.09 (a)
21. Family Child Care Home (6 or fewer children less than 24 hours per day)	P	P	P	P	--
22. Foster Family Home (6 or fewer children 24 hours per day)	P	P	P	P	--
23. Group Child Care Home (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	SLU	Section 11.09 (b)
<b>Transportation, Utility &amp; Warehousing Uses</b>					





Use	R-E	R-1	R-2	R-3	Additional Requirements
24. Wind Energy Conversion Systems (WECS)	SLU	SLU	SLU	SLU	<i>Section 11.10 (d)</i>
<b>Similar Uses</b>					
25. Other Uses Similar to the Above & not Listed in Another District	SLU	SLU	SLU	SLU	<i>Section 12.03</i>
<b>Accessory Uses</b>					
26. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	P	P	P	P	--
27. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	SLU	SLU	SLU	SLU	--

### Section 3.03 Area, Height, and Placement Requirements

All lots and buildings shall meet the following dimensional requirements:

Zoning District	Min. Lot		Max. Building Height		Max. % Lot Coverage (e)	Min. Setbacks(ft.) (f)(g)				Min. Floor Area Per Dwelling Unit
	Area (sq. ft.) (a)(b)	Width (ft.) (c)	Stories	Feet (d)		Front (h)	Least One	Total Both	Rear (i)	
RE	20,000	125	2	35	30	50	5	16	40	2,500
R-1	13,500	90	2	35	35	40	5	15	35	2,000
R-2	10,000	80	2	35	35	30	5	12	35	1,500
R-3	8,750	70	2	30	35	25	5	10	35	1,100

#### Footnotes to Schedule of Area, Height, and Placement Requirements

- (a) **Recreational Area.** All residential developments containing more than fifteen (15) dwelling units shall provide a private recreational area(s) of at least one thousand (1,000) square feet for each residential unit to be maintained by a homeowners association. Such recreational area(s) shall include a combination of active and passive recreation opportunities for residents, unless otherwise approved by the Township.
- (b) **Lot Area.** In those instances where public sanitary sewer and water systems are not available within two hundred (200) feet, all lots per dwelling unit shall equal a minimum of at least twenty thousand (20,000) square feet.
- (c) **Depth to Width Ratio.** All lots created after the adoption date of this Ordinance shall have a lot depth not more than four (4) times its width.



- (d) **Building Height.** Exceptions to building height shall be as provided for in *Section 12.06 Height Limit*.
- (e) **Lot Coverage.** Maximum lot coverage shall be the maximum percent of the lot area that can be covered by buildings or above ground accessory structures, such as decks and pools.
- (f) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in *Section 12.09 Projections into Required Yards*.
- (g) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from the ordinary high water mark of any open waterway and from the outer line established by MDEQ of any drainageway, or regulated wetland. This setback shall not apply to waterfront structures, such as seawalls, riprap, boat docks, wells, piers, wharfs and mooring apparatus, decks, or public utilities. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (4) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (6) The size and quality of the wetland.
  - (7) Proximity to any waterway.
  - (8) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - (9) Economic value, both public and private, of the proposed land change to the general area.
  - (10) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (h) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front yard setback requirements along all road frontages.



- (i) **Waterfront Lots.** All buildings shall provide a waterfront setback equal to the distance required for the district's rear yard setback, or the average waterfront setback established by dwellings on both sides of the site, whichever is greater.

### Section 3.04 Averaging of Lot Sizes

---

The intent of this section is to permit a subdivider or developer to vary lot sizes and lot widths so as to average the minimum size of lot per unit as required in *Section 3.03 Area, Height, and Placement Requirements* for each Single Family Residential District. If this option is selected, the following conditions shall be met:

- (a) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than ten percent (10%) below that area or width required in *Table 3.03* and shall not create an increase in the number of lots.
- (b) Each preliminary plat shall, within its own boundaries, average the minimum required lot size for the district in which it is located.
- (c) All computations showing lot area, and the average resulting through this technique, shall be indicated on the print of the preliminary plat.

### Section 3.05 Open Space Cluster Housing Option

---

- (a) Within the Single Family Residential Districts a site may be developed as an open space cluster housing development, subject to the following:
- (b) An open space cluster development may be approved by the Township Board, based upon a recommendation by the Planning Commission following the review procedures and approval standards for special land uses contained in *Article 18 Special Land Use Review* in addition to the review and approval procedures for subdivision plats contained in the Subdivision Control Ordinance, or site condominiums contained in *Article 20 Condominiums*.
- (c) To be eligible for open space cluster development consideration, the applicant must present a proposal for a single family residential development that meets each of the following:
- (1) An open space cluster development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as extensive landscaping, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares or lakes, buffering development from wetlands and shorelines, and provision of buffers from adjacent residential.



- (2) The site shall preserve significant natural features such as woodlands, significant views, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.
  - (3) The development shall be designed to create a cohesive neighborhood through a network of spaces such as parks and common open space areas for recreation and resident interaction. All open space areas shall be equally available to all residents of the development.
  - (4) The development shall be connected to public water and sewer.
  - (5) The site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
  - (6) The site was not previously divided using a clustered development option.
  - (7) The proposed development shall be consistent with and further the implementation of the Brownstown Township Master Plan.
  - (8) The Planning Commission shall find that the proposed open space cluster development meets all of the approval standards for special land uses contained in *Article 18 Special Land Use Review*.
- (d) Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision with the underlying zoning district, meeting all applicable Township and County zoning and subdivision requirements. The parallel plan shall be submitted with the open space cluster development which shall contain all information required for a preliminary plat. The Township shall review the design and determine the number of lots that could be feasibly constructed. This number shall be the maximum number of dwelling units allowable for the open space cluster development; provided, a density bonus of up to ten percent (10%) may be awarded for projects that provide one or more of the following, as determined by the Township:
- (1) The type and amount of open space, greenbelt along roads or recreation facilities exceeds what is typically required by the Township.
  - (2) Significant off-site road improvements are constructed at the applicant's expense.
  - (3) A development provides a diverse variety of housing types or provides a type of housing that is desired, but not currently offered in the Township.
  - (4) Existing structures that are of historic significance are retained and rehabilitated for adaptive reuse. Provisions for ongoing maintenance must be included in the development agreement.



- (e) All lots shall comply with the dimensional standards of the underlying zoning district; provided, the lot area and width may be reduced in order to preserve a minimum of fifty percent (50%) of the total site area as common open space meeting the requirements of paragraph (h) below. All setback and other dimensional standards of the underlying zoning district shall be complied with; provided, the Planning Commission may reduce setbacks where it is demonstrated that the reduced setback will preserve additional woodlands or natural features.
- (f) The Planning Commission may authorize the attaching of single-family dwelling units, when the units are attached by means of one (1) or more of the following:
- (1) Through a common party wall which does not have more than fifty percent (50%) of its area in common with an abutting dwelling wall.
  - (2) By means of an architectural wall detail which does not form interior room space.
  - (3) Through a common party wall in only the garage portion of an abutting structure.

The maximum number of units attached in this manner shall be four (4). Further, spacing between buildings of attached units shall be a minimum of twenty (20) feet and no such building shall be located closer than thirty (30) feet to the perimeter of the property.

- (g) The layout of the open space cluster development shall comply with the requirements of the Subdivision Control Ordinance. Roads shall comply with the Township Subdivision Control Ordinance and Wayne County Department of Public Services. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites. A continuous non-motorized pathway system shall be provided including sidewalks along all roads and pathways through the open space.
- (h) A minimum of fifty percent (50%) of the total site area shall be preserved as common open space for recreation or conservation and shall be exclusive of residential lots, road rights-of-way or other improvements. Such open space shall be arranged on the site to meet all of the following requirements, provided the Planning Commission may modify these standards where it is demonstrated that additional natural features will be preserved elsewhere on the site:
- (1) A one hundred (100) foot deep open space area shall be preserved along road frontages bordering the open space cluster development and adjacent to existing residential lots.
  - (2) Open space shall be located to minimize removal of woodlands.
  - (3) Open space may include recreational trails, picnic areas, parks and greenways. The Planning Commission may permit recreational buildings within the open space.



- (i) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as: recorded deed restrictions, covenants that run in perpetuity with the land, or conservation easements. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Where deed restrictions are utilized for the protection of open space, such restrictions applicable to the open space shall not be amended. Building permits for home construction shall not be granted until such deed restrictions are recorded with the County Register of Deeds and copies are filed with the Township. The developer may dedicate the open space to a conservation organization or the Township, provided such dedication shall be subject to approval by the Township Board.
- (j) A preservation and maintenance plan for the open space shall be submitted with the final preliminary plat or final site condominium plan and shall include mechanisms for the long term funding of open space preservation. The Township may require bonds or other funding mechanisms to ensure long term maintenance of open space.
- (k) Reasonable conditions may be required with the special land use approval of an open space cluster development for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan.



# Multiple Family Residential Districts

---

# Article 04







## Section 4.01 Intent

---

- (a) The RM-1 Multiple Family Residential District is intended to provide sites for attached single family residential structures with individual entrances and related uses, which will generally serve as zones of transition between Non-Residential Districts and lower density Single Family Residential Districts. This district is further provided to serve limited needs for apartment type units in an otherwise medium density, single family community.
- (b) The RM-2 Multiple Family Residential District is intended to provide sites for high density multiple dwelling, apartment style structures with communal entrances adjacent to high traffic generators commonly found in the proximity of large acreage non-residential development and areas abutting major roads and expressways. This district is further provided to serve the residential needs of persons desiring the apartment type of accommodation with central services as opposed to the residential patterns found in the Single Family and RM-1 Multiple Family Residential Districts. This district is further designed so as to provide a zone of transition between high-traffic generators and other Residential Districts through the requirements of lower coverage which, in turn, will result in more open space.

## Section 4.02 Schedule of Uses

---

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 4.02* may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.



<b>Table 4.02</b>			
<b>Schedule of Uses</b>			
Use	RM-1	RM-2	Additional Requirements
<b>Residential Uses</b>			
1. Home Occupations	P	P	Section 11.01 (a)
2. Multiple Family Dwellings	P	P	--
3. Single Family Attached Dwellings	P	P	Section 11.01 (b)
4. Single Family Detached Dwellings	P	P	Section 11.01 (b)
5. Two Family Dwellings	P	P	--
<b>Agriculture &amp; Animal Uses</b>			
6. Farms	P	P	Section 11.02 (c)
<b>Religious, Civic, Educational &amp; Governmental Uses</b>			
7. Cemeteries (which lawfully occupied land at the time of adoption of this Ordinance)	SLU	SLU	Section 11.03 (a)
8. Churches, Temples & Other Places of Worship	SLU	SLU	Section 11.03 (b)
9. Clubs, Fraternal Organizations, Lodge Halls or Other Places of General Assembly	SLU	SLU	Section 11.03 (c)
10. Private Noncommercial Recreation Areas, Institutional or Community Recreation Centers, Nonprofit Swimming Pool Clubs	SLU	SLU	--
11. Public Buildings, Telephone Exchange Buildings, Electric Transformer Stations & Substations, & Gas Regulator Stations, but not including Storage Yards, & only when Operating Requirements Necessitate Locations within the District to Serve the Immediate Vicinity	SLU	SLU	--
12. Public Parks & Recreation Facilities	SLU	SLU	--
13. Schools: Colleges & Universities	P	P	Section 11.03 (d)
14. Schools: Public, Parochial or Private Elementary, Middle & High	P	P	--
<b>Art, Entertainment &amp; Recreation Uses</b>			
15. Golf Courses	SLU	SLU	Section 11.07 (b)
16. Open Space & Parks	P	P	--
<b>Health &amp; Human Care Uses</b>			
17. Adult Foster Care Family Home (6 or fewer adults)	P	P	--
18. Adult Foster Care Large Group Home (12 to 24 adults)	P	P	--
19. Adult Foster Care Small Group Home (7 to 12 adults)	P	P	--
20. Child Care Center, Nursery Schools & Day Nurseries	SLU	SLU	Section 11.09 (a)
21. Family Child Care Home (6 or fewer children less than 24 hours per day)	P	P	--
22. Foster Family Home (6 or fewer children 24 hours per day)	P	P	--
23. Group Child Care Home (7 to 12 children less than 24 hours per day)	P	P	Section 11.09 (b)
24. Senior Assisted Living	SLU	SLU	Section 11.09 (d)
25. Senior Independent Living	P	P	Section 11.09 (e)
<b>Transportation, Utility &amp; Warehousing Uses</b>			
26. Wind Energy Conversion Systems (WECS)	SLU	SLU	Section 11.10 (d)



Use	RM-1	RM-2	Additional Requirements
<b>Similar Uses</b>			
27. Other Uses Similar to the Above & not Listed in Another District	SLU	SLU	Section 12.03
<b>Accessory Uses</b>			
28. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	P	P	--
29. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	SLU	SLU	--

**Section 4.03 Area, Height, and Placement Requirements**

All lots and buildings shall meet the following dimensional requirements:

Zoning District	Max. Density (Units per acre) (a)(b)	Min. Lot		Max. Building Height		Max. % Lot Coverage (e)	Min. Setbacks(ft.) (f)(g)(h)(i)		
		Area (acres)	Width (ft.) (c)	Stories	Feet (d)		Front (j)	Side (k)	Rear
RM-1	12	2	120	3	35	35	30	30	30
RM-2	40	5	200	6	55	35	30	30	30

**Footnotes to Schedule of Area, Height, and Placement Requirements**

(a) **Unit Floor Area.** The minimum floor area per dwelling unit shall be in accordance with *Table 4.03.b*.

(b) **Recreational Area.** All residential developments containing more than fifteen (15) dwelling units shall provide a private recreational area(s) of at least one thousand (1,000) square feet for each residential unit to be maintained by the property owner or management company. Such recreational area(s) shall include a combination of active and passive recreation opportunities for residents, unless otherwise approved by the Township.

(c) **Depth to Width Ratio.** All lots created after the adoption date of this Ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.

(d) **Building Height.** Exceptions to building height shall be as provided for in *Section 12.06 Height Limit*.

Type of Unit	Min. Floor Area Per Dwelling Unit (ft.)
Efficiency	400
1 Bed Room	700
2 Bed Rooms	900
3 Bed Rooms	1,100
4 Bed Rooms	1,800



- (e) **Lot Coverage.** Maximum lot coverage shall be the maximum percent of the lot area that can be covered by buildings or above ground accessory structures, such as decks and pools.
- (f) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in *Section 12.09 Projections into Required Yards*.
- (g) **Building Length.** The maximum length of continuous and/or contiguous buildings shall not exceed one hundred eighty (180) feet.
- (h) **Parking and Building Setbacks.** A minimum fifteen (15) foot setback from all internal roads, drives and parking areas shall be provided for multiple family, duplexes and attached residential units. This setback shall not apply to individual unit driveways; provided, driveways shall maintain a minimum twenty (20) feet between the building and a sidewalk for the parking of a vehicle without blocking the sidewalk.
- (i) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from the ordinary high water mark of any open waterway and from the outer line established by MDEQ of any drainageway, or regulated wetland. This setback shall not apply to waterfront structures, such as seawalls, riprap, boat docks, wells, piers, wharfs and mooring apparatus, decks, or public utilities. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (4) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (6) The size and quality of the wetland.
  - (7) Proximity to any waterway.
  - (8) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - (9) Economic value, both public and private, of the proposed land change to the general area.



(10) Findings of necessity for the proposed project which have been made by other state or local agencies.

(j) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front setback requirements along all road frontages.

(k) **Building Spacing.** The setback requirements indicated in *Table 4.03.a.* shall be measured from the perimeter of the lot. Minimum distance between buildings within the site shall be in accordance with *Table 4.03.c.*

<b>Table 4.03.c</b>	
<b>Building Spacing Requirements</b>	
<b>Zoning District</b>	<b>Distance Between Buildings</b>
RM-1	20 feet
RM-2	50 feet, plus 1 foot for each 2 feet of the total combined height of the 2 structures

# **Manufactured Home Park Districts**

---

# **Article 05**





## Section 5.01 Intent

The Residential Manufactured Home District is intended to encourage a suitable environment for persons and families that by preference chose to live in a manufactured home rather than a conventional single family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this district establishes low-density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a manufactured home park with recreational facilities, churches, schools, and necessary public utility buildings.

## Section 5.02 Schedule of Uses

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 5.02* may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.

<b>Table 5.02 Schedule of Uses</b>		
Use	MHP	Additional Requirements
<b>Residential Uses</b>		
1. Home Occupations	P	<i>Section 11.01 (a)</i>
2. Manufactured Homes	P	--
3. Manufactured Home Parks	P	--
4. Multiple Family Dwellings	P	--
5. Single Family Attached Dwellings	P	--
6. Single Family Detached Dwellings	P	--
7. Two Family Dwellings	P	--
<b>Agriculture &amp; Animal Uses</b>		
8. Farms	P	<i>Section 11.02 (c)</i>



<b>Table 5.02 Schedule of Uses</b>		
<b>Use</b>	<b>MHP</b>	<b>Additional Requirements</b>
<b>Religious, Civic, Educational &amp; Governmental Uses</b>		
9. Cemeteries (which lawfully occupied land at the time of adoption of this Ordinance)	<b>SLU</b>	<i>Section 11.03 (a)</i>
10. Churches, Temples & Other Places of Worship	<b>SLU</b>	<i>Section 11.03 (b)</i>
11. Clubs, Fraternal Organizations, Lodge Halls or Other Places of General Assembly	<b>SLU</b>	<i>Section 11.03 (c)</i>
12. Private Noncommercial Recreation Areas, Institutional or Community Recreation Centers, Nonprofit Swimming Pool Clubs	<b>SLU</b>	--
13. Public Buildings, Telephone Exchange Buildings, Electric Transformer Stations & Substations, & Gas Regulator Stations, but not including Storage Yards, & only when Operating Requirements Necessitate Locations within the District to Serve the Immediate Vicinity	<b>SLU</b>	--
14. Public Parks & Recreation Facilities	<b>SLU</b>	--
15. Schools: Colleges & Universities	<b>P</b>	<i>Section 11.03 (d)</i>
16. Schools: Public, Parochial or Private Elementary, Middle & High	<b>P</b>	
<b>Art, Entertainment &amp; Recreation Uses</b>		
17. Golf Courses	<b>SLU</b>	<i>Section 11.07 (b)</i>
18. Open Space & Parks	<b>P</b>	--
<b>Health &amp; Human Care Uses</b>		
19. Adult Foster Care Family Home (6 or fewer adults)	<b>P</b>	--
20. Adult Foster Care Small Group Home (7 to 12 adults)	<b>SLU</b>	--
21. Child Care Center, Nursery Schools & Day Nurseries	<b>SLU</b>	<i>Section 11.09 (a)</i>
22. Family Child Care Home (6 or fewer children less than 24 hours per day)	<b>P</b>	--
23. Foster Family Home (6 or fewer children 24 hours per day)	<b>P</b>	--
24. Group Child Care Home (7 to 12 children less than 24 hours per day)	<b>SLU</b>	<i>Section 11.09 (b)</i>
<b>Transportation, Utility &amp; Warehousing Uses</b>		
25. Wind Energy Conversion Systems (WECS)	<b>SLU</b>	<i>Section 11.10 (d)</i>
<b>Similar Uses</b>		
26. Other Uses Similar to the Above & not Listed in Another District	<b>SLU</b>	<i>Section 12.03</i>
<b>Accessory Uses</b>		
27. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	<b>P</b>	--
28. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	<b>SLU</b>	--





**Section 5.03 Area, Height, and Placement Requirements**

All lots and buildings shall meet the following dimensional requirements:

Table 5.03								
Schedule of Area, Height, and Placement Requirements								
Zoning District	Min. Lot		Max. Building Height		Min. Setbacks(ft.) (f)(g)			Min. Floor Area Per Dwelling Unit
	Area (sq. ft.)	Width (ft.)	Stories	Feet (e)	Front (h)	Building Spacing	Rear	
MHP	(a, b, c, d)		1-1/2	25	15	20	10	600

**Footnotes to Schedule of Area, Height, and Placement Requirements**

- (a) **Manufactured Home Park Developments.** Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Act 419, P.A. 1976, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
- (b) **Manufactured Home Sites.** Sites for the placement and occupancy of mobile home units within a mobile home park developed under Act 419, P.A. 1976, shall average five thousand five hundred (5,500) square feet. The five thousand five hundred (5,500) square foot requirement may be reduced by up to twenty (20) percent, provided that the individual site shall include a minimum of four thousand four hundred (4,400) square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below five thousand five hundred (5,500) square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; R125.1944, Rule 944; and R125.1946, Rule 946 of the Michigan Administration Code.
- (c) **Recreational Area.** All residential developments containing more than fifteen (15) dwelling units shall provide a private recreational area(s) of at least one thousand (1,000) square feet for each residential unit to be maintained by a homeowners association. Such recreational area(s) shall include a combination of active and passive recreation opportunities for residents, unless otherwise approved by the Township.
- (d) **Depth to Width Ratio.** All lots created after the adoption date of this Ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.
- (e) **Building Height.** Exceptions to building height shall be as provided for in *Section 12.06 Height Limit*.



- (f) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in *Section 12.09 Projections into Required Yards*.
- (g) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from the ordinary high water mark of any open waterway and from the outer line established by MDEQ of any drainageway, or regulated wetland. This setback shall not apply to waterfront structures, such as seawalls, riprap, boat docks, wells, piers, wharfs and mooring apparatus, decks, or public utilities. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (4) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (6) The size and quality of the wetland.
  - (7) Proximity to any waterway.
  - (8) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - (9) Economic value, both public and private, of the proposed land change to the general area.
  - (10) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (h) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front setback requirements along all road frontages.



## **Business Districts**

---

# **Article 06**





## Section 6.01 Intent

---

- (a) The B-1 Local Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. Local Business District designations are located within close proximity to areas planned for large residential populations, and are intended to serve the immediate vicinity so as not to create unnecessary additional traffic.
- (b) The B-2 Community Business District is intended to cater to the needs of a larger consumer population than is served by Local Business Districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and, generating large volumes of vehicular and pedestrian traffic.
- (c) The B-3 General Business District is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business District or the Community Business District. B-3 uses will tend to be more regional commercial uses located in major nodes where existing higher density residential development and major transportation corridors dictate their need.
- (d) The OR-1 Office-Retail District is intended to accommodate office buildings, restricted retail, research, and educational facilities which serve large numbers of people. A major purpose of this district is to provide attractive settings so that these areas of the Township will create an office environment and permit related uses similar in character to office development.

## Section 6.02 Schedule of Uses

---

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 6.02* may be used for the purposes denoted by the following abbreviations:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.



<b>Table 6.02 Schedule of Uses</b>					
Use	B-1	B-2	B-3	OR-1	Additional Requirements
<b>Residential Uses</b>					
1. Home Occupations	P	--	--	--	Section 11.01 (a)
2. Multiple Family Dwellings	P	--	--	--	--
3. Single Family Attached Dwellings	P	--	--	--	--
<b>Agriculture &amp; Animal Uses</b>					
4. Pet day care, grooming or other service establishment (with outdoor facilities or overnight stay)	--	SLU	SLU	--	Section 11.02 (d)
5. Pet day care, grooming or other service establishment (without outdoor facilities or overnight stay)	SLU	SLU	P	--	Section 11.02 (d)
6. Veterinary Clinics	P	P	P	P	Section 11.02 (e)
7. Veterinary Hospitals	--	SLU	SLU	SLU	Section 11.02 (e)
<b>Religious, Civic, Educational &amp; Governmental Uses</b>					
8. Churches, Temples & Other Places of Worship		P	P		
9. Post Offices	P	P	P	P	--
10. Public Buildings, Telephone Exchange Buildings, Electric Transformer Stations & Substations, & Gas Regulator Stations, but not including Storage Yards, & only when Operating Requirements Necessitate Locations within the District to Serve the Immediate Vicinity	SLU	SLU	SLU	--	--
11. Schools: Business & Technical	--	P	P	P	--
12. Schools: Colleges & Universities	--	P	P	P	Section 11.03 (d)
<b>Retail Trade &amp; Service Uses</b>					
13. Business Service Storage Facilities	--	--	--	P	Section 11.04 (a)
14. Drive Thru Windows Accessory to any of the Retail Trades Permitted & Special Land Uses	SLU	SLU	SLU	--	Section 11.04 (b)
15. Dry Cleaning, Retail	P	P	P	--	--
16. Funeral Homes	P	P	P	P	Section 11.04 (c)
17. Mortuary Establishments	--	--	SLU	--	Section 11.04 (c)
18. Nurseries, Home Improvement Supplies & Similar Outdoor Retail Sale of Vegetation, Outdoor Home & Garden Supplies & Equipment	--	--	SLU	--	Section 11.04 (d)
19. Open Air Businesses	--	SLU	SLU	--	Section 11.04(d)
20. Personal Service Establishments including: Barber/Beauty Shops, Hair, Nail & Skin Care Services, Tanning Salons	P	P	P	SLU	--
21. Retail Businesses Whose Principal Activity is the Sale or Rental of Merchandise Within a Completely Enclosed Building up to 60,000 sq. ft.	P	P	P	P	--
22. Retail Businesses Whose Principal Activity is the Sale or Rental of Merchandise within a Completely Enclosed Building of 60,000 sq. ft. or more	SLU	P	P	SLU	--



**Table 6.02**  
**Schedule of Uses**

Use	B-1	B-2	B-3	OR-1	Additional Requirements
23. Service Establishment of an Office, Showroom, or Workshop Nature of an Electrician, Decorator, Dressmaker, Tailor, Baker, Painter, Upholsterer, or an Establishment Doing Radio or Home Appliance Repair, Photographic Reproduction, & Similar Service Establishments that Require a Retail Adjunct	P	P	P	--	--
24. Tool & Equipment Rental & Sales	--	SLU	SLU	--	--
<b>Motor Vehicle Uses</b>					
25. Automobile Filling/Service Station	SLU	SLU	SLU	--	Section 11.05 (a)
26. Automobile Parts, Accessories & Tire Stores	--	SLU	SLU	--	--
27. Automobile Rental	--	SLU	SLU	--	--
28. Automobile Repair & Maintenance (Minor Service)	--	SLU	SLU	--	Section 11.05 (b)
29. Automobile Sales	--	--	SLU	--	Section 11.05 (c)
30. Automobile Washes	--	SLU	SLU	--	Section 11.05 (d)(e)
31. Recreational Vehicle Sales, Service & Storage	--	--	SLU	--	Section 11.05 (f)
<b>Accommodation &amp; Food Services</b>					
32. Banquet Halls	P	P	P	--	--
33. Bars, Night Clubs & Taverns	--	P	P	--	--
34. Micro Breweries	SLU	P	P	--	--
35. Hotels/Motels	--	--	SLU	--	Section 11.06 (b)
36. Restaurants, Drive-In & Drive-Thru	--	SLU	SLU	--	Section 11.06 (c)
37. Restaurants, Sit Down	P	P	P	--	--
38. Restaurants, Carryout	P	P	P	--	--
<b>Art, Entertainment &amp; Recreation Uses</b>					
39. Adult Regulated Uses	--	--	SLU	--	Section 11.07 (a)
40. Gun Clubs and Shooting Ranges	--	--	SLU	--	Section 11.07 (c)
41. Health, Fitness & Athletic Clubs or Gyms	SLU	P	P	SLU	--
42. Indoor Recreation including Private Athletic Fields, Billiards, Bowling, Swimming Pool	SLU	P	P	--	--
43. Marinas & Boat Clubs	SLU	--	--	--	--
44. Open Space & Parks	P	P	P	P	--
45. Outdoor Recreation including Miniature Golf, Batting Cages Archery Ranges, Go-cart Tracks, & Other Recreation Facilities Operated for Profit	--	--	SLU	--	Section 11.07 (d)
46. Theaters, Assembly Halls, Concert Halls, or Similar Places of Assembly when Conducted Completely within Enclosed Buildings	--	P	P	--	--
<b>Finance, Insurance, Real Estate, Professional, Scientific &amp; Technical Service Uses</b>					
47. Administrative & Support Services	P	P	P	P	--
48. Banks, Credit Unions, Savings & Loan Associations with more than 3-Drive Thru Windows	--	SLU	SLU	SLU	Section 11.08 (a)



Use	B-1	B-2	B-3	OR-1	Additional Requirements
49. Banks, Credit Unions, Savings & Loan Associations with no more than 3-Drive Thru Windows	P	P	P	P	<i>Section 11.08 (a)</i>
50. Business Services such as Mailing, Copying, Data Processing & Retail Office Supplies	P	P	P	P	--
51. Professional Business Offices including Real Estate, Accounting, Advertising, Tax Preparation, Bookkeeping, Architectural, Engineering, Legal Services & Offices of Similar Professions	P	P	P	P	--
<b>Health &amp; Human Care Uses</b>					
52. Adult Day Care Centers	SLU	SLU	SLU	SLU	--
53. Child Care Center, Nursery Schools & Day Nurseries	SLU	SLU	SLU	SLU	<i>Section 11.09 (a)</i>
54. Hospitals	--	--	P	P	<i>Section 11.09 (c)</i>
55. Medical Offices & Clinics	P	P	P	P	--
56. Offices of Doctors, Dentists & Similar or Allied Professions	P	P	P	--	--
57. Senior Assisted Living	SLU	--	--	SLU	<i>Section 11.09 (d)</i>
58. Senior Independent Living	P	--	--	P	<i>Section 11.09 (e)</i>
<b>Transportation, Utility &amp; Warehousing Uses</b>					
59. Wind Energy Conversion Systems (WECS)	SLU	SLU	SLU	SLU	<i>Section 11.10 (d)</i>
<b>Similar Uses</b>					
60. Other Uses Similar to the Above & not Listed in Another District	SLU	SLU	SLU	SLU	<i>Section 12.03</i>
<b>Accessory Uses</b>					
61. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	P	P	P	P	--
62. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	SLU	SLU	SLU	SLU	--

**Section 6.03 Area, Height, and Placement Requirements**

All lots and buildings shall meet the following dimensional requirements:

Zoning District	Min. Lot (a)		Max. Building Height		Max. % Lot Coverage		Min. Setbacks(ft.) (g, h, i)		
	Area (sq. ft.)	Width (ft.)(b)	Stories	Feet (c)	Buildings Only	Impervious Surface (f)	Front (j,k)	Side (l)	Rear
B-1	10,000	80	2	25	40% (e)	80%	25	10 (l)	20
B-2	43,560	120	3	30	35%	80%	75	10 (l)	20
B-3	21,780	100	3	30	30%	80%	30	10 (l)	20
OR-1	21,780	100	3	30(d)	35%	80%	30	10	30





## Footnotes to Schedule of Area, Height, and Placement Requirements

- (a) **Lot Area and Lot Width.** The lot area and lot width requirements do not apply to lots that have shared access and cross circulation systems with adjacent lots in the same or similar (i.e. same or another business district) meeting the requirements of *Section 15.05 Driveway Access Management*. Where there is an adjacent lot that is under separate ownership and is not currently proposed for development, the lot area and lot width requirements may be waived where access and circulation are configured to allow future shared access and an access easement is provided to allow for a shared access when the adjacent lot is developed or redeveloped.
- (b) **Depth to Width Ratio.** All lots created after the adoption date of this Ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.
- (c) **Building Height.** Exceptions to building height shall be as provided for in *Section 12.06 Height Limit*.
- (d) **Building Height.** Building heights within the OR-1 District may exceed three (3) stories or thirty (30) feet when there is an additional one (1) foot of setback from all lot lines for each two (2) feet of building height above thirty (30) feet.
- (e) **Building Coverage.** Buildings within the B-1 District cannot exceed thirty thousand (30,000) square feet in size.
- (f) **Impervious Surface Coverage.** Maximum impervious surface coverage shall be the maximum percent of the lot area that can be covered by all buildings, accessory structures, parking lots, pavement or outdoor storage on-site.
- (g) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in *Section 12.09 Projections into Required Yards*.
- (h) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from the ordinary high water mark of any open waterway and from the outer line established by MDEQ of any drainageway, or regulated wetland. This setback shall not apply to waterfront structures, such as seawalls, riprap, boat docks, wells, piers, wharfs and mooring apparatus, decks, or public utilities. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following criteria shall be applied in undertaking this balancing test:



- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (4) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (6) The size and quality of the wetland.
  - (7) Proximity to any waterway.
  - (8) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - (9) Economic value, both public and private, of the proposed land change to the general area.
  - (10) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (i) **Buffer from Residential.** All lot lines abutting a Residential District shall be provided with a greenbelt or screening meeting the requirements of *Section 14.02 Landscaping*.
- (j) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front setback requirements along all road frontages.
- (k) **Setback from Residential Side Road.** Corner lots that border on Residential District shall provide a twenty (20) foot setback on the residential side road.
- (l) **Side Yard Setback.** No side yards are required along the interior side lot lines of the district in a Business District, except as otherwise specified in the Building Code; provided, that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of at least ten (10) feet shall be provided.



## Town Center Districts

---

# Article 07





## Section 7.01 Intent

---

The Town Center (TC) District is provided specifically for the development or redevelopment of land within the Town Center designated in the Brownstown Township Master Plan. The intent is to facilitate the development of a traditional, pedestrian-oriented town center with mixed-use buildings containing retail and service uses on the first floor and residential or office on upper floors, similar to a traditional downtown. The commercial components are to be complemented by surrounding residential development within a walkable distance consisting of townhouses and single family residential that follow traditional neighborhood design principles, with pedestrian oriented streetscapes and a system of neighborhood open spaces. Development shall be in accordance with the guidelines outlined in the Brownstown Township Master Plan.

## Section 7.02 Schedule of Uses

---

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 7.02* may be used for the purposes denoted by the following abbreviations:

- P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.
- SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.



<b>Table 7.02</b>		
<b>Schedule of Uses</b>		
Use	TC	Additional Requirements
<b>Residential Uses</b>		
1. Home Occupations	P	<i>Section 11.01 (a)</i>
2. Live/Work Units with a Dwelling Unit on the Upper Floor above a First Floor Space under the Same Ownership that can be Used for a Commercial Use	P	--
3. Multiple Family Dwellings	P	--
4. Single Family Attached Dwellings	P	<i>Section 11.01 (b)</i>
5. Single Family Detached Dwellings	P	<i>Section 11.01 (b)</i>
6. Two Family Dwellings	P	--
<b>Religious, Civic, Educational &amp; Governmental Uses</b>		
7. Churches, Temples & Other Places of Worship	P	
8. Clubs, Fraternal Organizations, Lodge Halls or Other Places of General Assembly	SLU	<i>Section 11.03 (c)</i>
9. Libraries	P	--
10. Municipal Buildings & Uses	SLU	--
11. Post Offices	P	--
12. Private Noncommercial Recreation Areas, Institutional or Community Recreation Centers, Nonprofit Swimming Pool Clubs	SLU	--
13. Public Buildings, Telephone Exchange Buildings, Electric Transformer Stations & Substations, & Gas Regulator Stations, but not including Storage Yards, & only when Operating Requirements Necessitate Locations within the District to Serve the Immediate Vicinity	SLU	--
14. Public Parks & Recreation Facilities	P	--
15. Schools: Colleges & Universities	P	<i>Section 11.03 (d)</i>
16. Schools: Public, Parochial or Private Elementary, Middle & High	P	--
<b>Retail Trade &amp; Service Uses</b>		
17. Automobile Filling/Service Station	SLU	<i>Section 11.05(a)</i>
18. Funeral Home	P	<i>Section 11.04(c)</i>
19. Dry Cleaning, Retail	P	--
20. Personal Service Establishments including: Barber/Beauty Shops, Hair, Nail & Skin Care Services, Tanning Salons	P	--
21. Retail Businesses whose Principal Activity is the Sale or Rental of Merchandise within a Completely Enclosed Building up to 60,000 sq. ft.	P	--
22. Retail Businesses Whose Principal Activity is the Sale or Rental of Merchandise Within a Completely Enclosed Building of 60,000 sq. ft. or more	SLU	--
23. Service Establishment of an Office, Showroom, or Workshop Nature of an Electrician, Decorator, Dressmaker, Tailor, Baker, Painter, Upholsterer, or an Establishment Doing Radio or Home Appliance Repair, Photographic Reproduction, & Similar Service Establishments That Require A Retail Adjunct	P	--
<b>Accommodation &amp; Food Services</b>		
24. Banquet Halls	P	--
25. Bars, Night Clubs & Taverns	P	--



**Table 7.02**  
**Schedule of Uses**

<b>Use</b>	<b>TC</b>	<b>Additional Requirements</b>
26. Bed & Breakfast Inns	P	Section 11.06 (a)
27. Micro Breweries	SLU	--
28. Hotels/Motels	P	Section 11.06 (b)
29. Restaurants, Sit Down	P	--
30. Restaurants, Carryout	P	--
31. Restaurants, Drive-In & Drive Thru	SLU	Section 11.06(c)
<b>Art, Entertainment &amp; Recreation Uses</b>		
32. Health, Fitness & Athletic Clubs or Gyms	P	--
33. Open Space & Parks	P	--
34. Theaters, Assembly Halls, Concert Halls, or Similar Places of Assembly when Conducted Completely within Enclosed Buildings	P	--
<b>Finance, Insurance, Real Estate, Professional, Scientific &amp; Technical Service Uses</b>		
35. Administrative & Support Services	P	--
36. Banks, Credit Unions, Savings & Loan Associations with no more than 3-Drive Thru Windows	P	Section 11.08 (a)
<b>Health &amp; Human Care Uses</b>		
37. Child Care Center, Nursery Schools & Day Nurseries	SLU	Section 11.09 (a)
38. Medical Offices & Clinics	P	--
39. Senior Assisted Living	SLU	Section 11.09 (d)
40. Senior Independent Living	SLU	Section 11.09 (e)
<b>Similar Uses</b>		
41. Other Uses Similar to the Above & not Listed in Another District	P	Section 12.03
<b>Accessory Uses</b>		
42. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	P	--
43. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	SLU	--



### Section 7.03 Area, Height, and Placement Requirements

(a) **Non-Residential/Mixed-Use Buildings.** All buildings containing non-residential uses and mixed-use buildings with residential and non-residential uses shall be in accordance with *Table 7.03.a*.

		<b>Table 7.03.a</b>
		<b>Non Residential/Mixed-Use Building Requirements</b>
<b>Lot Area</b>	No minimum lot area.	
<b>Mixed-Use Residential Density</b>	30 dwelling units per acre in a mixed use building based upon acreage of building site.	
<b>Lot Width</b>	No minimum.	
<b>Front Yard</b>	Buildings shall be built-to within 5 feet of the sidewalk lining the street. Buildings on a corner lot shall be built-to within 5 feet of the sidewalk along at least one of the street frontages.	
<b>Side Yard</b>	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.	
<b>Rear Yard</b>	Minimum 25-foot rear yard setback.	
<b>Building Height</b>	Minimum 20-foot building height. Maximum 3 stories/40-foot building height. The first story shall be a minimum of 12 feet in height measured from floor to ceiling.	





(b) **Residential Buildings.** All lots and buildings containing residential as the principal use shall be in accordance with *Table 7.03.b, c or d.*

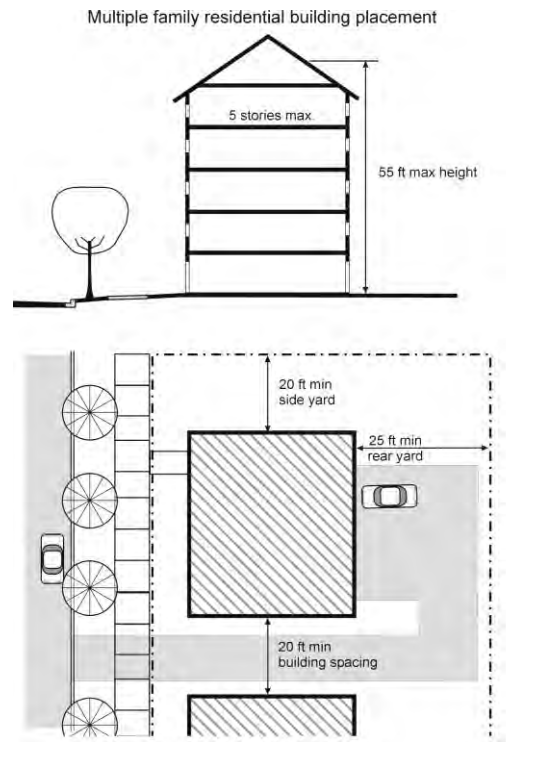
		<b>Table 7.03.b</b>
<b>Single/Two Family Residential Building Requirements</b>		
<b>Lot Area</b>	5,000 square feet per lot.	
<b>Lot Width</b>	50 feet per lot.	
<b>Front Yard</b>	Minimum 15-foot front yard setback.	
<b>Side Yard</b>	Minimum 5 feet one side, 15 feet total both sides (i.e. 5 and 10).	
<b>Rear Yard</b>	Minimum 25-foot rear yard setback.	
<b>Building Height</b>	Minimum 20-foot building height. Maximum 3 stories/35-foot building height.	
<b>Parking</b>	Parking shall only be permitted in the side or rear yard, except in a residential driveway extending from the street to the side or rear yard.	
<b>Accessory buildings</b>	Detached garages or other accessory buildings must be located in the rear yard and shall be setback a minimum of 3 feet from the rear and side lot lines.	

		<b>Table 7.03.c</b>
<b>Attached Residential/Townhouse Building Requirements</b>		
<b>Lot Area</b>	20 dwelling units per acre based upon acreage of building site.	
<b>Lot Width</b>	20 feet per unit.	
<b>Front Yard</b>	Minimum 10-foot front yard setback.	
<b>Side Yard</b>	A zero side setback between units where a fire wall is provided. Minimum 20 foot spacing between buildings.	
<b>Rear Yard</b>	Minimum 25-foot rear yard setback.	
<b>Building Height</b>	Minimum 20-foot building height. Maximum 4 stories/40-foot building height.	
<b>Parking</b>	Parking shall only be permitted in the rear yard and garages must be accessed from the rear.	
<b>Accessory buildings</b>	Detached garages or other accessory buildings must be located in the rear yard and shall be setback a minimum of 3 feet from the rear and side lot lines.	



**Table 7.03.d  
Multiple Family Residential/Apartment Building Requirements**

<b>Lot Area</b>	30 dwelling units per acre based upon acreage of building site.
<b>Lot Width</b>	No minimum.
<b>Front Yard</b>	No minimum.
<b>Side Yard</b>	Minimum 20 foot spacing between buildings.
<b>Rear Yard</b>	Minimum 25-foot rear yard setback.
<b>Building Height</b>	Minimum 20-foot building height. Maximum 5 stories/55-foot building height.
<b>Parking</b>	Parking shall only be permitted in the side or rear yard.





## Section 7.04 Architectural Requirements

---

(a) **Non-Residential and Mixed-Use Architecture.** Non-residential buildings, mixed-use buildings (with residential and non-residential uses) and live/work units shall meet the following architectural design requirements:

### (1) Front Façade Requirements

- a. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts and contain varying materials, and appearances.
- b. All buildings shall have a main entrance that is located on at least one (1) street front.
- c. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the road and parking areas.
- d. For buildings longer than one hundred (100) feet, there shall be a minimum of one (1) usable entrance every full fifty (50) feet of frontage and architectural variation shall be provided to visually break the building up.

### (2) Corner Buildings

- a. Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting roads.
- b. A main entrance must be on a street-facing wall and either at the corner or within twenty-five (25) feet of the corner.

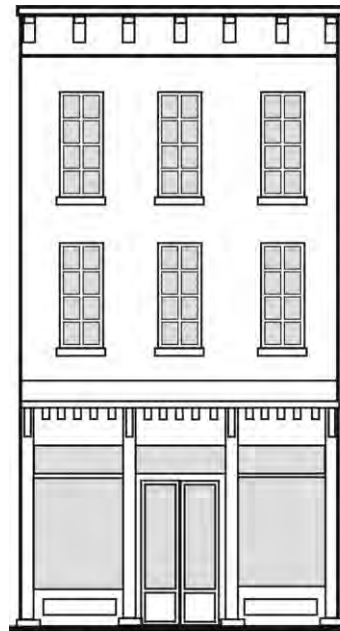
### (3) Building Materials

- a. The following exterior finish materials are required on the front façade and any façade facing a road, or parking area. These requirements do not include areas devoted to windows and doors. These requirements apply in lieu of *Section 14.01 Building Appearance*.
- b. All walls exposed to public view from the road, or parking area shall be constructed of not less than seventy-five percent (75%) modular brick or stone, not including window or door areas.
- c. Panel brick and tilt-up brick textured paneling shall not be permitted.
- d. The remaining façade may include wood siding or fiber cement siding.
- e. Exterior insulation finish systems (EIFS) may be used for architectural detailing above the first (1<sup>st</sup>) floor only.

- f. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first (1<sup>st</sup>) and second (2<sup>nd</sup>) stories.

#### (4) Windows and Doors

- a. No less than seventy percent (70%) of the storefront/ground floor front façade shall be clear glass panels and doorway for retail and consumer service uses. For office or other non-retail uses a minimum of fifty percent (50%) of the ground floor front façade shall be clear glass panels and doorway.
- b. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall.
- c. Windows shall not be blocked with opaque materials or the back or shelving units.
- d. The bottom of the first (1<sup>st</sup>) floor window must be no more than four (4) feet above the adjacent exterior grade.
- e. Openings above the first (1<sup>st</sup>) story shall be a maximum of fifty percent (50%) of the total façade area.



Flat roof with traditional cornice proportionate to building and parapet wall tall enough to screen rooftop equipment.

Upper story windows comprise less than 50% of facade.

Design separation between 1st and 2nd stories with cornice or other feature.

Windows and doors comprise a minimum of 70% of the first story facing the street.

Main pedestrian entrance located street front.

The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

#### (5) Roof Design

- a. Unless otherwise approved by the Planning Commission, buildings shall have flat roof appearance from the road with a decorative cornice that is designed proportionate to the size of the building and length of the wall.
- b. The Planning Commission may permit a pitched roof. Mansard roofs shall not be permitted on single story buildings. Pitched roofs shall not be permitted with eaves below a height of twenty (20) feet.
- c. Flat roofs shall be enclosed by parapets.
- d. All rooftop mounted equipment shall be screened from view on all sides of the building.
- e. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.



## (6) Awnings

- a. Awnings may project over the public sidewalk with a minimum eight (8) foot clearance provided from the sidewalk, but may not extend beyond the road curb.
- b. Awnings shall be positioned immediately above the ground floor window area of the façade and have a straight shed that projects from the building at a straight angle with open sides.
- c. Awnings shall be constructed of a durable, material such as canvas or steel.
- d. High-gloss or plasticized awning are prohibited.
- e. Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.

(7) **Drive-Thru Service.** Accessory drive-through windows may only be permitted with special land use approval. There shall be no more than one (1) drive-through lane, except banks which may have up to three. The drive-through shall be located on the rear or side of the building where it is least visible from a public road.

(8) **Live/work.** Live/work units shall be dwelling units attached with common side walls wherein the main floor of each unit is designed to accommodate a small business with upper floors utilized for dwelling purposes. The first floor space of each unit shall be designed to be utilized as an office or retail store with a commercial storefront that is at-grade with the sidewalk. The upper floors shall include a dwelling unit with the unit designed to be under single occupancy as an integral unit.

(b) **Residential Architecture.** Detached single family and two family residential dwellings, attached single family (townhouses) and multiple family residential (apartment buildings) shall meet the following architectural design requirements. Mixed-use buildings with multiple family residential/apartment units above non-residential uses on the first floor shall be subject to 7.04(a).

### (1) Building Design

- a. Residential buildings shall be design based on traditional architectural styles, such as but not limited to: Arts & Crafts/Bungalow, Colonial, Gothic Revival, Italianate, Tudor, Victorian and others characteristic of the Mid-western United States and with historic buildings characteristic of Wayne County.
- b. For any residential development that contains five (5) or more dwelling units, typical elevations shall be approved by the Planning Commission as part of the development's design guidelines or a pattern book.
- c. Identical or similar buildings or elevations may not be repeated more frequently than every sixth (6<sup>th</sup>) house along the same side of any road.



- d. Attached single family residential, also commonly known as townhouses, shall be attached units that each provide a separate entryway with direct access to the outdoors at ground level by way of a front porch or stoop. Each unit shall have defined front and rear yards. Each unit shall be provided with an individual garage, which may be attached or detached. All garages shall be located in the rear yard.

## (2) Front Façade – Single/Two Family and Attached Residential/Townhouse

- a. Each residential unit shall have an individual front door that faces the front lot line.
- b. All dwellings shall include a front porch or front stoop with steps.
- c. A stoop or porch (plus steps) shall not extend any nearer than three (3) feet to the sidewalk located at the front of the lot.
- d. The front façade of all residential units shall be at least fifteen percent (15%) windows or doors.
- e. The finished floor elevation shall be no less than three (3) feet and no more than seven (7) feet above the elevation of the exterior sidewalk located at the front of the building or from the ground elevation once construction is complete.

Townhouses with traditional architectural style.

Pedestrian orientation towards street with front porch or front stoop.

Garages located to rear or side not visible from street frontage.



## (3) Front Façade – Multiple Family Residential/Apartments

- a. There shall be at least one pedestrian door facing the front lot line with access either directly to the sidewalk or to a center court that opens to the sidewalk along the street frontage.
- b. The entrance shall be inserted three (3) feet from the front building wall.
- c. The first floor may be at the same grade as the sidewalk.
- d. The front façade of all residential units shall be at least fifteen percent (15%) windows or doors.

## (4) Building Material

- a. All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles.
- b. Permitted wall materials are limited to brick, stone, wood and fiber cement siding only. Vinyl siding shall be permitted above the ground floor only.



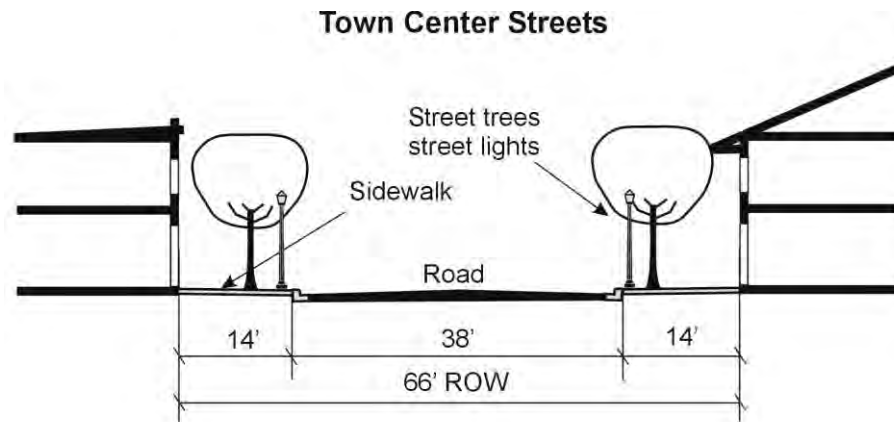
(5) Garages

- a. Detached garages shall be located in the rear yard and may be accessed by a rear alley or, in the case of single family detached dwellings, by a driveway that runs from the front yard to the rear along the side of the dwelling.
- b. Attached garages may be permitted on the rear of the building or on the side of the building; provided the garage is setback at least five (5) feet behind the front building line of the living portion of the dwelling and the garage wall facing the road is less than fifty percent (50%) of the total length of the street-facing building façade.
- c. Front loaded garages for attached residential dwellings are prohibited.
- d. The maximum size of garages shall be two (2) cars per dwelling unit, provided a three (3) car garage may be permitted for single family dwellings where the garage is located in the rear yard.

**Section 7.05 Streetscape Requirements**

(a) **Roads.** An interconnected road and sidewalk network shall be provided to unify neighborhoods and provide more convenient access to businesses and community facilities. Roads shall be in accordance with *Table 7.05.a.* and *Table 7.05.b.* based upon the frontage of the site:

(1) **Town Center Road Frontages.** All newly developed roads that contain non-residential uses or mixed use buildings shall meet the following requirements:



<b>Table 7.05.a</b>	
<b>Town Center Road Frontage Streetscape Requirements</b>	
<b>Road Width</b>	Minimum 38 feet wide measured back to back of curb.
<b>Right-of-Way Width</b>	Minimum 66 feet.
<b>On-Street Parking</b>	Permitted on both sides.



**Table 7.05.a**

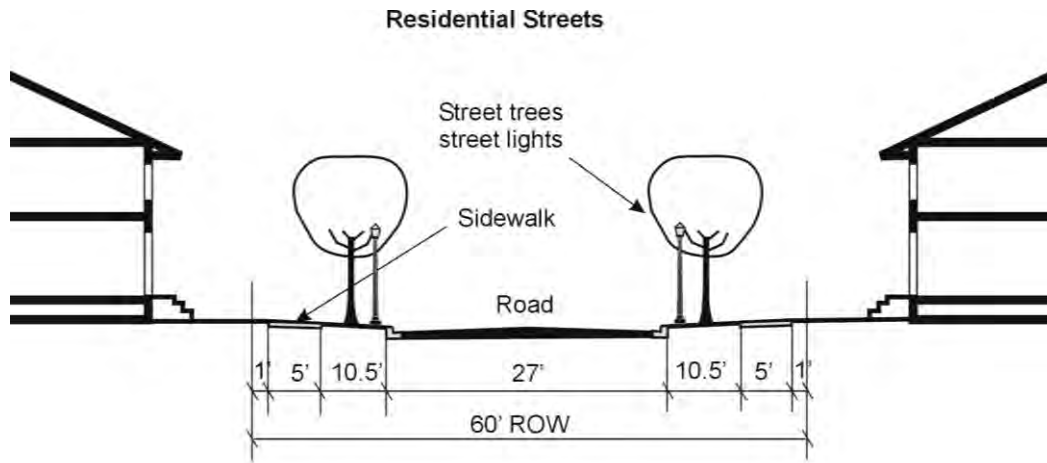
**Town Center Road Frontage Streetscape Requirements**

<b>Sidewalks</b>	Sidewalks shall be concrete, a minimum of 14 feet wide and provided on both sides of the road. The Planning Commission may allow the sidewalk width to be reduced to not less than 10 feet for frontages that will not be occupied by uses having sidewalk cafes.
<b>Street Trees</b>	One canopy tree planted within a raised planter or in a tree well covered by a grate within the sidewalk for every 40 feet of frontage.
<b>Lights</b>	Pedestrian scale ornamental street lighting shall be provided along all sidewalks and within parking areas. Street lighting shall be spaced no more than 100 feet. Taller street lights shall be provided to illuminate intersections.





(2) **Residential Road Frontages.** All newly developed residential roads shall meet the following requirements:



<b>Residential Road Frontage Streetscape Requirements</b>	
<b>Road Width</b>	Minimum 27 feet wide measured back to back of curb.
<b>Right-of-Way Width</b>	Minimum 60 feet.
<b>On-Street Parking</b>	Permitted on both sides.
<b>Sidewalks</b>	Sidewalks shall be concrete, provided on both sides of the street and a minimum of 5 feet wide. Sidewalks shall be 7 feet wide where abutting a parking space or a road curb.
<b>Street Trees</b>	1 canopy tree for every 40 feet of frontage planted within a minimum 5 foot wide grassed parkway located between the curb and sidewalk.
<b>Lights</b>	Pedestrian scale ornamental street lighting shall be provided along all sidewalks and within parking areas. Street lighting shall be located at intersections and shall be spaced no more than 300 feet between intersections.

- (b) **Road Design Standards.** Except as provided for in this section, roads shall be constructed to meet the requirements of the Wayne County Department of Public Services. Roads shall meet the width requirements noted in the tables above; provided, roads may be narrower at curb bump-outs, crosswalks and at intermediate points along long blocks to calm traffic and enhance pedestrian safety. Sidewalks shall be constructed to meet the requirements of *Section 14.03 Sidewalks and Non-Motorized Pathways*, except as provided for in this section. Roads intersecting Telegraph Road shall incorporate full crosswalks at all legs of the intersection.
- (c) **Traffic Calming.** The use of traffic calming devices such as raised pedestrian crossings, and roundabouts are encouraged as alternatives to conventional traffic control measures. Whenever an irreconcilable conflict exists among vehicular and pedestrian usage, the conflict should be resolved in favor of the pedestrian unless in the best interest of public safety.



- (d) **Alleys.** Alleys shall be permitted in all areas of the Town Center District and may be required where necessary to provide access to parking lots, loading areas and garages on the rear of dwelling units. Alleys serving as access to residential garages shall have a minimum pavement width of twenty (20) feet and be located within a thirty (30) foot wide easement. Alleys accessing commercial parking lots and loading areas shall have a minimum width of twenty-four (24) feet.
- (e) **Sidewalk Cafes.** For uses with outdoor seating, a minimum five (5) foot wide unobstructed sidewalk shall allow pedestrian movement along the front of the related building and/or leading to the entrance to the establishment. Pedestrian circulation and access to the building entrance shall not be impaired by tables, chairs, and other encumbrances.
- (f) **Road Connections.** The Town Center District shall be developed as an integrated area with an interconnected road network. Road connections shall be provided to all adjacent parcels within the District. The use of cul-de-sacs shall be prohibited. In locations where it is not possible to provide a through road, the Planning Commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least twenty (20) feet wide, measured face to face of curb. The green shall be no less than forty (40) feet at its narrowest dimension.
- (g) **Street Furniture.** Benches and trash receptacles shall be provided in park and plaza areas and along sidewalks where the Planning Commission determines that pedestrian activity will benefit from these facilities.
- (h) **Bicycle Facilities.** Developments shall be designed to accommodate bicycle travel, including the provision of bike paths, and bike racks at destination points such as shopping and recreational facilities.
- (i) **Street Lights.** Street lights shall be provided in accordance with the spacing standards in *Tables 7.05.a. or b.*
- (1) Street lights shall be of an ornamental style acceptable to the Planning Commission. Where the Township has adopted street lighting specifications, these specifications shall be used on all sites in the Town Center.
  - (2) Site plans for all uses in the Town Center shall indicate the location and specifications for street lights.
  - (3) The applicant may petition the Township Board to establish a special assessment district for purpose of paying electrical cost of street light operation.
- (j) **Street Trees.** Roads shall be designed with street trees planted in a manner appropriate to their function. Commercial roads shall have trees which compliment the face of the buildings and which shade the sidewalk. Residential roads shall provide for an appropriate canopy, which shades both the road and sidewalk, and which serves as a visual buffer between the



road and the home. Street trees shall meet the landscape plant material and size requirements of *Section 14.02 Landscaping*.

## Section 7.06 Parking and Loading

---

- (a) **Parking Requirements.** Parking lots shall conform to the requirements of *Section 15.02 off-Street Parking Facility Design*. Because the regulations of this section are intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, the Planning Commission shall have the discretion to reduce the number of parking spaces required by *Section 15.01 Off-Street Parking, Loading, Access and Circulation Requirements* by up to thirty percent (30%).
- (b) **On-Street Parking.** On-street parking shall be permitted in all areas of the Town Center and may be credited towards meeting off-street parking requirements of *Section 15.01 Off-Street Parking, Loading, Access and Circulation Requirements*.
- (c) **Location.** Off-street parking shall be located in the rear yard to the maximum extent practical. Parking may be permitted in the side yard where it is setback a distance equal to the building, and a thirty (30) inch tall brick screenwall that serves as an extension of the adjacent building is provided between the parking and the sidewalk.
- (d) **Telegraph Road.** One single row of parking may be provided along the Telegraph Road frontage. This parking shall be separated from Telegraph Road by a twenty (20) foot deep greenbelt.
- (e) **Parking Structures.** Parking structures shall be permitted, provided there is usable building space to the exterior of the parking structure for at least seventy five percent (75%) of the total exterior of the parking structure. The usable building space in front of the parking shall have a depth of at least twenty (20) feet.
- (f) **Screening and Landscaping.** Where parking is visible from a road, it shall be screened by a thirty (30) inch tall brick screenwall located between the parking lot and the sidewalk. Where a parking lot for a non-residential use is adjacent to a single family residential use, a six (6) foot tall brick screen wall shall be provided between the parking lot, including drives, and the residential use instead of the greenbelt required by *Section 14.02 Landscaping*. Where the commercial parking lot is separated from the residential use by an alley, then the screenwall may be reduced to thirty (30) inches in height. Parking lot landscaping shall be provided as required by *Section 14.02 Landscaping*, except the area of landscape islands and number of parking lot trees may be reduced to half the normal requirement for parking that is located in the rear yard.



- (g) **Loading Areas.** Loading areas shall be provided for uses required to have loading areas by *Section 15.03 Off-Street Loading Requirements*. The Planning Commission may allow shared loading areas and waste receptacles between adjacent uses where shared use and maintenance easements are provided. All loading areas shall be screened from any adjacent residential areas and from view of any road by a six (6) foot tall brick wall. Waste receptacle enclosures shall meet the requirements of *Section 14.05 Waste Receptacles*.

## Section 7.07 Open Space Requirements

---

All developments shall be designed to create cohesive community neighborhoods through a network of spaces such as parks, plazas and common open space areas for passive or active recreation and resident interaction. Site plan submissions shall include an open space and landscape plan that provides the following:

- (a) **Residential Open Space.** Areas dedicated to or associated with residential uses shall set aside land for some form of active recreational facility such as a park or play-area. Each open space area shall be of a design, shape, size and location with road frontage to allow for use by residents for both active and passive recreation. Recreational improvements such as playground equipment, benches, picnic tables, gazebos and pathways shall be provided.
- (b) **Non-Residential Open Space.** Areas dedicated to non-residential or mixed-use shall set aside land area for plazas, pavilions, common greens or parks. The Township Board may approve use of open plaza areas for temporary open air markets, band-shells or ice-skating rinks.
- (c) **Common Green Focal Point.** Open space needs to include at least one area that provides a focal point for the neighborhood and town center, such as the provision of one or more central squares or common greens.
- (d) **Natural Areas.** The Planning Commission shall require any natural areas with significant mature woodlands or landmark trees to be preserved as open space or otherwise incorporated into the development's design to ensure the preservation of these natural features.
- (e) **Public Art.** Art shall be incorporated in the form of sculptures, fountains or murals as part of the open space system, within plazas and along sidewalks at key, highly visible locations.



## Section 7.08 Other Requirements and Review Process

---

- (a) **Other Regulations.** Development shall be in accordance with all other applicable regulations of this Ordinance. Where there is a conflict between the requirements of the Town Center District and the requirements of another Article of the Zoning Ordinance, then the requirements of the Town Center District shall govern.
- (b) **Review Process.** The site plan review procedures and requirements of *Article 17 Site Plan Review* shall be followed for all development proposals within the Town Center District. All special land uses shall be reviewed following the procedures and requirements of *Article 18 Special Land Use Review*.
- (c) **Modifications.** The Planning Commission may approve deviations from the requirements of this Article, excluding the Schedule of Uses found in Section 7.02. Deviations shall be evaluated based upon the following criteria:
- (1) The resulting development meets the purpose of the Town Center District and is consistent with the desired character of the Town Center, as described in the Brownstown Township Master Plan.
  - (2) Use of innovative and creative design where the resulting development fits within the context of adjacent buildings along the block.
  - (3) The building(s) shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment.
  - (4) The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the Town Center.
  - (5) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.
  - (6) There are unique property conditions in support of the proposed deviation(s).

## **Industrial Districts**

---

# **Article 08**





## Section 8.01 Intent

---

- (a) The I-RT Industrial Research Technology District is intended to provide sites for research and high technology uses of a restricted, light industrial nature. The prime characteristics of this district are the low intensity of land coverage and the absence of nuisance factors. Permitted uses shall be performed or carried out entirely within a building that is so designed and constructed that the enclosed operations and uses do not cause or produce a nuisance to other lots or property such as, but not limited to vibration, sound, electromechanical disturbances, radiation, air or water pollution, dust, or emission of odorous toxic or nontoxic matter, nor create a potential for explosion or other hazard.
- (b) The I-1 Light Industrial District is intended to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and do not have a detrimental effect on the surrounding districts. The I-1 District is structured to permit the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted. The general goals of this use district include, among others, the following specific purposes:
- (1) To provide sufficient space in appropriate locations, to meet the needs of the Township's expected future economy for all types of manufacturing and related uses.
  - (2) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
  - (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences.
  - (4) To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.
- (c) The I-2 General Industrial District is intended primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt, to some degree, by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.



## Section 8.02 Schedule of Uses

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 8.02* may be used for the purposes denoted by the following abbreviations:

**P:** Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

**SLU:** Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.

Use	I-RT	I-1	I-2	Additional Requirements
<b>Agriculture &amp; Animal Uses</b>				
1. Boarding or Riding Stables	--	SLU	--	<i>Section 11.02 (a)</i>
2. Commercial Kennels	--	SLU	--	<i>Section 11.02 (b)</i>
3. Greenhouses	--	P	P	--
4. Pet day care, grooming or other service establishment (with outdoor facilities or overnight stay)	--	SLU	--	<i>Section 11.02 (d)</i>
<b>Religious, Civic, Educational &amp; Governmental Uses</b>				
5. Schools: Business & Technical	P	P	P	--
6. Schools: Vocational Trade	P	P	P	--
<b>Retail Trade &amp; Service Uses</b>				
7. Business Service Storage Facilities	--	P	--	<i>Section 11.04 (a)</i>
8. Dry Cleaning Plants or Laundries Provided that such Plants shall not Deal Directly with Consumer at Retail	--	P	P	--
9. Nurseries, Home Improvement Supplies & Similar Outdoor Retail Sale of Vegetation, Outdoor Home & Garden Supplies & Equipment	--	P	P	<i>Section 11.04 (d)</i>
10. Self Storage Facilities	--	SLU	--	<i>Section 11.04 (e)</i>
11. Tool & Equipment Rental & Sales	--	SLU	SLU	--
<b>Motor Vehicle Uses</b>				
12. Automobile Repair & Bodywork (Major Service)	--	SLU	--	<i>Section 11.05 (b)</i>
13. Automobile Repair & Maintenance (Minor Service)	--	SLU	--	<i>Section 11.05 (b)</i>
14. Recreational Vehicle Sales, Service & Storage	--	SLU	SLU	<i>Section 11.05 (f)</i>
<b>Accommodation &amp; Food Services</b>				
15. Restaurants, Sit Down	--	SLU	--	--





**Table 8.02  
Schedule of Uses**

Use	I-RT	I-1	I-2	Additional Requirements
16. Restaurants, Carryout	--	SLU	--	--
<b>Art, Entertainment &amp; Recreation Uses</b>				
17. Gun Clubs and Shooting Ranges		SLU		Section 11.07 (c)
18. Health, Fitness & Athletic Clubs or Gyms	P	P	P	--
19. Indoor Recreation including Private Athletic Fields, Billiards, Bowling, Swimming Pool	P	P	P	--
20. Open Space & Parks	P	P	P	--
21. Outdoor Recreation including Miniature Golf, Batting Cages, Archery Ranges, Go-cart Tracks, & Other Recreation Facilities Operated for Profit	--	SLU	--	Section 11.07 (d)
22. Outdoor or Drive-in Theaters	--	--	SLU	Section 11.07 (e)
23. Outdoor Gatherings/Events for Persons in Excess of 500	--	SLU	SLU	Section 11.07 (f)
<b>Finance, Insurance, Real Estate, Professional, Scientific &amp; Technical Service Uses</b>				
24. Administrative & Support Services	P	P	P	--
25. Business Services such as Mailing, Copying, Data Processing & Retail Office Supplies	P	--	--	--
26. Professional Business Offices including Real Estate, Accounting, Advertising, Tax Preparation, Bookkeeping, Architectural, Engineering, Legal Services & Offices of Similar Professions	P	P	P	--
<b>Health &amp; Human Care Uses</b>				
27. Child Care Center, Nursery Schools & Day Nurseries	SLU	SLU	--	Section 11.09 (a)
<b>Transportation, Utility &amp; Warehousing Uses</b>				
28. Airport/Heliport	SLU	SLU	SLU	--
29. Junk Yards & Scrap Metal Yards	--	--	SLU	Section 11.10 (a)
30. Public Utility Storage Yards, Electrical Transformer Stations & Substations, Telephone Exchange Buildings & Gas Regulator Stations	SLU	P	P	Section 11.10 (c)
31. Railroad Yards & Terminals	--	--	P	--
32. Recycling, Incineration, Treatment, Storage or Disposal of Waste	--	--	SLU	Section 11.10 (b)
33. Sanitary Landfill	--	--	SLU	--
34. Transfer Stations, Treatment, Storage, or Disposal Facilities & Recycling Stations for Non-Hazardous Waste	--	SLU	SLU	--
35. Truck, Trailer & Moving Van Rental	--	SLU	SLU	--
36. Trucking Terminals, Distribution Facilities & Associated Warehousing & Storage Yards	--	--	SLU	--
37. Utilities, Including Buildings, Power Generation Plants, Storage Yards & Other Related Uses	P	P	P	Section 11.10 (c)



**Table 8.02  
Schedule of Uses**

Use	I-RT	I-1	I-2	Additional Requirements
38. Warehousing & Storage	SLU	P	P	--
39. Water, Sewage & Treatment Facilities	P	P	P	--
40. Wind Energy Conversion Systems (WECS)	SLU	SLU	SLU	Section 11.10 (d)
<b>Manufacturing &amp; Construction Uses</b>				
41. Any of the Following Manufacturing Uses when the Manufacturing, Compounding, or Processing is Conducted Wholly Within a Completely Enclosed Building:  a. Appliance, Lighting & Sign Manufacturing; b. Clay, Glass, Lime & Gypsum Product Manufacturing c. Computer & Electronic Product Manufacturing d. Converted Paper Product Manufacturing e. Fabricated Metal Product Manufacturing From Previously Refined Metals f. Food & Beverage Manufacturing g. Furniture & Related Product Manufacturing h. Leather & Allied Product Manufacturing i. Machinery Manufacturing j. Medical Equipment & Supplies Manufacturing k. Plastics & Rubber Products Manufacturing l. Textile Product Mills & Apparel Manufacturing m. Transportation Equipment Manufacturing n. Veneer, Plywood & Wood Product Manufacturing	P	P	P	--
42. Animal Slaughtering & Processing	--	--	SLU	--
43. Cement, Concrete Product & Asphalt Plants	--	SLU	SLU	--
44. Chemical Manufacturing including Basic Chemicals, Resin, Synthetic Rubber, & Artificial Synthetic Fibers, & Filaments, Pesticide, Fertilizer, & Other Agricultural Chemicals, Pharmaceuticals, & Medicines, Paint, Coating, & Adhesives & Soap, & Cleaning Compounds	--	SLU	SLU	--
45. Contractor Yards & Storage Facilities for Building Materials, Sand, Gravel, Stone, Lumber, Storage of Contractor's Equipment & Supplies	--	SLU	SLU	Section 11.11 (a)
46. Drilling for & Removing Oil, Gas, or other Hydrocarbon Substances	--		SLU	--
47. Educational & Design Facilities Whose Principal Function is the Research & Development of New Products & Processes & Technical Training	P	P	P	--
48. Laboratories including Research, Experimental, or Testing Laboratories	P	P	P	--
49. Petroleum & Coal Products Manufacturing	--	--	SLU	--
50. Primary Metal Manufacturing including Iron & Steel Mills & Ferroalloy Manufacturing, Aluminum Production, Nonferrous Metal Production & Foundries	--	SLU	SLU	Section 11.11 (b)



Use	I-RT	I-1	I-2	Additional Requirements
51. Printing, Publishing, Bookbinding, Blueprinting, Photostating & Photoengraving	P	P	P	--
52. Pulp, Paper & Paperboard Mills	--	SLU	SLU	--
53. Sawmills & Wood Preservation	--	SLU	P	--
<b>Similar Uses</b>				
54. Other Uses Similar to the Above & not Listed in Another District	SLU	SLU	SLU	<i>Section 12.03</i>
<b>Accessory Uses</b>				
55. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	P	P	P	--
56. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	SLU	SLU	SLU	--
57. Outdoor Storage Yards (accessory to a permitted manufacturing use)	--	SLU	SLU	<i>Section 11.11 (c)</i>

### Section 8.03 Area, Height, and Placement Requirements

All lots and buildings shall meet the following dimensional requirements:

Zoning District	Min. Lot (a)		Max. Building Height		Max. % Lot Coverage		Min. Setbacks(ft.) (e, f, g, k)		
	Area (sq. ft.)	Width (ft.)(a,b)	Stories	Feet (c)	Buildings Only	Impervious Surface (d)	Front (h)	Side	Rear (i, j)
I-RT	43,560	120	3	30	30%	80%	40	40	40
I-1	43,560	120	--	40	30%	80%	60	60	60
I-2	87,120	200	--	60	30%	80%	60	60	60

#### Footnotes to Schedule of Area, Height, and Placement Requirements

- (a) **Lot Area and Lot Width.** The lot area and lot width requirements do not apply to lots that have shared access and cross circulation systems with adjacent lots in the same or similar (i.e. same or another industrial district) meeting the requirements of *Section 15.05 Driveway Access Management*. Where there is an adjacent lot that is under separate ownership and is not currently proposed for development, the lot area and lot width requirements may be waived where access and circulation are configured to allow future shared access and an access easement is provided to allow for a shared access when the adjacent lot is developed or redeveloped. The lot area and lot width requirements shall also not apply to lots that are developed within a business park where the lots only have access to a local road internal to the business park.



- (b) **Depth to Width Ratio.** All lots created after the adoption date of this Ordinance shall have a lot depth not more than four (4) times its width, as measured at the front lot line.
- (c) **Building Height.** Exceptions to building height shall be as provided for in *Section 12.06 Height Limit*.
- (d) **Impervious Surface Coverage.** Maximum impervious surface coverage shall be the maximum percent of the lot area that can be covered by all buildings, accessory structures, parking lots, pavement or outdoor storage on-site.
- (e) **Lot Coverage.** Maximum lot coverage shall be the maximum percent of the lot area that can be covered by buildings, accessory structures, parking lots, pavement or outdoor storage.
- (f) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in *Section 12.09 Projections into Required Yards*.
- (g) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from the ordinary high water mark of any open waterway and from the outer line established by MDEQ of any drainageway, or regulated wetland. This setback shall not apply to waterfront structures, such as seawalls, riprap, boat docks, wells, piers, wharfs and mooring apparatus, decks, or public utilities. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (4) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (6) The size and quality of the wetland.
  - (7) Proximity to any waterway.
  - (8) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.



- (9) Economic value, both public and private, of the proposed land change to the general area.
- (10) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (h) **Buffer from Residential.** All lot lines abutting a Residential District shall be provided with a greenbelt or screening meeting the requirements of *Section 14.02 Landscaping*. All buildings, parking, loading and outdoor storage areas shall be setback a minimum of fifty (50) feet from any adjacent Residential District.
- (i) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front setback requirements along all road frontages.
- (j) **Rear Loading.** Loading space shall be provided in the rear yard. Where an alley exists, or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
- (k) **Outdoor Storage.** All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence in accordance with *Section 13.03 Fences and Walls*.

#### Section 8.04 Industrial Performance Standards

---

All activities and uses within the I-RT, I-1 and I-2 Districts shall conform to, and demonstrate compliance with at the time of site plan review, the following performance standards, in addition to other Township, County, State and Federal environmental, and occupational health regulations.

- (a) **Smoke.** A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:
- (1) As dark or darker in shade as that designated as No. 1/2 on the Ringelmann chart, as published by the United States Bureau of Mines.
  - (2) Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in subsection (a) of this section.
  - (3) At no time may smoke emissions be darker than No. 1 on the Ringelmann Chart.
- (b) **Noise.** No operation shall create, or cause to be operated on private property, any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use.



<b>Table 8.04</b>		
<b>Sound Levels by Receiving Land Use<sup>1</sup></b>		
<b>Receiving Land Use Category</b>	<b>Time</b>	<b>“A” Weighted Sound Level Limit, dBA</b>
<b>RE, R-1, R-3 RT, RM-2, MHP</b>	10:00 p.m. to 7:00 a.m.	70
	7:00 a.m. to 10:00 p.m.	75
<b>OR-1, B-1, B-2 B-3, ES, WM</b>	10:00 p.m. to 7:00 a.m.	72
	7:00 a.m. to 10:00 p.m.	77
<b>I-RT, I-1, I-2</b>	10:00 p.m. to 7:00 a.m.	76
	7:00 a.m. to 10:00 p.m.	81
<sup>1</sup> Noise from safety signals and warning devices or from authorized vehicles when responding to an emergency shall be exempt from these limitations		

- (c) **Vibration.** Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
- (d) **Radio Transmission.** For electronic or electric equipment required in an industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.
- (e) **Storage of Flammable Materials.** Any activity involving the use or storage of flammable or explosive materials shall be subject to local public safety standards including protection by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (f) **Glare or Heat.** Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such a manner that the glare, heat, or radiation emitted will not be discernible from any point exterior to the site or lot upon which the operation is conducted.
- (g) **Radioactive Materials.** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical distribution adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (h) **Water Pollution.** Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Wayne County Health Department, Wayne County Department of Environment, and the U.S. Environmental Protection Agency.



- (i) **Nuisance.** No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A "nuisance" shall include, but not be limited to, any of the following conditions: any use, excluding reasonable construction activity of the lot which emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any water reclamation area or other waterway, and which, in the opinion of Declarant, may adversely affect the health, safety, comfort of, or intended use of their property by persons within the area; the escape or discharge of any fumes, odors, gases, vapors, steam, acids, or other substances into the atmosphere which discharge may be detrimental to the health, safety, or welfare of any person or may interfere with the comfort of persons within the area or which may be harmful to property or vegetation; the radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser, or other radiation; any vibration, noise, sound, or disturbance which is objectionable due to intermittence, beat, frequency, strength, shrillness, or volume.

## **Waterfront Marina Districts**

---

# **Article 09**







## Section 9.01 Intent

The WM Waterfront Marina Districts, as herein established, are intended to accommodate recreational boating along with those activities and services related to harbor and waterway improvements, thereby facilitating navigation and providing safe and economical waterfront recreation development.

## Section 9.02 Schedule of Uses

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 9.02* may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.

<b>Table 9.02 Schedule of Uses</b>		
	<b>WM</b>	<b>Additional Requirements</b>
<b>Retail Trade &amp; Service Uses</b>		
1. Commissary Facilities for the Provision of Food, Beverages & the like to be Stored Aboard Boats	P	--
2. Retail Businesses Which Supply Commodities for Persons Using the Facilities of the District, such as the Sale of Boats, Engines & Accessories, Fishing Equipment & Other Similar Items	P	--
<b>Motor Vehicle Uses</b>		
3. Boat Engine & Hull Repair Shops	SLU	--
4. Boat Fuel Stations	SLU	--
<b>Accommodation &amp; Food Service Uses</b>		
5. Hotels or Other such Facilities to Provide Temporary Homeport Accommodations	P	<i>Section 11.06 (b)</i>
6. Restaurants, Lounges or Clubs	P	--
<b>Art, Entertainment &amp; Recreation Uses</b>		
7. Municipal or Private Beaches & Water-Related Recreation Areas	P	--



<b>Table 9.02 Schedule of Uses</b>		
	<b>WM</b>	<b>Additional Requirements</b>
8. Municipal or Private Development of either the Berthing, Protection or Servicing of Recreational Boats, Yachts, Cruisers, Inboard, Outboards & Sail Boats	<b>P</b>	--
<b>Transportation, Utility &amp; Warehousing Uses</b>		
9. Wind Energy Conversion Systems (WECS)	<b>SLU</b>	<i>Section 11.10 (d)</i>
<b>Similar Uses</b>		
10. Other Uses Similar to the Above & not Listed in Another District	<b>P</b>	<i>Section 12.03</i>
<b>Accessory</b>		
11. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	<b>P</b>	--
12. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	<b>SLU</b>	--

### Section 9.03 Area, Height, and Placement Requirements

All lots and buildings shall meet the following dimensional requirements:

<b>Table 9.04 Schedule of Area, Height, and Placement Requirements</b>						
<b>Zoning District</b>	<b>Max. Building Height</b>		<b>Max. % Lot Coverage (b)</b>	<b>Min. Setbacks(ft.) (c, d)</b>		
	<b>Stories</b>	<b>Feet (a)</b>		<b>Front (e)</b>	<b>Side (f, g)</b>	<b>Rear (g)</b>
<b>WM</b>	<b>2</b>	<b>30</b>	<b>80%</b>	<b>25</b>	<b>0</b>	<b>0</b>

#### Footnotes to Schedule of Area, Height, and Placement Requirements

- (a) **Building Height.** Exceptions to building height shall be as provided for in *Section 12.06 Height Limit*.
- (b) **Lot Coverage.** Maximum lot coverage shall be the maximum percent of the lot area that can be covered by buildings, accessory structures, parking lots, pavement or outdoor storage.
- (c) **Projections into Yards.** Certain structures shall be permitted to project into required yard setbacks as provided for in *Section 12.09 Projections into Required Yards*.



- (d) **Natural Features Setback.** All structures shall be set back at least twenty-five (25) feet from the ordinary high water mark of any open waterway and from the outer line established by MDEQ of any drainageway, or regulated wetland. Buildings and parking may be within twenty-five (25) feet of the shoreline where the shoreline is improved with a seawall, riprap or similar artificial shoreline. This setback shall not apply to waterfront structures, such as seawalls, riprap, boat docks, wells, piers, wharfs and mooring apparatus, decks, or public utilities. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following criteria shall be applied in undertaking this balancing test:
- (1) The relative extent of the public and private need for the proposed activity.
  - (2) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - (3) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (4) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (5) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (6) The size and quality of the wetland.
  - (7) Proximity to any waterway.
  - (8) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - (9) Economic value, both public and private, of the proposed land change to the general area.
  - (10) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (e) **Corner Lot Setbacks.** Corner lots or lots with dual frontage shall meet front setback requirements along all road frontages.
- (f) **Setback from Residential.** The side and rear yard shall be fifty (50) feet where adjoining a residential district. The setback area shall be maintained as a landscape greenbelt meeting the requirements of *Section 14.02 Landscaping*, provided, the Planning Commission may permit parking within the setback area where a screening wall is provided between the parking and residential district. This setback shall not apply to seawalls, boat docks, wells, piers, wharfs, mooring apparatus and similar waterfront structures.
- (g) **Side and Rear Yard Setbacks.** Side and rear yards shall not be required along the interior side lot lines of the district, except as otherwise specified in the Building Code; provided, that if walls of structures facing interior side lot lines contain windows, or other openings, side yards of at least ten (10) feet shall be provided.

## **Mining/Extraction Districts**

---

# **Article 10**





**Section 10.01 Intent**

The ME Mining/Extraction Districts, as herein established, are intended to recognize that the sand and gravel deposits within the Township's land area are unrenewable natural resources necessary and beneficial to the economy of the Township and the regional area about it, and the welfare of its citizens. To provide for the utilization of this resource in a manner compatible with nearby residential areas, and to ensure complete restoration of the sand and gravel areas ready for another land use at the conclusion of excavation and treatment, this Mining/Extraction District is hereby established.

**Section 10.02 Schedule of Uses**

No building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided for in this Ordinance. Land and/or buildings in the districts indicated at the top of *Table 10.02* may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and/or buildings in this District may be used for the purposes listed by right.

SLU: Special Land Use: The following uses may be permitted by obtaining special land use approval when all applicable requirements in *Article 11 Use Requirements* and the standards of *Section 18.04 Review Standards* are met.

“Additional Requirements” indicates requirements or conditions applicable to the use.

<b>Table 10.02 Schedule of Uses</b>		
	<b>ME</b>	<b>Additional Requirements</b>
<b>Transportation, Utility &amp; Warehousing Uses</b>		
1. Wind Energy Conversion Systems (WECS)	<b>SLU</b>	<i>Section 11.10 (d)</i>
<b>Mineral Extraction</b>		
2. Extraction & Processing of Sand & Gravel	<b>P</b>	<i>Section 10.03 - 10.05</i>
3. Mining of Deposits of Limestone or other Similar Material	<b>P</b>	
<b>Similar Uses</b>		
4. Other Uses Similar to the Above & not Listed in Another District	<b>P</b>	<i>Section 12.03</i>
<b>Accessory Uses</b>		
5. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	<b>P</b>	--



---

### Section 10.03 Conditional Requirements

---

- (a) The removal of sand, gravel, or limestone, or similar materials by excavation, stripping, mining or otherwise taking and including on-site operations appurtenant to the taking, including washing, grading, sorting, grinding operations shall be carried on within the limits of the ME District.
- (b) All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded and further processed, and/or stored within the limits of the ME District, and no natural resource extracted outside the limits of this district shall be brought in for washing, grading, or further processing, except in the event of a public emergency as declared by the Township Board, requiring the use of said natural resource.
- (c) Resource-related industries including, but not limited to, concrete batching plants and asphalt mixed plants shall not be permitted as part of the ME District.

---

### Section 10.04 Application, Review, and Permit Renewal Procedure

---

- (a) **Filing of Petition.** Petitions for the granting of permits for mining/extraction operations shall be filed with the Planning Commission by the owners and leaseholders, if any, of the land proposed for mining/extraction development. Petition shall be submitted on letter form fully supplemented by data, maps and aerial photographs specified, and shall be accompanied by a fee as established by resolution of the Township Board. A permit for such a permitted use shall be issued for a one (1) year period by the Planning Commission. Unless the owner of the petition ignores and/or violates the restoration plan, the permit is automatically renewable for one (1) year periods. The petition shall include:
  - (1) Vertical aerial photograph, enlarged to a scale equal to one inch equals two hundred feet (1"=200'), from original photograph at a negative scale no smaller than one inch equals one thousand feet (1"=1,000'). Area covered by vertical aerial shall include:
    - a. All land requested in petition.
    - b. All contiguous land which is, or has been used by the owner or leasehold applicant for any extraction, treatment, and/or storage.
    - c. All public roads which can provide first point of access.
    - d. The boundaries of the above listed items a. through c. shall be delineated upon the aerial photograph and clearly marked as a., b., and c.



(2) Five (5) copies of an identification survey shall be submitted, prepared by an engineer or surveyor, certified by the State of Michigan, to prepare such plats, drawn to scale of one inch equals two hundred feet (1"=200'). This survey shall include:

- a. Boundary of entire tract by courses and distances.
- b. Boundary of exact area being petitioned for in permit.
- c. Means of vehicular access to the proposed operation.

(b) **Operations.** The plan for operation of the mining/extraction deposits, along with a restoration plan, shall be presented to the Planning Commission for their review and approval.

(c) **Review of Permit Application**

- (1) The Building Official shall be responsible for receiving and processing all applications for mining/extraction permits. The Building Official shall accept for filing only applications completely documented as herein required.
- (2) The Building Official shall be responsible for coordinating the several separate inspections as required herein.
- (3) The Planning Commission shall be authorized to approve the manner and order of restoration of proposed new excavations; and the Planning Commission shall be authorized to undertake or order restoration of abandoned excavations, to be financed by the owner or leaseholder. Failure to comply with an order for restoration of active or abandoned excavations shall automatically void any permits issued and/or prevent the issuance of any new permits until such time as restoration is accomplished in keeping with requirements set forth by the Planning Commission.

## Section 10.05 Specific Operating Requirements

---

- (a) **Setback.** Excavation, washing, and stockpiling of extracted material shall not be conducted closer than one hundred (100) feet to the outer boundary of any ME District. The setback area shall not be used for any use in conjunction with a mining/extraction operation, except access roads, public notice signs identifying quarry, and business sign identifying occupant. Said setback may be varied by the Planning Commission when the outer boundary of the ME District abuts a body of water. In granting said variance, the Planning Commission shall establish a specific setback so as to secure public safety.
- (b) **Building Line for Operation Structures.** To reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, loading, weighing, and other operations' structures shall not be built closer than three hundred (300) feet from any right-of-way or from any adjoining Residential District.



(c) **Frontage and Access**

- (1) Each tract of land for mining/extraction development shall have a minimum frontage on a major road of at least two hundred fifty (250) feet, except that the Planning Commission may approve:
  - a. A lesser frontage minimum if written consent of owner in fee of adjoining property is first secured.
  - b. If tract has no frontage but is fronted by an active mining/extraction operation, properly zoned, if written permission for access to major road is first secured from owner in fee and leaseholder, if any.
- (2) All means of access to the property shall be from major roads and shall not be from residential roads.

(d) **Fencing.** Any excavation which operation results in, or produces for a period of one (1) month, collections of water, or slopes as described below shall be subject to the following safety requirements:

- (1) Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high; at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.
- (2) Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in (1) above, for slopes.
- (3) In those instances where the ME District is situated in marginal land areas consisting of swamp land, or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way, or as the Planning Commission may determine as requiring fencing so as to secure safety. The Planning Commission may require the posting of signs "KEEP OUT - DANGER" as needed.

(e) **Access Roads.** All private access roads shall be treated so as to create a dust-free surface for a distance of three hundred (300) feet from any public access road.





- (f) **Slopes.** The slopes of the banks of the excavation shall in no event exceed a minimum of five (5) feet to one (1) foot (five feet horizontal to one foot vertical) and where ponded water results from the operations, this slope must be maintained and extended into the water to a depth of five (5) feet. Said slopes shall be met as the work in any one section of the excavation proceeds, and the time for completion of said slopes shall not extend beyond one (1) year's time from the date of beginning, provided that the Planning Commission may extend the above one (1) year period to such longer period as satisfactory under the circumstances. The Planning Commission shall recognize that an active continuing operation, requiring vertical excavation by blasting, shall be exempted from the slope requirements. Said required slopes shall be provided once the operation is completed.
- (g) **Explosives.** The use of explosives shall be done in accordance with the "Regulations for Storage and Handling of Explosives" as published by the Michigan State Police, Fire Marshal Division, East Lansing, Michigan.
- (h) **Hours of Operation.** Permitted hours of operation are as follows:
- (1) Processing – 6:00 a.m. to 10:00 p.m. Monday through Saturday.
  - (2) Loading and Customer Service – 6:00 a.m. to 6:00 p.m. Monday through Friday, and 6:00 a.m. to 12:00 noon on Saturday.
  - (3) Blasting or setting off explosives – 8:00 a.m. to 2:00 p.m. on weekdays only.

## Use Requirements

---

# Article 11





## Section 11.01 Residential Uses

---

### (a) Home Occupations

- (1) Persons other than members of the family residing on the premises shall not be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) Home occupations shall only be conducted in an enclosed principal building.
- (4) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign meeting the requirements of *Article 16 Signs*.
- (5) There shall be no sale to customers onsite in connection with the home occupation.
- (6) Traffic shall not be generated in greater volumes than would normally be expected in a residential neighborhood, and any need for parking for a home occupation shall be met off the road and outside of the required front yard.
- (7) No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

### (b) Single Family Dwellings

- (1) These requirements shall apply to all dwellings erected within the Township including site built, modular, manufactured and mobile homes located outside of a licensed manufactured home park.
- (2) Dwellings shall have a minimum width across any section of twenty-four (24) feet and comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Building Code, then, and in that event, the less stringent federal or state standard or regulation shall apply.
- (3) Dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- (4) Manufactured and mobile homes shall not have exposed wheels, towing mechanism, undercarriage, or chassis. Such areas shall be completely screened by skirting or other opaque material so as to not be visible on any side.



- (5) All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Wayne County Health Department.
- (6) All dwellings shall contain storage area whether in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to, or of better quality than, the principal dwelling. The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen percent (15%) of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.
- (7) All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, and with a roof overhang compatible to the overhang of homes typically found in the surrounding area. There shall be at least two (2) exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling; and permanently attached steps connected to the exterior door area where a difference in elevation requires steps.
- (8) The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling. The Building Official may also request review by the Planning Commission for a determination of compatibility. A determination of compatibility shall be based upon the following standards:
  - a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings.
  - b. Buildings shall have a good scale and be harmonious with permanent neighboring development.
  - c. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - d. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
  - e. Materials shall be of durable quality.
  - f. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
  - g. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
  - h. Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
  - i. The roof overhang and pitch shall be comparable to the overhang and pitch of homes typically found in the surrounding area, provided the pitch of the roof shall not be less than one (1) foot of rise for each three (3) feet of horizontal run.



- (9) A determination of compatibility shall be based upon the standards set forth in this section, as compared against the character, design, and appearance of the majority of residential dwellings located outside of manufactured home parks within two thousand (2,000) feet of the subject dwelling, provided such area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within the area; or, where the area is not developed, by the character, design and appearance of one (1) or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.
- (10) The dwelling shall not include additions or rooms or other areas that are not constructed with similar materials, appearance and quality of workmanship as the original structure, including the foundation and permanent attachment to the principal structure.
- (11) In the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" as amended, shall apply.
- (12) All construction required herein shall be commenced only after a Building Permit has been obtained in accordance with the applicable Building Code provisions and requirements.

## **Section 11.02                      Agriculture and Animal Uses**

---

### **(a) Boarding or Riding Stables**

- (1) For breeding, rearing, and housing of horses, mules, and similar domestic animals, the minimum lot size shall be ten (10) acres, except that up to two (2) saddle horses or ponies may be housed and reared on lots of five (5) acres or more.
- (2) An accessory building used as a stable shall be setback a minimum of sixty (60) feet from all property lines and one hundred (100) feet from any dwelling.
- (3) Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
- (4) The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

### **(b) Commercial Kennels**

- (1) The minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one (1) acre for each ten (10) additional animals.
- (2) Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (3) All kennels shall be operated in conformance with all County and State regulations, kennel permits.



- (c) **Farms.** Farms shall be located on parcels of land containing at least ten (10) acres, and may not be located in a part of a proprietary or supervisors plat.
- (d) **Pet Day Care, Grooming or Other Service Establishments**
- (1) A maximum of twenty (20) animals per acre of lot area shall be allowed on the premises at any given time. This ratio shall be maintained for fractions of acres, i.e. one-half ( $\frac{1}{2}$ ) acre of lot area shall not exceed ten (10) animals and one and a half ( $1\frac{1}{2}$ ) acres of lot area shall not exceed thirty (30) animals. Fractions above one quarter ( $\frac{1}{4}$ ) resulting from this ratio may be rounded upward.
  - (2) Establishments with outdoor facilities or overnight stay shall be prohibited on properties with other uses.
  - (3) Outdoor areas where animals will be allowed shall be:
    - a. Permitted only in the rear and side yards.
    - b. Setback a minimum of twenty (20) feet from the property line and landscaped with one (1) canopy tree, one (1) evergreen tree and four (4) shrubs per each thirty (30) linear feet along the property line, rounded upward.
    - c. Fully enclosed by a six (6) foot screening fence or wall providing full containment for the animals in accordance with *Section 13.03 Fences and Walls*.
  - (4) All animals shall be kept indoors from 9:00 p.m. to 7:00 a.m.
  - (5) Animal waste areas, either indoor or outdoor, shall be constructed of a hard surface that is easily cleaned. Such areas shall be connected to a sanitary system.
  - (6) All buildings with overnight stay shall provide a filtration system to protect air quality and shall be insulated so as to contain excessive noise.
  - (7) A written statement of operating procedures must be submitted, such as those recommended by the Pet Care Services Association or the American Kennel Club. The procedures, which are to be followed for the life of the business, must address, at a minimum, the following items:
    - a. Identification and correction of animal behavior that impacts surrounding uses, including excessive noise (barking).
    - b. The time interval anticipated for waste removal and method of clean up.
    - c. Identification of the hours of operation and timing of shift changes, if applicable.
    - d. Indication of staffing levels during all shifts and the qualifications of each staff member.
    - e. Membership in the Voluntary Facilities Accreditation program via the Pet Care Services Association is strongly encouraged.
  - (8) Any and all licenses required by the State of Michigan must be obtained by the applicant prior to occupancy. A copy of such license or licenses shall be provided by the applicant and kept on file with the Township.

**(e) Veterinary Hospitals or Clinics**

- (1) All activities shall be within an enclosed building.
- (2) For veterinary hospitals only, all buildings shall be setback a minimum of two hundred (200) feet from any Residential District.

**(f) Private Kennels**

- (1) The minimum lot size shall be one (1) acre for the first three (3) dogs, plus one-half (1/2) additional acre for each one (1) additional dog, up to a maximum of ten (10) dogs.
- (2) Buildings wherein dogs are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent dwelling and shall not be located in any front yard, or required side or rear yard.
- (3) All kennels shall be operated in conformance with all applicable Township, County and State kennel permits, laws and regulations.

---

**Section 11.03 Religious, Civic, Educational and Governmental Uses**

---

**(a) Cemeteries**

- (1) Cemeteries shall have at least ten (10) acres.
- (2) Cemeteries shall be screened from any adjacent residential lot by a landscape Buffer Zone B, in accordance with *Section 14.02 Landscaping*.

**(b) Churches, Temples and Other Places of Worship**

- (1) Minimum lot width shall be one hundred and fifty (150) feet.
- (2) Minimum lot area shall be two (2) acres.
- (3) Off-street parking shall be prohibited within the front and side yard setback areas and within fifteen (15) feet of the rear lot line.
- (4) The site shall be so located as to have at least one (1) property line abutting and directly accessible to a major road.

**(c) Clubs, Fraternal Organizations, Lodge Halls or Other Places of General Assembly**

- (1) Such uses shall front upon a major road.
- (2) Only commercial uses ancillary to the club function shall be permitted.
- (3) Land not utilized for buildings, parking, etc., shall be landscaped.
- (4) All parking shall be located in the rear yard.

**(d) Schools: Colleges and Universities**

- (1) All access to the site shall be directly from a major road.
- (2) All buildings shall be setback a minimum of one hundred and fifty (150) feet from any



adjacent residentially zoned property lines with the exception of a structure for residential purposes in which instance there shall be a setback of at least eighty (80) feet from any residentially zoned property.

## **Section 11.04 Retail Trade and Service Uses**

---

### **(a) Business Service Storage Facilities**

- (1) All loading/unloading zones and overhead doors shall be located on the side or rear of the building so as to limit visibility from a public road.
- (2) Business service storage facilities shall be screened from an adjacent Residential District or use by a landscape Buffer Zone B, in accordance with *Section 14.02 Landscaping*.

### **(b) Drive Thru Windows Accessory to any of the Retail Trades**

- (1) The drive-through facility must be attached to the structure.
- (2) The drive-through service, including any lighting associated therewith shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of said residential land use.
- (3) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
- (4) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
- (5) There shall be a minimum of three (3) stacking spaces in addition to the space at the service window.
- (6) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private road.

### **(c) Funeral Homes and Mortuary Establishments**

- (1) Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession. The assembly area shall be in addition to required off-street parking.
- (2) A caretaker's residence may be provided within the main building of the mortuary establishment.

### **(d) Open Air Businesses, such as Nurseries, Home Improvement Supplies and Similar Outdoor Retail Sale of Vegetation, Outdoor Home and Garden Supplies and Equipment**

---





- (1) The storage or display of any materials shall conform to all building setback requirements of a structure.
- (2) All loading and parking shall be provided off-street.
- (3) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
  
- (4) In the case of sales of cut trees intended to be displayed during the Christmas season, a temporary permit shall be obtained from the Building Official which shall require that all Christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31, and no trees shall be stored or displayed nearer the road than the front property line, furthermore, that off-street parking shall be provided in accordance with the regulations for open air business uses. Such uses shall also adhere to the requirements of *Section 12.14 Temporary Buildings, structures, Uses, and Special Events*.

**(e) Self Storage Facilities**

- (1) No lot shall be less than two (2) acres.
- (2) The lot shall have direct frontage on a major road.
- (3) A permanent business office facility shall be required on site. Living quarters for a resident manager may also be required. Such quarters may be part of the storage building, or provided as a separate residence within one hundred (100) feet of the storage building. The resident manager shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances.
- (4) Building height shall not exceed two (2) stories or twenty-five (25) feet, whichever is less.
- (5) Side and rear yard building setbacks of not less than forty (40) feet shall be provided. Ten (10) feet of width of such yard shall be planted in materials sufficient to screen such yards from abutting uses as required in (8) below. Side and rear yards may be reduced to thirty (30) feet of width in those instances where a completely obscuring reinforced masonry wall not less than six (6) feet high is provided along the entire side and rear yards.
- (6) The minimum separation between self-storage buildings on the same site shall be fifteen (15) feet or equal to the building height, whichever is greater.
- (7) All interior drives shall be paved to Township standards and shall have a minimum width of twenty-two (22) feet for two-way drives, and a separate six (6) foot wide striped loading/unloading area adjacent to all buildings with direct entrances.
- (8) A visual barrier shall be provided along the side and rear property lines of the site. Said barrier shall consist of a solid brick, stone, or wood fence a minimum of six (6) feet in height. Evergreen screening may be used in lieu of a solid fence provided it shall be not less than eight (8) feet in height at the time of planting. Decorative fencing in the form of wrought iron with brick piers at a height of four (4) feet shall be provided in front of the storage buildings.



- (9) A ten (10) foot wide landscaped greenbelt shall be provided between the property line and required barrier along the front property line and all road frontages.
- (10) Exterior building walls visible from a public right-of-way or Non-Industrial District shall be finished with brick or other high-quality masonry material.
- (11) Storage buildings shall be arranged so that overhead doors do not face the front or rear yard.
  
- (12) Uses in any self-service storage facility must meet the following:
  - a. The use of the premises shall be limited to storage of personal items and business items only and shall not be used for operating any other business, maintaining or repairing any vehicles, storage of recreational equipment or other items, or for any recreational activities or hobbies.
  - b. The self storage facility may include moving van/truck rental, which shall require a separate special land use permit.
  - c. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks, and chains shall be permitted on the site devoted to this use.
  - d. The storage of combustible or flammable liquids, combustible fibers, explosive materials, or toxic materials are expressly prohibited.
  - e. No repair, servicing, painting, or other maintenance activity may be conducted on the premises.
  - f. No open storage, outdoor storage of recreational equipment or other similar goods and vehicles shall be permitted.

## Section 11.05

## Motor Vehicle Uses

---

### (a) Automobile Filling/Service Station

- (1) Minimum lot width shall be one hundred and twenty (120) feet.
- (2) An automobile service station building shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting a Residential District or use.
- (3) Ingress and egress drives shall not be more than thirty (30) feet in width, unless otherwise authorized by MDOT or Wayne County.
- (4) Only one (1) curb opening shall be permitted along any road. All drive or curb openings shall meet the access standards of *Section 15.05 Driveway Access Management*.
- (5) A raised curb of six (6) inches in height shall be constructed along all road frontages at the right-of-way line, except for drive openings, in such areas where public roads meet the same standard.
- (6) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which



shall be separated from all paved areas by a low barrier or curb.

- (7) The design and materials of the canopy shall be compatible with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure there is no glare on the public roads or adjacent property, and that lighting levels are in accordance with *Section 14.04 Lighting*. Canopy lighting shall be recessed such that the light source cannot be seen from off-site.
- (8) There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment or other merchandise, except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
- (9) Any vehicle maintenance shall be reviewed separately, in accordance with the requirements of subsection (b) below.

**(b) Automobile Repair, Maintenance and Bodywork (Minor and Major Service)**

- (1) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits and vehicle work shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles cannot be supplied with gasoline or serviced while parked upon or encroaching upon any public sidewalk, road or right-of-way.
- (2) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with the locational requirements for accessory buildings in *Section 13.01 Accessory Buildings, Structures, and Uses*. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding five (5) days. Any stored items may not be stacked higher than the perimeter screening wall in accordance with *Section 13.03 Fences and Walls*.
- (3) Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days in any thirty (30) day period.
- (4) The sale of five (5) or fewer used passenger cars, trucks, or motorcycles on the premises is permissible as an accessory use under this subsection, provided it is included as part of the approved principal use. Where such accessory use was not included as part of the original approval, a new special use approval shall be required for the sale of five (5) or fewer used passenger cars, trucks, or motorcycles.

**(c) Automobile Sales**

- (1) All access to the site shall be directly from a major road.
- (2) All areas subject to vehicular use shall be paved with a durable dust-free surfacing, with appropriate curbing or bumper guards where needed.



- (3) Lighted parking areas shall not create a nuisance for nearby properties.
- (4) All loading activities and parking areas shall be provided on the same premises (off-street).

**(d) Automobile Wash (Automatic)**

- (1) The minimum lot size requirement for a car wash establishment shall be thirty-six thousand (36,000) square feet, with a minimum road frontage of 100 feet on either an arterial or collector road.
- (2) All washing activities must take place entirely within an enclosed building.
- (3) The building shall maintain at least a seventy-five (75) foot setback from any Residential District or use.
- (4) There shall be provided fifteen (15) stacking spaces for each automatic wash lane. Stacking spaces shall be clearly separated from any possible pedestrian travel or routes necessary for entering and/or exiting the property.
- (5) All maneuvering lanes, stacking lanes, and exit aprons shall be located on the parcel itself. Roads and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the auto wash. In addition, all exits and/or entrances shall be routed directly to or from a major road by means of a separate driveway or marginal access drive leading from or to a major road.
- (6) The site's drainage shall be designed to preclude drainage of water onto adjacent property or public rights-of-way. A catch basin shall be installed on-site at all exit drives extending the full width of such drives along the right-of-way line. As an additional precaution, a minimum travel distance of one hundred twenty-five (125) feet shall be maintained between the point of the last application of water and the nearest exit drive as measured to the property line to allow time for excess water to drop off the vehicles before they leave the site.
- (7) Vacuuming activities are permitted in the rear yard only or side yard, provided such activities are at least fifty (50) feet from any adjacent Residential District or use. In no instance shall the "A" weighted sound level from the vacuuming activity exceed 77 dBA when measured at the property line.
- (8) The automatic car wash facility shall have a mechanical dryer at the end of the wash cycle, which will be mandatory during sub-freezing temperatures. Also, an underground heating element shall be installed at each vehicle exit to prevent icing at grade.
- (9) The entrance and/or exit of the building shall be designed to face away from any adjacent Residential District or use.

**(e) Automobile Wash (Self-Service or Coin Operated)**

- (1) The washing facility shall maintain at least a seventy-five (75) foot setback from any adjacent Residential District or use.
- (2) There shall be provided three (3) stacking spaces for each wash bay. Stacking spaces shall be clearly separated from any possible pedestrian travel or routes necessary for entering



and/or exiting the property.

- (3) All maneuvering lanes, stacking lanes, and exit aprons shall be located on the parcel itself. Roads and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the auto wash. In addition, all exits and/or entrances shall be routed directly to or from a major road by means of a separate driveway or marginal access drive leading from or to a major road.
  
- (4) The site's drainage shall be designed to preclude drainage of water onto adjacent property or public rights-of-way. A catch basin shall be installed on site at all exit drives extending the full width of such drives along the right-of-way line. As an additional precaution, a minimum travel distance of one hundred twenty-five (125) feet shall be maintained between the point of the last application of water and the nearest exit drive as measured to the property line to allow time for excess water to drop off the vehicles before they leave the site.
- (5) Vacuuming activities are permitted in the rear yard or side yard, provided such activities are at least fifty (50) feet from any residentially zoned or used property. In no instance shall the "A" weighted sound level from the vacuuming activity exceed 77 dBA when measured at the property line.

**(f) Recreational Vehicle Sales, Service and Storage**

- (1) All areas subject to vehicular use shall be paved with a durable dust-free surfacing, with appropriate curbing or bumper guards where needed.
- (2) Lighted parking areas shall not create a nuisance for nearby properties.
- (3) All loading activities and parking areas shall be provided on the same premises (off-street).

---

**Section 11.06 Accommodation and Food Service Uses**

---

**(a) Bed and Breakfast Inns**

- (1) The bed and breakfast shall be operated from a private residence, owned by the innkeeper and shall be the residence in which the innkeeper resides while renting the rooms to transient tenants.
- (2) The bed and breakfast may offer sleeping accommodations to transient tenants in five (5) or fewer rooms for rent.
- (3) A restaurant that is open to the general public shall not be permitted; however, the bed and breakfast may only offer breakfast to the transient tenants.
- (4) There shall be no exterior evidence, other than a permitted sign, to indicate that the



residence is being utilized for any purpose other than that of a dwelling.

- (5) There shall be no alteration or construction not customarily found in residential dwellings; except such modifications as recommended by the Fire Department and accepted by the Planning Commission such as fire protection and fire suppression equipment.
  - (6) Guests are not allowed to stay longer than fourteen (14) consecutive days or thirty (30) days in any one (1) calendar year at any bed and breakfast location.
  - (7) Sufficient off-street parking shall be the same as required for hotels/motels. Existing buildings and structures either on the premises of the bed and breakfast or on adjacent property may be removed in order to provide parking for the bed and breakfast. All required parking for any bed and breakfast shall be screened from adjacent residential uses in such form and manner as may be required by the Planning Commission.
- (b) **Hotels/Motels.** Each unit of commercial occupancy shall contain a minimum of two hundred fifty (250) square feet of gross floor area.
- (c) **Restaurants: Drive-In and Drive-Thru**
- (1) All buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or Residential District or use.
  - (2) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
  - (3) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
  - (4) There shall be a minimum of ten (10) stacking spaces in addition to the space at the service window.
  - (5) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private road.
  - (6) Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.

## Section 11.07

## Art, Entertainment and Recreation Uses

### (a) Adult Regulated Uses

- (1) It is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable operations characteristics, thereby having deleterious effect upon adjacent areas. It is also recognized when several of these uses are concentrated in close proximity, they begin to dominate the character of an area and create a synergy that compounds their deleterious effect on other uses. Special regulations of these uses are therefore necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. The Township therefore has provided regulations for the location of these uses.



- (2) These uses are allowed by special land use approval in the B-3 District. The B-3 District is adequately dispersed throughout the Township in a manner that prevents overcrowding in one location and minimizes their adverse impact on any particular location. The prohibition against the establishment of more than one (1) adult regulated use, within one thousand (1,000) feet of each other and other incompatible uses, serves to avoid the clustering of such uses and avoids the deleterious effects of blight and devaluation of property values which results when these types of uses begin to dominate the character of a specific location. The B-3 District is also a large enough area of the Township to avoid the deleterious effects of blight, and devaluation of both business, and residential property values, and also prevent the deleterious effect of blight and devaluation of recreation, educational and/or religious uses.
- (3) Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned or occupied by other uses specified herein.
- (4) Unless and until approval is obtained, it shall be unlawful to hereafter establish any adult regulated use.
- (5) Any adult regulated use/building shall be at least one thousand (1,000) feet from any of the following, except as otherwise provided by (7) below.
- a. Another existing or approved adult regulated use.
  - b. Public, charter, private or parochial school.
  - c. Library.
  - d. Park, playground or other recreation facility which admits minors.
  - e. Day care center or nursery schools.
  - f. Church, convent, monastery, synagogue or other similar place of worship.
  - g. Any Class C establishment licensed by the Michigan Liquor Control Commission.
  - h. Pool or billiard halls.
  - i. Video arcades.
  - j. Pawn shops.
  - k. Hotels or motels.
  - l. Dance clubs catering primarily to teenagers, ice or roller skating rinks, movie theaters and other similar uses which typically cater to teenagers.
  - m. Any Residential District.
- (6) Site and building requirements:
- a. Building size shall not exceed five thousand (5,000) square feet of gross floor area.
  - b. The building and site shall be designed, constructed and maintained so products and material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.



- c. The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
  - d. The Township may require a wall, fence or berm in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance and surrounding land uses.
  - e. The hours of operation shall be approved by the Township.
  - f. All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing.
  
  - g. No adult regulated use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
  - h. Access shall be provided from a major road.
  - i. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that states: "Persons under the age of eighteen (18) years are not permitted to enter the premises."
  - j. No alcoholic beverages of any type are permitted within the premises.
  - k. Any adult regulated use that allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one (1) security guard on-duty outside the premises. Security guard provided shall patrol the grounds and parking areas on a continuous basis while the business is in operation.
- (7) The Township Board may waive the location provision requiring minimum distances between adult regulated uses and those uses identified in item (5) above if all of the following findings are made after a public hearing:
- a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this ordinance will be observed.
  - b. The proposed use will not contribute to, create, enlarge and/or encourage a blighted or deteriorated area.
  - c. All other applicable regulations of this ordinance will be observed.
  - d. There is no other reasonable location in the Township that is suitable for said use.
  - e. A validated petition requesting such waiver, signed by fifty one percent (51%) of those persons residing within one thousand (1,000) feet of the proposed location must be presented to the Township Board. The Township Board shall adopt rules and regulations governing the procedure for securing any petition of consent. The rules shall require the circulator of the petition subscribe to an affidavit attesting to the fact





that the petition was circulated in accordance with said rules and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon. The Township Board shall not consider the waiver of spacing requirements from residential until the above-described petition has been filed and verified.

- (8) Prior to granting a permit for any adult regulated use, the Township may impose any such conditions or limitations authorized by law in connection with the grant of special land uses.
- (9) Expansion to an existing adult regulated use shall require review and approval under the special land use requirements.

**(b) Golf Courses**

- (1) All access to the site shall be directly from a major road.
- (2) The site plan shall be laid out to achieve a relationship between the major road and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
- (3) All buildings shall be set back at least seventy-five (75) feet from all property lines and two hundred (200) feet from any Residential District. Where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- (4) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property.
- (5) A shelter building with toilet facilities shall be provided which meets all requirements of the Wayne County Health Department and the Building Code.
- (6) Whenever a swimming pool is to be provided the pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

**(c) Gun Clubs and Shooting Ranges**

- (1) All such facilities shall be fully enclosed.
- (2) All such facilities shall be licensed, constructed, and operated in accordance with the requirements of Township Ordinance No. 219, Rifle, Gun, and Archery Ranges, effective June 16, 1974.

**(d) Outdoor Recreation including Miniature Golf, Batting Cages, Archery Ranges, Go-cart Tracks, and Other Recreation Facilities Operated for Profit**

- (1) A minimum area of two (2) acres shall be provided.
- (2) All access to the site shall be directly from a major road.
- (3) Structures associated with private parks; rifle, gun, and archery ranges; golf driving ranges; go-cart tracks; batting practice facilities; and other recreational facilities operated for profit



and determined to be similar by the Planning Commission shall be located at least two hundred fifty (250) feet from a Residential District.

- (4) The external physical effects of private recreational uses, including but not limited to, noise, smoke, glare, heat, odor, and vibration shall be restricted to the area of the district in which it is located and shall not affect, in a detrimental way, any of the surrounding properties. All activities on site shall comply with the Township Noise Control Ordinance (Section 62.500, Compiled General Ordinances).
  - (5) All primary activities associated with such operations and conducted outdoors shall be limited to hours of operation which shall not exceed 9:00 a.m. to 11:00 p.m., unless approval for an extension of that period is obtained from the Township Board.
  - (6) Whenever batting cages, driving ranges, go-cart tracks, and other potentially dangerous facilities are included on a particular site, fencing, buffering, crash barriers, back stops, and other protective measures shall be provided as necessary to ensure the continued protection of the public health, safety, and welfare.
  - (7) There shall be no open storage of material on the premises. All on-site storage shall take place within a completely enclosed building.
  - (8) All repair work must be carried out within an enclosed building.
  - (9) All activities and structures on the premises shall be monitored and supervised during hours of operation to protect the safety and welfare of customers. The premises shall be adequately secured during hours of inoperation so as to prevent trespassing or other unauthorized attendance of individuals.
- (e) **Outdoor or Drive-in Theaters.** Because outdoor theaters possess the unique characteristics of being used only after dark, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be subject to the following conditions:
- (1) The lot shall be at least five hundred (500) feet from any Residential District.
  - (2) All access to the site shall be directly from a major road.
  - (3) The premises shall be enclosed with a solid screen wall eight (8) feet in height.
  - (4) All points of entrance or exit shall be located no closer than two hundred fifty (250) feet to any road or road intersection (as measured to the nearest intersection right-of-way line).
  - (5) Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.
  - (6) The theater screen shall not be visible to major road or any Residential District. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major roads. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
- (f) **Outdoor Gatherings.** Because outdoor gatherings of persons in excess of five hundred (500) persons, as defined in Ordinance 198 of the Ordinances of the Charter Township of Brownstown, as now or hereafter may be amended, encourage the concentration of persons,



vehicles, vehicular traffic noise and concession they shall be subject to the following conditions:

- (1) The design and layout of all facilities required in Ordinance 198, as amended, shall be subject to review and approval of the Planning Commission.
- (2) Outdoor gatherings shall abut a major road, as provided in Ordinance 198, and all points of ingress and egress shall be available only from such thoroughfare. All vehicles, waiting or standing to enter the facility shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.

---

## **Section 11.08 Finance, Insurance, Real Estate, Professional, Scientific and Technical Service Uses**

---

### **(a) Banks, Credit Unions, Savings and Loan Associations with Drive Thru Windows**

- (1) The drive-through service, including any lighting associated therewith shall be screened from adjacent residential land uses such that it will not impact the use and enjoyment of said residential land use.
- (2) Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
- (3) Each drive-through facility shall provide an escape lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement for an escape lane where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of patrons of the facility.
- (4) There shall be a minimum of four (4) stacking spaces for the first drive-through teller lane and three (3) stacking spaces for each additional teller lane.
- (5) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from the public or private road.

---

## **Section 11.09 Health and Human Care Uses**

---

### **(a) Child Care Center, Nursery Schools and Day Nurseries**

- (1) Nursery schools and day nurseries for children of preschool age shall provide a lot area of not less than seven hundred (700) square feet for each child enrolled therein.
- (2) For each child cared for, there shall be provided, equipped and maintained, on the premises, a minimum of one hundred fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility).
- (3) The outdoor play area shall be suitably fenced and screened from any Residential District or use by a Buffer Zone C in accordance with *Section 14.02 Landscaping*.

**(b) Group Child Care Home (7 to 12 children less than 24 hours per day)**

- (1) Group child care group homes shall be located at least one thousand five hundred (1,500) feet from any other group child care group home.
- (2) An on-site drive shall be provided for drop offs\loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public road.
- (3) There shall be a fenced, contiguous open space with a minimum area of one thousand five hundred (1,500) square feet of outdoor play area provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.
- (4) A copy of the State license shall be submitted to the Township with the special land use application.

**(c) Hospitals**

- (1) All access to the site shall be directly from a major road.
- (2) The minimum distance of any building from bounding lot lines or roads shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2) the minimum yard distance shall be increased by at least twenty (20) feet.
- (3) No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent Residential District or use.
- (4) The location of an accessory heliport must be approved by the Planning Commission in consideration of surrounding land uses, zoning and the potential adverse impacts generated by the heliport.

**(d) Senior Assisted Living**

- (1) The site shall have one thousand five hundred (1,500) square feet of open space for every one (1) bed. The one thousand five hundred (1,500) square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses.
- (2) All access to the site shall be directly from a major road.

**(e) Senior Independent Living**

- (1) All senior housing shall be provided as a planned development consisting of cottage type dwellings and/or apartment type dwelling units.
- (2) Common services such as central dining rooms, recreational rooms, central lounge, and workshops may be provided as part of the use.
- (3) All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).



- (4) The maximum extent of development shall not exceed fifteen (15) dwelling units per acre.
- (5) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.
- (6) The maximum building height specified in the district, may be increased up to a maximum height of ninety (90) feet, and not more than six (6) stories provided that for each additional foot of building height in excess of that specified in the district, one (1) additional foot of yard setback shall be provided. In instances where a lot line abuts a major road, one-half ( $\frac{1}{2}$ ) of the width of the right-of-way may be considered as yard setback; however, in no instance shall this allowance reduce the front yard setback measured between the right-of-way line and the structure below thirty (30) feet.

## **Section 11.10                      Transportation, Utility and Warehousing Uses**

---

### **(a) Junk Yards and Scrap Metal Yards**

- (1) The use shall be entirely enclosed within a building or within an eight (8) foot screen wall.
- (2) One (1) property line shall abut a railroad right-of-way.
- (3) A Buffer Zone A shall be required along the side and rear yards, in accordance with *Section 14.02 Landscaping*.
- (4) Junk yards may be subject to the provisions of Act 219 of 1966, as amended, Control of Junk Yards Adjacent to Highways.
- (5) There shall be no burning on the site.
- (6) The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a wash-out, wash-down, and secondary containment system to recover and recycle impurities and other by-products processed from trucks, machinery products, supplies or waste.

### **(b) Recycling, Incineration, Treatment, Storage or Disposal of Waste**

- (1) All access to the site shall be directly from a major road.
- (2) To ensure that the reasonable use of neighboring properties is not adversely affected and to reduce the potential for adverse health, odor or other environmental impacts, the property lines encompassing the proposed use shall only abut Industrial Districts and shall be separated from any Residential District by at least two thousand six hundred forty (2,640) feet.
- (3) All processing, treatment, recycling, transfer, unloading and storage shall be within a completely enclosed building or in approved storage tanks. The facility shall be constructed to enclose all equipment which generate significant levels of noise.
- (4) All aggregate and bulk materials shall be stored in the building or in concrete bunkers or silos. The bunkers or silos shall be equipped to control fugitive dust and particles.
- (5) The plan shall indicate that all motor vehicles, which have contained or been in contact with



hazardous waste, recycled materials or sludge, shall be washed clean prior to leaving the site. The method and area for washing shall be specified on the site plan.

- (6) The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water or storm sewers. This shall include a wash-out, wash-down, and secondary containment system to recover and recycle impurities and other by-products processed from trucks, machinery products, supplies or waste.

- (7) All surface areas involved in the loading, unloading, transfer or storage shall be constructed to prevent the runoff of any hazardous material to unpaved areas or non-designated drainage facilities. Potential waste shall be collected with a secondary containment system and processed or disposed of according to State or Federal regulations. Any drainage of fluids shall be on a non-pervious platform so that any liquids will be contained and not discharged to the ground.

- (8) Plans and/or reports shall be filed with the Fire Department, indicating the types of materials and where they are located on the site.

- (9) Storage of hazardous materials shall also adhere to the requirements of *Section 12.11 Storage of Hazardous Substances*.

**(c) Utilities, including Buildings, Power Generation Plants, Storage Yards, and Other Related Uses**

- (1) Storage yards shall not be permitted outside of Industrial Districts.
- (2) All buildings shall be compatible in appearance and design with the area and with the zoning district in which they are located, and shall not be unusually larger than other buildings in such areas.

**(d) Wind Energy Conversion Systems (WECS).** A WECS to service the energy needs of the property where the structure is located is allowed with Special Land Use approval in the specified districts subject to the following requirements:

- (1) Only one (1) WECS shall be permitted per parcel.
- (2) The tower shall not be higher than eighty (80) feet. The height of the overall WECS with the blade in the vertical position shall not exceed one hundred and twenty (120) feet above ground level.
- (3) The blade diameter (tip to tip) shall not exceed one hundred (100) feet.
- (4) All towers shall be set back a distance at least one and a half (1½) times the WECS height from all property lines. The height shall be measured to the top of the blade at its highest point.
- (5) All towers used to support the wind generating equipment shall be equipped with braking



- systems and adequately anchored to prevent their being knocked down by high winds.
- (6) Wind farms and WECS testing facilities are prohibited.

## **Section 11.11 Manufacturing and Construction Uses**

---

### **(a) Contractor Yards and Storage Facilities for Building Materials, Sand, Gravel, Stone, Lumber, Storage of Contractor's Equipment and Supplies**

- (1) All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, vehicles and equipment shall meet all setback requirements of the district.
- (2) The maximum height of storage piles shall be twenty (20) feet.

### **(b) Primary Metal Manufacturing Including Iron and Steel Mills and Ferroalloy Manufacturing, Aluminum Production, Nonferrous Metal Production and Foundries**

- (1) The building shall be located at least eight hundred (800) feet from any Residential District and at least three hundred (300) feet from any other Non-Industrial District.

### **(c) Outdoor Storage Yards Accessory to a Permitted Manufacturing Use**

- (1) Open storage of materials shall meet all setback requirements of the district.
- (2) The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a road shall be provided, graded, surfaced, and maintained from the road to the rear of the property to permit free access of fire trucks at any time.
- (3) The storage of any loose, unpackaged materials shall be contained so as to prevent any adverse effects on adjacent uses.
- (4) All open storage shall be screened from all roads, and on all sides which abut any residential or commercial district, by a solid wall or fence with a minimum height of six (6) feet, and all stored materials shall not be piled to a height extending beyond the height of the wall or fence.

## General Provisions

---

# Article 12







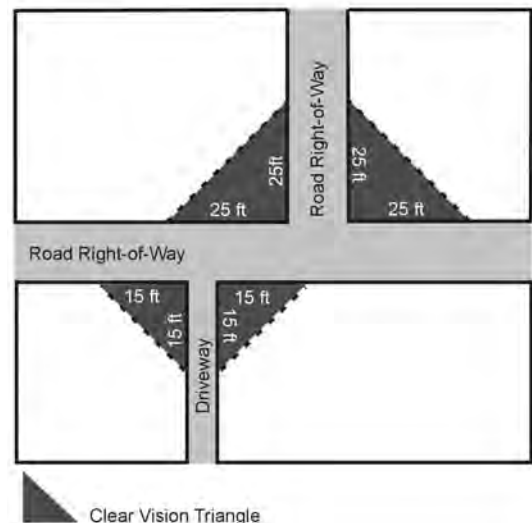
## Section 12.01 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or Building Official. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

## Section 12.02 Corner Clearance (Clear Vision Triangle)

- (a) 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 the intersection adjacent to a corner lot or a driveway on any lot.
- (b) Fences, walls, structures, or plantings located in the clear vision triangle, as depicted below, shall not be permitted to exceed a height of twenty-four (24) inches above the lowest point of the intersecting street(s). The unobstructed triangular area is described as follows:

- (1) The area formed at the corner intersection of two (2) street right-of-way or easement lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two (2) sides.
- (2) The area formed at the corner intersection of a street right-of-way, easement, or alley and a driveway, the two (2) sides of the triangular area being fifteen (15) 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 (2) sides.



## Section 12.03 Determination of Similar Uses

Since every type of potential use cannot be addressed in this Ordinance, each district provides for "similar uses" referencing this section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Planning Commission for review at a public hearing, based on the following standards.

- (a) A finding has been made by the Building Official that the proposed use is not listed as a permitted or special land use in any zoning district.



- (b) If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in this Ordinance which most closely resembles the proposed use using criteria such as the nature of the use, aesthetics, traffic generated, potential impact on property values, noise, vibration, dust, smoke, odor, glare and other objectionable impacts in terms of health, safety and welfare to the Township.
- (c) Once a similar use is determined, the proposed use shall comply with any special land use standards that apply to that similar use.
- (d) Where the Planning Commission determines a proposed use is not similar to any use addressed in the Zoning Ordinance, the applicant may petition for an amendment to the Zoning Ordinance, as described in *Article 24 Amendments to Ordinance*.
- (e) The determination as to whether a proposed use is similar in nature and class to another permitted or special land use within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be similar shall thereafter be included in the enumeration of the uses.

---

#### **Section 12.04 Dwellings in Non-Residential Districts**

---

- (a) The construction of dwellings in Non-Residential Districts is prohibited except for housing used exclusively by security, custodial maintenance or management personnel and approved by the Planning Commission. The use of trailers and recreational vehicles for housing such security and custodial personnel, or other persons, is prohibited.
- (b) The use of recreation vehicles and trailers is permitted as a temporary residence between May 1st and October 1st each year provided the vehicles and trailers are located in a designated recreation vehicle/trailer park, and they are connected to appropriate sewer, water and electric facilities serving the park.

---

#### **Section 12.05 Essential Services**

---

- (a) Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan or in any Ordinance of the Township.
- (b) It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, legislation or other Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail.



- (c) Wireless communication facilities shall be subject to the requirements of *Section 12.15 Wireless Communication Facilities and Services*.

---

## **Section 12.06                      Height Limit**

---

The building height restrictions of all zoning districts shall not apply to the following:

- (a) Parapet walls and cornices not exceeding four (4) feet in height.
- (b) Chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, wind energy conversion systems (WECS) stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

---

## **Section 12.07                      Lot Area Allocation**

---

- (a) No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- (b) No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

---

## **Section 12.08                      Lots Adjoining Alleys**

---

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.



## Section 12.09 Projections into Required Yards

Certain features may project into the required yard setbacks in accordance with *Table 12.09*.

Projection	Front Yard	Rear Yard	Interior Side Yard	Corner Side Yard
<b>1. Arbors &amp; Trellises</b>	3 ft. from any lot line			
<b>2. Awnings &amp; Canopies</b>	3 ft.	3 ft.	3 ft.	5 ft.
<b>3. Architectural Features</b>	3 ft.	3 ft.	2 in. per 1 ft. of setback	
<b>4. Bay Windows</b>	3 ft.	3 ft.	3 ft.	3 ft.
<b>5. Decks, Open or Enclosed</b>	See <i>Section 13.05 Porches and Decks</i>			
<b>6. Eaves, Overhanging</b>	3 ft.	5 ft.	3 ft.	3 ft.
<b>7. Fences &amp; Walls</b>	See <i>Section 13.03 Fences and Walls</i>			
<b>8. Flagpoles</b>	3 ft. from any lot line			
<b>9. Gardens &amp; Landscaping</b>	Permitted in any yard excluding easements			
<b>10. Gutters</b>	3 ft.	5 ft.	3 ft.	3 ft.
<b>11. Laundry Drying Equipment</b>	Not permitted	5 ft.	3 ft.	Not permitted
<b>12. Light Standard, Ornamental</b>	Permitted in any yard			
<b>13. Mechanical Equipment such as HVAC</b>	Not permitted	5 ft.	See (a) below	Not permitted
<b>14. Paved Terraces</b>	3 ft. from any lot line			
<b>15. Unroofed Porches, Stoops, Stairways &amp; Steps</b>	10 ft.	10 ft.	3 ft.	3 ft.
<b>16. Signs</b>	See <i>Article 16 Signs</i>			
<b>17. Window Air Conditioning Units</b>	Not permitted	3 ft.	3 ft.	Not permitted

- (a) Equipment used for central air conditioning, heating and water filtration purposes and installed outside of single family or two family dwellings and their attached structures shall be located in the rear yard, no more than three (3) feet in from the extreme sides of the principal structure and in no cases less than fifteen (15) feet from adjoining single family and two family dwellings. The Building Official may allow units to be located within the side yard in those instances where such location does not adversely impact an abutting dwelling, conditioned upon screening of the equipment with appropriate landscaping to reasonably conceal the equipment from view.
- (b) Open patios shall not be considered a portion of the structure.

## Section 12.10 Road Frontage

- (a) Any lot created after the effective date of this Ordinance shall have frontage upon a public road right-of-way, private road or legally recorded access easement.



- (b) No structure shall be erected on property which does not contain at least sixty (60) feet of frontage on a public road right-of-way, private road or shared driveway that complies with the requirements of the Township, except within the Town Center District as regulated in *Article 7 Town Center Districts*.

## Section 12.11 Storage of Hazardous Substances

---

- (a) **Applicability.** Businesses which use, store, or generate hazardous substances in quantities greater than 100 kilograms (equal to about 25 gallons or 220 pounds) must provide for secondary containment (double enclosure) for all above ground storage containers.
- (b) **Above Ground Storage**
- (1) **Outdoor Storage Requirements.** Secondary containment structures must be designed to protect containers from the effects of storms, wind, fire, and vandalism. Structures which are covered and protected from rain and precipitation must provide secondary containment for ten percent (10%) of the volume of all containers or the volume of the largest container, whichever is greatest. Structures which are not protected from rain and precipitation must provide secondary storage capacity to hold one hundred fifty percent (150%) of the stored substances, unless a lesser quantity is approved by Brownstown Township.
  - (2) **Indoor Storage Requirements.** Hazardous substances should not be stored indoors in locations which are near to a floor drain connecting to soils, ground water, or nearby drains and rivers unless secondary containment is provided. Sumps and floor depressions to collect and hold leaks and spills are recommended.
  - (3) **Loading/Unloading Areas.** Areas used for the loading and/or unloading of hazardous substances shall be designed and constructed to trap hazardous materials spilled or leaked and designed to prevent discharge of hazardous substances to floor drains, rivers, or storm drains.
  - (4) **County, State, and Federal Requirements.** At a minimum, State and Federal requirements for storage, leak detection, recordkeeping, spill prevention, emergency responses, transport and disposal of hazardous substances must be met. It is the responsibility of the business facility owner to obtain any applicable County, State, or Federal permits or approvals.
- (c) **Below Ground Storage**
- (1) At a minimum, regulations of the Michigan Department of Natural Resources, Michigan Fire Marshal Division, and Brownstown Township for the installation, inspection, maintenance of a leak detection system, inventory and recordkeeping, emergency response, and closure must be met.



- (2) All underground storage tanks which have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued unless the reuse of the site will involve usage of tanks meeting all of the regulations of (1) above.
- (d) **Site Plan Review and Approval.** Site plans for facilities with hazardous substances shall also be reviewed by the Fire Chief or their designee prior to the approval by the Planning Commission and/or Township Board.
- (e) **Enforcement and Penalties**
- (1) Any person violating any of the provisions of this section shall be guilty of a civil infraction and shall be subject to the provisions of *Section 22.11 Violations and Penalties* in addition to any other penalties as may be prescribed herein.
- (2) Transporters of hazardous materials in Brownstown Township shall be strictly liable for the full amount and cost of any harm or damages that may result from such transport. Where it is determined that hazardous substances have leaked, or spilled, the violator shall be required to abate the violation. In the case of an emergency, appropriate local, state, county, or federal emergency personnel may be called upon to assist in abatement and any other efforts necessary to remove hazardous materials and protect the health, safety, and welfare of the public. All costs, fees, and expenses in connection with such action shall be assessed as damages against the violator.

## **Section 12.12**                      **Uses per Lot**

---

- (a) Except as otherwise specifically provided in this Ordinance, no lot may contain more than one (1) principal building, structure, or use.
- (b) Groups of multiple family buildings, site condominiums, retail business buildings, multi-tenant offices, leased industrial space, mixed-use buildings or other groups of buildings contained within a single integrated complex are deemed to be a principal use collectively. To be considered as an integrated complex, the site shall share parking, signs, access, or other similar features, which together form a unified function and appearance.
- (c) In cases where there are more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts.
- (d) Wireless communication facilities may be located on a lot that contains another use, except single family and two family dwellings.
- (e) This section does not apply to Wind Energy Conversion Systems (WECS) which can be located on a lot that contains another use.



---

### Section 12.13                      Voting Place

---

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

---

### Section 12.14                      Temporary Buildings, Structures, Uses, and Special Events

---

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

**(a) Temporary Construction, Buildings, Structures, and Uses**

- (1) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
- (2) No temporary building or structure shall be used for dwelling purposes.
- (3) The placement of temporary buildings and structures shall be in conformance with the requirements of *Article 17 Site Plan Review*. A building permit for such building or structure shall be issued by the Building Official prior to installation.
- (4) Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Official for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

**(b) Temporary Uses, Seasonal, and Special Events.** Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit by the Building Official, when meeting the standards listed below:

- (1) Temporary uses, seasonal, and special events may be allowed on any lot with a permitted principal building.
- (2) Temporary uses, seasonal, and special events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
- (3) In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet except in the Town Center District.
- (4) The temporary use, seasonal, and special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
- (5) If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use, seasonal, and special event.



- (6) A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the parking requirements for retail stores.
- (7) A sketch plan (to scale) shall be provided illustrating:
  - a. Property lines.
  - b. Adjacent uses and zoning districts.
  - c. Existing and proposed buildings and structures.
  - d. Location of any areas for storage such as inventory not being displayed.
  - e. Fire hydrants.
  - f. Layout of parking.
  - g. Boundaries of proposed sales areas.
  - h. Location and size of any proposed sign (off-premise signs shall also be mapped).
- (8) All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the Township shall apply remaining escrow fees towards clearing such items from the property.
- (9) The length of a temporary use or special event shall not exceed seven (7) days, except seasonal sales of items such as Christmas trees and pumpkins which are permitted for up to sixty (60) days.
- (10) Two (2) temporary use permits for a temporary use, seasonal, or special event by a single business or property are permitted each year.
- (11) Special standards for carnivals, circuses, farmers markets, flea markets, and similar events shall be as follows:
  - a. Such uses shall be approved by the Township Board. The Township Board shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The Township Board may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
  - b. The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the Township's insurance carrier.
  - c. The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on Township roads.
  - d. Farmer's markets which are to occur on a regular schedule shall be permitted only in Non-Residential Districts. The Township Board may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the Township Board are maintained.





- (c) **Review Procedures.** Except as otherwise noted above for carnivals, circuses, farmers markets, and similar events, the Building Official shall review and approve requests for a temporary use or seasonal event. Where appropriate, the Building Official shall consult with the Police Chief and Fire Department official. If the request is denied, the Building Official shall state the reasons for denial in writing and provide a copy to the applicant.

## **Section 12.15                      Wireless Communication Facilities and Services**

---

- (a) **Intent.** The regulations of this section are intended to conform to Federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within the Township.
- (1) It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the Township.
  - (2) Given the increase in the number of wireless communication facilities requested as a result of new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate attached wireless communication facilities and wireless communication towers, where practicable. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services.
  - (3) In recognition of the Township's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
- (b) **Zoning Districts and Approval Process for Wireless Communication Facilities.** Wireless Communication Facilities may be located in accordance with *Table 12.14*.



<b>Table 12.14</b>		
<b>Wireless Communication Facilities</b>		
<b>Type/Location of Wireless Communication Facility</b>	<b>Districts Permitted</b>	<b>Approval Procedure</b>
<b>Attached Wireless Communication Facilities on Existing Structures</b>		
1. Attached to an existing building or structure that will not be materially altered or changed in appearance	All Districts, except on lots occupied by a single family residential use	Administrative site plan in accordance with <i>Article 17 Site Plan Review</i>
2. Attached to an existing utility structure that will not be modified or materially alter the pole or impair sight lines or compromise safety	All Non-Residential Districts	Administrative site plan in accordance with <i>Article 17 Site Plan Review</i> , provided letter of acceptance is provided by the utility company
3. Co-location upon an existing wireless communication facility	All Districts	Administrative site plan in accordance with <i>Article 17 Site Plan Review</i>
<b>New Wireless Communication Tower on Municipality Owned Property</b>		
4. Monopole up to 150 feet in height	On a Township owned property	Site plan in accordance with <i>Article 17 Site Plan Review</i>
5. Lattice tower where it can be demonstrated that a monopole is not feasible	I-RT, I-1, I-2 Districts	Special land use and site plan by the Township Board after recommendation by the Planning Commission in accordance with <i>Article 17 Site Plan Review</i> and <i>Article 18 Special Land Use Review</i>
<b>New Wireless Communication Tower Not on Municipality Owned Property</b>		
6. Monopole up to 120 feet in height	I-RT, I-1, I-2 Districts	Special land use and site plan by the Township Board after recommendation by the Planning Commission in accordance with <i>Article 17 Site Plan Review</i> and <i>Article 18 Special Land Use Review</i>
7. Lattice tower where it can be demonstrated that a monopole is not feasible	I-RT, I-1, I-2 Districts	Special land use and site plan by the Township Board after recommendation by the Planning Commission in accordance with <i>Article 17 Site Plan Review</i> and <i>Article 18 Special Land Use Review</i>

(c) **Application Requirements - Co-location.** The following information shall be provided with the application, in addition to other administrative site plan submittal requirements, as required in *Article 17 Site Plan Review*, for an attached wireless communication facility co-located on an existing structure:

- (1) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- (2) The owner and/or operator of the existing tower or structure.
- (3) Legal description of the parent tract and leased parcel (if applicable).
- (4) Elevation drawings and construction details of all existing and proposed wireless communication facilities including accessory structures and equipment shelters.
- (5) The reason or purpose for the wireless communication facility with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.



- (6) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
- (7) The structural capacity and whether it can accommodate the facility, as proposed or modified, as certified by an engineering report.
- (8) Limits and type of fencing, the method of screening and illumination.
- (9) A description of compliance with this section and all applicable federal, state or local laws.
- (10) A description of performance guarantee to be posted upon issuance of a building permit to ensure removal of the facility, including the underground pads forty-two (42) inches below grade, if it is abandoned or is no longer needed. This amount shall be a minimum of five thousand dollars (\$5,000.00) or as determined upon resolution by the Township Board.

(d) **Application Requirements for New Wireless Communication Tower.** The following information shall be provided with the application to construct any new wireless communication tower, in addition to the submittal requirements in (c) above and the items required in *Article 18 Special Land Use Review*.

- (1) A description of performance guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility to ensure removal of the facility, including the underground pads forty-two (42) inches below grade, if it is abandoned or is no longer needed. The applicant shall demonstrate to the satisfaction of the Township that funds will be available to the Township for removal of any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner. The security shall meet the requirements of *Section 22.09 Performance Guarantees*. An agreement establishing a promise of the applicant and owner of the property, or their successors, to remove the facility in a timely manner as required under this Section of the ordinance shall be recorded at the office of the Register of Deeds in a form approved by the Township Attorney. The applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.
- (2) Inventory of all existing towers, antennas, or sites approved for towers that are either within the jurisdiction of the Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower.
- (3) In recognition of the Township's policy to promote co-location, a written agreement shall be executed, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
- (4) A description explaining how existing towers, other structures or alternative technology not requiring the use of towers or structures is not adequate to provide the proposed services of the proposed new tower.



- (5) Prior to issuing a building permit, a signed certification by a professional engineer licensed by the State of Michigan shall be provided to the Township that describes the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. “fall zone”), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
- (e) **Design Standards Applicable to All Facilities.** All wireless communication facilities shall be constructed and maintained in accordance with the following standards:
- (1) **Location and Design.** Facilities shall be located and designed to be harmonious with the surrounding areas.
  - (2) **Fencing.** Fencing shall be provided for protection of the tower and associated equipment and security from children and other persons who may otherwise access the facilities. All fencing shall be black vinyl-coated chain link fencing or a brick wall.
  - (3) **Landscaping.** Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. The Township may permit an eight (8) foot tall brick screening wall in locations where landscaping may not survive or is impractical.
  - (4) **Accessory Buildings.** All accessory buildings shall be constructed of brick. The Planning Commission may waive this requirement for a building that is located in the I-RT, I-1 or I-2 Districts, is not visible from a public right-of-way or Non-Industrial District, and complies with the requirements of *Section 13.01 Accessory Buildings, Structures, and Uses*.
  - (5) **Nonconformities.** Any nonconforming situations on the site, such as, but not limited to, outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
  - (6) **Roof-Top Facilities.** All attached wireless communication facilities proposed on the roof of a building shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
  - (7) **Compliance with Other Agencies.** The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.
  - (8) **Antenna.** If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.



- (f) **Design Standards Applicable to New Towers.** In addition to the design standards in section (e) above, all wireless communication towers shall be constructed and maintained in accordance with the following standards:
- (1) **Feasible Co-Location.** A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
  - (2) **Co-Location Agreement.** All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement executed in a format approved by the Township Attorney. Future lease areas provided for co-location tenants must be shown on the site plan.
  - (3) **Height.** The applicant shall demonstrate that the requested height of the new or modified tower and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate. The height of the tower shall not exceed a maximum of one hundred fifty (150) feet. Taller towers shall require approval from the Zoning Board of Appeals in accordance with section (h) below.
  - (4) **Tower Setbacks.** The wireless communication tower shall be setback from all property lines a distance at least equal to one-half ( $\frac{1}{2}$ ) the height of the tower, provided the engineering information required in (d) (5) above demonstrates another setback is appropriate.
  - (5) **Accessory Structure Setback.** Accessory structures and guys must satisfy the minimum zoning district building setback requirements.
  - (6) **Access.** There shall be unobstructed access to the tower, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower 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 which will need to access the site.
  - (7) **Soils Report.** The tower shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
  - (8) **Color.** Towers shall be painted a neutral color so as to reduce visual obtrusiveness or be constructed of galvanized steel.
  - (9) **Lighting.** Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
  - (10) **Signs.** No signs shall be allowed on an antenna or tower.



(g) **Co-Location**

- (1) **Antennas on Existing Towers.** An antenna which is proposed to be attached to an existing tower may be approved by the Building Official and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
  - a. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Building Official allows reconstruction as a monopole.
  - b. An existing tower may be modified or rebuilt to a taller height, not to exceed fifteen (15) feet over the tower's existing height, to accommodate the co-location of an additional antenna.
  - c. Any additional required equipment located on the ground will be located within the existing lease area approved by the Planning Commission.
- (2) **Antennas Mounted on Structures or Rooftops.** Wireless communication antennas placed on the roofs of buildings may be approved by the Building Official, if the principal use is a conforming use and the building is a conforming structure. The antenna shall not exceed the height of its supporting structure by more than twelve (12) feet.
- (3) **Antennas Mounted on Utility Structures.** Wireless communication antennas attached to utility structures such as water towers or electrical transmission line towers may be approved by the Building Official. The equipment cabinet or structure used in association with antennas shall be located in accordance with the Building Code and this Ordinance regarding accessory structures in the zoning district in which it is located.

(h) **Variances.** The Zoning Board of Appeals may consider a variance from the standards of *Section 12.15 Wireless Communication Facilities and Services*, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:

- (1) **Location.** The applicant must demonstrate that a location within a district or location in accordance with the standards of this section cannot reasonably meet the coverage or capacity needs of the applicant.
- (2) **No Co-Location.** The applicant must demonstrate that a feasible co-location is not available for the coverage area and capacity needs because existing structures can not support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.
- (3) **Tower Setback.** The applicant has provided engineering information that documents that the tower is self-collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.



- (4) **Height.** The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the Township.
- (5) **Mitigation.** The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the Township, and special design of the facility and site.
- (6) **Design.** The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

## **Accessory Buildings and Uses**

# **Article 13**







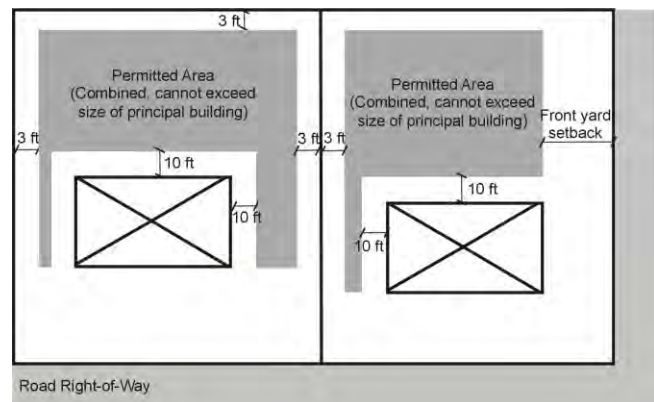
## Section 13.01 Accessory Buildings, Structures and Uses

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

### (a) General

- (1) Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with a principal building that is occupied by a use permitted in the particular zoning district.
- (2) Accessory buildings, structures, or uses shall not be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- (3) Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.
- (4) Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this Ordinance.
- (5) Accessory buildings shall not be used for a home occupation.
- (6) The total square footage of the combined buildings accessory to a residential building shall not exceed:
  - a. 100% of the ground floor area of the principal building for properties with less than 20,000 square feet of lot area.
  - b. 150% of the ground floor area of the principal building for properties with less than 20,000 square feet of lot area or more, but less than one acre; and
  - c. 200% of the ground floor area of the principal building for properties with one acre or more of lot area.

- (7) A minimum separation distance of ten (10) feet shall be maintained between any two (2) buildings or structures. This minimum ten (10) foot distance may be reduced to not less than three (3) feet in instances where firewall construction exists in each structure, on the same parcel of property.
- (8) The design and building materials of accessory buildings shall generally be consistent with the character of the principal building on the property (e.g. material, color), as determined by the Planning Commission or Building Official.



### (b) Detached Accessory Buildings



- (1) Detached accessory buildings and structures shall be located in accordance with *Table 13.01*.
- (2) Detached accessory buildings shall be setback a minimum of ten (10) feet from the principal building.

<b>Table 13.01 Accessory Building Setbacks</b>	
<b>Yard</b>	<b>Minimum Setback from Lot Line</b>
<b>Front</b>	Not permitted
<b>Rear</b>	3 ft. or 1 ft. from alley
<b>Interior Side</b>	3 ft.
<b>Exterior Side</b>	Front yard setback of applicable zoning district

- (3) The maximum height of detached accessory buildings shall be one (1) story and fourteen (14) feet unless located on a residentially zoned parcel one (1) acre or greater in size, outside of platted subdivisions, where the maximum height of detached accessory buildings shall be a maximum height of twenty-five (25) feet.

(c) **Attached Accessory Buildings.** Accessory buildings that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this section. Attached garages shall not exceed the height of the living portion of the dwelling.

**Section 13.02                      Entranceways**

---

Entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single family subdivisions, multiple family housing projects, business centers, and industrial and office parks may be permitted and may be located in a required yard, except as provided in *Section 12.02 Corner Clearance*, provided that such entranceway structures shall comply to all codes of the Township of Brownstown, and shall be approved by the Building Department and a permit issued.

**Section 13.03                      Fences and Walls**

---

(a) **All Districts**

- (1) Fences and walls shall not exceed a height of six (6) feet, unless otherwise provided in this section.
- (2) Fences and walls shall not be erected within any public right-of-way.
- (3) Fences and walls may be located along a property line.
- (4) Double fencing shall be prohibited.
- (5) Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- (6) Electronic fences buried beneath the ground are permitted in all districts.

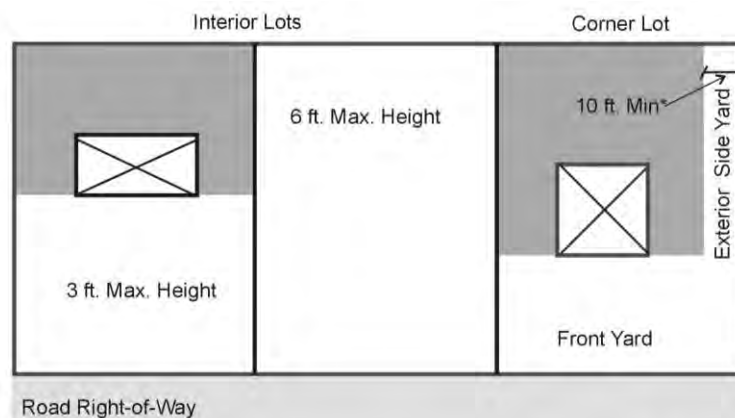


- (7) Fences and walls shall not contain barbed wire, electric current or charge of electricity unless otherwise provided in this section.
- (8) All structural members of the fence or wall shall be installed to face toward the inside of the area to be enclosed, unless otherwise agreed to in writing by all affected property owners and approved by the Building Official.

### (b) Residential Districts

- (1) Fences or walls located within the front yard shall not exceed three (3) feet in height and shall be of a decorative nature.
- (2) Fences or walls located within the side and rear yard may be up to (6) feet in height and may be for decorative or privacy purposes.
- (3) On corner lots, fences or walls shall be permitted up to six (6) feet in height in the corner side yard considered by the Building Official to be secondary based upon surrounding uses and building orientation. Fences and walls shall be setback ten (10) feet from the property line except in the following instances:

- a. When abutting a major road no setback is required.
- b. When equal to or in excess of fifty percent (50%) pervious materials no setback is required.
- c. When a rear yard abuts a side yard, the fence shall be setback the minimum front yard setback of the applicable district.



\* A 10 ft. Minimum setback is required on a corner side yard unless the fence or wall abuts a major road or if it consists of 50% or more pervious materials, where a 0 ft. min. setback is required or when abutting a side yard, when the fence shall be setback the minimum front yard setback of the applicable district

- (4) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, shall not exceed eight (8) feet in height.

### (c) Non-Residential Districts

- (1) Fences and walls shall be of a decorative nature in the front yard unless otherwise provided in this section.
- (2) Chain link fences shall not be erected in any front yard, except in Industrial Districts or for



essential public service buildings and storage yards. The chain link fence must be black vinyl coated.

- (3) A screening wall in accordance with *Section 13.04. (d) Screening Walls* below may be permitted in the front yard by the Building Official or Planning Commission if the Township finds that screening will enhance the appearance of the site.
  - (4) Fences and walls in Industrial Districts or for essential public service buildings and storage yards shall not exceed eight (8) feet in height.
  - (5) A security fence for a permitted industrial use may include barbed wire.
- (d) **Screening Walls.** Required screening walls in accordance with *Table 14.02.b* and the specific requirements of *Article 12 Use Requirements* shall comply with the following standards:

(1) **Location**

- a. Walls shall be placed on the property line.
- b. In cases where underground utilities interfere with placement of the wall on the property line, the wall may be placed on the utility easement line located nearest the property line.
- c. Walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a Non-Residential District that abuts a Residential District when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request.

(2) **Materials**

- a. Walls shall be constructed of brick or other quality masonry material that matches the primary masonry of the principal building on the site. Other durable material may be approved by the Building Official for industrial uses.
- b. Construction materials shall be durable, weather-resistant, and rustproof.
- c. Standard concrete block walls and poured or precast concrete walls shall not be permitted.
- d. Required walls shall be similarly finished on all sides.

- (3) **Maintenance.** All walls shall be maintained by the property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. The Township may require that suitable maintenance guarantees be provided for the continued maintenance of walls required under this section.

- (4) **Waivers and Modifications.** The Planning Commission may waive or modify the wall requirements under the following conditions:

- a. The requirement for a screening wall may be waived where the developed portion of the non-residential site, including all buildings, pavement, storage and structures will be setback more than two hundred (200) feet from the Residential District.



- b. The requirement for a screening wall may be waived where the Residential District is considered to be an area in transition that will become non-residential in the future, based upon the Brownstown Township Master Plan.
- c. Where conditions are such that a more effective and harmonious development with adjacent land uses would result, the Planning Commission may allow or require an earth berm and evergreen plantings to serve as the complete and continuous screening wall, provided adequate security is provided for the maintenance of the berm and evergreen planting.

---

### Section 13.04                      Lots Having Water Frontage

---

- (a) Those residential lots or parcels having water frontage and abutting a public road shall maintain the yard on the water side as an open unobscured yard, except that a covered and/or uncovered boat well shall be permitted.
- (b) Accessory structures shall be permitted in the yard between the abutting road right-of-way and the principal building provided the accessory building meets the front yard setback as required for the applicable zoning district in which it is located.
- (c) Accessory structures may be permitted on land across the street from waterfront properties, provided the following conditions are met:
  1. The parcel of land across the street is within one hundred fifty (150) feet of the waterfront parcel.
  2. The waterfront parcel shall contain a principal use or building.
  3. Both parcels shall be under common ownership at the time of construction and shall remain under common ownership in the event of a sale, lease or transfer of land.
  4. The accessory structure shall only be used by the occupant (owner or tenant) of the principal building and shall not be rented or leased out.
  5. The structure shall provide a minimum front yard setback of twenty (20) feet.

---

### Section 13.05                      Porches and Decks

---

#### (a) Front Yard

- (1) **Uncovered Porches.** An open, unenclosed and uncovered porch or terrace may project into a required front yard setback for a distance not exceeding ten (10) feet.
- (2) **Covered Porches.** Porches or terraces sheltered partially or wholly by a permanent or temporary canopy, awning, metal, lattice, pergola or any other material shall be considered covered. Covered porches and decks may project into a required front yard setback for a



distance not exceeding eight (8) feet.

- (3) **Enclosed Porches.** Porches that are covered and enclosed by walls or windows are subject to the front yard setback applicable to the main structure, as set out in the applicable zoning district.
- (b) **Side Yard.** A deck or porch must not be closer to a side lot line than the minimum required side yard setbacks that apply to the principal structure on the property, as set out in the applicable zoning district.
- (c) **Rear Yard.** Decks and uncovered porches, including those constructed on the ground and/or constructed of brick, concrete or pavers, are permitted to extend into the minimum required rear yard setback providing the following standards are met:
  - (1) Decks and porches shall be setback at least twenty (20) feet from the rear lot line.
  - (2) Decks and porches shall occupy no more than fifteen percent (15%) of the area of the required rear yard, as determined by applying the standards set out in the applicable zoning district.
  - (3) Decks or porches sheltered partially or wholly by a permanent or temporary canopy, awning, metal, lattice, pergola or any other material shall be considered covered.
  - (4) If covered structures are installed on a deck or porch they shall be subject to the standards applicable to the principal structure and in the applicable zoning district.
  - (5) Covered and enclosed structures intended for use residential year-round (e.g. sunroom, screened porches, enclosed gazebos) are also subject to the building setback applicable to the principal structure and in the applicable zoning district.
- (d) **Second Story Decks**
  - (1) Second story decks, including any walkway or stairwell connecting the second story deck to a first story deck, a ground-level deck, or a deck located above a walk-out basement, may extend into the rear yard setback, provided it does not extend more than fourteen (14) feet from the rear of the dwelling.
  - (2) The area of a second story deck shall not count toward the permitted lot coverage for accessory buildings and structures.
  - (3) If covered or enclosed, a second-story deck is subject to the minimum setbacks that apply to the principal structure on the property, as set out the applicable zoning district.

## Section 13.06

## Solar Panels

Freestanding solar panels (i.e. not attached to the principal building) shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.



**Section 13.07 Swimming Pools and Hot Tubs**

**(a) Location**

- (1) Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.
- (2) Swimming pools, spas, hot tubs and similar devices shall not be located in any easement.
- (3) A minimum distance of six (6) feet shall be maintained between any swimming pool and property line and/or any accessory structure.
- (4) Swimming pools shall be setback in accordance with *Table 13.07*.
- (5) Spas, hot tubs and similar facilities shall be setback at least ten (10) feet from the rear lot line and meet the side yard setback of the applicable zoning district.

Feature	Minimum Setback
<b>1. Rear Lot Line</b>	6 ft.
<b>2. Interior Side Lot Line</b>	6 ft.
<b>3. Corner Side Lot Line</b>	Front yard setback of applicable zoning district
<b>4. Principal Building Wall</b>	10 ft.
<b>5. Easement</b>	1 ft.
<b>6. Private Well</b>	25 ft.
<b>7. Sewer</b>	3 ft.
<b>8. Septic Tank</b>	10 ft.

- (b) **Security Fencing.** Swimming pools, spas, hot tubs and similar devices that contain twenty-four (24) inches or more of water in depth at any point shall meet the security requirements of the Building Code.

**Section 13.08 Antennas**

Television and radio antennas including satellite dish antennas and transmission or reception antennas, may be permitted as an accessory use in any district subject to the following conditions. Conventional television antennae and satellite dishes less than 3.3 feet (1 meter) in diameter for a residential use and 6.6 feet (2 meters) in diameter for a non-residential use shall be exempt from the regulations of this section, provided the equipment is not located in the front yard nor mounted on the portion of the building facing the front lot line. Wireless communication facilities, such as cellular phone towers, wireless internet antenna and commercial broadcasting antenna, shall be subject to the requirements of *Section 12.15 Wireless Communication Facilities and Services*.

**(a) General**

- (1) No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
- (2) No more than three (3) antennas shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
- (3) The color of the antennae shall be of tones similar to the surroundings.

**(b) Roof-Mounted**

- (1) The receiving portion of a roof-mounted reception antenna shall not exceed a dimension of seven (7) square feet of wind resistance surface in any Residential District.
- (2) The receiving portion of a roof-mounted reception antenna shall not exceed a dimension of fifty (50) square feet of wind resistance surface in any Non-Residential District.
- (3) Reception antenna shall not exceed a height of more than three (3) feet above the highest point of the roof on which it is mounted in any Residential District.
- (4) In any Non-Residential District, the total height of the reception antenna and the building that it is mounted on shall not exceed the maximum height requirements for the applicable zoning district in which it is located.
- (5) Roof-mounted reception antenna shall be placed on a section of the roof facing the rear yard.
- (6) Reception antenna shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
- (7) Reception antenna shall not be linked, physically or electronically, to a receiver which is not located on the same lot as the television reception antenna.

**(c) Ground-Mounted**

- (1) The receiving portion of a ground-mounted antenna shall not exceed a dimension of fifty (50) square feet of wind resistance surface.
- (2) The reception antenna shall be constructed to the rear of the principal building and is not permitted in any front or side yard.
- (3) The reception antenna, including its concrete base slab or other substructure, shall be setback a minimum of ten (10) feet from any property line or easement in any Residential District and a minimum of five (5) feet from any property line or easement in any Non-Residential District.
- (4) Reception antenna shall be constructed with appropriate landscaping to reasonably conceal the antenna from view.
- (5) Reception antenna shall be located on the same lot as the receiver or an adjacent contiguous lot that is owned or managed by the same person and/or company.
- (6) A reception antenna shall not exceed a height of fourteen (14) feet.
- (7) Wiring between a reception antenna and receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.
- (8) Reception antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.

**(d) Temporary Permits for Mobile Units.** Mobile reception antenna units may be granted





temporary permits for periods not to exceed seventy-two (72) hours by the Building Official. The unit shall be located in accordance with location requirements for a permanent installation or as nearly thereto as possible. In those instances where a front yard installation may be required, the temporary installation shall not be permitted to exceed a twenty-four (24) hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

### **Section 13.09 Storage of Recreational Vehicles**

---

(a) **Location.** Recreational vehicles shall not be parked or stored:

- (1) On a vacant lot, except as described in paragraph (d) below.
- (2) In the parking lot of a non-residential use unless specifically authorized for the sale or storage of recreational vehicles.
- (3) Within three (3) feet of a side lot line or the side or rear of a building, except as described in paragraph (b) below. Recreational vehicles may be parked immediately abutting the side or rear of a building provided it does not block access to any windows or doors.
- (4) Within the front yard, except as described in paragraph (b) below and in those instances where a minimum front yard setback of fifty (50) feet can be provided for the vehicle. In such instances, the vehicle must be within the side yard portion of the front yard or in front of a garage, but not directly in front of the residence.
- (5) Within ten (10) feet of the exterior side lot line on corner lots, except in those instances where a corner lot has a rear yard to side yard orientation with the adjacent property, vehicles must provide a minimum exterior side yard setback of forty (40) feet.
- (6) For the purposes of this section, waterfront lots shall consider the waterfront yard as the front yard and the yard abutting the road the rear yard.

(b) **Temporary Loading and Unloading**

- (1) Recreational vehicles may be parked on any part of the lot for up to seventy-two (72) hours for the purpose of loading and unloading as long as the view of driveways or vehicular and pedestrian traffic of adjoining properties is not obstructed.
- (2) Recreational vehicles shall not be parked in the road right-of-way or easement and shall not block a sidewalk or pathway.
- (3) Upon the request of a property owner or occupant, the Community Services Department will authorize an increase to a maximum of one (1) week. A maximum of four (4) such approvals may be issued non-consecutively for any given property within one (1) calendar year.

(c) **Requirements.** Recreational vehicles parked or stored shall:

- (1) Not be connected to sanitary facilities, or have a fixed connection to water, gas or electric,



except that a temporary connection to an electrical outlet for the purpose of charging the battery is permitted.

- (2) Not be occupied.
- (3) Be operable, as well as licensed and registered to the owner or occupant of the property.
- (4) Be stored on hard or pervious concrete, asphalt, permeable/grass pavers, or gravel surface, with the exception of winter boat storage as described in paragraph (d) below.

**(d) Winter Boat Storage**

- (1) Winter storage of boats and other motorized watercraft (such as jet skis) owned by the property owner or occupant may occur on residential waterfront properties.
- (2) Boats and other watercraft stored on a hoist shall also be permissible for residential waterfront properties.
- (3) Boat storage may occur on a vacant waterfront lot.

---

**Section 13.10 Sale and Maintenance of Vehicles**

---

**(a) Sale of Vehicles**

- (1) A resident of a dwelling unit may have not more than one (1) motorized vehicle for sale on the site of such dwelling unit at any time.
- (2) Vacant residential lots or parcels shall not be utilized for the sale of vehicles.
- (3) In no instance shall a vehicle for sale be displayed in a front yard other than on the driveway portion of the yard. In those cases where a driveway of a residence is not more than twelve (12) feet in width, the vehicle for sale may be parked within an area adjacent to the driveway not to exceed fifteen (15) feet in width as measured from the side edge of the driveway.
- (4) Vehicles must be parked and displayed on hard or pervious concrete, asphalt, permeable/grass pavers, or gravel surface.

**(b) Maintenance of Vehicles.** The parking, carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District shall be subject to the following limitations:

- (1) All vehicles parked or being worked on outside shall be:
  - a. Located on a concrete or asphalt driveway surface.
  - b. Licensed.
  - c. Operable.
- (2) Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be inoperable in excess of forty-eight (48) hours shall be conducted within an enclosed



building.

(3) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

### **Section 13.11 Commercial Vehicles**

---

A person shall not park, nor a vehicle's registered owner permit to be parked, any commercial vehicle weighing in excess of five thousand (5,000) pounds gross vehicle weight in any Residential District for any purpose or length of time other than for expeditious loading and delivery or pick-up and unloading of materials, goods, or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, as otherwise provided in this Ordinance.

**General Site Development  
Requirements**

---

**Article  
14**





---

## Section 14.01 Building Appearance

---

- (a) **Intent.** The intent of this section is to provide a set of exterior building wall material standards to enhance the visual environment of the Township. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the Township's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the Township's various districts.
- (b) **Applicability**
- (1) This section shall apply to all construction for all exterior building walls, except single family detached and two family residential structures and their associated accessory buildings, which are regulated in *Article 3 Single Family Residential Districts* and *Article 13 Accessory Buildings and Uses*.
  - (2) Architecture shall be reviewed by the Planning Commission as a part of site plan review under the requirements of this Section.
  - (3) Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
    - a. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the Planning Commission may modify the material requirements of the section where it will be consistent with the architecture of the entire building.
    - b. Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.
- (c) **Building Design**
- (1) Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
  - (2) Building walls and roofs over fifty (50) feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.



- (3) Window area shall make up at least twenty percent (20%) or more of the exterior wall area facing the front yard. This requirement may be modified by the Planning Commission upon a finding that this requirement is excessive due to the nature of the use and surrounding land uses, the location of the site, or architectural incompatibility.
- (4) Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission for building trim. The use of trademark colors not meeting this requirement shall be approved by the Planning Commission.
- (5) Overhead doors shall not face a public road or Residential District. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required.
- (6) Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened in accordance with *Section 14.06 Mechanical Equipment* shall be of a color that blends in with the color of the building.

**(d) Building Materials**

- (1) The predominant building materials shall be quality materials that are characteristic of Michigan such as earth-toned masonry materials, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products. Other materials not listed may be considered by the Planning Commission when the materials are found to be in keeping with the intent and purpose of this section, in consideration of the character of surrounding uses and the design recommendations of the Brownstown Township Master Plan.
- (2) Building materials such as smooth-faced concrete block, undecorated tilt-up concrete dryvit panels, EIFS, or pre-fabricated steel panels shall only be used as accents and not dominate the building exterior of the structure.
- (3) Building materials shall be durable, weather-resistant, rustproof, and shall be maintained by the property owner or tenant at all times.

**(e) Roof Design**

- (1) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building.
- (2) Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
- (3) Architectural methods shall be used to conceal flat roof tops and mechanical equipment.
- (4) Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.



## Section 14.02 Landscaping

### (a) Intent

- (1) To establish minimum standards for the design, installation and maintenance of landscaping, greenbelts and buffer zones.
- (2) Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses.
- (3) Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts.
- (4) To preserve as many mature trees as possible and prevent the unnecessary clear-cutting of property.
- (5) The regulations contained in this section are considered the minimum necessary to achieve the intent. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance and value of the property.

- (b) **Applicability.** The regulations of this section shall apply to all uses that require site plan or sketch plan review and approval. In case of an expansion or change in use of an existing site the level of compliance with this section shall be in accordance with *Table 14.02.a*:

Size of Building or Use Expansion	Level of Compliance	Examples
<b>Over 25%</b>	Full Compliance	<ol style="list-style-type: none"> <li>1. Expansion of building from 50,000 sq. ft. to 62,500 sq. ft. or larger</li> <li>2. Expansion of parking lot from 50 spaces to 63 spaces</li> </ol>
<b>11-24%</b>	50% Compliance	<ol style="list-style-type: none"> <li>1. Expansion of building from 50,000 sq. ft. to 55,500 to 62,499 sq. ft.</li> <li>2. Expansion of parking lot from 50 spaces to 56 to 62 spaces</li> </ol>
<b>0-10%</b>	25% Compliance	<ol style="list-style-type: none"> <li>1. Expansion of building from 50,000 sq. ft. to 50,001 up to 55,000 sq. ft.</li> <li>2. Expansion of parking from 50 spaces to 51 to 55 spaces</li> </ol>
<b>Change in use to more intensive use</b>	25% Compliance	<ol style="list-style-type: none"> <li>1. Change from an office use to a restaurant use</li> </ol>



- (c) **Replacement of Removed Trees.** A tree survey prepared by a licensed professional shall be submitted with any site plan; however, this requirement may be waived by the Community Services Department upon a finding it is unnecessary information to conduct a complete site plan review. This includes areas not to be disturbed, provided they are identified as such on the site plan and appropriate protection is put in place. The survey shall identify the location, species and size of existing trees on the proposed site. Existing trees outside of the building footprint that are greater than six (6) caliper inches that are planned to be removed shall be replaced on the site in accordance with the following regulations:
- (1) Removed trees between six (6) and eighteen (18) caliper inches shall be replaced at a rate of 50% of the total diameter breast height (dbh).
  - (2) Removed trees greater than eighteen (18) caliper inches shall be replaced at a rate of 75% of the total dbh.
  - (3) Removed trees greater than thirty (30) caliper inches shall be replaced at a rate of 100% of the total dbh.
  - (4) Replacement trees shall be located on the site in question to provide the optimum enhancement, preservation, and protection of the areas. In instances where tree replacement on site is not feasible, the applicant shall pay into the Township tree fund monies for tree replacement in an amount representing the current market value for the tree replacement that would otherwise be required. The Township tree fund shall be used for the planting, maintenance and preservation of trees within the Township or for the purchase of parks or other recreation areas.
  - (5) Trees that are dead or diseased, with no visible growth, as determined by the Building Official, are exempt from replacement requirements.
  - (6) A summary table of existing trees shall be provided, indicating those trees that will be removed.
  - (7) Permission of the Township Board must be obtained for each of the following activities:
    - a. Land clearing.
    - b. The removal of trees not proposed in conjunction with or at the time of application for a building permit or site plan approval.
    - c. The removal of landmark trees of the following species and size (dbh):
      - Black Walnut – 24 inches
      - Dogwood – 8 inches
      - Elm – 24 inches
      - Hickory – 8 inches
      - Maple – 18 inches
      - Pine – 8 inches
      - Wild Cherry – 18 inches
      - Oak – 18 inches





- (d) **Incentives to Preserve Existing Trees.** The standards listed below are intended to encourage the preservation of quality and mature trees by providing credits toward required landscape components.
- (1) Trees intended to be preserved shall be indicated on the site plan.
  - (2) The credit shall apply only to trees preserved within areas disturbed by development activities.
  - (3) To obtain credit, the preserved trees shall be arranged to meet the intent of this section, be of high quality, as confirmed by the Township, and at least 2.5 inch caliper in size for deciduous trees, six (6) feet in height for evergreen trees.
  - (4) Each deciduous tree preserved that is between 2.5 to 7.9 inch caliper in size and evergreen tree that is between six (6) feet to nineteen (19) feet shall be calculated as one (1) required tree, two (2) credits for deciduous trees with a caliper of eight (8) inches or greater and evergreen trees greater than nineteen (19) feet.
  - (5) The landscape plan shall include a matrix that lists required trees and credits for preserved trees.
  - (6) During construction, tree protection fencing shall be placed ten (10) feet beyond the drip line of the tree. The ground area within the drip line shall be maintained with vegetative landscape material or pervious surface cover. The Planning Commission may allow pedestrian pathways, driveways or parking within the drip line upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.
  - (7) If trees are lost within three (3) years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.
  - (8) Tree credits may account for up to fifty percent (50%) of the required trees and may be applied anywhere on the site.
- (e) **Greenbelts.** A greenbelt shall be planted or preserved along public right-of-ways, private road easements, and designated frontage roads and access drives to provide a transition between the road and use. Except along roads internal to a residential development, greenbelts shall be provided in accordance with the following regulations:
- (1) A twenty (20) foot deep greenbelt shall be provided along all road frontages within the minimum required front yard setback along each public or private road right-of-way that is landscaped with a minimum of one (1) canopy tree, one (1) ornamental tree, and six (6) shrubs, rounded upward, for every forty (40) linear feet of frontage.
  - (2) The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.
  - (3) Ornamental fencing or a decorative screening wall no taller than thirty (30) inches may be used to break up groups of plantings and may be used as a substitution for the required shrub plantings.
  - (4) Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.



- (5) Greenbelts shall include only living materials and planting beds, except for approved sidewalks, non-motorized paths, signs, driveways, and essential services.
  - (6) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials so as long as the design intent is met.
- (f) **Buffer Zones.** Buffer zones shall be required where a proposed use in a zoning district shares a common lot line with another zoning district accordance with *Table 14.02.b*.

Proposed Use	Adjacent to R-E, R-1, R-2 or R-3 District	Adjacent to RM-1, RM-2 or MHP District	Adjacent to B-1, B-2, B-3, OR-1 or TC District	Adjacent to I-R, I-1, I-2, WM or NR District
<b>1. Single Family Residential</b>	None	None	B	C
<b>2. Multiple Family Residential</b>	B	None	B	C
<b>3. Mobile Home Park</b>	B	B	B	B
<b>4. Commercial</b>	B	B	None	None
<b>5. Office</b>	B	B	None	None
<b>6. Industrial</b>	A	A	B	None
<b>7. Institutional</b>	B	B	C	B
<b>8. Public Recreation</b>	None	None	None	None
<b>9. PUD</b>	Determined during PUD Plan approval using above as a guide			
Buffer Zone Type	Minimum Width	Wall/ Berm	Minimum Plant Materials	
<b>A</b>	50 feet	6 foot screening wall or 4 foot berm	1 canopy tree, 2 evergreen trees & 4 shrubs per each 20 linear feet along the property line, rounded upward	
<b>B</b>	20 feet	6 foot screening wall or 3 foot berm	1 canopy tree, 1 evergreen tree & 4 shrubs per each 30 linear feet along the property line, rounded upward	
<b>C</b>	10 feet	None	1 canopy or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward	

- (1) Where required, berms shall be at least three (3) feet above the grade elevation, and shall have a maximum slope of one (1) foot of vertical rise to three (3) feet of horizontal distance 1:3 with a crest area at least four (4) feet wide.
- (2) Buffer zones shall include only living materials and planting beds, except for approved sidewalks, non-motorized paths, signs, driveways, and essential services.
- (3) Screening walls shall be constructed in accordance with *Section 13.03 Fences and Walls*.



(g) **Parking Lot Landscaping.** Parking lot landscaping shall be provided in accordance with the following standards:

- (1) Off-street parking areas containing ten (10) or more parking spaces shall be provided with landscaping in accordance with *Table 14.02.c*.

<b>Table 14.02.c</b>		
<b>Required Parking Lot Landscaping</b>		
<b>Number of Parking Spaces</b>	<b>Minimum Landscaping</b>	
<b>1-9 Spaces</b>	None	
<b>10 to 100 Spaces</b>	1 canopy tree & 100 sq. ft. of landscaped area	per 10 spaces
<b>101 to 200 Spaces</b>		per 12 spaces
<b>201 Spaces or More</b>		per 15 spaces

- (2) All of the required parking lot trees shall be placed within the parking lot envelope which is defined by the area including the parking lot surface and extending outward fifteen (15) feet from the edge of the parking lot, not including a required greenbelt or buffer zone.
- (3) A minimum of one-third (1/3) of the trees shall be placed within parking islands located inside the perimeter of the parking lot envelope.
- (4) Where off-street parking areas are located within the required front yard setback a three (3) foot tall a hedge row or masonry screening wall shall be provided between the parking spaces and the road. The hedge row shall be planted with two (2) foot tall evergreen or deciduous shrubs, two and a half (2½) feet on center.
- (5) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
- (6) In no case shall any buffer zones or greenbelts be calculated toward meeting the required parking lot landscaping.
- (7) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- (8) All landscaped areas shall be protected by a raised standard or rolled concrete curb, except when being utilized as part of a storm water detention or conveyance system.
- (9) Landscaped islands shall be designed in accordance with *Table 14.02.d*:

<b>Table 14.02.d</b>	
<b>Minimum Landscaped Island Requirements</b>	
<b>Standard</b>	<b>Requirement</b>
<b>Minimum Size</b>	100 sq. ft.
<b>Minimum Width</b>	10 ft.; at least half of the islands shall be 20 ft. wide in parking lots with over 200 spaces
<b>Required Depth</b>	2 ft. shorter than adjacent parking space to improve maneuvering
<b>Required Radii</b>	Minimum 10 ft. at ends facing main aisles, 15 ft. preferred, 1 ft. for radii not adjacent to main circulation aisles
<b>Planting Type</b>	Canopy trees with a mature caliper not over 5 in, with a clear area between the ground & a height of 4 ft. 6 in.
<b>Tree Location</b>	Located so as not to be damaged by maneuvers or door swing of any surrounding vehicle



- (h) **Detention/Retention Pond Landscaping.** Detention/retention ponds shall be landscaped to provide a natural setting in open space areas as follows:
- (1) Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent.
  - (2) Ponds shall be designed to not require fencing per Wayne County standards. If fencing is required, the pond shall be located on the side or rear yard only.
  - (3) One (1) canopy tree or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of pond perimeter as measured along the top of the bank elevation.
  - (4) Required landscaping shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank, where the plant species is adapted to saturated soil conditions.
  - (5) Detention/retention ponds designed to accommodate permanent standing water shall provide an aeration system.
- (i) **Residential Street Trees**
- (1) For all new single and two family residential dwelling developments, at least one (1) street tree for every fifty (50) feet of road frontage shall be provided for each lot or parcel. Such trees shall be planted by the property owner before a certificate of occupancy is granted by the Township.
  - (2) Existing trees within road rights-of-way or trees on the same building lot which meet size and species requirements may be utilized as street trees. In those instances where existing trees in the road right-of-way or trees moved from the same building lot to serve as street trees are provided, funds for such trees shall not be required as specified above.
  - (3) The trees shall be provided in the front yard within twenty (20) feet of the right-of-way on each lot or site condominium development for single family residential projects. For detached or attached condominium projects, the trees shall be provided within the front yard area of the units. Where the installation of trees is deferred until after construction of housing units, the Township shall require a performance guarantee for tree planting. The Planning Commission may also require landscaping within cul-de-sacs, road medians and at site entrances.
- (j) **Interior Site Landscaping.** Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas. For all new single and two family residential dwelling developments, at least one (1) tree shall be planted internal to the property, not including the street tree required in paragraph (i) above.
- (k) **Right-of-Way Landscaping.** Public rights-of-way shall be planted with grass or other suitable living plant material and maintained by the owner or occupant of the property. Trees and shrubs may be planted within the right-of-way with permission from the appropriate authority with jurisdiction over the road.



(l) **Accessory Site Components.** In addition to required screens or walls, site elements such as waste receptacles, air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material.

(m) **Plant Material Spacing and Size.** Minimum plant spacing and sizes at time of installation shall be in accordance with *Table 14.02.e*:

Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
<b>Deciduous Canopy Trees</b>	2½ in. caliper	25 ft. on-center
<b>Ornamental Trees</b>	2 in. caliper 6 ft. height (clump form)	15 ft. on-center
<b>Evergreen Trees</b>	6 ft. height	15 ft. on-center
<b>Narrow Evergreen Trees</b>	4 ft. height	12 ft. on-center
<b>Deciduous Shrubs</b>	2 ft. height	4 ft.-6 ft. on-center
<b>Upright Evergreen Shrubs</b>	2 ft. height	3 ft.-4 ft. on-center
<b>Spreading Evergreen Shrubs</b>	18 in.-24 in. spread	6 ft. on-center

(1) Where plant materials are placed in (2) two or more rows, plantings shall be staggered.

(n) **Plant Material Species**

(1) A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation. The overall landscape plan shall not contain more than 33% of any one (1) plant species.

(2) All landscape nursery stock shall be native to the state of Michigan.

(3) Plant materials recommended as part of landscape plans are included in *Table 14.02.f*.

Trees	
<b>Evergreen Trees</b>	Fir; Spruce; Pine; Hemlock; Douglas Fir
<b>Narrow Evergreen Trees</b>	Red Cedar; Arborvitae; Juniper
<b>Large Deciduous Trees</b>	Oak; Hard Maple; Beech; Linden; Ginkgo (male only); Honeylocust (seedless and thornless varieties); Birch
<b>Ornamental Trees</b>	Flowering Dogwood; Hawthorn; Redbud; Magnolia; Hornbeam; Russian Olive; Flowering Crabapple (disease-resistant varieties)
Large Shrubs	
<b>Deciduous</b>	Honeysuckle; Lilac; Border Privet; Sumac; Buckthorn; Pyracantha; Flowering Quince; Barberry; Forsythia; Cotoneaster (Peking, Spreading); Sargent Crabapple; Dogwood (Red Osier, Grey)
<b>Evergreen</b>	Irish Yew; Hicks Yew; Mugo Pine; Pfitzer Juniper; Savin Juniper
Small Shrubs	
<b>Deciduous</b>	Compact Burning Bush; Regal Privet; Fragrant Sumac; Japanese Quince; Cotoneaster (Cranberry, Rockspray); Potentilla
<b>Evergreen</b>	Spreading Yews (Dense, Brown's, Ward, etc.); Low Spreading Junipers (Andora, Hughes, Tamarack, etc.); Dwarf Mugo Pine; Big Leaf Wintercreeper



- (4) Plant materials that are not permitted, as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests, are included in *Table 14.02.g*:

<b>Table 14.02.g Prohibited Plant Materials</b>	
<b>Trees Not Permitted</b>	
Ash	Mulberry
Box Elder	Poplar
Catalpa	Soft Maple (Red & Silver)
Elm: American, Siberian, Slippery, Red & Chinese	Tree of Heaven
Honey Locust (with thorns)	Willow
Horse Chestnut (nutbearing)	

**(o) Installation and Maintenance Provisions**

- (1) The landscape plan submitted with the site plan shall include a cost estimate for all plant material. At the time of issuing a building permit, a performance guarantee shall be provided for the landscaping shown on the site plan. The Township shall retain the performance guarantee for one (1) year after all landscaping is installed to ensure that the landscaping survives the first growing season or is replaced.
- (2) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. Property owners should make a reasonable effort to install similarly sized plantings to those being replaced; however, replacement plantings shall be at least twenty-five percent (25%) of the caliper or height of the tree being replaced, or the minimum size established in *Table 14.02.d*, whichever is greater.
- (3) Landscaped areas shall be covered by grass, living ground cover or mulch.
- (4) Underground irrigation shall be provided for all landscaped areas.
- (5) Trees required on the site plan shall be maintained to remain in compliance with the site plan. Required landscaping shall not be removed unless approved as a site plan amendment.
- (6) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
- (7) Property owners shall be responsible for maintaining the lawn area and any landscaping within the road right-of-way that abuts the lot's frontage in good condition. Maintenance of entryway or greenbelt landscaping shall be the responsibility of the homeowner's association.



- (p) **Waiver from Landscaping and Screening Requirements.** The Planning Commission during site plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
- (1) Existing natural vegetation.
  - (2) Topography.
  - (3) Existing and proposed building placement.
  - (4) Building heights.
  - (5) Adjacent land uses.
  - (6) Distance between land uses.
  - (7) Dimensional conditions unique to the parcel.
  - (8) Traffic sight distances.

### Section 14.03

### Sidewalks and Non-Motorized Pathways

---

- (a) **Intent.** The purpose of this section is to enhance the health, safety and welfare of the public by the development of a comprehensive non-motorized system to allow for improved access and recreation opportunities.
- (b) **Applicability.** Sidewalks or non-motorized pathways shall be required for any site plan, sketch plan, condominium or subdivision plat under the following circumstances:
- (1) Any residential subdivision or site condominium with at least one (1) lot less than 20,000 square feet in area, or condominium or multiple family development with an overall density of three (3) units per acre or greater shall provide sidewalks along all roads internal to the development.
  - (2) All uses along all site frontages on major roads (as defined in *Article 25 Definitions*) shall provide non-motorized pathways.
  - (3) Other locations where the Planning Commission determines that sidewalks or non-motorized pathways are needed to meet the site plan standards of *Section 17.04 Standards for Site Plan Approval*.
- (c) **Construction Standards.** The following construction standards shall apply to all pedestrian facilities:
- (1) All sidewalks shall be a minimum five (5) feet wide concrete and constructed to the specifications of the American Society of Highway and Transportation Officials (AASHTO).



- (2) All non-motorized pathways shall be at least eight (8) feet wide asphalt and constructed in accordance with the specifications of the governing agency.
- (3) The Planning Commission may require walking trails within open space areas of residential developments. Trails shall be six (6) foot wide crushed aggregate stone or asphalt, or wooden boardwalks in areas with sensitive environmental features. The trail shall provide direct access to all lots where the Planning Commission waives the requirement for paved sidewalks.
- (4) Sidewalks and non-motorized pathways shall be installed by the developer within the dedicated road right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.
- (5) Crosswalk pavement markings shall be required.
- (6) An inclined approach shall be required where sidewalks and non-motorized pathways intersect curbs for barrier free access.
- (7) A performance guarantee, in lieu of sidewalk/pathway construction, may be required by the Planning Commission in instances where significant site constraints such as where there are significant grade changes to adjacent undeveloped property or when utility and other infrastructure improvements are planned for the site in the near future. Under these circumstances, the sidewalk/pathway shall be constructed once the site constraints can be eliminated.

## Section 14.04                      Lighting

---

- (a) **Intent.** The purpose of this section is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists.
- (b) **Applicability.** The regulations of this section shall apply to all uses that require site plan or sketch plan review and approval.
- (c) **Lighting Intensity**
  - (1) Lighting shall not exceed more than one-half (0.5) footcandles at any residential lot line.
  - (2) Lighting shall not exceed more than one (1.0) footcandle at any non-residential lot line, except along road frontage.
  - (3) The maximum light level anywhere on the site shall be ten (10) footcandles.
  - (4) Additional lighting intensity for canopies may be allowed by the Planning Commission where it is determined necessary for safety reasons, provided lighting under canopies may not exceed twenty (20) footcandles.





- (d) **Light Fixtures.** All fixtures and poles shall consist of one of the Township recommended fixtures and be in accordance with the following:
- (1) All fixtures shall be metal halide.
  - (2) Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section.
  - (3) Lighting shall utilize fixed-head, full-cutoff fixtures that are recessed sufficiently such that the light source is not visible from off-site.
  - (4) Bollard lights are permitted to light driveways and pedestrian areas.
  - (5) Floodlight fixtures shall not be permitted except for building accent and sign lighting.
- (e) **Fixture Height.** Light fixtures shall have a maximum height of twenty (20) feet where adjacent to any Residential District. Light fixtures shall have a maximum height of twenty-five (25) feet where adjacent to Non-Residential Districts.
- (f) **Building and Sign Lighting.** All lighting in Non-Residential Districts used for the external illumination of buildings and signs shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads or properties. Illumination of signs shall comply with the requirements of *Article 16 Signs*.
- (g) **Constant Light.** All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
- (h) **Photometric Plan.** Site plans shall be accompanied by a photometric plan, prepared by a licensed engineer, containing the following information:
- (1) Lighting plan showing light fixture locations and type designations.
  - (2) Photometric plan showing horizontal luminance levels by footcandles in a point by point format with contour lines. Canopy lighting shall also be included.
  - (3) Lighting equipment specifications and data sheets.
  - (4) Any other presentations required to convey the intent of the design.

## Section 14.05 Waste Receptacles

---

Waste receptacles, including dumpsters and compactors, shall be designed, constructed and maintained according to the standards of this section. A change in waste receptacle location or size shall require modification to the enclosure, as warranted by this section.

- (a) **Applicability.** The regulations of this section shall apply to all uses that have their refuse removal needs serviced by collective refuse containers.

**(b) Location**

- (1) Waste receptacles shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Planning Commission.
- (2) For non-residential uses adjoining a Residential District, the waste receptacle shall be as far as practical, and in no case be less than twenty (20) feet from any adjacent Residential District.
- (3) Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
- (4) The waste receptacle shall be oriented to not directly face a road or driveway, unless approved by the Planning Commission.

**(c) Materials and Screening**

- (1) Waste receptacles shall be enclosed on three (3) sides with a six (6) foot high masonry enclosure constructed of the primary building materials of the principal building on the site.
- (2) The enclosure shall include a gate, made of high quality material not including wood, as determined by the Planning Commission, on the fourth side. If the waste receptacle is a dumpster it shall have an enclosing lid or cover.
- (3) Supplemental landscaping to screen the waste receptacle enclosure shall be provided.

**(d) General**

- (1) The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement.
- (2) The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- (3) Posts, bollards or bumpers shall also be provided to protect the enclosure from damage.
- (4) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.



---

## Section 14.06 Mechanical Equipment

---

Any mechanical equipment or utilities and similar equipment associated with a commercial, industrial or other non-residential use, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, shall comply with the following standards:

(a) **Roof-Mounted Equipment Screening**

- (1) All roof-mounted equipment shall be screened by a solid screening wall or architectural feature that is constructed of the same material and compatible in appearance with the principal building.
- (2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface.
- (3) When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent road, appropriate architectural screening shall be required.

(b) **Ground-Mounted Equipment.** All ground-mounted equipment shall be screened by a solid screening wall, fence or landscaping. Landscaping shall create a continuous screen with the starting size of the plant material equal to or greater than the height of the equipment at the time of planting.

(c) **Building-Mounted Equipment.** All building-mounted equipment for multiple family residential developments and for any non-residential use shall be screened with landscaping, a solid screening wall or architectural feature, or integrated into the design of the building.

---

## Section 14.07 Mailbox Clusters

---

Where provided, cluster mailboxes containing over eight (8) mailboxes shall comply with the following:

- (a) **Location.** The location of the mailboxes shall not cause conflict between pedestrian and vehicular traffic. In addition, the mailboxes shall be integrated into the overall site plan, the architecture and other site elements.
- (b) **Access.** Access to cluster mailboxes shall be provided by a parking lane located between the mailboxes and the adjacent road. The parking lane shall be constructed as an extension of the road and be a minimum of six (6) feet in width.
- (c) **Appearance.** The materials and design of the mailboxes shall consist of high quality materials that are complementary to the materials and design of the principal buildings, as determined by the Planning Commission.
- (d) **Screening.** Landscaping or a decorative enclosure may be required by the Planning Commission on the backside of the mailbox clusters to help integrate the structure into the overall site layout.

**Off-Street Parking, Loading, Access  
and Circulation Requirements**

---

**Article  
15**





## Section 15.01 Off-Street Parking, Loading, Access and Circulation Requirements

---

### (a) Residential Parking

- (1) Single family residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- (2) Single family residential off-street parking spaces shall be located on hard or pervious concrete, asphalt or permeable/grass pavers. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.
- (3) A minimum three (3) foot wide lawn or landscape strip shall be required between the edge of parking area pavement and all property lines to provide adequate room for drainage, snow storage and privacy screening.
- (4) Carports and garages for multiple-family dwellings shall be calculated as parking spaces on a one to one (1:1) basis. Carports and garages in multiple-family dwelling developments shall be:
  - a. A maximum height of fourteen (14) feet, measured from the grade to the peak of the structure.
  - b. Enclosed or screened at least twenty-five percent (25%) along sides visible from public roads, Single Family Residential Districts or vehicular drives within the site.
  - c. Not permitted in the front yard.
  - d. Approved by the Fire Chief.

(b) **Parking Plan.** Parking areas other than for single family detached homes or two family dwellings on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Building Official, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two (2) foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this section, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.

(c) **Existing Parking.** Off-street parking existing at the effective date of the Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than that required in this Section for a similar new building or new use.



(d) **Location**

- (1) **Distance.** Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant.
- (2) **Setbacks.** Off-street parking spaces shall be setback a minimum twenty (20) feet from any road right-of-way and ten (10) feet from any property line, unless a larger setback is required in accordance with *Section 14.02.f. Buffer Zones*.
- (3) **Reduction or Waiver.** Side or rear parking lot setbacks may be reduced or waived by the Planning Commission where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided. Parking lots shall provide for cross circulation between adjacent sites where the Planning Commission determines that it will be beneficial for traffic circulation between sites in accordance with the requirements of *Section 15.05 Driveway Access Management*.

(e) **Collective or Shared Parking.** Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately, except as provided for in subsection (f) below. Where uses are on separately-owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the Township.

(f) **Reduction of Parking Requirements.** The Planning Commission may reduce the parking requirements based upon a finding that there will be a lower demand for parking due to one (1) or more of the following:

- (1) Shared parking by multiple uses where there will be a high proportion of multi-purpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses. Where uses are on separate lots, the lots shall be adjacent, pedestrian, and vehicular connections shall be maintained between the lots and shared parking agreements shall be filed with the Wayne County Register of Deeds and the Township.
- (2) Expectation of walk-in business due to sidewalk connections to adjacent residential neighborhoods or employment centers. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
- (3) Availability of other forms of travel such as transit. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.



- (g) **Land Banked Parking.** Where the conditions of subsection (f) above are not met, but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the Planning Commission may defer some of the parking, provided the site plan designates portions of the site for future construction of the required parking spaces. Areas reserved for future parking shall be maintained in a landscaped appearance and not used for building area, storage, or other accessory use. The deferred parking shall be required to meet Ordinance requirements if constructed and may not occupy required greenbelts. Construction of the deferred parking area to add parking spaces may be initiated by the owner or required by the Building Official, based on parking needs or observation, and shall require administrative approval of an amended site plan. The Planning Commission or Building Official may request a performance guarantee to cover the cost of developing the deferred parking lot.
  
- (h) **Maximum Allowed Parking.** In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day. The Planning Commission may require that additional spaces be constructed with alternative paving materials, such as permeable/grass pavers or pervious concrete.
  
- (i) **Storage in Parking Lots Prohibited.** The open storage of merchandise, materials, trucks, trailers, construction trailers, recreational vehicles and equipment for periods in excess of a total of forty-eight (48) hours in any given calendar year is prohibited in areas of the property which are designed to accommodate the off-street parking requirements of the site. This provision shall not apply to areas designated for fleet and company vehicles, provided they are located in the side and rear yards.
  
- (j) **Sales in Parking Lots Prohibited.** The placement of materials, merchandise, motor vehicles, trucks, trailers, recreational vehicles or equipment in designated off-street parking areas of a property for the purpose of sale, rental or repair is prohibited, except as may be provided in this Ordinance.

(k) **Barrier Free Parking**

(1) Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with *Table 15.01.a* or in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

Number of Spaces in Parking Lot	Required Minimum Number of Barrier Free Spaces
<b>1 to 25</b>	1
<b>26 to 50</b>	2
<b>51 to 75</b>	3
<b>76 to 100</b>	4
<b>101 to 150</b>	5
<b>151 to 200</b>	6
<b>201 to 300</b>	7
<b>301 to 400</b>	8
<b>401 to 500</b>	9
<b>501 to 1,000</b>	2% of total
<b>1,001 &amp; Over</b>	20 plus 1 for each 100 over 1,000



- (2) Barrier free spaces shall be located as close as possible to building entrances.
- (3) Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

(l) **Units of Measurement**

- (1) **Usable Floor Area.** Where the floor area measurement is specified as usable floor area, parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, usable floor area shall be considered to be eighty percent (80%) of the gross floor area.
- (2) **Fractional Spaces.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- (3) **Bench Seating.** In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating or area for worship shall be counted as one seat.
- (4) **Employees.** Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.

(m) **Off-Street Parking Space Requirements.** The minimum number of off-street parking spaces shall be determined by the type of use in accordance with *Table 15.01.b*. For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Building Official, or determined by the Planning Commission based on documentation regarding the specific parking needs of the use.

<b>Table 15.01.b</b>	
<b>Parking Space Requirements</b>	
<b>Use</b>	<b>Parking Requirements</b>
<b>Residential Uses</b>	
Manufactured Homes	2 spaces per unit
Mobile Home Parks	2 spaces per unit plus 1 space per employee of the mobile home park plus 1 space per 3 mobile homes for visitor parking
Multiple Family Dwellings	1.5 spaces per efficiency or 1 bedroom dwelling unit plus 2 spaces per unit with 2 or more bedrooms
Single Family Attached, Detached & Two Family Dwellings	2 spaces per dwelling unit
<b>Agriculture &amp; Animal Uses</b>	
Veterinary Hospitals or Clinics	1 space per 400 sq. ft. of useable floor area plus 2 spaces per employee





**Table 15.01.b**  
**Parking Space Requirements**

<b>Use</b>	<b>Parking Requirements</b>
<b>Religious, Civic, Educational &amp; Governmental Uses</b>	
Churches, Temples & other Places of Worship, Clubs, Fraternal Organizations, Lodge Halls or other Places of General Assembly	1 space per 3 seats or 6 ft. of benches/pews
Libraries	1 space per 350 sq. ft. of usable floor area
Municipal Buildings & Uses	1 space per 250 sq. ft. usable floor area
Public & Private Noncommercial Recreation Facilities	1 space per 200 sq. ft. of usable floor area
Schools: Colleges, Universities, Business, Technical & Vocational Trade	1 space per 1 teacher, employee, or administrator plus 1 space per 10 students in addition to the requirements of the auditorium or stadium, whichever seats more
Schools: Public, Parochial or Private Elementary, Middle & High	1 space per 1 teacher, employee, or administrator in addition to the requirements for auditorium or stadium, whichever seats more plus 1 space per 10 students for high schools
<b>Retail Trade &amp; Service Uses</b>	
Business Service Storage Facilities	1 space per each 50 storage units plus 1 space per employee
Dry Cleaning, Retail	1 space per 500 sq. ft. of useable floor area
Funeral Homes	1 space per 50 sq. ft. of service parlors, chapels & reception area plus 1 space per each funeral vehicle stored on premise
Furniture/Carpet Stores	1 space per 800 sq. ft. of usable floor area
Grocery Store/Super Market	1 space per 200 sq. ft. of usable floor area
Laundromats	1 space per 2 washing machines
Mortuary Establishments	1 space per 50 sq. ft. of usable floor area
Open Air Businesses, Nurseries, Home Improvement Supplies & Similar Outdoor Retail Sale of Vegetation, Outdoor Home & Garden Supplies & Equipment	1 space per 500 sq. ft. of land area being used for display
Personal Service Establishments Including: Barber/Beauty Shops, Hair, Nail & Skin Care Services, Tanning Salons	1 space per 300 sq. ft. of useable floor area or 2.5 spaces per barber or beautician's chair/station, , whichever is greater
Retail Businesses Whose Principal Activity is the Sale/Rental of Merchandise within a Completely Enclosed Building of 60,000 sq. ft. or More	1 space per 250 sq. ft. of usable retail floor area for the first 50,000 sq. ft. Plus 1 space per 275 sq. ft. for the next 50,000 to 450,000 sq. ft. of usable retail floor area Plus 1 space per 300 sq. ft. for that area in excess of 450,000 sq. ft. of usable retail floor area
Retail Businesses Whose Principal Activity is the Sale/Rental of Merchandise within a Completely Enclosed Building up to 60,000 sq. ft.	1 space per 250 sq. ft. of usable floor space
Self Storage Facilities	4 spaces adjacent to the business office plus 1 space per 200 storage cubicles
Service Establishment of an Office, Showroom, or Workshop Nature	1 space per 800 sq. ft. of usable floor area
Video Rental Establishments	1 space per 150 sq. ft. of usable floor area



Table 15.01.b

## Parking Space Requirements

Use	Parking Requirements
Wholesale/Discount Clubs Establishments	1 space per 200 sq. ft. of usable floor area
<b>Motor Vehicle Uses</b>	
Automobile Filling/Service Station	2 spaces per service bay plus 2 spaces per employee plus 1 space per tow truck plus 1 space per 500 sq. ft. devoted to sales of automotive goods or convenience items
Automobile Repair, Maintenance & Body Work	2 spaces per service bay plus 1 space per employee plus 1 space per tow truck
Automobile Sales & Rental	1 space per 200 sq. ft. plus 3 spaces per each auto service bay
Automobile Washes (Automatic)	2 spaces plus 1 space per employee plus 12 stacking spaces per bay for free-standing washes, 6 stacking spaces when accessory to a gas station plus any required parking for other uses.
Automobile Washes (Self-Service or Coin Operated)	3 stacking spaces per wash bay plus 2 spaces per bay for drying/vacuuuming plus any required parking for other uses.
Recreational Vehicle Sales, Service & Storage	1 space per 800 sq. ft. plus 2 spaces per each vehicle sales service bay
<b>Accommodation &amp; Food Service Uses</b>	
Banquet Halls	1 space per 3 persons of capacity authorized by the Building Code or 1 space per 100 sq. ft. of usable floor area, whichever is greater plus any required parking for other uses, such as restaurants, gift shops, etc.
Bars, Night Clubs & Taverns	1 space per each 60 sq. ft. of usable floor area or 1space per 2 seats, whichever is greater
Hotels/Motels	1 space per guest room plus any required parking for conference rooms, restaurants, bars, exhibit space or banquet rooms
Restaurants, Drive-In	1 space per employee plus 1 space per drive in station
Restaurants, Drive-Thru	1 space per 70 sq. ft. of usable floor area or 0.5 spaces per seat, whichever is greater plus 3 designated drive-through short term waiting spaces plus 10 stacking spaces for drive through service which do not conflict with use of required spaces plus at least 2 longer spaces designated for recreational vehicles & semi-trucks
Restaurants, Sit Down (With Liquor)	1 space per 70 sq. ft. of usable floor area or 1 per 2 seats, whichever is greater
Restaurants, Sit Down (Without Liquor)	1 space per 100 sq. ft. of usable floor area or 1 space per 2 seats, whichever is the greater plus up to 5 longer spaces designated for recreational vehicles & semi-trucks



**Table 15.01.b**  
**Parking Space Requirements**

Use	Parking Requirements
Restaurants, Carryout	4 spaces or 1 space per employee plus 1 per 60 sq. ft. of usable floor area, whichever is greater
<b>Art, Entertainment &amp; Recreation Uses</b>	
Golf Courses	3 spaces per course hole plus any required parking for other uses such as a banquet hall, gift shop or lounge.
Health, Fitness & Athletic Clubs or Gyms	1 space per 200 sq. ft. of usable floor area
Indoor Recreation Including Private Athletic Fields, Billiards, Bowling, Swimming Pool	1 space per 3 persons allowed within the maximum occupancy load as established by the Building Code or 1 space per 200 sq. ft. of usable floor area, whichever is greater
Bowling Alleys	5 spaces per lane plus 25% of the required parking for any restaurant or lounge
Marinas & Boat Clubs	1 space per 2 boat slips plus any required parking for other uses such as a banquet hall or restaurant.
Outdoor Recreation Including Miniature Golf, Batting Cages Rifle, Gun & Archery Ranges, Go-Cart Tracks, & other Recreation Facilities Operated for Profit	2 spaces per batting cage, archery range, miniature golf hole, or similar activity
Theaters, Assembly Halls, Concert Halls, or Similar Places of Assembly when Conducted Completely within Enclosed Buildings	1 space per 3 seats plus 1 space per 2 employees
<b>Finance, Insurance, Real Estate, Professional, Scientific &amp; Technical Service Uses</b>	
Banks, Credit Unions, Savings & Loan Associations	1 space per 200 sq. ft. of usable floor area plus 2 spaces per "walk-up" ATM Drive-up windows shall be provided 4 stacking spaces per window
Professional Business Offices & Services	1 space per each 250 sq. ft. of usable floor area
<b>Health &amp; Human Care Uses</b>	
Adult Day Care Centers, Foster Care, Family Day Care Home, Foster Family Home, Group Day Care Home	1 space per 4 clients plus 1 space per each employee
Child Care Center, Nursery Schools & Day Nurseries	2 spaces plus 1 additional space per 8 children of licensed authorized capacity
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 sq. ft. of office or outpatient area
Medical Offices & Clinics	1 space per 250 sq. ft. of usable floor area
Senior Assisted Living	1 space per room or 2 beds, whichever is less plus 1 space per employee
Convalescent/Nursing Home	1 space per 2 rooms or 3 beds, whichever is less plus 1 space per employee
Senior Independent Living	1.5 spaces per unit



Table 15.01.b

## Parking Space Requirements

Use	Parking Requirements
<b>Transportation, Utility &amp; Warehousing Uses</b>	
Warehousing & Storage	1 space per 1,500 sq. ft. usable floor area or 1 space per employee, whichever is greater plus 1 space per corporate vehicle
<b>Manufacturing &amp; Construction Uses</b>	
Light Industrial, Manufacturing, Testing Labs, Research, Design & Development Centers	1 space per 700 sq. ft. of useable floor area or 1.2 spaces per employee, whichever is greater plus 1 space per corporate vehicle stored on site

## Section 15.02

## Off-Street Parking Facility Design

Whenever the off-street parking requirements in this Article require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following regulations.

## (a) Access

- (1) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles meeting the requirements of *Section 15.05 Driveway Access Management*.
- (2) All spaces shall be provided adequate access by means of maneuvering lanes.
- (3) Parking lots shall be designed to prevent vehicles from backing into the road or requiring use of the road for maneuvering between parking rows.
- (4) Ingress and egress to parking lot lying in a Non-Residential District shall not traverse any land in a Residential District.
- (5) Each entrance to and exit from any off-street parking lot located in a Non-Residential District shall be setback twenty-five (25) feet from any adjacent Single Family Residential District.

(b) **Dimensional Requirements.** Plans for the layout of off-street parking facilities shall be in accordance with *Table 15.02*.

Table 15.02

## Off-Street Parking Dimensional Requirements

Parking Pattern	Parking Space		Maneuvering Lane Width	
	Width	Length	One Way	Two Way
0° (Parallel)	8 ft.	23 ft.	12 ft. <sup>1</sup>	24 ft.
30° to 53°	9 ft.	18 ft.	12 ft.	24 ft.
54° to 74°	9 ft.	18 ft.	15 ft.	24 ft.
75° to 90°	9 ft. 6 in.	20 ft.	20 ft.	24 ft.

<sup>1</sup> Will be required to be increase in instances where fire or safety apparatus is required to use maneuvering lanes.



- (c) **Parking Abutting Sidewalk.** Where a parking space abuts a building or sidewalk, the minimum sidewalk width shall be seven (7) feet. Where parking spaces overhang a seven (7) foot wide sidewalk or a curbed landscape area, two (2) feet may be deducted from the required length of the parking space.
- (d) **Stacking Spaces.** Required stacking spaces shall be a minimum nine (9) feet wide and twenty (20) feet in length.
- (e) **Pavement.** All driveways and parking lots, with the exception of those serving detached single family homes, shall be hard-surfaced with concrete or asphalt and shall have concrete curbing on all sides. Bumper blocks shall not be used in parking lots except where the Planning Commission determines they are necessary. The Planning Commission may approve alternative paving materials, such as permeable/grass pavers or pervious concrete, for overflow, seasonal or low usage parking, based upon the review and recommendation of the Township Engineer.
- (f) **Drainage.** All parking lots shall be graded or drained to dispose of storm water runoff. The Planning Commission may permit openings in the curbing for drainage purposes. No surface water from a commercial or industrial parking lot shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require written approval of Wayne County, the appropriate road agency and Township Engineer. Parking lot pavement, curbing and drainage shall be in accordance with Township specifications or approved by Township Engineer. All storm water shall meet the requirements of the Wayne County Storm Water Management Ordinance ([www.waynecounty.com/doi/watershed/swOrdinanceSum.htm](http://www.waynecounty.com/doi/watershed/swOrdinanceSum.htm)).
- (g) **Illumination.** All illumination of parking lots or display areas shall be designed, installed and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roads. Parking lot lighting shall comply with the requirements of *Section 14.04 Lighting*.
- (h) **Construction and Maintenance**
- (1) **Plans.** Plans and specifications for parking areas shall be submitted and approved following the site plan review requirements of *Article 17 Site Plan Review*.
  - (2) **Installation.** Required parking lots shall be installed and completed before issuance of an occupancy permit. The Building Official may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
  - (3) **Maintenance.** Pavement shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.



### Section 15.03 Off-Street Loading Requirements

On premise space for standing, loading and unloading vehicles shall be provided per use involving the receipt or distribution of goods in accordance with the following regulations. The Planning Commission may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.

- (a) **Not Included with Parking.** Required loading areas shall not be included in calculations for off-street parking space requirements.
- (b) **Location.** Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- (c) **Alleys.** Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- (d) **Size.** The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five-hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The Planning Commission may modify this requirement for uses, such as offices, that will involve smaller delivery trucks.
- (e) **Traffic Flow.** The size of the loading area shall be sufficient to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public roads.
- (f) **Number.** The minimum number of loading spaces shall be provided in accordance with *Table 15.03*.
- (g) **Pavement.** Loading dock approaches shall be constructed of an asphalt or concrete with a base sufficient to accommodate expected vehicle weight.
- (h) **Screening.** Loading docks and loading areas visible from a Residential District or a public road shall be adequately screened by a wall and/or landscaping.
- (i) **Exceptions.** For office uses that will not require a large truck deliveries, loading may take place in undesignated places in parking lots provided such loading is of a short-term nature.

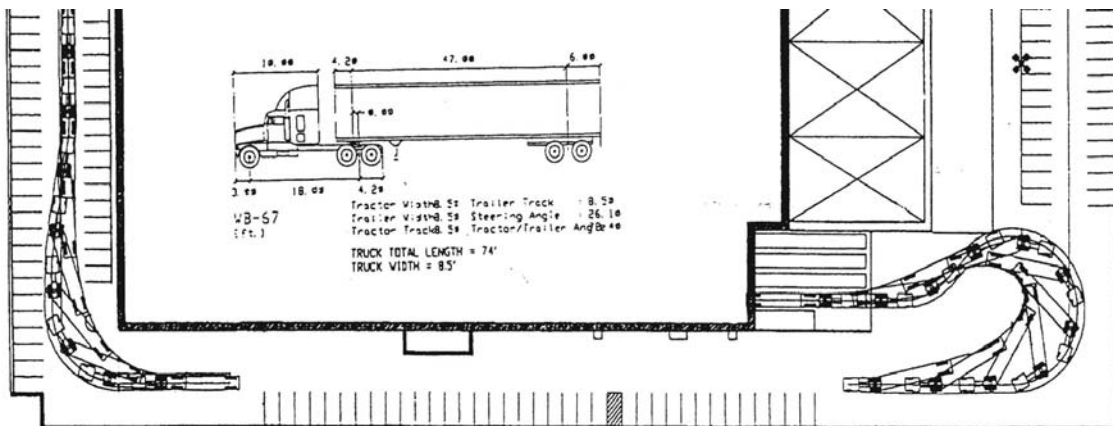
<b>Table 15.03</b>	
<b>Off-Street Loading Requirements</b>	
<b>Gross Floor Area (in square feet)</b>	<b>Loading &amp; Unloading Space Required</b>
<b>Commercial, Office &amp; Institutional Uses</b>	
<b>Up to 5,000</b>	1 space
<b>5,001 - 60,000</b>	1 space plus 1 space per additional 20,000 sq. ft
<b>60,001 &amp; over</b>	1 space plus 1 space per additional 50,000 sq. ft
<b>Industrial Uses</b>	
<b>Up to 1,400</b>	None
<b>1,401 - 20,000</b>	1 space
<b>20,001 - 100,000</b>	1 space plus 1 space per additional 20,000 sq. ft
<b>100,001 &amp; over</b>	5 spaces



## Section 15.04 Truck Maneuvering, Access and Circulation Standards

- (a) **Truck Access.** All site plans submitted under of *Article 17 Site Plan Review* must indicate the type and volume of truck traffic anticipated at the site, include dimensions of all truck access and circulation lanes, and indicate all truck loading/unloading areas. Driveways and roads of commercial and industrial facilities anticipated to receive truck traffic must be designed to adequately accommodate that traffic and be constructed to meet Wayne County and Michigan Department of Transportation (MDOT) standards.
- (b) **Truck Circulation Plan.** Site plans must include a diagram with the dimensions of trucks anticipated at the site and show all existing and proposed truck circulation patterns, including the direction and flow of truck traffic on the site and dimensions of all truck service drives, berths and dock approaches.

**Truck Circulation Plan**

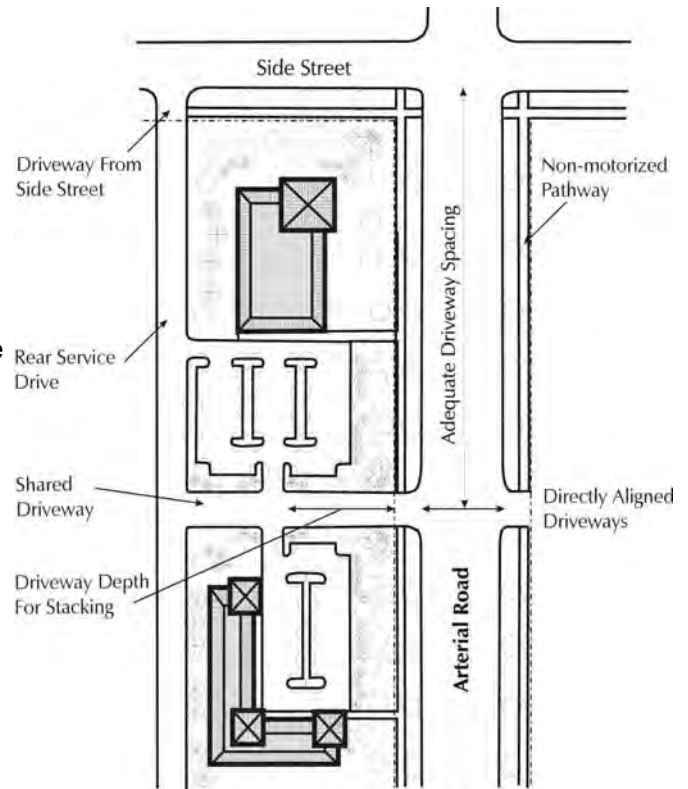


- (c) **Turning Radius.** Design features for trucking facilities shall include larger turning radii and added maneuvering space and pavement design to accommodate trucks. At a minimum these standards shall be those recommended by the American Association of State Highway and Transportation Officials (AASHTO) or another standard specified by the Township Engineer.

**Section 15.05 Driveway Access Management**

**(a) Driveway Location in General**

- (1) All driveways serving multiple-family, commercial, office, institutional or industrial uses, hereafter referred to as “commercial driveways,” shall comply with the requirements of this section.
- (2) Driveways for non-residential uses shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.



**(b) Driveway Spacing Standards**

- (1) Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the road may be set on a case-by-case basis but in no instance shall be less than the distances listed in *Table 15.05.a*. The following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the road, to the near lane edge of the intersecting road or pavement edge for uncurbed sections.

**Table 15.05.a**

**Minimum Commercial Driveway Spacing from Road Intersections<sup>1,2</sup>**

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
<b>Along Major Roads, Intersecting Road is a Major Road</b>	250 ft.	125 ft.
<b>Along Major Roads, Intersecting Road is Not a Major Road</b>	200 ft.	125 ft.
<b>All Other Roads</b>	75 ft.	50 ft.

<sup>1</sup> Major Roads are defined in *Article 25 Definitions*.  
<sup>2</sup> For sites with insufficient road frontage to meet the above criterion, the Planning Commission may require construction of the driveway on a side street, a shared driveway with an adjacent property, construction of the driveway along the property line farthest from the intersection, or require a service drive.

- (2) Minimum spacing between two (2) commercial driveways shall be determined based upon posted speed limits along the parcel frontage. The minimum spacing indicated in *Table 15.05.b* are measured from centerline to centerline.





- (3) To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the road where possible. If alignment is not possible, driveways shall be offset a minimum of two-hundred fifty (250) feet along arterial roads and one-hundred-fifty (150) feet along collector and local roads from those on the opposite side of the road. These standards may be reduced by the Planning Commission where there is insufficient frontage and shared access with an adjacent site is not feasible. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.
- (4) In the case of expansion, alteration or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Planning Commission may modify the driveway spacing requirements. Such modifications shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.

**Table 15.05.b**  
**Minimum Commercial Driveway Spacing from Another Driveway**

Posted Speed Limit (MPH)	Minimum Driveway Spacing
25	125 ft.
30	155 ft.
35	185 ft.
40	225 ft.
45	300 ft.
50 & Over	330 ft.

**(c) Number of Commercial Driveways**

- (1) The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public road.
- (2) Access shall be provided per separately owned parcel. This access may be an individual driveway, shared driveway or via a service drive. Multiple driveways may be permitted for property only as follows:
  - a. One (1) additional driveway may be allowed for properties with a continuous frontage of over three-hundred (300) feet, and one (1) additional driveway per additional three-hundred (300) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
  - b. The Planning Commission determines additional access is justified without compromising traffic operations along the public road.
  - c. Two (2) one-way driveways may be permitted where the frontage is at least one-hundred twenty-five (125) feet.

**(d) Commercial Driveway Design**

- (1) All commercial driveways shall be designed according to the standards of the Township, the Wayne County or MDOT, as appropriate.
- (2) For high traffic generators, or for commercial driveways along roads experiencing or expected to experience congestion, the Planning Commission may require two (2) egress lanes.



- (3) Where a boulevard entrance is desired by the applicant or Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the section outside the public right-of-way. Such landscaping shall be tolerant of road conditions.

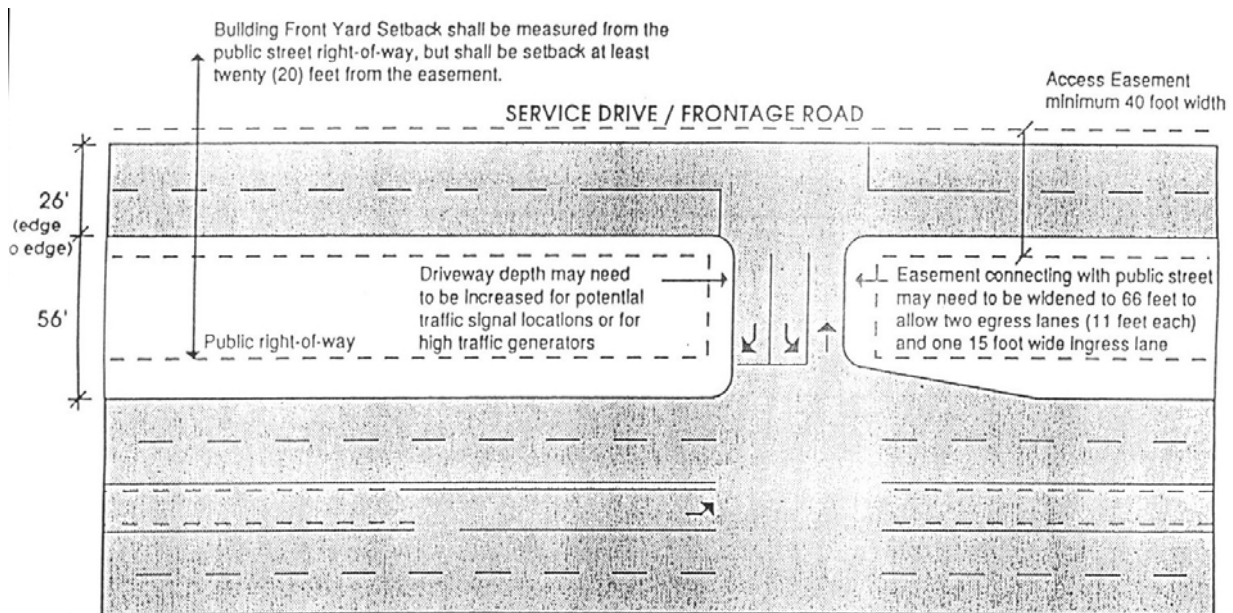
(e) **Shared Driveways, Frontage Roads and Service Drives**

- (1) Where noted above, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared driveway, frontage road or service drive connecting two (2) or more properties or uses may be required. In particular, service drives may be required near existing traffic signals or near locations having potential for future signalization; along major arterial roads with high traffic volumes; and along segments with a relatively high number of accidents or limited sight distance.
- (2) Shared driveways and service drives shall be within an access easement recorded with the Wayne County Register of Deeds. A draft of the access easement shall be provided to the Township for review prior to filing.
- (3) The number of accesses along a service drive shall be according to the standards of this section. The Planning Commission may allow temporary access where the service drive is not completed if a performance bond or other financial guarantee is provided which assures elimination of the temporary access upon completion of the service drive. Building permits shall not be issued until such financial guarantee has been submitted to the Township.
- (4) Service Drive Design Standards
  - a. **Location.** Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
  - b. **Access Easement.** The service drive shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of forty (40) feet wide, The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission.
  - c. **Construction and Materials.** Service drives shall have a base, pavement and curb with gutter in accordance Wayne County standards for public roads, except the width of the service road shall have a minimum pavement width of twenty-six (26) feet or as approved by the Township Engineer.



- d. **Parking.** The service drive is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service drive. In reviewing the site plan, the Planning Commission may permit temporary parking in the easement area where a continuous service drive is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service drive.
- e. **Access to Service Drive.** The Planning Commission shall approve the location of all accesses to the service drive, based on the driveway spacing standards of this Section, provided the Planning Commission may allow additional driveways if approved by the Wayne County or MDOT, and consistent with purpose of this section.
- f. **Temporary Access.** The Planning Commission may approve temporary accesses where a continuous service drive is not yet available and a performance bond or escrow is created to assure elimination of temporary access when the service drive is continued. Building permits shall not be issued until monies have been deposited with the Township.
- g. **Elevation.** The site plan shall indicate the proposed elevation of the service drive at the property line and the Township shall maintain a record of all service drive elevations so that their grades can be coordinated.
- h. **Landscaping.** The area between a service drive and the public road right-of-way shall be planted as a landscaped greenbelt as specified in *Section 14.02 (e) Greenbelts*.
- i. **Maintenance.** Each property owner shall be responsible for maintenance of the easement and service drive.

### Service Drives



**Signs**

---

**Article  
16**



**Brownstown Township Zoning Ordinance**

---



---

## Section 16.01 Intent

---

The intent of this Article is to regulate signs and to minimize outdoor advertising within the Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the Township. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Township in order to:

- (a) Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- (b) Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- (c) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- (d) Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
- (e) Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.
- (f) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- (g) Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- (h) Prevent off-premise signs from conflicting with other land uses.
- (i) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- (j) Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.



---

## Section 16.02 Scope of Requirements

---

It will be unlawful for any person, firm, or corporation to erect, construct, or alter any sign except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided in this Article.

## Section 16.03 Prohibited Signs

---

The following signs are specifically prohibited:

- (a) Any sign not expressly permitted.
- (b) **Banners.** Pennants, spinners, and streamers, and banners bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event.
- (c) **Changeable Message.** Except where expressly allowed in this Article.
- (d) **Commercial Vehicles used as Signs.** An unlicensed or inoperable stationary or abandoned motor vehicle, trailer or water craft parked on public or private property used specifically for signage and not for the intended use of the vehicle. No commercial vehicle may be parked on a business or industrial premise for a time period exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign.
- (e) **Emergency Vehicles Simulation Signs.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals.
- (f) **Exterior String Lights.** String lights used in connection with a commercial enterprise, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.
- (g) **High Intensity/Flashing Light Signs.** Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs or lights, or municipal vehicle warnings from a distance.
- (h) **Moving Signs.** Signs having moving members or parts or appearance of movement.
- (i) **Snipe Signs.** Signs attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.



- (j) **Obsolete Signs.** Signs that advertise a product that is no longer made, an event that has already occurred, or that advertises a business that has closed.
- (k) **Off-Premise Signs.** Signs, except for billboards, which identify a use or advertises products and services not available on the site or parcel on which the sign is located (e.g. garage sale signs, residential open house signs, signs providing directions to a business).
- (l) **Pole Signs.** Pole signs shall be prohibited.
- (m) **Portable Signs.** Except where expressly allowed in this Article.
- (n) **Roof Signs.** A sign erected above the roof line of a building.
- (o) **Signs that Confuse Traffic.** Signs that make use of the words "Stop", "Look", "Go", "Slow", "Caution", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- (p) **Signs that Obstruct Access.** Signs that prevent free and unobstructed access to any door, window, fire escape, or other required exit.
- (q) **Signs that Obstruct Vision.** Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (r) **Signs Located in Public Right-of-way.** Signs located in, encroaching upon or overhanging public right-of-ways.
- (s) **Structurally Unsafe Signs.** Signs which are deemed structurally unsafe or are constructed in violation of the requirements of any adopted Construction Code.

## Section 16.04 Signs Not Requiring a Permit

---

A sign of the following type shall be permitted without the issuance of a sign permit subject to all other requirements of this Article:

- (a) **Device Signs.** Permanent signs on vending machines or other containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three (3) square feet.
- (b) **Flags.** Flags provided there shall a maximum of three (3) flags per lot, the maximum size of each flag shall be 50 square feet, with a maximum height of thirty-five (35) feet.



- (c) **Employment Signs.** "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six (6) square feet.
- (d) **Enclosed Signs.** Any sign that is located completely within a building and is not visible from the outside.
- (e) **Gas Station Pump Island Signs.** Customary information located on the structural supports of the pumps regarding the brand, type of gasoline sold, and service provided not exceeding three (3) square feet per pump. May contain up to two (2) additional pump island signs identifying "self-serve" and "full-serve" operations, provided that there is no business identification or advertising copy on such signs, that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area.
- (f) **Historical Signs.** Plaques or signs designating a building or premises as a historic structure or premises not to exceed six (6) square feet.
- (g) **Identification Signs.** Signs for the sole purpose of designating an assigned house number, owner name, occupant, or building name. Identification signs shall not be counted in the total sign area allowed on the premises, however, such signs in excess of one (1) square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this Ordinance.
- (h) **Incidental Signs.** Small signs, emblems, or decals informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations. The total of all such incidental signs shall not exceed two (2) square feet.
- (i) **Murals.** Murals shall be allowed providing no text, commercial logos or other identifiable commercial representation are included.
- (j) **Nonconforming Signs.** Legal nonconforming signs existing on the effective date of the adoption of the Ordinance. Removal of the sign shall constitute an elimination of the non-conforming status.
- (k) **Public Signs.** Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
- (l) **Temporary Signs.** Temporary signs shall be permitted provided they are setback a minimum of ten (10) feet from the public right-of-way or any lot line and in accordance with *Table 16.04*.





**Table 16.04**  
**Temporary Sign Regulations**

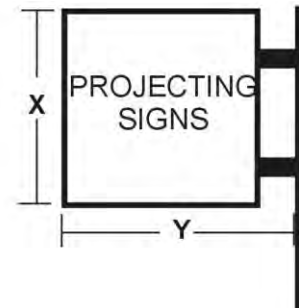
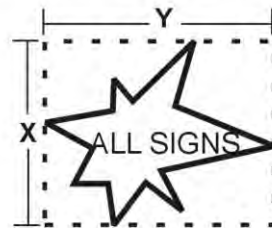
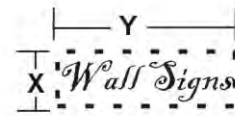
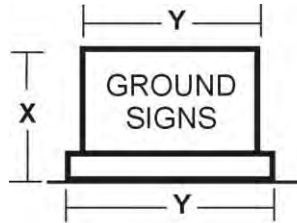
Type of Sign	Maximum Size	Maximum Height	Maximum Number	Permitted Duration
<b>Community Special Event Signs</b>	Discretion of the Building Official			Shall be installed up to 3 weeks prior to event and removed within 1 day after event
<b>Construction Signs</b>	64 sq. ft.	15 ft.	1 per street frontage	Shall be removed from premises within 30 days after issuance of the occupancy permit or temporary occupancy permit
<b>Garage Sale Signs</b>	6 sq. ft.	6 ft.	1 per street frontage	Shall be erected no more than 10 business days before and removed within 1 business day after the sale
<b>Grand Opening Sign, Special Sale &amp; Promotional Signs</b>	16 sq. ft.	Ground sign 6 ft. Wall sign not higher than building	1 per street frontage	May be erected for a maximum of 15 consecutive days every 6 months
<b>Political Signs</b>	16 sq. ft.	--	--	The owner of the property or the person in charge thereof shall be responsible for the removal of the signs
<b>Real Estate: Sale or Lease of Individual Business or Lot</b>	8 sq. ft.	6 ft.	1 per street frontage	Shall be removed within 15 days of sale closing, or the lease or rental of the premises
<b>Real Estate: Development Signs</b>	32 sq. ft.	8 ft.	1 per street frontage	Remove within 7 days after all units or lots sold or leased

- (m) **Traffic Control Signs.** Signs directing and guiding traffic and parking on private property, but bearing no advertising, including logos.
- (n) **Window Signs.** Window signs shall be permitted in all Non-Residential Districts, up to twenty-five percent (25%) of the glass surface provided the following:
- (1) The area of permanent window signs shall be counted in determining compliance with requirements for total area of wall signs.
  - (2) Window signs that are faded, yellowed, ripped, or otherwise damaged shall be removed immediately.

## Section 16.05 General Provisions for Permitted Signs

The following general requirements apply for all signs in the Township

- (a) **Determination of Sign Area.** Signs shall not exceed the maximum size for display area in accordance with *Table 16.06.a* and as regulated elsewhere in this Article. The sign display area shall be expressed in square feet, computed to the nearest tenth of a square foot, and computed as follows:



- (1) **Single Faced Sign.** The allowable area for a single faced sign shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle, including any frame.
  - (2) **Wall Signs.** Where a sign consists of individual letters and/or a logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.
  - (3) **Double Faced Signs.** Where a sign has two (2) or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back and are separated by no more than two (2) feet.
- (b) **Sign Height.** The height of the sign shall be measured from the average grade to the uppermost point of the sign in accordance with *Table 16.06.a* and as regulated elsewhere in this Article. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.
- (c) **Location**
- (1) **Right-of-Way Setbacks.** All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public road right-of-way. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
  - (2) **Yard Setbacks.** Side and rear yard setbacks for signs shall be the same as that required for the main structure, provided that all non-residential signs shall be setback at least one hundred (100) feet from any Residential District, measured along a straight horizontal line that represents the shortest distance between the sign and the property line



- (3) **Obstruction to Doors, Windows and Fire Escapes.** Signs shall not be erected or maintained so as to prevent free ingress and egress from any door, window or fire escape. Signs shall not be attached to a stand pipe or fire escape.

(d) **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 be designed to complement the original construction materials and architectural style of the building façade to promote an overall unified and aesthetic effect as permitted in the various zoning districts. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

(e) **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 (1/2) hour following the close of the business, whichever is later. No sign shall be illuminated before 6:00 a.m., or one half (1/2) hour prior to the beginning of the opening of the business, whichever is earlier.
- (3) **Non-glare, Shielded Lighting.** Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded downward so as not to project onto adjoining properties or roads.
- (4) **Traffic Hazards.** 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.
- (6) **Wiring.** Underground wiring shall be required for all illuminated signs not attached to a building.

(f) **Construction Requirements.** The following construction requirements apply to all permanent signs.

- (1) **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.
- (2) **Support Location.** No pole, cable or support of any nature shall be placed on any publicly owned property, road right-of-way, or proposed road right-of-way.
- (3) **Safety Triangle.** No sign shall be located within, project into, or overhang the triangular area formed at the intersection of any two (2) road 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 twenty-five (25) feet from their point of intersection.

**(4) Sign Safety**

- a. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot.
- b. All signs shall be erected so that any part including cables, guys, etc. shall have a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other public utility pole or standard.
- c. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code. Signs with electrical connections shall comply with Electrical Code requirements, including the application, inspection, and approval of an electrical permit.

**Section 16.06 Permitted Sign Regulations**

(a) The number, display area, and height of signs within the various zoning districts are provided in *Table 16.06.a* and its accompanying set of additional requirements.

<b>Type of Sign</b>	<b>Maximum Height</b>	<b>Maximum Size (per face)</b>	<b>Maximum Number</b>	<b>Additional Requirements</b>
<b>Awning, Canopy or Marquee Signs</b>	Bottom shall be at least 8 ft. from ground	25% of awning surface	1 per street frontage	<i>Section 16.06 (c)(1)</i>
<b>Billboards</b>	<i>Section 16.06 (c)(2)</i>			
<b>Gasoline Price Signs</b>	10 ft.	12 sq. ft.	1 per street frontage	<i>Section 16.06 (c)(3)</i>
<b>Ground or Monument Signs</b>	8 ft.	40 sq. ft.	1 per street frontage	<i>Section 16.06 (c)(9)</i>
<b>Home Occupation Signs</b>	--	3 sq. ft.	1 per lot	<i>Section 16.06 (c)(4)</i>
<b>Portable Signs (Menu/Sandwich Board, Poster Boards, A-frames)</b>	4 ft.	3 sq. ft.	1 per street frontage	<i>Section 16.06 (c)(5)</i>
<b>Projecting Signs</b>	Bottom shall be at least 8 ft. from ground	12 sq. ft.	1 per street frontage	<i>Section 16.06 (c)(6)</i>
<b>Residential Entranceway Signs</b>	6 ft.	48 sq. ft.	1 per entrance	<i>Section 16.06 (c)(7)</i>
<b>Wall Signs</b>	Shall not exceed height of building	10% of wall up to a maximum of 100 sq. ft.	--	<i>Section 16.06 (c)(8)</i>



(b) **Size Increase.** The Planning Commission may permit a fifteen percent (15%) increase in the allowable sign area where the site has shared access with an adjoining site in accordance with *Section 15.05 Driveway Access Management*, the sign has a brick base, and additional landscaping is provided around the base of the sign.

(c) **Additional Requirements from Table 16.06a.**

(1) **Awning, Canopy or Marquee Signs**

- a. A total area of the lettering and logo shall not exceed twenty-five (25) percent of the total area of the marquee, or canopy (excluding supports) that is visible from the road.
- b. The display area of the sign on a marquee, or canopy shall be counted toward determining compliance with the requirements for total allowable area of wall signs allowed on the parcel.
- c. Marquee signs are prohibited from projecting over any public easement or right-of-way, however, other limitations imposed by this Article concerning projecting signs shall not apply to marquee, or canopy signs.
- d. Any lettering used solely for the purpose of presenting the numerals of a road address shall not be included within the computed sign area on a marquee, or canopy, provided that the height or width of the numerals does not exceed the height or width of other letters or numerals on the marquee, or canopy.
- e. Awnings and canopies shall not be internally illuminated.

(2) **Billboards.** Billboard signs may be allowed with special land use approval only in the OR-1, ES and 1-2 Districts. Such approval shall be given only when all of the following minimum conditions are met:

- a. Billboards shall be permitted only on parcels abutting interstate highways, freeways and other primary highways in OR-1, ES and 1-2 Districts provided that such a sign shall not be placed on a parcel having any other structure within one hundred (100) feet of the sign, and no other structure shall be placed on the parcel within one hundred (100) feet of the sign, except that minimum distance from other billboards shall be regulated as set forth in paragraph (b) following; and that a sign shall not be located within fifty (50) feet of any boundary of such parcel.
- b. Where two (2) or more billboards are located along the frontage of any freeway, they shall not be less than two thousand five hundred (2,500) feet apart. When two (2) or more billboards are located along the frontage of any primary highway other than freeways, they shall be not less than one thousand seven hundred (1,700) feet apart. A double face (back-to-back) or a V-type structure shall be considered a single sign provided the two (2) faces are not separated by more than two (2) feet, or the interior angle does not exceed twenty (20) degrees, whichever is applicable.
- c. The total surface area, facing in the same direction, of any billboard, shall not exceed three hundred (300) square feet. Signs may be single or double faced and shall contain no more than two (2) faces, or panels.



- d. Billboards shall not exceed twenty (20) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge construction, and similar conditions obstruct views of the sign.
- e. Billboards shall not be erected on the roof of any building, nor have one sign above another.

- (3) **Gasoline Price Signs.** Price of gas only may consist of an electronic changeable message.
- (4) **Home Occupation Signs.** Home occupation signs shall be installed on a window or attached to the wall of the building.
- (5) **Portable Signs (Menu/Sandwich Board, Poster Boards, A-frames).** Permitted portable signs shall not be placed longer than thirty (30) days at a time or more than ninety (90) days in a calendar year.
- (6) **Projecting Signs.** Signs shall not project higher than height of the wall to which it is attached.
- (7) **Residential Entranceway Signs.** A maintenance agreement for the sign is required by subdivision, condominium or cluster housing project. If sign is located on an individually owned parcel, a private easement dedicated for such purposes must be obtained, in addition to a maintenance agreement with the homeowners association.

(8) **Wall Signs**

- a. Shall not extend more than twelve (12) inches beyond the surface of the portion of the building wall area upon which it is painted, erected, or fastened.
- b. Signs to be displayed on not more than three (3) exterior walls of the main structure.
- c. May be directly or indirectly illuminated.
- d. For signs that face directly onto adjacent public road right-of-way, the maximum allowable wall sign area may be increased in accordance with *Table 16.06.b.* up to a maximum of one hundred forty (140) square feet.

<b>Table 16.06.b Wall Signs Area Increase</b>	
<b>Distance of Sign from Right-of-way</b>	<b>Allowable Increase in Sign Area</b>
200 - 300 ft.	25%
301 - 400 ft.	30%
401 - 500 ft.	35%
501+ ft.	40%

- (9) **Electronic Changeable Signs.** Such signs may be allowed as all or part of a ground or monument sign provided that messages shall not scroll or blink and the message change rate shall be no less than thirty (30) seconds.

**Section 16.07 Nonconforming Signs**

(a) **Continuance**

- (1) **Existing Signs.** 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.

- (2) **Damaged Signs.** A nonconforming sign may continue as long as it is not destroyed, abandoned, or discontinued. A sign damaged in excess of fifty percent (50%) of its replacement cost is considered destroyed.
  - (3) **Site Plan Review.** Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, the nonconforming sign shall be removed with the exception of existing billboards.
  - (4) **Abandonment.** Where an existing nonconforming sign ceases to display advertising matter, has obsolete advertising mater or is blank for a period of one (1) year, it will be considered discontinued or abandoned.
- (b) **Restrictions.** 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 Article only, the term "altered" or "reconstructed" shall not include 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) Changing backgrounds, letters, figures, or characters, or other embellishments.
- (c) **Requirements.** Nonconforming signs shall comply with the following requirements:
- (1) **Repairs and Maintenance.** Normal maintenance shall be allowed, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-existing fair market value, exclusive of the foundation, shall only be reconstructed in conformance with this Article. 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.
  - (2) **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.
  - (3) **Substitution.** Nonconforming signs shall not be replaced with another nonconforming sign.

## Section 16.08

## Sign Inspection and Maintenance

---

### (a) Sign Inspection

- (1) **Responsibility for Compliance.** The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and
-



removal of a sign and the area in the vicinity thereof.

- (2) **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 requirements of Township Ordinances and Codes.
- (3) **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 when such fastenings are to be installed so that inspection may be completed before enclosure.
- (4) **Inspection of Existing Signs.** The Building Official 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 section, 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.

(b) **Sign Maintenance**

- (1) **Maintenance of Signs.** All signs for which a permit is required and all supports therefore shall:
  - a. Be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit.
  - b. Be kept and maintained in a safe condition, consistent with adopted building and mechanical codes.
  - c. At all times conform to all the provisions of this Article.
- (2) **Correction of Defects.** If the Building Official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Building Official. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired within twelve (12) hours of notification.

- (c) **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 seven (7) calendar days of the cessation of operation. 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. 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.





## Section 16.09 Sign Permits

---

- (a) **Application for Permit.** 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 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) Two (2) blueprints or drawings of the plans and specifications and method of construction and attachments to the building or in the ground.
  - (5) Copy of stress sheets and calculations showing the sign structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the Township, provided further that where the Building Official may require the approval of the structural design by a registered engineer.
  - (6) Name of person, firm, corporation or association erecting structure.
  - (7) Written consent of the owner where the sign is to be erected on vacant land.
  - (8) In all cases where wiring is to be used in connection with the structure, it shall comply with the National Electrical Code.
  - (9) Proof of license for the sign erector and installer.
  - (10) Such other information as the Building Official requires to show full compliance with this and all other Township Ordinances.
- (b) **Permit Issued if Application in Order.** It is the duty of the Building Official, upon the filing of an application for a permit, to examine the 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 requirements of Township Codes and Ordinances, then the building permit shall be issued. In the case of illuminated signs, both an electrical permit and an erection permit must be issued simultaneously.
- (c) **Permit Fee.** It is unlawful in the Township for any person to erect or alter any sign, except those signs specifically exempted in this Article, unless a permit has first been obtained from the Building Official for such erection or alteration, and permit fee paid to the Township Treasurer according to the schedule established by resolution of the Township Board.
- (d) **Permit Revocable at Any Time.** All rights and privileges acquired under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained in this Article. If the work authorized under a permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.

## Site Plan Review

---

# Article 17



**Brownstown Township Zoning Ordinance**

---



---

## Section 17.01 Intent

---

- (a) It is the intent of this Article to require site plan review and approval prior to commencement of site development to ensure that the arrangement, location, design and materials within a site are consistent with the character of the Township and the goals in the Brownstown Township Master Plan. In particular, the standards herein are intended to minimize negative impacts on natural resources, utility systems, public service delivery, traffic operations, adjacent neighborhood or district character and the character of future development.
- (b) It is further the intent of this Article to bring existing sites that do not conform with current standards of this Ordinance into greater conformity when uses change or an exterior renovation or expansion is proposed.

---

## Section 17.02 Uses Requiring Review

---

A building permit shall not be issued until a site plan or sketch plan has been reviewed and approved in accordance with the procedures and standards of this Article and all necessary review, inspection, and permit fees have been fully paid. The types of site plan review for various types of projects are classified into three (3) types as described below and in *Table 17.02*.

- (a) **Site Plan Review.** The most involved process for larger and more intense projects, including most new developments and major expansions. All such projects require site plan review and approval by Planning Commission. Review and approval of a site plan for a special land use is required from Township Board, following a recommendation by Planning Commission.
- (b) **Sketch Plan Review.** Smaller scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full scale site plan review. The level of information is intended to be proportionate to the extent of the change and adequate to insure proper review for compliance with applicable standards. Sketch plans shall undergo a formal review by the Planning Commission.
- (c) **Administrative Review.** Select smaller scale projects and expansions or changes in use to existing sites are also required to provide a sketch plan, do not require review by the Planning Commission; but shall undergo a formal review for approval by the Community Services Department. The Community Services Department may forward an application to the Planning Commission if it is determined that there are special conditions that require Planning Commission review.



<b>Table 17.02</b>			
<b>Eligible Uses &amp; Required Review Type</b>			
<b>Situation/Use</b>	<b>Required Review</b>		
	<b>Site Plan</b>	<b>Sketch Plan</b>	<b>Admin</b>
<b>New Construction</b>			
1. Construction of any Building or Structure in any Zoning District for a Non-Residential Use	PC		
2. Construction of any Building or Structure Containing 3 or more Dwelling Units in any Zoning District	PC		
3. Utilities & Essential Public Service Buildings or Structures	PC		
4. Establishment of a New Special Land Uses (See <i>Article 18 Special Land Use Review</i> )	PC/ TB		
5. Planned Unit Development (See <i>Article 19 Planned Unit Developments</i> )	PC/ TB		
6. Establishment of a Condominium (See <i>Article 20 Condominiums</i> )	PC/ TB		
7. Construction, Reconstruction, Erection &/or Expansion of a Single Family or Two Family Dwelling on a Single Lot or Parcel			CSD
8. Erection of a Wireless Communication Tower (See <i>Section 12.15 Wireless Communication Facilities and Services</i> )	PC/ TB		
9. Collocation of a Wireless Communication Facility (See <i>Section 12.15 Wireless Communication Facilities and Services</i> )			CSD
<b>Expansion/Modification to Existing Building</b>			
10. Cumulative Expansion of more Than 1000 sq. ft. to the Building, Structure or Use Subject to Site Plan Review	PC		
11. Cumulative Expansion of no more Than 1000 sq. ft. to the Building, Structure or Use Subject to Site Plan Review			CSD
12. Construction Solely on the Building Interior that Does not Increase Usable Floor Area			CSD
13. Upgrades to Building Façade to Meet Architectural Standards of <i>Section 14.01 Building Appearance</i>			CSD
14. Expansion of An Existing Special Land Use (See <i>Article 18 Special Land Use Review</i> )	<i>Section 18.05</i>		
15. Modifications to Nonconforming Buildings, Structures & Uses	<i>Article 21 Nonconformities</i>		
16. Upgrades to Improve Barrier-Free Design or Compliance With Americans With Disabilities Act or other Federal, State or County Regulations			CSD
17. Attached Wireless Communication Facilities on Existing Structures (See <i>Section 12.15 Wireless Communication Facilities and Services</i> )			CSD
<b>Change In Use</b>			
18. Any Change of Use in Land or Building to a More Intensive Use, as Determined by the Building Official, that May Involve Substantial Change in such Features as Parking, Traffic Flow, Hours of Operation, Public Services, Effluent Discharge, that May Entail Substantial Alteration of an Important Physical Aspect of the Site	PC		
19. Change in Use to a Special Land Use (See <i>Article 18 Special Land Use Review</i> )	PC/ TB		



<b>Table 17.02</b>			
<b>Eligible Uses &amp; Required Review Type</b>			
<b>Situation/Use</b>	<b>Required Review</b>		
	<b>Site Plan</b>	<b>Sketch Plan</b>	<b>Admin</b>
20. Reuse of an Existing Building Where no Building Expansion is Proposed only if the Building Official Determines the New Use is Similar or less Intense than the Past Use in Terms of Parking, Traffic Generation, Drainage, Utility Needs, Noise, Aesthetics & Other External Impacts			CSD
21. Residential Care Facilities (6 or Fewer Residents)			CSD
22. Residential Care Facilities (7 to 20 Residents)		PC	
23. Residential Care Facilities (Congregate Care For more Than 20 Residents Including Day Care & Housing For The Elderly)	PC		
<b>Accessory Structures, Site Improvements &amp; Other Types of Projects</b>			
24. Residential Accessory Structures			CSD
25. Non-Residential Accessory Structures 1,000 sq. ft. or more		PC	
26. Non-Residential Accessory Structures less than 1,000 sq. ft.			CSD
27. Construction of a New Fence			CSD
28. Construction of a New Parking Lot		PC	
29. Paving or Expansion to an Existing Parking Lot		PC	
30. Construction or Erection of Signs, Retaining Walls, Fences, Screen Walls, Waste Receptacles, Sidewalks, Antennas, Lights, Poles, Cooling/Heating or Other Mechanical Equipment			CSD
31. Development Entranceways			CSD
32. Permitted Accessory Buildings & Structures Which are Accessory to a Single Family or Two Family Dwelling in any Zoning District			CSD
33. Temporary Uses, Building & Structures		CSD / TB	
34. Home Occupations			CSD
PC= Planning Commission      TB= Township Board      CSD= Community Services Department			

### **Section 17.03                      Site Plan Review Procedures**

- (a) **Site Plan Review.** When a site plan review is required in accordance with *Section 17.02 Uses Requiring Review*, an application shall be submitted to the Community Services Department, in accordance with the submittal schedule as provided by the Community Services Department. Upon submittal of the site plan, Township staff and/or consultants will conduct a preliminary review for completeness and technical compliance of the application and compliance with Zoning Ordinance standards. The applicant shall have the opportunity to revise the site plan prior to review by the Planning Commission.



- (b) **Optional Preliminary Site Plan Review.** At the option of the applicant, a preliminary site plan may be submitted to the Community Services Department for circulation to Planning Commission for review prior to final site plan review. This option is recommended for site plans affecting over five (5) acres, sites having significant natural features, sites located within the Town Center District, special land uses and complex mixed-use or commercial developments. The purpose of the preliminary site plan review is to allow discussion between the applicant and the commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the final site plan. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Article.
  
- (c) **Site Plan Application.** An application will not be placed on the Planning Commission agenda until the Community Services Department determines that the application and associated review is complete as reviewed by Township staff and consultants. The application shall include:
  - (1) A completed application form, available at the Community Services Department.
  - (2) An application fee and executed consultant agreement.
  - (3) Proof of ownership or evidence of a contractual ability to acquire the subject property.
  - (4) Information contained in *Table 17.03*.

<b>Table 17.03</b>	
<b>Site Plan Submittal Requirements</b>	
<b>Site Plan Descriptive &amp; Identification Data</b>	
1.	Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or one inch = 100 feet for property 3 acres or more in size
2.	Sheet size shall be 24 x 36 inches
3.	Name of development
4.	Location map drawn to a separate scale with north-point, showing surrounding land uses, water features & roads within a quarter mile
5.	"Not to be Used as Construction Drawings" must be noted on the site plan
6.	Legal & common description of property
7.	Net acreage (minus rights-of-way) & total acreage
8.	Property lines & dimensions
9.	Zoning classification of petitioner's parcel & all abutting parcels
10.	Use of parcel & abutting parcels
11.	Identification & seal of registered or licensed architect, civil engineer, land surveyor, landscape architect or community planner who prepared drawings
<b>Site Data</b>	
12.	Existing lot lines, building lines, structures, parking areas & other improvements on the site & within 100 feet of the site
13.	Where grading is proposed, topography on the site & within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark
14.	Proposed lot lines, lot dimensions, property lines, setback dimensions, structures & other improvements on the site & within 100 feet of the site



**Table 17.03**  
**Site Plan Submittal Requirements**

15. Location of existing drainage courses, floodplains, rivers & MDEQ regulated & non-regulated wetlands with elevations and assessment
16. Location of existing trees & woodlands areas as required in <i>Section 14.02 Landscaping</i>
17. All existing & proposed easements
18. Details of exterior lighting including locations, height, fixtures (manufacturer's specification sheets), method of shielding & a photometric grid overlaid on the proposed site plan indicating the overall lighting intensity of the site (in footcandles)
19. Location of waste receptacle(s) & mechanical equipment & details of screening
20. Location, size, height & lighting of all proposed freestanding & wall signs
21. Location, size, height & material of construction for all walls or fences with cross-sections
22. Location, outside dimensions & height & of all outdoor storage or display areas & facilities
<b>Access &amp; Circulation</b>
23. Dimensions, curve radii & centerlines of existing & proposed access points, roads, & street rights-of-way or access easements
24. Driveways & intersections within 250 feet of site & distances between existing driveways & proposed
25. Cross section details of existing & proposed roads, driveways, parking lots, sidewalks & pathways illustrating materials, width & thickness
26. Limits of curbing
27. Dimensions of acceleration, deceleration & passing lanes
28. A truck circulation plan in accordance with Section 18.15.040
29. Dimensions of parking spaces, islands, circulation aisles and loading zones
30. Radii for driveways & parking lot islands
31. Calculations for required number of parking & loading spaces
32. Designation of fire lanes
33. Traffic regulatory signs & pavement markings
34. Shared parking or access easements, where applicable
35. Sidewalks along street frontage & internal walks
<b>Landscape Plans (prepared &amp; sealed by a registered landscape architect)</b>
36. The general location, type & size of all existing plant material, with an identification of materials to be removed & materials to be preserved
37. Limits of grading & description of methods to preserve existing landscaping
38. The location of proposed lawns & landscaped areas
39. Landscape plan, including location, of all proposed shrubs, trees & other plant material
40. Location of utility easements on the landscape plan to verify no conflicts with plantings
41. If required, the tree inventory & woodlands preservation & replacement plan must be superimposed on the landscape plan
42. Planting list for proposed landscape materials with caliper size or height of material, spacing of species, botanical & common names, & quantity
43. Calculations for required greenbelts, buffer zones, parking lot trees, detention ponds & interior landscaping
44. Method of installation & proposed dates of plant installation
45. Method of irrigation
46. Landscape maintenance program
<b>Building &amp; Structure Details</b>
47. Location, height, & outside dimensions of all proposed buildings or structures
48. Building floor plans & total floor area
49. Details on accessory structures & any screening
50. Building facade elevations for all sides, drawn at an appropriate scale
51. Method of screening for all ground-, building- & roof-mounted equipment
52. Description of exterior building materials including colors (samples or photographs may be required)



<b>Table 17.03</b>	
<b>Site Plan Submittal Requirements</b>	
<b>Information Concerning Utilities, Drainage &amp; Related Issues</b>	
53.	Location of sanitary sewers & septic systems, existing & proposed
54.	Location & size of existing & proposed water mains, water service, storm sewers & drains, & fire hydrants
55.	Storm water retention & detention ponds, including grading, side slopes, depth, high water elevation, volume & outfalls including 100-year flood calculations
56.	Location of above & below ground gas, electric & telephone lines & easements, existing & proposed
57.	Location of utility boxes
<b>Additional Information Required for Residential Development</b>	
58.	The type, number & location of each type of residential unit
59.	Density calculations by type of residential unit (dwelling units per acre)
60.	Garage &/or carport locations & details, if proposed
61.	Mailbox clusters
62.	Entranceway details
63.	Location, dimensions, floor plans & elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable
64.	Swimming pool fencing detail, including height & type of fence, if applicable
65.	Location, nature, & size of recreation & open space areas
66.	Indication of type of recreation facilities proposed for recreation area
67.	Delineation of general/limited common elements
<b>Miscellaneous</b>	
68.	A use statement including a general operations plan with a description of the nature of the proposed use or activity, noise impacts, hours of operation, the number of employees, etc
69.	Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable
70.	For additions & expansions, a clear distinction between existing buildings, structures & impervious surface areas & any proposed development must be made
71.	For condominium projects, a master deed that shall contain provisions describing the responsibilities of the condominium association, condominium owners, & public entities, with regard to maintenance of the property. The master deed shall further establish the means of permanent financing for required maintenance & improvement activities which are the responsibility of the condominium association.
72.	Any additional graphics or written materials requested by the Planning Commission to assist in determining the compliance with site plan or special land use standards, such as but not limited to: aerial photography, cross-sections which illustrate impacts on views & relationship to adjacent land uses, photographs, traffic impact studies, parking demand studies, market studies & environmental impact studies. If additional materials are requested, such information shall be prepared by a qualified individual or firm with experience in the specific discipline.





- (d) **As-Built Drawings.** Digital files must be submitted upon plan approval to the Township and shall be compatible with the Township's geographic information system software (ArcGIS). Acceptable data formats are ESRI shapefiles (desired), DXF, or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a one to one (1:1) scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers / levels to meet the Township's level specification. Any other information provided within the digital files shall be layer isolated from data included in the Township's specification and shall include a written description of both the layer name and the information contained on the layer(s). Digital information provided to the Township shall be delivered in a format compatible with the Microsoft Windows operating system. Acceptable delivery media shall be RW-CD, or zip disk.

## Section 17.04 Standards for Site Plan Approval

---

Based upon the following standards, the Planning Commission may deny, approve, or approve with conditions the site plan:

- (a) **Use.** The proposed use must be permitted in the zoning district.
- (b) **Site Design Characteristics.** All elements of the site plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; and the traffic operations of adjacent roads. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article. The site shall be designed to conform to all provisions of this Article.
- (c) **Building Design.** The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of *Section 14.01 Building Appearance*.
- (d) **Preservation of Significant Natural Features.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography, shall be incorporated into the proposed site design.
- (e) **Roads.** All public and private roads shall be developed in accordance with Brownstown Township Engineering Design Standards and Wayne County.



- (f) **Access, Driveways and Circulation.** Safe, convenient, uncongested and well defined vehicular circulation within and to the site shall be provided and shall meet the following criteria:
- (1) Drives, roads, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The Planning Commission may require a traffic impact study for uses that are anticipated to generate more than one thousand trips per day or more than one hundred trips during the peak hour.
  - (2) All driveways shall meet the design and construction standards of the Township and Wayne County.
  - (3) Access to the site shall be designed to minimize conflicts with traffic on adjacent roads, particularly left turns into and from the site.
  - (4) For uses having frontage and/or access on a major street, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of *Article 15 Off-Street Parking, Loading, Access and Circulation Requirements*.
- (g) **Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the Township Fire and Police Departments, Building Code and National Fire Protection Association. Cross circulation in the form of share driveways, service drives or parking lot connections shall be provided with adjacent uses where required by *Article 15 Off-Street Parking, Loading, Access and Circulation Requirements*.
- (h) **Sidewalks, Pedestrian and Bicycle Circulation.** Pedestrian circulation shall be as provided in *Section 14.03 Sidewalks and Non-Motorized Pathways*.
- (i) **Parking.** The number and dimensions of off-street parking shall be sufficient to meet the minimum required by *Article 15 Off-Street Parking, Loading, Access and Circulation Requirements*.
- (j) **Loading and Outdoor Storage.** All loading and unloading areas and outdoor storage areas shall be accessed and screened in accordance with *Article 15 Off-Street Parking, Loading, Access and Circulation Requirements*.
- (k) **Waste Receptacles.** Waste receptacles shall be provided, accessed and screened as required in *Section 14.05 Waste Receptacles*.
- (l) **Lighting.** Exterior lighting shall be provided and arranged in accordance with *Section 14.04 Lighting*.
- (m) **Mechanical Equipment and Utilities.** Mechanical equipment and utilities, including roof-, building- and ground-mounted, shall be screened in accordance with the requirements of *Section 14.06 Mechanical Equipment*.



- (n) **Landscaping.** Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of *Section 14.02 Landscaping*.
- (o) **Utilities and Storm Water Management.** Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and storm water management facilities shall be reviewed and approved by the Township Engineer and Wayne County. Storm water management facilities shall be provided on site or at a regional or shared facility as approved by Wayne County.
- (p) **Noise.** The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to Residential Districts and to comply with the Township's Noise Ordinance.
- (q) **Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable.

## Section 17.05

## Conditions of Site Plan Approval

---

- (a) As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- (b) Conditions may also be imposed to protect the natural environment and conserve natural resources and energy; to ensure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this Article.
- (c) The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- (d) A record of conditions imposed shall be recorded on the site plan and maintained by the Township. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.
- (e) The Community Services Department shall require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified.



## Section 17.06 Administrative Sketch Plan Review

- (a) This section provides for review and approval by the Planning Commission and Community Services Department of sketch plans for minor construction as noted in *Section 17.02 Uses Requiring Review*.
- (b) The minimum contents of a sketch plan submitted for administrative review shall be in accordance with *Table 17.06*.

<b>Table 17.06</b>	
<b>Administrative Sketch Plan Submittal Requirements</b>	
<b>Cover Sheet</b>	
1.	Completed application form & fee
2.	Title block with sheet number/title; name, address & telephone number of the applicant & firm or individual who prepared the plans; & date(s) of submission & any revisions (month, day, year)
3.	Scale & north-point
4.	Location map drawn to a separate scale with north-point, showing surrounding land use, water features & roads within a quarter mile
5.	Legal & common description of property including net acreage
6.	Identification & seal of registered or licensed architect, engineer, land surveyor, community planner or landscape architect who prepared drawings
7.	Zoning classification of petitioner's parcel & all abutting parcels
8.	A use statement including a general operations plan with a description of the nature of the existing &/or proposed use or activity, noise impacts, hours of operation, the number or employees, etc
9.	A note on each plan sheet stating "Not to Be Used as Construction Drawings"
<b>Buildings &amp; Structures</b>	
10.	Existing & proposed buildings & parking lots with dimensions & setbacks
11.	Floor plan indicating existing & proposed uses
12.	Building elevations including materials & colors for all sides with proposed changes
<b>Parking &amp; Access</b>	
13.	Existing & proposed parking calculations
14.	Existing & proposed driveways
<b>Site Data</b>	
15.	Existing & proposed landscaping illustrated on the plan & described in a plant list
16.	Proposed changes to grading & other natural features
17.	Existing & proposed lighting & screening
18.	Proposed changes to utilities
19.	Any other items requested by the Building Official to assist in the administrative site plan review

- (c) If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.
- (d) The Community Services Department may waive some of the above submittal requirements where not deemed necessary to determine compliance with the standards of this Article.



- (e) The Community Services Department may require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting Residential Districts or sites experiencing significant problems with drainage, traffic, noise, aesthetics or other general health and safety issues.

---

### **Section 17.07**                      **Validity of Approved Plans**

---

- (a) **Start of Construction.** Site plan approval is valid for a period of three (3) years from the date of Planning Commission approval. Building permits must be issued and physical construction as set forth below must commence within the three (3) year period.
- (b) **Extensions.** Upon written application prior to expiration, the Planning Commission may authorize an extension of the time limit of the site plan approval for a period not to exceed three (3) years. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The Planning Commission may require compliance with any amendments to the Zoning Ordinance since the site plan was originally approved.
- (c) **Expiration of Site Plan Approval.** In cases where actual physical construction of a substantial nature of the structures authorized by a site plan approval has not commenced within three (3) years of site plan approval and a written application for extension of the approval has not been filed as provided above, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.

---

### **Section 17.08**                      **Amendment to Approved Plans**

---

Amendments to the approved site plan may occur only under the following circumstances:

- (a) An applicant or property owner who has been granted site plan approval shall notify the Community Services Department of any proposed amendment to such approved site plan.
- (b) **Minor Changes.** Minor changes may be approved by the Community Services Department. The Community Services Department must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Community Services Department shall consider the following to be a minor change:



- (1) Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
  - (2) Change in square footage of non-residential buildings by up to five percent (5%) or one thousand (1,000) square feet, whichever is smaller.
  - (3) Alterations to horizontal and/or vertical elevations by up to five percent (5%).
  - (4) Movement of a building or buildings by no more than ten (10) feet.
  - (5) Increase in designated “areas not to be disturbed.”
  - (6) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Building Official.
  - (7) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - (8) Changes of building materials to another of higher quality, as determined by the Building Official.
  - (9) Changes in floor plans which do not alter the character of the use.
  - (10) Slight modification of sign placement or reduction of size.
  - (11) Relocation of sidewalks and/or refuse storage stations.
  - (12) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent (5%) or alter access locations or design.
  - (13) Changes required or requested by the Township for safety reasons.
- (c) **Major Changes.** Should the Community Services Department determine that the requested modification to the approved site plan is not minor; the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Community Services Department for resubmission to the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.

## Section 17.09 Traffic Impact Studies

---

- (a) **Required.** A Traffic Impact Assessment or Study is required to be submitted to Planning Commission as described below. The level of detail required is based on the expected amount of traffic to be generated by the proposed use, based on generally accepted traffic engineering sources as described herein and the Michigan handbook “Evaluating Traffic Impact Studies”.
- (1) **Traffic Impact Assessment.** An analysis that evaluates current and future traffic operations at site access points shall be required for projects expected to generate either fifty to ninety-nine (50-99) directional trips during a peak hour or five hundred to seven hundred fifty (500-750) trips during a typical day.



- (2) **Traffic Impact Study.** An analysis that evaluates current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent roads, or over seven hundred fifty (750) trips in an average day. The exact study area of a Traffic Impact Study shall be established by the Community Services Department.
- (3) **Updates.** A Traffic Impact Study or Assessment shall also be required for new phases, expansions or changes to a development that requires site plan review, based on the thresholds established above, except where such report was approved (date of site plan approval) within two (2) years of the new site plan submittal date, and a demonstration by the applicant's traffic engineer that traffic volumes have not increased by over two percent (2%) annually.
- (b) **Contents.** The following information is required for both Traffic Impact Assessments and Traffic Impact Studies unless otherwise specified:
- (1) An executive summary of the Study's findings.
  - (2) **Existing Site Conditions.** Illustrations and a narrative that describes the characteristics of the site and adjacent roadway system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, current traffic conflicts, etc.) This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
  - (3) **Proposed Use or Future Conditions.** For a site plan review, manufactured home park, condominium project, a subdivision plat, planned unit development or specified special land uses; a description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors shall be provided. Intended phasing or future expansion shall be noted. For a rezoning, a description of the potential representative uses which would be allowed, compared to representative uses allowed under current zoning. Representative uses shall include the most intense traffic generation use allowed under current zoning in compliance with all Township site development regulations.
  - (4) **Existing Traffic Conditions.** Illustrations, narratives, tables and capacity analysis that reflects existing traffic conditions including:
    - a. Roadway alignment, including any problems with sight distance, number of lanes, lane width and lane configurations.
    - b. Posted speed limits for various segments.
    - c. Existing traffic control.
    - d. Existing signal timing, as applicable.



- e. Existing peak-hour weekday traffic volumes (and daily volumes or peak period counts (7-9 a.m. and 4-6 p.m.) to support the selection of the evaluated peak hour (if applicable) on road(s) adjacent to the site. For uses with weekend peak characteristics, the Township may require new counts be taken on typical weekend days during the anticipated peak hours of the proposed use. All counts shall be collected using accepted practices and shall not be over two (2) years old.
  - f. For projects that require a Traffic Impact Study, existing counts and levels of service for intersections in the study area shall be performed.
- (5) **Background Traffic Conditions.** Projects that are not expected to be completed and occupied within one (1) year of approval shall provide a separate evaluation of background traffic for the expected completion date of the proposed development. This background traffic shall be based on historic counts to acknowledge general growth trends in the area, plus traffic associated with approved developments either currently under construction or approved (and would be operational before the build out year of this proposed project), in the project area. The background traffic shall be evaluated based on the existing road system plus programmed improvements where funding has been committed.
- (6) **Trip Generation Forecast.** Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day shall be provided for the overall project and each phase. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
- (7) **Trip Reduction.** Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township and applicable road agency. The Township may elect to reduce the trip reduction rates used.
- (8) **Trip Distribution.** The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing road network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standards engineering procedures for determining the distribution should be provided such as trip distribution model, market studies or counts at existing driveways.
- (9) **Access Point Level of Service.** Level of service or "capacity" analysis is required at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.
- (10) **Intersection Level of Service.** Traffic Impact Studies shall provide capacity analyses for all nearby street intersections identified by the Township under the following conditions:
- a. Existing traffic under existing road conditions.
  - b. Future project traffic under existing road conditions with programmed road improvements that will be completed before the build out year of this proposed project.





- c. Future traffic, including project and background, under background road conditions. Background road conditions shall include the existing road system plus programmed improvements where funding has been committed.
- (11) **Warrant Analysis.** A traffic signal warrant analysis based on the procedures outlined in the Michigan Manual of Uniform Traffic Control Devices shall be performed for un-signalized intersections identified with an existing Level of Service D or worse for existing conditions. The signal warrant analysis should contain, at a minimum, Warrants 1, 2, 6, 9, and 11. For un-signalized intersections projected to operate at Level of Service D or worse under background or future conditions, an assessment using the peak hour (Warrant 11) shall be provided. At least two (2) traffic signal warrants should be met to warrant a signal.
- (12) **Access Design.** The report shall include a map and description of the location and design of proposed access (driveways or new road intersections) including:
- Sight distance limitations and sketches from field notes.
  - Dimensions from adjacent driveways and intersections within two hundred and seventy-five (275) feet on either side of the main roadway, or greater based upon MDOT access management guidelines.
  - Potential for shared access facilities.
  - Data to demonstrate that the number of driveways proposed is the fewest necessary.
  - Support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of *Section 15.05 Driveway Access Management* and the applicable road agency.
  - Comments shall also be provided on internal circulation design such as the adequacy of queuing (stacking) at site access points and other features that may affect traffic operations and safety.
- (13) **Mitigation.** The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures for the proposed future conditions. Mitigation shall be provided in order to have signalized intersections operate at a Level of Service C or better and un-signalized at D or better during the peak hours of the day. The mitigation measures may include items such as, but not limited to, roadway widening, change to road intersection alignment or grades, need for bypass lanes or deceleration tapers/lanes, changes to signalization, relocation change in design, or reduction in number of access points, or a reduction in the proposed density of intensity of use. Any mitigation that involves changes to optimize signal timing must demonstrate that such changes will benefit the overall operations and will be acceptable to the applicable road agency. Proposed mitigation measures should be discussed with Wayne County and Michigan Department of Transportation, as applicable. The responsibility and timing of roadway improvements shall be described.



- (14) **Township Requirements.** The Township may require roadway improvements above and beyond Wayne County requirements to mitigate traffic impacts of the proposed land use. Traffic impacts resulting in a failing Level of Service that cannot be mitigated shall result in a denial of the request.
- (c) **Preparer Credentials.** The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of Traffic Impact Studies. The preparer shall have at least three (3) years of recent experience in the preparation of Traffic Impact Studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations, and be either a registered engineer (PE) or a planner with AICP or PCP certification. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.
- (d) **Waiver.** The requirement for a Traffic Impact Study, or the specific study elements required may be waived or modified by the Planning Commission based on input from Township staff and consultants or a representative of the applicable road agency. Reasons for the waiver or modification shall be documented. Factors to be considered include:
- (1) Roadway improvements are programmed to be constructed prior to completion of the proposed development which are expected to mitigate any impacts associated with the proposed project.
  - (2) The existing level of service along the roadway is not expected to drop below C for signalized intersections and D for un-signalized intersections due to the proposed project.
  - (3) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
  - (4) A similar Traffic Impact Study was previously prepared for the site and is still considered applicable.

## Section 17.10 Site Investigation Reports

---

A site investigation report may be requested by the Department of Community Services or Planning Commission for sites with known or suspected environmental sensitivity or for other sensitive sites as deemed necessary for a complete review. The site investigation report must be prepared by a qualified professional.

- (a) **Contents.** A site investigation report shall contain the following information:
- (1) Whether any local, state, and federal permits are required for the project and if so, a designation of those required local, state, and federal permits.



- (2) A description of the natural and cultural features of the project including but not necessarily limited to:
- a. A description of the topography of the land and soil.
  - b. The existing water resources including surface water, ground water, drainage, floodplains and wetlands, water quality, and the effect of the project on any aquifer and neighboring wells.
  - c. A description of the existing vegetation, habitat, and wildlife.
  - d. A description of the proposed land use, water use, economic, and social conditions, any archaeological and historical resources and community facilities and services which are in existence.
- (3) A statement describing the environmental impact of the proposed project which shall include the following:
- a. A description of the impact on the topography and soils including any disruption, erosion, etc.
  - b. A description of the impact on water resources including:
    1. Potential for surface water contamination and efforts to protect surface water bodies.
    2. Potential for ground water contamination and efforts to protect ground water.
    3. Effect of any water discharges, increased storm water runoff, or alteration of natural drainage.
    4. Description of the water quality of both surface and ground water.
    5. Description of the susceptibility of the project to flooding.
    6. Description of any wetlands impact.
    7. Analysis of prevailing winds, including impacts of odors and efforts to mitigate odor, control of fugitive dust emissions, road dust, etc.
- (4) Summary of the impact on terrestrial ecosystems (the relationship between the land resources and the organisms which depend upon it) including a description of the impact on the following:
- a. Vegetation and habitat, describing in particular whether there would be any alteration and/or loss to said vegetation and habitat.
  - b. Impact on wildlife including any disruption of habitat and whether the project would affect any endangered or rare species of wildlife, wetland inventories, and migratory bird habitats.
- (5) Summary of the environmental impact on aquatic ecosystems (the relationship between the water resources and the organisms which depend on it) which shall include a summary of the impact on the following:



- a. Fish species including the impact on the type and number of fish species.
- b. Effect on the habitat including whether said habitat will be altered or disrupted.

(6) Summary of the environmental impact on the actual cultural environment which shall include a summary of the following:

- a. Effect on neighboring land and water uses.
- b. Impact on economic and social conditions including the economy, lifestyles, changes in property values, alterations in potential development options of the surrounding neighborhoods.
- c. Social impact analysis including changes and impacts on individuals in the community affected by the activity which may include aesthetic and psychological impact.
- d. Effect on the habitat including whether said habitat will be altered or disrupted.
- e. Impact on community facilities and services including, but not limited to, schools, roads, police and fire services, etc. An impact analysis of local roads and traffic patterns surrounding and including the site before, during and after construction shall be provided.

(7) Discussion of all prudent and feasible alternatives for the proposed activity on the subject site.

(b) **Modification.** The Planning Commission shall have the function, duty, and power to require any modification in the Site Investigation Report or impose any condition upon approval of any project which requires a Site Investigation Report to insure that the purpose and intent of this Ordinance is fulfilled.

(c) **Appeal.** The decision of the Planning Commission with respect to the Site Investigation Report approval is appealable to the Zoning Board of Appeals upon written request by the property owner or petitioner for a hearing before said Zoning Board of Appeals. In the absence of such request being filed within sixty (60) days after the decision is rendered by the Planning Commission, such decision becomes and remains final.



**Special Land Use Review**

---

**Article  
18**





---

## Section 18.01 Intent

---

This article is intended to provide regulations for special land uses, which may be compatible with permitted uses in zoning district, under specific locational and site criteria. This article provides standards for the Planning Commission to determine the appropriateness of a given special land use covering factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used and processes employed. Establishment or major expansion of any special land use requires a special land use permit under this Article.

---

## Section 18.02 Procedures

---

- (a) **Application.** Upon submission and review of a special land use application and site plan meeting the requirements of *Article 17 Site Plan Review*, a public hearing shall be scheduled before the Planning Commission.
- (b) **Optional Preliminary Review.** At the option of the applicant, a preliminary sketch plan may be submitted to the Community Services Department for circulation to Planning Commission for review prior to final special land use and site plan review. This option is recommended for special land uses that are anticipated to be controversial, on large sites, on sites that are adjacent to residential uses, and complex mixed-use or commercial developments. The purpose of this meeting is to allow the applicant to introduce the plan concept, and receive comments or direction from the Planning Commission on the sketch plan and special land use or the need for additional material to evaluate the impacts of the use, such as a traffic or environmental studies. No formal action shall be taken.
- (c) **Impact Assessment.** An impact assessment may be required by the Township; the analysis shall be carried out by qualified individuals and shall include, but need not be limited to, the impact on: natural features, storm water management, surrounding land uses, public facilities/services, public utilities and traffic.
- (d) **Planning Commission Review**
- (1) **Review.** The Planning Commission shall review the special land use application and related documents, any specific conditions required for the use in *Article 11 Use Requirements*, and the site plan review standards of *Section 17.04 Standards for Site Plan Approval*.
  - (2) **Public Hearing.** The Planning Commission shall hold a public hearing on the special land use application in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006). Notice of public hearing shall be provided for in accordance with *Section 22.10 Public Hearings*.



- (3) **Recommendation.** The Planning Commission shall recommend approval, approval with conditions or denial of the special land use request and site plan to the Township Board. If the application is determined to be incomplete or more information is required, then the Planning Commission may either:
  - a. Table the request and direct the applicant to prepare additional information or revise the plan.
  - b. Return the request for additional staff review or analysis.
  - c. Recommend denial of the request.

If the plan revisions are determined to be significant by the Planning Commission, they may elect to conduct another public hearing.

- (e) **Township Board Action.** Following receipt of the Planning Commission's recommendation, the Township Board shall take one of the following actions:
  - (1) **Table.** If the application is determined to be insufficient, does not fully respond to Planning Commission conditions or more information is required, then the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the plan or direct the Township staff or consultant's to conduct additional analysis.
  - (2) **Reconsideration.** If the Township Board believes there is new information which might modify the recommendation of the Planning Commission, the Board may return the application with the new information to the Planning Commission for reconsideration.
  - (3) **Approval.** Upon determination that a special land use and site plan proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Township Board shall approve the application. Conditions may be imposed as part of the approval in accordance with subsection (e) below.
  - (4) **Denial of Special Land Use and Site Plan Application.** Upon determination that a special land use or site plan proposal does not comply with standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Township Board shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- (f) **Conditions.** In considering the special land use, the Planning Commission and Township Board may impose conditions or limitations as permitted by the Zoning Act that it deems necessary to fulfill the spirit and/or purpose of this Ordinance. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged unless the original process is followed. Conditions imposed shall do all the following:
  - (1) Be designed to protect natural resources, the health, safety, and welfare as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.





- (2) Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
- (3) Be necessary to meet the intent and purpose of the Zoning Ordinance; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

Conditions of any approval are attached to the land and will remain through subsequent owners, except an expiration date for the special land use may be specified if the special land use is considered to be temporary in nature.

---

### **Section 18.03 Appeals and Waivers**

---

The Zoning Board of Appeals shall not have the authority to hear appeals of the Planning Commission's decision to approve or deny a special land use, nor to grant variances to any conditions imposed on special land use approval. The Zoning Board of Appeals may hear requests for variances to dimensional or site design requirements. Any dimensional or site design variances shall be approved by the Zoning Board of Appeals prior to Planning Commission action on the site plan and special land use.

---

### **Section 18.04 Review Standards**

---

Prior to approving a special land use application the Planning Commission shall require that the following general standards, in addition to the specific standards noted for individual uses in *Article 11 Use Requirements* be satisfied. The proposed use or activity shall:

- (a) Be compatible and in accordance with the goals, objectives and policies of the Brownstown Township Master Plan.
- (b) Promote the intent of this Ordinance and the zoning district in which the use is proposed.
- (c) Be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
- (d) Be served adequately by public facilities and services, such as traffic operations along roads, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
- (e) Not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to permitted uses in the district, will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.



---

## Section 18.05 Amendments, Expansions and Change in Use

---

- (a) **Major Amendments.** Any person or agency who has been granted a special land use permit shall notify the Building Official of any proposed amendment to the approved site plan of the special land use permit. A major amendment to a special land use permit shall require submittal of a new application for special land use and follow the review procedures contained in this Chapter. The Building Official shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards:
- (1) Changes increase the buildings usable floor area by more than twenty-five percent (25%).
  - (2) Parking lots are expanded by more than twenty-five percent (25%).
  - (3) The occupancy, capacity or membership of the use is increased by more than twenty-five percent (25%).
  - (4) The use is expanded to occupy an additional twenty-five percent (25%) or more land area.
  - (5) The expansion will result in a twenty-five percent (25%) or more increase in traffic generation based upon the latest edition of the Institute of Transportation Engineers Trip Generation Manual.
  - (6) The expansion will result in a twenty-five percent (25%) or more increase in the demand for public water or sewer.
  - (7) Other similar types of changes deemed by the Building Official to be “major.”
- (b) **Minor Amendment.** Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but may require submittal of a site plan or sketch plan following the requirements of *Article 17 Site Plan Review*.
- (c) **Change in Use.** Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article.
- (d) **Separate Approval.** A separate special land use permit shall be required for each use which requires special land use review on a lot.

---

## Section 18.06 Restrictions on Resubmittal of a Special Land Use Request

---

No application for a special land use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission. A resubmitted application shall be considered a new application.



---

## Section 18.07                      Validity of Permit

---

- (a) **Start of Construction.** Special land use approval is valid for a period of three (3) years from the date of Planning Commission approval. A building permit must be issued and physical construction on structures must commence within that period.
- (b) **Extensions.** Upon written application filed prior to the termination of the three (3) year period as provided above, the Planning Commission may authorize a single extension of the time limit for a further period of not more than three (3) years. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the three (3) year extension. The Planning Commission may require compliance with any amendments to the Zoning Ordinance since the special land use was originally approved.
- (c) **Expiration of Special Land Use Permit.** Where actual construction of a substantial nature of structures authorized by a special land use permit has not commenced within three (3) years of issuance, and a written application for extension of the approval has not been filed as provided below, the special land use permit shall become null and void and all rights there under shall terminate.

---

## Section 18.08                      Revocation of an Approved Special Land Use

---

The Planning Commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval. The applicant shall be provided an opportunity to present information and to answer questions. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied.

**Planned Unit Developments (PUDs)**

---

**Article  
19**





---

## Section 19.01 Intent

---

A Planned Unit Development (PUD) is intended to achieve the following objectives:

- (a) Permit flexibility in design and regulation of development to facilitate innovations in design and preservation of a site's natural features.
- (b) Encourage innovative land use and variety in design, layout and type of structures constructed.
- (c) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
- (d) Encourage useful open space, as well as the preservation of desirable natural features including wood lots, streams, flood plains and other desirable environmental features.
- (e) Provide better housing and shopping opportunities through integrated mixed-use development.
- (f) Achieve economies of design relating to vehicular and pedestrian circulation, utility extensions, dwelling unit siting and other design features.
- (g) Insure that the land used or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use; and to insure that the land use is consistent with the public health, safety and welfare of the Township.

---

## Section 19.02 Qualifying Conditions

---

- (a) The proposed PUD must result in a definite benefit for its residents and the Township residents which would not be present without a PUD and which would not be available under the existing, underlying zoning or otherwise. The PUD shall be in the public interest, and provide one (1) or more of the following benefits:
  - (1) Because of unusual physical features of the property itself or of the neighborhood in which it is located, the PUD will preserve significant natural features that would otherwise be lost with a conventional development.
  - (2) The property has an historical character of importance to the community that will be protected by the PUD.
  - (3) The PUD will be a fully integrated mixed-use development that provides a complementary mixture of uses or a variety of housing types.
  - (4) The property is adjacent to, or across a road from, property which has been developed or redeveloped as a PUD and a PUD will contribute to the maintenance of the amenities and values of the neighboring property.



- (5) The PUD will provide off-site road improvements above and beyond what would be required for a conventional development to mitigate all traffic impacts of the proposed development.
  - (6) The proposed project will set aside additional open space resulting in fifty percent (50%) of the site being reserved as accessible, usable common open space. All PUD's are required to set aside a minimum of twenty five percent (25%) of the site as open space; however, if the PUD will not qualify under (1) through (5) above, then the open space may be increased to fifty percent (50%) to qualify as a PUD benefit.
- (b) The proposed PUD must be aesthetically pleasing and be an integrated development with respect to building facades, building materials, landscaping and berming, noise and visual screening mechanisms, and signage.
  - (c) The characteristics, benefits, amenities and design of the PUD must not be contrary to the spirit and purposes of the regulations contained in the Zoning Ordinance and Brownstown Township Master Plan.
  - (d) The proposed PUD shall be in compliance with all local regulations, unless specifically altered in accordance with this Article, and with all applicable State and Federal Laws.
  - (e) The PUD must comply with all the local laws and regulations addressing the preservation and enhancement of the environment. The PUD shall not result in an increased impact to the environment as compared to conventional development.
  - (f) The proposed PUD shall not result in an unreasonably negative fiscal impact on the Township, economic impact on the surrounding properties or any impact on the future development of the area.
  - (g) The PUD sets aside a minimum of twenty-five percent (25%) of the site as open space (fifty percent (50%) if open space is the only benefit provided). If the PUD includes residential uses, then the open space must include recreational facilities adequate to service the users of the residential portion of the PUD.
  - (h) All the land included for the purpose of development within the PUD shall be under the unified control of the applicant (an individual, partnership, or corporation or group of individuals, partnerships or corporations), and the applicant must provide legal documentation evidencing the same to the satisfaction of the Township and its attorneys.
  - (i) The PUD provision may be employed only when municipal sanitary sewers and water mains are provided to all appropriate segments of the proposed development.



---

**Section 19.03****Permitted Uses**

---

- (a) Uses permitted in a PUD are based on the underlying zoning district. All permitted uses and special land uses of the underlying zoning district shall be permitted.
- (b) The PUD may provide for a variety of permanent housing types, including single family homes, site condominiums, apartments, townhouses, condominiums, etc. that are permitted in any of the underlying Residential Districts.
- (c) For a PUD in a Residential District that has an area of at least twenty (20) acres, commercial uses allowed in the B-1 Local Business District may occupy up to ten percent (10%) of the gross site area. Planned commercial sites are to be located at an intersection of two (2) major roads or a major road and a collector road. The approval of the commercial site will depend on the market potential of the area. Therefore, it is the burden of the applicant to submit sufficient evidence to justify the need for commercial development within the proposed PUD.
- (d) For a PUD in a Non-Residential District, residential uses may be permitted in a mixed-use PUD.
- (e) All applicable requirements contained in *Article 11 Use Requirements* shall be complied with where the PUD includes a use listed in *Article 11 Use Requirements*.

---

**Section 19.04****Residential Density**

---

- (a) Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional subdivision or site plan, meeting all applicable Township and County zoning and subdivision requirements. The Township shall review the design and determine the number of buildable lots that could be feasibly constructed, taking into consideration any wetlands or other non-buildable land. This number shall be the maximum number of dwelling units allowable for the PUD. The Township may grant a density bonus of up to twenty percent (20%).
- (b) Where the underlying zoning is multiple family, density shall be determined based upon the underlying zoning district and the definition of density.
- (c) Where the Brownstown Township Master Plan recommends a different zoning district than the current zoning, a rezoning of the underlying zoning district consistent with the Master Plan may be considered concurrently with the PUD.



---

## Section 19.05 Dimensional Requirements

---

- (a) **Dimensional Requirements.** All area and bulk dimensional standards shall comply with the dimensional standards of the underlying zoning district. To encourage flexibility and creativity consistent with the intent of the PUD, the Township may permit specific departures from the requirements of this Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Township that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Natural features setbacks may not be reduced.
- (b) **Residential Lot Sizes.** The residential lot area, lot width and setback requirements may be reduced with the resultant area preserved as open space. A table shall be provided on the site plan indicating the cumulative reduction in lot areas and the corresponding amount of open space being preserved.
- (c) **Subdivision Requirements.** All subdivisions developed as part of the PUD shall be designed in accordance with the standards provided in the PUD Ordinance and as specified in the Brownstown Township Subdivision Regulations Ordinance.

---

## Section 19.06 Open Space

---

- (a) All land within a PUD that is not devoted to a building, structure, road or other improvement shall be set aside as common open space for recreation or conservation. The amount of open space shall be at least equal to the total area that proposed lots are reduced below the underlying zoning's minimum lot area, provided no less than twenty-five percent (25%) of the site is set aside as open space.
- (b) Common open space shall be planned in locations that are visible and accessible. The common open space shall be located to preserve significant natural features, central to the residents of the development, along the county road frontage, adjacent to adjoining residential or to connect open spaces throughout the development. In Residential Districts, the open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.
- (c) Open space in a PUD that includes a residential component shall contain some form of active recreational facility such as a play area.
- (d) Both public and private non-residential uses, of an educational or recreational nature, including golf courses, tennis club, swim clubs, riding trails, etc., and necessary appurtenant facilities and structures, designed as an integral part of the overall development plan, may occupy appropriate portions of the site. The area occupied by such uses may be employed, at the discretion of the Planning Commission and Township Board, to satisfy up to twenty-five percent (25%) of the gross common open space area requirements.





- (e) The open space or common areas shall be placed under a conservation easement or otherwise committed by dedication to an association of the residents, and the use shall be irrevocably dedicated in perpetuity and retained as open space for park, recreation, conservation or other common uses.
- (f) The applicant shall establish a homeowners association to which all residents of the PUD must belong. The applicant shall relinquish control of the common open space to the homeowners association when eighty percent (80%) of the homes in any one (1) phase included in the homeowners association are sold to the general public.

### **Section 19.07 Access and Circulation**

---

- (a) Each dwelling unit or other permitted use shall have access to a public road either directly, or indirectly via a private approach road, pedestrian way, court, or other area dedicated by common easement that guarantees access.
- (b) The PUD must contain sufficient road improvements to provide vehicular access to all buildings and other areas of the site in accordance with Township, Wayne County and State standards.
- (c) The traffic generated by the PUD shall not unreasonably impact the surrounding properties and uses. In determining whether this requirement has been met, consideration shall be given to several factors, including but not limited to:
  - (1) Access to major roads and the adequacy and existing traffic count of such nearby thoroughfares.
  - (2) Adequacy of driver sight distances.
  - (3) Estimated traffic to be generated by the proposed development.
  - (4) Location of and access to off-street parking.
  - (5) Provisions for pedestrian traffic.
  - (6) Proximity in relation to intersections.
  - (7) Required vehicular turning movement.



---

**Section 19.08 PUD Site Plan Information**

---

- (a) **PUD Concept Plan.** The following information must be presented at the pre-application Conference:
- (1) A legal document evidencing unified control of the land upon which the PUD is proposed.
  - (2) An understandable plan showing the entire PUD area in a preliminary scale form, indicating the following:
    - a. A legal description of the subject property.
    - b. The estimated total number of acres to be developed.
    - c. The estimated total number of acres per proposed use.
    - d. The relative locations of the different uses in the proposed PUD.
    - e. The estimated density for each use and Parallel Plan if applicable.
    - f. The proposed circulation pattern of the development.
    - g. The existing site characteristics.
    - h. The known deviations and alterations from the regulations addressing the underlying zoning classification.
    - i. The estimated number of acres of open space.
    - j. The estimated number of acres of land to be used for recreational purposes.
    - k. A sketch of the exterior facades of all buildings and structures to be built.
    - l. The location and approximate number of acres of wetlands and any other environmentally sensitive areas of land.
    - m. The location and estimated number of acres of natural resources and natural features which are to be preserved.
  - (3) A narrative which describes any experience the applicant has had in projects of a similar size and nature together with a list of the locations of similar developments the applicant has been involved with.
- (b) **Preliminary PUD Site Plan.** The preliminary PUD site plan shall include all of the following information:
- (1) **Overall PUD Preliminary Development Plan.** Prepared at a minimum scale of one inch equals one hundred feet (1" = 100').
  - (2) **Existing Site Features**
    - a. An overall area map at a scale of not less than one inch equals two hundred feet (1" = 200') showing the relationship of the PUD to its surroundings such as section lines and/or major roads or collector roads.
    - b. Boundaries of the proposed PUD and overall property dimensions.
    - c. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the PUD site, including areas across abutting roads.



- d. Zoning classification for all land adjacent to the PUD.
- e. Location, width and names of existing or prior platted roads and private roads, and public easements within or adjacent to the PUD site, including areas across abutting roads.
- f. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the PUD site.
- g. Topography drawn as contours with a two (2) foot contour interval. Topography to be based on the U.S.G.S. datum and be extended a minimum distance of two hundred (200) feet outside the PUD boundaries.
- h. Map and narrative analysis of natural features and man-made features. The map and analysis shall show the location and nature of significant natural and man-made features on or near the site and the proposed means to preserve on-site features.

### (3) Proposed Site Features

- a. Layout of roads indicating proposed road names, right-of-way widths, and connections with adjoining platted roads and also the widths and location of alleys, easements and public walkways.
- b. Layout of all uses proposed in the PUD. Residential uses shall be indicated by housing type and proposed density. Commercial areas should include the uses proposed and layout of structures.
- c. Location and function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces.
- d. An indication of the system proposed for sewage and water supply by methods approved by the Township Engineer.
- e. An indication of storm drainage proposed by a method approved by the Township Engineer and County. Storm drainage must be provided to an approved outlet.
- f. Landscaping plan including pedestrian circulation system.
- g. Depiction of proposed development phases.

### (4) Tabulations

- a. Total site acreage and acreage and percent of total project in various uses, including developed and undeveloped open space.
- b. Total site density of single family and multiple family areas and percent of ground area covered by buildings.
- c. Acreage and percent of project in commercial areas, total number of square feet of building areas proposed for each building, building group, or use, and percent of ground area covered by buildings.
- d. Acreage and numbers of single family lots and multiple family units to be included in developed phases.

- (5) **Preliminary Architecture.** Renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

**(6) Supporting Materials**

- a. Legal description of total site area.
- b. Statement of applicant's interest in the land proposed for the PUD.
- c. Statement regarding the manner in which open space is to be maintained.
- d. Statement regarding sale and/or lease of all or portions of the PUD, including land areas, units, and commercial facilities.
- e. Statement of required modifications (variances) to the regulations, which are otherwise applicable to the site.
- f. Narrative explanation of the relationship of the proposed PUD to the Brownstown Township Master Plan.
- g. An analysis of the traffic impact on the PUD on existing and proposed roads, including current traffic counts on surrounding roads.
- h. An analysis of the fiscal impact of the PUD on the Township.
- i. A phasing schedule for development of all facilities which will include estimated dates for site plan approval and completion of construction for each phase of the plan.
- j. A map and narrative explanation of the location and amount of parking for the PUD.

**(7) Proposed PUD Agreement**

- (8) Agreements, Contract and Covenants.** Copies of agreements, contracts, covenants, and deed restrictions necessary for the completion of the development and for continuing operation and maintenance of such areas, function and facilities which are not to be provided, operated or maintained at the public expense.

- (c) Final Site Plan.** Following preliminary approval, the application shall follow the procedures and requirements for final approvals following the subdivision, condominium or site plan review process, as applicable. Final site plans shall meet all requirements of *Article 17 Site Plan Review*. Final condominiums shall meet all requirements of *Article 20 Condominiums*. Final preliminary plats shall meet all requirements of the Brownstown Township Subdivision Regulations Ordinance.

**Section 19.09****Conceptual PUD Review Procedures**

- (a) Prior to filing a formal request for a PUD, the applicant must meet with the Community Services Department to discuss the Proposal for PUD designation, administrative procedures and standards for approval. The Pre-application Conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the Township.
- (b) Following the Pre-application Conference, the Community Services Department shall notify the Planning Commission of the proposal and shall establish a date and time where the applicant can receive input from the Planning Commission, in the instance that they wish to attend.



- (c) Any and all statements made by the Planning Commission, Community Services Department, Township Attorney, or any other Township representative during the Pre-application Conference process shall have no legal force and are not legal and binding promises, commitments or contracts.
- (d) The applicant may schedule more than one (1) Pre-application conference with the Township regarding the proposal for PUD designation or the Township may require more than one (1) conference if it is deemed necessary.

### **Section 19.10 Preliminary PUD Review Procedures**

---

- (a) Following the receipt of a properly submitted and reviewed application for a PUD, a public hearing in front of the Planning Commission shall be set in accordance with *Section 22.10 Public Hearings*.
- (b) The Planning Commission shall review the application, Preliminary PUD and supporting documentation as well as the recommendations from the reviewing agents at the public hearing. The review of the Preliminary PUD by the Planning Commission shall consider the developments overall relation to the Brownstown Township Master Plan and design in terms of traffic safety, health, drainage and densities.
- (c) The Planning Commission shall prepare a report stating its conclusions on the request for a PUD, the basis for their decision and any conditions relating to an approval of the Preliminary Development Plan. The Planning Commission will also make a recommendation to the Township Board regarding the proposed Development Agreement. The report shall be forwarded to the Township Board for their review and action.
- (d) Within a reasonable time following the Planning Commission public hearing, the Township Board shall approve, approve with conditions or deny the Preliminary PUD. In reviewing the Preliminary PUD, the Township Board shall make a finding and determination in respect to compliance with the PUD regulations, as recommended by the Planning Commission, and consistency with the intent of this Ordinance. Approval of the PUD shall have the following effects:
  - (1) Indicate terms for acceptance of uses, location of uses, layout of roads, dwelling unit count and type, densities, and all other elements relating to the PUD creating a Final Development Plan.
  - (2) Indicate terms for accepting the Development Agreement for the PUD.
  - (3) Authorize the applicant to file an application for site plan approval by the Planning Commission for all phases of the development shown on the PUD Final Plan.
  - (4) No deviations from the PUD Final Development Plan approved by the Township shall be permitted except as provided in this Article.



- (e) Approval of the Preliminary PUD shall be valid for three (3) years and shall lapse unless final site plan approval is obtained within three (3) years. The time limit may be extended by the Township Board upon the showing of good cause by the applicant, provided that in no case shall any single extension of time exceed twelve (12) months.
- (f) The Township Board, upon recommendation by the Planning Commission, may approve phased development of the PUD and, in such case, as follows:
  - (1) Specify reasonable periods for the development of each phase.
  - (2) Deviations from the number of dwelling units, per acre, established for the entire PUD may be permitted within certain development phases as long as the number of dwelling units, per acre, authorized for the entire development is not affected.
  - (3) The applicant shall make such easements, covenants and other arrangements, and shall furnish such performance bond or bonds, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of said plan before completion.

## Section 19.11 Final PUD Review Procedures

---

- (a) **Uses Requiring Site Plan Approval.** After final approval of the PUD by the Township Board, the applicant shall thereafter submit detailed site plans or plats in accordance with *Article 17 Site Plan Review*.
- (b) **Plat Approval.** After final approval of the PUD Final Development Plan by the Township Board, the applicant shall thereafter submit detailed plats for subdivision developments in conformance with the State of Michigan Land Division Act, P.A. 288 of 1967, as amended, and with the Brownstown Township Subdivision Regulation Ordinance No. 172-1.
- (c) **Performance Guarantees.** Performance guarantees may be required in connection with final plat approval as stipulated by Section 182 (2) of State Public Act 288 of 1967, as amended and with Article V of the Brownstown Township Subdivision Regulations Ordinance No. 172-1. For site plans, performance guarantees may be required in connection with site plan approval as stipulated by *Section 22.09 Performance Guarantees*.
- (d) **Conveyance and Maintenance of Common Areas and Facilities**
  - (1) The location, extent, and purpose of all common areas and facilities shall be clearly identified on the PUD Final Plan, and on each Final Site Plan. All such areas and facilities which are to be conveyed to any agency if accepted by said agency, shall be clearly identified accordingly on the Final Site Plan(s).



- (2) All public areas and facilities which are to be dedicated to and occupied by a public agency shall be so dedicated and accepted by said agency on a Final Site Plan, unless a binding agreement for dedication is provided in lieu of dedication.
- (3) Legal instruments setting forth a plan or manner of permanent care and maintenance of common areas and facilities shall be submitted and referred to appropriate legal counsel for review as to legal form and effect. Said legal instrument shall become a part of the approval Plat or Final Site Plan, whichever is applicable.
- (4) Where property owner or home owner associations are to be used to maintain and preserve common areas and facilities, the applicant shall file a declaration of covenants and restrictions that will govern the same to be filed with the PUD application. The provisions shall include, but shall not be limited to the following:
  - a. An association shall be established before any homes or businesses in the PUD are sold or leased.
  - b. Membership in the association shall be mandatory for each buyer and for any successive buyer and shall be so specified in the covenants.
  - c. Restrictions shall be permanent.
  - d. The association shall be made responsible for liability insurance, applicable local taxes, and maintenance of common areas and facilities.

## **Section 19.12                      Deviations from Approved PUD Site Plan**

---

- (a) An applicant may request an amendment to an approved PUD or approved Final Site Plan/Plat. Any change to an approved PUD or Final Site Plan/Plat which results in a major change to the approved PUD shall follow the procedures and conditions herein required for an original submittal and review, in full.
  - (1) A request for an amendment shall be made in writing and shall clearly state the reasons therefor. Such reasons may be based upon such considerations as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or reasons mutually affecting the interests of the Township and applicant, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission shall review the request and make a recommendation to the Township Board. The Township Board, upon finding such reasons and requests reasonable and valid, shall notify the applicant in writing.
  - (2) Modifications to be considered major changes, for which an amendment is required, shall include, but is not limited to, one or more of the following:
    - a. Change in concept of the development.
    - b. Change in use or character of the development.
    - c. Change in type of dwelling unit as identified on the approved PUD Final Development Plan.



- d. Increase in the number of dwelling units.
  - e. Change in non-residential floor area of over five percent (5%), with projects containing over ten thousand (10,000) square feet of non-residential floor area.
  - f. Rearrangement of lots, blocks, and building tracts.
  - g. Change in the character or function of any road.
  - h. Reduction in land area set aside for common open space or the relocation of such area(s).
  - i. Increase in building height.
  - j. Decrease in the total proposed residential floor area.
  - k. Expansion of the geographic area comprising the PUD project limits.
- (b) An applicant may request administrative approval of modifications from the Community Services Department, which constitute minor changes in an approved PUD or Final Site Plan/Plat. The Community Services Department shall notify the Planning Commission and the Township Board and any other applicable agency of its approval of such minor changes. The revised drawings, as approved, shall be signed by the owner of record or the legal representation of said owner. Administrative approval is at the discretion of the Community Services Department and any change may be referred to the Planning Commission as a major amendment to the PUD or Final Site Plan/Plat.
- (1) Modifications to be considered minor changes, for which approved plans may be revised rather than amended, shall include, but are not limited to, one (1) or more of the following:
- a. An increase in the proposed residential floor area.
  - b. A change in non-residential floor area of five percent (5%) or less, with projects containing ten thousand (10,000) square feet or less of non-residential floor area.
  - c. Minor variations in layout, which do not constitute major changes.
- (c) The Community Services Department shall have the authority to determine whether a requested change is a major or minor amendment in accordance with this section. The burden shall be on the applicant to show the reasons for any requested change owing to changed physical or economic factors, or consumer demand.
- (d) The Township Board shall determine disputes over the nature of major versus minor changes.





---

**Section 19.13 Appeals and Variances**

---

- (a) The Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board, or Planning Commission on a preliminary PUD, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the development agreement or the requirements of this Article.
- (b) The Zoning Board of Appeals shall only have the authority to hear and decide appeal requests by individual lot owners for variances from the Zoning Ordinance following final approval of the PUD.

## **Condominiums**

---

# **Article 20**





---

## Section 20.01 Intent

---

This Article is intended to provide for condominium projects within the Township and establish regulations to guide development of such projects in a manner similar to comparable development allowed within the Zoning Ordinance and the Subdivision Ordinance. This Article also establishes development standards and required information to assure compliance within the purposes of this ordinance including:

- (a) Orderly growth and harmonious development of the community as planned for in the Brownstown Township Master Plan.
- (b) Secure adequate traffic circulation and safety through coordinated street systems with relation to the Township road system, future development, public services and facilities.
- (c) Provide for development which can be timed in a manner consistent with planned or needed public improvements so as not to create an undue inconvenience, hazard or financial burden for residents of the Township.
- (d) Secure adequate provisions for water supply, storm drainage, sanitary sewage disposal, pedestrian facilities, bicycle facilities, lighting, and other public health and safety needs, including safe and coordinated interconnection with existing roads, and to provide for the achievement of these purposes.
- (e) Evaluate the impact of proposed developments to assure minimum impact of the natural environment including but not limited to the surface waters, groundwater, flora and fauna of the community.

---

## Section 20.02 Submittal Requirements

---

In addition to and concurrently with the notice required to be given the Township pursuant to Section 71 of the Condominium Act, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with the preliminary site plan. All information shall be furnished to the Township and shall be kept updated until such time as a Certificate of Occupancy has been issued.

- (a) The name, address and telephone number of:
  - (1) The owner(s) of record in the land on which the condominium project will be located together with a description of the nature of and the identity of, any other entity's interest in the property (for example, fee owner, optionee or land contract vendee).



- (2) The engineer who prepared the site plan, attorney who prepared the master deed, and other professionals associated with the project.
  - (3) The developer or proprietor of the condominium project.
- (b) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- (c) The acreage content of the land on which the condominium project will be developed.
- (d) The purpose of the project (for example, residential, commercial, industrial, etc.).
- (e) Number of condominium units to be developed on the subject parcel.
- (f) A site plan meeting the requirements of *Article 17 Site Plan Review* for any project requiring site plan approval.
- (g) The size, location, area and horizontal boundaries of each unit as well as vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit.
- (h) The nature, location and approximate size of common elements.
- (i) A draft of the Master Deed and Bylaws shall be submitted with the final preliminary site plan.

### Section 20.03

### Review

Prior to recording of the Master Deed required by Section 72 of the Condominium Act, as amended (MCL 559.172), the condominium project shall undergo site plan review and approval under the requirements of *Article 17 Site Plan Review* and this section. In addition, the Township shall require appropriate engineering plans and inspection prior to the issuance of any Certificate of Occupancy. Prior to expansion or conversion of a condominium project onto additional land, the new phase of the project shall undergo site plan review and approval. Fees for these reviews shall be established by resolution of the Township Board in addition to those otherwise required by Township Ordinances. All condominium plans shall be reviewed under the following procedures:

- (a) **Tentative Preliminary Approval.** A full site plan, meeting the requirements of *Article 17 Site Plan Review*, and a preliminary road plan shall be submitted for tentative preliminary condominium site plan review by the Planning Commission. Plans shall be reviewed by the Township staff and consultants and written recommendations are to be submitted to the Planning Commission in accordance with the following:



- (1) Planning Commission shall review the site plan, in accordance with the procedures of *Article 17 Site Plan Review*. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan.
  - (2) Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions or deny approval of the tentative preliminary plan.
  - (3) If the tentative preliminary plan is approved or approved with conditions, an application for final preliminary condominium site plan approval must be submitted within one (1) year after the date of tentative approval of the preliminary condominium site plan by the Township Board, or such tentative preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Township Board.
  - (4) Installation or construction of any improvements or land balancing or grading shall not begin until the final preliminary condominium site plan has been approved and the public improvements agreement is entered into between the developer and the Township. Trees and/or other vegetation shall not be removed until after Construction Plan Approval, except for minor clearing required for surveying and staking purposes.
- (b) **Agency Reviews.** Upon receipt of tentative preliminary site plan approval, the applicant shall submit the preliminary condominium site plan to all authorities for necessary permits, as required by local, Wayne County and State regulations. Approvals and/or any required permits shall be obtained from the Wayne County, MDEQ and Health Department. Where streams, regulated wetlands or floodplains are proposed to be impacted, MDEQ approval shall also be obtained.
- (c) **Final Preliminary Approval.** The following information shall be submitted for final preliminary condominium site plan approval by the Township Board, based upon a recommendation by the Planning Commission. Plans shall be reviewed and written recommendations are to be provided to the Planning Commission by Township staff, engineer, fire chief, police chief, and attorney. The Planning Commission shall review the site plan following the procedures of *Article 17 Site Plan Review* and make a recommendation to the Township Board to approve, approve with conditions or deny. If a condominium site plan is incomplete, the Planning Commission may table the request and direct the applicant to prepare additional information or revise the plan. Submittals shall include:
- (1) Full site plan meeting the requirements of *Article 17 Site Plan Review*. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan which the proprietor proposes to record and develop at that time.
  - (2) County and state approvals applicable to the development.
  - (3) Proposed condominium master deed and bylaws.
- (d) **Construction Plan Approval.** Following final preliminary site plan approval by the Township Board, detailed construction plans shall be submitted for review and approval by the Township engineer. Site clearing, grading or construction shall not commence until the Township engineer has approved the construction plans.



- (e) **Final Approval of Master Deed, Restrictive Covenants and As-Built Survey.** The applicant shall furnish the Township with one (1) copy of the finalized draft of the Master Deed, one (1) copy of all restrictive covenants and two (2) copies of an as-built survey which shall be installed prior to final approval. The as-built survey shall be reviewed by the Township Engineer and the Community Services Department for compliance with Township Ordinances. The Master Deed, restrictive covenants and as-built survey shall be approved by the Township Board. The Master Deed shall be recorded with the County Register of Deeds following final approval by the Township Board and prior to the issuance of any building permits for construction of any condominium units.

---

#### **Section 20.04                      District Requirements**

---

The areas and setbacks required for condominium buildings shall be based on the density provisions contained in the area, height and placement requirements of the zoning district. The submerged area of a lake, pond, drain or stream shall not be included in the unit area of a condominium lot, but shall be recorded as a general common element.

---

#### **Section 20.05                      Design Standards**

---

All condominium projects shall comply with the design standards contained in the Township subdivision regulations, all applicable requirements of this Article and any other applicable regulations and are herein incorporated by reference. The intent of this section is to require that condominium projects meet the same standards required for other projects in the same district.

---

#### **Section 20.06                      Compliance with Federal, State and Local Law**

---

All condominium projects shall comply with Federal and State statutes and local ordinances.

---

#### **Section 20.07                      Monuments Required**

---

All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this section.

- (a) All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.



- (b) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of roads and alleys and at all angles of an intermediate traverse line. 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 development if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.
- (c) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
- (d) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of eight (8) inches.
- (e) All required monuments shall be placed flush with the ground where practicable.
- (f) All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- (g) The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not-to-exceed one (1) year, on the condition that the proprietor deposits with the Township Treasurer cash or a certified check, or irrevocable bank letter of credit to Brownstown Township, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. 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.

## **Section 20.08 Temporary Occupancy**

---

The Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit without an expiration date is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township.

## **Nonconformities**

---

# **Article 21**







## Section 21.01 Intent

---

- (a) It is the purpose of this Article to provide regulations governing lots, buildings, structures and the uses thereof, which were lawful prior to the enactment of this Ordinance, or amendment thereto, but which are prohibited, regulated or restricted under the provisions of this Ordinance.
- (b) It is the intent of this Article to permit these buildings, structures and uses to continue, but not to encourage their prolonged existence. Because such nonconforming lots, buildings, structures and uses prevent the full realization of the goals and objectives of this Ordinance, the spirit of this Ordinance is to reduce and eliminate such nonconformance. The standards of this Article are intended to accomplish the following:
- (1) Terminate and remove any use, building, structure or any combination thereof established after the effective date and in violation of this Ordinance. Such uses, buildings or structures are classified as a nuisance and shall not receive any of the rights, privileges or protection granted by this Article for legal nonconformities.
  - (2) Eliminate nonconforming uses which are considered to be incompatible with permitted uses, or encourage redevelopment into a more conforming use.
  - (3) Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed.
  - (4) Encourage the upgrade of residential neighborhoods through bringing nonconforming residential structures more into compliance with this Ordinance.
  - (5) Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which were developed in compliance with the standards at the time of their construction, but which do not meet the site standards of this Ordinance and its amendments.
  - (6) Encourage the combination of contiguous nonconforming lots of record to create lots which conform to current standards, are compatible with other lots in the zoning districts, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.
- (c) Nonconforming lots and structures are typically those established prior to the current zoning standards. The Township intends to allow continued use of these lots and structures in certain cases. Accordingly, this Article establishes regulations that govern the completion, restoration, reconstruction and expansion of nonconforming structures which do not increase the nonconforming situation.
- (d) To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to mean that the property owner has begun substantial construction under a lawfully-issued building permit.
-



## Section 21.02 Nonconforming Uses

---

A lawful use of a building, structure, land or combination of, that existed prior to the effective date of this Ordinance, or amendment thereto, that is made no longer permissible under the provisions of this Ordinance, as enacted or amended, shall be considered a nonconforming use. These nonconforming uses may be continued so long as they remain otherwise lawful, subject to the following limitations, unless otherwise approved by the Zoning Board of Appeals:

- (a) **Not Increased.** Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (b) **Not Expanded.** The existing structure devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located. The addition of a second story on an existing nonconforming structure shall be considered an expansion, subject to *Section 21.03 (b) Nonconforming Buildings and Structures*.
- (c) **Not Expanded Outside Original Structure.** Any nonconforming use shall not be extended to occupy any land outside the structure or outside the original foundation.
- (d) **Not Moved.** Nonconforming uses shall not be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this Ordinance.
- (e) **Change in Use of a Structure.** If no structural alterations are made, any nonconforming use of a structure may be changed to another nonconforming use, provided that the Zoning Board of Appeals first finds that the proposed use is equally appropriate or more appropriate in the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance.
- (f) **Change to a Permitted Use.** Where there is a change in use to a structure or land resulting in a nonconforming use being superseded by a permitted use, the use shall thereafter conform to the regulations for the zoning district, and the nonconforming use may not thereafter be resumed.
- (g) **Not Re-Established if Abandoned.** A nonconforming use that is abandoned for a period of six (6) months or more shall not be re-established. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exist, and which shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:



- (1) Utilities, such as water, gas and electricity to the property, have been disconnected.
- (2) The property, buildings, or grounds have fallen into disrepair.
- (3) Signs or other indications of the existence of the Nonconforming use have been removed.
- (4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
- (5) Other actions, which in the opinion of the Building Official, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- (6) Those alleged nonconforming uses which cannot be proved to have legally existed prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.

(h) **Removal of Structure.** Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

### Section 21.03 Nonconforming Buildings and Structures

---

(a) **Nonconforming Buildings and Structures.** A lawful building or structure that existed prior to the effective date of this Ordinance, or amendment thereto, that is made no longer permissible under the provisions of this Ordinance, as enacted or amended, by reason of restrictions on setbacks, lot coverage, height, or other characteristics of the building or structure or their location on the lot, shall be considered a nonconforming building or structure. These nonconforming buildings and structures may be maintained so long as they remain otherwise lawful, subject to the following limitations:

- (1) Nonconforming buildings and structures may not be enlarged or altered in a way that increases its nonconformity within the provisions of this Article, except for residential buildings as provided for in subsection (b) below, unless otherwise approved by the Zoning Board of Appeals.
- (2) Should a nonconforming building or structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- (3) Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
- (4) Should a nonconforming building or structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later re-established or increased.



- (b) **Expansion of Nonconforming Residential Buildings.** A nonconforming residential building may be expanded, provided the expansion will meet required setbacks and other dimensional and building code requirements. (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded). The Building Official shall utilize the following standards:
- (1) The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.
  - (2) The addition does not extend beyond the predominant existing building line along the same block.
  - (3) The addition retains compliance with all other setback, lot coverage, and height requirements. An additional story may only be added to the portion of the building that is conforming.
  - (4) The addition will meet all minimum building code requirements.
  - (5) The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.
  - (6) The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.
  - (7) The expansion of a residential building with a nonconforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the Zoning Board of Appeals.

## Section 21.04 Nonconforming Lots

---

- (a) **Use of Nonconforming Lots.** Any lot of record existing at the effective date of this Ordinance that now fails to meet the requirements for area or width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this Ordinance are met, such as setbacks, minimum floor area, maximum height and access requirements.
- (b) **Variance to Area and Dimensional Requirements.** If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the Zoning Board of Appeals.



---

## Section 21.05 Nonconforming Sites

---

- (a) **Intent.** The intent of this section is to permit improvements and minor modifications to a conforming use and building which does not meet all of the various site improvement related regulations of this Ordinance. The purpose is to allow gradual compliance with the site related requirements for the entire site, on sites which predate the various Zoning Ordinance standards for landscaping, paving and other non-safety site related items.
- (b) **Permitted.** Such improvements or expansions may be permitted by the Planning Commission during site plan review without a complete upgrade of all site elements under the following conditions:
- (1) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
  - (2) The applicant has addressed safety related site issues on the overall site.
  - (3) For landscaping, the applicant shall bring the site toward conformity at twice the rate of building or parking lot expansions (for example, a five percent (5%) building expansion will provide at least ten percent (10%) of the required landscaping).
  - (4) The improvements or minor expansion will not increase noncompliance with site requirements.
  - (5) All driveways that do not conform with the access standards of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the standards of *Article 15 Off-Street Parking, Loading, Access and Circulation Requirements*.

---

## Section 21.06 Nonconforming Resulting in Right-of-Way Dedication

---

Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional road right-of-way width being acquired by a road agency, the building or parking lot may be improved or expanded without the need to obtain a variance from the Zoning Board of Appeals, provided the following conditions are met:

- (a) The building or parking lot complies with the front yard setback prior to the acquisition of the additional road right-of-way.
- (b) The building or parking lot expansion will not reduce the depth of the front yard setback.
- (c) All other Ordinance requirements are met and necessary approvals obtained.



---

## Section 21.07 Repairs and Maintenance

---

- (a) **Restrictions on Damage Replacements Exceeding One-Half of Value.** In the event that any nonconforming structure is damaged in any manner to the extent the cost of reconstruction or restoration exceeds one-half (1/2) the value of the structure prior to the damaging occurrence as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall only be permitted in conformity with the provisions of this Ordinance, except as otherwise provided herein.
- (b) **Restrictions on Damage Replacements Less Than or Equal to One-Half of Value.** In the event that any nonconforming structure is damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than one-half (1/2) the value of the structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, reconstruction or restoration shall be permitted, provided a building permit for reconstruction or restoration is issued within one (1) year of the occurrence of such damage.
- (c) **Reconstruction of a Fire Damaged Residential Structure.** In the event a nonconforming residential structure is damaged by fire or natural cause, a residential structure may be reconstructed on the same foundation, provided the first floor footprint and the total floor area does not exceed the size of the previous residence.
- (d) **Repairs, Improvements and Modernization.** Repairs, improvements, or modernization of nonconforming buildings or structures shall be permitted, provided such repairs or improvements do not exceed one-half (1/2) of the value of the building or structure during any period of twelve (12) consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements.
- (e) **Safe Condition of Building.** Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any Official charged with protecting the public safety, upon order of such Official.

---

## Section 21.08 Change of Tenancy or Ownership

---

There may be a change of tenancy, ownership or management of a nonconforming use, provided there is no change in character to the non-conformity and that all Building and Fire Codes are met.



**Administration and Enforcement**

---

**Article  
22**







---

## Section 22.01 Planning Commission

---

The Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance:

- (a) The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendment, and reporting its findings and recommendations concerning the Zoning Ordinance or amendment to the Township Board.
- (b) The Planning Commission shall be responsible for review of all applications for site plan approval in accordance with *Article 17 Site Plan Review*, and to make a recommendation to the Township Board for special land use approval in accordance with *Article 18 Special Land Use Review* unless otherwise notes in this Ordinance.
- (c) The Planning Commission shall be responsible for formulation of the Township Master Plan as a guide for the development of the Township.

---

## Section 22.02 Enforcement

---

The provisions of this Ordinance shall be administered and enforced by the Building Official or by such deputies of his department as the Building Official may delegate to enforce the provisions of this Ordinance.

---

## Section 22.03 Duties of Building Official

---

- (a) The Building Official shall have the power to grant zoning compliance and certificates of occupancy and to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this Ordinance. It is unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until the plans have been inspected in detail and have been found to conform to this Ordinance.
- (b) Under no circumstances is the Building Official permitted neither to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out the duties as Building Official.
- (c) The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of the permit.



---

## Section 22.04 Plot Plan/Survey

---

The Building Official shall require that all applications for permits for uses not covered in *Section 17.02 Uses Requiring Review* be accompanied by plans and specifications including plot plan/survey information as required in this section:

- (a) Actual shape, location and dimensions of the lot, including identification of the front lot line.
- (b) Shape, size, location and setback of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- (c) Existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
- (d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- (e) In those instances where more than one (1) use is proposed for a property or where lots or parcels are to be split or subdivided, the applicant shall submit copies of any private covenants, deed restrictions or agreements to the Township in order to clarify the intended use of the property and its compliance with Ordinance provisions.

---

## Section 22.05 Permits

---

The following shall apply in the issuance of any permit:

- (a) **Permits not to be Issued.** No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- (b) **Permits for New Use of Land.** No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (c) **Permits for New Use of Buildings.** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.



- (d) **Site Improvements.** All of the required site improvements, including utilities, stormwater facilities, sidewalks, landscaping, signage and lighting, shall be installed by the developer in accordance with the approved site plan prior to issuance of the any building permit, unless a performance guarantee has been posted in accordance with *Section 22.09 Performance Guarantees*.
- (e) **Permits Required.** No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township of Brownstown Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.
- (f) **Permits for Wrecking Buildings.** Permits for the demolition of a building or structure must comply with the following regulations:
- (1) Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.
  - (2) After obtaining permit from the Building Official, the wrecker shall proceed to erect screening, fencing, boarding, or other protections as authorized by the Building Official and shall notify the same before proceeding with wrecking operations.
  - (3) The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject, and will be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building.
  - (4) The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workmen and shall be in accordance with good practice. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit and are approved by the Building Official.
  - (5) Suitable provision shall be made for the disposal of materials which are accumulated during the wrecking operations.



- (6) No part of the structure shall be overloaded by excessive storage of materials or debris. Materials, which in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance. No open fires or other sources of flame except necessary cutting torches will be permitted on the inside of the building which is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.
  - (7) Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended. Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.
  - (8) The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen.
  - (9) All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade.
  - (10) The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.
- (g) **Expiration of Building Permit.** If the work described in any building permit has not begun within twelve (12) months from the date of issuance thereof, said permit shall expire; it shall be canceled by the Building Official, and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Building Official, and written notice thereof shall be given to the persons affected, together with notice that further work, as described in the canceled permit, shall not proceed unless, and until, a new building permit has been obtained.
- (h) **Insurance.** No building permit for building, electrical, plumbing or mechanical work shall be issued by the Township to any Contractor unless satisfactory proof that the minimum insurance requirements of the Township as set forth below are complied with:
- (1) Certificates of Public Liability Insurance and Workmen's Compensation Insurance shall be furnished. Workmen's Compensation Insurance may be waived by the Township provided that a waiver is signed by the applicant for a Building Permit indicating that construction will be completed by the Owner and that he/she has no employees working for them.
  - (2) All required insurance policies shall contain an endorsement providing that at least 30 days written notice shall be given to the Township in the event of cancellation, reduction or material change in coverage of the policy or intent not to renew.
  - (3) The Director of Community Services for the Township may issue a Stop Work Order at any time if any of the insurance coverages required by the Township are not maintained.



---

## Section 22.06 Certificates

---

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

- (a) **Certificate Issued.** Certificates of occupancy shall only be issued for a building or structure, or for the use of any land, which are in accordance with all the provisions of this Ordinance.
- (b) **Certificates Required.** No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy has been issued for such building or structure. Certificates of occupancy shall be required for any change in occupancy of any building, structure or land in all Non-Residential Districts.
- (c) **Certificates Including Zoning.** Certificates of occupancy, as required by the Township Building Code, for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- (d) **Certificates for Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- (e) **Record of Certificates.** A record of all certificates issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (f) **Certificates for Dwelling Accessory Buildings.** Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan, and when completed at the same time as such dwellings.
- (g) **Application for Certificates.** Application for certificates of occupancy shall be made, in writing, to the Building Official on forms furnished by that Department, and such certificates shall be issued within ten (10) business days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid ten (10) day period.



---

**Section 22.07**                      **Fees**

---

- (a) Fees for site plan review, inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance and any costs associated with consultant reviews.
- (b) Publication costs for advertisement of public hearings and for mailing of notices as required under the provisions of this Ordinance shall be charged to the applicant in the amount of such actual cost. All other costs incurred by the Township in administering an application under this ordinance shall be charged to the applicant in the amount of such actual cost.
- (c) Fees for rezoning, special uses and such other fees as may be required for the administration of this Ordinance and any costs associated with consultant reviews shall be established by resolution of the Township Board.
- (d) The applicant shall be required to pay all fees related to Township consultant or attorney reviews of an application. Expenses and costs incurred by the Township that are directly associated with reviewing and processing a zoning application shall be paid from the funds in an escrow account established for the applicant. Applications shall not be processed prior to the required escrow fee having been deposited with the Township. Any excess funds remaining in the escrow account after the application has been fully processed and the final Township decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds.

---

**Section 22.08**                      **Security for Completion of Improvements**

---

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit for a final inspection.

---

**Section 22.09**                      **Performance Guarantees**

---

To ensure compliance with the provisions of this Ordinance, approved site plans, and any conditions imposed by the Township Board, Zoning Board of Appeals, Planning Commission or Building Official, the Township may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements. The performance guarantee shall meet the following requirements:



- (a) The performance guarantee may be in the form of a cash deposit, certified check, cash escrow, non-descriptive irrevocable bank letter of credit without an expiration date or similar instrument acceptable to the Township.
- (b) The amount of such guarantee shall cover all improvements in accordance with the approved site plan not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives and roads, infrastructure, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc. An additional twenty five percent (25%) shall be added to cover the Township's costs for administering the performance guarantee which may be adjusted by the Township Board depending on the size and scale of the project. The guarantee shall include a schedule of costs assigned to the different improvements and a time by which such improvements shall be completed.
- (c) Monies may be released to the applicant in proportion of work completed on the different elements after inspection of work and approval of the Building Official. Any partial release of funds shall not reduce the amount of remaining guarantee to less than ten percent (10%) of the original amount, which shall be retained by the Township until all work has been completed and subsequently inspected and approved by the Building Official. The Building Official in evaluating the adequacy of the financial guarantees may request any necessary input from the Township engineer, planner and landscape architect. If the estimated cost has changed, then a revised guarantee, acceptable to the Township, shall be filed with the Clerk covering such improvements.

## Section 22.10 Public Hearings

---

In instances where a public hearing is required under this Ordinance with the Planning Commission, the Zoning Board of Appeals or the Township Board, written notice of the public hearing shall be as follows:

- (a) **Notice Content.** The notice shall do all of the following:
  - (1) Describe the nature of the request.
  - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing road addresses within the property. Road addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no road addresses, other means of identification may be used.
  - (3) State when and where the request will be considered.
  - (4) Indicate when and where written comments will be received concerning the request.
- (b) **Notice Publication and Mailing.** Notice shall be published and mailed no less than fifteen (15) days prior to the public hearing as follows:



- (1) Notice of the request shall be published in a newspaper of general circulation in the Township.
  - (2) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - (3) Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
  - (4) The notice under subsection (3) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- (c) **Ordinance Amendments and Rezoning of More Than Ten (10) Properties.** Public hearings for an amendment to this Ordinance, or the Zoning Map that affects more than ten (10) properties shall only require one (1) notice in a newspaper, which shall not be required to indicate the property subject to the request under subsection (a) (2) above, and notice shall not be required to be mailed to individual properties under subsections (b) (2) and (3) above.
- (d) **Zoning Board of Appeals Interpretations and Appeals.** Public hearings for Ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in subsection (a) (2) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in subsection (b) (2) above. Variances shall require full notification under subsections (b) (1), (2), and (3) above.
- (e) **Sign Posted on Property.** The Township shall post a notification sign on any property that is the subject of a public hearing before the Planning Commission regarding a special land use or rezoning. This signage shall not be required for public hearings for the rezoning of more than ten (10) properties as noted in subsection (c) above. The sign shall indicate that the property is the subject of a request that requires a public hearing and shall include contact information for the appropriate Township Department where interested parties can obtain additional information.





---

### **Section 22.11                      Violations and Penalties**

---

- (a) Any person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Planning Commission, Building Official, Zoning Board of Appeals or Township Board issued in pursuance of this Ordinance shall be punishable by a civil fine of one hundred dollars (\$100) for the first offense within any twelve (12) month period. Any subsequent offenses within the same twelve (12) month period, the violation shall constitute a misdemeanor and upon conviction, punishable by a fine of up to five hundred dollars (\$500) and/or imprisonment for a term not to exceed ninety (90) days in the discretion of the Court together with the costs of such prosecution.
- (b) The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense.
- (c) The imposition of any penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

---

### **Section 22.12                      Each Day a Separate Offense**

---

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

---

### **Section 22.13                      Nuisance Declared**

---

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

---

### **Section 22.14                      Rights and Remedies Cumulative**

---

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**Zoning Board of Appeals**

---

**Article  
23**





## Section 23.01 Creation and Membership

---

There is hereby established a Zoning Board of Appeals, herein referred to as the "ZBA", which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of five (5) members, as follows:

- (a) **Planning Commission Member.** The first member shall be a member of the Brownstown Township Planning Commission.
- (b) **Other Members.** The remaining four (4) members shall be selected and appointed by the Township Board from among the electors residing in the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township.
- (c) **Township Trustee.** One (1) member shall be from the Township Board and their membership term shall be limited to the time they are a member of the Township Board. An elected official of the Township shall not serve as chairperson of the ZBA but may serve as an alternate member. An employee or contractor employed by the Township may not serve as a member of the ZBA.
- (d) **Alternates.** The Township Board shall also appoint two (2) alternate members of the ZBA. Appointments shall be as follows: One (1) alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. The alternate members shall:
  - (1) Sit as regular members of the ZBA in the absence of a regular member if a regular member is absent from, or unable to, attend one (1) or more meetings of the ZBA.
  - (2) Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest, or due to an immediate, unnotified absence of a regular member. The alternate member having been appointed shall serve in the case until a final decision has been made.
  - (3) Alternate members shall have the same voting rights as a regular member of the ZBA. Alternate members shall receive equal compensation for the meetings attended as does a regular member. Alternate members shall be appointed by the Township Board to sit on the ZBA. Whenever possible, these two (2) alternates should be provided the opportunity to rotate as members of the ZBA.

**(e) Terms**

- (1) The term of each member shall be for three (3) years, except that of the members first appointed: two (2) shall serve for two (2) years and the remaining members for three (3).
- (2) A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
- (3) A vacancy on the ZBA shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

- (f) **Removal.** Members of the ZBA shall be removable by the Township Board for malfeasance, non-performance of duty or misconduct in office, upon filing of written charges and after public hearing before the Township Board.

**Section 23.02 Proceedings of the ZBA**

---

- (a) All meetings of the ZBA shall be held at the call of the Chairman, and at such times as the ZBA may determine.
- (b) The ZBA shall not conduct business unless three (3) members of the ZBA are present.
- (c) All meetings of the ZBA shall be open to the public.
- (d) 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 and shall be public record.
- (e) The ZBA shall have the power to subpoena and require the attendance or witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

**Section 23.03 Powers and Duties**

---

The ZBA shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), all jurisdiction and powers prescribed in other Articles of this Ordinance and the following specific jurisdiction and powers:



### (a) Powers

- (1) The ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance.
- (2) The decision of the ZBA shall be final. However, a person having an interest affected by this Ordinance may appeal to the circuit court for review pursuant to section 23(a) of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).
- (3) In granting a variance the ZBA may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

**(b) Appeals of Administrative Decisions.** The ZBA shall hear and decide appeals where it is alleged by a appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any administrative official charged with administration or enforcement of this Ordinance. The applicant appealing the order, requirement, permit or decision shall be required to file the request for appeal to the ZBA within thirty (30) days of the decision. The ZBA shall not have the authority to hear an appeal of a decision by the Planning Commission or the Township Board. In order to be aggrieved by a decision of the Township, the person or other entity making the appeal must have a property interest and sufficient standing as recognized under the law to challenge the decision. An appeal to an administrative decision may be reversed by the ZBA only if it finds that the action or decision appealed meets one (1) or more of the following requirements:

- (1) Was arbitrary or capricious.
- (2) Was based on an erroneous finding of a material fact.
- (3) Constituted an abuse of discretion.
- (4) Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

**(c) Interpretation.** Upon request of the Planning Commission or any administrative or enforcement officer charged with administration or enforcement of this Ordinance, the ZBA may interpret and clarify the meaning of Ordinance text. The ZBA may also be requested to interpret boundaries of zoning districts where the zoning district classification can not be clearly discerned on the Official Zoning Map.

### (d) Special Land Uses and Planned Unit Developments

- (1) 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. The ZBA shall not have the power to reverse or modify the Planning Commission's decision to approve or deny a special land use permit nor grant variances to any conditions placed on special land use approval.



- (2) The ZBA shall not have the authority to grant variances to the PUD regulations of *Article 19 Planned Unit Developments* or any requirements placed on PUD approval. However, the ZBA shall have the authority to hear and decide appeal requests by individual lot owners for variances from other sections of this Ordinance following final approval of the PUD, provided such variances do not affect the terms or conditions of the original PUD approval or constitute a variance to the PUD regulations of *Article 19 Planned Unit Developments*.

(e) **Approvals.** To hear and decide requests for other decisions that this Ordinance specifically authorizes the ZBA to pass.

(f) **Variances**

- (1) The ZBA, after holding a public hearing in accordance with *Section 22.10 Public Hearings*, shall have the power to grant requests for dimensional variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance relating to the construction, equipment, or alteration of buildings or structures, or of storm water management requirements so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

(2) The Township shall not review requests for use variances.

(3) A dimensional variance may be allowed by the ZBA only in cases where the applicant has shown there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

a. **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

1. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance.
2. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure.
3. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
4. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.



- b. **Practical Difficulty/Substantial Justice.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- c. **Impact on Surrounding Neighborhood.** The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.
- d. **Public Safety and Welfare.** The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the Township.
- e. **Not Self Created.** The immediate practical difficulty causing the need for the variance request was not self-created by the applicant.

## Section 23.04

## Decisions of the ZBA

---

- (a) **Dimensional Variances.** A concurring vote of a majority of the members of the ZBA shall be required to grant a variance to the requirements of this Ordinance.
- (b) **Appeals.** In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Official from whom the appeal is taken. A concurring vote of a majority of the members of the ZBA shall be required to reverse an order, decisions, or determination of an administrative official.
- (c) **Planning Commission/Township Board Voting.** A member of the ZBA who is also a member of the Planning Commission, or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.



- (d) **Decision Effective.** The decision of the ZBA shall be final upon the earlier of:
- (1) Issuance of a written decision signed by the chairperson of the ZBA.
  - (2) Approval of the minutes of the meeting at which the decision was made.
- (e) **Decision Final.** The decision of the ZBA shall be final, but shall be subject to review by the circuit court. An appeal from a decision of a ZBA shall be filed within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson or within twenty one (21) days after the ZBA approves the minutes of its decision.
- (f) **Conditions.** In granting a variance the ZBA may attach conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance. Performance guarantees shall be required to ensure that conditions attached to a variance are complied with in accordance with Section 18.21.100.
- (g) **Validity of Variance.** The order of the ZBA authorizing the erection or alteration of a building shall expire in three (3) years, unless a building permit for such erection or alteration is issued and construction proceeds to completion in accordance with the terms of such permit.
- (h) **One (1) Year to Rehear Denied Variance.** When any application made under the provisions of this Ordinance has been denied by the ZBA, not less than one (1) year must intervene before a new application of the same tenor, and relating to the same property or proposed use, may be accepted or acted upon by the Building Official or by any other Township employee or authority, unless a positive finding is made by the Building Official that the facts of the case have substantially changed since its previous consideration.
- (i) **Reconsideration.** The ZBA shall have the authority to rehear a prior decision on its own motion in instances where new information is presented that could change the findings of fact used to reach the original decision. Where the ZBA passes a motion to reconsider a variance decision based upon the new information provided, it shall set a new public hearing, noticed in the same manner as required for the original hearing.





## **Amendments to Ordinance**

---

# **Article 24**





---

## Section 24.01                      Initiation of Rezoning and Zoning Ordinance Text Amendments

---

The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Zoning Map (rezoning) or the provisions of this Ordinance. An amendment to the zoning district boundaries contained on the Zoning Map (rezoning) may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of one (1) or more residents or property owners of the Township. All proposed amendments to the Zoning Map or the provisions of this Ordinance shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board.

---

## Section 24.02                      Application Procedure

---

- (a) An amendment to the Zoning Map or this Ordinance 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, which shall be established from time to time by resolution of the Township Board.
- (b) In the case of an amendment to the Zoning Map (rezoning), the following information shall accompany the application form:
- (1) Legal description and road address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  - (2) Name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
  - (3) Existing and proposed zoning district designation of the subject property.
  - (4) Site analysis site plan illustrating existing conditions on the site and adjacent properties, such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
  - (5) Conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
  - (6) Written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts in accordance with *Section 17.10 Site Investigation Reports*.



- (7) Traffic impact analysis In accordance with *Section 17.09 Traffic Impact Studies*.
- (8) Written description of how the requested rezoning meets *Section 24.04 Criteria for Amendment of the Official Zoning Map (Rezoning)*.
- (c) In the case of an amendment to the Zoning Map, the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
- (d) In the case of an amendment to this Ordinance, other than an amendment to the Zoning Map (rezoning), a general description of the proposed amendment shall accompany the application form.

---

### **Section 24.03                      Rezoning and Zoning Ordinance Text Amendment Procedure**

---

- (a) Upon initiation of a rezoning or an Ordinance amendment, a public hearing on the proposed amendment shall be held in accordance with the standards set forth in *Section 22.10 Public Hearings*.
- (b) 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 Zoning Map (rezoning), the Planning Commission shall consider the criteria contained in *Section 24.04 Criteria for Amendment of the Official Zoning Map (Rezoning)* in making its finding and recommendation.
- (c) Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment to be adopted following two (2) readings. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the Zoning Map (rezoning), the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in *Section 24.04 Criteria for Amendment of the Official Zoning Map (Rezoning)*.

---

### **Section 24.04                      Criteria for Amendment of the Official Zoning Map (Rezoning)**

---

In considering any petition for an amendment to the Zoning Map (rezoning) and Zoning Ordinance Text, 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 in the Brownstown Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master 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 the host of uses permitted in the proposed zoning district.
- (c) Evidence the applicant cannot receive a reasonable return on investment through developing the property with any of the uses permitted under the current zoning.
- (d) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- (e) Capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.
- (f) Apparent 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 to accommodate the demand.
- (g) Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.
- (h) The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

## Section 24.05 Conditional Zoning Agreement

---

- (a) **Intent.** It is recognized that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions be proposed by property owners as part of a request for rezoning. This is especially true since the Township must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property with respect to such items as, but not limited to, the surrounding land uses, the Brownstown Township Master Plan, available infrastructure, and natural features. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.



- (b) **Application and Offer of Conditions.** An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
- (1) **General Procedure.** A request for a conditional rezoning shall be commenced by filing a petition with the Building Official, on the required forms, accompanied by the specified fees. The petition shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Petitions for conditional rezoning of a specific site shall be accompanied by a plot plan or survey containing the following information:
- a. Applicant's name, address, and telephone number.
  - b. Scale, northpoint, and dates of submission and revisions.
  - c. Zoning classification of applicant's property and all abutting parcels.
  - d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the property and within one hundred (100) feet of the property.
  - e. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking area, driveways, and other improvements proposed for the property.
  - f. Dimensions, centerlines, and right-of-way widths of all abutting roads and alleys.
  - g. Location of existing drainage courses, floodplains, lakes and streams, wetlands, and woodlands.
  - h. All existing and proposed easements.
  - i. Location of sanitary sewer or septic systems, existing and proposed.
  - j. Location and size of watermains, well sites and building service, existing and proposed.
  - k. The applicant shall also present a conceptual plan showing the specific proposed use of the property, and containing all the information outlined in *Section 17.06 Administrative Sketch Plan Review*.
- (2) **Pre-Application Conference.** Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant must informally meet with the Building Official, and other representatives as deemed necessary by the Township, to discuss the proposed development. The Pre-Application Conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the Township. The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the Pre-Application Conference. Any and all statements made by Township employees, attorneys, agents or representatives at the Pre-Application Conference have no legal force and are not legally binding promises, commitments or contracts.
- (c) **Review Procedures.** The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.



(1) **Standards for Rezoning.** The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the Planning Commission and Township Board shall, at a minimum, consider all the following standards in rendering a decision on a request for conditional rezoning:

- a. Will the proposed amendment be in accordance with the basic intent and purpose of this Ordinance?
- b. Is the proposed amendment consistent with the Brownstown Township Master Plan?
- c. Have the conditions changed since the current zoning was adopted, or was there a mistake in the Zoning Ordinance that justifies an amendment?
- d. Will the amendment correct an inequitable situation created by the Zoning Ordinance rather than merely grant special privileges?
- e. Will the amendment set an inappropriate precedent?
- f. Is the requested zoning consistent with the existing or planned surrounding land uses?
- g. If the rezoning is granted, could all requirements in the proposed zoning classification be complied with on the subject property?
- h. Would the proposed rezoning be consistent with the trends in land development in the general vicinity of the subject property?
- i. Would the proposed rezoning have a negative impact on public services, utilities, or roads?
- j. Would the proposed rezoning negatively impact natural features on the site, such as woodlands or wetlands?

(2) **Other Required Approvals**

- a. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- b. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.



- (3) **Amendment of Conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- (d) **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in subsection (c) above, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing. In the event that any recommended changes to the offer of conditions are not subsequently offered by the owner in writing, the recommendation of the Planning Commission shall be considered by the Township Board to be a recommendation of denial of the proposed conditional rezoning.
- (e) **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall, consistent with subsection (c) above, review the Planning Commission's recommendation and deliberate upon the requested conditional rezoning, and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission subsequent to the recommendation of the Planning Commission, then the Township Board shall refer such proposed additional or different conditions to the Planning Commission for report thereon within a time specified by the Township Board, and the Township Board shall thereafter proceed to deny or approve the conditional rezoning.
- (f) **Approval.** If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested conditional rezoning. The Statement of Conditions shall:
- (1) Be prepared in a form recordable with the Wayne County Register of Deeds.
  - (2) Contain a legal description of the land to which it pertains.
  - (3) Contain a statement acknowledging that the Statement of Conditions runs with the land, and is binding upon successor owners of the land.
  - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning.





- (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
  - (6) The Statement of Conditions may be reviewed and approved by the Township Attorney, with the applicant to pay all costs associated with such review and approval.
  - (7) The approved Statement of Conditions shall be filed by the owner with the Wayne County Register of Deeds within thirty (30) days after approval of the conditional rezoning. The owner shall provide the Township with a recorded copy of the Statement of Conditions within thirty (30) days of receipt. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the Statement of Conditions would be of no material benefit to the Township or to any subsequent owner of the land.
  - (8) Upon the conditional rezoning taking effect, and after the required recording of the Statement of Conditions, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- (g) **Compliance with Conditions.** Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply fully with the conditions contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) **Time Period for Establishing Development or Use.** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if it is demonstrated to the Township Board's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and the Township Board finds that there has not been a change in circumstances that would render the conditional rezoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) **Reversion of Zoning.** If the approved development and/or use of the rezoned land does not occur within the time frame specified under subsection H. above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board, and proceed pursuant to the normal rezoning procedures.



- (j) **Subsequent Rezoning of Land.** When land that is conditionally rezoned with the Statement of Conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection I. above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Wayne County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- (k) **Amendment of Conditions**
- (1) During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  - (2) The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and Statement of Conditions.
- (l) **Township Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act. (MCL 125.3101 et. seq.).
- (m) **Failure to Offer Conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.



## Definitions

---

# Article 25





## Section 25.01 Construction of Language

---

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

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Building Official, Planning Commission, Township Board or Zoning Board of Appeals; as indicated.
- (d) Words used in the present tense shall include the future and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (e) The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (g) The term "including" means "including, but not limited to" and the term "such as" means "such as, but not limited to" unless otherwise noted.
- (h) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity recognizable as a "person" under the laws of Michigan.
- (i) 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," "either...or," the conjunction shall be interpreted as follows.
  - (1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e. "or" also means "and/or").
  - (3) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (j) The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public road right-of-way.
- (k) The word "days" shall mean calendar days and include all week-end days and holidays.
- (l) Terms not herein defined shall have the meaning customarily assigned to them.



---

**Section 25.02**                      **Definitions A-B**

---

- (a) **Access Management.** A technique to improve traffic operations and safety along a major road through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.
- (b) **Accessory Building.** A detached building on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use. Examples may include detached garages, sheds and storage buildings.
- (c) **Accessory Structure.** A detached building or other typed of structure on the same lot with, and of a nature customarily incidental and subordinate to, a principal structure, and occupied or devoted exclusively to an accessory use. Examples include accessory buildings, fences, decks and swimming pools.
- (d) **Accessory Use or Accessory.** A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When accessory is used in this text, it has the same meaning as accessory use. An accessory use includes, but is not limited to, the following.
- (1) Residential accommodations for servants and/or caretakers.
  - (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests.
  - (3) Fences when constructed and located in accordance with the requirements of this Ordinance.
  - (4) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
  - (5) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
  - (6) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - (7) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
  - (8) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
  - (9) Uses clearly incidental to a principal use, such as but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
  - (10) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
  - (11) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.



- (12) Boat houses used for the accessory storage of boats of any principal use on a zoning lot or parcel.
- (13) Solar panels, wind generators, television reception antenna and air conditioning units.
- (e) **Addition.** An extension or increase in floor area or height of a building or structure.
- (f) **Adult Care Facilities.** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Social Services. Such organizations shall be defined as follows.
- (1) **Adult Day Care.** A facility which provides care for over twelve (12) adults for less than 24 hours.
  - (2) **Adult Foster Care Facility.** A governmental or nongovernmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
  - (3) **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  - (4) **Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  - (5) **Adult Foster Care Family Home.** An adult foster care facility with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
  - (6) **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.



(g) **Adult Regulated Uses.** for the purpose of this Ordinance, the following uses shall be classified as adult regulated uses:

- (1) **Adult Book, Novelty or Video Store.** A commercial establishment which offers for sale or rental for any form of consideration, and which has more than ten percent (10%) of its stock in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations, recordings, other audio matter, and novelties or devices which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein. Other business purposes shall not exempt an establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as more than ten percent (10%) of its business includes the offering for sale or rental for consideration of the specified materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.
- (2) **Adult Mini Motion Picture Theater.** An enclosed building with a capacity for fewer than twenty (20) persons 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 therein.
- (3) **Adult Motion Picture Theater.** An enclosed building with a capacity of twenty (20) or more persons 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 therein.
- (4) **Cabaret.** An establishment which permits topless and/or bottomless dancers, go-go dancers, strippers, exotic dancers, male or female impersonators, or similar entertainers.
- (5) **Massage Parlor.** Any modeling school, modeling studio, baths, bath houses, mineral baths, sauna bath, steam bath, magnetic healing institute, or any room, place, establishment, or institution where non-medical and non-surgical manipulative exercises are practiced upon the body or where treatment of any nature for the body by massage is made available, or where treatment of any nature for the human body is given by means of massage, as herein defined, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given. A massage parlor shall not include the following:
  - a. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional.
  - b. Fitness center.
  - c. Electrolysis treatment by a licensed operator of electrolysis equipment.
  - d. Hospitals, nursing homes, medical clinics or medical offices.

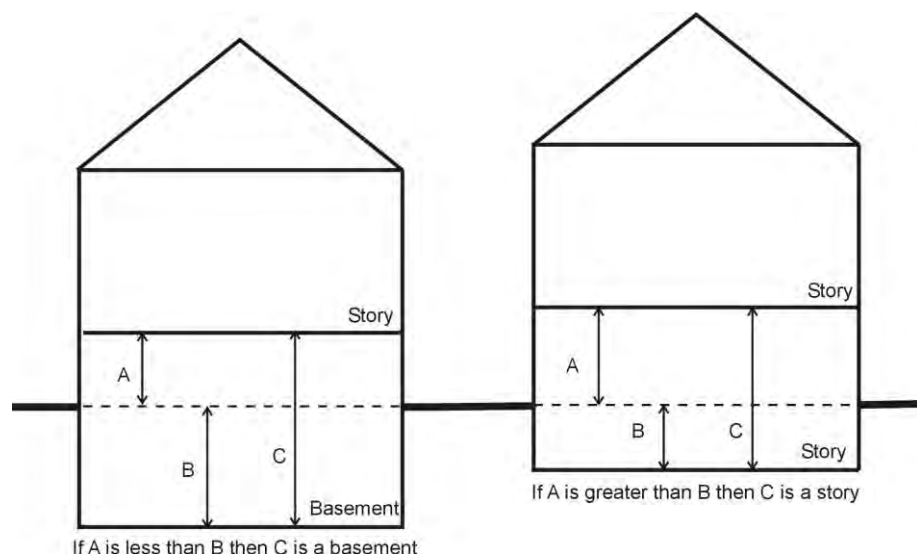




- (6) **Specified Anatomical Areas.** Less than completely and opaquely covered human genitals, pubic regions, buttock, or female breast below a point immediately above the top of the areola; and male genitals in a discernible turgid state, even if completely and opaquely covered.
- (7) **Specified Sexual Activities.** Human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (h) **Agreement.** An agreement, prepared by the landowner in conjunction with the Township Attorney and approved by the Township Board, which specifically details the development plans of a PUD, the covenants and restrictions proposed for a PUD, the staging of development, and the improvements to be placed in the development.
- (i) **Alley.** Any dedicated public way affording a secondary means of access to abutting property, usually the rear of said property, and not intended for general traffic circulation.
- (j) **Alterations.** Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
- (k) **Animal, Domesticated (Pet).** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.
- (l) **Animal, Non-Domesticated, Vicious or Exotic.** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.
- (m) **Apartments.** A suite of rooms or a room in a multiple family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.
- (n) **Architectural Features.** Architectural features of a building or structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay window, chimneys, and decorative ornaments.

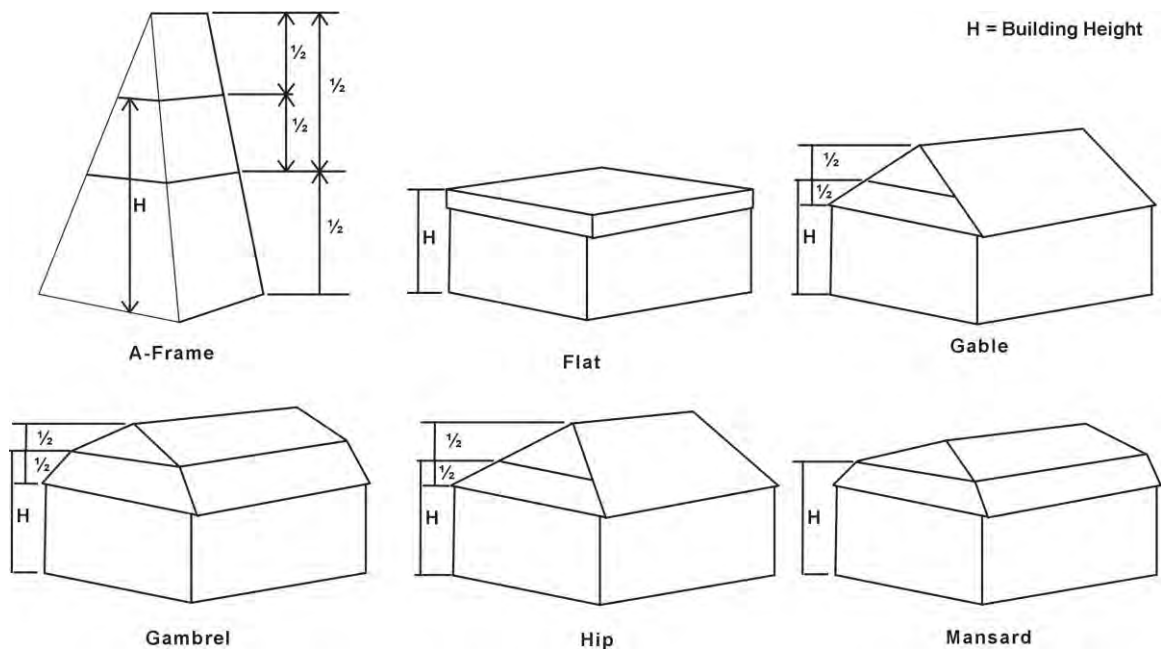
- (o) **Automobile Filling/Service Station.** Buildings and premises for the primary purpose of the retail sales of gasoline (stored only in underground tanks), oil, grease, batteries, tires and other operational fluids and accessories for the automobile, and the installation of such commodities.
- (p) **Automobile Repair and Bodywork (Major Service).** The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting; and undercoating of automobiles.
- (q) **Automobile Repair & Maintenance (Minor Service).** Repairs other than major repair, including oil change, engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.
- (r) **Automobile Wash (Accessory).** An accessory structure and use containing facilities for washing a single vehicle at one time within an automatic wash lane with the automatic application of cleaner, brushes, rinse water and with air or heat drying. This accessory use is typically provided with an automobile filling/service station.
- (s) **Automobile Wash (Automatic).** A structure that is completely enclosed in a building containing facilities for washing of automobiles with automatic, semiautomatic or touchless applications of cleaner, brushes, rinse water and with air, heat or towel drying.
- (t) **Automobile Wash (Self-Service or Coin Operated).** A structure containing individual washing stalls whereby the customer, through use of a timed mechanical wand, applies cleaner, rinse water, car wax and similar agents directly to their personal vehicle.
- (u) **Bars, Night Clubs or Taverns.** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

- (v) **Basement.** That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

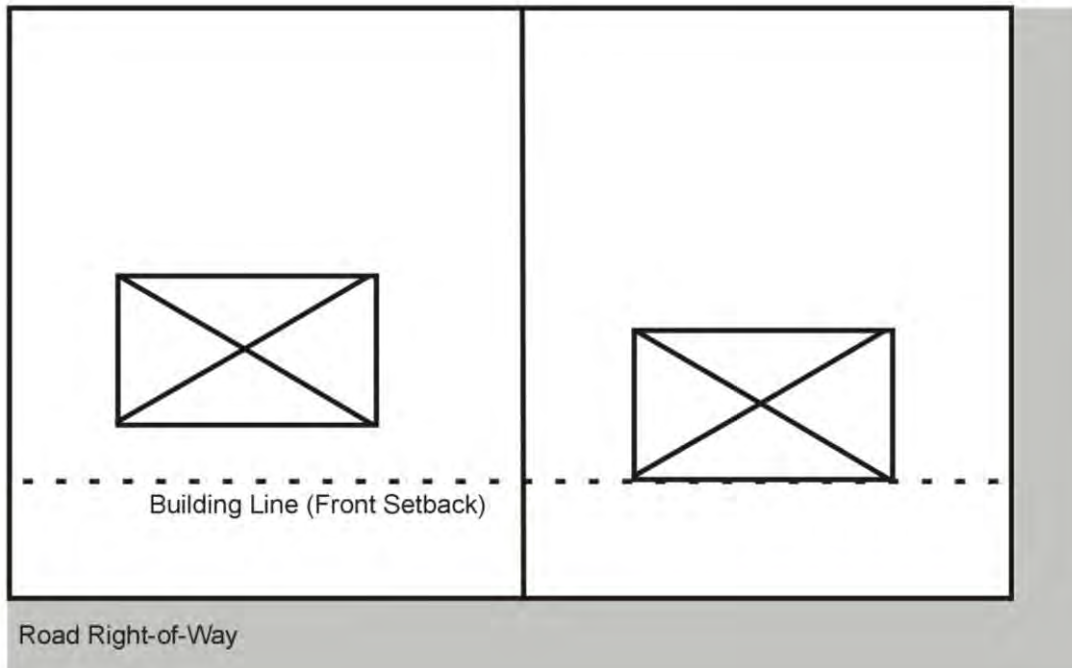




- (w) **Bed and Breakfast Inn.** A use which is subordinate to the principal use of a dwelling unit as a single family dwelling unit, and a use in which transient guests are provided room and board in return for payment.
- (x) **Berm.** An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.
- (y) **Block.** The property abutting one side of a road and lying between the two nearest intersecting roads (crossing or terminating); or between the nearest such road and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.
- (z) **Boarding House.** A dwelling where meals, or lodging and meals, are provided for compensation and where one (1) or more rooms are occupied by persons by pre arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.
- (aa) **Boat House.** A house or shed for sheltering one (1) or more boats.
- (bb) **Buffer Zone.** A strip of land with landscaping, berms or walls singularly or in combination required between certain zoning districts based on the landscaping standards of this Ordinance to lessen visual and noise impacts.
- (cc) **Building.** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.



- (dd) **Building Height.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
- (ee) **Building Line.** A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.



- (ff) **Building Official.** The official designated by the Township Board charged with the responsibilities of administering and enforcing this Ordinance, codes as adopted by the Board, and under the supervision of the Community Services Department. The managerial staff, department head, or anyone authorized by such official has the ability to enforce this ordinance.
- (gg) **Business Service Storage Facility.** A single building offering climate-controlled internal storage for either personal use by individuals or by business entities. Such a facility may also offer business related services such as packaging and shipping or photocopy/fax service. Building access is primarily internal and typically includes a multi-story building. Outside storage shall not be allowed with such a facility.



---

## Section 25.03 Definitions C-D

---

(a) **Caliper.** The diameter of a deciduous (canopy) tree trunk measured as follows:

- (1) Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade.
- (2) Trees which are to be planted shall be measured twelve (12) inches above the base of the tree if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the base of the tree.

(b) **Child Care Facilities.** Facilities for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows.

- (1) **Child Care Center, Day Nursery or Nursery School.** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods less than twenty four (24) hours a day, and where the parents or guidance are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before or after-school program, or drop-in center. Child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period; a facility operated by a religious organization where children are care for not more than three (3) hours while persons responsible for the children are attending religious services; a program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion, only during the time the child is involved in supervised, school-age-child-focused training; a program that is primarily an incident of group athletic or social activities for school-age children, sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth groups, scouting, and school-age recreational or supplementary education programs, openly during the time the child is engaged in the group athletics or social activities, and if the school-age child can come and go at will.
- (2) **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood or marriage, or who are not place in the household under the Michigan Adoption Code, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.



- (3) **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, including children related to the caregiver by blood, marriage, or who are not placed in the household under the Michigan Adoption Code, are provided care for twenty-four (24) hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- (4) **Family Child Care Home.** A private home in which up to six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, including children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (5) **Group Child Care Home.** A private home in which more than six (6) but not more than 12 children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, including children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- (c) **Clinic, Medical.** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions. 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.
- (d) **Clear Vision Triangle.** An area of each lot near any road intersection or commercial driveway which shall remain clear of obstructions to ensure safe sight distance for motorists.
- (e) **Churches, Temples and Other Places of Worship.** A site used for or intended for the regular assembly of persons for the conducting of religious services and accessory uses therewith. Such accessory uses may include rectories, living quarters for ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care, outdoor recreation facilities (unlighted), religious office space, youth centers and other similar activities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.
- (f) **Club or Fraternal Organization.** A club, group or organization created for recreational, artistic, athletic, academic, political, charitable, or other social purpose, but 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.
- (g) **Commercial Vehicle.** Any vehicle bearing or required to bear commercial license plates as defined under State law.



(h) **Condominium.** The following definitions are related to condominiums:

- (1) **Condominium Act.** Michigan Act 59, Public Acts of 1978, as amended.
- (2) **Condominium Documents.** The Master Deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the Master Deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (3) **Condominium Subdivision.** A subdivision as defined in the Township Subdivision regulations.
- (4) **Condominium Subdivision Plan.** The drawings and information prepared in accordance with Section 66 of the Condominium Act. Such drawings and information typically include the site, survey and utility plans, floor plans and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land.
- (5) **Condominium Unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in Master Deed and is a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance.
- (6) **Contractible Condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.
- (7) **Conversion Condominium.** A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act.
- (8) **Expandable Condominium.** A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.
- (9) **General Common Element.** Area of common elements other than the limited common elements intended for the common use of all co-owners including:
  - a. The land in the condominium project.
  - b. The foundations, main walls, roofs, halls, lobbies, stairways, entrances, exits, or communication ways.
  - c. The basements, flat roofs, yards, and gardens, except as otherwise provided or stipulated.
  - d. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated.
  - e. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks, and pumps and the like.
  - f. The elevators, incinerators and, in general, all devices or installations existing for common use.
  - g. All other elements of the condominium project intended for common use or necessary to the existence, upkeep, and safety of the project.



- (10) **Limited Common Element.** Area of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.
- (11) **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- (12) **Site Condominium.** A developmental concept for a condominium development containing residential, commercial, office, industrial or other structure for uses permitted in the zoning district in which located; in which each co-owner owns exclusive rights in a condominium unit as described in the Master Deed.
- (i) **Contractors Yard.** Any land or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.
- (j) **Deck.** An accessory platform structure that is open, unenclosed by a roof or walls, either freestanding or attached to the principal structure that is supported by pillars or posts.
- (k) **Definite Benefit.** A clear, explicit, substantial and ascertainable benefit insured to the users of the Planned Unit Development or to the residents of the Township as a result of the Planned Unit Development and which would not be available under the existing, underlying zoning classification or otherwise. Definite benefits include, but are not limited to, preservation of the natural resources and features, preservation of historical and architectural features of a significant quality and quantity in need of protection or preservation on a local, state or national level, significantly reducing nonconforming uses or structures, and the presence of preservation of aesthetically pleasing structures of a significant quantity and quality.
- (l) **Density.** The number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density:
- (1) The acreage exclusive of paragraphs (b) and (c) below shall be calculated at one hundred percent (100%) toward the total site acreage.
  - (2) The acreage comprised of land within the 100-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated at twenty-five percent (25%) toward the total site acreage.
  - (3) All open bodies of water and public rights-of-way are excluded from density calculation.
- (m) **Detention/Retention Pond.** An artificially created pond or basin that holds collected storm water that has run off the surrounding landscape of lawns, roads, and rooftops. A detention pond has an outlet that releases water at a controlled rate. Detention basins are designed to reduce how quickly runoff enters our natural waterways to protect downstream areas from flooding and erosion. A retention pond is designed to hold water until it infiltrates the soil or evaporates without an outlet to a drainageway, except emergency overflows.





- (n) **Development.** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.
- (o) **Diameter Breast Height (d.b.h.).** The diameter in inches of a tree measured at four and one-half (4-1/2) feet above the existing grade. On multi-stemmed trees, the largest diameter stem shall be measured.
- (p) **District.** A portion of the incorporated area of the Township within which, on a uniform basis, certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. Districts in Brownstown Township include:
- (1) **Non-Residential District.** A zoning district with one (1) of the following zoning designations on the Brownstown Township Zoning Map: B-1, B-2, B-3, OR-1, TC, I-RT, I-1, I-2, WM, and NR.
  - (2) **Industrial District.** A zoning district with one (1) of the following zoning designations on the Brownstown Township Zoning Map: I-RT, I-1, and I-2.
  - (3) **Residential District.** A zoning district with one (1) of the following zoning designations on the Brownstown Township Zoning Map: R-E, R-1, R-2, R-3, RM-1, RM-2, and MHP.
  - (4) **Zoning District.** A portion of Brownstown Township where certain uses of land and buildings are permitted and certain yards, open spaces, lot areas, and other requirements are established.
- (q) **Drip Line.** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
- (r) **Drive-In.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.
- (s) **Drive-Through.** A business establishment so developed that its retail or service character is wholly or partly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons food and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.
- (t) **Dwellings.** Any of the following:
- (1) **Dwelling Unit.** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.



- (2) **Single Family.** A building designed exclusively for and occupied exclusively by one (1) family.
- (3) **Single Family Attached.** A building containing more than one (1) dwelling unit, each of which has primary ground floor access to the outside and which are attached to each other by common vertical walls without openings.
- (4) **Single Family Detached.** A building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.
- (5) **Live/Work.** A multi-story dwelling unit wherein the first floor is designed as a storefront for retail, service, office or artisan studio and a dwelling unit on the upper floors. The live/work unit shall be designed as an integral unit with interior stairway connections between floors and the first floor storefront shall be owned and operated by the occupant of the upper floor dwelling. The type of use allowed in the first floor shall be subject to uses permitted in the district, which may be limited to the list of permitted home occupations in Residential Districts or allowable commercial used in mixed-use districts. Live/work dwellings may be attached to a similar single dwelling unit with party or common walls, each with a separate entryway with direct access to the outdoors at ground level.
- (6) **Multiple Family.** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. Multiple-family dwelling units may also be known as apartments, which have common entrances.
- (7) **Townhouse.** A self-contained single dwelling unit attached to a similar single dwelling unit with party or common walls, designed as part of a series of three (3) or more dwelling units, each with: a separate entryway with direct access to the outdoors at ground level, a separate basement, a separate garage, separate utility connections and defined front yards. Townhouses may also be known as attached single family dwelling units, row houses, clustered single family dwellings or stack ranches. Any three (3) or more attached dwellings not meeting the above criteria shall be considered a multiple family dwelling.
- (8) **Two Family.** A building designed exclusively for occupancy by two (2) families living independently of each other.

## Section 25.04

## Definitions E-F

- (a) **Easement.** A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.
- (b) **Erected.** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage and the like shall be considered a part of erection.



- (c) **Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, communication, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Wireless communication towers, devices and facilities are not defined as an essential service.
- (d) **Excavation.** Any breaking of ground, except common household gardening and ground care.
- (e) **Façade.** That exterior side of a building which faces, and is most nearly parallel to, a public or private road. The facade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.
- (f) **Family.** Either of the following:
1. A domestic family, that is, one (1) or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
  2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. For the purposes of enforcement, the building official shall presume that a functional equivalent of a domestic family is limited to six or fewer persons. A property owner may rebut this presumption to allow more than six persons by submitting an application for special land use approval, subject to the standards set forth in this Ordinance.

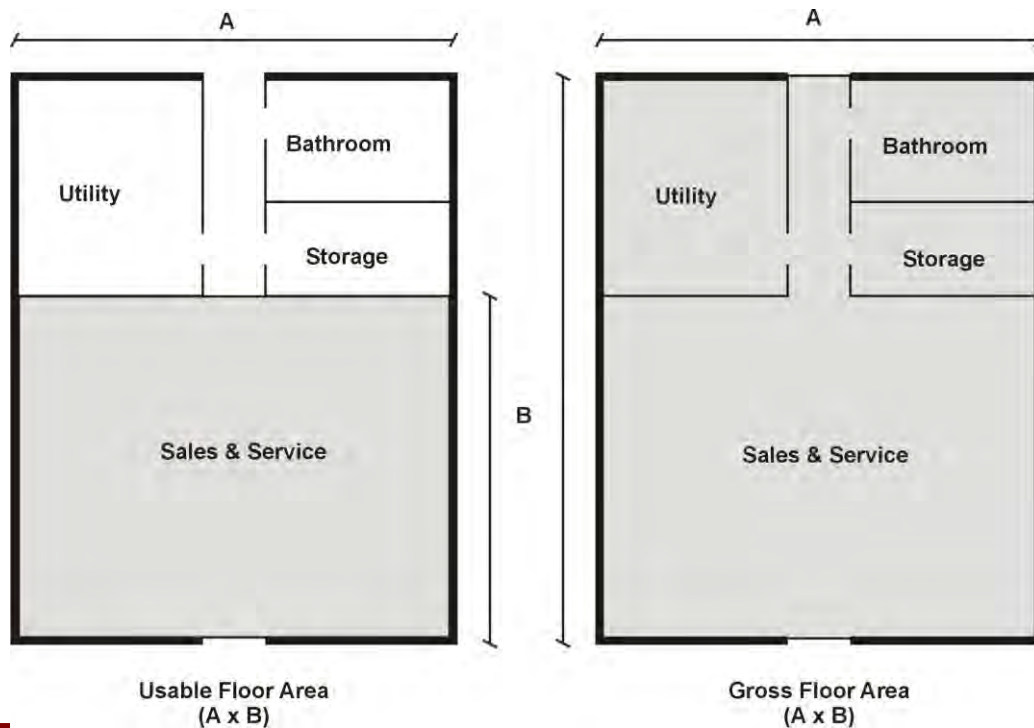


- (g) **Farm.** All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by their own labor or with the assistance of members of the household or hired employees; farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; provided however, that land to be considered a farm hereunder shall include a continuous parcel of ten (10) acres or more in area; but establishments keeping or operating fur-bearing animals, boarding or riding stables, commercial dog kennels shall not be considered farms under this Ordinance unless combined with bona fide farm operations on the same continuous tract of land; and provided further, buildings, structures, or yard areas used for the keeping of animals shall be located not less than one hundred (100) feet from a property line. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal, or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises prior thereto and for the use and consumption of persons residing on the premises. None of the provisions of this Ordinance is intended to conflict with those rights protected under the Michigan Right to Farm Act, MCL 286.471, et. seq.
- (h) **Fence.** A manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.
- (i) **Fence, Decorative.** A manmade structure; the surface area of which is more than fifty (50%) percent open to the free passage of air and light, not intended to provide a barrier to passage or for screening, including but not limited to: picket fences, wrought iron fences, and split rail fences. Decorative fencing does not include chain link or privacy fencing and may not be used as pool, protective or security fencing..
- (j) **Filling.** The depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.
- (k) **Flood Hazard.** A hazard to land or improvements due to overflow water having sufficient depth or velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.
- (l) **Floodplain.** That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.



(m) **Floor Area.** Floor area shall be calculated as follows:

- (1) **Gross.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall not include the basement floor area except when more than one half ( $\frac{1}{2}$ ) of the basement height is above grade. Floor area shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area.
- (2) **Residential.** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- (3) **Usable.** For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior wall. Where the layout of the interior floor plan has not been finalized, usable floor area shall be no less than eighty-five percent (85%) of the gross building floor area for the purpose of determining parking requirements.





- (n) **Funeral Home.** A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Such uses may include a limited amount of preparation of the human dead (i.e. embalming or cremation) in relation to rituals occurring on-site. A funeral home includes a funeral chapel.

---

## Section 25.05 Definitions G-H

---

- (a) **Garage.** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
- (b) **Garage Sale.** A temporary, short term sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of a residential dwelling by the owner or occupant.
- (c) **Grade.** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- (d) **Greenbelt.** A strip of land, from property line to property line, located along road frontages between the property line and the building or parking setback line dedicated to the planting of shrubs, trees or grasses to serve as an obscuring screen or buffer between the property and the adjacent road.
- (e) **Ground Cover.** Low-growing shrubs, woody vegetation, wild flowers, and other herbaceous plants.
- (f) **Grubbing.** The effective removal of understory vegetation, ground cover, shrubs, or trees. In those instances when grubbing is permitted, it shall not include the removal of any trees with a d.b.h. of greater than four (4) inches.
- (g) **Hardship.** Situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property in question not feasible under conditions imposed by this Ordinance. Hardship shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.
- (h) **Hazardous Substances.** Hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials as defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources; hazardous waste as defined by the Michigan Department of Natural Resources; and, hazardous materials as defined in Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), commonly



known as "Superfund," as amended by the Superfund Amendments and Reauthorization Act of 1906 (SARA), 42 USC 9601. Although waste oil is not considered a hazardous waste if it is recycled, it remains a hazardous substance which can cause health and environmental problems if not carefully managed.

- (i) **Hazardous Uses.** Any use which involves the storage, sale, manufacture, or processing of materials which are dangerous, combustible and/or produce either poisonous fumes or explosions in the event of fire. These uses include all high hazard uses listed in the State Building Code.
- (j) **Hedge Row.** A two (2) to three (3) foot tall row of evergreen or deciduous shrubs that are planted close enough together to form a solid barrier.
- (k) **Home Occupation.** An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes, as further regulated herein. Examples of home occupations are tailoring, sculpturing, writing, telephone answering, lapidary work, and computer programming. Examples of those occupations not permitted are beauty parlors, repair shops, nursery schools, dancing studios, kennels, or private clubs.
- (l) **Homeowners Association.** An association to which all residents are required to belong, as a condition of the deed, and set up with its own rules for self-government and assessment of dues for purposes related to maintenance of open space and provisions of other necessary internal services.
- (m) **Hospital.** A facility offering primarily inpatient care, and services for observation, diagnosis, and active treatment of patients with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a physician(s) and medical support staff. A hospital may or may not also have a clinic offering outpatient services.
- (n) **Hotel.** A building or part of a building with a common entrance or entrances in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk services, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

## Section 25.06

## Definitions I-J

---

- (a) **Impervious Surface.** Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include pavement, buildings, and structures.
- (b) **Improvements.** Those features and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety and welfare of the



residents of the Township and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roads, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is the subject of zoning approval.

- (c) **Incombustible Material.** Any material which will not ignite at or below a temperature of twelve hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.
- (d) **Indoor Recreation Facility.** An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities, pool or billiard halls and bowling alleys. Auditoriums and stadiums are not included.
- (e) **Industrial Uses.** Uses relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.
- (f) **Junk Yard.** An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

## Section 25.07

## Definitions K-L

---

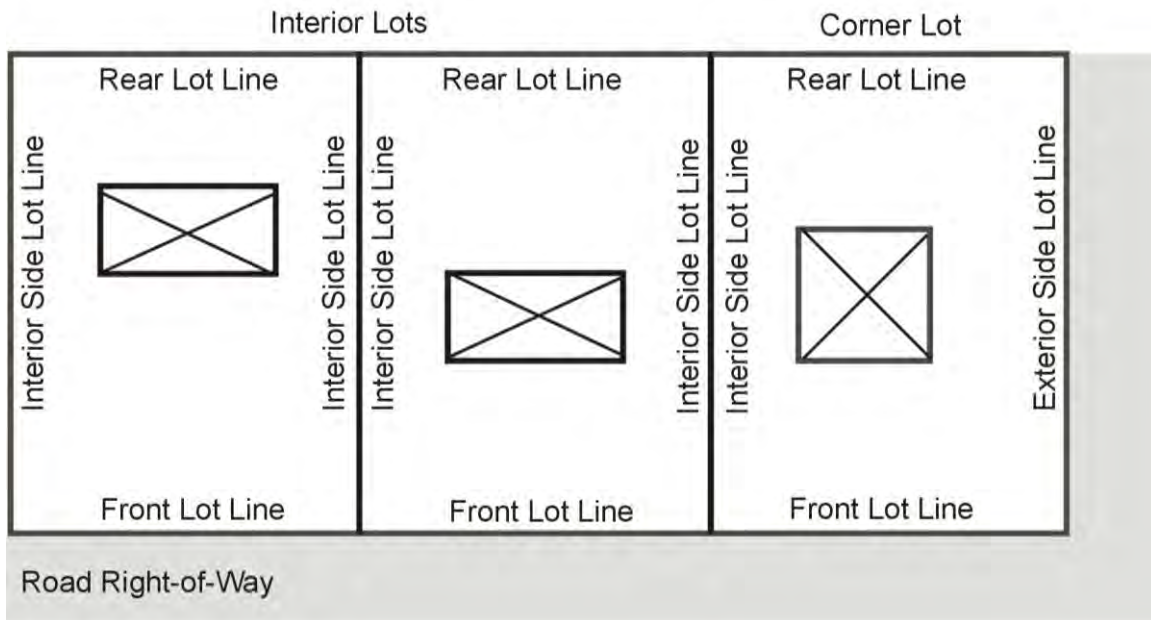
- (a) **Kenel, Commercial.** A business establishment where more than ten (10) dogs are kept for the purposes of a hobby, sporting activity, breeding or sale of puppies or dogs.
- (b) **Kenel, Private.** The Premises of an owner, who keeps or harbors three (3) but not more than ten (10) dogs for the purposes of a hobby, sporting activity, breeding, sale of puppies or dogs, or merely in the proprietary sense.
- (c) **Landscaping.** The treatment of the ground surface with live plant materials normally grown in Wayne County 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 natural or processed 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 if provided in combination with live plant material.
- (d) **Loading Space.** An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- (e) **Lot.** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory





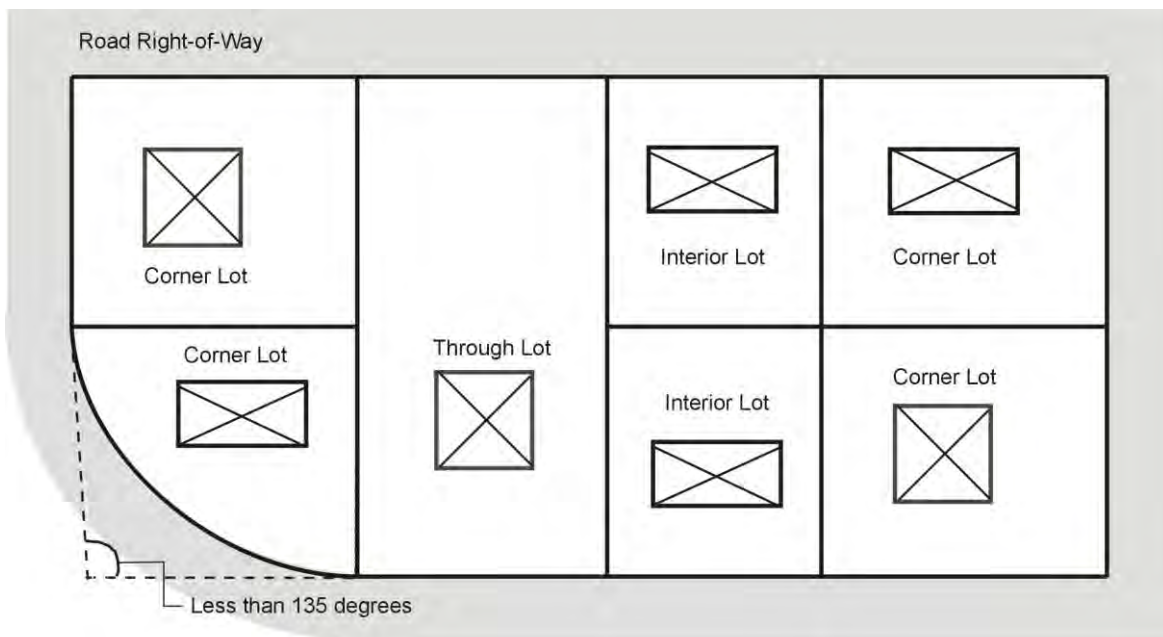
thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot means the same as homesite and condominium in site condominium developments. The following definitions relate to lots:

- (1) **Lot Area.** The total horizontal area within the lot lines of the lot, exclusive of any submerged area of any lake, stream or canal (below the shoreline or ordinary high water mark).
- (2) **Lot Coverage.** The part or percent of the lot occupied by buildings, including accessory buildings.
- (3) **Lot Coverage, Impervious Surface.** The part or percent of a lot occupied by building, structures, uses, accessory buildings, accessory structures and paved areas.
- (4) **Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
- (5) **Lot Frontage.** A straight line connecting the points where the side lot lines intersect the road right-of-way or private road easement.
- (6) **Lot Lines.** The lines bounding a lot as defined as follows:
  - a. **Front Lot Line.** In the case of an interior lot, is that line separating said lot from the road. In the case of a corner lot or double frontage lot it is that line separating said lot from either road.
  - b. **Rear Lot Line.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

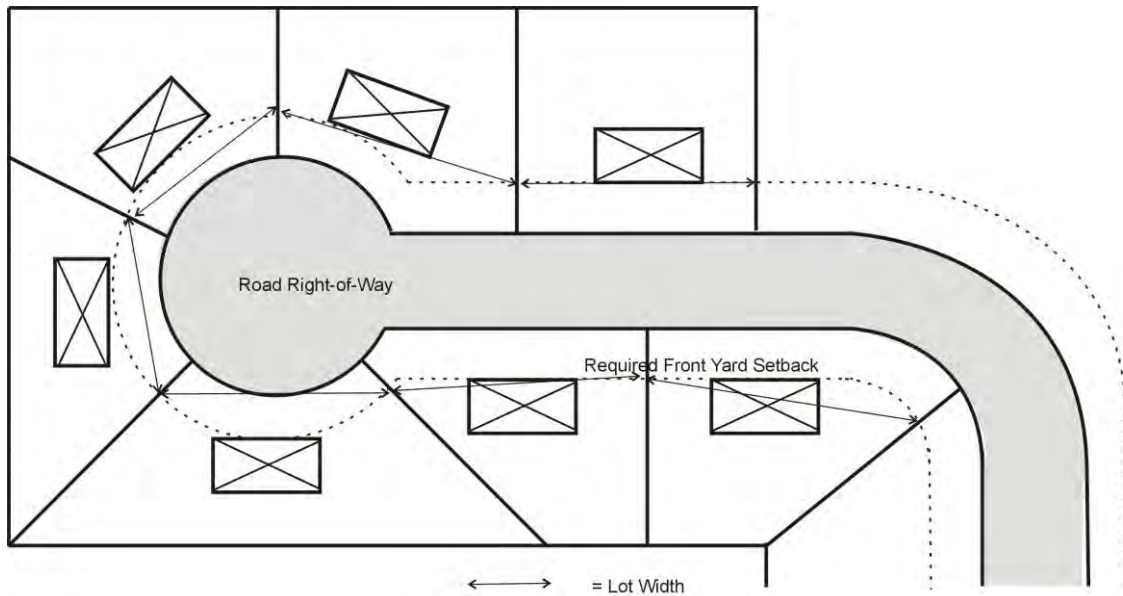


- c. **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

- d. In the case where the above definitions are not sufficient to designate lot lines, the Building Official shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design
- (7) **Lot of Record.** A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record, ownership separate from that of the remainder thereof.
- (8) **Lot Types.** All lots shall be classified as one of the following:
- a. **Corner Lot.** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the



- curve, at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred thirty-five (135) degrees.
- b. **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
- c. **Through Lot.** Any interior lot having frontage on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of through lots, one (1) road will be designated as the front road for all lots in the plat. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be maintained along both road frontages.
- (9) **Lot Width.** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.



- (10) **Zoning Lot.** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the Wayne County Register of Deeds, but may include one (1) or more lots of record.

## Section 25.08

## Definitions M-N

- (a) **Manufactured Building.** Manufactured Home: Any vehicle or structure constructed to permit occupancy as sleeping or living quarters for one (1) or more persons, containing living, cooking, sleeping, heating, lighting, toilet and bathing facilities, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn or carried to and installed on a lot (site). This definition does not include a vehicle such as a tent trailer, travel trailer, self-contained trailer, motor home or camp trailer twenty-four (24) feet or less.
- (b) **Manufactured Home Lot.** A parcel of ground or a lot within a manufactured home park designed for the accommodation of one (1) manufactured home.
- (c) **Manufactured Home Park.** A parcel of land which has been designed and/or improved for the placement of manufactured homes for residential use, approved under P.A. 419 of 1976.



- (d) **Marina.** A boat basin with facilities for berthing and securing all types of recreational craft, as well as providing adequate supplies, provisions and service, and fueling facilities.
- (e) **Master Plan.** The comprehensive long-range plan for Brownstown Township. The Master Plan indicates the general location for roads, parks, schools, public buildings, and all physical development of the Township, and includes any part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Township Board.
- (f) **Material.** Includes soil, sand, gravel, clay, peat, mud, debris and refuse, or any other material organic or inorganic.
- (g) **Mezzanine.** An intermediate floor in any story occupying not-to-exceed one third (1/3) of the floor area of such story.
- (h) **Mortuary Establishment.** An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification may include a crematorium.
- (i) **Motel.** A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.
- (j) **Municipality.** The Charter Township of Brownstown.
- (k) **Nonconforming Building or Structure.** A building or structure portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance in the district in which it is located.
- (l) **Nonconforming Lot.** A lot of record, lawfully in existence on the effective date of this Ordinance and any amendments thereto, which no longer meets the dimensional requirements of this Ordinance for the district in which it is located.
- (m) **Nonconforming Site.** A site that lawfully occupied land on the effective date of this Article or any amendments thereto, that does not conform to the site regulations of the district in which it is located, including landscaping, lighting, and parking requirements.
- (n) **Nonconforming Use.** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.
- (o) **Nuisance Factor.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things,



such as, but not limited to. noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, invasion of nonabutting road frontage by traffic, a burned-out structure, a condemned structure.

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

---

## Section 25.09 Definitions O-P

---

- (a) **Off-Street Parking Lot.** A facility providing off-street vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.
- (b) **Open Air Business.** Business and commercial uses conducted solely outside of any building unless otherwise specified herein. Examples of open air businesses 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 automobiles, recreational vehicles, garages, swimming pools, playground equipment, and similar goods.
- (c) **Open Front Store.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term open front store shall not include automobile repair or gasoline service stations.
- (d) **Open Space.** That part of a lot, which is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the site. This area is intended to provide light and air or is designed for environmentally, scenic, or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.
- (g) **Open Space, Usable.** Open space designed and developed for year-round use by the occupants of the development or by others for active and/or passive recreational use including, but not limited to: lawns, walkways, gazebos, active and passive recreation areas, playgrounds,



fountains, swimming pools, woodlands, but shall not include wetlands, water courses or submerged land.

- (h) **Ornamental Tree.** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty five (25) feet or less.
- (i) **Outdoor Display.** The placement of objects that are for retail sales outside the confines of a building.
- (j) **Outdoor Recreation.** Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
- (k) **Outdoor Storage.** The storage of any materials or objects outside the confines of a building for a continuous period longer than twenty-four (24) hours or more.
- (l) **Parking Space.** An area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the parking of permitted vehicles.
- (m) **Performance Guarantee.** A security, in the form of cash deposit, certified check, irrevocable bank letter of credit, or surety bond, in an amount sufficient to cover the estimated cost of improvements required as part of an application for development that is deposited with the Township to ensure that said improvements are satisfactorily completed.
- (n) **Pet Day Care, Grooming or Other Service Establishment.** A business establishment providing such services as animal care, obedience classes, training, grooming, behavioral counseling or similar services but not including veterinary care or commercial kennels.
- (o) **Planned Unit Development.** . An area of land in which a variety of residential, commercial, industrial uses are planned and developed as a whole, according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.
- (p) **Planning Commission.** The Brownstown Township Planning Commission as established by the Township Board under provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- (q) **Porch, Enclosed.** A covered projection from the main wall of a building, enclosed on three (3) sides by permanent or detachable glass sash, but not used as general living space. A porch shall become general living space when the enclosed space is heated or air-conditioned and when the percentage of window area to wall is less than fifty percent (50%).



- (r) **Porch, Open.** A covered projection from the main wall of a building, open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.
- (s) **Principal Building.** A building in which is conducted the principal use of the lot upon which it is situated.
- (t) **Principal Use.** The principal use to which the premises are devoted and the principal purpose for which the premises exist.
- (u) **Public Building.** A building that is open to the general public, including meeting halls, libraries, clubhouses, religious buildings, museums, cultural societies, visual and performance arts buildings, municipal buildings, and community buildings that are administered by nonprofit cultural, educational or religious organizations.
- (v) **Public Utility.** A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Township regulations to the public. gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communication towers, devices and facilities are not defined as a public utility.

## Section 25.10

## Definitions Q-R

---

- (a) **Reception Antenna.** An exterior apparatus capable of receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from Township regulation by applicable state, Federal Communication Commission (FCC), or federal laws or regulations.
- (b) **Recreational Vehicle.** A vehicle which moves one (1) or more persons over the ground, water, ice, or snow, and which is either self propelled or connects to a vehicle which is self propelled and all associate trailers and equipment. Recreational vehicles include, but is not limited to:
- (1) **Boats and Boat Trailers.** Boats, personal watercrafts, canoes and rafts, and the normal equipment to transport the same on the highway.
  - (2) **Folding Tent Trailer.** A canvas folding structure mounted on wheels and designed for travel and vacation use.
  - (3) **Motorized Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
  - (4) **Pickup Camper.** A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.



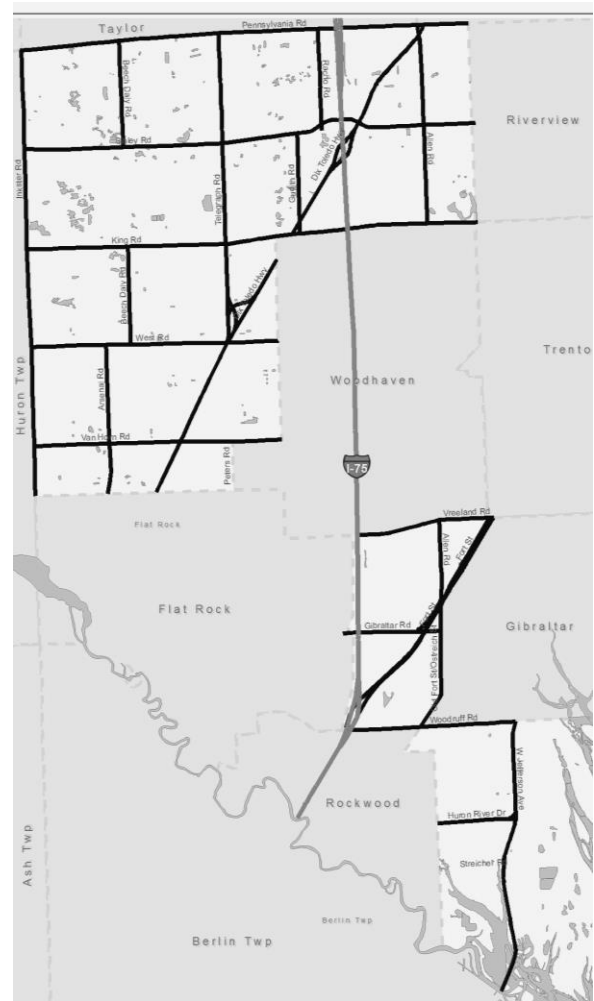
- (5) **Snow Mobile and All Terrain Vehicles.** Snow mobile and all terrain vehicles and the normal equipment to transport them on the highway.
- (6) **Travel Trailer.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- (c) **Restaurant.** A business establishment serving foods and/or beverages to a customer in a ready-to-consume state as further defined below:
- (1) **Bar, Nightclub or Tavern:** See: “Bars, Night Clubs or Taverns”
  - (2) **Carryout Restaurant.** A business establishment 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 primarily off the premises.
  - (3) **Drive-In Restaurant.** A business establishment 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. A drive-in restaurant may also have interior seating.
  - (4) **Drive-Through Restaurant.** A business establishment 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 the premises. A drive-through restaurant may also have interior seating.
  - (5) **Sit Down Restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or 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.
- (d) **Retail Business.** An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale.
- (e) **Right-of-Way.** A road, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.
- (f) **Ringlemann Chart.** Measurements of Smoke United States Bureau of Mines.
- (g) **Road.** A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property. Various types of roads are further defined below:
- (1) **Cul-de-Sac.** A local road of short length, having one (1) end permanently terminated by a vehicular turnaround.
  - (2) **Local Roads.** Local roads provide access primarily to individual properties and homes. All roads that are not classified as major roads are considered local roads.





- (3) **Major Roads.** An arterial or collector road which is intended to serve large volumes of traffic for both the immediate municipal area and the region beyond. Roads considered major roads in Brownstown Township include:

- a. Allen Road
- b. Arsenal Road
- c. Beech Daly Road
- d. Dix-Toledo Highway
- e. Fort Road and Road
- f. Gibraltar Road
- g. Gudith Road
- h. Huron Rive Drive
- i. Inkster Road
- j. King Road
- k. Ostreich Road
- l. Pennsylvania Road
- m. Rancho Road
- n. Sibley Road
- o. Telegraph Road
- p. Van Born Road
- q. Vreeland Road
- r. West Road
- s. W Jefferson Avenue
- t. Woodruff Road



- (4) **Marginal Access Road.** A local road that is parallel and adjacent to major roads and which provides access to abutting properties and protection from through traffic.
- (5) **Private Road.** A road that is owned and maintained by the landowners served and has not been dedicated to the Township, Wayne County or State as a public road.
- (6) **Public Road.** A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, line, boulevard, highway, road, and other thoroughfare, except an alley.
- (7) **Service Road.** A road, typically private, that provides for cross circulation between adjacent properties. Service roads may be parallel to and follow the frontage along a major road allowing travel between adjacent commercial businesses without the need to travel on the thoroughfare, located behind businesses, or shared along common side lot lines.

- (h) **Roof.** The outside top covering of a building.



---

**Section 25.11**                      **Definitions S-T**

---

- (a) **School, Business, Technical, or Vocational Trade.** A school established to provide for the teaching of industrial, aviation, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum such as a beauty or modeling school.
- (b) **Screen Wall.** A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier at maturity. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.
- (c) **Self Storage Facility.** A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use.
- (d) **Senior Assisted Living.** A facility consisting of dependant and semi-independent dwelling units, each occupied by not more than two (2) residents per dwelling unit, at least one (1) of whom is fifty-five (55) years of age or older. These facilities will typically have available central dining facilities, recreational facilities, supervised and unsupervised activities, housekeeping assistance, and fulltime medical personnel to provide medical services, including but not limited to dietary and nutritional assistance and nursing care. Senior Assisted living includes nursing homes and congregate care facilities.
- (e) **Senior Independent Living.** Typically one (1) and two (2) bedroom apartments or condominiums designed to meet the needs of persons sixty-two (62) years of age and older or, if more than one hundred fifty (150) units, persons fifty-five (55) years of age and older, and restricted to occupancy by them. These dwelling units are intended for those of qualifying age that do not need regular care and can generally maintain their own households on a daily basis.
- (f) **Setback.** The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. Setbacks from a public road shall be measured from the existing or proposed right-of-way lines, whichever is greater unless otherwise provided in this Ordinance.



- (g) **Shoreline.** The ordinary high water mark which is the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.
- (h) **Shrub.** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- (i) **Signs.** The following definitions are related to signs:
- (1) **Animated Sign.** A sign which uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.
  - (2) **Awning Sign.** A sign which is painted on, printed on, or attached flat against the surface of an awning.
  - (3) **Back Lit Sign.** A sign that is illuminated by an internal light source or lighting behind the sign lettering. An example of a back lit sign is a monument sign that is illuminated by several fluorescent bulbs that are located within the sign cabinet.
  - (4) **Banner Sign.** A sign made of fabric, cloth, paper, or other non rigid material that is typically not enclosed in a frame.
  - (5) **Billboard.** A sign other than an off-premises directional sign or political sign, which does not pertain to the principal use of the premises and which is regulated in accordance with the Highway Advertising Act, Public Act 106 of 1972, as amended, and this Ordinance.
  - (6) **Changeable Message Sign.** A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs.
  - (7) **Community Special Event Sign.** Signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal or school activities.
  - (8) **Construction Sign.** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
  - (9) **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
  - (10) **Directional Sign.** A sign installed to direct traffic flow, regulate traffic operations and provide information in conformance with the Michigan Manual of Uniform Traffic Control Devices.
  - (11) **Entranceway Sign.** A sign which marks the entrance to a subdivision, apartment complex, condominium development, industrial park or other development complex.
  - (12) **Flashing Sign.** A sign which contains an intermittent or sequential flashing light source.
  - (13) **Freestanding Sign.** A sign other than a ground sign or portable sign which is not attached to a building and is capable of being moved from one location to another on the site on which it is located.



- (14) **Gasoline Price Sign.** A sign which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.
- (15) **Ground or Monument Sign.** A three dimensional, base mounted freestanding display sign, that is supported by uprights or braces in or upon the ground surface or mounted on a base, and consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.
- (16) **Illegal Sign.** A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.
- (17) **Incidental Sign.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, and signs providing information on credit cards and business affiliations.
- (18) **Marquee Sign.** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or road lot line.
- (19) **Moving Sign.** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign. Moving signs include any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current.
- (20) **Mural.** A design or representation which is painted or drawn on the wall of a structure and which does not advertise a business, product, service, or activity.
- (21) **Obsolete Sign.** A sign that advertises a product that is no longer made or that advertises a business that has closed.
- (22) **Pole Sign.** A display sign supported by one or more columns, uprights or braces in the ground surface and having a height in excess of six (6) feet.
- (23) **Political Sign.** A temporary sign relating matters to be voted on in a local, state, or national election or referendum.
- (24) **Portable Sign.** A sign and sign structure which is designed to facilitate the movement of the sign from one (1) lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. A sign shall be considered portable only if such sign is manifestly designed to be portable to facilitate its movement from one (1) lot to another.
- (25) **Poster Panel Sign.** A type of temporary sign that is used to draw attention to matters that are temporary in nature, such as price changes, menus, or sales. "A" frame or sandwich signs are types of poster panel signs.
- (26) **Projecting Sign.** A sign which is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall more than twelve (12) inches.
- (27) **Real Estate Sign.** An on premise temporary sign which makes it known that real estate upon which the sign is located is for sale, lease, or rent.



- (28) **Real Estate Development Sign.** A temporary sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) that is under construction on the parcel on which the sign is located. The sign may also identify the designer, contractors and subcontractor, and material suppliers participating in construction on the property on which the sign is located.
- (29) **Roof Sign.** A display sign which is erected, constructed and maintained above the roof of the building.
- (30) **Sign.** Any announcement, declaration, display, billboard, illustration and insignia when designed and placed so as to attract general public attention. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. Sign includes any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, whether bearing lettering or not.
- (31) **Sign Face.** The area of display surface used for the sign message.
- (32) **Structural Trim.** The molding, battens, cappings, nailing strips, latticing, and platforms which are attached to the sign structure.
- (33) **Surface.** That part of the sign upon, against, or through which the message is displayed or illustrated.
- (34) **Temporary Sign.** A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
- (35) **Vehicle Sign.** A sign painted or mounted on the side of a vehicle, including signs on the face of a truck trailer.
- (36) **Wall Sign.** A display sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof or parapet shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.
- (37) **Window Sign.** A sign affixed to a window or within three feet of the window so as to be observable from the opposite side of the window to which such sign is affixed.
- (j) **Site Plan.** A scaled drawing, containing all required information and drawn in compliance with this Ordinance, illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions. Site Plans must be prepared, signed and sealed by a licensed engineer or registered land surveyor registered in the State of Michigan.
- (k) **Sketch Plan.** A drawing, containing less information than a site plan, drawn in compliance with this Ordinance, development to ensure compliance with zoning provisions. A sketch plan need not be prepared by a licensed engineer or registered land surveyor.



- (l) **Soil Removal.** The removal of any kind of soil or earth matter, including top soil, sand, or other type of soil matter or combination thereof, except common household gardening and ground care.
- (m) **Special Event.** A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by this Ordinance including but is not limited to, art shows, sidewalk sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars.
- (n) **Special Land Use.** A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district as defined in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- (o) **Stable.** A facility for the rearing, training and housing of horses, mules and ponies or for riding and training academies.
- (p) **State Equalized Valuation.** The value shown on the Township Assessment Roll as equalized through the process of State and County equalization.
- (q) **Story.** That part of a building, except a mezzanine, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.
- (r) **Story, Half.** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.
- (s) **Structure.** Anything constructed or erected, the use of which requires location above the ground or attached to something having location on the ground. A structure includes: buildings, fences, walls, decks, towers, pools, signs, bulkheads, piers, docks, landings, dams, and other similar above ground structures.
- (t) **Structural Alteration.** Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, girders, or any change in the width or number of exits, or any substantial change in the roof.
- (u) **Submerged Land.** Land area located below the ordinary high water mark of a stream, river, lake or pond. Submerged land shall not include land under a pond with an area of less than five (5) acres or a man-made stormwater retention pond.



- (v) **Swimming Pool.** Any artificially constructed portable or non-portable pool; capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point and having a surface area of two hundred fifty (250) square feet or more.
- (w) **Temporary Use or Building.** A temporary use or building permitted to exist during a specified period of time.
- (x) **Township.** The Charter Township of Brownstown.
- (y) **Township Board.** The Township Board of the Township of Brownstown.
- (z) **Traffic Impact Assessment/Study.** The analysis of the potential traffic impacts at site access points and intersections in the vicinity of a proposed project or rezoning. The following definitions are related to Traffic Impact Assessments and Studies:
- (1) **Average Day.** A Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than mid-week.
  - (2) **Background Traffic.** Traffic anticipated to occur regardless of the decision on the subject application based on overall trends as demonstrated by, annual traffic increases and associated with specific approved projects for the opening year of a project. Data such as historic counts and long-range traffic projections shall be considered as part of the background traffic calculation.
  - (3) **Level of Service (LoS).** A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience and safety.
    - a. **Level of Service A.** Operations with very low control delay occurring with favorable progression and/or short cycle lengths.
    - b. **Level of Service B.** Operations with low control delay occurring with good progression and/or short cycle lengths.
    - c. **Level of Service C.** Operations with average control delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear. Typically determined to be acceptable for signalized intersections.
    - d. **Level of Service D.** Operations with longer control delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable. Typically determined to be acceptable for un-signalized intersections.
    - e. **Level of Service E.** Operations with high control delays due to a combination of poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are a frequent occurrence. This is considered to be the limit of acceptable delay.



- f. **Level of Service F.** Operation with control delays unacceptable to most drivers occurring due to over-saturation where arrival rates exceed the capacity of the intersection, poor progression, or very long cycle lengths.
- (4) **Peak Hour.** A one (1) hour period representing the highest hourly volume of traffic flow in the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).
- (5) **Trip (Directional Trip).** A single or one (1) direction vehicle movement with either the origin of the destination (exiting or entering) inside a study site.
- (aa) **Transplant.** The digging up of a tree from one (1) location on a property and the planting of the same tree in another location.
- (bb) **Tree, Measurement of Height.** Where a minimum height is specified for a tree, the height shall be measured from the top of the tree to the surrounding ground elevation or top of the ball (location where fabric containing root system meets the exposed trunk).
- (cc) **Tree.** A woody plant with an erect perennial trunk, which at maturity is thirteen (13) feet or more in height and which has a more or less definite crown of foliage.

## Section 25.12

## Definitions U-V

---

- (a) **Use.** The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
- (b) **Variance.** An authorization by the Zoning Board of Appeals permitting modification to the regulations and standards of this Ordinance in situations where the literal enforcement would result in a practical difficulty not present on other properties typical of the zoning district.
- (c) **Veterinary Clinic or Hospital.** An institution which is licensed by the Michigan 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 or hospital may include such related facilities as laboratories, testing services, and offices. A veterinary hospital may also include customary pens or cages for the overnight boarding of animals, while a veterinary clinic shall not include overnight stay.

## Section 25.13

## Definitions W-Z

---





- (a) **Wall.** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
- (b) **Waste Receptacle (Dumpster).** A container that has a hooking mechanism that permits it to be raised and dumped into a sanitation truck.
- (c) **Watercourses.** Any waterway or other body of water having reasonably well-defined banks, including rivers, streams, creeks, drains and brooks, whether continually or intermittently flowing, and lakes and ponds.
- (d) **Wetlands.** Lands generally or intermittently covered with water which, by nature of their surface and/or subsurface soil characteristics either contribute to the replenishment of subsurface water supply, or are self-contained water resources, including marshes, swamps and bogs.
- (e) **Wetlands, State Regulated.** Lands generally or intermittently covered with water which, by nature of their surface and/or subsurface soil characteristics either contribute to the replenishment of subsurface water supply, or are self-contained water resources, including marshes, swamps and bogs and which is any of the following:
- (1) Contiguous to any lake, pond, river, or stream.
  - (2) Not contiguous to any lake, pond, river, or stream; and more than five (5) acres in size.
  - (3) Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality(MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.
- (f) **Wind Energy Conversion System (WECS).** A devise used to convert wind energy into useful form, such as electricity, using wind turbines. These systems will include a surface area (typically a blade or rotor), a shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device and a tower and other support structures.
- (g) **WECS Height.** The distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
- (h) **Wireless Communication.** The following definitions are related to wireless communication facilities:
- (1) **Attached Wireless Communication Facility (Antennae).** Any wireless communication 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 communications services via

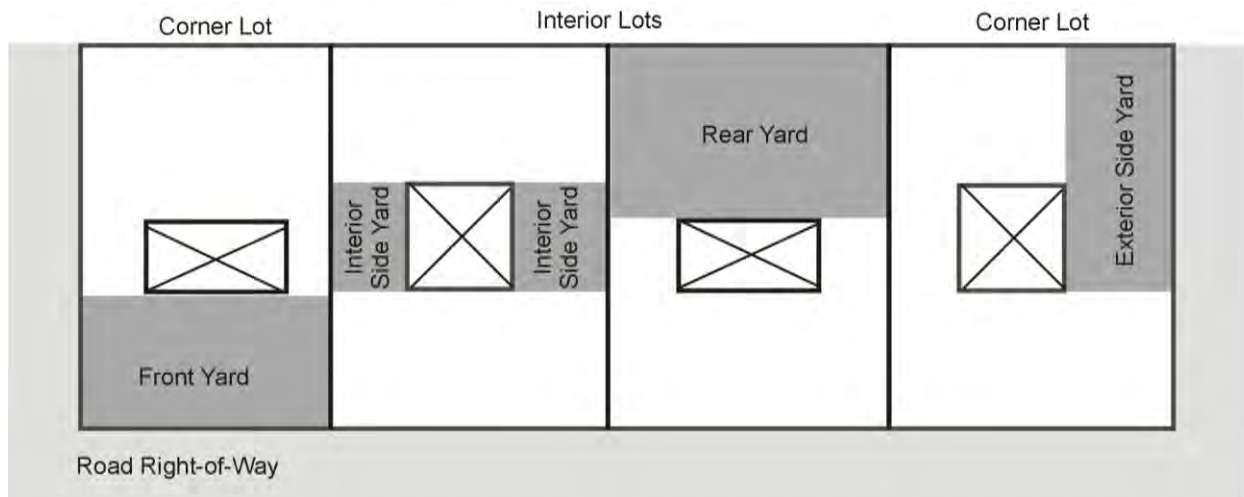


dually licensed segments of the radio frequency spectrum. This definition shall not include support structures.

- (2) **Co-Location.** The location by two (2) or more wireless communications providers, public authority or other dually authorized party of wireless communications facilities on a common structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities and/or support structures.
  - (3) **Wireless Communication Facility.** 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 antennae, satellite dishes, and governmental facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority. A wireless communication facility shall not be included under the existing definition of "essential services."
  - (4) **Wireless Communication Support Structure (Tower).** Any wireless communication facility erected or modified to support attached wireless communication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication 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, guy wired tower, spire, other similar structure or combination thereof, or other structures which appear to be something other than a mere support structure.
- (i) **Yards.** The open spaces on the same lot with a principal building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein: A yard may be equal to the setback, but may also be larger, such as where a building is farther from the road than the required setback. Yards are defined as:
- (1) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either road frontage.
  - (2) **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either road frontage.
  - (3) **Side Yard.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building. Side yards can be further defined as:
    - a. **Exterior Side Yard.** A side yard abutting a road.



- b. **Interior Side Yard.** A side yard other than an exterior side yard.
- (4) **Required Yard.** The open space between the lot line and the minimum setback line. The required yard corresponds to the minimum setback requirement for the district.
- (5) **Non-Required Yard.** The open space between the minimum setback line and the main building. The non-required yard is the additional yard area that the building is setback beyond the minimum setback requirement for the district.



- (j) **Zoning Act.** The Michigan Zoning Enabling Act (Public Act 110 of 2006).
- (k) **Zoning Board of Appeals (ZBA).** The Zoning Board of Appeals for Brownstown Township.

**Enactment Provisions**

---

**Article  
26**





---

### Section 26.01 Repeal of Ordinances

---

The Zoning Ordinance adopted by Brownstown Township, known as Ordinance No. 141-38 on May 20, 2002 and all amendments thereto, are hereby repealed insofar as they conflict with this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

---

### Section 26.02 Severability

---

This Ordinance and the various components, articles, sections, subsections, sentences, and phrases thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

---

### Section 26.03 Enactment and Effective Date

---

Public hearing having been held hereon by the Planning Commission, the provisions of this Ordinance are hereby effective, pursuant to the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006). This Ordinance shall become effective seven (7) days from the date of publication of notice of adoption.

- (a) Date of Public Hearing of Planning Commission: November 10, 2008
- (b) Date of Publication of Notice of Ordinance Adoption: March 18, 2009
- (c) Date Ordinance Shall Take Effect: March 25, 2009
- (d) **Severability.** If any article, section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such article, section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.
- (e) **Repealer.** All ordinances, resolutions or orders, or parts of ordinances in conflict with the provisions of this Ordinance to the extent of such conflict, are hereby repealed.



This Ordinance is hereby declared to have been adopted by the Charter Township of Brownstown, County of Wayne, State of Michigan, at a regular meeting of thereof, held on the 2nd day of March, 2009, and ordered to be published in the manner prescribed by law.

ARTHUR WRIGHT, SUPERVISOR

SHERRY A. BERECZ-BURTON, CLERK

I hereby certify that the foregoing is a true copy of the Ordinance as passed by the Township Board of the Charter Township of Brownstown at a regular meeting on the 2nd day of March, 2009.

SHERRY A. BERECZ-BURTON, CLERK

I further certify that the foregoing was published in The News-Herald, a newspaper of general circulation in the Charter Township of Brownstown, on the 18<sup>th</sup> day of March, 2009.

SHERRY A. BERECZ-BURTON, CLERK



## Table of Uses

---

# Appendix A







**Table of Uses by District**

Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
<b>Residential Uses</b>																	
1. Home Occupations	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--
2. Live/Work Units with a Dwelling Unit on the Upper Floor above a First Floor Space under the Same Ownership that can be Used for a Commercial Use	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--
3. Manufactured Homes	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--
4. Manufactured Home Parks	--	--	--	--	--	--	P	--	--	--	--	--	--	--	--	--	--
5. Multiple Family Dwellings	--	--	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--
6. Single Family Attached Dwellings	--	--	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--
7. Single Family Detached Dwellings	P	P	P	P	P	P	P	--	--	--	--	P	--	--	--	--	--
8. Two Family Dwellings	--	--	--	--	P	P	P	--	--	--	--	P	--	--	--	--	--
<b>Agriculture &amp; Animal Uses</b>																	
9. Boarding or Riding Stables	SLU	--	--	--	--	--	--	--	SLU	SLU	SLU	--	--	SLU	--	--	--
10. Commercial Kennels	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--	--
11. Farms	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--
12. Greenhouses	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
13. Pet day care, grooming or other service establishment (with outdoor facilities or overnight stay)	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	SLU	--	--	--
14. Pet day care, grooming or other service establishment (without outdoor facilities or overnight stay)	--	--	--	--	--	--	--	SLU	SLU	P	--	--	--	--	--	--	--
15. Veterinary Clinics	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--
16. Veterinary Hospitals	--	--	--	--	--	--	--	--	SLU	SLU	SLU	--	--	--	--	--	--
<b>Religious, Civic, Educational &amp; Governmental Uses</b>																	
17. Cemeteries (which lawfully occupied land at the time of	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--	--	--	--	--	--	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
adoption of this Ordinance)																	
18. Churches, Temples & Other Places of Worship	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	P	P	--	P	--	--	--	--	--
19. Clubs, Fraternal Organizations, Lodge Halls or Other Places of General Assembly	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--	--	SLU	--	--	--	--	--
20. Libraries	P	P	P	P	P	P	P	--	--	--	--	P	--	--	--	--	--
21. Municipal Buildings & Uses	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--	--	SLU	--	--	--	--	--
22. Post Offices	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--
23. Private Noncommercial Recreation Areas, Institutional or Community Recreation Centers, Nonprofit Swimming Pool Clubs	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--	--	SLU	--	--	--	--	--
24. Public Buildings, Municipal Buildings, Telephone Exchange Buildings, Electric Transformer Stations & Substations, & Gas Regulator Stations, but not including Storage Yards, & only when Operating Requirements Necessitate Locations within the District to Serve the Immediate Vicinity	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	SLU	--	--	--	--	--
25. Public Parks & Recreation Facilities	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--	--	P	--	--	--	--	--
26. Schools: Business & Technical	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--
27. Schools: Colleges & Universities	SLU	SLU	SLU	SLU	P	P	P	--	P	P	P	P	--	--	--	--	--
28. Schools: Public, Parochial or Private Elementary, Middle & High	P	P	P	P	P	P	P	--	--	--	--	P	--	--	--	--	--
29. Schools: Vocational Trade	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
<b>Retail Trade &amp; Service Uses</b>																	
30. Business Service Storage Facilities	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
31. Commissary Facilities for the Provision of Food, Beverages & the like to be Stored Aboard Boats	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
32. Drive Thru Windows Accessory to any of the Retail Trades	--	--	--	--	--	--	--	SLU	SLU	SLU	--	--	--	--	--	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
Permitted & Special Land Uses																	
33. Dry Cleaning Plants or Laundries Provided that such Plants shall not Deal Directly with Consumer at Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
34. Dry Cleaning, Retail	--	--	--	--	--	--	--	P	P	P	--	P	--	--	--	--	--
35. Funeral Homes	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	--	--
36. Mortuary Establishments	--	--	--	--	--	--	--	--	--	SLU	--	--	--	--	--	--	--
37. Nurseries, Home Improvement Supplies & Similar Outdoor Retail Sale of Vegetation, Outdoor Home & Garden Supplies & Equipment	--	--	--	--	--	--	--	--	--	SLU	--	--	--	P	P	--	--
38. Open Air Businesses	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	--	--	--	--
39. Personal Service Establishments including: Barber/Beauty Shops, Hair, Nail & Skin Care Services, Tanning Salons	--	--	--	--	--	--	--	P	P	P	SLU	P	--	--	--	--	--
40. Retail Businesses Which Supply Commodities for Persons Using the Facilities of the WM District, such as the Sale of Boats, Engines & Accessories, Fishing Equipment & Other Similar Items	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
41. Retail Businesses Whose Principal Activity is the Sale or Rental of Merchandise within a Completely Enclosed Building up to 60,000 sq. ft.	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--
42. Retail Businesses Whose Principal Activity is the Sale or Rental of Merchandise within a Completely Enclosed Building of 60,000 sq. ft. or more	--	--	--	--	--	--	--	SLU	P	P	SLU	SLU	--	--	--	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
43. Self Storage Facilities	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--	--
44. Service Establishment of an Office, Showroom, or Workshop Nature of an Electrician, Decorator, Dressmaker, Tailor, Baker, Painter, Upholsterer, or an Establishment Doing Radio or Home Appliance Repair, Photographic Reproduction, & Similar Service Establishments that Require a Retail Adjunct	--	--	--	--	--	--	--	P	P	P	--	P	--	--	--	--	--
45. Tool & Equipment Rental & Sales	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	P	P	--	--
<b>Motor Vehicle Uses</b>																	
46. Automobile Filling/Service Station	--	--	--	--	--	--	--	SLU	SLU	SLU	--	--	--	--	--	--	--
47. Automobile Parts, Accessories & Tire Stores	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	--	--	--	--
48. Automobile Rental	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	--	--	--	--
49. Automobile Repair & Bodywork (Major Service)	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--	--
50. Automobile Repair & Maintenance (Minor Service)	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	SLU	--	--	--
51. Automobile Sales	--	--	--	--	--	--	--	--	--	SLU	--	--	--	--	--	--	--
52. Automobile Washes	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	--	--	--	--
53. Boat Engine & Hull Repair Shops	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--
54. Boat Fuel Stations	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--
55. Recreational Vehicle Sales, Service & Storage	--	--	--	--	--	--	--	--	--	SLU	--	--	--	SLU	SLU	--	--
<b>Accommodation &amp; Food Service Uses</b>																	
56. Banquet Halls	--	--	--	--	--	--	--	P	P	P	--	P	--	--	--	--	--
57. Bars, Night Clubs & Taverns	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	P	--
58. Bed & Breakfast Inns	SLU	SLU	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--
59. Micro Breweries	--	--	--	--	--	--	--	SLU	P	P	--	SLU	--	--	--	--	--
60. Hotels/Motels	--	--	--	--	--	--	--	--	--	SLU	--	P	--	--	--	P	--
61. Restaurants, Drive-In & Drive-Thru	--	--	--	--	--	--	--	--	SLU	SLU	--	--	--	--	--	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
62. Restaurants, Sit Down	--	--	--	--	--	--	--	P	P	P	--	P	--	SLU	--	P	--
63. Restaurants, Carryout	--	--	--	--	--	--	--	P	P	P	--	P	--	SLU	--	P	--
<b>Art, Entertainment &amp; Recreation Uses</b>																	
64. Adult Regulated Uses	--	--	--	--	--	--	--	--	--	SLU	--	--	--	--	--	--	--
65. Golf Courses	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--	--	--	--	--	--	--	--
66. Gun Clubs & Shooting Ranges	--	--	--	--	--	--	--	--	--	SLU	--	--	--	SLU	--	--	--
67. Health, Fitness & Athletic Clubs or Gyms	--	--	--	--	--	--	--	SLU	P	P	SLU	SLU	P	P	P	--	--
68. Indoor Recreation including Private Athletic Fields, Billiards, Bowling, Swimming Pool	--	--	--	--	--	--	--	SLU	P	P	--	--	P	P	P	--	--
69. Marinas & Boat Clubs	--	--	SLU	SLU	--	--	--	SLU	--	--	--	--	--	--	--	--	--
70. Municipal or Private Beaches & Water-Related Recreation Areas	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
71. Municipal or Private Development of either the Berthing, Protection or Servicing of Recreational Boats, Yachts, Cruisers, Inboard, Outboards & Sail Boats	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--
72. Open Space & Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--
73. Outdoor Recreation including Miniature Golf, Batting Cages Archery Ranges, Go-cart Tracks, & Other Recreation Facilities Operated for Profit	--	--	--	--	--	--	--	--	--	SLU	--	--	--	SLU	--	--	--
74. Outdoor or Drive-in Theaters	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
75. Outdoor Gatherings/Events for Persons in Excess of 500	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
76. Theaters, Assembly Halls, Concert Halls, or Similar Places of Assembly when Conducted Completely within Enclosed Buildings	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	--
<b>Finance, Insurance, Real Estate, Professional, Scientific &amp; Technical Service Uses</b>																	
77. Administrative & Support Services	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	--	--
78. Banks, Credit Unions, Savings & Loan Associations with more than 3-Drive Thru Windows	--	--	--	--	--	--	--	--	SLU	SLU	SLU	--	--	--	--	--	--
79. Banks, Credit Unions, Savings & Loan Associations with no more than 3-Drive Thru Windows	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--
80. Business Services such as Mailing, Copying, Data Processing & Retail Office Supplies	--	--	--	--	--	--	--	P	P	P	P	--	P	--	--	--	--
81. Professional Business Offices including Real Estate, Accounting, Advertising, Tax Preparation, Bookkeeping, Architectural, Engineering, Legal Services & Offices of Similar Professions	--	--	--	--	--	--	--	P	P	P	P	--	P	P	P	--	--
<b>Health &amp; Human Care Uses</b>																	
82. Adult Day Care Centers	--	--	--	--	--	--	--	SLU	SLU	SLU	SLU	--	--	--	--	--	--
83. Adult Foster Care Family Home (6 or fewer adults)	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--
84. Adult Foster Care Large Group Home (12 to 24 adults)	--	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--
85. Adult Foster Care Small Group Home (7 to 12 adults)	SLU	SLU	SLU	SLU	P	P	SLU	--	--	--	--	--	--	--	--	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
86. Child Care Center, Nursery Schools & Day Nurseries	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	--	--
87. Family Child Care Home (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--
88. Foster Family Home (6 or fewer children 24 hours per day)	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--
89. Group Child Care Home (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	SLU	P	P	SLU	--	--	--	--	--	--	--	--	--	--
90. Hospitals	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--
91. Medical Offices & Clinics	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--
92. Offices of Doctors, Dentists & Similar or Allied Professions	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	--	--
93. Senior Assisted Living	--	--	--	--	SLU	SLU	--	SLU	--	--	SLU	SLU	--	--	--	--	--
94. Senior Independent Living	--	--	--	--	P	P	--	P	--	--	P	SLU	--	--	--	--	--
<b>Transportation, Utility &amp; Warehousing Uses</b>																	
95. Airport/Heliport	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	SLU	--	--
96. Junk Yards & Scrap Metal Yards	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
97. Public Utility Storage Yards, Electrical Transformer Stations & Substations, Telephone Exchange Buildings & Gas Regulator Stations	--	--	--	--	--	--	--	--	--	--	--	--	SLU	P	P	--	--
98. Railroad Yards & Terminals	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--
99. Recycling, Incineration, Treatment, Storage or Disposal of Waste	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
100. Sanitary Landfill	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
101. Self Service Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--	--
102. Transfer Stations, Treatment, Storage, or Disposal Facilities & Recycling Stations for Non-Hazardous Waste	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
103.Truck, Trailer & Moving Van Rental	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--
104.Trucking Terminals, Distribution Facilities & Associated Warehousing & Storage Yards	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
105.Utilities, Including Buildings, Power Generation Plants, Storage Yards & Other Related Uses	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
106.Warehousing & Storage	--	--	--	--	--	--	--	--	--	--	--	--	SLU	P	P	--	--
107.Water, Sewage & Treatment Facilities	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
108.Wind Energy Conversion Systems (WECS)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--	SLU	SLU	SLU	SLU	SLU
<b>Mineral Extraction</b>																	
109.Extraction & Processing of Sand & Gravel	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P
110.Mining of Deposits of Limestone or other Similar Material	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P
<b>Manufacturing &amp; Construction Uses</b>																	
111.Any of the Following Manufacturing Uses when the Manufacturing, Compounding, or Processing is Conducted Wholly Within a Completely Enclosed Building:	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
(a) Appliance, Lighting & Sign Manufacturing;																	
(b) Clay, Glass, Lime & Gypsum Product Manufacturing																	
(c)Computer & Electronic Product Manufacturing																	
(d) Converted Paper Product Manufacturing																	
(e) Fabricated Metal Product Manufacturing From Previously Refined Metals																	





Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
(f) Food & Beverage Manufacturing																	
(g) Furniture & Related Product Manufacturing																	
(h) Leather & Allied Product Manufacturing																	
(i) Machinery Manufacturing																	
(j) Medical Equipment & Supplies Manufacturing																	
(k) Plastics & Rubber Products Manufacturing																	
(l) Textile Product Mills & Apparel Manufacturing																	
(m) Transportation Equipment Manufacturing																	
(n) Veneer, Plywood & Wood Product Manufacturing																	
112. Animal Slaughtering & Processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
113. Cement, Concrete Product & Asphalt Plants	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--
114. Chemical Manufacturing including Basic Chemicals, Resin, Synthetic Rubber, & Artificial Synthetic Fibers, & Filaments, Pesticide, Fertilizer, & Other Agricultural Chemicals, Pharmaceuticals, & Medicines, Paint, Coating, & Adhesives & Soap, & Cleaning Compounds	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--
115. Contractor Yards & Storage Facilities for Building Materials, Sand, Gravel, Stone, Lumber, Storage of Contractor's Equipment & Supplies	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
116. Drilling for & Removing Oil, Gas, or other Hydrocarbon Substances	--	--	--	--	--	--	--	--	--	--	--	--	--		SLU	--	--
117. Educational & Design Facilities Whose Principal Function is the Research & Development of New Products & Processes & Technical Training	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
118. Laboratories including Research, Experimental, or Testing Laboratories	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
119. Petroleum & Coal Products Manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	--	--
120. Primary Metal Manufacturing including Iron & Steel Mills & Ferroalloy Manufacturing, Aluminum Production, Nonferrous Metal Production & Foundries	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--
121. Printing, Publishing, Bookbinding, Blueprinting, Photostating & Photoengraving	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--
122. Pulp, Paper & Paperboard Mills	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--
123. Sawmills & Wood Preservation	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	P	--	--
<b>Similar Uses</b>																	
124. Other Uses Similar to the Above & not Listed in Another District	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	P	SLU	SLU	SLU	P	P
<b>Accessory Uses</b>																	
125. Accessory Buildings & Uses (customarily incident to any of the above permitted uses)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
126. Accessory Buildings & Uses (customarily incident to any of the above special land uses)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	--

**A**

Table of Uses



Use	R-E	R-1	R-2	R-3	RM-1	RM-2	MHP	B-1	B-2	B-3	OR-1	TC	I-RT	I-1	I-2	WM	ME
127. Outdoor Storage Yards (accessory to a permitted manufacturing use)	--	--	--	--	--	--	--	--	--	--	--	--	--	SLU	SLU	--	--

**Index**

---

**Appendix  
B**



**Brownstown Township Zoning Ordinance**

---



## A-B

---

Accessory Building.....	3-4, 4-4, 5-3, 6-5, 7-4, 8-6, 9-3, 10-2, 12-13, 13-1, 13-3, 13-4, A-10
Accessory Use .....	3-4, 4-4, 5-3, 6-5, 7-4, 8-6, 10-2, 13-1, A-10
Access Management .....	15-13
Administration and Enforcement.....	22-1
Administrative Review.....	17-2, 17-11
Adult Foster Care Family Home.....	3-3, 4-3, 5-3, A-7
Adult Foster Care Small Group Home .....	3-4, 4-3, 5-3, A-7
Adult Foster Care Large Group Home .....	4-3, A-7
Adult Regulated Uses .....	6-4, 11-12, A-5
Airport .....	8-4, A-7
Architectural Requirements.....	7-8
Automobile Filling.....	6-4, 11-8, 15-7, A-4
Automobile Parts, Accessories & Tire Stores .....	6-4, A-4
Automobile Rental.....	6-4, A-5
Automobile Repair & Maintenance .....	6-4
Automobile Sales .....	6-4, 11-9, 15-7, A-5
Automobile Washes .....	6-4, 15-7, A-5
Automobile Repair & Bodywork .....	11-9, 8-3, A-5
Automobile Repair & Maintenance .....	8-3, 11-9, A-5
Averaging of Lot Sizes .....	3-6
Banks .....	6-4, 7-4, 11-17, 15-8, A-6
Banquet Halls.....	6-4, 7-3, 15-7, A-5
Bars, Night Clubs & Taverns.....	6-4, 7-3, 15-7, A-5
Bed & Breakfast.....	3-3, 7-3, 11-11, A-5
Berm .....	14-7
Billboards .....	16-9
Boarding or Riding Stables .....	3-3, 8-3, 11-4, A-2
Board of Appeals .....	2-3, 23-1
Buffer Zones .....	14-7
Building Appearance.....	14-2
Building Design .....	7-10
Building Height.....	3-4, 4-4, 5-4, 6-5, 7-5, 7-6, 7-7, 8-6, 9-3

## C-D

---

Cemeteries.....	3-3, 4-3, 5-3, 11-6, 22-5, A-2
Child Care Center .....	3-4, 4-3, 5-3, 6-5, 7-4, 8-4, 11-17, 15-8, A-7
Churches.....	3-3, 4-3, 5-3, 7-3, 11-5, 15-6, A-2
Clubs .....	3-3, 4-3, 5-3, 7-3, 9-2, 11-5, 15-7, 15-8, A-2, A-5
Cluster Housing Option.....	3-6
Community Business District .....	6-2
Condominiums .....	20-1
Conditional Zoning .....	24-4
Conflicting Regulations .....	1-3
Contractor Yards.....	8-5, 11-20, A-9
Corner Clearance.....	12-2



Corner Lot.....3-6, 5-6, 6-7

District Boundaries Interpreted ..... 2-3

Districts Established ..... 2-2

Drive-Thru..... 7-4, 7-10, 6-3, 6-4, 11-6,, 15-7, A-3, A-5

Driveway Design..... 15-14

Driveway Spacing..... 15-13

Dry Cleaning, Retail..... 6-3, 7-3, 15-6, A-3

Dry Cleaning Plants..... 8-3, A-3

Dwellings in Non-Residential Districts ..... 12-3

**E-F**

Easement..... 15-15

Effective Date ..... 26-23

Enforcement ..... 12-8, 22-2

Equipment Rental & Sales..... 6-3, 8-3, A-4

Essential Services ..... 12-3

Excavation ..... 10-2

Farms..... 3-3, 4-3, 5-3, 11-5, A-2

Fees..... 22-6

Frontage ..... 12-7

Front Yard..... 12-6

Funeral Homes ..... 6-3, 11-6, 15-6, A-3

**G-H**

General Provisions ..... 12-1

Golf Courses..... 3-3, 4-3, 5-3, 11-15, 15-8, A-5

Greenbelts ..... 14-6

Ground Sign..... 16-9

Gun Clubs..... 6-4, 8-3, 11-15, A-5

Hazardous Waste, Storage of..... 12-6

Health, Fitness & Athletic Clubs ..... 6-4, 7-4, 8-3, 15-8, A-5

Home Occupations ..... 3-3, 4-3, 5-2, 6-3, 7-3, 11-2, A-2

Hospitals ..... 6-5, 11-18, 15-8, A-7

Hotels ..... 6-4, 7-4, 9-2, 11-12, 11-14, 15-7, A-5

**I-J**

Industrial Research Technology District ..... 8-2

Industrial Performance Standards ..... 8-8

Interpretation..... 23-4



Junk Yards .....	8-4, 11-19, A-7
------------------	-----------------

**K-L**

Kennels .....	11-4
Landscaping .....	14-4, 14-9, 14-10, 14-11, 14-13, 14-17, 14-18
Libraries .....	7-3, 15-6, A-2
Light Industrial District .....	8-2
Lighting .....	14-13
Live/Work Units .....	7-3, A-2
Loading .....	15-1, 15-2
Local Business District .....	6-2
Lot Area .....	3-4, 6-5, 7-5, 7-6, 7-7, 8-6, 12-4
Lot Coverage .....	3-4, 4-4, 6-5, 8-6, 9-3
Lot Width .....	6-5, 7-5, 7-6, 7-7, 8-6
Lot Lines .....	2-3

**M-N**

Manufactured Home Parks .....	5-2, A-2
Manufactured Homes .....	5-2, 15-5, A-2
Marinas .....	3-3, 6-4, 9-2, 15-8, A-5
Marquee Sign .....	16-9
Master Plan .....	1-3
Mechanical Equipment .....	14-16
Micro Breweries .....	6-4, 7-3, A-5
Mining .....	10-2
Mixed-Use .....	7-5
Mobile Home .....	11-4
Mobile Home Park .....	15-5
Monument Sign .....	16-9
Mortuary Establishments .....	6-3, 11-7, 15-6, A-3
Motels .....	6-4, 7-4, 11-12, 15-7, A-5
Motor Vehicle Uses, Regulations for .....	11-8
Multiple Family .....	4-3, 5-2, 6-3, 7-3, 15-5, A-2
Nonconforming Signs .....	16-11
Nonconforming Building .....	21-4
Nonconforming Lot .....	21-5
Nonconforming Use .....	21-3
Nonconforming Sites .....	21-6
Nuisance .....	22-10
Nurseries .....	3-3, 4-3, 5-3, 6-3, 6-4, 7-4, 8-3, 8-4, 11-7, 11-18, 15-6, 15-8, A-4, A-7
Nursing Home .....	15-8



**O-P**

---

Offices..... 6-3, 6-4, 6-5, 7-3, 15-8, A-6, A-7

Off-Street Loading ..... 7-16, 15-2

Off-Street Parking ..... 15-1, 15-2, 15-9, 7-16

Open Air Businesses ..... 11-7, A-4

Open Space ..... 3-6, A-6

Ordinance Amendments ..... 24-1

Outdoor Gatherings ..... 8-4, 11-17, A-6

Parking Lot Landscaping ..... 14-8

Parking Requirements ..... 15-6

Parking Space ..... 15-5

Permits..... 22-3

Planning Commission ..... 22-2

Plant Material Spacing..... 14-10

Porches ..... 13-7

Prohibited Signs..... 16-3

Projections into Required Yards ..... 12-5

Projecting Sign..... 16-10, 16-12

Public Hearings..... 22-8

Public Utility ..... 8-4, A-7

**Q-R**

---

Recreational Vehicle..... 13-9, A-5

Recycling, Incineration, Treatment, Storage or Disposal of Hazardous Waste ..... 11-20

Religious, Civic, Educational & Governmental Uses ..... 11-5

Residential Districts ..... 3-1

Residential Uses, Requirements for ..... 11-2

Restaurants ..... 9-2, 11-12

Restaurants, Carryout..... 6-4, 7-4, 8-3, 15-8, A-5

Restaurants, Drive-In & Drive-Thru ..... 6-4, A-5

Restaurants, Sit Down..... 6-4, 7-4, 8-3, 15-7, A-5

Retail ..... 6-3, 7-3, 8-3, 9-2, 11-6, 11-8, 15-6, A-3, A-4

Roof Sign ..... 16-5

**S-T**

---

Sanitary Landfill ..... 8-4, A-7

Schools ..... 3-3, 4-3, 5-3, 6-43, 7-3, 8-3, 11-6, 11-19, 15-6, A-3

Senior Assisted Living ..... 4-3, 6-5, 7-4, 11-18, 15-8, A-5

Senior Independent Living ..... 4-3, 6-5, 7-4, 11-19, 15-8, A-5

Shared Driveway ..... 15-15

Shared Parking..... 15-3





Sidewalk Cafes .....	7-15
Sidewalks and Non-Motorized Pathways.....	14-12
Signs .....	16-1
Sign Area and Height.....	16-7
Single Family Attached .....	4-3, 5-2, 6-3, 7-3, 15-5, A-2
Single Family Detached .....	3-3, 4-3, 5-2, 7-3, A-2,
Single Family Dwellings .....	11-2
Special Land Use.....	3-2
Special Land Use Review .....	18-1
Streetscape Requirements .....	7-13
Storage Facilities .....	6-3, 8-4, 11-7,11-21, 15-6, A-3, A-7, A-9
Swimming Pool .....	3-3, 13-7
Temporary Building.....	11-8, 2-8
Temporary Sign .....	16-6, 16-7
Temporary Use .....	12-8
Theaters.....	7-4, 8-4, 11-16, 15-8, A-6
Township Board .....	26-2
Township Board Action .....	18-3
Traffic Impact Studies .....	17-13
Trees Not Permitted.....	14-11
Truck Maneuvering .....	15-12
Truck Rental.....	8-4
Two Family.....	4-3, 5-2, 7-3, 15-5, A-2

**U-V**

Utilities, Regulations for .....	11-20
Variance.....	23-5
Veterinary Hospitals or Clinics .....	11-5
Voting Place.....	12-8
Violations .....	22-9

**W-Z**

Water Frontage.....	13-6
Waste Receptacle.....	14-14
Wall Sign.....	16-9, 16-11
Wind Energy Conversion Systems .....	3-5, 4-3, 5-3, 6-5, 8-4, 9-3, 10-2, 11-21, 12-9, A-8
Wireless Communication Facilities & Services .....	12-10
Yards.....	3-5
Zoning Map .....	2-2
Zoning of Acquired Areas .....	2-3
Zoning of Vacated Areas .....	2-3