

Chapter 170

ZONING

[HISTORY: Adopted by the Board of Trustees of the Charter Township of Northville 5-17-2007.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 58.

Design and construction standards — See Ch. 72.

Fences — See Ch. 77.

Floodplain regulation — See Ch. 82.

Grading and drainage — See Ch. 85.

Historic District — See Ch. 91.

Landfills — See Ch. 101.

Mining and quarrying — See Ch. 110.

Oil and gas operations — See Ch. 122.

Signs — See Ch. 145.

Stormwater detention basins — See Ch. 151.

Subdivision control — See Ch. 152

Telecommunications — See Ch. 162.

1. Editor's Note: This ordinance also repealed former Ch. 170, Zoning, adopted 3-21-2002, as amended.

ARTICLE 1
Introduction and Applicability
[Amended 11-19-2015]

§ 170-1.1. Long title.

The long title of this chapter is "An ordinance enacted pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated, and within which provisions designate the location, size and type of uses permitted, minimum open spaces, sanitary, safety and protective measures, buildings, structures and vehicles; to provide for amendments thereto; to provide for the administration thereof; to provide for conflicts with other ordinances; to provide for public hearings; to provide for appeals and for the establishment of a Zoning Board of Appeals; to provide control and regulation of nonconforming uses and property; to provide for prior ordinances to be saved; to provide for the collection of fees; to provide for the enforcement of the provisions; and imposing penalties for the violation of the provisions of the ordinance."

§ 170-1.2. Short title.

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

§ 170-1.3. Purpose.

This chapter is based on the Charter Township of Northville Master Plan, including subarea plans, corridor plans, design standards, amendments to those plans and similar plans adopted by the Planning Commission addressing future development patterns and development goals. This chapter is intended to implement the Master Plan through regulations on use of land, buildings and structures to promote the public health, safety and general welfare.

§ 170-1.4. Interpretation and application.

- A. References to the effective date of this chapter shall include any amendments hereto.
- B. In its interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety or general welfare.
- C. This chapter is not intended to impair or interfere with other provisions of law or ordinances. However, where this chapter imposes greater restrictions than required by existing ordinances or rules, regulations or permits, the provisions of this chapter shall control.
- D. Except as otherwise noted, nothing in this chapter shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. In addition, all rights are hereby declared to be subject to such subsequent amendment, change or

modification hereof as may be necessary to the preservation or protection of public health, safety and welfare.

- E. If the meaning of this chapter is unclear in a particular circumstance, the Zoning Board of Appeals shall construe the provision to carry out the intent of this chapter if such can be discerned from the provisions of this chapter or law.

§ 170-1.5. Compliance required.

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

§ 170-1.6. Severability.

Should any section, subsection, paragraph, sentence, clause or word of this chapter be held invalid for any reason, such decision shall not affect the validity of the remaining portions of the chapter.

§ 170-1.7. Effect on prior violations.

Amendments to this chapter shall not affect violations of the Code of the Charter Township of Northville or any other ordinance existing prior to the effective date of this chapter, and such violation shall be governed and continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

§ 170-1.8. Repealer.

The Zoning Ordinance adopted by the Township of Northville, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right occurring, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted, nor change the status of previous nonconforming situations.

ZONING

§ 170-1.8

ARTICLE 2
(Reserved)

ARTICLE 3
General Use Provisions
[Amended 4-16-2009; 6-16-2011; 12-17-2015]

§ 170-3.1. Regulations regarding uses of land or buildings.

- A. Each developed lot shall be in compliance with the dimensional requirements of this chapter. All requirements of this chapter shall be located on a single lot; an adjacent lot shall not be used to meet any portion of the requirements.
- B. Each zoning district provides for "similar uses." If a proposed use is not explicitly listed as a permitted or special land use in any of the zoning districts, an application for determination of similar use shall be made to the Planning Commission. If a use is determined to be similar to a use listed in a particular zoning district, the proposed use shall comply with the standards that apply to the similar use. If the Planning Commission determines a proposed use is not similar to a use in a particular zoning district, the applicant may petition for an amendment to the chapter, as described in § 170-40.7. Based on information provided by the applicant, the Planning Commission shall determine if the use is similar by considering factors such as, but not limited to, peak-hour use, nature of use, aesthetics, traffic generated, noise, vibration, dust, smoke, odor, glare and other impacts in terms of health, safety and welfare.
- C. Only one principal structure or use is permitted per lot, except for an approved manufactured housing community, condominium or multiple-family development or related commercial, office, industrial or public buildings contained within a single, integrated complex and sharing parking, access, signs, detention and other similar features.
- D. Prior to commencing any site grading or clearing, the activity shall be reviewed for compliance with Article 23, Tree and Woodlands Replacement. This standard does not apply to individual residential lots containing an existing house.
- E. A clear vision zone shall be maintained at all intersections, as defined by the following:
- (1) The clear vision zone refers to the triangular area created by the intersection of two public or private roads, a public road and a private road, or a public or private road and a driveway, and a straight line connecting two points measured 25 feet along the intersection of the road right-of-way or easement. The triangle area shall also include the road right-of-way or private road easement area. When a right-of-way or easement is not provided, the point of intersection shall be determined a distance of 10 feet beyond the edge of pavement or road surface.
 - (2) No obstructions are permitted within the clear vision zone between a height of 30 inches and six feet above the established grade of the road.
- F. Parking, storage, repair, restoration or maintenance of vehicles, equipment, trailers and other similar items shall comply with the following:
- (1) Items shall be located on an improved driveway surface, licensed and

operable.

- (2) Inoperable items and parts shall be stored within an enclosed building.
- (3) Recreation vehicles or trailers may be parked in the front yard for up to 48 hours for the purpose of loading, unloading, cleaning and maintenance.
- (4) Parking or storage is permitted within a garage or the rear yard. This restriction shall not apply to vehicles used exclusively for farming.
- (5) Within residential zoning districts, commercial vehicles, equipment, trailers or other similar items shall not be used to advertise or be parked or stored for commercial purposes.
- (6) Within nonresidential zoning districts, the storage of vehicles, equipment, trailers or other similar items is prohibited when they are not associated with the primary business located on the property.
- (7) Storage or parking of semi-trucks, semi-trailers, bulldozers, earth movers, cranes or any other similar machinery shall only be permitted when being used in conjunction with an active construction project.
- (8) Vehicles or objects such as, but not limited to, golf carts, riding lawn mowers or extra vehicles may not be parked, stored or advertised for sale, lease or other similar situations. This standard shall not apply to passenger vehicles customarily parked in an improved driveway.

G. Performance standards.

- (1) Odor. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or modified to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.
- (2) Gases. The escape or emission of any gas which is explosive or injurious, destructive or harmful to persons or property is prohibited.
- (3) Airborne emissions. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminants that violates applicable state and federal air quality standards.
- (4) Glare and radioactive materials.
 - (a) Glare from any process, such as or similar to arc welding or acetylene torch cutting, that emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line and as not to create a public nuisance or hazard along lot lines.
 - (b) Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the United States Bureau of Standards, when measured at the property line.

- (c) Glare from automobile, commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.
- (5) Vibration. Operations that cause vibration shall not be perceptible at any abutting property line. This requirement shall not apply to construction activities undertaken between the hours of 7:00 a.m. to 7:00 p.m.
- (6) Hazardous substances.
 - (a) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate federal, state or county authority having jurisdiction and shall operate it in compliance with all applicable federal, state and local laws, rules, regulations, orders and directives pertaining to said hazardous substances. The Township shall be informed of any and all inspections conducted by a federal, state or local authority in connection with a permit and/or license.
 - (b) Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a hazardous materials survey in conjunction with the following:
 - [1] Upon submission of a site plan.
 - [2] Upon any change of use or occupancy of a structure or premises.
 - [3] Upon any change of the manner in which such substances are used, handled, or stored and/or in the event of a change in the type of substances to be used, handled or stored.
- (7) Waste and rubbish dumping. No garbage, sewage, filth, rubbish, waste, trash, debris or any other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on any land in the Township in such a manner as to constitute a nuisance or create a hazard to the health, safety, morals and general welfare of the residents in the Township.

§ 170-3.2. Accessory structures and uses.

- A. Accessory structures and uses shall be subject to the following regulations, except as otherwise permitted in this chapter.
- B. A building permit or compliance permit is required in order to review plans for compliance with applicable Township standards.
- C. Accessory structures and uses are only permitted in connection with, incidental to and on the same lot as a permitted principal structure or use.
- D. An accessory structure or use shall not be occupied or utilized unless the principal structure is occupied or utilized.
- E. The placement and design of an accessory structure or use shall not create a

- negative impact of stormwater runoff. Grading plans may be required to ensure compliance with this provision.
- F. Parking for an accessory structure or use shall be provided in accordance with Article 26, Off-Street Parking and Loading/Unloading.
- G. When an accessory structure is structurally attached to a principal building, it shall be subject to the regulations applicable to principal buildings, except where otherwise noted herein.
- H. Accessory buildings shall not be occupied for dwelling purposes. Up to 50% of an accessory structure may be used for a home occupation, provided all other applicable regulations pertaining to home occupations are met.
- I. Setbacks.
- (1) On lots two acres or greater, an accessory structure or use may be permitted in the nonrequired front yard, provided the accessory structure or use is set back a distance equal to the setback of any residential dwellings on adjacent properties, including those directly across the street and located within the Township.
 - (2) On lots less than two acres, accessory structures or uses shall not be located in any front yard (required or nonrequired).
 - (3) Accessory structures or uses are not permitted in the required side yard.
 - (4) Accessory structures or uses shall be at least five feet from a rear lot line.
 - (5) Setback limitations shall not apply to developments containing detached parking garages or carports, provided the Planning Commission approves elevation drawings and materials. The Planning Commission shall consider the impact of headlights and views from nearby public streets on adjacent properties.
- J. Buildings shall be at least 25 feet from the shoreline of any lake, pond, stormwater pond, treatment basin, watercourse or wetland regulated by the Michigan Department of Natural Resources or United States Environmental Protection Agency. A boathouse, deck or patio may be located along the shoreline.
- K. Detached accessory structures shall comply with the following standards:
- (1) Lots less than two acres.
 - (a) Up to three detached accessory structures are permitted.
 - (b) The cumulative square footage shall not exceed 1/2 times the occipital square footage of the main structure. "Occipital square footage" shall be defined as all living areas excluding a basement or garage.
 - (2) Lots two acres and greater.
 - (a) The number of accessory structures shall be limited by the maximum size and maximum lot coverage requirements pertaining to accessory

structures.

- (b) The cumulative square footage of the accessory structure(s) shall not exceed two times the occipital square footage of the principal structure. The Zoning Board of Appeals may modify the maximum size standard for accessory buildings related to a bona fide farming operation or raising livestock in consideration of the size of the property, conformance with other standards and the character of adjacent uses.
 - (3) The combined square footage of all accessory structures, excluding swimming pools, may occupy up to 25% of the required rear yard. Swimming pools and their associated structures (decks, patios, etc.) may occupy up to 50% of the required rear yard.
- L. Structures shall be at least 10 feet from a principal building, street right-of-way or private road easement, unless otherwise regulated herein.
- M. Height shall not exceed 14 feet, measured from the finished floor elevation to the average height between the eaves and the ridge.
- N. Decks, porches, patios, terraces or other similar hardscape structures that are open, unenclosed, uncovered and attached or unattached to a principal structure shall comply with the following standards:
 - (1) Structures shall not extend more than 16 feet into the required rear yard setback. Stairs may extend beyond the end of the structure for the minimum distance necessary to meet the established grade in the rear yard. If the structure is at the maximum projection of 16 feet, the stairs must be parallel to the structure.
 - (2) Structures shall not extend into the required side yard setback, except a walkway up to three feet six inches is permitted to allow access from a side door to the back of the house.
 - (3) Structures shall not extend more than 12 feet into a required front yard setback, including steps and stairs.
 - (4) The height of railings or walls shall not exceed three feet.
 - (5) A minimum fifteen-foot setback shall be provided between a structure and the edge of any lake, pond, stormwater facility, watercourse or wetland regulated by the Michigan Department of Natural Resources or United States Environmental Protection Agency.
 - (6) A separate deck or patio may be permitted along a shoreline, subject to the following:
 - (a) The maximum length measured along the shoreline does not exceed 10 feet.
 - (b) The width does not exceed six feet.
 - (c) A walkway, up to five feet wide, is permitted within the required fifteen-foot buffer to the water's edge.

- O. A garden structure, such as a gazebo, pergola, arbor or other similar structure, attached to a deck or patio shall comply with the following standards:
- (1) The size of the structure may not exceed 150 square feet.
 - (2) The structure may extend beyond the sixteen-foot permitted encroachment into the rear yard setback.
 - (3) The structure may not be located in the required side yard setback.
- P. Mechanical equipment (permanent or temporary), including, but not limited to, air-conditioning units, HVAC equipment, transformers, generators, electrical boxes and other similar devices, shall comply with the following standards:
- (1) In residential zoning districts, equipment may not extend more than 10 feet into the rear yard setback and may be permitted within the side yard setback, provided a minimum four-foot setback is provided to the property line.
 - (2) In nonresidential zoning districts, equipment shall be set back a minimum of 10 feet from any property line.
 - (3) In nonresidential zoning districts, equipment shall be screened from public view by a wall, fence, berm and/or landscape.
 - (4) Noise from the equipment shall not exceed the Township's noise level standard at the lot line.
- Q. Swimming pools, spas, hot tubs and other similar facilities shall comply with the following standards:
- (1) Facilities are not permitted in a front yard.
 - (2) Decks, walks or other accessory items surrounding the facility shall be set back at least 10 feet from any property line.
 - (3) A minimum ten-foot separation is required between a facility and the principal structure.
 - (4) Mechanical equipment shall be set back at least five feet from any property line.
 - (5) An enclosure is required for any facility containing 24 inches or more of water. Enclosures, including the gate, lock and fence, must be approved by the Building Official.
 - (6) Hot tubs or other similar facilities must be enclosed by a fence or shall provide a locking lid.
- R. Site entrance features, including, but not limited to, walls, columns, lighting and other similar decorative elements, used to define entrances to residential developments shall comply with the following standards:
- (1) The corner clearance standards of this article.
 - (2) Low-intensity lighting is required and shall comply with the lighting

requirements of Article 21.

- S. Private boat docks shall be permitted as an accessory structure on a lot that is occupied by a residential dwelling. One dock is permitted per dwelling unit.
- T. Waste receptacles.
- (1) Waste receptacles may be located in a required rear or side yard setback, provided they are not located in front of the front building line.
 - (2) Waste receptacles must be conveniently accessible to servicing vehicles.
 - (3) The concrete base shall extend six feet beyond the front edge of the receptacle pad or gate, to support the front axle load of a refuse vehicle. The pad shall be constructed with six inches of reinforced concrete and designed to prevent any liquid or other matter from draining into adjacent areas.
 - (4) An enclosure shall comply with the following:
 - (a) Enclosed on three sides and a gate on the fourth side.
 - (b) Constructed of brick or decorative concrete material to match or complement the primary building material.
 - (c) The height shall be at least six feet or one foot above the height of the enclosed waste receptacle, whichever is greater.
 - (d) A three-foot clear area shall be provided between the waste receptacle and screen wall.
 - (e) A change to a larger or taller waste receptacle may require modifications to the screening to retain compliance with these standards.
 - (f) The waste receptacle must have a lid or cover.
 - (g) The enclosure shall be located as far as practical, but not less than 20 feet, from a residential property line or district.
- U. Electric vehicle infrastructure.
- (1) Permitted in all zoning districts when accessory to a principal use and when fees are not collected to recharge.
 - (2) Permitted in any zoning district except single-family districts when fees are collected for recharge.
 - (3) May be included in the minimum number of required parking spaces.
 - (4) Except when located in conjunction with a single-family use, charging stations shall be reserved for parking and charging of electric vehicles only.
 - (5) Battery charging stations, outlets and connector devices shall be between 36 inches and 48 inches from the surface on which they are mounted. Equipment mounted on pedestals, light posts, bollards or similar devices shall be designed and located as to not impede pedestrian travel, create trip hazards or conflict

with vehicles.

- (6) Equipment shall be protected by bollards, curbs or other similar protective devices. Where possible, equipment shall be located within landscape islands. Equipment shall be set back at least 24 inches from a curb or bumper block.
- (7) Signage.
 - (a) Information shall be posted identifying classification of the equipment (voltage and amperage levels), hours of operation, fees, safety information or any other applicable information related to the charging station.
 - (b) A sign shall indicate the parking space is for electric vehicle charging purposes only.
 - (c) A phone number or other contact information shall be provided on the equipment to report malfunction or other problems.

V. Wind energy turbines.

- (1) General standards.
 - (a) Permitted in all zoning districts when accessory to a principal use.
 - (b) One turbine is permitted.
 - (c) The turbine is only permitted in the rear yard.
 - (d) A wind energy system shall not generate a noise level of 55dB(A) or greater, measured at the property line, for more than three minutes in any hour of the day. If the ambient sound level exceeds 55 dB(A), measured at the base of the wind turbine, the sound of the turbine shall not exceed the ambient dB(A) plus 5 dB(A) for more than three minutes in any hour of the day.
 - (e) A shadow flicker analysis is required to demonstrate the locations where shadow flicker will occur at sunrise and sunset, along with measures the applicant will take to eliminate or mitigate the effects on adjacent or affected properties.
 - (f) Lighting is not permitted, unless required by the Federal Aviation Administration.
 - (g) The system shall have a nonreflective finish and shall be maintained in the color or finish that was originally applied by the manufacturer.
 - (h) All signs other than the manufacturer's or installer's identification or appropriate warning signs are prohibited.
 - (i) All electrical wires shall be located underground, except for the wire necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires.
- (2) Tower-mounted systems.

- (a) A minimum two-acre lot is required.
 - (b) The minimum setback from a property line, easement or R.O.W. shall be the height of the turbine plus 10 feet.
 - (c) The maximum height shall not exceed 45 feet or the height requirement of the zoning district, whichever is greater.
- (3) Roof-mounted systems.
- (a) The system shall be mounted on the back of the structure and in a location that minimizes its appearance to the greatest extent possible.
 - (b) The system shall be set back at least 30 feet from any property line.
 - (c) The height of the system shall not extend more than 10 feet above the ridge or peak of the roof or the maximum height of the zoning district in which it is located, whichever is greater.

W. Antenna and satellite dish structures.

- (1) The provisions of this section are intended to achieve the following objectives:
 - (a) Promote safety and prevent hazards to persons and property resulting from accidents involving antenna and satellite dish structures.
 - (b) Maintain architectural integrity, preserve aesthetic qualities and preserve property values by minimizing visibility of antenna or satellite dish structures.
 - (c) Balance regulations on the placement, manner of reception and installation to the minimum required to demonstrate compliance with the objectives contained herein.
 - (d) Comply with the Federal Communications Commission regulations.
- (2) Antennas and satellite dishes 3.28 feet or less in diameter are permitted, provided units are not attached to a pole or tower and do not encroach into required setbacks.
- (3) Antennas and satellite dishes 6.56 feet or less in diameter and located in a nonresidential zoning district are exempt from the regulations contained in this section.
- (4) Conventional AM and FM radio antennas, amateur ("HAM") radio antennas, citizen band ("CB") antennas and digital audio radio service ("DARS") signals that are less than 11.25 feet in diameter and do not extend higher than 10 feet above the ridge and/or peak of the roof are permitted, provided they are located on the portion of the roof facing the rear yard and they do not exceed the height limitation of the zoning district.
- (5) An antenna or satellite dish that cannot meet the location requirements of Subsection W(3), (4) or (5) above may obtain a permit from the Building Official when it can be determined that the requirements unreasonably delay

or prevent installation, maintenance or use, unreasonably increase the cost of installation, maintenance or use or preclude reception or transmission of an acceptable quality signal.

- (6) The Building Official may require that the facility be placed subject to conditions which further the objectives of this section, such as requiring the facility to be painted in such a way as to be compatible with the primary structure or surrounding landscaping, requiring the facility to be screened with landscape, or other appropriate measures to minimize the visibility and impact of the structure.
- (7) All other antenna and satellite dish structures not otherwise addressed by Subsection W(3), (4) and (5) shall be subject to the following requirements:
 - (a) A permit shall be required from the Building Official.
 - (b) Structures shall be located to minimize visibility to the greatest extent possible.
 - (c) The diameter of the antenna shall not exceed eight feet.
 - (d) The height shall not exceed 14 feet if ground-mounted.
 - (e) The height shall not exceed 17 feet if mounted on a structure.
 - (f) The antenna structure shall be perforated, mesh or rod and/or pole construction and shall not be solid sheet or panel construction.
 - (g) An antenna structure within 100 feet of a residential property line or street right-of-way/easement shall be screened from view by a wall or fence, berm, evergreen plantings or a combination of these elements. If there is no conforming location on the property where the structure may be screened from view, screening shall be accomplished to the extent reasonably feasible, as approved by the Building Official. A reception antenna which is intended to serve more than one unit in a residential development complex shall be screened from residential dwelling units in accordance with these provisions.
 - (h) The color of all antennas or satellite dishes shall be similar to the surrounding environment. The surface of the antenna shall be painted or treated to prevent glare.
 - (i) Advertising is not permitted.
 - (j) The antenna shall be located in the rear yard, subject to the setback requirements of the zoning district.
 - (k) All wiring shall be placed underground.
 - (l) Up to two units are permitted per lot.

X. Sidewalks and pathways.

- (1) Sidewalks and pathways shall be provided in accordance with the following:

- (a) Where sidewalks or pathways are identified on the Township's Pathway Plan, Township Master Plan, Zoning Ordinance or other planning documents.
 - (b) To connect high pedestrian generators, such as neighborhoods, schools, parks, public buildings, places of worship, multiple-family residential, offices and uses serving the aforementioned.
 - (c) Within developed parcels to achieve connection between buildings, uses and separation from vehicles.
 - (d) Within any development where the Planning Commission determines sidewalks and pathways are appropriate in consideration of the use, project density, design, relationship to the public pathway system and adjacent facilities.
 - (e) To provide access to, or through, common areas. The minimum width of the open space containing a sidewalk or pathway shall be 20 feet. The Planning Commission may require landscaping, fence or wall to buffer walkways from adjacent uses.
 - (f) When located adjacent to a public or private road, an easement for the location and maintenance of the nonmotorized facility shall be provided and recorded.
- (2) Sidewalks shall have a minimum width of five feet.
 - (3) Pathways shall have a minimum width of 10 feet.

ZONING

§ 170-3.2

ARTICLE 4
(Reserved)

ARTICLE 5
Zoning Districts, Maps and Requirements
[Amended 8-19-2010; 12-15-2011; 11-19-2015]

§ 170-5.1. Districts established.

For the purposes of this chapter, the Charter Township of Northville is hereby divided into the following zoning districts.

R-1	Single Family Residential District
R-2	Single Family Residential District
R-3	Single Family Residential District
R-4	Single Family Residential District
RM-1	Multiple-Family Residential District
SH	Senior Housing District
PROS	Public Recreation and Open Space District
OS	Office Service District
B-1	Local Business District
B-3	General Business District
NRMU	Northville Road Mixed Use District
CR	Commercial Recreation District
ORT	Office, Research and Technology District
I-1	Industrial District
CI	Consumer Industrial District
PUD	Planned Unit Development
OSC	Open Space Community

§ 170-5.2. Zoning Map.

The Zoning District Map depicts the various districts the Township is divided into and identifies the adoption or amendment date. The Zoning Map is made a part of this chapter and shall be as much a part of this chapter as the information described herein.²

§ 170-5.3. Interpretation of district boundaries.

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

- A. Where district boundaries are indicated as approximately following or parallel to the center line of streets, such center lines shall be construed to be said boundary.
- B. Where district boundaries are indicated as approximately following the lot lines, such lot lines shall be construed to be said boundary.

2. Editor's Note: The Zoning Map is on file in the Township offices.

- C. Where the boundaries of a district follows a subdivision boundary line, such boundary line shall be construed to be said boundary.
- D. If distances are not specified on the Map, dimensions shall be determined by the scale on the Zoning Map.
- E. Due to the scale, lack of detail or illegibility of the Zoning Map, if there is uncertainty, contradiction or conflict as to the intended location of district boundaries, interpretation of the exact location of district boundary lines shall be determined by the Planning Commission.

§ 170-5.4. District regulations.

Each district, as created in this article, shall be subject to the regulations contained in this chapter. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

§ 170-5.5. Zoning of vacated areas.

When any street, alley or other public way is vacated, it or any portion thereof shall automatically be classified in the same district as the property it is attached to.

ARTICLE 6

**Single Family Residential Districts (R-1 through R-4)
[Amended 7-15-2010; 12-15-2011; 11-19-2015]****§ 170-6.1. Intent.**

The R-1, R-2, R-3 and R-4 Districts are intended to provide for single-family detached houses and other related facilities serving residents in the district. Each residential district has minimum area, density and location requirements that promote development consistent with existing residential neighborhoods. The R-4 District, as designated on the Zoning Map, is specifically designed to preserve and maintain the character of single-family neighborhoods in older platted sections of the Township. Creation of new R-4 Districts is not permitted.

ARTICLE 7
Multiple-Family Residential District (MF)
[Amended 7-15-2010; 12-15-2011; 11-19-2015]

§ 170-7.1. Intent.

The Multiple-Family (MF) Residential District is intended to provide locations for higher-density housing types in transition zones between nonresidential and single-family residential zoning districts and uses.

§ 170-7.2. Required conditions.

The following standards shall apply to all multiple-family developments:

- A. A minimum of 25,000 square feet of open space, or 225 square feet for each dwelling unit, shall be provided. Open space shall be designed to facilitate access and usability.
- B. Buildings, parking lots and internal site circulation shall be set back at least 30 feet from nonresidential property lines and 50 feet from an abutting residential district or when proposed buildings are greater than 15 feet tall.
- C. Buildings shall not exceed 180 feet in length.
- D. The minimum distance between buildings shall comply with the following:

Building Height	Side/Side	Rear/Rear	Rear/Side
Up to 30'	30'	80'	60'
Greater than 30'	Height of building	100'	80'

If there is a combination of building heights in the same development, the minimum distance requirement shall be established by the taller building.

- E. Parking or vehicular circulation is not permitted within the required separation between buildings.
- F. Decks, patios and terraces without a roof may extend 12 feet into the required rear yard spacing between buildings.
- G. Sidewalks are required and must be set back five feet from the edge of the road. Pedestrian routes shall provide access to recreation amenities and between parking areas and dwelling units.
- H. Buildings must be set back at least 15 feet from a sidewalk, parking lot or roadway.
- I. For developments with private attached garages, a minimum of 25 feet must be provided between a garage and sidewalk.
- J. A minimum four-foot-wide landscape area is required between driveways.
- K. Carports and detached garages are not permitted between the perimeter street right-of-way and the nearest building.

ARTICLE 8
Senior Housing District (SH)
[Amended 12-15-2011; 11-19-2015]

§ 170-8.1. Intent.

The Senior Housing (SH) District is intended to provide housing opportunities for seniors, empty nesters, and active adults, and related uses, to serve the needs and levels of care desired or required by senior citizens. For purposes of this chapter, "senior persons" are defined as individuals 55 years or older; or persons living together with one or both attaining the age of 55.

§ 170-8.2. Required conditions.

The following conditions shall be applicable to any senior residential housing permitted by this article:

- A. One property line, or a majority of a property line, shall abut an existing use or zoning district other than a single-family, or which is an area that is planned for something other than single-family in the future.
- B. Ingress and egress shall be directly onto a major road.
- C. Required open space shall be exclusive of required setbacks and may include plazas, gardens, walking paths, etc.³

3. Editor's Note: Former Art 8.A, Retirement Community District (RC), which immediately followed this article, was repealed 11-17-2011.

ARTICLE 9
Public Recreation and Open Space District (PROS)
[Amended 12-15-2011; 11-19-2015]

§ 170-9.1. Intent.

The Public Recreation and Open Space (PROS) District is intended to provide an area exclusively for specified government, civic and public recreation facilities.

§ 170-9.2. Required conditions.

- A. The size of the site shall be adequate to accommodate the intended use(s), parking and necessary buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris.
- B. Buildings or domes for athletic fields may have a peak height of 80 feet, provided the setback is at least two feet for every one foot in height. Other structures shall not exceed 35 feet in height.
- C. All outdoor activities, including lighting, public address systems, etc., must cease at 11:00 p.m.

ARTICLE 10
Office Service District (OS)
[Amended 7-15-2010; 12-15-2011; 11-19-2015]

§ 170-10.1. Intent.

The Office Service (OS) District is intended to provide a variety of office uses and personal services to meet the demonstrated public need at appropriate locations.

§ 170-10.2. Required conditions.

- A. Outdoor storage, display or staging of goods or materials is not permitted.
- B. All business, servicing or processing shall be conducted within an enclosed building, unless otherwise specified herein.

ARTICLE 11
Northville Road Mixed Use District (NRMU)
[Amended 12-15-2011; 11-19-2015]

§ 170-11.1. Intent.

The Northville Road Mixed Use (NRMU) District is intended to address the evolution of the Northville Road corridor and attract mixed uses and adaptive reuse of buildings that once housed industrial uses to create a unique area of the community with a strong synergy between a complementary mix of uses.

§ 170-11.2. Required conditions.

- A. Permitted manufacturing or assembly uses must be screened from residential uses and public view.
- B. Outdoor storage, display or staging of goods or materials is not permitted.
- C. All business, servicing or processing shall be conducted within an enclosed building, unless otherwise specified herein.

ARTICLE 12
Local Business District (B-1)
[Amended 7-15-2010; 12-15-2011; 11-19-2015]

§ 170-12.1. Intent.

The Local Business (B-1) District is intended to provide for retail businesses and service uses that primarily satisfy the day-to-day convenience shopping and/or service needs of persons residing in nearby residential areas. This district is further intended to encourage the concentration of local business areas and avoid strip business development along road corridors.

§ 170-12.2. Required conditions.

- A. Outdoor storage, display or staging of goods/materials is not permitted.
- B. All business, servicing or processing shall be conducted within an enclosed building, unless otherwise specified herein.

ARTICLE 13
General Business District (B-3)
[Amended 7-15-2010; 12-15-2011; 11-19-2015]

§ 170-13.1. Intent.

The General Business (B-3) District is intended to provide more-diversified and larger-scale business types than the B-1 District with the intent to serve nearby residential areas as well as a regional service base.

§ 170-13.2. Required conditions.

- A. Outdoor storage, display or staging of goods/materials is not permitted.
- B. All business, servicing or processing shall be conducted within an enclosed building, unless otherwise specified herein.
- C. Accessory uses and facilities, including, but not limited to, interior or exterior playgrounds, shall be architecturally integrated with the primary structure, and the height and bulk shall be proportionate to the primary structure.

ARTICLE 14
Commercial Recreation District (CR)
[Amended 4-19-2012; 11-19-2015]

§ 170-14.1. Intent.

The Commercial Recreation (CR) District is intended for private commercial recreation uses providing a family-oriented environment with activities for all ages.

§ 170-14.2. Required conditions.

- A. All structures shall be set back at least 50 feet from adjacent nonresidential districts and uses and 100 feet from adjacent residential districts and uses.
- B. The Planning Commission may impose regulations on the hours of operation in consideration of adjacent land uses.
- C. All outdoor activities, including lighting, public address systems, etc., must cease at 11:00 p.m.
- D. Scoreboards or similar signs may be approved at the discretion of the Planning Commission.

§ 170-14.3. Prohibited uses.

- A. Outdoor and indoor gun clubs.
- B. Outdoor archery ranges.
- C. Indoor stadiums and arenas with seating capacity greater than 5,000.
- D. Outdoor stadiums which are not accessory to a permitted or special land use.
- E. Go-cart facilities.
- F. Accessory residential uses.

ARTICLE 15
Office, Research and Technology District (ORT)
[Amended 6-16-2011; 4-19-2012; 11-19-2015]

§ 170-15.1. Intent.

The Office, Research and Technology (ORT) District is intended to provide for research and development, manufacturing, corporate and professional offices and limited office service uses.

§ 170-15.2. Required conditions.

- A. Up to three exterior truck docks are permitted per building. Truck docks shall not be located at the front of the building.
- B. Outdoor storage, staging or display of goods or materials is not permitted.
- C. All business, servicing or processing shall be conducted within an enclosed building, unless otherwise specified herein.
- D. Warehousing or indoor storage of goods or materials beyond that normally incidental to the above-permitted uses is not permitted.

§ 170-15.3. Prohibited uses.

- A. Processing of corrosive acid, cement, lime, gypsum or plaster.
- B. Distillation of bone, tar, petroleum refuse, grain or wood.
- C. Processing or storage of explosives.
- D. Processing of fertilizer or storage of compost.
- E. Processing of products from animal refuse or offal, including glue, size or gelatin.
- F. Processes using steam or board hammers or forging presses.
- G. Tanning, curing or storage of skins or hides.

ARTICLE 16
Industrial District (I)
[Amended 4-19-2012; 11-19-2015]

§ 170-16.1. Intent.

The Industrial (I) District is intended to provide locations for industrial uses, including manufacturing, compounding, processing, packaging, assembling and/or treatment of finished or semifinished products from previously prepared materials. Manufacturing, processing, assembling and/or treatment from raw materials shall be limited in scope as defined herein.

§ 170-16.2. Required conditions.

- A. Ingress and egress shall be directly onto a major road.
- B. Outdoor storage, display or staging of goods/materials is not permitted, unless otherwise specified herein. Permitted outdoor storage shall be screened from public view.
- C. All business, servicing or processing shall be conducted within an enclosed building, unless otherwise specified herein.

ARTICLE 17
Consumer Industrial District (CI)
[Amended 4-16-2009; 4-19-2012; 11-19-2015]

§ 170-17.1. Intent.

The Consumer Industrial (CI) District is intended to provide locations for retail and service businesses that are industrial in nature. The nature of these uses would not be compatible with other commercial shopping areas of the Township due to the architecture of buildings, outdoor storage and/or use of trucks and construction equipment.

§ 170-17.2. Required conditions.

- A. Outdoor storage shall be located behind the front building line or 50 feet from the right-of-way for lots that do not contain a building.
- B. Parking in the front yard shall be limited to the day-to-day business operation of the use.
- C. Conduct or operation having the appearance or character of an automobile junkyard or salvage business is not permitted.
- D. All business, servicing or processing shall be conducted within an enclosed building, unless specified herein.

ARTICLE 18
Schedule of Regulations
[Amended 12-15-2011; 4-19-2012; 9-17-2015]

§ 170-18.1. Schedule of regulations limiting height, bulk, density and area by land use.

Residential Districts		Minimum Lot Size per Unit (BB, M)		Maximum Height (N,O,P)	Minimum Yard Setbacks (A, E, I, Q, R, S, T, U, V, W)			Minimum Floor Area per Unit	Maximum Percentage of Lot Coverage by all Buildings
		Area/Density (B,C,D)	Width (J)		Front (G,J,X)	Side (F,H)	Rear (G)		
R-1 Single Family Residential		43,560 sf	150'	35'	40'	15'	50'	1,650 sf	15%
R-2 Single Family Residential	Without Public Utilities	43,560 sf	150'	35'	35'	15'	50'	1,350 sf	15%
	With Public Utilities	20,000 sf	125'	35'	35'	15'	50'	1,350 sf	25%
R-3 Single Family Residential	Without Public Utilities	43,560 sf	150'	30'	35'	15'	50'	1,100 sf	15%
	With Public Utilities	15,000 sf	100'	30'	35'	15'	50'	1,100 sf	25%
R-4 Single Family Residential		10,000 sf	60'	30'	30'	5' min.; 20' total	50'	1,100 sf	25%
MF Multiple-Family Residential		Up to 8 units/acre	—	40'	30'	15'	30'	(K, L)	20%
		Up to 12 units/acre	—	40'	30'	30'	30'	(K, L)	20%
SH Senior Housing				30'	30'	30'	30'	450 sf	20 sf

Nonresidential Districts	Maximum Height (N, O, P, Y)	Minimum Yard Setbacks (A, E, Q, R, S, T, U, V, W)		
		Front (X)	Sides (AA)	Rear (AA)
OS Office Service	35'	25'	10'	20'
B-1 Local Business	30'	25'	10'	20'
B-3 General Business	30'	30'	10'	20'

Nonresidential Districts	Maximum Height (N, O, P, Y)	Minimum Yard Setbacks (A, E, Q, R, S, T, U, V, W)		
		Front (X)	Sides (AA)	Rear (AA)
		CR Commercial Recreation	30'	25'
ORT Office, Research and Technology	48'	50' (BB)	20'	50'
I Industrial	50'	50' (BB)	20'	50'
CI Consumer Industrial	30'	30'	10'	50'
NRMU Northville Road Mixed Use	50'	25'	10'	35'
PROS Public Recreation and Open Space	35'	25'	10'	20'

§ 170-18.2. Notes to schedule.

- A. Setbacks (all districts). The required setbacks are measured from the property line, future right-of-way, private road easement, greenbelt, buffer, easement, etc., as applicable.
- B. Lot area (residential districts and planned developments). The requirement of "public utilities" shall refer to the provision of both public water and sanitary sewer.
- C. Lot area (residential districts). Modifications to dimensional and density requirements may be permitted using one of the development options permitted in Article 20, Development Options, or Footnote AA of this article.
- D. Lot area (residential districts). The actual density may be lower than the permitted maximum density in order to comply with the various dimensional requirements and other applicable standards of this chapter. Up to 25% of state-regulated wetlands or stormwater facilities may be included in area calculations. Dedicated public road right-of-way, private road easements, private driveway easements and water bodies regulated by the Inland Lakes and Streams Act (Public Act 346 of 1972, as amended)⁴ shall not be included in area calculations.
- E. Setbacks (all districts). A thirty-five-foot-wide greenbelt is required along any public right-of-way or private road easement serving more than four residential dwellings. For nonresidential zoning districts, the width of the greenbelt shall be equal to the required parking lot setback. Building setbacks shall be measured from the interior edge of the greenbelt.
- F. Setbacks (R-1, R-2, R-3 and R-4 Districts). A minimum of 30 feet is required between buildings and 56 feet between opposing garages for lots in the R-1, R-2 or

4. Editor's Note: See MCLA § 324.30101 et seq.

R-3 Zoning District. A minimum of 20 feet is required between buildings in the R-4 District. A minimum fifteen-foot side yard setback is required for lots in all single-family zoning districts when the lot is adjacent to open space or a project boundary.

- G. Setbacks (R-1, R-2 and R-3 Districts). For the purpose of preserving natural features and creating variation along the street edge, the building envelope may be shifted up to 10 feet (front to back), provided the total required front and rear yard setback of 90 feet is maintained in the R-1 District and 85 feet is maintained in the R-2 and R-3 Districts.
- H. Setbacks (R-1, R-2, R-3, R-4, MF and SH Districts). Driveways must be set back a minimum of four feet from the side lot line. The setback may be reduced to two feet upon a finding by the Township Engineer that positive drainage can be maintained. Eight feet is required between driveways for detached condominiums.
- I. Setbacks (R-1, R-2, R-3, R-4, MF and SH Districts). Specified building elements and architectural features may encroach into required setbacks in accordance with the following standards:

Key:

P = Permitted

NP = Not permitted

Building Elements	Side	Front	Rear
Architectural elements such as windowsills, belt courses, eaves and architectural features used exclusively to provide a decorative function and not increase living space within the dwelling (up to 2 inches for each 1 foot of side yard and maximum 24 inches in the front and rear yards)	P	P	P
Awnings and canopies (up to 2 inches for each 1 foot of required setback)	NP	P	P
Bay window (up to 2 inches for each 1 foot of side yard setback and maximum 24 inches in the front and rear yard)	P (1st floor) NP (2nd floor)	P	P
Box out (up to 24 inches)	NP	P	P
Build out (1 inch per foot of required setback, provided it is an architectural feature with at least 75% of the outer plane consisting of window glazing and not exclusively living or mechanical space)	P (1st floor) NP (2nd floor)	NP	P

Building Elements	Side	Front	Rear
Chimney with foundation (up to 30 inches' depth and 8 feet in width)	P	NP	P
Chimney without foundation	NP	NP	NP
Chimneys - direct vent	NP	NP	NP
Maximum percent of encroachments per wall, excluding a chimney with foundation	35%	35%	65%
Gutters	P	P	P
Porch/patio/terrace without a roof (up to 12 feet in front yard and up to 16 feet in the rear yard, including steps and stairs; 3 feet maximum wall/rail height)	NP	P	P
Porch/patio/terrace with a roof	NP	NP	NP
Wing wall as an architectural feature, not as a screen/privacy wall (up to 6 feet in length with a maximum pillar height of 3 feet, provided at least 4 feet is maintained to the property line)	P	P	P

- J. Corner lots (all residential districts). The required front yard setback must be provided on each side of the lot/unit that abuts a public street, private road easement or driveway easement. Corner lots shall be 25 feet wider in the R-1 Zoning District and 15 feet wider in all other districts.
- K. Minimum floor area per unit (MF District). All units shall have at least one living room and one bedroom, except that up to 10% of the units may be efficiency apartments. A maximum of 50% of the dwelling units within a development shall consist of one-bedroom units.
- L. Minimum floor area per unit (MF District). The minimum net floor area for apartment units shall be as follows:
 - (1) Efficiency unit: 350 square feet.
 - (2) One-bedroom unit: 700 square feet.
 - (3) Two-bedroom unit: 800 square feet.
 - (4) Three- or more bedroom unit: 900 square feet for three bedrooms, plus 200 square feet for each additional bedroom.
- M. Lot area (all districts). The depth to width ratio shall not exceed 3:1.
- N. Building height (all districts). Height limitations shall not apply to farm buildings, chimneys, flagpoles, public monuments or water towers. With Planning

Commission approval, schools, churches and other similar institutional buildings or architectural elements may be erected to a height of 48 feet, provided the front, side and rear yards shall not be less than the height of the building wall abutting such yard.

- O. Building height (all districts). Radio, television, and cellular phone antennas and other similar apparatus may be erected above the height limit, as permitted by § 170-3.1J.
- P. Building height (all districts). Penthouse or rooftop structures for elevators, stairways, heating/air-conditioning equipment and other similar apparatus may be erected above the height limits upon a finding by the Planning Commission that the building elevations illustrate the following:
 - (1) All rooftop equipment and apparatus shall be housed in a penthouse, parapet wall or architecturally appropriate screening structure.
 - (2) Penthouses and structures shall be set back from the outermost vertical walls or parapet of the principal structure a distance equal to at least two times the height of the penthouse or screening structure. The height of the penthouse or screening structure shall not exceed 15 feet.
 - (3) A penthouse or screening structure shall not have a total floor area greater than 15% of the total roof area of the building.
 - (4) Roof-mounted reception antennas shall comply with Article 3, General Use Provisions.
- Q. Setbacks (all districts). Setbacks apply to principal buildings. Setbacks for accessory structures shall comply with Article 3, General Use Provisions, or as otherwise specified in this chapter.
- R. Setbacks (all districts). All required yard areas shall be lawn, ground cover or living plant materials, except for approved access drives, pathways, architectural features, signs, water features, essential service facilities and accessory structures permitted in Article 3, General Use Provisions.
- S. Setbacks (all districts). Where a nonresidential use abuts a residential zoning district, the following setbacks shall be provided from the adjoining residential district:

Zoning District/Use	Minimum Building Setback*	Minimum Parking Lot Setback*
B-1, MF, OS, CI	50'	50'
B-3, CR, SH, PROS, ORT, NRMU, school, church, utilities	100'	50'
I	200'	100'

NOTE:

- * The setbacks above may be reduced, up to 50%, by the Planning Commission upon a finding that the abutting area is designated on the Township's future land use map for a use other than residential, is used as a permanent nonresidential use or where the amount of landscaping in the buffer zone adjacent to the residential is increased by 50% above the minimum landscape buffer requirement.
- T. Setbacks (all districts). Off-street parking shall be set back a minimum of 30 feet from any front property line in the B-3, CR, OS, ORT and I Zoning Districts and 25 feet in all other nonresidential zoning districts. Based on the expected traffic operations, a deeper front yard setback may be required at site access points to provide sufficient internal vehicular storage. Setbacks are measured from the street right-of-way or private road access easement. The required parking lot setback shall be maintained as lawn, ground cover or living plant materials, except for approved access drives, pathways, architectural features, signs, water features and accessory structures permitted in Article 3, General Use Provisions, or as otherwise specified in this chapter.
- U. Setbacks (all districts). Principal buildings shall be set back at least 25 feet from water features, including wetlands, stormwater facilities, rivers, lakes and streams. A fifteen-foot setback is required for accessory structures, accessory uses, pavement and similar items. Principal buildings and accessory structures/uses shall be set back a minimum of 50 feet from the center line of Johnson Creek.
- V. Setbacks (all districts). All buildings shall be set back a minimum of 10 feet from any utility line.
- W. Setbacks (all districts). Setbacks shall be measured from the near edge of an access easement or private road. If an easement meeting current Township standards has not been recorded, then the setback shall be equal to the required setback plus an additional 25 feet measured from the center line of the private road or drive. Where sidewalks are located along the private road, the setback shall be at least 25 feet from the sidewalk to provide adequate space to park a vehicle without blocking pedestrian traffic.
- X. Setbacks (all districts). Where 50% or more of the street frontage between two successive intersecting streets is occupied by buildings having a front yard setback less than required by this chapter, the minimum front yard for new buildings shall be the average setback of existing buildings located within 200 feet on either side of the subject lot. The depth of the front yard shall not be less than 1/2 of the setback specified in the Schedule of Regulations.
- Y. Setbacks (all districts). For lots without frontage on a public street and at the end of a private road without a turnaround, all buildings shall be set back a minimum of 40 feet from the property lines or road easement.
- Z. Setbacks (nonresidential districts). Parking lots, aisles and drives shall be subject to the side and rear yard setback requirements of the district.
- AA. Front yard setbacks (ORT and I). Front yard setbacks from local streets within an

industrial park may be reduced to 25 feet, provided parking or loading is not located in the front yard.

- BB. Lot clustering (R-1, R-2 or R-3 District). For developments served by both public utilities and containing at least five single-family lots, the required dimensional standards may be reduced in return for the provision of open space or preservation of natural features, provided the density does not exceed what could otherwise be built on the property. The density calculation must be supported by a conventional plan alternative as defined in Article 20, Development Options. Setbacks may also be reduced provided the resultant building envelopes are smaller than required if the standard setbacks were applied.

ARTICLE 19
(Reserved)⁵

5. Editor's Note: Former Art. 19, Mobile Home Parks, as amended, was repealed 11-19-2015.

ARTICLE 20
Development Options
[Amended 12-15-2011; 4-19-2012; 6-16-2016]

§ 170-20.1. Intent.

The intent of this article is to provide alternative development options, to produce development that is substantially consistent with the standards of this chapter and the Master Plan while allowing flexibility of land development regulations and innovative land use in terms of variety, layout and product.

§ 170-20.2. PUD options.

- A. Active adult community (AAC): a unified age-targeted residential development option containing detached or duplex homes whose product is targeted toward people over the age of 55, but not explicitly age-restricted; due to smaller floor plans than a traditional home, the master bedroom and primary living quarters are located on the first floor, and it offers low-maintenance living with community amenities.
- B. Open space community (OSC): a unified residential development option in which dwelling units are planned in a more-compact arrangement than a conventional subdivision and the project is designed to preserve natural features and provide open space/recreation areas.
- C. Mixed-use planned unit development (PUD): a unified mixed-use development option consisting of uses contained in two or more zoning districts. At least one of the uses shall be nonresidential.

§ 170-20.3. Qualifications.

To qualify for an AAC, OSC or PUD, all of the following conditions must be met:

- A. The development shall result in a benefit to residents of the Township or the users of the site which would not otherwise be available utilizing the existing zoning classification.
- B. The development shall provide a land use or residential product that is desired or not currently available in the Township.
- C. The site can be adequately served by public water, sanitary sewer and storm sewer service.
- D. Open space shall be provided as a project or Township-wide benefit.
- E. Preservation of significant assets, such as wooded areas, regulated trees, topography, view sheds, natural drainage, water bodies, floodplains or wetlands, that might otherwise be negatively impacted if the site was developed utilizing conventional zoning.
- F. A continuous pedestrian circulation system that links all areas of the development and the development to other destinations in the surrounding area.

- G. Compatibility with adjacent land uses.
- H. The development does not result in a significant increased demand on public facilities or services, such as police and fire, schools, recreation, traffic operations and utilities, beyond the expected impacts associated with development permitted by the underlying zoning classification, unless such impacts are mitigated.

§ 170-20.4. Design standards for AACs, OSCs and PUDs.

- A. To encourage flexibility and creativity consistent with the intent of this article, the Township may permit specific departures from the design and supplemental standards when the deviation will result in a more-creative or -desirable layout than would be possible using the standards contained herein.
- B. The width of the greenbelt along perimeter roads shall be an average of 50 feet wide, minimum 35 feet.
- C. Improvements to existing streets may be required to mitigate the impacts of the project traffic, based on the traffic impact study required per Article 32, Impact Assessment.
- D. All utility services shall be underground.
- E. The development shall contain high-quality design and cohesion in terms of building facades, building materials, landscape treatments, screening and signage.
- F. A buffer shall be provided when a project abuts a single-family residential district/ use or any other location where the Township determines that a buffer will reduce impacts to adjacent properties. The buffer shall consist of one or more of the following conditions:
 - (1) Lots or setbacks abutting established residential areas shall be similar in size to adjacent residential development.
 - (2) A fifty-foot setback consisting of woodlands, natural features or a landscaped area.
 - (3) Difference in topography.
- G. Architectural design.
 - (1) Buildings shall be harmonious with adjacent uses in terms of texture, materials, rooflines, scale and massing.
 - (2) Unifying design elements, such as accents, style, color and/or materials, shall be provided for each use within the project.
 - (3) For nonresidential buildings, the primary material shall be brick or stone. Metal roof systems may be permitted when it is determined by the Township that they are appropriate in character and context of the proposed development and adjacent uses.
 - (4) For residential buildings, materials shall be high quality and appropriate in character and context of the proposed development and adjacent residential

communities. Primary materials shall include natural brick, stone, wood lap or shingle siding with architectural shingles or metal roof systems. Alternate materials of a composite or synthetic nature emulating the materials above, excluding vinyl or metal lap siding or trim, may be accepted by the Township.

H. Residential units.

- (1) At least 80% of detached residential units, and 50% of attached residential units, shall have side-entry, rear-entry or detached garages.
- (2) Attached front-facing garages shall incorporate design elements that diminish the appearance of the garage.
- (3) Attached front-facing garages shall be recessed a minimum of five feet behind the front building line and be limited in width to two vehicles per unit.
- (4) Building elevations, colors, materials and setbacks shall be varied. Identical or similar elevations, in terms of building mass and form, may not be repeated more frequently than every sixth house along the same side of any street.

I. Density.

- (1) A density bonus up to 10% may be awarded for residential developments that provide one or more of the following. The amount of density bonus shall be determined by the Township based on the extent to which the project provides the following elements:
 - (a) The amount of open space and depth of the greenbelt exceeds minimum Township standards and the additional open space or greenbelt is a benefit to the development or the Township.
 - (b) Usable land is dedicated to the Township. The land shall fulfill a demonstrated need, provide a connection to a Township park or open space, have historic value or exhibit other beneficial qualities as determined by the Township. The land to be donated must be free of environmental hazards and liens and configured to accommodate the types of uses anticipated by the Township. A survey of the property and title insurance shall be provided to the Township.
 - (c) The development will provide a range of housing opportunities through varied housing types, dwelling sizes and lot sizes within a single neighborhood.
 - (d) The neighborhood shall be designed to create clusters of housing, synergy and promote interaction.
 - (e) Existing buildings that are of historic significance are retained and rehabilitated for adaptive reuse. Provisions for ongoing maintenance must be included in the development agreement.

J. Open space.

- (1) Open space shall be designed to achieve the following, as applicable on a site-by-site basis:

- (a) Organized around the site's most important natural features, a physical design element or to link existing and planned open spaces.
 - (b) Provide pedestrian pathways within the open spaces and link with adjacent open spaces, public parks, Township facilities or existing and planned nonmotorized routes.
 - (c) Provide areas for active public recreation, informal spontaneous recreation or passive recreation amenities for the benefit of residents or users of the development.
 - (d) Preserve or create a buffer from adjacent land uses.
 - (e) Be highly visible within the development and/or from public view.
- (2) Open space standards.
- (a) A minimum of 20% of the site's gross area shall be dedicated to common open space, except duplex and multiple-family residential products shall require a minimum of 25% open space.
 - (b) A golf course, including its stormwater facilities, shall not account for more than 50% of the required open space.
 - (c) Lakes, streams, detention ponds, other surface water bodies or wetlands regulated by the Michigan Department of Environmental Quality shall not account for more than 25% of required open space.
 - (d) At least 50% of the open space must be usable, exclusive of permitted water bodies, stormwater facilities or other required site plan elements.
 - (e) Additional greenbelt width may be credited towards the open space standards.
 - (f) The following shall not count as required open space:
 - [1] Areas within an existing or future public street right-of-way, private road easements or overhead utility lines.
 - [2] Required setbacks or spacing between buildings.
 - [3] Parking and loading areas, except those associated with a recreation facility or common open space.
 - [4] Other undeveloped areas not specifically addressed in this article but which do not fulfill the intent of open space as determined by the Township.
- (3) Protection of open space. The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a maintenance agreement, in a form and manner acceptable to the Township. Such conveyance shall assure the open space will be protected and used as intended on the concept plan. Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal but shall allow

transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the Township. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owners' association or condominium association. The Township may require the inclusion of open space restrictions to prohibit activities such as the following:

- (a) Dumping or storing of any material or refuse.
- (b) Activity that may cause risk of soil erosion or threaten plant material.
- (c) Cutting or removal of plant material, except for removal of dying or diseased vegetation.
- (d) Use of motorized off-road vehicles.
- (e) Cutting, filling or removal of vegetation from wetland areas.
- (f) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

§ 170-20.5. Supplemental standards for active adult community projects (AAC).

A. Permitted uses:

- (1) Detached single-family.
- (2) Duplexes.

B. Design and dimensional standards.

- (1) Garages.
 - (a) Buildings with front-facing garages may be permitted upon approval of the Township, provided the architectural design minimizes the appearance of the garage element.
 - (b) The width of front-facing garages shall not exceed two cars.
- (2) Detached single-family.
 - (a) If there is an attached front-facing garage, it shall be set back a minimum of 25 feet from the sidewalk or curb (in the absence of a sidewalk).
 - (b) The front plane of the building, excluding a front-facing garage, may be set back a minimum of 20 feet from the sidewalk or curb (in the absence of a sidewalk).
 - (c) Minimum 20 feet between units.
 - (d) Minimum 50 feet side yard to rear yard.
 - (e) Minimum 70 feet rear yard to rear yard.
 - (f) Decks and patios may encroach 12 feet into required spacing between

units, when located on the back of the building.

- (3) Duplexes.
 - (a) If there is an attached front-facing garage, it shall be set back a minimum of 35 feet from the sidewalk or curb (in the absence of a sidewalk).
 - (b) The front plane of the building, excluding a front-facing garage, may be set back a minimum of 30 feet from the sidewalk or curb (in the absence of a sidewalk).
 - (c) Minimum 25 feet between units, average of 30 feet.
 - (d) Minimum 50 feet side yard to rear yard.
 - (e) Minimum 70 feet rear yard to rear yard.
 - (f) Decks and patios may encroach 12 feet into required spacing between units, when located on the back of the building.
- (4) Additional setbacks may be required for larger product types.
- (5) Units located on a corner shall provide an additional five-foot setback on the side that does not contain a driveway.
- (6) A fifty-foot setback is required from all perimeter property lines.
- (7) Front porches shall be a minimum of five feet deep. The size of front porches shall be large enough to be more functional than decorative.
- (8) Decks or patios are not permitted to encroach into a front or side yard setback.

§ 170-20.6. Supplemental standards for open space community projects (OSC).

- A. If a density bonus is authorized pursuant to § 170-20.4I, single-family lots in the R-2 and R-3 Zoning Districts may be reduced to the following dimensional standards:
 - (1) R-2 Zoning District: 15,000 square feet minimum lot area/100 feet minimum lot width.
 - (2) R-3 Zoning District: 12,000 square feet minimum lot area/80 feet minimum lot width.
- B. In addition to the uses permitted in the underlying single-family residential zoning district, residential uses identified in the Multiple-Family and Senior Housing Districts may be permitted by the Township, provided the following standards are met:
 - (1) Up to 20% of the total number of units may be attached.
 - (2) Attached units shall be located on the interior of the site, or a transitional use adjacent to a non-single-family use.
 - (3) Attached units shall comply with the dimensional standards contained in

§ 170-7.2D.

- (4) Attached units may include up to four-unit buildings, provided four-unit buildings shall not comprise more than 50% of the total attached units.
- (5) Attached units shall be set back a minimum of 50 feet from single-family lot lines and 75 feet from a single-family building.

§ 170-20.7. Supplemental standards for mixed-use planned unit development (PUD).

- A. The project shall contain a use from the existing zoning classification, or other zoning district authorized by the Township as being consistent with the intent of this article, and at least one other zoning district. Uses found exclusively in the Consumer Industrial and Industrial Zoning Districts shall not be eligible for a PUD.
- B. Permitted residential types and densities shall comply with the standards contained in § 170-20.6 (OSC), unless modified by the Township.

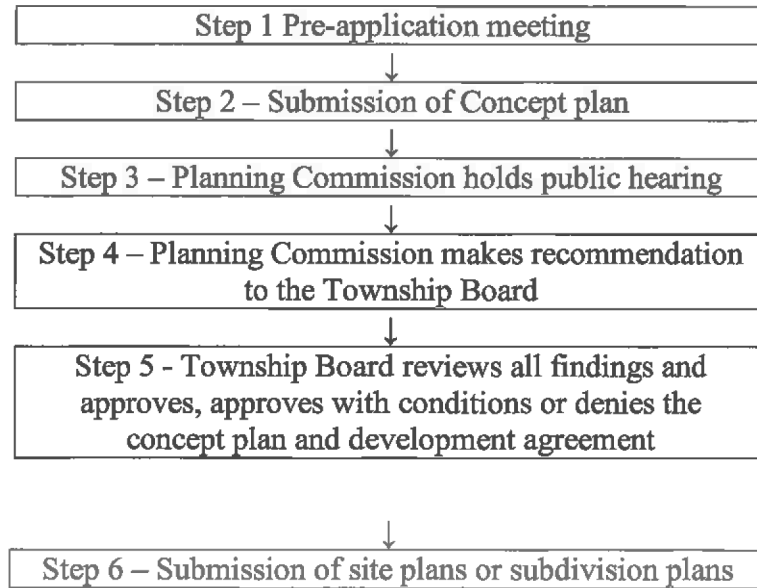
§ 170-20.8. Approval procedures for AACs, OSCs and PUDs.

- A. Submittal requirements:
 - (1) A summary of how the project meets the qualifications contained in § 170-20.3 and the rezoning criteria contained in § 170-43.5.
 - (2) A table identifying any deviations from ordinance standards.
 - (3) A conventional alternative plan, for residential projects requesting a density bonus.
 - (4) Impact assessment and traffic impact study.
 - (5) A site analysis map illustrating the following:
 - (a) Vegetation and regulated trees.
 - (b) Wetlands, water bodies, drainage patterns.
 - (c) Other natural features.
 - (d) Overhead utility lines.
 - (e) Driveways and intersections within 250 feet of the site (on both sides of the street).
 - (f) Existing buildings and structures.
 - (g) Existing easements and rights-of-way.
 - (h) Adjacent land uses.
 - (6) A concept plan drawn illustrating the following features:
 - (a) Location of proposed land uses, vehicular circulation and parking areas.

- (b) Building footprints and/or arrangement of lots.
 - (c) Type and density of dwelling units.
 - (d) Location of open spaces, natural features and pedestrian circulation.
 - (e) Conceptual utility layout.
- (7) The Township may request the applicant prepare a market study or fiscal impact analysis to demonstrate support for one or more of the proposed uses or evaluate the financial impact on the Township.
- (8) A draft development agreement, including the following:
- (a) A survey of the project area and the recommended concept plan.
 - (b) The ownership of the developed land.
 - (c) Approved deviations from this chapter.
 - (d) Responsibility and timing of public improvements.
 - (e) Building design guidelines.
 - (f) Methods for preservation and maintenance of open space.
 - (g) Addresses other design and operational issues.
 - (h) A phasing plan. For mixed-use projects, residential components shall be constructed before nonresidential uses.

B. Review procedure.

(1) The approval process for an AAC, OSC and PUD is summarized below.



- (2) The applicant, or designated agent, must be present at all scheduled meetings.
- (3) Upon verification by the Township that all required documents have been provided, the application will be reviewed and placed on the next scheduled Planning Commission agenda.
- (4) The Planning Commission conducts a public hearing.
- (5) Following the public hearing, the Planning Commission shall make a recommendation to the Township Board based on the following factors:
 - (a) The proposal meets the criteria established for rezoning to AAC, OSC, or PUD District.
 - (b) The proposal promotes the Township's land use goals and objectives.
 - (c) All applicable provisions of this article and this chapter are met.
 - (d) Adequate facilities, or improvements, are available to accommodate impacts, utilities and traffic generated by the proposed project.
 - (e) The proposal provides a better development option than if the property were to be developed under the current zoning classification.
 - (f) The proposed development will not adversely affect the public health, safety and welfare.
- (6) Conditions or modifications recommended by the Planning Commission shall be submitted for Township review prior to placement on the Township Board agenda.

- (7) The Township Board shall review all findings and approve, approve with conditions or deny the request.
 - (8) In addition to the concept plan, a final development agreement is required. Approval of the agreement can occur simultaneously with the concept plan or follow it. The development agreement shall be reviewed by the Planning Commission, who shall make a recommendation to the Township Board.
 - (9) The applicant is responsible for recording the development agreement at the Wayne County Register of Deeds. A recorded copy of the development agreement must be provided to the Township prior to final site plan or plat approval.
- C. AAC, OSC and PUD concept plan.
- (1) The project shall be governed by the regulations specified in the development agreement. Regulations not specifically addressed in the agreement shall be governed by the current Zoning Ordinance and building codes.
 - (2) Construction must begin within two years of the date approved by the Township Board.
 - (3) The applicant may request a one-year extension, provided the request is made in writing at least 60 days prior to the expiration. Additional extensions beyond the first approved extension shall be approved where the Township finds there are extenuating circumstances that have prevented progress in development. The applicant shall be responsible for providing information to support the request for an extension. The extension may be approved by the Township Board based on the following criteria:
 - (a) Substantial progress has been made or the developer can document good cause why such progress has not been made.
 - (b) Demands on public infrastructure, roadway level of service, public facilities and services have not changed, or the applicant has agreed to mitigate an increased level of demand to offset the impacts of the project.
 - (c) The project complies with the current ordinance standards or the applicant has agreed to revise the plan or development agreement to comply with the current ordinance standards.
 - (4) If the approved concept plan expires, the applicant shall resubmit a concept plan for approval in accordance with the procedures herein and the standards that apply at the time of the new submittal.
- D. Site plans or subdivision plans.
- (1) Site plans and subdivision plans shall be substantially consistent with the approved concept plan.
 - (2) Site plans shall be submitted in accordance with Article 33, Site Plan Review, or subdivision plans in accordance with the Subdivision Control Regulations or Article 35, Site Condominiums.

- E. An AAC, OSC or PUD zoning classification may be initiated by the Township and include a conceptual land use plan and supporting text. For Township-initiated zoning classifications, preliminary and final plans prepared by the applicant shall substantially conform to the intent of the approved conceptual land use plan adopted by the Township. If the Planning Commission determines that a proposed AAC, OSC or PUD concept plan is a significant departure from the concept plan adopted by the Township, the applicant can request a modification of the applicant's development plan that will better serve the Township's needs. The request for a modification shall demonstrate that the modification will not increase impact on schools, traffic, and other Township infrastructure.
- F. Modifications.
- (1) Approval of the concept plan and site plans confers upon the Township the authority to approve certain minor deviations when an applicant or landowner notifies the Planning Department, in writing, and provides a site plan illustrating the proposed change(s).
 - (2) Minor changes may be approved administratively. Major changes or changes that may result in a material change shall be submitted to the Planning Commission.
 - (3) Minor modifications include, but are not limited to, the following:
 - (a) Correcting errors in the development plan.
 - (b) Changes to berms and landscaping, provided the original intent is achieved.
 - (c) Changes to site access, vehicular circulation or pedestrian circulation, provided the original intent is achieved.
 - (d) Up to a three-percent increase or decrease in the square footage of residential buildings, provided the overall density does not increase and the building(s) do not extend into any required setbacks.
 - (e) Up to 3%, or 2,000 square feet, whichever is smaller, increase or decrease in gross floor area of nonresidential buildings, provided parking requirements are met and the building does not extend into any required setbacks or open space.
 - (f) Relocation of a building, provided it does not encroach into required setbacks and complies with other applicable standards.
 - (g) Changes required or requested by the Township, county or state for safety reasons.
 - (4) Major modifications are more significant in nature than minor modifications and include, but are not limited to, changes in use, parking, access, open space, building height, density, setbacks and building elevations and materials.
- G. Appeals, modifications and variances. Modifications to the amount of open space, setbacks, minimum lot area and other design and supplemental standards for an

AAC, OSC or PUD are not subject to variance approval by the Zoning Board of Appeals; such modifications shall be processed as a major or minor change as described herein. As an exception, once a home has been occupied, an individual homeowner may request a dimensional variance from the Zoning Board of Appeals as outlined in Article 41, Zoning Board of Appeals, provided the common open space and other conditions of approval are not affected.

- H. Procedures for projects approved under former regulations. Several projects have been approved based on standards and procedures that were removed from the Zoning Ordinance: open space subdivision, cluster housing option, planned residential unit development (PRUD), and Haggerty Road Planned Unit Development (HPUD). Such developments shall be considered conforming, provided such projects conform to the ordinance standards in place at time of approval, comply with the site plan and any written development agreement and the projects have either been completed or work is diligently being carried on within the time limits stipulated herein. Modifications to plans that were approved under prior regulations shall be reviewed per the AAC, OSC or PUD procedures outlined in this chapter.

ARTICLE 21
Lighting Standards
[Amended 4-19-2012; 11-19-2015]

§ 170-21.1. Intent.

The intent of this article is to provide lighting systems that are appropriate for the task intended and to minimize the impact of off-site glare and light pollution. Standards contained herein are structured to conform to Illumination Engineering Society of North America (IESNA) guidelines for recommended illumination levels and the International Dark-Sky Association's (IDSA) goal to eliminate over-lighting while providing for vehicular, pedestrian and site safety.

§ 170-21.2. General provisions.

- A. LED-lamped luminaires are required unless an alternate type is approved by the Planning Commission. Incandescent sources may only be used for decorative lighting.
- B. Energy-efficient, UL or equivalent approved LED drivers are required for all LED lights.
- C. Illumination levels at property lines shall not exceed 1.0 footcandle/10.8 LM/M² at grade'; except where adjacent to residential property, footcandle levels at the property line shall not exceed 0.5 footcandle/5.4 LM/M².
- D. Building-mounted or pole-mounted floodlights are prohibited.
- E. Luminaires within 100 feet of a residential zoning district/use shall not exceed 20 feet in height.
- F. Searchlights, strobes, lasers or similar high-intensity light used for outdoor advertisement or entertainment is prohibited.
- G. Flashing, moving or intermittent-type lights are prohibited.
- H. LED luminaires must have a color temperature (Kelvin) between 3,500 and 4,100K.

§ 170-21.3. Residential lighting.

- A. Streetlighting.
 - (1) Streetlighting shall be provided to illuminate entrances of residential developments. A minimum output of three footcandles/32.3 LM/M² shall be provided.
 - (2) Cutoff-style luminaires are required.
 - (3) If HID lamps are used, lamps shall not exceed 100 watts. If another source is used, it shall not exceed the mean lumen output of the common HID source.
 - (4) Mounting height shall not exceed 20 feet, and the spacing between fixtures

shall not exceed 200 feet.

- (5) Intersections and pedestrian crosswalks must be illuminated.
 - (6) Streetlighting systems provided by the applicable public electrical utility company shall use the utility company's standard system components.
 - (7) Decorative luminaires shall comply with the following standards:
 - (a) The luminaires shall be mounted between 12 feet and 18 feet.
 - (b) Cutoff optics are required.
 - (c) The lamps must be recessed to shield the light source and prevent light above 90°.
 - (d) Normal HID lamp wattage shall be 100 watts (or the mean lumen equivalent).
 - (e) Maximum HID wattage shall be 175 watts (or the mean lumen equivalent).
 - (f) Multiple luminaires may be mounted on a common pole to achieve higher light levels where required. Decorative drop lenses are allowed on these luminaires only.
- B. Building-mounted lights shall be shielded and directed downward. Decorative incandescent lights may be permitted without shielding, provided they comply with lighting limits at the property line.

§ 170-21.4. Nonresidential lighting.

A. Pole lighting.

- (1) Lighting shall be provided to illuminate roadway and pedestrian areas, and the system shall comply with I.E.S. Standard RP-8.
- (2) Luminaires shall have cutoff optics and flat lenses. Optical drop lenses are not permitted. Luminaires using LED sources shall provide the equivalent means of optical control.
- (3) Pole-mounted lights shall comply with the following standards:
 - (a) The height of 100-250 watt metal-halide lamps (or the mean lumen equivalent) shall not exceed 20 feet.
 - (b) The height of 400-watt metal-halide lamps (or the mean lumen equivalent) shall be mounted between 20 feet and 40 feet.
- (4) Parking lot lights shall comply with the following standards:
 - (a) The illumination levels at grade shall average three to six footcandles/ 32.3 to 64.6 LM/M² at entrances, intersections or pedestrian crosswalks.
 - (b) The illumination levels at grade shall average one to three footcandles/

10.8 to 32.3 LM/M² on roadways and parking surfaces.

- (c) The illumination levels at grade shall average five footcandles/53.8 LM/M² at building entrances.
 - (d) The illumination levels at grade shall not exceed 10 footcandles/107.6 LM/M².
 - (e) The maximum uniformity (max-to-min) ratio shall be 10:1.
 - (f) Light fixtures shall be located within landscaped islands.
- (5) Luminaires located in landscaped areas shall be mounted on concrete foundations in accordance with the following:
- (a) Concrete foundations located 36 inches or less from the back of curb shall not exceed a height of 30 inches above finished pavement.
 - (b) Concrete foundations located more than 36 inches from the back of curb shall not exceed a height of six inches above finished grade.
- (6) Decorative luminaires shall comply with the following standards:
- (a) The luminaires shall be mounted between 12 feet and 18 feet.
 - (b) Cutoff optics are required.
 - (c) The lamp must be recessed to shield the light source and prevent light above 90°.
 - (d) Normal HID lamp wattage shall be 100 watts (or the mean lumen equivalent).
 - (e) Maximum HID wattage shall be 175 watts (or the mean lumen equivalent).
 - (f) Multiple luminaires may be mounted on a common pole to achieve higher light levels where required. Decorative drop lenses are allowed on these luminaires only.
- B. Bollard-style lights, 36 inches to 48 inches high, may be used to illuminate pedestrian areas and walkways and shall comply with the following standards:
- (1) Ground-mounted lights shall not contain an up-light component.
 - (2) Step-lights with cutoff optics may be used to illuminate exterior stairways and pedestrian walkways.
- C. Building lighting shall comply with the following standards:
- (1) Lights shall be shielded and directed downward. The lamp shall not be visible from normal viewing angles.
 - (2) The illumination level shall not exceed 15 footcandles/161.5 LM/M² at the

surface and an average of five footcandles/53.8 LM/M² on the building.

- (3) The illumination level at doorways shall be a minimum of three footcandles/32.3 LM/M² at grade.
 - (4) Exterior emergency lighting shall be provided at all exit doors.
 - (5) Ground- or pole-mounted floodlights are not permitted.
 - (6) Lighting for multiple-tenant buildings must be uniform.
- D. Flagpoles may be illuminated by uplights or floodlights as required by law and shall comply with the following standards:
- (1) Beam spread shall be the minimum necessary to illuminate the flag.
 - (2) The illumination level at the flagpole shall not exceed 20 footcandles/215.3 LM/M².
 - (3) The lamp size shall not exceed 100 watts.
- E. Landscape lighting shall comply with the following standards:
- (1) Lighting shall be limited to the objects only.
 - (2) Lamp wattage shall be the minimum necessary to illuminate the object without causing glare on the site or neighboring properties.
 - (3) The illumination level shall not exceed five footcandles/ 53.8 LM/M².
 - (4) HID lamp wattage shall not exceed 100 watts (or the mean lumen equivalent).
- F. Canopy lighting shall comply with the following standards:
- (1) Flat lenses are required.
 - (2) Illumination levels shall comply with IESNA standards.
 - (3) Illumination shall not exceed 50 footcandles under a canopy/538 LM/M².
- G. Luminous tube (neon), side emitting fiberoptic and exposed-tube fluorescent lighting is prohibited.

§ 170-21.5. Submittal requirements.

- A. A site lighting photometric plan shall be submitted for all outdoor lighting. The lighting information shall be superimposed on top of the site plan.
- B. The photometric plan shall include the following information:
 - (1) Location of all site lights, including pole lights, pedestrian lights, building-mounted lights, canopy lights, sign lights, landscape lights and floodlights.
 - (2) The designation type for each luminaire.

- (3) A luminaire schedule indicating type ("A," "B," "C," etc.), manufacturer, model number, lamp type, lumen output, wattage, number of heads and the I.E.S. luminaire photometric file number used for the calculations.
 - (4) Mounting height for each luminaire.
 - (5) A photometric grid indicating footcandle levels over the entire site, including at all property lines, measured at grade level. Grid spacing shall not exceed 20 feet by 20 feet. ISO footcandle lines may be included.
 - (6) A photometric summary and statistics table indicating the maximum, minimum and average footcandle levels, maximum-to-minimum and average-to-minimum ratios.
 - (7) Two calculation area summaries: one for roadways, parking lots and pedestrian areas, and one for the entire site.
 - (8) Cut-sheets for proposed luminaires, electronic AutoCAD site plan file and I.E.S. photometric files for use in analyzing the lighting plan. If Visual Basic as developed by Lithonia Lighting, or equivalent photometric program, is used for calculations, a copy of the project file is required.
 - (9) If facade lighting is proposed, a photometric layout of building elevations showing lumen levels on the wall shall be provided.
- C. Any modifications to an approved photometric plan shall be submitted to the Township for approval prior to installation.

§ 170-21.6. Administration.

- A. The Township may require redirection of existing light fixtures when it is determined that the fixture is creating off-site glare.
- B. Illumination systems shall be installed as approved. The Township reserves the right to instruct the contractor/developer to remove or modify lighting systems that were not installed as approved, at no cost to the Township.

ARTICLE 22
Nonconforming Uses, Buildings and Structures
[Amended 6-21-2012; 9-17-2015]

§ 170-22.1. Intent.

The intent of this article is to provide regulations governing lots, buildings, structures and uses which were lawful prior to the enactment of this chapter, or amendments hereto, but are regulated under the provisions of this chapter.

§ 170-22.2. Applicability.

- A. This article shall not apply to any structure for which there is a valid building permit or where construction was lawfully started prior to the effective date of this chapter. Actual construction shall include placing and attaching construction materials in a permanent position.
- B. For projects that include demolition or removal of an existing structure prior to rebuilding, demolition shall be deemed to be actual construction.
- C. If there is a change in occupancy or ownership of an existing nonconforming use, structure or lot, it shall be allowed to continue, provided the nature or character of the nonconformity has not changed.
- D. If a nonconforming use, structure or land, independently or in combination, ceases operation for a period of more than six months, the nonconforming use, structure or land shall thereafter conform to the regulations of the zoning district in which the property is located. Structures operated by approved seasonal uses shall be exempt from this provision as long as the use remains in operation over consecutive seasons. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist, as determined by the Township:
 - (1) Utilities, such as water, gas and electricity, to the property have been disconnected.
 - (2) The property, structures and grounds have fallen into disrepair.
 - (3) Signs or other indications of the nonconforming use have been removed.
 - (4) Equipment or fixtures which are necessary for the operation of the nonconforming use have been removed.
 - (5) Other actions, which are determined by the Township to constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.
- E. The provisions of this article are not intended to preclude normal repairs and maintenance on nonconforming structures, subject to the provisions of § 170-22.5E.
- F. Any structure or use established in violation of this chapter shall, for the purposes of this chapter, be considered a nuisance and shall not receive any of the rights, privileges or protection conferred by this article.

- G. A summary of the nonconforming regulations included in this article is provided in the table below:

Summary of Nonconforming Regulations

Nonconforming Situation	Required Action	Section
Illegal use or structure	Not permitted	Article 40
A nonconforming use is abandoned for over 6 months	Next use must be conforming	§ 170-22.2
Change in ownership of a nonconforming lot, use or structure	No effect on nonconforming status or rights	§ 170-22.2
Creation of permitted use on a nonconforming lot	Permitted, provided current ordinance standards are met	§ 170-22.2
Establishment or expansion of a nonconforming use	Not permitted	§ 170-22.4
Expansion of a nonconforming use within a conforming structure	Permitted	§ 170-22.4
Establishment of a permitted use or construction of a structure on a nonconforming single-family lot when contiguous to 1 or more nonconforming lots under the same ownership	Lots must be combined	§ 170-22.3
Construction or expansion of a structure on a nonconforming lot when adjacent lots are not under the same ownership	Permitted, provided all other requirements are met	§ 170-22.3
Expansion of a single-family residence that has 1 or more nonconforming setbacks	Permitted, provided the expansion maintains conformity with other setbacks; ZBA approval is required if expansion will extend into an already nonconforming setback	§ 170-22.5
Increase in height of a nonconforming structure	Permitted, provided the increased height complies with the current requirement; ZBA approval is required if the proposed height exceeds the current requirement	§ 170-22.5

Summary of Nonconforming Regulations

Nonconforming Situation	Required Action	Section
Safety-related maintenance and structural repairs to a nonconforming structure	Permitted up to 50% of market value	§ 170-22.5
Non-safety-related modifications to a nonconforming structure	Permitted	§ 170-22.5
Repairs necessitated by catastrophe	Permitted up to 50% of market value	§ 170-22.5
Maintenance or expansion of a nonconforming site or structure due to expanded public right-of-way	Permitted, provided the nonconformity is not increased	§ 170-22.7

§ 170-22.3. Nonconforming lots.

A nonconforming lot is a lot which lawfully existed at the effective date of this chapter but does not conform to the current lot size, lot width or other regulations of the zoning district in which it is located.

- A. A nonconforming lot shall only be used for a use permitted in the district in which it is located.
- B. Single-family dwellings and accessory structures may be erected on any lot of record at the effective date of this chapter, provided the structures comply with all other applicable setbacks, floor area, height and access requirements for the district in which they are located.
- C. If a nonconforming single-family lot requires deviation from dimensional requirements of the chapter to erect or enlarge a structure, it shall only be permitted if a variance is granted by the Zoning Board of Appeals.
- D. If two or more individual, single-family-zoned lots with contiguous frontage are owned by the same person/entity and do not meet the lot width and area requirements, the parcels shall be combined if any changes are proposed to the current building footprint.
- E. No portion of said parcel shall be used, occupied or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of a parcel be made which creates a lot width or area less than the requirements contained Article 18.

§ 170-22.4. Nonconforming uses.

A nonconforming use is a use which lawfully existed at the effective date of this chapter but does not currently conform to the use regulations of the zoning district in which it is located. Any lawful nonconforming use of land established prior to the effective date of adoption of this chapter shall not be considered to be in violation of this chapter and may

be continued, subject to the following provisions:

- A. A nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of this chapter.
- B. An existing nonconforming use may be expanded, provided the expansion is within the building footprint that existed at the effective date of this chapter.
- C. If a nonconforming use is moved, it shall conform to the regulations of the district it is relocated to.
- D. In nonresidential districts, nonconforming uses may be changed to another nonconforming use, provided the ZBA finds that the proposed use is equal to or more conforming to the uses permitted in the district in which it is located. In permitting this change, the ZBA may require appropriate conditions in accord with the purpose and intent of this section. Where a nonconforming use is hereafter changed to an equal or more-conforming use, it shall not thereafter be changed to a less-conforming use.
- E. In a residential district, where a nonconforming use is abandoned, the structure may only be changed to a use that is permitted by the district in which it is located.
- F. Where nonconforming use status applies to a mobile home, trailer coach or manufactured housing unit located outside a licensed mobile home park, nonconforming use status shall be extinguished and eliminated if the mobile home, trailer coach or manufactured housing unit is moved to a different lot outside a licensed mobile home park.
- G. Those alleged nonconforming uses which cannot be proved to have lawfully existed prior to the effective date of this chapter shall be declared illegal and shall be discontinued and made subject to the enforcement provisions of Article 40, Administration and Public Notice, of this chapter.

§ 170-22.5. Nonconforming structures.

A nonconforming structure is a structure or portion thereof that lawfully existed at the effective date of this chapter but does not conform to the current provisions of this chapter. Any lawful nonconforming structure established prior to the effective date of this chapter shall not be considered to be in violation of this chapter and may be continued, subject to the following provisions:

- A. Nonresidential nonconforming structures shall not be expanded, unless a variance is obtained from the ZBA per the standards contained in Article 41, Zoning Board of Appeals.
- B. A residential nonconforming structure may be expanded, provided the expansion will be within required setbacks and that other dimensional and building code requirements are met. For example, a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback and lot coverage remains conforming.
- C. A residential nonconforming structure may be expanded into a required front, side or rear yard, upon approval from the ZBA, in accordance with the following

standards. A proposed expansion which does not meet the following requirements shall only be permitted after obtaining a variance from the ZBA per the criteria contained in Article 41, Zoning Board of Appeals.

- (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.
 - (4) The addition will meet all building codes and any other applicable Township ordinance requirements.
 - (5) The resultant addition will be compatible in terms of scale and design with the existing structure and the established character of the neighborhood.
- D. Any nonconforming structure, or structure containing a nonconforming use, that is damaged by fire, flood or other means in excess of 50% of the structure's pre-catastrophe assessed value, as determined by the Township Assessor, shall not be reconstructed except in conformity with the provisions of this chapter.
- E. Routine maintenance, repairs and improvements may be conducted on any nonconforming structure or structure containing a nonconforming use, provided the structure is not enlarged or the use is not expanded.
- F. Maintenance, repairs or alterations deemed necessary by the Building Department to keep a nonconforming structure or structure containing a nonconforming use structurally safe or fit for human occupancy shall be permitted, provided the cost does not exceed 50% of the market value of the building or structure within a twelve-month period. Such repairs are permitted, provided the structure is not enlarged or the use expanded. If repairs or alterations exceed 50% of the assessed value as determined by the Township Assessor, it shall conform to the provisions of this chapter.
- G. A nonconforming structure shall not be moved unless the new location conforms to the requirements of this chapter for the district in which it is located.
- H. If a structure is altered so as to eliminate, remove or lessen any of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

§ 170-22.6. Nonconforming sites.

Nonconforming sites contain development improvements which lawfully existed at the effective date of this chapter but do not now conform to the regulations of the zoning district in which they are located.

- A. Site improvements or expansions on sites which do not meet ,all of the current regulations may be permitted without a complete upgrade of all site elements provided the following conditions are met:

- (1) Safety-related site issues must be met.
 - (2) Driveways that do not conform to Article 27, Access Management, shall be eliminated, provided that the minimum reasonable access shall be maintained.
 - (3) Nonconforming site elements shall more closely conform to the current chapter requirements.
 - (4) Cracked or damaged pavement and curbing shall be repaired.
 - (5) Required nonmotorized pathways shall be installed.
 - (6) Signs shall conform with Chapter 145, Signs.
- B. Existing nonconformities shall not be increased or expanded.
- C. A site plan shall be submitted and reviewed in accordance with Article 33, Site Plan Review.

§ 170-22.7. Right-of-way changes.

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

- A. The required front yard or parking setback was in compliance prior to the acquisition of the additional road right-of-way.
- B. The front yard or parking setback shall not be further reduced as a result of building or parking lot expansion.

§ 170-22.8. Purchase or condemnation.

- A. The Township Board of Trustees may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming buildings, structures or uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in townships.
- B. The elimination of the nonconforming structures or uses is declared to be for a public purpose and for a public use. The Township Board of Trustees may institute and prosecute proceedings for condemnation of nonconforming structures or uses under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being § 213.21 to § 213.41 of the Michigan Compiled Laws, or other applicable statute.

ARTICLE 23
Tree and Woodlands Replacement
[Amended 6-21-2012; 9-17-2015]

§ 170-23.1. Intent.

The intent of this article to place priority on the preservation of trees, vegetation and associated natural resources in recognition of the value they provide the Township in terms of physical, aesthetic, recreation and economic assets to residents, visitors and businesses.

§ 170-23.2. Applicability.

- A. The standards contained herein shall apply to all parcels requiring site plan review, special land use review, administrative review, subdivision plat review, plot plan review or land divisions/reconfigurations.
- B. For legal lots of record which are not located within a new development, trees located within 10 feet of the building footprint and a fifteen-foot-wide driveway area are exempt from the requirements of this article. Replacement of all other trees shall be in accordance with the requirements contained herein.
- C. Issuance of a grading permit shall prohibit clearing or grading within 50 feet of a property line prior to site plan or administrative approval.

§ 170-23.3. Health/condition ranking.

Health condition of trees shall be determined by a forester or other qualified professional, utilizing the criteria contained in the table below. Any tree with a score of 16 or greater is regulated by this article.

Factor	Scoring		
	5 or 4	3 or 2	1
Trunk	Sound or solid	Sections of bark missing	Extensive damage or hollow
Growth rate	More than 6" twig elongation	2" to 6" twig elongation	Less than 2" twig elongation
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead
Insects/disease	No pest present	1 pest disease present	2 or more pests present
Crown/development	Full and balanced	Balanced but not full	Unbalanced and without full crown
Life expectancy	Over 30 years	15 to 10 years	Less than 5 years

§ 170-23.4. Tree survey.

- A. Tree tagging is only required for portions of the site where development is proposed

and where the development area is supported by clearly defined clearing limits. Trees with driplines that extend into the area to be developed shall be included in the tree survey, even if the trunk of the tree is not in an area that will be disturbed.

- B. Trees eight inches DBH or greater must be identified.
- C. Tree locations must be provided on a topographic survey, and the base elevation of all trees proposed for preservation shall be identified.
- D. The tree survey shall clearly identify which trees will be preserved, removed or transplanted.
- E. Trees must be identified in a tabular format by tree tag number, size, common name, genus, condition and classification. Classifications include: regulated, nonregulated, landmark, or exempt, as regulated by this article.
- F. Tree replacement calculations shall indicate the total caliper inches of regulated and landmark trees being removed, as well as any trees being considered for exemption. The total number of replacement trees and caliper inches shall be provided in written form and graphically illustrated on the tree survey.
- G. Tree identification tags shall consist of 19-gauge aluminum or similar corrosion-resistant material. Tags shall be a minimum of 1 1/2 inches in diameter and be permanently stamped or engraved with a number that corresponds to a number designation defined on the tree survey. Numbers shall be a minimum of 1/2 inch high. Tags shall be attached to trees by way of galvanized roofing nail or other similar method.
- H. The tree survey must be prepared and certified by a registered forester, or other individual possessing related qualifications, with the assistance of a land surveyor or registered engineer. If there are discrepancies in the tree survey information or if the applicant requests that a landmark or protected tree be exempted due to its health/condition, the Township reserves the right to review the situation or engage the services of an independent reviewer.

§ 170-23.5. Tree replacement requirements.

- A. "Protected trees" are defined as all trees eight inches DBH or greater, provided they are not classified as landmark trees.
- B. Landmark trees are defined by size and species, as listed in the chart below:.

Common Name	Botanical Name	DBH
All trees	--	24"
American hornbeam	Ostrya Virginiana	8"
Arborvitae	Thyja	18"
Beech (American)	Fagur grandifolia	18"
Beech (blue)	Carpinus Caroliniana	8"
Birch	Betula	18"
Black walnut	Juglans nigra	20"

Common Name	Botanical Name	DBH
Cedar (red)	Juniperus Virginiana	12"
Chestnut	Castanea	10"
Crabapple/hawthorne	Malus/crataegus	12"
Dogwood (flowering)	Cornus Florida	8"
Fir	Abies	18"
Ginkgo	Ginkgo	18"
Hemlock	Tsuga	18"
Hickory	Carya	18"
Kentucky coffee tree	Gymnocladus dioicus	18"
Larch/tamarack	Larix	12"
London plane/sycamore	Platanus	18"
Maple	Acer	18"
Oak	Ouercus	18"
Pine	Pinus	18"
Redbud	Cercis canadensis	8"
Sassafras	Sassafras albidum	15"
Serviceberry	Amelanchier	8"
Spruce	Picea	18"
Sweet gum	Liquidamber styraciflua	16"
Tulip poplar	Liriodendrom tulipifera	18"
Wild cherry	Prunus	18"
Witch hazel	Hamamelis Virginiana	8"

- C. Landmark trees must be replaced at a rate of 100% of the total DBH removed.
- D. Protected trees must be replaced at a rate of 50% of the total DBH removed.
- E. Replacement trees shall be at least 2 1/2 caliper inches for deciduous trees and seven feet in height for evergreens. Replacement for evergreens shall be equivalent to one inch equals 2.8 feet in height. Consideration may be given to allow smaller trees if they are part of a replacement plan that specifies a mixture of sizes and is intended to simulate as natural woodland habitat.
- F. Deciduous trees shall be replaced with deciduous trees, and evergreen trees shall be replaced with evergreen trees. Where all of the trees being removed are entirely deciduous or evergreen, the Planning Commission may approve substituting up to 10% evergreen for deciduous or deciduous for evergreen. Alternatives may be based on site-specific conditions.
- G. The proposed location of transplanted trees and required woodland replacement trees must be provided on the landscape plan. Transplanted and replacement trees shall be clearly distinguished from landscape elements required per Article 24,

Landscape Standards.

- H. All replacement trees shall satisfy American Association of Nurserymen standards, including:
- (1) Nursery-grown.
 - (2) State Department of Agriculture inspected.
 - (3) Tree spade transplanted while in the dormant state, or if not in the dormant state, having been balled and burlapped with a solid well-laced root ball when in the dormant state.
 - (4) No. 1 grade, with straight unscarred trunk and a well-developed uniform crown. Park-grade trees are not acceptable.
 - (5) Staked, fertilized, watered and mulched in accordance with standard planting practices.
- I. Where it is not reasonable and desirable to relocate or replace trees on site, relocation or replacement may be made at another approved location within the Township.
- J. Where the Planning Commission finds it is not reasonable, practical and desirable to relocate or replace trees on site or at another approved location within the Township, the Planning Commission may direct the applicant to pay into the Township's Woodlands Trust Fund.

§ 170-23.6. Exemptions.

The following trees may be considered for exemption, provided they are not landmark trees, they do not comprise the predominant species on site or within a vegetated area, and they do not contribute to the overall vigor of the woodland or have significant value for watershed or erosion control. Singular trees in good condition are not exempt.

Ash
 Black locust
 Box elder
 Catalpa
 Cottonwood
 Elm
 Mulberry
 Poplar
 Silver maple
 Tree of heaven
 Willow

§ 170-23.7. Review standards.

- A. The preservation of wooded areas, individual trees, woody vegetation and related natural resources shall have priority over development when there are other on-site location/design alternatives. The Planning Commission may impose conditions on the method and extent of the proposed activity/use as necessary to ensure it will be conducted in a manner that will minimize damage, encroachment or interference with regulated trees.
- B. Because natural systems do not occur in isolation, the location of regulated trees with respect to topography, water features and other significant natural features shall be viewed as having a high priority in terms of preservation value.
- C. The removal of regulated trees and wooded areas shall be limited to the following:
 - (1) When necessary for the location of a structure or site improvement, when a feasible and prudent alternative location does not exist.
 - (2) The tree is dead, diseased, injured or in danger of falling too close to existing or proposed structures, interferes with existing utility service, interferes with safe vision clearances or conflicts with other ordinances or regulations.
 - (3) When a landmark tree does not meet the health/condition standards contained herein.
- D. The integrity of wooded areas shall be maintained even when such woodlands cross property lines.
- E. Existing trees, wooded areas and understory vegetation shall be preserved within the required landscape greenbelt or buffers, unless removal is approved by the Planning Commission. Preserved vegetation may be credited toward landscape requirements contained in Article 24, Landscape Standards.
- F. When a designated wooded area abuts a corridor identified as a natural beauty road, as authorized by Wayne County, existing vegetation shall be maintained for an average width of 100 feet, and a minimum of 50 feet, beyond the future right-of-way.
- G. The clearing limits and locations of tree protection barriers shall be clearly identified on a plan.

§ 170-23.8. Tree transplanting.

- A. Transplanted trees may be counted toward replacement trees, provided trees meet the minimum size and quality requirements of Article 24, Landscape Standards.
- B. For deciduous trees over 10 caliper inches and evergreens greater than 30 feet tall, a statement regarding the method of transplanting shall be included, and the work shall be performed by a qualified individual.
- C. A Township representative shall review the trees prior to commencing transplanting. The trees shall be reviewed again at their final location to ensure the transplanting operation has been successfully completed.

§ 170-23.9. Tree protection procedures.

- A. Before development, land clearing, filling or land alteration, a tree protection fence must be installed at the approved clearing limits, and tree protection measures shall be inspected by the Township.
- B. Protective fencing shall be located 10 feet outside the tree dripline.
- C. Posts for fencing shall be staked at least two feet into the ground, with posts spaced a maximum of 10 feet on center.
- D. Tree protection shall remain in its approved location until removal is authorized or directed by the Township.

§ 170-23.10. Replacement of trees damaged during construction.

Trees within preservation areas are subject to replacement when damaged or removed during construction. Trees shall be replaced at a rate of 1 1/2 inches' caliper for each one inch DBH removed or damaged.

ARTICLE 24

Landscape Standards**[Amended 2-20-2007; 8-21-2008; 4-16-2009; 12-15-2011; 6-21-2012; 9-17-2015]****§ 170-24.1. Intent.**

The intent of this article is to provide minimum standards for the design, installation and maintenance of landscape elements throughout the Township. Landscaping is viewed as a critical element to promote the desired image of the community, enhance the visual appearance, articulate outdoor spaces, preserve natural features, improve property values and reduce impacts generated by certain land uses.

§ 170-24.2. Applicability.

- A. The standards contained herein shall apply to all parcels requiring site plan review, special land use review, administrative review, subdivision plat review or land divisions/reconfigurations.
- B. The requirements in this article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscape.
- C. Standards shall be required independently of each other and shall not be double-counted to fulfill the requirements of different required landscape elements.
- D. When a building and/or parking area is increased by 25% or more over the original site plan, the site shall be brought into full compliance with the landscape standards.
- E. For improvements or expansion of an existing site not meeting the criteria in Subsection D above, landscaping shall be brought into compliance with current standards to the extent possible.

§ 170-24.3. Incentive for preserving existing trees.

The standards below are intended to encourage the preservation of trees that are not regulated by Article 23, Tree and Woodlands Replacement:

- A. Credit may be given for preserving healthy, nonregulated, quality trees when the design intent of this article is met. The credit for tree preservation shall be applied at the rate of one tree for each existing tree between 2.5 to 7.9 inches DBH.
- B. Trees requested as credit must be inspected by the Township to ensure the trees are high quality and will fulfill the requirements of this article.
- C. Trees preserved for landscape credit shall be clearly indicated on the grading and landscape plans. Tree protection methods shall comply with Article 23, Tree and Woodlands Replacement.
- D. To protect and encourage the continued health of the preserved trees, the ground area within the dripline of the trees shall be maintained as vegetation or other approved pervious surface.

§ 170-24.4. Greenbelt.

A greenbelt is the land abutting a public street, private street or access drive that shall be reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.

- A. Greenbelts are measured from the edge of a public street right-of-way, private road easement or access drive/easement.
- B. The greenbelt shall include one canopy tree and six shrubs per 40 linear feet of road frontage. The frontage calculation shall include any openings for driveways, sidewalks or easements.
- C. A thirty-five-foot-wide greenbelt is required for residential zoning districts, unless additional width is approved for a PUD, HPUD or OSC development.
- D. For nonresidential zoning districts, the width of the greenbelt shall be equal to the required parking lot setback.
- E. The Township may approve substitution of evergreen trees for up to 50% of the required greenbelt trees if the intent is to provide a more-effective buffer and provided a mixture of other species are included.
- F. The greenbelt plantings shall be designed to simulate a natural appearance and include a variety of species. Upright shrubs shall be the dominant type to provide the greatest visual impact; low or spreading varieties may be used as an accent material.
- G. The greenbelt shall include only living materials, except approved pathways, walls, fences or other similar ornamental features.
- H. Gates, functioning or ornamental, are not permitted.
- I. Public rights-of-way and easements adjacent to greenbelts shall be planted with grass or living ground cover. Plant material and other improvements located within the right-of-way must be approved by Wayne County.

§ 170-24.5. Buffer zones.

A buffer zone is a landscaped area located adjacent to a residential use and intended to reduce negative impacts on adjacent residential properties.

- A. A buffer zone shall be required on any parcel that abuts a residential zoning district or use. Buffers shall include landscape and a wall or a berm in accordance with the following table. The Planning Commission shall determine whether a wall or berm is most appropriate in consideration of the proposed use, physical area available and impacts to be abated.

District or Use	Landscape Buffer	Height of Wall or Berm
MF and SH	B	4.5' to 6'
OS, B-1, B-3 and NRMU	B	4.5' to 6'
ORT, I and CI	A	5' to 8'

District or Use	Landscape Buffer	Height of Wall or Berm
Off-street parking	B	4.5'
Service and loading areas	A	5' to 8'
Public utility buildings	B	6'
Mining and quarrying	A	6'

- Landscape Buffer A: two trees and four shrubs per 20 linear feet.
- Landscape Buffer B: one tree and four shrubs per 20 linear feet.

- B. The buffer shall be required on the subject site, even if the adjacent site is unimproved land.
- C. The width of the buffer shall be equal to the required setback.
- D. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall or berm.
- E. When the subject site abuts two districts with different height requirements for a wall or berm, the height of the wall or berm shall be determined by the Planning Commission based on the best option for minimizing off-site impacts.
- F. Standards for walls.
 - (1) Walls shall be located on the lot line, except where underground utilities interfere or where an alternate location provides a better opportunity for screening.
 - (2) Walls shall be constructed of brick or comparable decorative materials that match the primary building material used on the site. Wood or wood products are not permitted.
 - (3) Walls shall be contiguous except for approved pedestrian or vehicular connections.
- G. Standards for berms.
 - (1) Berms shall have a minimum four-foot-wide crest on the top of the berm.
 - (2) The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed with a retaining wall or terrace.
 - (3) Sides of the berm shall not exceed a 1:4 slope.
 - (4) Side slopes shall be established with grass or other ground cover. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established.

§ 170-24.6. Parking lots.

- A. In the Industrial and Office, Research and Technology Districts, one canopy tree shall be required for each 3,000 square feet of the total paved surface, including parking, loading and driveways.

- B. In districts other than Industrial and Office and Research and Technology, one canopy tree shall be required for each 2,000 square feet of the total paved surface, including parking, loading and driveways.
- C. At least two parking lot trees shall be provided on each site.
- D. Required parking lot trees shall be placed within the parking lot envelope, defined as the area including the parking lot surface and extending 18 feet from the edge of the pavement.
- E. At least 1/3 of the required trees shall be placed within the paved portion of the parking lot.
- F. Trees shall be protected from automobiles with curbing or other suitable device.
- G. Trees shall have a minimum clearance of four to six feet between the ground and the lowest branches.
- H. Landscape shall shield views of parked cars. Upright shrub varieties shall be utilized.
- I. Landscape islands shall be dispersed throughout the parking lot to break up the pavement area and help direct vehicular circulation.
- J. Parking lot islands shall comply with the following requirements:
 - (1) Minimum 150 square feet; 75 square feet if irrigated.
 - (2) Minimum 10 feet wide.
 - (3) Depth shall be two feet shorter than adjacent parking space.
 - (4) Radii shall be minimum 10 feet at ends facing main circulation aisles and a minimum one foot for others.
- K. Parking decks shall be screened along all sides by deciduous trees placed 25 feet on center and a contiguous row of shrubs and/or hedges along the foundation of the structure.

§ 170-24.7. Building fronts and interior grounds.

- A. For all uses except single-family residential, 15% of the site, exclusive of right-of-way, road easements and required landscape elements (greenbelt, buffers and parking lots), shall be maintained as landscaped in accordance with the following standards:
 - (1) One deciduous or evergreen tree per 400 square feet of required interior landscape area.
 - (2) One shrub per 250 square feet of required interior landscape area.
 - (3) Detention facilities may account for up to 50% of the interior landscape requirement.
- B. Interior landscaping shall be grouped near building entrances, at building

foundations or along pedestrian walkways to articulate circulation and reduce the visual impact of the building scale.

- C. Planting beds shall be a minimum of eight feet wide.

§ 170-24.8. Detention ponds, retention ponds and sedimentation basins.

- A. Ponds shall be configured into the natural topography or shaped to emulate a naturally formed depression.
- B. The edge of the pond shall consist of sculptured landforms to filter and soften views of the pond.
- C. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the perimeter and contain a variety of plant material.
- D. Plantings shall be provided at a ratio of one deciduous tree, one evergreen and 10 shrubs for every 50 linear feet of pond.
- E. Trees and shrubs shall be planted above the freeboard line. If shrubs are proposed below the freeboard line, they must be tolerant of wet or moist soil conditions.
- F. The side slopes and bottom of the pond shall be planted with water-tolerant native plant material above the permanent high-water mark. If the pond does not hold water, the side slopes and bottom must contain vegetative cover that is consistent with the perimeter of the pond.
- G. Mown lawn shall not be permitted within a fifteen-foot buffer around the perimeter of the pond. This area shall contain native flowers and grasses maintained in a natural condition.
- H. Landscape shall be arranged to provide access for and minimize disruption of plant material during routine pond maintenance.

§ 170-24.9. Street trees, medians, culs-de-sac and driveway entrances.

- A. Street trees shall be provided within all public rights-of-way and private road easements at a rate of one tree per 40 linear feet of road frontage.
- B. Medians and boulevard entrances shall be planted with one canopy tree or two ornamental trees per 30 linear feet.
- C. Cul-de-sac shall be planted at a rate of one canopy tree or two ornamental trees per 1,000 square feet.
- D. Cul-de-sac, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions. The landscape plan shall take into consideration sight distance, size of planting area, location of pathways, maintaining adequate overhead clearance, accessibility to fire hydrants, visibility of approved signs, and compatibility with the visual character of the surrounding area.
- E. Driveways to a residential development having four or more dwelling units and other nonresidential developments shall be identified with a combination of plant material, identification sign, low-intensity lighting and architectural features to the

extent permitted by other sections of this chapter.

- F. Public rights-of-way and easements shall be planted with sod or other suitable live plant material and shall be maintained by the abutting property owner or occupant. Medians, culs-de-sac and other similar common areas shall be maintained by the property owner or association.

§ 170-24.10. General requirements.

- A. When the required plant material results in a fraction, the number of required trees and shrubs shall be rounded up to the nearest whole number.
- B. All plant material shall be hardy to Northville Township, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- C. The root collar shall be set at the same height as the adjacent ground or just slightly higher.
- D. Burlap, wire, nails and twine shall be removed from the top and sides of the root ball. If the root ball is wrapped in a vinyl product or treated burlap, it must be removed from beneath the ball.
- E. All landscaped areas shall be irrigated.
- F. Plant material shall be installed so at maturity it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists or disrupt drainage patterns on the site or on adjacent properties.
- G. Undeveloped portions of each site shall be covered by grass or other living ground cover.
- H. Berms shall undulate both vertically and horizontally to provide a natural appearance. Additional plant material may be required to diminish the appearance of the berm.
- I. The minimum plant size shall be in accordance with the following standards:

Type	Minimum Plant Size
Deciduous canopy tree	3" to 3 1/2" caliper DBH
Deciduous ornamental tree	2" caliper DBH tree form/ 6' height clump form
Evergreen tree	8' height
Deciduous shrub	30" height (B & B)
Upright evergreen shrub	30" height (B & B)
Spreading evergreen shrub	24" spread

- J. A minimum four inches of topsoil, meeting the ASTM standard for topsoil composition, shall be provided for all lawn areas, ground covers and planting beds.

- K. A minimum three inches of wood chips or similar (nonstone) natural material shall be provided within planting beds.
- L. Planting beds shall be limited to the area immediately surrounding the plant material.
- M. Plant materials shall be located at least four feet from a fence line or property line.
- N. Trees and shrubs shall be located 10 feet from the edge of a vehicular route and five feet from a pedestrian route.
- O. Plantings within 15 feet of a fire hydrant shall not exceed six inches in height.
- P. Mechanical equipment, such as ground-mounted HVAC units, air compressors, pool pumps, transformers, satellite dish antennas, utility substations and similar equipment, shall be screened on at least three sides. Where practical, the height of the screen shall be equal to the vertical height of the equipment at the time of planting.
- Q. The overall landscape plan shall not contain more than 33% of any one species.
- R. The use of native plant materials is strongly encouraged.
- S. Dwarf, globe, pendulous species are not permitted.
- T. Ornamental trees may be used to fulfill the tree requirement, provided two ornamental trees shall be equivalent to one required tree.
- U. Signs shall not be placed on, or within, berms.
- V. Landscape screening shall consist of tightly spaced plantings that can be reasonably expected to form a complete visual barrier within three years of planting. Deciduous plant materials may be used to supplement evergreens, provided a complete visual barrier is maintained throughout the year.
- W. The following trees are not permitted as they split easily, their wood is brittle, their roots may cause maintenance issues or they are unusually susceptible to disease or insect pests. These trees may, however, be permitted when native to and associated with an appropriate ecosystem, such as a wetland area.

Ash

Black locust

Box elder

Cottonwood

Elm

Ginkgo (female)

Honey locust (with thorns)

Horse chestnut (nut-bearing)

Mulberry

Poplar

Silver maple
Tree of heaven
Willow

- X. If a project is constructed in phases, the landscape may also be finalized in phases. The Township shall determine the extent and timing of landscaping within each phase based on the necessity to buffer the proposed development from adjacent uses, anticipated commencement on subsequent phases, building heights and physical characteristics of the site, such as topography or existing vegetation.

§ 170-24.11. Inspection and maintenance.

- A. Upon completion of the landscape installation and prior to the issuance of a certificate of occupancy, the owner shall provide written certification by a landscape architect, registered in the State of Michigan, that all plant material has been installed as designed and shown on the landscape plan approved by the Township. The Township will then conduct the final inspection.
- B. Landscape must be inspected and approved by the Township prior to issuing a final certificate of occupancy. For residential projects, landscape will be inspected and approved in conjunction with the project being transferred to a homeowners' association.
- C. During winter months, installation of landscaping may be deferred, provided a performance guarantee is posted with the Township.
- D. Landscaped areas and plant materials shall be kept free from refuse, debris and invasive species. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material dies or becomes diseased, it shall be replaced within 30 days of written notice from Northville Township or within an extended time period as specified in said notice.
- E. Tree stakes, guy wires and tree wrap must be removed after one year.

§ 170-24.12. Waiver or modification of requirements.

- A. The Planning Commission may determine that existing plant materials which are intended to be preserved would meet the intent of this article. The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required greenbelts, buffer zones, parking lot landscaping or interior requirements. If such determination is made, the Planning Commission may waive or modify the landscaping provisions of this article in consideration of, but not limited to, the following criteria:
- (1) Presence of existing natural vegetation.
 - (2) Topography.
 - (3) Existing wetland, floodplain and poor soils areas.
 - (4) Existing and proposed building placement.

- (5) Building heights and views.
- (6) Types and distance to adjacent land uses.
- (7) Dimensional conditions unique to the parcel.
- (8) Provision of adequate sight distances for motorists.
- (9) Future land use proposed in the Township Master Plan.
- (10) Drainage conditions.
- (11) Health, safety and welfare of the Township.

ARTICLE 25
Use-Specific Standards⁶
[Added 11-19-2015; amended 4-19-2018; 5-20-2021]

§ 170-25.1. Intent.

The intent of this article is to provide standards for specific uses, whether regulated as a permitted or special land use.

§ 170-25.2. Uses.

- A. Active adult/retirement community. Single-family detached and/or attached dwellings on smaller lots and targeted to residents who are age 55 and older.
- (1) The density shall not exceed five units per acre.
 - (2) At least 20% of the site, excluding required setbacks, shall be designated as open space or recreation facilities.
 - (3) Attached units may contain up to four units.
 - (4) The following setbacks are required:
 - (a) Twenty-five-foot front for garage (measured from the sidewalk).
 - (b) Fifteen-foot front for living space (measured from the sidewalk).
 - (c) Five-foot minimum side yard/total of 20 feet between units.
 - (d) Thirty-five feet rear/70 feet between units.
 - (5) Units shall have individual garages and entrances.
 - (6) A minimum four-foot-wide landscape area is required between driveways.
 - (7) Parking or vehicular circulation is not permitted within the required setbacks or separation between buildings.
 - (8) A thirty-foot-wide landscape buffer is required from all perimeter property lines.
 - (9) Sidewalks are required and must be set back a minimum of five feet from the edge of the road. A pedestrian system shall be provided throughout the development, including access to open space, recreation amenities and between dwelling units.
- B. Adult regulated uses. Because of their nature, some uses are recognized as having objectionable operational characteristics, particularly when these uses are concentrated, thereby having deleterious effects upon adjacent areas. Regulation of these uses is necessary to ensure adverse effects will not contribute to blighting, deteriorating and/or downgrading of adjacent areas. The primary regulation is to prevent concentration of these uses by requiring the following:

6. Editor's Note: Former Art. 25, Floodplain Control, was repealed 4-19-2012. See now Ch. 82, Floodplain Regulation.

- (1) Uses and structures shall be located at least 1,000 feet from the property line of any of the following uses:
 - (a) Schools.
 - (b) Libraries.
 - (c) Parks, playgrounds or other recreation facilities.
 - (d) Day-care centers or preschools.
 - (e) Religious institutions.
 - (f) Class C establishments licensed by the Michigan Liquor Control Commission.
 - (g) Hotels or bed-and-breakfast inns.
 - (h) Dance clubs, movie theaters and other similar uses where young people may gather.
 - (i) Another existing or approved adult regulated use.
 - (j) Any residential district or use.
 - (2) The building shall not exceed 5,000 square feet.
 - (3) The building and site shall be designed, constructed and maintained so material such as a display, decoration or signs depicting, describing or relating to specific sexual activities or specified anatomical areas, as defined in this chapter, cannot be observed by pedestrians or motorists from a public ROW or from an adjacent land use.
 - (4) Doors and windows shall remain closed.
 - (5) The use shall be located within a freestanding building. A multiple-tenant building is not considered to be a freestanding building.
 - (6) Any adult regulated use, which 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 security guard on duty outside the premises. The security guard provided shall patrol the grounds and parking areas at all times while the business is in operation.
- C. Airports, heliports and other facilities for the operation of aircraft.
- (1) The use shall be accessory to a nonresidential principal building or use.
 - (2) Plans must be approved by the Federal Aviation Agency (FAA) prior to submittal to the Township.
 - (3) The required FAA clear zone shall be provided on the same property as the landing area.
 - (4) The landing area shall not be located within required parking or setback areas.

- (5) The landing area shall be set back at least 250 feet from any residential zoning district, use or other applicable safety standards, whichever are greater.
 - (6) Outdoor maintenance is not permitted from dusk to dawn.
- D. Archery and shooting facilities.
- (1) All walls, ceilings and floors shall be impenetrable to bullets and arrows.
 - (2) For shooting ranges, all walls, ceilings and floors shall be treated with noise-absorbent materials. The wall next to the firing line, the ceiling directly above and three feet in front of the firing line shall be treated with mineral fiber acoustical tile.
 - (3) The facility shall conform to applicable state and federal requirements.
 - (4) Crossbows are not permitted.
- E. Assisted living, nursing care and hospice facilities.
- (1) Density shall not exceed 20 beds per acre.
 - (2) One hundred square feet of outdoor open space shall be provided per unit. Required open space shall not be located within required setbacks.
- F. Bed-and-breakfast inns.
- (1) Parking shall not be located in the required front yard and shall be set back at least 50 feet from an adjacent residential district/use.
 - (2) Meals or other services provided on the premises shall only be available to residents, employees and overnight guests.
 - (3) The house shall be the principal residence of the operator. One nonresident employee is permitted.
 - (4) The appearance shall be consistent with surrounding homes.
- G. Cemeteries (including pet cemeteries, mausoleums, columbariums and memorial parks/gardens).
- (1) An approved site plan may be developed in phases and not subject to the approval limitations required by this article.
 - (2) Setback requirements.

	Adjacent to Residential Zoning Districts or Uses (feet)	Adjacent to Nonresidential Zoning Districts (feet)	From the ROW (feet)
Subterranean, flush and monument graves	25 50 feet if adjacent to existing residential dwellings ¹	25	25
Mausoleum, columbarium, chapel or similar structures	50 100 feet if adjacent to existing residential dwellings ²	35	200 ³
Administrative offices or similar structures	50 100 feet if adjacent to existing residential dwellings ²	35	50
Roads and off-street parking	50	50	50
Maintenance facilities	200	200	200

NOTES:

- ¹ The fifty-foot setback applies for existing homes located within 60 feet of the property line at the time of ordinance adoption. The intent is to provide an additional buffer for nonconforming residential parcels. The length of the fifty-foot setback shall be determined by the Planning Commission based on topography, sight lines and proximity of the house to the developed portion of the cemetery.
- ² The 100-foot setback applies for existing homes located within 60 feet of the property line at the time of ordinance adoption. The intent is to provide an additional buffer for nonconforming residential parcels. The length of the 100-foot setback shall be determined by the Planning Commission based on topography, sight lines and proximity of the house to the developed portion of the cemetery.

- ³ If certain facilities are combined, such as a mausoleum, chapel and administrative offices, the setback shall be determined by the Planning Commission based on site-specific conditions such as visual impact from the road, presence of existing vegetation, topography, etc.
- (3) The design and layout shall be harmonious with the site's natural features.
 - (4) Structures.
 - (a) Height shall not exceed 25 feet.
 - (b) The design, scale and mass shall minimize environmental impacts and views from adjacent properties.
 - (c) Mausoleums and columbariums shall not exceed 1,250 square feet per acre.
 - (5) Access.
 - (a) Access shall be provided from a major road.
 - (b) The principal entrance shall be identified by architectural elements, landscaping and a sign.
 - (6) Roadways and parking.
 - (a) Roads shall be at least 20 feet wide, designed to promote low vehicular speeds and respect natural features.
 - (b) Roads and parking shall be paved. For expansion of existing cemeteries, the road surface shall be a material that adequately controls erosion, prevents dust and adequately accommodates stormwater runoff.
 - (c) On-site parking must be provided for staff, visitors and funeral processions.
 - (7) Landscaping/screening.
 - (a) Buffer Type A shall be provided for property lines that abut a residential zoning district. Buffer Type B shall be provided when abutting nonresidential zoning districts. Landscape buffers are defined in Article 24, Landscape Standards.
 - (b) If the project is to be developed in phases, required site improvements such as perimeter landscape, fences or berms shall be required in conjunction with the phasing or as necessary to provide appropriate screening to adjacent residential properties.
 - (c) A rustic or decorative fence, wall, plant material or any combination of these may be required to enhance privacy between the cemetery and adjacent land uses. Fences or walls shall be consistent with the character of the area. In a natural setting, enclosures shall be designed to be virtually transparent, to minimize disturbance to existing vegetation and to allow vegetation and wildlife to pass through, such as a wire farm

fence. Along street ROWs or adjacent to nonresidential uses, a more formal treatment may be required, such as a stone wall, wrought iron fence with brick columns or other similar materials.

(d) Existing vegetation shall be preserved within required setbacks.

H. Child-care group home (seven to 12 minor children), as defined in 1973 PA 116, MCLA § 722.111(1)(i).

(1) The facility must be located at least 1,500 feet from any of the following uses:

(a) Another licensed group child-care home.

(b) An adult foster-care small group home or large group home licensed under the adult foster-care facility licensing act, 1979 PA 218, MCLA §§ 400.701 to 400.737.

(c) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, 1778 PA 368, MCLA §§ 333.6101 to 333.6523.

(d) A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.

(2) The facility has appropriate fencing in accordance with the Township's fence standards.

(3) The facility shall be maintained in a manner consistent with the characteristics of the neighborhood.

(4) The facility shall not exceed 16 hours of operation during a twenty-four-hour period.

I. Commercial stables.

(1) A minimum of 20 acres is required.

(2) A minimum of one acre is required for each animal.

(3) Animals shall be confined to a stable and/or paddock enclosure.

(4) Animal enclosures must be set back at least 100 feet from all property lines.

(5) Caretakers' or owners' quarters are permitted and shall comply with the setback requirements for the district in which they are located.

J. Composting facilities.

(1) Composting facilities shall comply with applicable state and federal requirements.

(2) Facilities shall be set back at least 1,000 feet from residential zoning districts/uses.

(3) Composting materials shall be set back at least 200 feet from any zoning

district, except the industrial zoning district.

- (4) Individual windrows shall not exceed six feet in height and 10 feet in width, measured from the base.
- (5) Stacking for at least five vehicles must be provided on-site.
- (6) A six-foot-tall wall, privacy fence or berm, and landscaping, shall be provided adjacent to all zoning districts/uses, except the industrial zoning district.
- (7) Anaerobic composting is not to be permitted.
- (8) Vehicles shall be kept clean, maintained and operated to contain all contents.
- (9) Approval issued under the provisions of this chapter, and amendments thereto, may be revoked upon just cause.

K. Concrete and asphalt plants.

- (1) An annual license certifying the capability to meet the standards of this article and any additional standards of Chapter 110, Mining and Quarrying, must be approved by the Board of Trustees.
- (2) A description of the types, quantities, storage areas, secondary containment measures and a spill response plan shall be provided for the use, manufacture or storage of any hazardous materials.
- (3) The plant shall be set back at least 600 feet from adjacent residential zoning districts/uses and 300 feet from nonresidential zoning district/uses.
- (4) Accessory buildings, internal roads, parking, stockpiles, storage and other operations shall be set back at least 500 feet from adjacent residential zoning districts/uses and 50 feet from a nonresidential zoning district/use or public road ROW.
- (5) The plant, stockpiles, storage, parking and other operations and accessory structures shall be set back at least 150 feet from wetlands or watercourses.
- (6) The facility and operations shall be screened from public view.
- (7) The site shall have direct access to a paved public road.
- (8) Internal roads, parking and storage areas shall be paved.

L. Crematoriums.

- (1) Burial is not permitted on-site.
- (2) Buildings or structures shall be set back at least 50 feet from any property line.

M. Day care and preschools.

- (1) Facilities must be registered with the State of Michigan.
- (2) The use shall not be permitted in the interior of a residential block or within a multiple-family development.

- (3) Buildings and parking must be set back at least 50 feet from an adjacent residential district/use.
 - (4) Outdoor play areas must be set back at least 25 feet from an adjacent residential district/use.
- N. Domed recreation structures.
- (1) The site shall be large enough to accommodate the intended use(s), parking and adequate buffer areas without significant impact to nearby properties in terms of noise, traffic, lighting, glare, views, odors and trespassing, as determined by the Planning Commission.
 - (2) Dome height shall not exceed 70 feet.
 - (3) The outer membrane of the dome shall be flame-resistant and constructed of a material that does not emit excessive interior lighting. The Planning Commission may require domes to install an outer membrane that is partially or totally opaque.
 - (4) All repairs or patches to the outer membrane of the dome shall match the original material and shall not be generally discernible from the exterior.
 - (5) All outdoor mechanical equipment shall be screened from view and noise reduced by a continuous obscuring wall, fence and/or evergreen hedge as determined by the Planning Commission.
- O. Drive-in, drive-through or open-front businesses (excluding financial institutions).
- (1) One drive-through window is permitted.
 - (2) The drive-through facility and the parking lot shall be clearly delineated.
 - (3) The drive-through shall be located on the side or rear of the building and minimize visibility from the road.
 - (4) The materials used for the canopy structure shall be architecturally compatible with the building design and match the primary building material.
- P. Financial institutions.
- (1) Up to two drive-through teller lanes and one drive-through ATM are permitted.
 - (2) The materials used for the canopy columns shall match the primary building material.
 - (3) The drive-through facility and the parking lot shall be clearly delineated.
 - (4) The drive-through shall be located on the side or rear of the building and minimize visibility from the road.
- Q. Fuel services, sales and storage.
- (1) A minimum three-acre lot size is required.

- (2) Aboveground storage tanks shall not exceed 300 gallons, shall be located at least 75 feet from an occupied building or lot line and shall be mounted on a concrete slab.
 - (3) Aboveground storage tanks shall be screened from public view.
 - (4) Below-ground fuel storage tanks shall be located at least 2,000 feet from any drinking water well.
- R. Garden centers or other similar accessory structures/uses.
- (1) Outdoor sale areas must be enclosed by a decorative fence or screen wall.
 - (2) The setback requirement for the principal structure shall apply.
 - (3) Materials shall be sufficiently covered or contained.
 - (4) Materials shall be screened from public view or an adjacent residential district/use.
 - (5) The height of all materials and equipment shall not extend above the top of the screen wall or fence.
 - (6) All loading and truck maneuvering must be accommodated on-site.
- S. Golf courses and country clubs.
- (1) Buildings and structures must be set back at least 100 feet from adjacent residential zoning districts/uses and 50 feet from nonresidential zoning districts/uses.
 - (2) Parking must be set back at least 30 feet from the road ROW and 50 feet from all other property lines.
 - (3) Ingress and egress shall be directly onto a major road.
 - (4) The ball trajectory must be identified along all fairways and driving ranges and shall not infringe on adjacent properties.
 - (5) Netting is not permitted. The facility shall be designed to minimize errant balls.
 - (6) Driving ranges are permitted as an accessory use, provided it is not illuminated.
- T. Golf driving range.
- (1) The expected ball trajectory must be identified and shall not infringe on adjacent properties.
 - (2) The facility shall be designed to minimize errant balls. The Planning Commission may allow netting upon a determination that netting would be compatible with surrounding uses and obscured from public views. The height of netting shall not exceed 80 feet and shall be set back a minimum of 60 feet from the property line.

U. Home occupations.

- (1) Only residents of the dwelling unit may be engaged in the home occupation.
- (2) Up to two clients or customers may be present at any time.
- (3) Parking must be provided within a paved driveway.
- (4) Activities are limited to products or services produced within the dwelling.
- (5) Activities shall be conducted within a structure and shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance which is more frequent than is normally generated by residential uses.
- (6) The home occupation shall not be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, parking, signs or the emission of sounds, noises or vibrations.
- (7) Traffic and delivery of goods shall not exceed that normally generated by residential uses.
- (8) Home occupations shall not occupy more than 25% of the total floor area of the house or 50% of an accessory structure.
- (9) All activities, including storage, shall be conducted completely within the house or accessory structure.
- (10) Permitted family child-care homes, group child-care homes and state-licensed residential facilities are excluded from Subsection U(1), (6) and (7) above.

V. Hospitals.

- (1) A minimum twenty-acre site is required.
- (2) Ingress and egress shall be directly onto a major road.
- (3) Parking shall be set back at least 40 feet from the front property line and 20 feet from the side and rear property lines.
- (4) Ambulance, emergency and delivery areas shall not face a public street and shall be obscured from residential uses by landscape, walls and/or berms as determined by the Planning Commission.

W. Kennels (commercial).

- (1) The lot shall be at least two acres in size, except in the consumer industrial zoning district where there is not a minimum lot size.
- (2) Outdoor facilities and enclosures shall not be located in front of a building.
- (3) Outdoor facilities shall not be located within required side or rear yard setbacks.
- (4) Outdoor facilities shall be set back at least 100 feet from a residential district/

use.

- X. Kennels (private): subject to Chapter 53, Animals.
- Y. Miniature golf.
 - (1) The height of structures shall not exceed eight feet as a permitted use. If the height of any structure exceeds eight feet, a special land use is required.
- Z. Mobile home parks.
 - (1) The site shall not border a single-family residential district/use.
 - (2) No structure or land shall be used, erected or placed, except for one or more of the following uses.
 - (a) Mobile homes, including sales, provided it is located upon an improved mobile home lot.
 - (b) One management or office building exclusively for conducting business operations of the mobile home park.
 - (c) Utility building for laundry facilities and auxiliary storage space for tenant and management needs.
 - (d) Community building for the exclusive use of tenants of the mobile home park.
 - (e) Recreation facilities.
 - (3) A site plan, in accordance with Article 33, Site Plan Review, shall be submitted to the Planning Commission for review, and the Planning Commission shall forward a recommendation to the Board of Trustees. The Planning Commission shall conduct a public hearing in accordance with Article 40, Administration and Public Notice.
 - (4) The following conditions are required:
 - (a) A minimum forty-acre site.
 - (b) The site shall have access directly onto a road having an existing or planned ROW of at least 120 feet.
 - (c) Interior sidewalks are required and must be set back a minimum of five feet from the edge of the road.
 - (d) All utility lines shall be underground.
 - (e) When off-street parking is adjacent to a residential district/use, a wall or landscaped berm shall be required in accordance with Article 24, Landscape Standards.
 - (f) Density shall not exceed 6.5 units per acre.
 - (g) Mobile home sites shall have a minimum fifty-foot width and a minimum area of 5,500 square feet. If parks provide common open space, the lot

width and areas may be reduced by 20%, provided that the common open space shall be at least equal to the total area by which any lots have been reduced.

- (h) All structures shall be set back at least 50 feet from the road ROW.
- (i) A minimum 25,000 square feet of open space shall be provided. The minimum open space shall be increased by 250 square feet for each site over 50 units. Open space and recreational uses shall be located and designed to facilitate access and usability.

AA. Movie theater, performance venue or amphitheater (outdoor).

- (1) Stacking for at least 50 vehicles must be provided on-site.
- (2) The projected image shall not be visible from an adjacent residential district or public roads.

BB. Religious institutions.

- (1) The following standards shall apply, except in the B-3 zoning district:
 - (a) The principal building shall not exceed 50,000 square feet.
 - (b) Seating within the main assembly area shall not exceed 1,000 people.
 - (c) Parking shall not exceed 500 vehicles, and the use shall not generate more than 1,000 vehicle trips per day.
- (2) All activities shall take place within a fully enclosed building. Exterior loudspeakers or amplified sound is not permitted.
- (3) Site access shall be directly onto a road having an existing or planned ROW of 120 feet.
- (4) The Planning Commission may allow up to 25% of the total parking in the front yard upon a finding this is compatible with surrounding uses or preserves natural features better than alternative parking locations. Bus and other similar service vehicle parking are only permitted in the rear yard.
- (5) A masonry wall or berm, which is sufficient to screen outside activities and headlight glare, is required between adjacent residential zoning districts/uses, all paved surfaces and outside activity areas. The wall or berm shall be up to six feet tall, and the landscape buffer shall include a minimum of one tree and four shrubs per 20 linear feet.
- (6) Accessory uses shall be limited to those commonly associated with the principal use and may include living quarters for clergy, ministry or other members of religious orders who carry out their primary duties on the site, religious education classes, private schools, church-sponsored day care, unlighted outdoor recreation facilities, religious office space, youth centers and other similar uses. Clinics, rescue missions, residences for those not engaged in the ministry and other uses not specifically noted are prohibited.

CC. Roadside farm stands.

- (1) Access shall be provided onto a major road.
- (2) Off-street parking is required.
- (3) Produce must be grown on-site.

DD. Outdoor events and assembly uses.

- (1) Uses shall be accessory to a permitted principal use of the property.
- (2) Uses shall comply with applicable Township standards and regulations, including standards that are more restrictive when the use abuts a residentially zoned property or residential use.
- (3) All structures (temporary or permanent) shall meet the minimum setback required for principal structures. Additional setback may be required, at the discretion of the Planning Commission, based on nature and impact of the event.
- (4) On-site parking shall be provided in designated parking spaces, meeting ordinance requirements. Off-site parking may be utilized if approved and documented.
- (5) Events shall cease by 10:00 p.m. when adjacent to residential zoning; midnight for all other zoning districts.
- (6) Nonessential lighting shall be turned off no later than one hour after the event.
- (7) Overnight stays/camping on-site are not permitted.

EE. Schools (public, parochial and other private elementary, intermediate or high schools licensed by the State of Michigan).

- (1) Site access shall be directly onto a road having an existing or planned ROW of 120 feet.
- (2) Site layout, setbacks, lighting, fencing and public address systems shall be designed to assure compatibility with adjacent uses.
- (3) Fences are not permitted around detention ponds when located within the front or side yards. Detention ponds in the rear yard may be fenced, provided the fence is ornamental and landscape is used to minimize views.
- (4) All bus loading and queuing shall be contained within the site and designed to prevent conflicts with traffic operations along adjacent streets.
- (5) Pathway connections shall be provided to existing or planned adjacent subdivisions.
- (6) Any use having a seating capacity of 300 people or more must provide road improvements required to maintain a Level of Service D and limit traffic conflicts along adjacent streets.

FF. Senior apartments and independent-living facilities.

- (1) The density shall not exceed 12 dwelling units per acre.
- (2) The facility shall provide at least 250 square feet of outdoor open space per unit or a minimum of 10,000 square feet per site, whichever is greater.

GG. Single-family detached houses.

- (1) In R-1, R-2 and R-3 districts, garage doors facing the street shall not constitute more than 40% of the facade and not more than 50% of the facade facing the street in the R-4 district.



- (2) Garages shall not extend more than six feet beyond the front facade.
- (3) Variation of front facades and architectural style is required. Identical or similar elevations shall not be repeated within six houses along both sides of the street.
- (4) Houses shall be reasonably compatible in terms of materials, rooflines, scale and massing to other homes within 500 feet of each lot line. Consideration shall be given to designs that respond to unique land configurations and topography.
- (5) The minimum width along the front elevation shall be 34 feet.
- (6) The minimum width along the side and rear elevation shall be 24 feet.

HH. Stadiums/Sport arenas (indoor or outdoor).

- (1) The height of the structure shall not exceed 80 feet.
- (2) The stadium shall be set back at least 200 feet from the road ROW.
- (3) The stadium and parking shall be set back at least 200 feet from a residential district/use.
- (4) Vending and sales shall be confined within the site.
- (5) All service areas shall be screened from public view by a wall, landscaping or combination thereof.
- (6) Site circulation shall be designed to accommodate one-way traffic during pre- and post-event periods.

II. Structures for livestock, horses, llamas, alpaca and other similar animals for private use: subject to Chapter 53, Animals.

JJ. Swim clubs/neighborhood pools (which were not part of the original approval for the project).

- (1) Clubs shall be operated as a nonprofit club or organization.
- (2) The location and access to the site shall not adversely affect the residential character of the neighborhood.
- (3) Swimming pools must be completely within the ground, except for slides and other accessory features.
- (4) The following setbacks are required from lot lines.
 - (a) Fifty feet for principal buildings.
 - (b) Thirty feet for courts, pools and other structures.
 - (c) Twenty feet for parking lots and paved areas.

KK. Swimming pools or clubs (not located within a neighborhood).

- (1) Pools must be completely within the ground, except for slides and other accessory features.
- (2) A six-foot brick wall is required adjacent to a residential district/use.

LL. Uses involving chemical processes.

- (1) The parcel shall not be adjacent to a single-family zoning district/use.
- (2) The operations shall not cause noise, vibration or odors that are noticeable to surrounding properties.
- (3) The use and processes involved shall be approved by the Fire Department.

MM. Uses involving outdoor storage (lumber yards, landscape, building supply yards and similar uses).

- (1) Outdoor storage shall be contained and screened from public view by an obscuring fence, wall or landscape as determined by the Planning Commission.

NN. Vehicle dealerships, display, sales or rental of automobiles, power sports or other similar vehicles.

- (1) Overhead doors must face the rear or side yard and be obscured from public view.
- (2) Vehicles must be parked in designated parking spaces located behind the front building line and on a paved surface.
- (3) A pollution incident protection plan (PIPP) must be provided and include methods to prevent groundwater contamination from gasoline spills or leakage of other fluids.
- (4) The location of storage tanks for gasoline, propane or other flammable or hazardous materials shall be located in the rear yard, screened from public view and approved by the Fire Department.

OO. Vehicle filling stations.

- (1) Pumps or other equipment used for servicing vehicles shall be set back at least 20 feet from a side or rear property line and 40 feet from a residential district/use.
- (2) The canopy columns shall be brick and architecturally compatible with the site and surrounding area. Signs, color bands or illumination are not permitted on the canopy.
- (3) If the use is abandoned or terminated, all storage tanks must be removed from the premises in accordance with applicable state or federal regulations.

PP. Vehicle service facilities for automobiles, power sports or other similar vehicles.

- (1) Parking for vehicle repair shall be located behind the building. If the rear yard abuts a residential district/use, parking may be located on the side of the building, provided the side yard does not border a residential district/use.

QQ. Vehicle washes.

- (1) All washing facilities shall be within an enclosed building.
- (2) Vacuuming and drying facilities shall not be located in the front of the building or within 25 feet of a residential district/use.
- (3) Adequate stacking lanes shall be provided and not conflict with onsite circulation or the public ROW.

RR. Veterinary hospitals and clinics, pet-care facilities and training.

- (1) When accessory to a single-family house, the following conditions shall apply:
 - (a) A minimum eight acres is required.
 - (b) The use shall be operated by a licensed veterinarian.
 - (c) All structures, including outside animal enclosures, shall be set back at least 100 feet from abutting residential districts and 50 feet from all other property lines.
 - (d) Activities shall be conducted within an enclosed building, except for outdoor animal enclosures.
 - (e) Indoor boarding shall be limited to incidental treatment or surgery. Outdoor boarding is not permitted.
 - (f) When located adjacent to a residential zoning district, structures shall provide the following:
 - [1] A maximum transmission of 65 dB measured at any point on the outside of an exterior wall.
 - [2] Solid-core doors.
 - [3] Forced-air ventilation.

- (2) When located within a B-1, B-3, NRMU, CI or I zoning district, outdoor facilities must be located within a rear yard, fully enclosed around the perimeter and screened from view.
- (3) When located within a B-1, B-3 or NRMU zoning district (as a special land use), the following conditions shall apply:
 - (a) Overnight boarding shall be accessory to the principal use.
 - (b) When located in a multiple-tenant building, it shall not be located adjacent to restaurants or food service establishments.
 - (c) Shall not be located adjacent to a residential zoning district or use.
 - (d) Facilities shall provide appropriate waste-removal methods.
 - (e) Dogs shall not be outside between 8:00 p.m. and 6:00 a.m.
 - (f) Soundproofing, additional setbacks, landscaping and other applicable design considerations to minimize noise, odor and visual impacts on adjacent properties or tenants may be considered as part of the special land use review.
 - (g) An emergency evacuation plan must be filed with the Township.

ARTICLE 26

**Off-Street Parking and Loading/Unloading
[Amended 7-15-2010; 12-15-2011; 9-17-2015]**

The intent of this article is to limit the number of off-street parking spaces and the impervious surface to the minimum necessary to meeting the typical daily needs of each use, to provide adequate loading/unloading facilities, and to promote the use and development of shared parking facilities.

§ 170-26.1. General requirements.

The following general standards shall apply to all off-street parking and loading areas:

- A. Off-street parking shall be on the same lot as the building or use it serves, unless otherwise authorized by the Township. The use of off-site parking must be documented through a cross-access parking agreement and recorded.
- B. Off-street parking shall consist of a defined parking space, driveway, garage, carport or combination thereof.
- C. Barrier-free parking requirements shall comply with ADA standards and the currently adopted building code.
- D. All vehicles, unless otherwise permitted by this chapter, shall be parked on a paved or permitted gravel surface.
- E. Required off-street parking spaces shall not be changed to another use unless an equal number of off-street parking spaces is provided in accordance with the provisions of this article.
- F. Off-street parking in connection with the operation of an existing building or use shall not be reduced below the requirement for the use it is intended to serve.
- G. If use of any building, structure or use changes and additional parking is required, additional off-street parking shall be provided in accordance with the provisions of this article.
- H. Designated parking areas shall not be used for: advertising/display of vehicles or other items for sale or rent; storage or repair of wrecked, junked or unlicensed vehicles; parking of semitrailers; repair or maintenance of vehicles; storage of merchandise or materials; and placement of waste receptacles.
- I. In locations that can be served by bicycles, accommodations for bicycles, such as bike racks, shall be provided.

§ 170-26.2. Method of measuring off-street parking.

- A. The dimensional requirements for parking spaces shall be exclusive of loading areas and driveway or aisle width.
- B. When the number of required parking spaces results in a fraction, any fraction up to and including 1/4 shall be disregarded, and fractions over 1/4 shall require one

parking space.

- C. Parking spaces required for employees shall be based on the maximum number of employees on the premises at one time.
- D. For the purpose of computing required parking spaces, "usable floor area" shall be used as defined in Article 44, Definitions. A floor plan is required to support the floor area calculation.
- E. Where usable floor area is not defined, 85% of the gross floor area shall be used to determine parking requirements.
- F. If floor area is later converted to usable floor area, additional parking may be required.

§ 170-26.3. Modifications of parking requirements.

- A. The Planning Commission may increase or decrease off-street parking requirements when a parking study, or other applicable data, is submitted to demonstrate that another standard would be more appropriate based on the actual number of employees, expected level of customer traffic or actual counts at a similar establishment.
- B. Approval of fewer parking spaces by the Planning Commission shall be subject to providing banked parking as follows:
 - (1) Banked parking shall be shown on the site plan, comply with the requirements of this chapter and be set aside as landscaped open space.
 - (2) Banked parking shall be located in a reasonable/convenient location to serve the intended use.
 - (3) Stormwater facilities shall be designed to accommodate runoff from the banked parking.
 - (4) Any required landscaping placed within the banked parking area shall be replaced by the owner/applicant if the banked parking is activated.
 - (5) Upon a finding by the owner or the Township that it is necessary to convert banked parking to off-street parking, it shall be constructed pursuant to the permitting requirements of the Township.
- C. The Planning Commission may, at its discretion, allow shared parking with a use on an adjacent lot. In considering a request for shared parking, the Planning Commission shall determine that all of the following conditions exist:
 - (1) Peak usage will occur at different periods of the day;
 - (2) The shared parking is conveniently located in proximity to all uses being served;
 - (3) The location of the shared parking will not create vehicular/pedestrian conflicts or physical barriers.

- D. For shared off-site parking arrangements, an agreement must be signed by all property owners and recorded. The agreement must clearly indicate the provisions of the agreement as well as a length of applicability.
- E. The number of spaces provided shall not exceed the minimum number required by this chapter, unless otherwise approved by the Planning Commission. In granting additional parking spaces, the Planning Commission shall determine such parking will be required to accommodate the use on a typical day, based on documented evidence provided by the applicant.

§ 170-26.4. Off-street parking requirements by use.

The number of off-street parking spaces shall be determined in accordance with the following schedule. For uses not specifically addressed, the off-street parking requirements shall be in accordance with a similar use, as determined by the Planning Commission.

Use	Number of Spaces
Residential	
Single- and 2-family dwelling units	2 spaces per dwelling unit (located outside of an enclosed garage)
Multiple-family dwelling units and senior independent units	2 spaces per unit (1 may be within a garage) + 0.5 space per unit for visitor parking + any spaces required for office, clubhouse or recreation amenities
	*Visitor parking shall be distributed throughout the site and shall not include driveways or resident assigned parking.
Nursing home, hospice and similar senior uses	1 space per 3 beds
Senior assisted living	1 space per 2 beds + 1 space per employee/contract employee
Mobile home park	2 spaces for each mobile home + 1 additional off-street visitor parking space for every 3 mobile homes
	*Visitor parking shall be distributed throughout the site and shall not include driveways or resident assigned parking.

Institutional and Assembly

Use	Number of Spaces
Assembly uses (auditoriums, billiard halls, fraternity/sorority, meeting halls, religious institutions, roller or ice skating rinks, stadiums, theaters and other similar uses)	1 space per 3 seats of capacity authorized by the Building Code for all areas that can be used for assembly, or 6 feet of bleachers/pews, whichever is greater *The number of parking spaces required for the collective uses shall be determined by the Planning Commission after consideration of the expected activities, number of participants and accessory uses. An operations plan shall be provided to support the amount of parking provided.
Clubs and membership organizations, fraternal orders, civic clubs and other similar uses	1 space per 2 persons of capacity authorized by the Building Code or 15 spaces per 1,000 square feet of usable floor area, whichever is greater
Elementary and middle schools	1 space per employee/administrator + spaces required for assembly, auditorium and/or outdoor recreation areas + a minimum of 10 pick-up/drop-off spaces and waiting or loading for school buses
High schools, vocational schools or colleges	1 space per employee/administrator + 1 space per 4 students + spaces required for assembly, auditorium and/or outdoor recreation areas + a minimum of 10 pick-up/drop-off spaces and waiting or loading for school buses
State-licensed residential facilities	Spaces to accommodate residents and staff, as determined by the capacity of the facility
Business and Commercial	
Athletic clubs (freestanding building)	1 space per 200 square feet of usable floor area
Banquet facilities, conference centers, exhibit halls and similar uses	1 space per 2 persons of capacity authorized by the Building Code or 15 spaces per 1,000 square feet of usable floor area, whichever is greater
Bars, nightclubs, breweries, distilleries, wineries and other similar establishments	20 spaces per 1,000 square feet of usable floor area
Beauty salon/spa or barbershop	2 spaces per chair or 1 space per 300 square feet of usable area, whichever is greater

Use	Number of Spaces
Convenience retail, comparison retail, retail services and shopping centers	4.5 spaces per 1,000 square feet of usable floor area + 4 stacking spaces for each drive-through *When more than 5% of the in-line floor area is devoted to restaurant or food service uses, additional parking must be provided using the applicable food service standard. *Parking for out-lot restaurants shall be calculated separately.
Day care and preschool	1 space per 325 square feet of usable floor area + 1 space per employee
Funeral homes	1 space per 50 square feet of service parlors, chapels and reception areas + 1 space per funeral vehicle
Mini/self-storage warehouse	3 spaces + 1 space per each employee
Motel/hotel, bed-and-breakfast	1 space per guest room + 1 space per employee + spaces required for restaurant, conference, banquet or exhibit space as required by this article *If the restaurant has a separate exterior entrance and sign, the required parking spaces for restaurants shall be provided.
Oil change facility	1 space per each employee + 2 stacking spaces per service bay
Restaurant with a bar area and/or entertainment facilities	20 spaces per 1,000 square feet of usable floor area + spaces required for outdoor seating, banquet or meeting rooms
Restaurant without a bar	15 spaces per 1,000 square feet of usable floor area + any spaces required for outdoor seating
Restaurant with drive-through	10 stacking spaces from the location where orders are placed + requirements for indoor and outdoor seating
Restaurant with fewer than 6 tables and/or booths	6 spaces + 1 space for each employee + any spaces required for outdoor seating
Vehicle dealerships, display, sales and rental	2.5 spaces per 1,000 square feet of interior sales area + 1.5 spaces per 1,000 square feet of exterior display
Vehicle filling stations	1 space per 250 square feet of usable floor area for sales or convenience retail + any spaces required for accessory uses
Vehicle service facilities	2 spaces per service bay + 1 space per employee + 1 space per tow truck + any spaces required for accessory uses

Use	Number of Spaces
Vehicle wash (automatic)	1 space per employee + 12 stacking spaces for freestanding vehicle washes and 6 stacking spaces when accessory to a fueling station + designated spaces for vacuums
Vehicle wash (self-serve/coin-operated)	2 stacking spaces per wash bay + designated spaces for drying or vacuums
Offices	
Financial institutions	1 space per 200 square feet of usable floor area + 4 stacking spaces for each drive-up teller
Hospitals	1.75 spaces per bed + 1 space per 200 square feet of usable floor area for office, research or other outpatient uses
Medical office (doctors, dentists or other similar professions)	1 space per 200 square feet of usable floor area
Outpatient medical care, emergency care or other similar uses	2 spaces per exam or outpatient procedure/ operating room + 1 space for laboratory or recovery room + 1 space for each 2 rooms for employee parking or 1 space per 200 square feet of usable floor area, whichever is greater
Professional office	1 space per 300 square feet of usable floor area
Industrial	
Light industrial, assembly, manufacturing, testing labs and research development centers	5 spaces + 2 spaces per 1,000 square feet of usable floor area + 1 space for each corporate vehicle or 1.2 spaces per employee during peak shift, whichever is greater
Wholesale/warehousing (nonretail)	1 space per employee or 1 space per 1,500 square feet of usable floor area
Recreation	
Driving range	1 space per 2 tees + parking required for other uses
Golf course	6 spaces for each hole and 1 space for each employee + spaces required for banquet rooms, restaurants and other uses
Indoor recreation (gymnasiums, swimming pools, court sports, ice skating, bowling alleys or other similar uses) and outdoor recreation facilities	1 space per 3 persons of capacity authorized by the Building Code
Miniature golf course	2 spaces for each hole + 1 space for each employee + spaces required for other uses

Use	Number of Spaces
Public park facilities	As determined by the Planning Commission in consideration of the type of facilities and programming
Swimming pool/clubs	1 space per 3 persons of capacity authorized by the Building Code
Swimming pool clubs, tennis clubs or similar uses operated by resident/homeowners' organizations	As determined by the Planning Commission in consideration of the size, intensity of uses and proximity of the facility to residences

§ 170-26.5. Off-street parking design standards.

A. Off street parking shall be designed in accordance with the following.

Parking Pattern	Aisle Lane Width (c)	Parking Space Width (c)	Parking Space Length
Parallel parking	12'	8'	23'(b)
30° to 53°	12'	9'(a)	20'(b)
54° to 74°	17'	9'(a)	20'(b)
75° to 90°	24'	9'	18'(b)

NOTES:

- a. Nine and 1/2 feet may be required for uses which involve significant loading and unloading or use of shopping carts, as determined by the Planning Commission.
 - b. The length of spaces on the outer edge of a curbed area may be reduced 1 1/2 feet to account for vehicle overhang.
 - c. Width is exclusive of curb and gutter.
- B. Ninety-degree and parallel parking patterns shall provide two-way movement; all other configurations shall provide one-way traffic movement.
- C. Stacking spaces shall be nine feet wide and 20 feet long. Stacking spaces shall not interfere with drive/parking aisles, circulation, access to waste receptacles and loading areas.
- D. All parking spaces shall provide adequate access by means of drive aisle lanes. Backing directly onto a street or primary circulation aisle, where it could create interference with traffic flow, is not permitted.
- E. Ingress and egress to a parking lot shall be from a public street or a recorded easement for ingress and egress. Access shall not be across land zoned for single-family residential uses.
- F. Layout shall provide access for fire apparatus.
- G. When located adjacent to a residential district, entrances to and from an off-street

parking lot shall comply with the required setback as required in § 170-18.2S.

- H. Where the parking space fronts a sidewalk, a minimum eight-foot-wide sidewalk is required.
- I. The parking lot layout shall accommodate pedestrian circulation. Pedestrian crosswalks shall be clearly defined and shall be distinguished by textured paving, pavement striping or other decorative treatment.
- J. When a use involves shopping carts, decorative cart corrals shall be provided and evenly distributed throughout the parking lot.
- K. Cross-access connections between adjacent parking lots, or a future connection when adjacent parking lots do not exist but can reasonably be expected to be constructed, are required. Cross-access easements shall be recorded for connected lots under separate ownership or management.
- L. All lighting shall be designed, located and/or shielded to prevent spillover onto adjacent properties and shall be arranged to prohibit adverse effects on adjacent public roadways. Lighting shall be further subject to the standards in Article 21, Lighting Standards.
- M. Barrier-free parking requirements: spaces shall be provided in accordance with Michigan Barrier-Free Design and the Michigan Building Code.
- N. Carports shall be identified on the site plan. Carports shall be designed to screen headlight glare, and the carport design shall be compatible with the overall site and adjacent uses.
- O. The height of a parking structure shall not exceed four levels above grade. An enclosed rooftop level is considered a level.

§ 170-26.6. Off-street parking construction and maintenance.

- A. The entire parking area, including parking spaces and aisle lanes, shall be constructed with asphalt or concrete surfacing and curbs and gutters in accordance with Chapter 72, Design and Construction Standards, of the Code of the Charter Township of Northville.
- B. The parking area shall be surfaced within six months from the date the permit is issued. The Building Department may grant a single extension for an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- C. Off-street parking areas shall be designed to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- D. Construction or expansion of a parking lot shall be subject to approval under the site plan provisions of Article 33.
- E. Repaving or reconstruction of an existing parking lot that does not require site plan approval shall require approval by the Engineering Department. Plans for repaving or reconstruction of an existing parking lot shall convey the following:

- (1) Existing and proposed grades.
 - (2) Method of handling stormwater runoff, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.
 - (3) Surface and base materials.
- F. Pavement markings, signs and other similar items must be properly maintained to ensure visibility and clarity.

§ 170-26.7. Off-street loading and unloading.

- A. Area for loading/unloading shall be provided and maintained for every use involving the receipt or distribution of goods.
- B. Loading/unloading activities shall be separate from required parking and shall not interfere with a public R.O.W., ingress/egress easements, drive aisles, traffic flow or internal circulation patterns.
- C. Loading/unloading areas shall be located in the rear yard. For existing sites where location in the rear yard is not possible, loading and unloading may be provided within an interior side yard, provided it is minimized from public view, or within an exterior side yard, provided a minimum fifty-foot setback is provided.
- D. The minimum size for loading/unloading areas shall be 10 feet by 50 feet, unless a smaller area is authorized by the Township for uses with lesser delivery requirements, and shall maintain 14 feet of overhead clearance.
- E. When facing a residential district, loading/unloading areas shall be screened by a decorative wall or berm and/landscaping.
- F. The turning radius of the largest anticipated service vehicles shall be identified on the site plan to demonstrate there are no conflicts with the internal circulation, parking and accessory structures.
- G. Delivery truck loading/unloading shall be limited to the hours of 6:00 a.m. to 10:00 p.m. The use of parked semi-trailers or shipping containers for storage of merchandise is prohibited.

ARTICLE 27
Access Management
[Amended 9-17-2015]

§ 170-27.1. Intent.

- A. The standards of this article are intended to promote public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the poor location and/or the proliferation of curb cuts and driveways.
- B. The Township recognizes the driveway standards herein may be more restrictive than those required by Wayne County. When conflicts arise, the more-stringent standard shall apply in recognition that the county-wide standards may not meet the comprehensive transportation and land use goals of the Charter Township of Northville.

§ 170-27.2. Applicability.

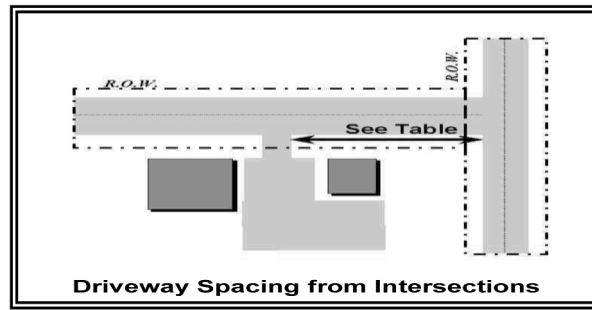
- A. This article shall apply to all vehicular access points intersecting a public road, driveways for nonresidential uses, driveways for multiple-family developments, and shared residential driveways that serve more than two residential lots or dwelling units. This article shall not apply to individual driveways serving one or two dwelling units or an essential public service structure.

§ 170-27.3. Driveway location.

- A. Driveways shall be located to minimize interference with the movement of traffic, to provide adequate sight distance, and to provide the most-favorable driveway grade.
- B. Driveways, including residential driveways, shall be set back at least four feet from a lot line.

§ 170-27.4. Driveway spacing.

- A. For sites located adjacent to vacant land, or land that may be redeveloped in the future (including potential out-lots), the access shall be located to ensure the driveway spacing requirements can be met for adjacent site(s) or provisions for a shared driveway shall be made.
- B. Minimum spacing requirements between a driveway and an intersection, either adjacent to or on the opposite side of the street, are identified in the table below. Measurements shall be taken from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting curb (or pavement edge for uncurbed sections).



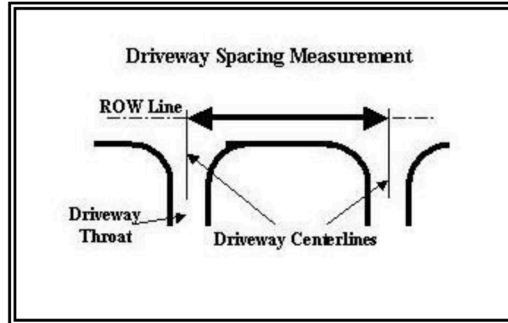
Minimum Driveway Spacing from Street Intersection

Location of Driveway	Full-Movement Driveway	Channelized Driveway Restricting Left Turns
Along major thoroughfare, (intersecting street is a major thoroughfare)	250'	125'
Along major thoroughfare (intersecting street is not major thoroughfare)	200'	125'
Along a collector road	125'	75'
Along a collector, local street or private road	75'	50'

- C. If a parcel does not have enough street frontage to meet the spacing requirement from an intersection, the Township may require the driveway to be constructed:
 - (1) Along a side street;
 - (2) As a shared driveway with an adjacent property;
 - (3) Along the property line farthest from the intersection; or
 - (4) As a service road as described in § 170-27.7 below.
- D. Minimum spacing between driveways shall be determined based upon the posted speed limits along the parcel frontage. Measurements are taken from center line to center line.
- E. Where it can be demonstrated that preexisting conditions prohibit compliance with the minimum spacing between driveways, the Township may modify the driveway spacing requirements. Modifications shall be the minimum amount necessary, provided a minimum spacing of 80 feet is maintained between.

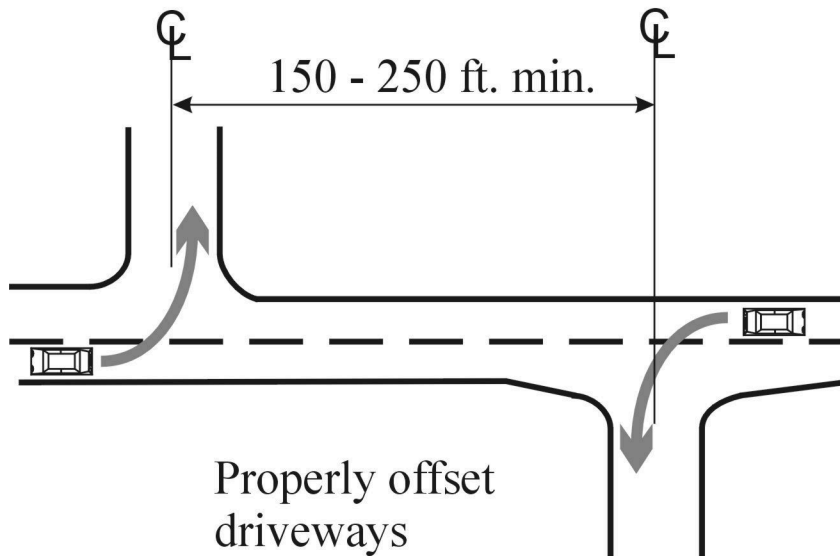
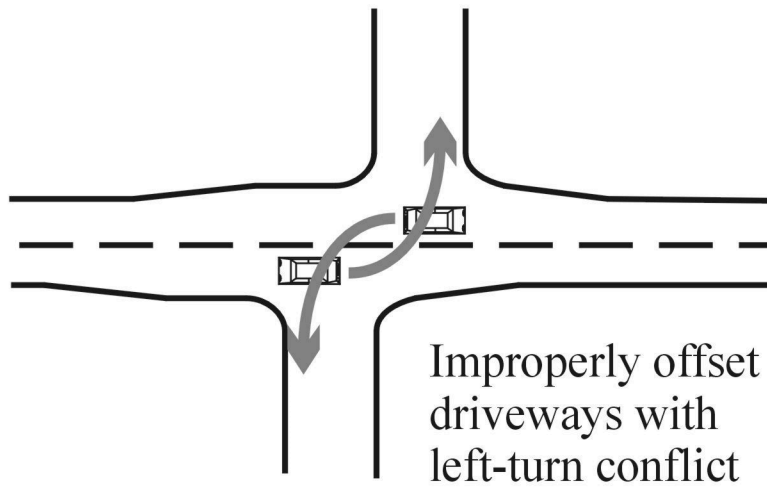
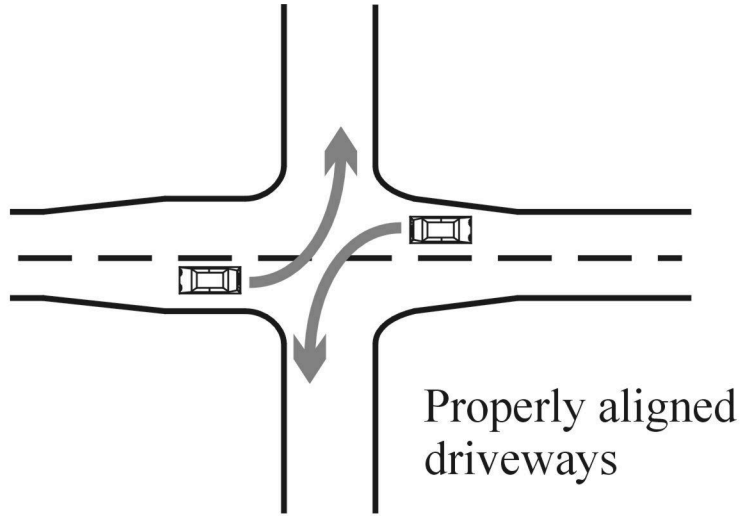
Speed Limit	Driveway Spacing
25 mph	130'
30 mph	185'
35 mph	245'

Speed Limit	Driveway Spacing
40 mph	300'
45 mph	350'



§ 170-27.5. Alignment of driveways.

To reduce left-turn conflicts, driveways shall be aligned with those across the street. If alignment is not possible, driveways should be offset at least 250 feet along major arterials and 150 feet along other streets. Longer offsets may be required based on the expected inbound left-turn volumes.

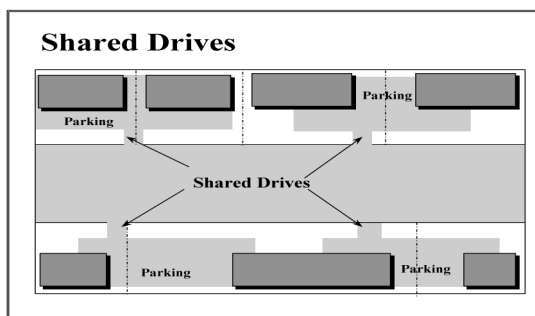


§ 170-27.6. Number of driveways.

- A. The number of driveways serving a property shall be limited to the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway.
- B. One access shall be provided for each separately owned parcel. Access may be an individual driveway, shared driveway or service drive.
- C. Additional driveways may be permitted as follows:
 - (1) One additional driveway may be allowed for parcels with more than 300 feet of road frontage. After the first 300 feet of frontage, an additional driveway may be permitted for an additional 300 feet of road frontage, provided the following conditions are met:
 - (a) The Township determines additional access is justified without compromising traffic operations, based upon a traffic impact study.
 - (b) There are no other reasonable access opportunities.
 - (c) The additional driveway will comply with driveway spacing or offset requirements contained in this article.

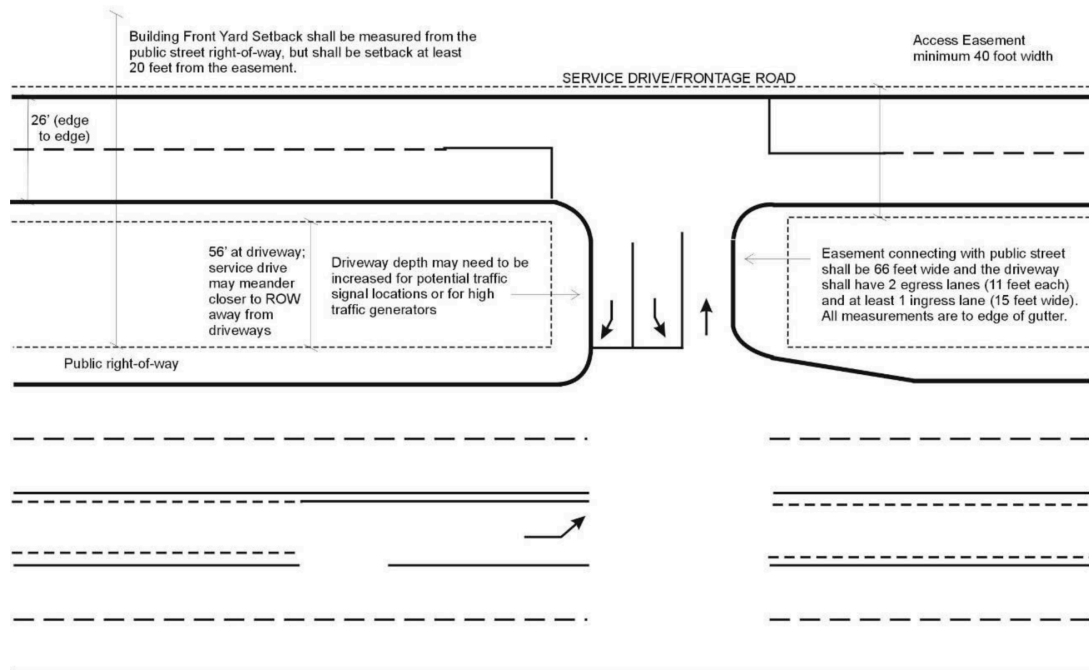
§ 170-27.7. Shared driveways and service roads.

- A. When required due to parcel constraints or to be consistent with recommendations of a corridor or subarea master plan, and if the Township determines reducing the number of access points may have a beneficial impact on traffic operations and safety, a shared driveway or service road connecting two or more properties/uses may be required. The use of service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares, minimize traffic conflicts and retain reasonable access to property.



- B. Service roads shall comply with the following standards:
 - (1) Service roads 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. The setbacks of existing buildings and anticipated traffic flow for the site shall be considered in determining the best location for the service road.

- (2) The service road shall be constructed to the property line of the subject property.
- (3) The proposed elevation of the service road must be identified at the property line.
- (4) The service road shall be located within a recorded easement permitting traffic circulation between properties, and a maintenance agreement shall be established. The minimum easement width shall be 40 feet wide; however, a wider easement may be required based on anticipated traffic volume and other requirements.
- (5) The width of the service road shall be 26 feet wide, measured from the face to face of curb.
- (6) The service road is intended to be used exclusively for circulation, not as a parking/maneuvering aisle.
- (7) The requirements of this article shall apply to driveway locations along the service road.
- (8) Temporary access may be permitted where a continuous service road is not yet available, provided a financial guarantee, acceptable to the Township, is provided to assure elimination of temporary access when the service road is continued. The financial guarantee shall be provided to the Township prior to issuing an occupancy permit.



§ 170-27.8. Driveway design.

- A. For high traffic generators, or for driveways along high-volume roads, two egress

lanes may be required.

- B. Where a boulevard entrance is provided, an island having a minimum of 180 square feet shall be provided to separate the ingress and egress lanes. The island shall be designed to accommodate the largest vehicle that may use the driveway.
- C. In locations where opposing boulevards are present, the nose of new medians shall be set back at least 50 feet from the edge of the roadway.
- D. Right-turn deceleration lanes and/or tapers may be required.

ARTICLE 28
Private Roads
[Amended 4-16-2009; 9-17-2015]

§ 170-28.1. Intent.

The purpose of this article is to establish the procedures, design standards and maintenance obligations for roads that are not intended to be dedicated to the public.

§ 170-28.2. Applicability.

The procedures and standards of this article shall apply to all private roads or shared driveways, including developments with attached or detached dwelling units regulated by the Condominium Act (Act 59 of 1978, MCLA § 559.101 et seq.).

§ 170-28.3. Submittal requirements.

The following items shall be provided to the Planning Department:

- A. Parcel numbers and the name of the owner for all properties having legal interest in the private road.
- B. Plans, designed by a registered engineer or land surveyor, showing location, dimension, and design of the private road. The plan shall identify existing and proposed elevations for all areas to be disturbed or altered by construction of the private road.
- C. A topographic survey on USGS datum at intervals of not more than two feet.
- D. The minimum stopping and intersection sight distances shall meet the criteria outlined in the American Association of State Highway and Transportation Officials (AASHTO) Manual.
- E. The location, caliper size and species of all trees larger than eight inches and located within the private road easement.
- F. The location of all public or private utilities located within the private road easement and within 20 feet of the easement.
- G. The location of any lakes, streams, drainageways or wetlands within 100 feet of the proposed private road easement.
- H. A declaration of restriction for private road construction and maintenance in a format acceptable to the Township.

§ 170-28.4. Design standards.

- A. Recorded easements shall be established for the joint use of all resultant parcels for the purposes of ingress, egress and private or publicly owned utilities.
- B. Private road easements shall be 60 feet wide, except for private roads serving four units or fewer, then the width of the easement may be reduced to a minimum of 40 feet, provided all of the following conditions exist:

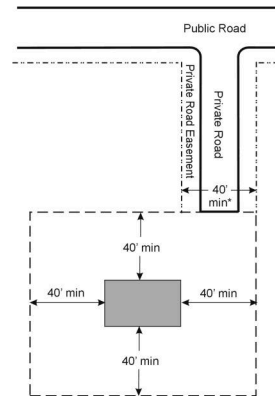
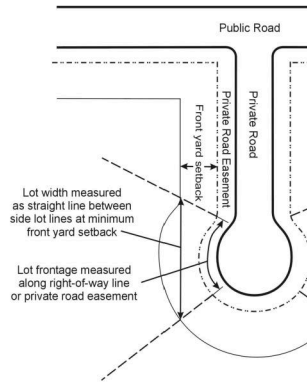
- (1) The easement is unlikely to become a public street in the future.
 - (2) The easement does not have the potential to serve additional lots in the future.
 - (3) A reduced easement width, between 40 and 59 feet, will result in the preservation of natural features, including topography, woodlands and common space.
 - (4) The reduced easement width is adequate to accommodate required pavement width, underground utilities, and required parking, required turnaround, required pedestrian facilities, lighting and/or landscaping.
- C. Private roads serving four units or fewer shall meet the following design standards:
- (1) Minimum 22 feet in width.
 - (2) Minimum of four inches of asphalt on eight inches of aggregate.
 - (3) Asphalt type and base material shall be approved by the Township Engineer.
 - (4) Open ditches or curbs are permitted, provided drainage is adequately conveyed, as determined by the Township Engineer.
- D. Private roads serving five units or more shall be designed to meet Wayne County's typical residential road design standard.
- E. Culs-de-sac shall be designed to meet Wayne County's typical residential cul-de-sac design standard.
- F. A private road shall provide a cul-de-sac turnaround or other configuration approved by the Fire Department.
- G. The private road shall be set back a minimum of 15 feet from any adjoining lot (excluding lots that are traversed by the access easement) or parcel which does not derive access from the private road.
- H. All areas disturbed by the construction of a private road shall be provided with topsoil, seeded with grass, and protected against erosion.
- I. Tree replacement shall be provided in accordance with Article 23, Tree and Woodlands Replacement.
- J. Fourteen feet of overhead tree clearance shall be provided for the width of the road.
- K. Geometric standards.
- (1) Grades shall not exceed 7%, with a maximum grade of 2% for a minimum distance of 30 feet from the intersection with a public right-of-way or another private road. The Township may approve a grade of up to 10% for low-traffic-volume roads, provided that there are under 500 vehicles per day and where significant topographic features would be preserved.
 - (2) The minimum horizontal curve shall be defined by the desired design speed but should never be less than a radius of 165 feet. A minimum radius of 50 feet shall be provided for roads with a ninety-degree turn.

- (3) Vertical curves shall be designed for grade changes greater than 1%.
 - (4) The minimum tangent distance (straightaway) between two curves shall be 100 feet.
 - (5) Minimum stopping and intersection sight distances shall meet the design criteria contained in the most-recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual, "A Policy on Geometric Design for Highways and Streets."
- L. Intersection design standards.
- (1) Private roads shall intersect an existing or proposed private or public road at a ninety-degree angle and provide a radius of 50 feet. Where constrained by environmental features, a reduced angle of intersection is permitted, provided the angle is greater than 80°.
- M. Road names are required for any private road serving two or more lots. Proposed road names shall be submitted to the Township for approval.
- N. All signs within the private road easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices. Street signs shall be provided at all intersections. These signs shall contrast with public street signs in terms of color and shall indicate the road is private. The Township may require the posting of no-parking signs.
- O. Sidewalks or bike paths are encouraged and may be required by the Planning Commission.
- P. Gates or any other structure intended for the purpose of restricting access, or which have the appearance of restricting access, are not permitted.

Figure 28.1

Lot Width and Setback Measurements

1. **Corner lot width:** Where a lot is proposed on the corner of a private road that will serve more than five (5) lots, the lot shall be 15' wider than the minimum lot width requirement of the district.
2. **Corner lot setbacks:** For corner lots, front yard setbacks shall be maintained from both road frontages.
3. **Lot width:** Required minimum lot width shall be measured exclusive of any portion of the easement or road R.O.W. For lots located on curved roads or cul-de-sacs, the width shall be measured as a straight line between side lot lines at the minimum front yard setback.
4. **Lot at end of a private road/shared driveway:** For lots without frontage on a public street and at the end of a private road without a turn-around, there shall be no minimum lot width and all buildings shall be setback a minimum of 40'.



§ 170-28.5. Shared residential driveways.

For the purpose of this article, a "shared residential driveway" is a driveway that provides vehicular access to two single-family dwelling units or two primary residential buildings and shall comply with the following standards:

- A. The shared driveway must be located within a recorded easement. The minimum width of the easement is 25 feet, unless a wider easement is required to adequately address drainage, as determined by the Township Engineer.
- B. The driveway surface shall be at least 18 feet wide, measured edge to edge, unless otherwise approved by the Township in consideration of significant topographic, wetland or other natural features on the site and provided the reduced drive width

and easement is adequate to serve existing and future underground utilities.

- C. The shared driveway shall be constructed of materials suitable to accommodate emergency vehicles.
- D. Adequate sight distance shall be provided along the intersecting road.
- E. A shared access easement and maintenance agreement is required for all property owners that benefit from the shared residential driveway. The agreement must clearly state that the drive may not serve additional lots in the future unless upgraded to a private road, in accordance with all applicable standards. The agreement shall be recorded with Wayne County and a recorded copy provided to the Township prior to approval of the private driveway.

§ 170-28.6. Gated entranceways.

Gates, functioning or ornamental, or any other structure intended to restrict access are prohibited, except such structures are permitted on roads with higher traffic volumes and for larger residential lots which are not part of a uniform development and provided the following standards are met:

- A. Properties shall be located along a major thoroughfare, be at least three acres in size and have a minimum 250 feet of road frontage.
- B. Structures shall be set back a distance equal to the front yard setback required for the zoning district.
- C. The height of the gate shall not exceed eight feet in height.
- D. The height of any support or decorative structures shall not exceed 10 feet, measured from the ground level to the highest part of the structure.
- E. A landscape plan is required. Landscape shall be designed to obscure the structure from the road and be integrated into an overall landscape plan for the entire road frontage. A minimum of two trees and six shrubs shall be provided for each 40 linear feet of road frontage.
- F. The gate shall not contain any barbed wire, electric current or charges of electricity.
- G. An emergency access shall be approved by the Department of Public Safety.

§ 170-28.7. Maintenance agreement.

An agreement for financing ongoing maintenance shall be provided by the property owners benefiting from the private road or shared driveway. The Township's private road agreement shall be recorded with the Wayne County Register of Deeds prior and provided to the Building Department prior to the issuance of a building permit.

§ 170-28.8. Requirements for building permit.

- A. Prior to issuing building permits for locations served by a private road, the road and utilities shall be completed to the satisfaction of the Department of Public Services and Department of Public Safety.

- B. In the event the road or utilities are not completed, a performance guarantee in the form of a cash bond or bank letter of credit may be provided, at the discretion of the Department of Public Services. The requirements of Chapter 58, Article VIII, shall apply to such performance guarantee.

§ 170-28.9. Nonconforming private roads and access easements.

- A. Existing private roads and shared driveways lawful prior to the adoption of this article but not in compliance with the standards herein are considered to be legal nonconforming roads or easements. The intent of this article is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes, as determined by the Township Engineer.
- B. This article is intended to discourage the extension of nonconforming roads or increase in the number of lots or building sites served by such a road. Any reconstruction, widening or extension of a nonconforming private road or access easement shall be in conformity with this section.
- C. This article is also intended to allow a new dwelling unit to be constructed on an existing lot of record having frontage along the nonconforming private road or shared driveway prior to the adoption date of this section, provided the road is reasonably capable of providing sufficient access for the uses permitted in the zoning district and emergency service vehicles.
- D. For purposes of determining whether a lot along a private road or access easement qualifies as an existing lot, as used in this section, at least one of the following conditions must have existed at the time this article was adopted, October 10, 1991:
 - (1) The lot consists of a condominium unit for which a master deed had been recorded with the Wayne County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
 - (2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract and registered with the Wayne County Register of Deeds.
 - (3) The lot has been assigned a unique parcel number by the Wayne County Register of Deeds and was individually assessed and taxed on that basis.

ARTICLE 29
Wireless Communications

§ 170-29.1. Intent.

The regulations of this article are intended to conform with federal laws and administrative rules that govern facilities needed to operate wireless communications systems and to set forth procedures and standards for review and approval for the location of such facilities within the Charter Township of Northville. 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. Given the increase in the number of wireless communications facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communications facilities and wireless communications support structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Township's concern that technological advances may render certain wireless communications 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.

§ 170-29.2. Definitions.

The following definitions shall apply in the interpretation of this section:

ATTACHED WIRELESS COMMUNICATIONS FACILITIES — Wireless communications facilities affixed to existing structures, including, but not limited to, existing buildings, towers, water tanks, or utility poles.

CO-LOCATION — Location by two or more wireless communications providers of wireless communications facilities on a common structure, tower or building, to reduce the overall number of structures required to support wireless communications antennas within the Township.

WIRELESS COMMUNICATIONS FACILITIES — All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communications transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include a reception antenna for an individual lot as otherwise defined and regulated in this chapter.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURES — Structures erected or modified to support wireless communications antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

§ 170-29.3. Zoning districts and approval process for wireless communications facilities.

Wireless communications facilities may be located within the Township in accordance with the following table:

Type/Location of Wireless Communications Facility	Districts Permitted	Approval Procedure
Attached to existing structures:		
Attached to an existing conforming structure that will not be materially altered or changed in appearance	All non-single-family residential districts	Administrative sketch plan review by the Building and Planning Departments
Attached to an existing utility pole within a public right-of-way that will not be modified or materially altered and not impair sight lines or compromise safety	All districts	Administrative sketch plan review by the Building and Planning Departments, provided letter of acceptance is provided by the utility company
Co-location upon an attached wireless communications facility previously approved for such co-location	All districts	Administrative sketch plan review by the Building and Planning Department
Located on a municipally owned site:		
Attached to an existing structure or monopole up to 100' in height ¹	All districts	Administrative sketch plan review by the Building and Planning Department
Monopole 101' to 150' in height ¹	All districts	Site plan review by the Planning Commission
Located on a site owned by another governmental entity, religious institution or public school:		
Monopole up to 80' in height ¹	All districts	Site plan review by the Planning Commission.
Monopole 81' to 100' in height ¹	All districts	Special land use and site plan review by the Planning Commission
New facility not addressed above:		
Monopole up to 120' tall ¹	OS and B-3 Districts	Special land use and site plan review by the Planning Commission
	CR, ORT, I-1 and CI Districts	Permitted use, site plan approval by the Planning Commission
Monopole 120' to 150' tall ¹	CR, ORT, I-1 and CI Districts	Special land use and site plan review by the Planning Commission

Type/Location of Wireless Communications Facility	Districts Permitted	Approval Procedure
Monopole or lattice tower 150' to 200' tall ¹	I-1 and CI Districts	Special land use and site plan review by the Planning Commission

NOTES:

- ¹ Height may be increased 10 feet where determined necessary to provide future co-location.

§ 170-29.4. Sketch plan requirements.

For situations requiring sketch plan review, the following information shall be provided:

- A. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury, i.e., fall line, 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.
- B. A description of the performance guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of any structure used for wireless communications in an amount which reasonably reflects the cost of removing the facility and restoration of the property or structure upon which the facility is located. 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 communications facility in a timely manner. The security shall, at the election of the Township Board, be in the form of cash, security bond, letter of credit or an agreement in a form approved by the Township Attorney and recordable at the Wayne County Register of Deeds. The security shall establish a commitment by the applicant, owner of the property, or their successors, to remove the facility in a timely manner as required by this article. It shall further be provided that the applicant, owner or successor shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.
- C. A map that illustrates existing and known proposed wireless communications facilities within Northville Township and adjacent communities to determine potential co-location or to demonstrate the need for the proposed facility. Any such information that is a trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant may be submitted with a request for confidentiality in connection with the development of governmental policy [MCLA § 15.243(1)(g)]. This chapter shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
- D. In recognition of the Township's policy to promote co-location, a written agreement, transferable to all successors and assigns, that the operator shall make

space available on the facility for co-location.

- E. 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.

§ 170-29.5. Design standards applicable to all facilities.

In addition to the criteria of site plan review listed in Article 33, Site Plan Review, all wireless communications facilities shall be constructed and maintained in accordance with the following standards:

- A. Facilities shall be located and designed to be harmonious with the surrounding area. The Planning Commission may require design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.
- B. A permit for the construction and use of a new wireless communications facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
- C. All new and modified wireless communications facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Township Attorney.
- D. Landscaping shall be provided to screen the base of the structure, accessory buildings and enclosure from adjacent uses and public rights-of-way.
- E. Elevations of the accessory buildings shall be provided. In residential and commercial districts, all accessory buildings shall be constructed of brick.
- F. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access the facilities.
- G. Any nonconforming situations existing on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk/pathway, lighting that does not meet current standards or similar conditions shall be brought into conformance prior to the erection of the wireless communications facility. If existing buildings or structures are not in conformance with the current Township 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.
- H. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- I. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communications by the applicant, including additional height to accommodate future co-location where appropriate.
- J. Minimum required setbacks for new facilities or support structures:

- (1) From any residential district: the height of the structure, plus 25 feet, provided the engineering information required in § 170-29.4A is provided. The person or body with authority to approve the facility may decrease this setback to that provided in Subsection J(3) below upon a finding that no residential use exists or is expected on the adjacent site.
 - (2) From any existing or proposed rights-of-way or other publicly traveled roads or nonmotorized improved pathways: half the height of the structure, plus 25 feet, provided the engineering information required in § 170-29.4A is provided; otherwise, the setback shall be the height of the facility.
 - (3) From nonresidential district: 1/2 the height of the structure, plus 10 feet, provided the engineering information required in § 170-29.4A above demonstrates such setback is adequate.
- K. Accessory buildings shall be a maximum of 14 feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.
- L. There shall be unobstructed access to the support structure 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.
- M. Where an attached wireless communications facility is proposed on the roof of a building, and if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district standards for the principal building, including setbacks.
- N. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soil report from a geotechnical engineer licensed in the State of Michigan. This soil report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communications Commission and the Michigan Aeronautics Commission shall be noted.
- O. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the plan for the proposed facility. Such plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.

§ 170-29.6. Removal.

As a condition of every wireless communications facility approval, adequate provision shall be made for the removal of all, or part, of the facility by users and owners upon the occurrence of one or more of the following events:

- A. When the facility has not been used for 180 days or more, the removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- B. Six months after new technology is available, at reasonable cost as determined by the Township Board, which permits the operation of the communications system without the requirement of the support structures.
- C. The situations in which removal of a facility is required, as set forth in Subsection A above, may be applied and limited to portions of a facility.
- D. Upon the occurrence of one or more of the events requiring removal, specified in the subsections above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits and immediately proceed with and complete the demolition/removal and restoration of the premises to an acceptable condition, as determined by the Planning Department.
- E. If the required removal of a facility, or a portion thereof, has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the Township may remove or secure the removal of the facility, or required portions thereof, and the actual cost and reasonable administrative charge shall be drawn from, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

§ 170-29.7. Co-location.

- A. It is the policy of the Charter Township of Northville to minimize the overall number of newly established locations for wireless communications facilities and wireless communications support structures within the Township and to encourage the use of existing structures for attached wireless communications facilities. Co-location shall be required unless an applicant demonstrates that co-location is not feasible.
- B. Co-location shall be deemed feasible where all of the following conditions are met:
 - (1) The wireless communications provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location, and the wireless communications provider seeking the facility will pay such rates.
 - (2) The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - (3) The co-location being considered is technically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

§ 170-29.8. Nonconforming facilities; penalties for not permitting co-location.

If a party who owns or otherwise controls a wireless communications facility fails or refuses to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this article and this action results in construction of a new tower, the Township may refuse to approve a new wireless communications support structure from the party for a period of up to five years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief. Relief shall mean a demonstration that enforcement of the five-year prohibition would unreasonably discriminate against the providers of functionally equivalent wireless communications services or that such enforcement would have the effect of prohibiting the provision of personal wireless communications services.

ARTICLE 30
Special Land Uses
[Amended 9-17-2015]

§ 170-30.1. Intent.

This article sets forth a set of procedures and standards for special uses, which, because of their unique characteristics, require specific consideration. Special land uses are considered to be more intense, or potentially more disruptive, compared to uses which are permitted by right in a particular zoning district. These review procedures and standards are intended to regulate the use of land and site design based on characteristics of a particular use and to prevent adverse impact on adjoining or nearby properties.

§ 170-30.2. Procedure.

- A. Special land uses require public notice and a public hearing as set forth in § 170-40.7, Public notice.
- B. If an ordinance interpretation or variance is needed from the Zoning Board of Appeals, action shall be obtained prior to initiating the special land use review.
- C. At the public hearing, the Planning Commission shall review the special land use application and the preliminary site plan for compliance with the special land use standards of § 170-30.4.
- D. The Planning Commission is authorized to approve the special land use, approve the special land use with conditions, deny, or postpone action.
- E. The Planning Commission may, at its discretion, impose conditions on the approval when it deems they are necessary to achieve or assure compatibility with adjacent uses and/or structures or to implement the Master Plan. The conditions run with 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.
- F. Final site plan approval is required by the Planning Commission, as defined in Article 33, Site Plan Review. Conditions of the special land use approval must be clearly stipulated on the final site plan.

§ 170-30.3. Special land use submittal requirements.

In addition to the special land use application and required fee, the following shall be submitted to the Planning Department:

- A. A preliminary site plan identifying the size, configuration and location of existing and proposed buildings, parking, service areas, access drives, landscape, natural features and other significant features of the site.
- B. Written responses to the special land use standards contained in § 170-30.4.

§ 170-30.4. Standards.

The Planning Commission shall consider the following standards when reviewing a special land use request:

- A. Compatibility with adjacent uses. The proposed special land use shall be designed and constructed in a manner that is harmonious with the character of the adjacent property and the surrounding area. The special land use shall not create a significant detrimental impact, as compared to the impacts of permitted uses.
- B. Compatibility with the Master Plan. The proposed special land use shall be compatible with and in accordance with the goals and objectives of the Township Master Plan and any associated subarea and corridor plans.
- C. Traffic impact. The proposed special land use shall be located and designed in a manner that will minimize the impact on traffic, taking into consideration pedestrian access and safety, vehicle trip generation, types of traffic, access location and design, circulation and parking design, street capacity and traffic operations at nearby intersections and access points.
- D. Impact on public services. The proposed special land use shall be adequately served by essential public facilities and services, such as streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewerage facilities, and schools.
- E. Compliance with Zoning Ordinance standards. The proposed special land use shall be designed, constructed, operated and maintained to meet the intent of the zoning districts, and the site shall be able to comply with all applicable requirements of this chapter.
- F. Impact on the environment. The proposed special land use shall not unreasonably impact the quality of the natural features and the environment in comparison to the impacts associated with typical permitted uses.
- G. Specific special land use requirements. The proposed special land use shall comply with any specific requirements relating to a particular use.
- H. The Planning Commission shall also consider the following factors when reviewing a special land use:
 - (1) The nature and character of the activities, processes, materials, equipment or conditions of operation typically associated with the use.
 - (2) Vehicular circulation and parking areas.
 - (3) Outdoor activity, storage and work areas.
 - (4) Hours of operation.
 - (5) Production of traffic, noise, vibration, smoke, fumes, dust, glare and light.

§ 170-30.5. Amendments, expansions or change in use.

The following provisions apply when there is an amendment or a proposed expansion to

an approved special land use or when there is a proposed change from one special land use to another:

- A. In determining whether a proposed site plan amendment or expansion requires a new special land use approval, any site plan changes that are determined by the Township to be major changes, as defined in § 170-33.8, shall require a new special land use approval.
- B. The applicant shall be responsible for informing the Township of any change in an approved use, operations or activities, prior to the changes taking place.
- C. In determining whether a proposed change to the use requires a new special land use approval, consideration shall be given to a departure from the operation or use as described in the approved application or any change that may cause external impacts such as, but not limited to, additional traffic, changes to traffic patterns, hours of operation, noise, outdoor storage or display.

§ 170-30.6. Variances.

The Zoning Board of Appeals shall not have the authority to grant a variance to allow a special land use that was denied by the Planning Commission, nor shall the Zoning Board of Appeals have the authority to grant a variance to any conditions placed on special land use approval.

§ 170-30.7. Effect of approval.

If construction has not commenced within one year of final site plan approval, the special land use and site plan approvals become null and void and a new application for special land use shall be required.

§ 170-30.8. Extensions.

A single one-year extension may be approved by the Planning Commission. Requests for extensions must be made in writing prior to the expiration date of the approval. An extension shall be granted if the applicant provides evidence that the use and site plan have a reasonable likelihood to be established during the one-year extension period. The applicant may be required by the Township to submit a new site plan if the Township finds there have been applicable amendments to this chapter since the special land use was approved.

§ 170-30.9. Investigations.

The Township may make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the Planning Commission and this chapter.

§ 170-30.10. Maintenance.

The property owner shall be responsible for maintenance of the property in accordance with the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which approval was based, or until a new use or site plan is approved. Any property owner who fails to maintain an approved site plan shall be

deemed in violation of the provisions of this chapter.

§ 170-30.11. Revocation.

Revocation of a special land use may occur if its recipient fails to continuously abide by its terms and conditions. The procedure for revocation is as follows:

- A. The Township shall notify the recipient, in writing, of any violations of Township codes or provisions of the special land use.
- B. The recipient shall have 30 days to correct all deficiencies to the satisfaction of the Township.
- C. If deficiencies are not corrected within 30 days, the Township may revoke the special land use or, if the conditions warrant, allow additional time.
- D. A repeat violation may cause immediate revocation of the special land use.

§ 170-30.12. Discontinuance.

A special land use approval that ceases to operate continuously after one year shall be considered discontinued and the special land use approval shall be deemed null and void.

ARTICLE 31

Fences**[Added 5-21-2009; amended 12-17-2015]****§ 170-31.1. General standards applying to all fences.**

- A. Fences with a height of 36 inches or less do not require a permit, provided the fence is used as a decorative landscape feature and the fence complies with the following standards:
 - (1) Sections shall not exceed 20 feet in length.
 - (2) Sections shall not be closer than 10 feet to each other.
 - (3) Total length of all sections shall not exceed 100 feet.
- B. Fences with a height greater than 36 inches and up to seven feet require a zoning compliance permit.
- C. Fences with a height greater than seven feet require a building permit.
- D. The finished side of the fence shall abut the adjacent lot, road right-of-way or easement.
- E. Unless otherwise specified in this chapter, fences shall not contain barbed wire, electric current or charges of electricity.
- F. The issuance of a fence permit is not intended, nor should it be construed, to abolish or modify the applicant's duties as contained in covenants and restrictions arising from a deed or other document. The Township does not have the authority to enforce private covenants or deed restrictions.
- G. Chain-link fences are not permitted, except in the Consumer Industrial Zoning District and provided the chain-link fence is vinyl coated with black or dark green color.
- H. Except as permitted in residential zoning districts, privacy screens are not permitted.

§ 170-31.2. Swimming pools, spas, hot tubs and other similar facilities.

- A. Fences and enclosures are not permitted within a front yard.
- B. A fence or enclosure, as specified per the Building Code,⁷ is required for any swimming pool, spa, hot tub or other similar facility that contains more than 24 inches of water at any location.
- C. Fences and enclosures shall comply with the requirements contained in the presently adopted Building Code.

§ 170-31.3. Parks, schools, playgrounds or other public areas.

7. Editor's Note: See Ch. 58, Building Construction.

- A. Fences are not permitted within the required front yard setback.
- B. Height shall not exceed four feet in residential zoning districts.
- C. Height shall not exceed five feet in nonresidential zoning districts.
- D. Vision shall not be obstructed by more than 25% when viewed perpendicular to the plane of the fence. The open areas shall be evenly distributed over the total area of the fence.
- E. Backstops for ball fields are exempt for these standards.

§ 170-31.4. Utilities, communications and other similar facilities.

- A. Height shall not exceed eight feet.
- B. Fences may consist of a solid surface, if needed to provide security. Solid-surface fences shall be screened with landscape to minimize the appearance.

§ 170-31.5. Fences in residential zoning districts.

- A. Fences located on lots greater than two acres shall comply with the following:
 - (1) Fences abutting a road:
 - (a) Height shall not exceed four feet. Decorative projections are permitted along the top of the fence, provided the total height of the projections and the fence do not exceed 54 inches.
 - (b) Vision shall not be obstructed by more than 25% when viewed perpendicular to the plane of the fence. The open areas shall be evenly distributed over the total area of the fence.
 - (c) Fences are not permitted within the required front yard setback.
 - (2) Fences that do not abut a road:
 - (a) Height shall not exceed six feet.
 - (b) Vision shall not be obstructed by more than 50% when viewed from any particular plane. The open areas shall be evenly distributed over the total area of the fence.
- B. Fences on lots two acres or less shall comply with the following:
 - (1) Fences located in the front yard:
 - (a) Height shall not exceed 36 inches.
 - (b) Sections shall not exceed 20 feet in length.
 - (c) Sections shall not be closer than 10 feet to each other.
 - (d) The total length of all sections shall not exceed 100 feet.
 - (e) Vision shall not be obstructed by more than 50% when viewed

perpendicular to the plane of the fence. The open areas shall be evenly distributed over the total area of the fence.

- (2) Fences located in a side or rear yard:
 - (a) Height shall not exceed four feet. Decorative projections are permitted along the top of the fence, provided the total height of the projections and the fence do not exceed 54 inches.
 - (b) Vision shall not be obstructed by more than 50% when viewed perpendicular to the plane of the fence. The open areas shall be evenly distributed over the total area of the fence.
- C. Privacy screens shall comply with the following:
 - (1) Length shall not extend more than 16 feet beyond the rear building line.
 - (2) Shall not be located within the required side yard.
 - (3) Shall be limited to two sides of the area it is screening.
 - (4) Height shall not exceed five feet, as measured from the bottom of the privacy screen.
 - (5) Vision shall not be obstructed by more than 75% when viewed from a particular plane of the fence. The open areas shall be evenly distributed over the total area of the fence.

§ 170-31.6. Fences in nonresidential zoning districts.

- A. Vision shall not be obstructed by more than 25% when viewed perpendicular to the plane of the fence. The open areas shall be evenly distributed over the total area of the fence.
- B. In the Industrial and ORT Zoning Districts, fences must comply with the following standards:
 - (1) Height shall not exceed six feet.
 - (2) Landscape shall be provided to minimize the appearance of the fence.
 - (3) Shall not be located within the required side or rear yard setback.
 - (4) Shall not extend beyond the front building line.
 - (5) The extent of the fence shall be the minimum necessary to support the on-site business operations.
- C. In the CI Zoning District, fences must comply with the following standards:
 - (1) Height shall not exceed six feet.
 - (2) Fences may be located on the property line, unless a setback is needed to provide required landscape screening.

- (3) Shall not extend beyond the front building line.
- (4) Chain-link fences are permitted, provided they are vinyl coated with black or dark green color.

D. In all other nonresidential zoning districts, fence height shall not exceed four feet.

§ 170-31.7. Enforcement.

The Building Official, or his designee, is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair or moving of a fence in violation of the provisions of this chapter. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

ARTICLE 32
Impact Assessment
[Amended 9-17-2015]

§ 170-32.1. Intent.

The intent of an impact assessment is to provide relevant information that is necessary to evaluate the proposal's impact upon the natural environment, traffic operations, public facility needs and the future land use of the surrounding area.

§ 170-32.2. Applicability.

- A. An impact assessment includes a written component and a traffic analysis, as defined in §§ 270-32.3 and 270-32.4. An impact assessment shall be prepared by the applicant for any of the following projects:
- (1) Rezoning requests that represents a departure from the Township's Master Plan.
 - (2) Projects that would be expected to generate 100 directional vehicle trips (i.e., 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets.
 - (3) A PUD.
 - (4) Special land uses in the Industrial Zoning District.
 - (5) A manufactured housing development.
 - (6) Sand and gravel mining operations.
- B. The requirement for an impact assessment may be appealed to the Northville Planning Commission. The appeal may be to waive the requirement or eliminate the need for submittal of some of the information. To receive a modification, the applicant shall demonstrate that the impacts will be relatively minor and/or the existing infrastructure has ample capacity available.

§ 170-32.3. Written impact assessment requirements.

- A. Name(s) and address(s) of person(s) that prepared the impact assessment. Documentation regarding wetlands, woodlands, traffic or fiscal impacts must be prepared by a person(s) with applicable experience.
- B. Except for traditional rezoning requests, a map conveying the following shall be provided:
- (1) Land uses, building arrangement or lots, the relationship between land uses areas, and the type and density of dwelling units.
 - (2) Site circulation, including pedestrian/facilities, streets, drives and parking area(s).
 - (3) Open spaces, general landscaping plans, preservation of natural features, and

location and types of recreational facilities or amenities.

- (4) General utility layout, including stormwater management, sanitary sewer and public water.
- C. A written description of the site's natural features, such as, but not limited to, topography, soils, wildlife, regulated woodlands, existing vegetation, wetlands, view sheds, lakes, streams and ponds.
- D. A description of natural drainage patterns, changes to site drainage, and the method of stormwater management to be installed.
- E. A written description of how the project will comply with the site performance standards contained in Article 3, General Use Provisions, and Chapter 117, Noise.
- F. A description of the proposed uses and other accessory facilities, to determine compatibility with existing and future land uses, including, but not limited to, lighting, views from the street and adjacent land uses, and buffering to minimize impact on adjacent properties.
- G. A description of any hazardous substances expected to be used, stored or disposed of on the site. The information shall describe the type of materials, location within the site and method of containment. Documentation of compliance with federal and state requirements and a pollution incident prevention plan (PIPP) shall be submitted for any use that stores more than 25 gallons or 220 pounds of hazardous materials or wastes. Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Environmental Quality. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section. If flammable or combustible liquids are to be stored in fixed aboveground storage containers with a capacity greater than 1,100 gallons, this shall be documented and appropriate permits obtained from the State Police Fire Marshal Division. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division. All necessary permits shall be included within the appendix of the environmental impact assessment. Best management practices and containment of hazardous materials shall be documented.

§ 170-32.4. Traffic study requirements.

- A. A rezoning traffic assessment shall be required for rezoning requests that would result in potential uses that are projected to generate more peak-hour or daily trips than currently zoned uses would generate. The assessment shall compare the peak-hour and daily trip generation characteristics between existing and proposed zoning. The trip generation data shall be based on the most-intense uses permitted in the requested rezoning district. If the request is for conditional zoning, the trip generation shall be calculated based on planned use(s). Projected trip generation shall be based upon equations/rates outlined in the most-recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

- B. A traffic impact study shall be required for projects that would be projected to generate 100 directional vehicle trips (i.e., 100 inbound or 100 outbound trips) during the peak hour of the traffic generator or the peak hour on the adjacent streets. Forecasted trip generation shall be based upon equations/rates outlined in the most-recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The ITE data may be supplemented by actual trip generation data from similar establishments in Michigan. Any supplemental data must be reviewed and approved by the Township prior to use in the study analyses.
- C. The applicant is required to contact Township staff and the traffic engineering consultant prior to preparation of a traffic impact study to discuss available data, extent of study area and inclusion of other projects or growth factors as part of the background conditions.
- D. Existing conditions, including daily and peak-hour traffic volumes on adjacent street(s), intersections within the vicinity that are expected to be impacted, and a description of any sight distance limitations along the site's frontage, shall be summarized in the study report.
- E. Existing traffic counts shall be taken on a Tuesday, Wednesday or Thursday of nonholiday weeks. Additional counts, i.e., on a Saturday for a proposed commercial development, may also be required. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions, i.e., regarding weather or seasonal variations for the area under study. Traffic data older than two years old will not be accepted. Traffic data between one and two years old may be accepted when the applicant can document that volumes have not changed more than 2%.
- F. Projected trip generation of the proposed use shall be provided for the a.m./p.m. peak-hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the Institute for Transportation Engineers (ITE) Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan. For rezoning requests when such change represents a departure from the future land use map, the study should contrast the trip generation of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Department.
- G. All traffic impact studies will include an analysis of background conditions for the year that the project is to be completed (or in phases if applicable). Background traffic includes historic annual percentage increases and/or acknowledges the traffic impacts of other uses approved or in the review process, but not yet constructed, which may affect traffic operations for roadways and intersections near the subject site, as determined by the Township. This may include projects in adjacent communities. Improvements identified to address any poor background conditions must be the minimum required to adequately address those conditions.
- H. The projected traffic generated shall be distributed onto the existing street network to identify expected turning movement volumes at site driveways and nearby

intersections and illustrated in the report. A description of the application of standard engineering procedures for determining the distribution shall also be included. The expected trip distribution shall be approved by the Township prior to continuation of the analyses. The assignment of forecasted site traffic shall be clearly illustrated in graphic form in the study report.

- I. Capacity analysis 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 shall be provided. Before and after capacity analyses shall also be performed at all street intersections where the expected project traffic will comprise at least 5% of the existing intersection traffic volumes and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the Township or Wayne County Department of Public Services staff. The "after" analysis shall include a scenario with no improvements and separate analysis for various mitigation options or packages of improvements. Any proposed change to signal timing should include documentation of acceptance by Wayne County staff.
- J. Traffic crash data at analyzed intersections covering the past three years shall be summarized in collision diagrams if the segment of roadway adjacent to or near the subject site has experienced crash problems.
- K. The location and design of proposed access for a driveway or new street intersection shall be provided with a map and narrative description. In addition, analysis shall include any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet and other data to demonstrate that the design and number of proposed driveways are the fewest necessary. The driveway(s) shall provide safe and efficient traffic operation and be in accordance with the standards of this chapter.
- L. The potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Wayne County Department of Public Services.
- M. The Fire Department shall approve the size and location of fire lanes and emergency vehicle access.
- N. The Township requires analysis using traffic capacity/simulation software (i.e., SYNCHRO) rather than an isolated intersection capacity analysis. Such analyses' submittals shall include electronic copies of the simulation files.

ARTICLE 33

Site Plan Review**[Amended 12-20-2007; 4-16-2009; 9-17-2015; 9-26-2019]****§ 170-33.1. Intent.**

The intent of this article is to provide a consistent and uniform method of review for proposed development plans to ensure full compliance with regulations and standards contained in this chapter, with other applicable ordinances and laws, efficient use of land, protect natural resources and to prevent adverse impacts on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and communication with the applicant in facilitating the development process in accordance with the Township's land use objectives.

§ 170-33.2. Applicability.

A. Site plan review is classified into four types.

- (1) Exempt. Select projects are exempt from site plan review given their relatively low impact on adjacent land uses and that compliance with applicable zoning regulations can be addressed through the building permit review process. A building permit is required.
- (2) Administrative. Certain smaller projects, conditional site plan approvals, building/site expansions or minor changes in use may be reviewed administratively by the Planning Department and/or Building Official. At the discretion of the Director of Community Development, certain administrative reviews may be submitted to the Planning Commission.
- (3) Sketch plan. The process for smaller-scale projects, expansions or changes in use where the applicant is permitted to provide less detailed information than a full site plan. The level of information required is only what is deemed necessary to verify compliance with applicable standards.
- (4) Full site plan. The process for larger and more-intense projects, including most new developments, larger expansions and redevelopment of an existing site.

B. A zoning compliance permit may be required for certain uses that do not require site plan review as described in § 170-42.1.

Site Plan Review Requirements				
Development Activity	Required Review			
	Full Site Plan	Sketch Plan	Admin.	Exempt
New Development				
Single-family dwelling and accessory structures on a single residentially zoned lot				•
Residential developments, excluding platted subdivisions	•			
Construction of any nonresidential building or use	•			
Accessory buildings and structures up to 100 square feet in all zoning districts except R-1 through R-4				•
Accessory buildings and structures greater than 100 square feet in all zoning districts except R-1 through R-4			•	
Construction of essential public service buildings and storage areas	•			
Expansions or Building Alterations				
Addition to a single-family dwelling unit				•
An increase up to 1,000 square feet or 10% of the existing floor area, whichever is less		•		
An increase in the floor area greater than that specified above	•			

Site Plan Review Requirements				
Development Activity	Required Review			
	Full Site Plan	Sketch Plan	Admin.	Exempt
An increase in parking or loading area of up to 10% or 6,000 square feet of pavement area			•	
An increase in parking or loading area over 10% or 6,000 square feet of pavement area		•		
Changes to building height that do not add additional floor area			•	
Architectural changes to a non-single-family residential structure		•		
Internal construction or change in the floor plan that does not increase usable floor area, increase the intensity of use or affect parking requirements and meets all site design standards of this chapter				•
Barrier-free design improvements to a non-single-family residential structure			•	
Change in Use				
Any change in the use of land or a building to a more intensive use, in terms of parking, noise, traffic volumes and similar impacts	•			

Site Plan Review Requirements				
Development Activity	Required Review			
	Full Site Plan	Sketch Plan	Admin.	Exempt
A change in use for a site that does not comply with current site design standards such as landscaping, signage, lighting or drainage		•		
A change in use to a similar or less intense use, provided the site shall not require any significant changes such as parking, landscaping, lighting, signs, bike paths or sidewalks			•	
Improvements to outdoor recreation uses and parks				
A change from a nonconforming use, building or site to a more conforming situation		•		
Other Types of Projects				
Accessory open-air businesses		•		
Pathway or sidewalk construction or relocation			•	
Construction of an entrance feature associated with a non-single-family residential use (walls, landscaping, etc.)			•	
Fences associated with a non-single-family residential use			•	

Site Plan Review Requirements				
Development Activity	Required Review			
	Full Site Plan	Sketch Plan	Admin.	Exempt
Grading, excavation, filling, soil removal, creation of ponds or clearing of vegetation within an area up to 100 square feet, provided such activity is normally and customarily incidental to an existing single-family use				•
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees other than that specified above			•	
Home occupations			•	
Landscape changes that are consistent with the intent of this chapter and an approved site plan			•	
Minor modifications to an approved site plan as defined in § 170-33.4, Site plan			•	
Parking lot modifications, provided there is not a reduction in the total number of spaces			•	
Residential-care facilities licensed by the state that require special land use approval		•		

Site Plan Review Requirements				
Development Activity	Required Review			
	Full Site Plan	Sketch Plan	Admin.	Exempt
Sign relocation or replacement, provided it meets applicable dimensional and location standards of the Sign Ordinance, ⁸ the materials are consistent with the building and fits into the overall landscape plan			•	
Site improvements such as walls, fences, lighting or curbing consistent with ordinance standards			•	
Utility system improvements				•
Relocation of a waste receptacle to a more inconspicuous location or installation of screening around the waste receptacle			•	

§ 170-33.3. Procedures.

- A. If an ordinance interpretation or variance is needed from the Zoning Board of Appeals, action from the Zoning Board of Appeals shall be obtained prior to initiating the site plan review process.
- B. The site plan shall be prepared in accordance with the provisions of this article, including all appropriate information identified on the site plan application. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible to begin the review process.
- C. The complete site plan submittal will be distributed to all applicable Township reviewers for administrative review. Written reports will be prepared to identify deficiencies and make appropriate recommendations necessary to comply with Township standards. Review comments will be compiled and returned to the applicant to revise and resubmit the plan, if required.

8. Editor's Note: See Ch. 145, Signs.

- D. Upon satisfying all nondiscretionary items, the application will be placed on the next available Planning Commission meeting agenda for action by the Planning Commission.
- E. The Planning Commission shall review the site plan in relation to applicable standards and the intent and purpose of this chapter. The Commission shall consider the comments and recommendations from the various Township reviewers.
- F. The Planning Commission is authorized to approve the site plan, approve the site plan with conditions, deny or postpone action as follows.
 - (1) Postpone. Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - (2) Denial. Upon determination that a site plan does not comply with standards and regulations set forth in this chapter, or extensive revisions are necessary to comply with said standards and regulations, the site plan shall be denied.
 - (3) Approval. Upon determination that a site plan is in compliance with the requirements of this chapter and other applicable ordinances and laws, the site plan shall be approved. All final site plans shall be signed by the Director of Community Development prior to proceeding with construction/engineering plan submittal.
 - (4) Approval subject to conditions. The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses or otherwise meet the intent and purpose of this chapter. Revised plans reflecting the Planning Commission conditions shall be submitted for review. Upon addressing all Planning Commission conditions, the final site plans shall be signed by the Director of Community Development prior to proceeding with construction/engineering plan submittal.
- G. Optional meetings.
 - (1) The applicant may request a preapplication meeting with appropriate staff to discuss the project, applicable standards, technical issues, submittal requirements and review procedures. The applicant shall submit a meeting request form, plans to describe the scope of the project and a list of specific questions.
 - (2) The applicant may request to be placed on the Planning Commission agenda at a regularly scheduled meeting, if time permits, to introduce the site plan concept and receive informal comments or direction from the Planning Commission.

§ 170-33.4. Site plan submittal requirements

In addition to the site plan application and required fee, the information identified on the following site plan application checklist shall be submitted to the Planning Department to initiate the site plan review process. The proposed site plan shall comply with the applicable standards contained in this chapter.

General Information

Proof of ownership or authorization from the landowner to submit the development proposal

The legal description of the property

Plan(s) developed using 1983 State Plane Coordinates

A location map illustrating the subject parcel(s), surrounding parcels and the street system

Professional seal, signature, address and phone number of professionals involved in preparation of the site plan

A boundary survey and lot dimensions in accordance with PA132 of 1970

Notation of any variances received

If public sanitary sewer system is not proposed, Health Department approval is required

Existing Site Conditions Information

Gross and net acreages

Site analysis map depicting slopes, drainage flow, watercourses, natural features, sight distance limitations, etc.

Elevations on USC&GS datum, provided at two-foot maximum intervals and extending 100 feet beyond the site boundary

Surface configuration/elevation of land and roads

Elevation and details of bridges and culverts which provide passage of stormwater onto or away from the site, and under abutting roads, including details of sections, length and elevation

All recorded and unrecorded easements

Details of streets/roads abutting the site (width, surface, plantings within the R.O.W., etc.)

All public and private roads, existing and proposed R.O.W., easements and driveways within 250 feet of site

The 100-year floodplain elevation

Existing utilities and associated structures, including storm and sanitary sewers, water mains, electric and telephone lines located adjacent to the site, including relationship to R.O.W. or easement lines

Limits of wetlands regulated

Locations of concentrated stormwater inflow into the site

Any other special or unusual conditions which might significantly affect the site design

Lighting (Article 21)

Photometric plan and fixture details

Tree and Woodland Protection (Article 23)

Limits of grading identified

Tree inventory identifying all trees eight inches DBH or greater by size, common and botanical name and general condition

A table identifying trees by number, species and size and whether they are to remain, be removed or be transplanted

Trees to be removed graphically identified on plan; replacement calculations provided

Landscape plan graphically distinguishes woodland replacement trees from landscape requirements

Landscape (Article 24)

Greenbelt, buffer, parking lot, detention, entranceway and interior landscaping requirements identified in a table and graphically on plan(s)

Dimensions for height and length of any walls or fences

Plant schedule indicating number, size and species of all proposed plant material

A note that all planting areas are to be irrigated

Location, detail and method of screening waste receptacles

Parking/Loading (Article 26)

Identify turning radii of the largest anticipated vehicle to verify adequate geometry has been provided to accommodate turning movements through the site

Dimensions of typical parking spaces, aisles and islands; islands shall be two feet shorter than adjacent parking space

Location of directional signs and pavement markings

Location, size and screening details for loading/unloading areas

Parking calculations based on proposed use; banked parking or proposed modifications to required number of parking spaces shall be clearly identified

Net usable floor area calculation supported by floor plan(s)

Provide access for fire apparatus

Site Access (Article 27)

Identify access points within 500 feet of site, on both sides of street

Evidence indicating sight distance requirements of MDOT or Wayne County are met, as applicable

Provide shared access with adjacent uses, where appropriate (including shared-access easement and agreements)

Dimensions for driveways, including width, radii, throat length, length of any deceleration lanes or tapers and all curb radii within site

Public Streets/Private Roads (Article 28)

Traffic impact assessment or study, if required per Article 32, Impact Assessment
Location and dimensions of streets/roads, including pavement width, radii, tangent length

Pavement cross-section details

Proposed road names

Architecture

Elevations and material sample board

Rooftop equipment will be screened from public view

Details of rooftop equipment screening

Nonmotorized Circulation

Alignment, type and width of sidewalks or pathways required per the Township pathway plan

Provision of appropriate pedestrian circulation and facilities within the site

Sidewalks adjacent to parking spaces shall be a minimum of eight feet wide

§ 170-33.5. Sketch plan submittal requirements.

- A. Sketch plan approval shall follow the same procedures for site plan review. The intent of this section is to require the upgrade of existing sites that do not conform to current site plan standards. Conformity with current site plan standards is expected when it is feasible.
- B. In addition to the sketch plan application and required fee, information identified on the sketch plan application checklist shall be submitted to the Planning Department to initiate the sketch plan review process. The proposed site plan shall identify the applicable submittal items identified in the table below and comply with the applicable standards contained in this chapter.

General Information

Proof of ownership or authorization from the landowner to submit the development proposal

The legal description of the property

Plan(s) developed using 1983 State Plane Coordinates

A location map illustrating the subject parcel(s), surrounding parcels and the street system

Professional seal, signature, address and phone number of professionals involved in preparation of the site plan

A boundary survey and lot dimensions in accordance with PA 132 of 1970

Notation of any variances received

If public sanitary sewer system is not proposed, Health Department approval is required

Existing Site Conditions

Gross and net acreages

Site analysis map depicting slopes, drainage flow, watercourses, natural features, sight distance limitations, etc.

Elevations on USC&GS datum, provided at two-foot maximum intervals and extending 100 feet beyond the site boundary

Surface configuration/elevation of land and roads

Elevation and details of bridges and culverts which provide passage of stormwater onto or away from the site, and under abutting roads, including details of sections, length and elevation

All recorded and unrecorded easements

Details of streets/roads abutting the site (width, surface, plantings within the R.O.W., etc.)

All public and private roads, existing and proposed R.O.W., easements and driveways within 250 feet of site

The 100-year floodplain elevation

Existing utilities and associated structures including storm and sanitary sewers, water mains, electric and telephone lines located adjacent to the site, including relationship to R.O.W. or easement lines

Limits of wetlands regulated

Locations of concentrated stormwater inflow into the site

Any other special or unusual conditions which might significantly affect the site design

§ 170-33.6. Building design requirements.

A. The purpose of these requirements is to establish standards for the design and appearance of all buildings in the Township, except for single-family and duplex structures, in order to enhance and maintain a cohesive design appearance throughout the Township. These requirements are further intended to encourage architectural creativity within the context of creating a high-quality, harmonious environment. The standards contained in this section shall apply to new construction, building additions and building alterations. The Planning Commission may approve alternatives on a project-by-project basis, provided it is determined the application of these alternatives are consistent with the intent and purpose of this section.

(1) Building design, massing and form.

(a) Buildings shall be sited in a manner that protects existing natural features such as topography and vegetation and so the buildings complement these features as the focal point of the development.

(b) Elevations shall illustrate the building design, height, and description of all construction materials. Elevations shall be provided for all sides of the building.

- (c) Colored elevations and site cross sections to illustrate the spatial relationship of the building to the perimeter of the site shall be submitted for Planning Commission review and approval.
 - (d) Buildings shall consider the scale and proportion of existing structures in the area. Roof configuration and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape character.
 - (e) Buildings shall possess architectural variety but respect the overall cohesive community character. All buildings shall provide architectural features, details and ornaments such as, but not limited to, archways, colonnades, cornices, variation along the building plane and varied rooflines.
 - (f) Building walls over 80 feet in length shall be broken up by use of varying rooflines, recesses, projections, windows, architectural features, use of complementary building materials/colors, trees or other means approved by the Planning Commission.
 - (g) Building entrances shall be emphasized and enhanced in order to provide a sense of place.
 - (h) Overhead doors shall not face directly onto a main road, and visibility shall be minimized from public view. If, due to site constraints, no other feasible location exists, or overhead doors are visible to the public, the design must include architectural elements to reduce the visual appearance of the doors.
 - (i) Additional landscape may be required to reduce the visual impact of the building mass when visible from public views.
- (2) Building materials.
- (a) Building materials and colors shall be harmonious with the surrounding area.
 - (b) Classic building materials and earth-toned colors shall be utilized for the structure. Complementary-colored accents may be permitted for awnings, doors and other similar detail elements, as approved by the Planning Commission. The use of high-intensity, metallic or fluorescent colors is prohibited.
 - (c) The primary building material shall be full-dimensional brick; a minimum 80%, excluding the roof and windows. The primary building material on the front facade shall be the same and integrated into each of the building facades.
 - (d) Accent materials shall be natural stone (limestone, granite, marble or other similar stone products), precast stone, integral colored split-face block, smooth or textured architectural metal panels, cement-board siding or equivalent as determined by the Planning Commission.

- (e) EIFS, Fypon[®], other synthetic siding materials, tilt-up panels and corrugated or long-span, high-profile fluted or ribbed metal panels are not permitted.
 - (f) Front building facades shall provide a minimum of 15% glass windows but shall not exceed 80% glass. Calculations are exclusive of the roof area.
 - (g) Reflective glass is not permitted on any facade.
- (3) Roof design.
- (a) The location and height of the rooftop equipment shall be illustrated on the plans and shall be screened from view by parapet walls or other architectural elements that complement the overall building design. A note that all rooftop equipment will be screened must be provided on the plans.
 - (b) Standing-seam metal roofs shall only be permitted if compatible with the overall character of the building, compatible with the surrounding area and architectural elements are used to significantly reduce the roof mass when viewed from the street.
 - (c) Overhead roof canopies for gas stations or other uses shall be compatible with the architectural characteristics and color scheme of the principal building. Lighting fixtures shall be recessed into the canopy.
- (4) Awnings and canopies.
- (a) Awnings or canopies shall be consistent with the overall building design and provide uniform appearances as part of multiple tenant developments, rather than being specific to individual tenants. The size and location shall be subject to Planning Commission approval.
 - (b) Awnings and canopies shall be darker colors.
 - (c) Backlit or internally illuminated awnings or canopies are not permitted.
 - (d) Awnings and canopies shall not contain words, numerals, figures, devices, designs, artwork, graphics or trademarks used to convey attention or attract attention to a particular business or product.
 - (e) Awnings and canopies shall be attached to the building.
- (5) Building additions or alterations.
- (a) Additions and building alterations shall complement the existing building design with regard to height, proportion, scale, design features and materials.
 - (b) For additions to an existing structure, the Planning Commission may allow the use of existing materials, provided the design of the addition is consistent with the existing building.

- (c) If an existing building does not comply with the current building materials, any alteration or addition shall be brought into greater compliance with current requirements, as determined by the Planning Commission.

§ 170-33.7. Standards for approval.

The following standards shall form the basis for site plan or sketch plan review and approval, approval with conditions or denial:

- A. Adequacy of information and compliance with ordinance requirements. The plan includes all required information in a complete and understandable form, and provides an accurate description of the proposed uses, structures and site improvements. The plan complies with all applicable ordinance requirements.
- B. Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, parcel configuration, adjoining property, traffic operations, adjacent streets and driveways, pedestrian access and the type and size of buildings. The site is designed in a manner to promote normal and orderly development of surrounding property for uses permitted by this chapter.
- C. Site appearance and coordination. Site elements are designed and located to be aesthetically pleasing and harmonious with adjacent existing or future developments. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities and open space shall be coordinated with adjacent properties.
- D. Pedestrian access and circulation. Pedestrian circulation systems shall connect to existing or planned nonmotorized facilities and are designed to be reasonably insulated from the vehicular circulation system.
- E. Vehicular access and circulation. Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- F. Building design and architecture. Building design and architecture relate to and are harmonious with the surrounding area with regard to texture, scale, mass, proportion, materials and color.
- G. Parking and loading. Off-street parking lots and loading zones are arranged, located and designed to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, enhance the character of the area and promote shared use of common facilities by adjoining properties.
- H. Landscaping and screening. Landscaping and screening are provided in a manner to adequately buffer adjacent land uses and screen off-street parking, mechanical equipment, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
- I. Exterior lighting. All exterior lighting fixtures are designed, arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments and maximize security.

- J. Impact upon public services. The impact upon public services will not exceed the existing or planned capacity of such services, and adequate public services, including, but not limited to, utilities, streets, police and fire protection, public schools and sidewalks/bicycle paths, are available or provided to the site, and are designed with sufficient capacity and durability to properly serve the development.
- K. Emergency access. All sites and buildings are designed to allow convenient and direct emergency access.
- L. Project phasing. All phases of development shall be designed in logical sequence to insure that they function independently in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- M. Nonconforming sites. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this chapter relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission or Township reviewers.

§ 170-33.8. Engineering requirements.

No person shall start building or constructing anything without site plan or sketch plan approval required by this chapter or until there has been compliance with the requirements of this section. The Department of Public Services shall have jurisdiction to enforce the provisions of this section. Any and all construction and development on a site requiring site plan or sketch plan approval shall be consistent with the approved site plan.

- A. After final site plan or sketch plan approval, and before commencement of construction, detailed drawings for roads, parking areas and utilities shall be approved by the Engineering Department.
- B. The applicant shall be required to obtain all other necessary agency permits, including but not limited to the Michigan Department of Environmental Quality, the Wayne County Office of Public Services, the Wayne County Department of the Environment and applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany engineering plan submittal.
- C. Construction of any improvements shall not begin until the required Township fees have been paid and a preconstruction meeting has been held.
- D. If changes made during the engineering review conflict with requirements and conditions of the approved site plan or sketch plan, the revisions shall be reviewed and approved by the Township staff or the Planning Commission as defined by this article.

§ 170-33.9. Building requirements.

- A. Any structure to be erected in pursuance of an approved final site plan or sketch plan shall be subject to the Township requirements for submission of architectural plans, code compliance, inspection and inspection fees.

- B. A building permit for a structure located within a proposed condominium project shall not be issued until the master deed has been reviewed and approved by the Township and the Township has received a recorded copy from the applicant. Prior to recording the master deed, the Township may issue permits for site grading. No permit shall be issued, or work undertaken, prior to recording of the master deed pursuant to this section shall grant any rights or any expectancy interest in the approval of the master deed.

§ 170-33.10. Performance guarantee.

Whenever the Township Board permits or requires a performance guarantee as security for required improvements, the performance guarantee shall be in the form of a letter of credit, certified check or cash escrow. Any such security shall be in an amount equal to 120% of the estimated cost of completion of the required public improvements, including lot improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the Township Attorney.

§ 170-33.11. Use and property maintenance in accordance with an approved plan.

No owner, tenant, occupant or person shall use or allow to be used a part or all of any property which is the subject of an approved site plan or sketch plan, other than as set forth on the approved plan.

- A. The owner, tenant, occupant or person responsible for any property which is the subject of an approved site plan or sketch plan shall maintain the property and the improvements thereon in accordance with the approved site, sketch plan or an approved amendment thereof. This responsibility shall include the duty to maintain in a condition substantially similar as approved, including the duty to replace, if necessary, all improvements such as but not limited to, healthy landscaping, walls, fences, pavement, pavement markings, signs, lighting, building exterior, drainage facilities and all other elements of a site. Any owner, tenant, occupant or person who fails to so maintain a structure or land consistent with an approved site plan shall be deemed in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate for a use violation.
- B. For condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain a structure or land consistent with an approved site plan shall be deemed in violation of the use provisions of this chapter and shall be subject to the same penalties appropriate for a use violation.

§ 170-33.12. General provisions.

- A. Expiration of site or sketch plan. Final site plans or sketch plans shall expire 365 days after the date of approval, unless construction has commenced. The date of approval is established by the most recent date stamp on the final plans. If construction has commenced, the final site plan or sketch plan approval shall

continue for a period of five years from the date thereof. If such construction lapses for more than 180 contiguous days, said approval shall expire immediately.

- B. Extension of site or sketch plan approval. Upon written request received by the Township prior to the expiration date, the Director of Community Development may grant a single extension of up to 365 days, provided the plan complies with current standards, including any amendments to this chapter since the site plan was approved.
- C. Resubmission. A site plan that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or the applicant has made material modifications to the site plan.
- D. Appeals. The Zoning Board of Appeals shall not have the authority to consider appeals of site plan determinations.
- E. Modifications to approved plans. Minor changes to the approved final site plan or sketch plan may be approved administratively by the Director of Community Development, provided such changes do not materially alter the approved site design, intensity of use or demand for public services. Minor changes include items such as, but not limited to, adjustments to building location, modifications to approved plant material, provided the intent of the landscape plan is maintained, adjustment to pathway location, modification to approved building material, provided it does not result in a visual change to the appearance of the building, modification to building size or interior floor plan, provided the changes do not result in the need for additional parking and changes required or requested by the Township, county, state or federal agencies. Modifications that are not determined to be minor shall be reviewed by the Planning Commission as an amended site plan or sketch plan, as defined in this article.
- F. Rescinding approval. Approval of a site plan or a sketch plan may be rescinded by the Planning Commission upon determining the site has not been constructed or maintained in compliance with approved permits, site or sketch plans or special land use approval. Such action shall be subject to the following:
 - (1) A public hearing, in accordance with Article 40, Public Notice, is required prior to rescinding an approval. At the hearing, the landowner, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to the rescission of the site plan or sketch plan that was previously approved.
 - (2) After the public hearing, the Planning Commission shall make a decision with regard to rescinding the approval. Written notice of the decision shall be made to the owner or the owner's designated agent.
- G. Fees. The applicant shall be responsible for payment of all fees associated with the processing and review of a submittal required per this article, as established by the Township Board of Trustees.

§ 170-33.13. Landfill permit.

If the grading for an approved final site plan involves filling the site with a quantity of

more than 10,000 cubic yards of earth procured from off the site, a landfill permit shall be obtained in accordance with the provisions of Chapter 101, Landfills.

ARTICLE 34
Land Division, Combination or Reconfiguration
[Amended 12-20-2007; 9-17-2015]

§ 170-34.1. Intent.

This article is intended to establish a procedure and review standards for the division and combination of land in a manner consistent with the Township Master Plan and the purposes of this chapter, to protect property values and to ensure safe and adequate vehicular access to individual lots.

§ 170-34.2. Applicability.

This article regulates divisions of land and combination of lots. The following shall be exempted from the requirements of this article:

- A. A parcel proposed for subdivision through a recorded plat pursuant to Chapter 152, Subdivision Control, and the Land Division Act, PA 288, 1967, as amended (MCLA § 560.101 et seq.).
- B. A split that results in all parcels that are 40 acres or more in size, provided such parcels meet the accessibility requirement of § 170-34.4D.
- C. A parcel proposed as a site condominium pursuant to this chapter and the Michigan Condominium Act (MCLA § 559.101 et seq.).

§ 170-34.3. Submittal requirements.

- A. A PA 132 boundary survey of the subject property, drawn at a scale of at least one inch equals 100 feet, and prepared by a registered land surveyor or civil engineer licensed in the State of Michigan. The survey shall include the information listed in Subsection C below.
- B. Documentation from the Wayne County Department of Environment on the suitability of land for installation of a septic tank and individual well if public utilities are not available. Locations must be shown on the land division plan.
- C. The survey shall contain the following information:
 - (1) A location map, at an appropriate scale, illustrating the subject lot(s) in relationship to surrounding parcels and street system.
 - (2) Name and address of the property owner, and applicant, if not the property owner.
 - (3) Name, address and professional seal of the registered land surveyor or engineer who prepared the plan and easement information.
 - (4) A legal description of the existing lot and each resultant lot.
 - (5) Land area of existing and resultant lot(s) including, and exclusive of, public rights-of-way or easements.

- (6) A drawing that clearly identifies existing and proposed lots, including net and gross area dimensions, lot width, setbacks and width-to-depth ratio.
 - (7) Existing buildings, including setbacks, size and whether the structure is to be retained or removed.
 - (8) Documentation that resulting lots have a net area equal to or greater than the median net area of all lots within 500 feet of the subject parent parcel, as required by § 170-34.4C(5)(b).
 - (9) Approximate location of possible MDEQ-regulated wetlands.
 - (10) Type, location and dimensions of all existing and proposed easements, including reference to the liber and page number for recorded easements, the legal description, and an explanation of the purpose for which the easement is, or was, created.
 - (11) Existing access points within 150 feet of the subject parcel, adjacent to or across the street.
 - (12) Documentation of adequate sight distance at access points.
 - (13) Design information for private roads, in accordance with Article 28, Private Roads.
- D. If applicable, variances shall be obtained prior to approving a land division application.
- E. Applications for land divisions are reviewed and approved administratively by Township staff for compliance with the requirements contained in this article. The Township shall approve or deny the application within 45 days of a complete submittal.
- F. If a private road or shared driveway is required to provide access to any of the proposed lots, a private road or shared driveway must be approved in accordance with Article 28, Private Roads, prior to submitting an application for a land division. Private roads require approval by the Township Board.
- G. The applicant is responsible for recording applicable easements and the new deed with the Wayne County Register of Deeds.
- H. Building permits shall not be issued until the Township receives recorded copies of the easements and new deed, as applicable.
- I. Compliance with Article 23, Tree and Woodlands Replacement, is required as part of the building permit review and inspection process.
- J. Approval of a land division under this article and the Land Division Act is not a confirmation that resulting parcels comply with Township, county, and state ordinances or regulations. The burden to assure all residential lots are buildable under said regulations is the obligation of the applicant and shall not be used as the basis for seeking a variance.
- K. Once lots are combined, or a structure is built on more than one lot, the lot shall be

considered a single lot of record, and future partitioning of the lot shall require approval under the requirements of this article.

§ 170-34.4. Review standards.

- A. The land division or combination shall not create a nonconforming situation and, when possible, shall eliminate any existing nonconforming situations or reduce the degree of nonconformity.
- B. The application must comply with Section 108 of the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended (MCLA § 560.108). Accordingly, the following conditions apply:
- (1) The division, together with any previous divisions of the same parent parcel or parent tract, shall result in a number of parcels not more than the sum of the following, as applicable:
 - (a) For the first 10 acres or portion thereof in the parent parcel or parent tract, four parcels.
 - (b) For each whole 10 acres in excess of the first 10 acres in the parent parcel or parent tract, one additional parcel, for up to a maximum of 11 additional parcels.
 - (c) For each whole 40 acres in excess of the first 120 acres in the parent parcel or parent tract, one additional parcel.
 - (2) For a parent parcel or parent tract greater than 20 acres, the division may result in a total of two parcels, in addition to those permitted by Subsection B(1) above, if one or both of the following conditions apply:
 - (a) No new driveways are required to an existing public road for any of the resulting parcels under Subsection B(1) of this section.
 - (b) One of the resulting parcel(s) under Subsection B(1) and this subsection comprises more than 60% of the area of the parent parcel or parent tract.
 - (3) A parcel of 40 acres or more created by the division of a parent parcel or parent tract shall be considered "exempt" and shall not be counted toward the number of parcels permitted under Subsections B(1) and (2) and is not subject to the approval requirements of this chapter, if the parcel is accessible.
 - (4) A parcel or tract created by an exempt split or a division is not a new parent parcel or parent tract and may be further split without being subject to the platting requirements of this chapter if all of the following requirements are met:
 - (a) Not less than 10 years have elapsed since the parcel or tract was recorded.
 - (b) The splitting does not result in more than the following number of parcels, whichever is less:
 - [1] Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus one additional parcel for each whole 10 acres in excess of

the first 10 acres in the parcel or tract.

[2] Seven parcels; or 10 parcels if one of the resulting parcels under this subsection comprises not less than 60% of the area of the parcel or tract being partitioned or split.

(c) The splitting satisfies the requirements of Subsection C below (resulting lots).

(5) A parcel or tract created under the provisions of Subsection B(4) above may not be further split without being subject to the platting requirements of this chapter, except in accordance with the provisions of Subsection B(4) above.

(6) A lot, out-lot or other parcel of land in a recorded plat shall not be partitioned or divided into more than four parts under the provisions of this chapter. A division to a subdivision lot that creates more than four parts shall require approval as a subdivision plat under Chapter 152, Subdivision Control.

C. Resulting lots.

(1) The depth-to-width ratio of parcels that are 10 acres in size or less shall not exceed 3:1, except where such action would reduce an existing nonconformity.

(2) Each parcel shall provide the minimum lot width as required by Article 18, Schedule of Regulations, exclusive of any access easement.

(3) Parcels located at the end of a private access easement shall provide a forty-foot setback from all property lines, as required by Figure 28.1, Article 28, Private Roads.

(4) Parcels shall resemble rectangles. Irregular-shaped parcels may be permitted if the boundaries are dictated by site conditions. Irregularly shaped parcels may not be permitted solely for the purpose of meeting parcel area requirements.

(5) Each resulting parcel located within a single-family zoning district shall meet the following area standards:

(a) Contain a net area required for the zoning district in which it is located, exclusive of any area occupied by a public street right-of-way or an access easement.

(b) The net area of each parcel shall not be less than the median net area of other lots within 500 feet of the parent parcel, measured from any point along a lot line and located within the same zoning district. Public land used for recreation or institutional purposes shall not be included in the median lot area calculation. If the median net area is more than twice the minimum lot area required for the district in which the subject parcel(s) is(are) located, then the required lot area shall be twice the area required for the district. If there are condominiums within the five-hundred-foot area, the calculation for net area shall be calculated as the gross land area in the condominium project divided by the number of units in that project. This standard is intended to ensure harmony with the surrounding land

development pattern, permit good transition between zoning districts, and respect the reasonable expectation of nearby landowners that future lot areas will be harmonious with the established pattern.

- (6) For a resulting parcel(s) located within any zoning district other than single-family residential, a conceptual plan must be provided which demonstrates that the resultant parcel(s) can support a functionally usable building envelope and a project that complies with minimum zoning standards for setbacks, parking, greenbelts, buffer zones, stormwater regulations and site access.

D. Accessibility.

- (1) All resultant lots shall have frontage along a public street, private road or shared driveway. Private roads and shared driveways shall comply with the provisions of Article 28, Private Roads.
- (2) Where a new private road or shared driveway easement is required to serve the proposed lots, the private road or shared driveway must first be approved in accordance with Article 28, Private Roads. Where a private road is proposed to serve the newly created lots, the roadway must be constructed in accordance with Article 28 or a performance guarantee must be posted with the Township in order for the lots to be considered "accessible."
- (3) New access points shall meet the spacing and alignment standards of Article 27, Access Management, or a shared access system shall be provided.
- (4) Documentation shall be provided that minimum stopping and intersection sight distances meet the design criteria of the 1984 American Association of State Highway and Transportation Officials (AASHTO) Manual, "A Policy on Geometric Design of Highways and Streets."

- E. Approval of a proposed land division shall be subject to the dedication of any easements necessary for roads, public utilities, nonmotorized paths or other required public facilities. An accurate legal description shall be provided for all easements, prepared by a registered land surveyor or civil engineer, that includes recitation of the purpose of the easement, with grant to the Township, its successors and assigns, in perpetuity, of the right to occupy and use such easement for installation, maintenance and operation of public utilities.

ARTICLE 35
Site Condominiums
[Amended 4-16-2009; 9-17-2015]

§ 170-35.1. Intent.

The intent of this article is to provide regulatory standards for site condominiums similar to those required for platted subdivision. Site condominiums are permitted in the State of Michigan by Public Act 59 of 1978, as amended (MCLA § 559.101 et seq.), and are subject to state and federal regulations and the requirements of this chapter.

§ 170-35.2. Applicability of regulations.

- A. Site condominium projects shall comply with all dimensional requirements of Article 18, Schedule of Regulations, for the zoning district in which they are located. Applicable standards shall be applied in the same manner as they would be applied to platted lots in a subdivision.
- B. All other applicable requirements of this chapter shall apply.
- C. Sewer, water, storm drainage, other utility services, and roads shall conform to the design, layout and improvement standards described in Chapter 152, Subdivision Control.
- D. Private roads and access points shall meet the road design, construction, and maintenance requirements of Article 28, Private Roads.

§ 170-35.3. Utilities.

The site condominium plan shall grant utility easements, or the right of access to utility easements, as required to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and stormwater runoff across, through and under the property subject to such easement and excavating and filling ditches and trenches necessary for the location of such structures.

§ 170-35.4. Review procedures.

The project must be reviewed by the Planning Commission and approved by the Township Board according to the following procedure:

- A. The plans shall be prepared in accordance with the provisions of this article, including all appropriate information identified on the site plan application. A site plan that does not meet the stipulated requirements shall be considered incomplete and shall not be eligible to begin the review process.
- B. A site condominium plan and private road is approved by the Township Board, upon a recommendation from the Planning Commission, in accordance with the following sequence.
- C. Concept plan review.

- (1) The applicant shall submit a concept plan, with information listed in § 170-35.5, General site condominium submittal requirements, for review by the Planning Commission. The Planning Commission shall forward a written recommendation to the Township Board to approve, approve with conditions or deny the concept plan and private road.
 - (2) The private road easement and maintenance agreement shall be reviewed by the Township Attorney.
 - (3) The Township Board shall consider the recommendation of the Planning Commission, review the concept plan and approve, approve with conditions or deny the concept plan. All conditions imposed by the Planning Commission shall be resolved prior to approval of the concept plan by the Township Board.
- D. Final site plan review.
- (1) The Planning Commission shall review the final site plan and shall forward a written recommendation to approve, approve with conditions or deny the final site plan to the Township Board.
 - (2) If the final site plan includes major modifications from the approved concept plan, the site plan shall be resubmitted for concept plan review. A determination of a major modification shall be made by the Township and shall follow the requirements outlined in Article 33, Site Plan Review, for modifications to approved plans.
 - (3) The final site plan must include all information listed in § 170-35.5, General site condominium submittal requirements.
 - (4) Township Board approval is required for the private road, including approval of the private road easement and maintenance agreement.
- E. The applicant shall submit the approved final site plan to those outside agencies with review or permit authority over the project. Agency reviews shall include, but are not limited to, the Wayne County Department of Public Services, Wayne County Department of the Environment and Michigan Department of Environmental Quality. If outside agency review comments result in modifications to the site layout, grading, detention location or other similar changes, the plan may be referred back to the Planning Commission to confer compliance with the design intent of the original approval.
- F. Construction plan review. The Township Engineer shall review construction plans, establish any necessary bonding requirements and confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities, shall be submitted in accordance with the requirements of this article. The final master deed shall be submitted in accordance with § 170-35.11.
- G. Amendments.
- (1) Proposed amendments to an approved condominium site plan shall be submitted to the Township Planning Department for a determination of whether such amendments constitute a major or minor modification to the

approved site plan. Minor amendments require an administrative review. Major amendments require a new concept plan submission.

- (2) Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, encroach into areas that were identified as being preserved, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation, increase the density or intensity of the project, or modify any condition of site plan approval. Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads, the size or location of approved drainage facilities or other changes which do not increase traffic volumes, alter circulation or increase the intensity or density of a project. The determination of whether a proposal constitutes a major or minor amendment shall be made by the Township Planning Department.

§ 170-35.5. General site condominium submittal requirements.

In addition to the site condominium application and required fee, the information identified on the application checklist shall be submitted to the Planning Department in order to initiate the site plan review process. The proposed site plans shall identify the applicable submittal items identified in the table below and comply with the applicable standards contained in this chapter.

A. Concept plan submittal requirements.

General Information

Proof of ownership or authorization from the landowner to submit the development proposal

The legal description of the property

A site location map

Professional seal, signature, address and phone number of professional(s) involved in preparation of the plan

Dimensions of project boundaries

Existing Site Information

Site analysis map depicting slopes, drainage courses, water bodies, natural features and sight distance limitations

Existing and proposed property lines within 200 feet of the proposed site

Zoning district classification for all parcels within and adjacent to the site

Existing buildings or other structures on or within 100 feet of the proposed site

Boundaries of wetlands regulated by the MDEQ (established by a qualified wetland consultant)

Topography drawn at two-foot intervals or less for the subject site and a general description of topography within 100 feet of the site; topography shall be based on USC&GS datum

Lot Information

Number, dimensions and square footage of each lot

Identify limits of ownership, general common elements and limited common elements

Identify front, side and rear yard setbacks (i.e., building envelopes)

Dimension distances from a shoreline or wetland boundary

Conventional plan alternative (for lot clustering option)

Streets

Traffic impact study, if applicable, per Article 32 of this chapter (Impact Assessment)

Name, location and right-of-way/easement widths of existing or proposed public or private streets in or within 250 feet of the proposed site

Proposed street names

Connection to adjoining street system

Lighting

Streetlight locations and fixture detail

Lighting information per Article 21 of this chapter (Lighting Standards)

Landscape and Woodlands Replacement

A landscape plan illustrating greenbelts, street trees, detention and other applicable landscape requirements

Limits of grading identified

Identify all trees eight inches DBH or greater by size, common and botanical name and general condition

Table identifying trees by number, species and size and whether they are to remain, be removed or be transplanted

Woodland replacement trees shall be graphically distinguished from landscape requirements

Utilities

General layout of water and sanitary lines

General plans for stormwater

General plans for storm drainage

Nonmotorized Circulation

Locations of proposed sidewalks, bike paths, and similar facilities

Miscellaneous

Proposed location and detail of mailbox clusters (if provided)

Proposed entrance features, including walls, signs or lighting

B. Final site plan submittal requirements.

Typical elevations, design guidelines or pattern book for home design

Detailed engineering plans

Street design details, including curve radii, cross sections, gradients, distance, etc.

Documentation of dedication or reservation

Location and sizes of sewer lines, or location of septic fields for sewage disposal by a method approved by the Wayne County Health Department or the MDNR; utility information shall be shown for the plat, plus 200 feet outside of the plat.

Location and sizes of water lines, or location of wells for proposed water supply by a method approved by the Wayne County Health Department; utility information shall be shown for the project and for a distance 200 feet outside of the project.

Location, sizes, and other information on existing and underground utilities; utility information shall be shown for the project, plus 200 feet outside of the project.

Planned unit development (PUD) Agreements and open space community development agreements, if applicable

Master deed and bylaws

§ 170-35.6. Boundary relocation.

The relocation of boundaries between adjoining condominium units, as defined and restricted in Section 148 of the Condominium Act (MCLA § 559.148), is only permitted if expressly permitted by the condominium documents and shall conform to all setback requirements of Article 18, Schedule of Regulations, for the district in which the project is located. The request shall be submitted to the Township Board for review and approval. The applicant shall be responsible for modifying the bylaws and master deed to reflect changes approved by the Township and for recording the new documents with the Wayne County Register of Deeds.

§ 170-35.7. Subdivision of unit sites.

Subdivision of condominium unit sites or lots is permitted, subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed. The applicant shall be responsible for modifying the bylaws and master deed to reflect changes approved by the Township and for recording the new documents with the Wayne County Register of Deeds.

§ 170-35.8. Water and wastewater.

The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and wastewater disposal.

§ 170-35.9. Master deed and bylaws.

The master deed and bylaws shall be reviewed for compliance with the applicable Township requirements and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainageways and the cost to periodically clean out such drainageways to keep them functioning as intended in the approved drainage plan. The master deed shall clearly state the

responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform with Township, county and state laws and regulations. The master deed shall also include any variances granted by Township, county or state authorities and include a hold-harmless cause from these variances. Master deeds submitted to the Township for review shall not permit contraction of the condominium, whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements, without resubmission of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established from time to time by the Township Board. The bylaws and master deed must be approved by the Township Board.

§ 170-35.10. As-built plan and occupancy.

After completion of all site improvements, the developer shall submit an as-built plan. The Chief Building Official shall allow occupancy of the project upon verification that all improvements have been properly installed. The Chief Building Official may allow occupancy of the project before all required improvements are installed, provided that a financial performance guarantee is given to the Township in the form of cash, irrevocable unconditional bank letter of credit (so long as the terms and conditions of such letter of credit are acceptable to the Township) or other similar instrument acceptable to the Township. The financial guarantee shall provide for the installation of improvements. The performance guarantee shall provide for the improvements. The requirement of Chapter 58, Article VIII, shall apply to such performance guarantee.

§ 170-35.11. Consolidated master deed and final site plan.

Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a recorded copy of the bylaws and master deed. A site plan shall be provided on a Mylar sheet of at least 24 inches by 36 inches.

§ 170-35.12. Survey and monument requirements for site condominiums.

- A. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way or private road easement intersection corners and deflection points. Unit irons shall be set at all condominium unit corners and deflection points of condominium lot lines.
- B. The Township Engineer may grant a delay in the setting the required monuments or irons up to one year, on condition that the petitioner deposit cash, a certified check or an irrevocable bank letter of credit payable to the Township in an amount to be determined by the Township based on the actual cost to set the monuments and irons. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor, registered in the State of Michigan, that the monuments and irons have been set as required. If the developer defaults, the Township shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the financial guarantee.
- C. Road rights-of-way and private road easements shall be described separately from individual condominium units and shall be accurately delineated by bearings and distances on the condominium plan and the final site plan. Road rights-of-way shall

be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The petitioner shall dedicate any required easements to the Township for all public water and sanitary sewer lines and appurtenances.

§ 170-35.13. Compliance with other statutes and ordinances.

All condominium projects shall comply with federal, state and local laws, statutes and ordinances.

ZONING

§ 170-35.13

ARTICLE 36
(Reserved)

ARTICLE 37
Temporary Uses, Events, Structures and Buildings
[Amended 9-17-2015; 9-26-2019]

§ 170-37.1. Intent.

The intent of this article is to establish procedures and consistent regulation of temporary uses and structures. This article provides procedures for allowing temporary uses and structures, while ensuring that they are truly temporary in nature, minimize adverse impact on surrounding uses and retain a high-quality environment.

§ 170-37.2. Submittal requirements.

Temporary use requests will be reviewed administratively by Township staff. The staff will coordinate reviews by Township Police, Fire, Planning and Building Departments. A building compliance permit may be required as defined by § 170-42.1(E)(6) and (7).

- A. A completed application and required fee.
- B. A written statement describing the requested use, operations plan, traffic control and the proposed time period.
- C. A plot plan or sketch that illustrates the following, plus any other information needed to demonstrate compliance with the specific use requirements contained within this article:
 - (1) The site boundary.
 - (2) Adjacent uses and zoning districts.
 - (3) Location of fire hydrants.
 - (4) Existing and proposed buildings or structures.
 - (5) Boundaries of proposed sales or activity areas.
 - (6) Proposed lighting.
 - (7) Parking calculations based on the standards of Article 26, Off-Street Parking and Loading.
 - (8) Proposed traffic circulation.
 - (9) Location and method of waste disposal.
 - (10) Any other information deemed necessary by the Planning and Building Departments.
- D. Proof of ownership or, if the applicant is not the owner of the land, written permission from the owner to use the property for said use.
- E. Information establishing reasonable liability insurance is carried.
- F. Outside agency permits and approvals, if necessary.

§ 170-37.3. Seasonal sales on sidewalks.

- A. Sales shall be located on a sidewalk of a permitted principal building.
- B. Sales shall only be allowed in the B-1 and B-3 districts, or for an approved retail use such as a PUD, and only as an accessory use to a permitted retail use.
- C. An annual permit shall be obtained from the Planning Department.
- D. All merchandise or services sold during the sale shall also be sold within the store or be live seasonal items such as flowers, fruit/vegetables, pumpkins, Christmas trees or other similar products.
- E. Sales shall not obstruct traffic, ingress/egress to the building, and the sidewalk shall remain ADA compliant.
- F. Merchandise/display shall be a maximum 10 feet from the building.
- G. The minimum required five-foot-wide unobstructed sidewalk, or eight feet wide if the sidewalk abuts a parking space, shall be maintained for pedestrian traffic.
- H. Sale items shall not occupy more than 75% of the length of the sidewalk in front of the store.
- I. If outdoor display of merchandise is located under a canopy, the canopy must be suppressed per fire department requirements.
- J. All structures associated with the outdoor display shall be temporary, yet have a finished appearance that is consistent with the image of the building. Pallets or cardboard boxes shall not be used for displays.
- K. All items associated with a sale shall be removed within five days after the conclusion of the sale.
- L. Sales are permitted May 1 through December 31 (within a calendar year).

§ 170-37.4. Temporary sales within parking lots.

- A. Sales shall only be allowed in the B-1 and B-3 districts, or for an approved retail use such as a PUD, and only as an accessory use to a permitted retail use.
- B. All merchandise sold during the sale shall be regular merchandise that is sold within the store or be live seasonal items such as flowers, pumpkins, Christmas trees or other similar products.
- C. The area occupied by the sale shall not exceed 10% of the floor area of the permanent retail space, or 2,000 square feet, whichever is less, and the longest dimension of a tent shall not exceed the width of the permanent retail space of the business.
- D. Sales shall be located in a manner that does not conflict with vehicular or pedestrian circulation.
- E. The minimum amount of required parking shall be maintained outside of the sale area.

- F. The hours of operation shall be the same as the principal business.
- G. One temporary sign, not to exceed 12 square feet in size, is permitted.
- H. Sales shall not exceed 60 days total within a calendar year.

§ 170-37.5. Grand openings.

New businesses may have a one-time grand opening event subject to the following conditions:

- A. The event shall not exceed 10 days and shall be conducted within 30 days of opening the business.
- B. Two temporary signs, or one temporary sign and one nonmoving inflatable, are permitted, provided they are not illuminated. Temporary signs shall not exceed 12 square feet in size.
- C. The event shall not negatively impact traffic, site circulation or surrounding properties.

§ 170-37.6. Outdoor cafes and eating areas.

- A. Permits shall be granted for May 1 through October 31. All furniture and fixtures shall be removed after October 31.
- B. Amplified music is not permitted within 300 feet of a residential lot or dwelling as measured from the seating area to the adjacent residential lot line.
- C. Where there is wait staff or alcohol service, outdoor seating areas shall be enclosed. Enclosures shall consist of metal railing, wood railing, brick walls or other high-quality material.
- D. The proposed area must meet Michigan barrier-free design rules.
- E. When located on a sidewalk, the minimum required five-foot-wide unobstructed space shall be maintained for pedestrian traffic. The width of the unobstructed space shall be at least eight feet in locations where a sidewalk abuts parking.
- F. Parking shall be provided per Article 26, Off-Street Parking and Loading/Unloading.

§ 170-37.7. Temporary construction buildings or structures.

Temporary construction buildings or structures shall be reviewed in accordance with the following standards:

- A. Temporary construction buildings or structures are permitted for a period of up to 12 months.
- B. Adequate parking, paved or gravel surface, must be provided based on the nature of the use and appropriate ordinance standards.
- C. Landscaping may be required based on site location, visibility and duration of the

trailer.

- D. If electricity is required, an electrical permit is required.
- E. Trailers must meet the following requirements.
 - (1) One trailer per builder or contractor.
 - (2) Setback requirements for the zoning district must be met.
 - (3) Anchored per Building Department requirements.
 - (4) Must have skirting.
 - (5) Roads and parking areas must be an all-weather surface capable of supporting a fire apparatus.
 - (6) Meet presently adopted Michigan Building Code, Michigan OSHA and Michigan barrier-free requirements.
 - (7) Must have one ten-pound ABC fire extinguisher.
 - (8) Obtain C permit or street protection permit from Wayne County.
- F. Storage of materials under the trailer is not permitted.
- G. All equipment, materials, goods, poles, wires and other items associated with the temporary building shall be removed from the premises within five days of issuing a final certificate of occupancy.

§ 170-37.8. Temporary sales office.

Temporary sales offices shall be reviewed in accordance with the following standards:

- A. Permitted in residential developments only when construction of a model home for sales operations occurs simultaneously with the permit for a temporary sales trailer. Upon issuing a temporary certificate of occupancy for the model home, the approval for the temporary sales office shall expire.
- B. Adequate parking, paved or gravel, must be provided based on nature of the use and appropriate ordinance standards.
- C. Landscaping may be required based on site location, visibility and duration of time that the sales office will remain on site.
- D. If electricity is required, an electrical permit is required.
- E. Trailers must meet the following requirements.
 - (1) Anchored per Building Department requirements.
 - (2) Must have skirting.
 - (3) Setback requirements for the zoning district must be met.
 - (4) Located in an area that provides minimal impact from the road or adjacent

property.

- (5) Roads and parking areas must be an all-weather surface capable of supporting a fire apparatus.
 - (6) Water meter and plumbing permit.
 - (7) Meet presently adopted Michigan Building Code, Michigan OSHA and Michigan barrier-free requirements.
 - (8) Trailers with more than three risers must have a guardrail.
 - (9) Must have one ten-pound ABC fire extinguisher.
 - (10) Obtain C permit or street protection permit from Wayne County.
- F. Storage of materials under the trailer is not permitted.

§ 170-37.9. Garage sales, estate sales, auctions and other similar events.

When proposed on an individual homeowner's lot, a permit is not required.

§ 170-37.10. Portable moving and storage containers and roll-off dumpsters.

- A. A single portable moving and storage container may be placed on an occupied lot for the purpose of loading or unloading personal belongings to be transported to another location for a period of up to 14 days.
- B. Portable moving and storage containers or roll-off dumpsters used in conjunction with a home improvement or construction project are permitted for the duration of an active building permit.
- C. In the event of remodeling that does not require a Township permit, flood damage, fire damage, asbestos removal or similar catastrophes or emergency repairs, a single portable moving and storage container or roll-off dumpster is permitted on an improved driveway surface for a period of up to 30 days.
- D. Containers shall be located on an improved driveway surface and shall not be located in the public right-of-way or a private road easement.

§ 170-37.11. Membrane structures (tents, canopies and other similar structures).

- A. Rental of membrane structures for the purpose of special events such as graduations, weddings and other similar events or the use of membrane structures for temporary storage is permitted on residential properties for a period of time up to seven days.
- B. Membrane structures used for the purpose of parking or storage of vehicles, recreation vehicles and/or equipment, maintenance equipment and utility trailers are prohibited.

ZONING

§ 170-37.11

ARTICLE 38
(Reserved)

ZONING

§ 170-37.11

ARTICLE 39
(Reserved)

ARTICLE 40
Administration and Public Notice
[Amended 4-16-2009; 11-19-2009; 11-19-2015]

§ 170-40.1. Intent.

This article sets forth the responsibility and scope of authority for the Township Board of Trustees, Township Planning Commission, Township Zoning Board of Appeals and zoning enforcement officials, including the Building Officials, Director of Community Development, Ordinance Enforcement Officer and designees.

§ 170-40.2. Withholding of approval.

The Planning Commission, Board of Trustees or Zoning Board of Appeals (ZBA) may withhold approval for any use, site plan, special land use or other approval required by this chapter pending approvals required by state, county or federal agencies/departments.

§ 170-40.3. Board of Trustees.

The Township Board of Trustees shall have the following responsibilities and authority pursuant to this chapter:

- A. Pursuant to the authority conferred by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Township Board of Trustees shall adopt the Zoning Ordinance and text or map amendments recommended by the Planning Commission or by court decree.
- B. Township Board approval is required for all development options in accordance with Article 20, site condominiums in accordance with Article 35, and subdivision plats in accordance with Chapter 152, Subdivision Control.
- C. The Township Board shall set fees for permits, applications and requests for action pursuant to the regulations set forth in this chapter. In the absence of establishing a fee for a specific permit or application, the Director of Community Development or other appropriate enforcement officer shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. In accordance with Michigan Public Act 110 of 2006, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with approval by the Township Board.
- E. In accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by the Township Supervisor with approval by the Township Board.

§ 170-40.4. Township Planning Commission.

- A. The Planning Commission shall have the powers and duties provided for zoning commissions pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.
- B. Members of the Planning Commission shall be nominated by the Township

Supervisor and approved by the Board of Trustees. The qualifications, terms, filling of vacancies, compensation and operation of the Planning Commission shall be in accordance with Act 110 of 2006, as amended.

- (1) The Planning Commission shall consist of seven members. All members shall be qualified electors of the Township. No more than one member of the Township Board shall be a member of the Planning Commission.
 - (2) Members shall serve three-year terms.
 - (3) The Planning Commission shall annually elect a Chairperson and Vice Chairperson from its membership and create and fill such other offices or committees as it may deem advisable.
 - (4) Members may be removed by the Board of Trustees for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
 - (5) Members shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.
 - (6) The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its transactions, findings and recommendations.
- C. The Planning Commission shall have the following responsibilities and authority pursuant to this chapter:
- (1) Formulation of the Zoning Ordinance, reviewing amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendment and reporting its findings and recommendations to the Board of Trustees.
 - (2) Review and approval of special land uses in accordance with Article 30 and site plans in accordance with Article 33.
 - (3) Making recommendations to the Township Board for all development options in accordance with Article 20, site condominiums in accordance with Article 35, and subdivision plats in accordance with Chapter 152, Subdivision Control.
 - (4) The formulation and adoption of a Master Plan as a guide for development of the Township.
 - (5) Other matters relating to land development referred to it by the Township Board.

§ 170-40.5. Zoning Board of Appeals.

- A. The ZBA is created pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. Members of the ZBA shall be nominated by the Township Supervisor and approved by the Board of Trustees. The qualifications, terms, filling of vacancies,

compensation and operation of the ZBA shall be in accordance with Public Act 110 of 2006, as amended.

- (1) The ZBA shall consist of seven members. All members shall be qualified electors of the Township.
 - (2) The first member shall be a member of the Township Planning Commission.
 - (3) The second member may be a member of the Township Board of Trustees.
 - (4) The remaining members shall be representative of the population and various interests in the Township. An employee or contractor of the Board of Trustees may not serve as a member of the ZBA.
 - (5) Members shall serve three-year terms, except for members of the Planning Commission and Board of Trustees, whose terms shall be limited to the time they are members of those bodies.
 - (6) The ZBA shall annually elect a Chairperson and Vice Chairperson. The Board of Trustees member shall not serve as the Chairperson.
 - (7) Members may be removed by the Board of Trustees for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
 - (8) Members shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.
 - (9) The ZBA shall adopt rules for the transaction of business and shall keep a record of its transactions, findings and recommendations.
- C. The ZBA shall have the following responsibilities and authority pursuant to this chapter:
- (1) To act on all questions pertaining to the administration of the Zoning Ordinance, interpretation of zoning district boundaries and appeals from any decisions made by an administrative official or body charged with enforcement of this chapter.
 - (2) To hear and decide non-use-variance requests related to the standards in this chapter.
 - (3) The ZBA shall not have the authority to overturn a Planning Commission decision to deny a site plan or special land use or to modify any conditions attached to respective approvals.
 - (4) Comply with the provisions of Article 41, Zoning Board of Appeals.
- D. Denial of a decision by the ZBA may be appealed to the Wayne County Circuit Court in accordance with court procedures. Any appeal must be filed before 30 days after the signed decision or 21 days after the minutes are approved, whichever comes first.

§ 170-40.6. Zoning enforcement officials.

As specified throughout this chapter, certain actions necessary for the implementation of this chapter shall be administered by the Director of Community Development, Building Official, and other employees, inspectors and officials of the Township. In carrying out their designated duties, all such enforcement officers shall administer this chapter precisely as written and shall not make changes or vary the terms of this chapter. Responsibilities of the Director of Community Development, Chief Building Official, code enforcement and designees shall be as follows:

- A. Provide citizens and public officials with information relative to this chapter and related matters.
- B. Provide applicants with appropriate forms and procedures related to site plan review, rezoning and other zoning matters.
- C. Review and forward to the Planning Commission all applications for site plan review, special land use review, petitions for amendments to this chapter and other applications which must be reviewed by the Planning Commission.
- D. Forward to the ZBA all materials related to applications for appeals, variances or other matters on which the ZBA is required to act.
- E. Forward to the Board of Trustees all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
- F. Periodically report to the Planning Commission on the status of the Township's planning and zoning administration.
- G. Maintain a current Zoning Map, Zoning Ordinance text and office records by recording all amendments and filing all official minutes and documents in a timely manner.
- H. Review applications to determine compliance with the provisions of this chapter.
- I. Perform inspections of structures, uses and premises to ensure proposed actions or conditions are, and will remain, in compliance with this chapter.
- J. Investigate alleged violations of this chapter and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of stop-work orders and revoking permits.
- K. Issue certificates of occupancy in accordance with § 170-42.6 when all applicable provisions have been met.
- L. Perform other related duties required to administer this chapter.

§ 170-40.7. Public notice.

Any action requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other public notification provisions of this section.

- A. Public hearing notices shall include the following:

- (1) Describe the nature of the request, such as rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - (2) Include a list of all existing street addresses within the subject property. Street addresses do not need to be listed when 11 or more adjacent properties are proposed for rezoning, text amendments or when the request is for an ordinance interpretation not involving a specific property. If the property does not have an address, another means of identification may be used.
 - (3) Indicate the date, time and location of the public hearing.
 - (4) Describe when and where written comments will be received concerning the request.
- B. The public notice shall be published and mailed in accordance with the following:
- (1) Notice shall be published and mailed a minimum of 15 days prior to the public hearing.
 - (2) Notice shall be published in a newspaper of general circulation in the Township.
 - (3) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - (4) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the subject property and to one occupant of all structures within 300 feet of the subject property, regardless of whether the property or occupant is located within the Township. If the name of the occupant is not known, the term "occupant" may be used. Notification is not required to more than one occupant of a structure; except if the structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 - (5) Rezoning requests involving 11 or more adjacent properties, a text amendment, an ordinance interpretation request that does not involve a specific property and appeals of an administrative decision shall only require notice in the newspaper.
 - (6) If an ordinance interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal.
 - (7) Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- C. Any approvals granted pursuant to this article shall be effective seven days after

publication, pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

§ 170-40.8. Fees.

Any application for action pursuant to the regulations set forth in this chapter shall be subject to, and accompanied by, a fee as established by the Township Board of Trustees.

- A. Fees shall be collected in advance of any reviews, inspections or issuance of permits or approvals.
- B. Upon notification of deficient fees, any applications or permits under review shall be suspended, and new applications will not be accepted until the required fees are collected.
- C. Applicants are responsible for covering reasonable costs and expenses, which may include, but shall not be limited to, attorney fees, engineering fees, planning fees, meetings, costs and fees for other services or consultants who may be required to assist the Township for studies or reports pertaining to the matters in question.
- D. The assessment and payment of application or permit fees shall be in addition to the requirements for a performance guarantee as specified in § 170-33.10.
- E. Fees shall not be assessed for applications or permits filed in the public interest by a municipal department or Township official.
- F. Unused fees, which are not used by the Township, shall be refunded to the applicant after site plan approval or project closeout, as appropriate.

§ 170-40.9. Penalties.

Any person who violates the provisions of this chapter shall be responsible for a municipal civil infraction, per the requirements Chapter 58, Article IX. Each day that a violation continues after notice has been served shall be deemed a separate offense, subject to the following penalties:

- A. The following civil fines shall apply, unless a different fine is specified in connection with a particular section:
 - (1) The first offense shall be \$300, plus costs and other sanctions.
 - (2) Any repeat offense shall be \$500, plus costs and other sanctions, for each offense.
- B. In addition to ordering the responsible defendant to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin a violation of this chapter.
- C. Each act of violation, and each day upon which any such violation shall occur, shall constitute a separate offense.
- D. In addition to any remedies provided for by the Code of the Charter Township of Northville, any equitable or other remedies available may be sought.

- E. The Judge or Magistrate shall be authorized to impose costs, damages and expenses as provided by law.
- F. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

§ 170-40.10. Declaration of public nuisance.

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

ARTICLE 41
Zoning Board of Appeals
[Amended 4-16-2009; 11-19-2009; 12-17-2015]

§ 170-41.1. Intent.

The intent of this article is to outline procedures and standards for the Zoning Board of Appeals (ZBA) when considering requests for variances and appeals.

§ 170-41.2. Public notice and approvals.

- A. The ZBA shall conduct a public hearing in accordance with § 170-40.7. Any person may testify at the hearing, either in person, by duly authorized agent or by submitting written comments.
- B. A use variance requires approval from 2/3 of the entire ZBA membership (five votes).
- C. All other actions by the ZBA require approval by majority vote of the entire ZBA membership (four votes).
- D. The number of votes is based on the entire ZBA membership, regardless of the number of members present at a meeting.

§ 170-41.3. Appeals.

Any person or entity aggrieved by a decision of the Township staff or Planning Commission may appeal the decision to the ZBA.

- A. An appeal shall be made within 30 days of a decision by the Township.
- B. The grounds of the appeal shall be specified in writing by the appellant.
- C. All documentation upon which the action was taken shall be provided to the ZBA.
- D. An appeal shall stay all proceedings in furtherance of the action appealed, except if the person from whom the appeal is taken certifies to the ZBA, after the appeal has been filed, that a stay would cause imminent peril to life or property, in which case the proceedings may be stayed only by a restraining order issued by the ZBA or circuit court.
- E. The ZBA shall reverse, modify or refer back with findings a decision of the Township staff or the Planning Commission only if it finds that the action or decision appealed meets at least one of the following conditions:
 - (1) Was arbitrary or capricious.
 - (2) Was based on an erroneous finding of fact.
 - (3) Constituted an abuse of discretion.
 - (4) Was based on erroneous interpretation of this chapter.

§ 170-41.4. Variances.

Types of variances and review criteria are identified below. The ZBA shall have the authority to grant a lesser variance than requested. In addition, the ZBA may require conditions related to the site, operation and/or use to mitigate the impact of any variance.

A. Non-use variances. The ZBA may authorize a variance from this chapter when the applicant demonstrates all of the following conditions exist:

- (1) Practical difficulty. A practical difficulty exists on the subject site, such as exceptional narrowness, shallowness, shape or area, or presence of floodplain or topographic conditions, and strict compliance with the requirements of this chapter would render conformity unnecessarily burdensome. The practical difficulty shall have bearing on the subject site, or use of the subject site, and not to the applicant personally. Economic hardship or profit potential is not a consideration for practical difficulty.
- (2) Unique situation. The demonstrated practical difficulty results from exceptional or extraordinary circumstances or conditions applying to the subject site at the time the ordinance was adopted, or amended, which are different than typical properties in the same zoning district or the vicinity.
- (3) Not self-created. The conditions resulting in a variance request can not be self-created and would have existed regardless of ownership of the property.
- (4) Substantial justice. The variance would provide substantial justice by granting property rights similar to those enjoyed by the majority of other properties in the same zoning district or the vicinity. The decision shall not bestow upon the property special development rights not enjoyed by other properties in the same zoning district or which might result in substantial adverse impacts on properties in the vicinity. Adverse impacts may include, but are not limited to, the supply of light and air, significant increases in traffic, increased odors, noise, use, an increase in the danger of fire, or other activities which may endanger the public health, safety or welfare.
- (5) Minimum variance necessary. The variance shall be the minimum necessary to grant relief created by the practical difficulty.
- (6) Compliance with other laws. The variance shall be the minimum necessary to comply with state or federal laws, such as farming activities protected by the Right to Farm Act or accessibility to meet the needs of individuals with disabilities protected under the Americans with Disabilities Act.

B. Variance from Article 28, Private Roads. The ZBA may grant a variance from the standards of Article 28, Private Roads, when the applicant demonstrates all of the following conditions exist:

- (1) A practical difficulty exists on the subject site, such as exceptional narrowness, shape, area or topographic features, presence of quality trees, limited sight distance, wetlands, floodplain or other physical conditions related to the property, that makes compliance with the requirements of this chapter unnecessarily burdensome or would result in unnecessary loss of important

natural features.

- (2) Granting the variance will not compromise traffic operations, public safety or accessibility by emergency vehicles.
- C. Variance from Article 29, Wireless Communications. The ZBA may grant a variance from the standards of Article 29, Wireless Communications, when the applicant demonstrates that one or more of the following conditions exist:
- (1) The location requirements of this chapter do not reasonably address the applicant's coverage or capacity needs.
 - (2) Co-location is not feasible because existing structures cannot support the facility, co-location would result in unreasonable interference, or reasonable financial terms are not available.
 - (3) The tower is self-collapsing and the setback area provided will accommodate the structure and provide a reasonable buffer should it fall or break.
 - (4) An increased tower height is required as a result of signal interference due to topography, tall buildings, trees or other obstructions or would reduce the number of towers to the benefit of the Township.
 - (5) Negative impacts are mitigated through provision for future co-location.
 - (6) The wireless communications and accessory facilities are 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.
- D. Use variance. A use variance may be requested when a proposed use is not listed as a permitted or a special land use in the district in which the property is located. Approval of a use variance requires 2/3 of the entire ZBA membership (five votes). Use variances shall only be granted when the applicant demonstrates that all of the following conditions exist:
- (1) The proposed use is compatible with existing or planned uses on surrounding properties.
 - (2) The site cannot reasonably be used for any of the uses allowed under current zoning.
 - (3) Public utilities and streets are sufficient to accommodate the proposed use.
 - (4) An unnecessary hardship exists on the subject property due to very unique circumstances, such as:
 - (a) Exceptional narrowness, shallowness or shape of the property;
 - (b) Exceptional topographic conditions or other extraordinary situation pertaining to the land, building or structure;
 - (c) The use or development of the property immediately adjoining the subject property; or
 - (d) Any other physical situation pertaining to the land, building or structure

as determined by the ZBA.

- (5) The requested use variance is the minimum necessary to permit a reasonable use of the land.
 - (6) The conditions causing the use variance request were not created by any affirmative action of the applicant and would have existed regardless of ownership of the property.
- E. Fence variance. The ZBA may grant a variance from the standards of Article 31, Fences, when the applicant demonstrates all of the following conditions exist:
- (1) A practical difficulty is present on the property and results in conditions which do not generally exist throughout the Township.
 - (2) The practical difficulty which will result from a failure to grant the variance includes substantially more than mere inconvenience or an inability to attain a higher financial return.
 - (3) Granting the variance will result in substantial justice, considering the hardships that will be suffered by a failure of the ZBA to grant a variance, the rights of others whose property would be affected by the variance and the public and the general purpose of the fence standards.
- F. Text interpretations. The ZBA shall be responsible for interpreting the provisions or meaning of standards contained in this chapter in such a way as to carry out the stated intent of the zoning districts, chapter and the goals of the Master Plan. In making an interpretation, the ZBA shall adhere to the following:
- (1) The ZBA shall avoid broad interpretations.
 - (2) Text interpretations shall be confined to the question raised, shall be based on a thorough reading and understanding of the entire chapter and shall not have the effect of amending the chapter.
 - (3) If the chapter is silent on a particular use, and the use is not deemed similar to others already listed in the chapter, the ZBA does not have the authority to make such an interpretation; instead, the applicant must seek a use variance from the ZBA or an amendment from the Board of Trustees following an evaluation, public hearing and recommendation by the Planning Commission.
- G. Map interpretations. The ZBA shall be responsible for interpreting the boundaries of the Zoning Map where the actual alignment of streets or natural features used to separate zoning districts varies from the alignment shown on the Zoning Map or where the zoning district boundary does not follow property lines but was intended to do so.
- (1) Map interpretations should be made based on relevant historical information, including prior editions of the Zoning Map, and current and prior editions of the Master Plan Map.
- H. Text amendments. The ZBA may suggest text amendments to the Planning Commission and Board of Trustees based upon the frequent application for, or

granting of, specific variances or problems with interpretation. Suggestions shall be submitted in writing to the Planning Commission.

§ 170-41.5. Conditions.

Any approval granted by the ZBA may be made subject to conditions, provided the conditions ensure the applicable review standards are satisfied. For site plan or design-related conditions, the ZBA may require the plans be reviewed and approved by staff or the Planning Commission. Any conditions must be made part of the record of the approval. The ZBA may require that a bond or performance guarantee be furnished to insure compliance with certain conditions.

§ 170-41.6. Limits on authority.

The ZBA shall not have the power to alter or change the zoning district classification of any property, approve a variance within special development options, except as permitted by Article 20, overturn a Planning Commission decision to deny a special land use, or make ordinance text amendments.

§ 170-41.7. Expiration of approvals.

Variances shall be valid for one year, except for the following conditions:

- A. If the Planning Commission grants an extension of an approved site plan, the variance approval shall expire when, or if, the site plan approval expires.
- B. If a building permit is obtained and meaningful construction is continually proceeding toward completion in accordance with the terms of the building permit.

ARTICLE 42
Building Permits
[Amended 4-16-2009; 11-17-2011; 11-19-2015]

§ 170-42.1. Building permits and compliance permits.

- A. A building permit or compliance permit shall only be issued for the erection, alteration, repair, modification or use of any structure or part thereof which complies with the provisions of this chapter and other applicable Township requirements.
- B. A compliance permit must be obtained for certain structures or uses which are not subject to a building permit. The compliance permit signifies that the intended use or structure complies with the provisions of this chapter and other applicable Township requirements.
- C. The terms "altered" or "repaired" shall include any structural changes, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress or ingress or any other changes affecting or regulated by the Building Code, Housing Law of Michigan (MCLA § 125.401 et seq.) or this chapter.
- D. The Building Official shall make the final determination regarding applicability of a building permit or compliance permit, based on the information submitted by the applicant and subject to applicable legislation and Township standards.
- E. A compliance permit must be obtained for certain structures as generally identified below. Issuance of a compliance permit shall not waive any provision of this chapter, other Township requirements or requirements of other permit agencies. A compliance permit is not required for a repair or replacement of items that have been previously approved for a compliance permit. Compliance permits include, but are not limited to, the following:
 - (1) One-story detached accessory structures in nonresidential zoning districts having a floor area of less than 120 square feet.
 - (2) One-story detached accessory structures in residential zoning districts having a floor area of less than 200 square feet.
 - (3) Fences greater than 36 inches and six feet or less in height.
 - (4) Retaining walls less than four feet in height, measured from the bottom of the footing to the top of the wall.
 - (5) Concrete, brick pavers or other similar hardscape surfaces, less than 30 inches above grade.
 - (6) Tents greater than 200 square feet, when utilized for nonresidential uses.
 - (7) Construction and sales trailers.

§ 170-42.2. Change in use.

A building or compliance permit is required for any change in the use of land, type of

use or occupancy of any structure or for a change to the amount of parking required by this chapter. For changes in use, additional improvements may be required to bring the site into compliance with current standards.

§ 170-42.3. Building requirements.

- A. Any structure shall be subject to the Township requirements for submission of architectural plans, code compliance, inspection and inspection fees.
- B. A building permit for a structure located within a proposed condominium project shall not be issued until a master deed has been reviewed and approved by the Township and the Township has received a recorded copy from the applicant. Prior to recording the master deed, the Township may issue permits for site grading. No permit issued, or work undertaken, prior to recording of the master deed shall grant any rights or any expectancy interest in the approval of the master deed.

§ 170-42.4. Application requirements.

The following information is required:

- A. Plans shall indicate the location, nature and extent of the proposed work.
- B. Plans shall provide sufficient detail to demonstrate compliance with the building code and other relevant ordinances and regulations.

§ 170-42.5. Final inspection.

The holder of a building or compliance permit shall request an inspection upon completion of the work. Any damages occurring during construction shall be restored to their original condition. Upon successful completion, a certificate of occupancy or other applicable approval will be granted.

§ 170-42.6. Certificates of occupancy.

Structures, or parts thereof, shall not be occupied or used until a certificate of occupancy is issued.

- A. Accessory structures and uses may be included in the certificate of occupancy for the principal use, provided they are included with the permit, shown on the construction documents and completed at the same time as the principal use.
- B. A temporary certificate of occupancy may be issued in advance of a final certificate of occupancy in situations where certain building or site improvements are not complete, provided the portion of the building or site complies with the provisions of this chapter and the building code and does not pose a threat to public health, safety or welfare. The Building Official may establish a time limit for the temporary certificate of occupancy. Failure to obtain a final certificate of occupancy within the specified time shall constitute a violation.
- C. A final certificate of occupancy shall be issued upon compliance with the provisions of this chapter and other applicable regulations. If a final certificate of occupancy is denied, written notification will be provided to the applicant within

five days.

- D. A certificate of occupancy shall remain in effect until the use of the structure or land changes.

§ 170-42.7. Stop-work orders.

- A. Upon notice from the Building Official that any use is being conducted or that any work is being pursued contrary to the provisions of this chapter, such work or use shall be stopped immediately. The stop-work order shall be issued in writing and given to the owner of the subject property, to the owner's agent, or to the person doing the work or posted on the subject property. The stop-work order shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. Any person who continues to work in or about the structure, land or use after a stop-work order is issued shall be in violation of this chapter, except for such work as is necessary to remove a violation or correct an unsafe condition.

ARTICLE 43
Amendments
[Amended 4-16-2009; 11-19-2015]

§ 170-43.1. Intent.

The intent of this article is to outline the process for amending the text of this chapter or the boundaries of any zoning district.

§ 170-43.2. Initiation of amendments.

The Board of Trustees, on recommendation from the Planning Commission or on petition, may amend, supplement or change the district boundaries or the regulations established herein pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006) and Article 43, Amendments. Text amendments may be initiated by any governmental body or any interested person or organization. An amendment to the Zoning Map may be initiated by any governmental body or freehold interest in the subject property, a possessor interest entitled to exclusive possession, a contractual interest which may become a freehold interest, an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

§ 170-43.3. Applications.

Except for requests initiated by the Township Board or Planning Commission, an application is required for an amendment to the text of this chapter or an amendment to change the zoning classification of a particular property.

- A. An application to amend the Zoning Map shall include the following information:
- (1) A written description of how the requested rezoning satisfies the requirements identified in this article.
 - (2) An impact statement, pursuant to Article 32, Impact Assessment, for rezoning requests that represent a departure from the Township's Master Plan.
 - (3) A location map.
- B. A request for a text amendment shall include a general description of the proposed amendment.

§ 170-43.4. Procedure.

- A. A public hearing, pursuant to § 170-40.7, is required for text amendments and amendments to the Zoning Map.
- B. For amendments to the Zoning Map, the applicant shall erect a sign on the property pursuant to Board Resolution 91-135, as amended.
- C. Following the public hearing, the Planning Commission shall identify and evaluate factors relevant to the request and the criteria contained in this article. The Planning Commission shall make its recommendation, by findings of fact, to the Board of Trustees. The Planning Commission shall make one of the three findings below:

- (1) The proposed text amendment or change to zoning district boundaries shall be approved as submitted.
 - (2) The proposed text amendment shall be approved as modified by the Planning Commission, or the proposed zoning district shall be changed to a more-restrictive zoning classification.
 - (3) The proposed text amendment or change to zoning district boundaries shall be denied.
- D. The Planning Department shall forward a copy of the application materials, Planning Commission recommendation, findings of fact, and summary of public comment, as applicable, to the Board of Trustees for placement on the next regularly scheduled Board of Trustees meeting agenda.
- E. The Township Board shall approve or deny the amendment, based on the criteria contained in this article. The Township Board may elect to conduct another public hearing, or an interested property owner may request a hearing on a proposed ordinance amendment. The request shall be made to the Township Clerk, and the hearing notice shall be provided to the interested property owner.
- F. A notice of ordinance adoption shall be published in the newspaper, and the amendment becomes effective seven days after publication.
- G. For an amendment to the Zoning Map, the Planning Department shall update the Zoning Map.

§ 170-43.5. Criteria for amendment of Zoning Map.

In considering any application for an amendment to the Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making their findings, recommendations and decision:

- A. Consistency with the goals, policies and future land use map of the Charter Township of Northville Master Plan, including any subarea or corridor plans. If conditions have changed since the Master Plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features, with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.
- C. Evidence that if the current zoning is enforced, the consequent restriction will preclude the use of the property for any purpose to which it is reasonably adapted and that the application of the current classification amounts to a confiscation of the plaintiff's property.
- D. Compatibility of all uses permitted 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 compared to uses permitted under current zoning.
- E. Capacity of Township utilities and services are sufficient to accommodate all the

uses permitted in the requested district without compromising the health, safety and welfare of the Township.

- F. Capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A rezoning traffic assessment shall be required for all proposed rezonings that would result in potential uses that may generate more peak-hour or daily trips than currently zoned uses would generate. An assessment is intended to identify a comparison between the peak-hour and daily trip generation characteristics of the existing and proposed zoning. A traffic impact study in accordance with the requirements of § 170-32.4 shall be provided if the proposed zoning district permits uses that could generate 100 or more directional trips during the peak hour than the majority of the uses that could be developed under the current zoning.
- G. Apparent demand for the types of uses permitted in the requested zoning district, in the Township and surrounding area, in relation to the amount of land in the Township, and surrounding area, currently zoned and available to accommodate the demand.
- H. Whether the boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the zoning district listed in the Article 18, Schedule of Regulations.
- I. If a rezoning is appropriate, the requested zoning district shall be more appropriate from the Township's perspective than another zoning district.
- J. If the applicant's request is for a specific use, rezoning shall be found to be more appropriate than amendment to the list of permitted or special land uses in the current zoning district.
- K. The requested rezoning will not create an isolated and unplanned spot zone.
- L. The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.
- M. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township and enhance the overall quality of life in the Charter Township of Northville.

§ 170-43.6. Criteria for text amendments.

In considering an application for a text amendment, the Planning Commission and Township Board shall consider the following criteria in making their findings, recommendations and decision:

- A. The proposed amendment would correct an error in the chapter.
- B. The proposed amendment would clarify the intent of the chapter.
- C. Documentation has been provided from Township staff that indicates problems and conflicts in implementation or interpretation of specific sections of the chapter.

- D. The proposed amendment would address changes to the state legislation.
- E. The proposed amendment would address potential legal issues or administrative problems with the chapter based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- F. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan or other subarea or corridor plans and enhance the overall quality of life in the Charter Township of Northville.

§ 170-43.7. Amendments required to conform to court decree.

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing or referral to any other board or agency.

§ 170-43.8. Conditional zoning agreement.

- A. An applicant may voluntarily offer a conditional zoning agreement along with an application for rezoning. The conditions set forth in the conditional zoning agreement must be more restrictive than the regulations contained in the proposed zoning district.
- B. The offer for a conditional zoning agreement shall be submitted in writing prior to the public hearing, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The Township may voluntarily accept the offer for a zoning agreement but shall not be obligated to accept such offer.
- C. When necessary, the conditional zoning agreement shall also include a conceptual site plan. This plan shall not replace the requirement for a site plan review and approval per Article 33, Site Plan Review.
- D. The conditional zoning agreement may include limitations on the uses permitted within the zoning district, specification of lower-density or less-intense development/use or may impose more-restrictive measures on the location, size, height or other regulations for structures, improvements, setbacks, landscaping, design, architecture and other site features. The conditional zoning agreement may not authorize uses which are not permitted in the proposed zoning district or developments of greater intensity/density or permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The conditional zoning agreement shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the

use and development of the property that are necessary to accomplish the following:

- (1) Serve the intended use of the property, such as extension, installation or construction of or improvements to roadways, utilities or other infrastructure serving the site.
- (2) Minimize the impact of the development on surrounding properties.
- (3) Preserve natural features and open space.

E. In addition, the conditional zoning agreement shall also include the following:

- (1) Acknowledgement that the conditional zoning agreement was voluntarily proposed by the applicant.
- (2) Agreement and understanding that the property shall not be developed or used in any manner that is not consistent with the conditional zoning agreement.
- (3) Agreement and understanding that the rezoning and the conditional zoning agreement shall be binding upon the property owner, Township and their respective heirs, successors, assigns, receivers or transferees.
- (4) Agreement and understanding that, if a rezoning with a conditional zoning agreement becomes void, no further development shall take place and no permits, consents or other approvals shall be issued unless and until a new zoning classification has been established for the property.
- (5) Agreement and understanding that no part of the conditional zoning agreement shall permit any activity, use or condition that would otherwise violate any requirements or standard that is otherwise applicable in the new zoning district.
- (6) Any other provisions as are agreed upon by the parties.

F. Any uses proposed as part of a conditional zoning agreement that would otherwise require approval of a special land use or site plan approval shall be subject to the applicable review and approval requirements of Article 30, Special Land Uses, and Article 33, Site Plan Review.

G. Failure to comply with the conditional zoning agreement will constitute a breach of the agreement and a violation of this chapter. Further use of the property may be subject to legal remedies available to the Township.

H. Review procedures.

- (1) The conditional zoning agreement shall be reviewed by the Township Attorney to determine that the agreement conforms to the requirements of this section, the Township Zoning Act, as amended, and the conditional zoning agreement is in a form acceptable for recording with the Wayne County Registrar of Deeds.
- (2) Following the public hearing, the Planning Commission shall make a recommendation to the Township Board based upon the criteria listed in § 170-43.5. The Planning Commission shall consider whether the proposed

conditional zoning agreement achieves the following:

- (a) Is consistent with the intent of this article.
- (b) Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
- (c) Is necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes potential impacts to adjacent properties.
- (d) Is necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed conditional zoning agreement.
- (e) Leads to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional zoning agreement or if the property were left to develop under the existing zoning classification.

I. Approval.

- (1) If the rezoning and conditional zoning agreement is approved, the zoning classification of the property shall consist of the district to which the property has been rezoned, with a reference to the conditional zoning agreement.
- (2) The approved agreement shall be executed by the owner and a recorded copy delivered to the Township. Building permits shall not be accepted for review until a recorded copy of the conditional rezoning agreement is received by the Township.

J. Expiration.

- (1) If substantial construction has not commenced within two years, the conditional zoning agreement shall be void.
- (2) Should the conditional zoning agreement become void, all development on the subject property shall cease, and further development shall not be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the conditional zoning agreement, the Township may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
- (3) The Township Board, upon recommendation from the Planning Commission, may grant a one-year extension, provided the property owner submits satisfactory evidence for the extension, at least 30 days prior to the expiration date. A further extension of one year may be granted, provided there is forward progress by the applicant.
- (4) If the rezoning and conditional zoning agreement become void, then the land shall automatically revert back to its original zoning classification, as set forth in the Michigan Zoning Enabling Act 110 of 2006, as amended. The Planning

Department will advise the landowner and developer, by registered letter, of the reversion of zoning.

- K. Nothing in the conditional zoning agreement, or other provisions, shall prohibit the Township from later rezoning all or any portion of the property to another zoning classification. Any land use initiated pursuant to the conditional zoning agreement will be allowed to continue, after any later rezoning under this subsection, in accordance with the following:
- (1) Provided all development and/or use of the property is in compliance with the conditional zoning agreement. A use or development may continue indefinitely, provided all terms of the conditional zoning agreement are followed.
 - (2) Failure to comply with the conditional zoning agreement will constitute a breach of the agreement and also a violation of this chapter. Further use of the property may be subject to legal remedies available to the Township under this chapter and the Township Zoning Act.
- L. Amendment.
- (1) During the initial two-year period, or during any extension granted by the Township, the Township shall not add to or alter the conditional zoning agreement, even with the landowner's consent.
 - (2) The conditional zoning agreement may be amended after the expiration of the initial two-year period, and any extensions, in the same manner as was prescribed for the original rezoning and conditional zoning agreement.
- M. If the developer constructs any public improvements in connection with the development, a financial guarantee, in an amount equal to the expected cost of the public improvements, shall be provided to the Township. The developer shall also warrant the public improvements for a period of one year from the date of acceptance by the Township and shall, at its sole expense, repair or replace, at the Township's sole discretion, any public improvements which fail during the one-year warranty. The value of the financial guarantee may be reduced as the Township accepts the public improvements, by the value of the work accepted, provided a minimum of 25% is retained for the one-year warranty period.

ARTICLE 44
Definitions

§ 170-44.1. Terms defined.

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

ABUTTING OR ADJACENT LOT OR PARCEL — A lot or parcel which shares a common border, excluding the road right-of-way, with the subject lot or parcel.

ACCESS MANAGEMENT — A technique to improve traffic operations and safety along major roadways through the control of driveway locations and design; the promotion of alternatives to direct access; and consideration to the relationship of traffic activity for properties adjacent to, and across from, one another.

ACCESSORY BUILDING OR STRUCTURE — A subordinate building or structure, the use of which is clearly incidental to that of the principal building, structure or use of the subject parcel, and is a structure or use that is customarily associated with the principal use of the lot. Where an accessory structure is attached to a principal building, such accessory building shall be deemed a part of the principal building. Where two or more activities take place within a principal building, the accessory use shall be the use occupying the least square footage or generating the least amount of traffic or other external impacts.

ADULT-CARE FACILITY — A facility licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 116 of 1973 (MCLA § 722.111 et seq.) or Public Act 218 of 1979 (MCLA § 400.701 et seq.) and constructed for residential purposes.

ADULT DAY-CARE FACILITY — A facility that provides care to over 12 adults for a period of time less than 24 hours.

ADULT FOSTER-CARE FACILITY — A facility that provides care to adults, in accordance with Public Act 218 of 1979 (MCLA § 400.701 et seq.), as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer and Industry Services. Adult foster-care facilities include facilities for individuals 18 years or older who are aged, mentally ill, developmentally disabled or physically handicapped and require supervision but not continuous nursing care on an ongoing basis. The following adult foster-care homes are provided for by these rules:

- A. **ADULT FOSTER-CARE FAMILY HOME** — A private residence with the approved capacity to receive six or less adults that are provided with foster care for five days or more a week and for two or more consecutive weeks. The licensee must be a member of the household and an occupant of the home. Local zoning approval is not required prior to issuance of a license.
- B. **ADULT FOSTER-CARE SMALL GROUP HOME** — A facility with the approved capacity to receive 12 or less adults. The licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the house.
- C. **ADULT FOSTER-CARE LARGE GROUP HOME** — A facility with the approved capacity to receive 13 to 20 adults. The licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.

- D. ADULT FOSTER-CARE CONGREGATE FACILITY — A facility with the approved capacity to receive more than 20 adults.
- E. ADULT FOSTER-CARE CAMP / ADULT CAMP — A facility with the approved capacity to receive more than four adults to be provided foster care when located in a natural or rural environment.

ADULT REGULATED USES — The following definitions shall be classified as adult regulated uses:

- A. ADULT PHYSICAL CULTURE ESTABLISHMENT — Any establishment, club or business by, whatever name designated, which offers, advertises or is equipped or arranged to provide massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as "massage parlors," "health spas," "sauna baths," "Turkish bathhouses" and "steam baths." The following uses shall not be included in the definition of an adult physical culture establishment:
 - (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed nurse practitioner or any other similarly licensed medical professional.
 - (2) Fitness center.
 - (3) Electrolysis treatment by a licensed operator of electrolysis equipment.
 - (4) Continuing instruction in martial or performing arts or in organized athletic activities.
 - (5) Hospitals, nursing homes, medical clinics or medical offices.
 - (6) Barbershops, beauty parlors or salons which offer massages to the scalp, the face, the neck or shoulders; and
 - (7) Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas as defined herein.
- B. ADULT BOOK OR SUPPLY STORE — An establishment having 10% or more of its usable floor area devoted to the distribution, display or storage of books, magazines, other periodicals, photographs, drawings, films, videotapes and/or novelty items which are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas (as defined herein).
- C. ADULT MOTION-PICTURE THEATER or ADULT LIVE STAGE PERFORMING THEATER — An enclosed building having a capacity of 50 or more persons wherein still or motion pictures, videotapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined herein). Such an establishment is customarily not open to the general public but only to one or more classes of the public, excluding

minors.

- D. ADULT MODEL STUDIO — Any place where models who display specified anatomical areas (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- E. ADULT MOTION-PICTURE ARCADE or MINI MOTION-PICTURE THEATER — Any place where motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine and where the images displayed depict, describe or relate to specified sexual activities or specified anatomical areas.
- F. ADULT NUDE/PARTIALLY NUDE DANCING — A business where a principal activity is the live presentation or display of nude, or partially nude, male or female impersonators, dancers, entertainers, models, waiters or waitresses or employees. Such activity may or may not feature food or beverage service. Nude or partially nude shall mean having any or all of the specified anatomical areas exposed.
- G. ADULT OUTDOOR MOTION-PICTURE THEATER — A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons. Such establishment is customarily not open to the general public but only to one or more classes of the public, excluding any minor by reason of age. The definition shall not apply to coin-operated amusement devices owned or leased to establishments that are properly licensed for sale of beer or intoxicating liquor for consumption on the premises.
- H. GROUP A CABARET — An establishment where material or live entertainment is provided, presented, permitted or performed in which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas (as defined herein) for observation by or participation of patrons, or an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- I. SPECIALLY DESIGNATED DEALER'S ESTABLISHMENT — A retail establishment consisting of less than 8,000 usable square feet of retail space or any retail establishment licensed by the State Liquor Control Commission to distribute liquor, other than wine under 20% alcohol by volume and beer in the original package, for consumption off the premises where more than 10% of the usable retail space is utilized for the distribution of alcohol.
- J. SPECIALLY DESIGNATED MERCHANT'S ESTABLISHMENT — A retail establishment consisting of less than 8,000 usable square feet of retail space or any retail establishment licensed by the State Liquor Control Commission to sell alcohol for consumption off the premises, where more than 10% of the usable retail space is utilized for the distribution of alcohol.
- K. SPECIFIED ANATOMICAL AREAS — Portions of the human body defined as

having:

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

L. SPECIFIED SEXUAL ACTIVITIES — The explicit display of one or more of the following:

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

M. TATTOO PARLOR — A business having as its principal activity the application or placing, by any method, of designs, letters, scrolls, figures, symbols or any other marks upon or under the human skin and includes any other substance resulting in the coloration of the skin by aid of needles or any other instrument designed to touch or puncture the skin.

ALLEY — A way dedicated to the public and which affords a secondary means of access to abutting property and is not intended for general traffic circulation.

AMPHITHEATER — An oval or circular structure with rising rows of seats ranged about an open space, commonly used for public gatherings, contests and spectacles.

ANIMAL SHELTER — A facility operated by a licensed individual, humane society, a society for the prevention of cruelty to animals or any other similar institutions that keep animals for an extended period of time and are available for adoption/placement.

APARTMENT — A suite of rooms or a room arranged and intended for a place of residence for a single family commonly located in a multiple dwelling or accessory to another use as defined herein.

A. EFFICIENCY APARTMENT — A dwelling unit containing 350 square feet or less of net floor area and consisting of not more than one room in addition to kitchen and necessary sanitary facilities.

B. ONE-BEDROOM UNIT — A dwelling unit containing a minimum net floor area of at least 500 square feet per unit and consisting of two rooms or less in addition to kitchen, dining and necessary sanitary facilities.

C. TWO-BEDROOM UNIT — A dwelling unit containing a minimum net floor area of at least 700 square feet per unit and consisting of three rooms or less in addition to kitchen, dining and necessary sanitary facilities.

D. THREE-OR-MORE-BEDROOM UNIT — A dwelling unit wherein for each room in addition to the three rooms permitted in a two-bedroom unit there shall be provided an additional area of 200 square feet to the minimum net floor area of 700 square feet.

ARCHITECTURAL FEATURES — An element extending out from the exterior wall of a building or structure, including cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AS-BUILT PLANS — Revised construction plans prepared in accordance with all approved field changes.

AUTOMOBILE — Any motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans and motorcycles.

AUTOMOBILE MAINTENANCE/SERVICE ESTABLISHMENTS (ROUTINE MAINTENANCE AND MINOR REPAIR) — A building or premises used primarily to provide general maintenance on automobiles such as an oil change and lubrication; the servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; mufflers and exhaust replacement, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting. An automobile maintenance/service establishment may also sell gasoline but is distinct from an automobile service station.

AUTOMOBILE REPAIR ESTABLISHMENT (MAJOR) — An automotive repair establishment which in addition to minor repairs, as defined above, may conduct one or more of the following: engine rebuilding, the rebuilding or reconditioning of motor vehicles; collision service; overall painting and undercoating of automobiles; the major overhauling of an engine requiring removal of cylinder head or crankcase pan; the recapping or retreading of tires; steam cleaning and other similar activities.

AUTOMOBILE SERVICE/FILLING STATION — Buildings and premises used for the purpose of retail, such as gasoline, oil, grease, batteries, tires, mufflers, automotive accessories, and other similar products, routine automotive maintenance and minor automobile repair as defined above. An automotive service station may also include accessory retail sales of convenience items.

AUTOMOBILE/VEHICLE DEALERSHIP — A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, recreational vehicles or other similar methods of transportation. Such a dealership may include outdoor display and accessory indoor maintenance and/or repair.

AUTOMOBILE WASHES — A building or structure, or portion thereof, containing facilities for washing motor vehicles using production line methods with a conveyer, blower, steam-cleaning device or other mechanical washing devices. Automobile washes include coin- and attendant-operated drive-through, automatic self-serve, track-mounted units and similar high-volume washing establishments, but exclude hand-washing operations.

BASEMENT — The portion of a building which is partly or wholly located below grade, provided the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

BED-AND-BREAKFAST INN — Any dwelling in which transient guests are provided overnight accommodations, breakfast and access to bathing/lavatory facilities in return for compensation. A bed-and-breakfast shall have only one set of kitchen facilities, employ only those living in the house plus up to one additional employee and have a

facade treatment that is consistent with surrounding homes.

BOARD OF APPEALS — The Zoning Board of Appeals for the Charter Township of Northville, established by the Township Board to exercise the authority granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006).⁹

BOARD OF TRUSTEES — The Charter Township of Northville Board of Trustees.

BUFFER ZONE — An area of land containing landscaping, berms or walls to minimize visual and noise impacts.

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.

BUILDING ALTERATIONS — Any change to the supporting members of a building, such as bearing walls, columns or girders, any alteration or relocation of a building and any change in use.

BUILDING ENVELOPE — The ground area of a lot which is defined by the minimum setback and spacing requirements of a principal building.

BUILDING HEIGHT — The vertical distance measured from the ground/grade to the highest point of the roof surface for flat roofs; to the deckline of mansard roofs and to the average height between eaves and ridge for gable, hop and gambrel roofs. Where a building is located on sloping terrain, the height is measured from the average grade surrounding the base of the building wall by taking measurements at five-foot intervals.

BUILDING LINE — A line formed by the face of the principal building, the area between the structure and the street right-of-way or property line.

BUILDING OFFICIAL — The designated building official for the Charter Township of Northville.

CARETAKER LIVING QUARTERS — An independent residential dwelling unit or living area within a principal building that is designed for and occupied by no more than two persons and where at least one of the residents is employed to provide services or to look after goods, buildings or property on the parcel in which the living quarters are located.

CARPORT — A shelter for vehicles consisting of a roof extended from a wall of a building or a partially open structure consisting of a roof and possibly walls. Carports shall comply with all yard requirements applicable to private garages.

CEMETERY — See "mortuarial uses."

CHANGE IN USE — The use of a building, structure or parcel of land, or portion of a building, structure or parcel of land, which is different from the previous use in the way it is classified in this chapter.

CHEMICALS AND ALLIED PRODUCTS MANUFACTURING — The processing of chemicals and allied products, including industrial chemicals, plastics materials and synthetics, drugs, soaps, cleaners and toilet goods, paints and allied products, agricultural chemicals and fertilizers, adhesives and sealants, explosives and ink.

9. Editor's Note: See MCLA § 125.3101.

CHILD-CARE ORGANIZATION, STATE-LICENSED — A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act 116 of the Public Acts of 1973 (MCLA § 722.111 et seq.), Act 218 of the Public Acts of 1979 (MCLA § 400.701 et seq.) and the associated rules promulgated by the State Department of Social Services.

- A. CHILD-CARE CENTER or DAY-CARE CENTER — A facility other than a private residence, receiving more than six preschool or school-age children in group day care for periods of less than 24 hours a day, provided the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two 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" or "drop-in center." "Child-care center" or "day-care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. CHILD-CARING INSTITUTION — A facility which is organized for the purpose of receiving minor children for care, maintenance and supervision, usually on a twenty-four-hour basis, in a building that operates throughout the year and is maintained for that propose. It includes a maternity home for the care of minor, unmarried mothers, an agency group home and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster-care facility in which a child has been placed.
- C. FOSTER-FAMILY HOME — A private home in which at least one, but not more than four, minor children who are not related by blood, marriage or adoption to an adult member of the household are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- D. FOSTER-FAMILY GROUP HOME — A private home in which more than four, but less than seven, children who are not related by blood, marriage or adoption to an adult member of the household are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- E. FAMILY DAY-CARE HOME — A private home in which one, but less than seven, minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family 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.
- F. GROUP DAY-CARE HOME — A private home in which more than six, but not more than 12, children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.¹⁰

CLEAR VISION AREA — An area of each lot near any street intersection or

commercial driveway which shall remain clear of obstructions between a height of two feet and six feet to ensure safe sight distance for motorists.

CLUBS and MEMBERSHIP ORGANIZATIONS — Business associations, professional organizations, labor organizations, civic and social associations, political organizations and other membership organizations. This includes an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this chapter.

COMMERCIAL AMUSEMENT DEVICE ARCADES — The use of a building, or a portion of a building, for the location, operation and placement of five or more mechanical amusement devices. "Mechanical amusement devices" shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation but shall not include vending machines used to dispense foodstuffs, toys or other products for use and consumption.

COMMERCIAL VEHICLE — Any vehicle bearing, or required to bear, commercial license plates such as a truck tractor, a semitrailer, flatbeds, stake beds, rolloff containers, tanker bodies, dump bodies and full or partial box-type enclosures; vehicles of a type that are commonly used for the delivery, hauling or construction-oriented contractors; tow trucks; vehicle repair service trucks; snowplowing trucks; and any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

COMMERCIAL WIRELESS COMMUNICATIONS SERVICES — Licensed telecommunications services, including cellular, personal communications services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

COMPOSTING — The sorting, grinding, composting, digestion (including mechanical digestion systems) and wind rowing or storage of refuse at an outdoor, open-air facility for the purpose of producing material for fertilization and the conditioning of soil.

COMPUTER AND DATA PROCESSING SERVICES — Computer programming, computer system design, data processing, information retrieval, computer facilities management, computer sales, rental and leasing and computer repair.

CONFERENCE CENTER — A multipurpose facility in which the primary purpose is to accommodate meetings, seminars, social and civic events. Such a facility offers a total meeting environment that typically consists of meeting rooms, conference rooms, and catering uses and may include lodging facilities. A hotel/motel with at least 10,000 square feet of conference room facilities shall also be considered a conference center. Accessory conference center uses may include dining areas, recreation facilities and specialty shops.

CONTIGUOUS — An area connected together to form an uninterrupted expanse in space. The term "contiguous" shall apply to any of the following:

10. Editor's Note: The former definitions of "churches, temples, and other places of religious worship (general)" and "churches, temples, and other places of religious worship (large-scale)," which immediately followed this definition, were repealed 8-19-2010.

- A. A permanent surface water connection or other direct physical contact with any lake, pond, river or stream, including surface water or groundwater connections;
- B. A seasonal or intermittent direct surface water connection with any lake, pond, river or stream;
- C. Located within 500 feet of the ordinary high-water mark of any lake, pond, river or stream; or
- D. Separated only by man-made barriers, such as dikes, roads, berms or other similar features.

CONTRACTOR YARD — A site where a building or construction contractor stores equipment, tools, vehicles, building materials and other appurtenances used in association with building or construction.

CONVALESCENT OR NURSING HOME — A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act 152 of the Public Acts of 1985, as amended, being §§ 36.1 to 36.12 of the Michigan Compiled Laws Annotated, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury or infirmity. See also "senior housing."

CURB CUT — The entrance to or exit from a property or public or private thoroughfare for the purpose of vehicular ingress/egress.

DAY — A calendar day.

DAY-CARE CENTER — See "child-care organization, state-licensed."

DECK — An unroofed platform, commonly constructed of wood, which is typically attached to a house.

DENSITY — The number of dwelling units situated on, or to be developed, per net or gross acre of land. For purposes of calculating maximum density, only 25% of the acreage comprised of open water, land within the one-hundred-year floodplain elevation and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, Public Act 203 of 1979 (MCLA § 281.701 et seq.)¹¹ shall be calculated toward the total site acreage.

DEVELOPMENT — The proposed construction of a new building on a zoning lot, the relocation of an existing building on another zoning lot or the use of open land for a new use.

DISTRICT, ZONING — A portion of the Township within which certain regulations, requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN BUSINESS/RESTAURANT — A business or restaurant establishment so developed to serve patrons while within the motor vehicle rather than within a building or structure. This includes eating establishments, customer communications facilities for banks or other similar 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.

11. Editor's Note: MCLA § 281.701 et seq. was repealed by P.A. 345 of 1966, § 30, eff. 10-26-1966. See now MCLA § 324.30901 et seq.

DRIVE-THROUGH BUSINESS/RESTAURANT — A business or restaurant establishment so developed to serve patrons from a drive-through window. A drive-through restaurant may or may not also have indoor seating.

DWELLING UNIT — A building, or portion thereof, designed exclusively for occupancy providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- A. **EARTH-SHELTERED DWELLING** — A dwelling designed in such a way as to take advantage of the insulating effect of soil and constructed so that 50% or more of the exterior surface of the building, excluding unattached garages and other accessory buildings, is covered with soil. The purpose of such dwelling shall not be to serve only as a foundation or substructure for above-grade construction. Partially completed buildings shall not be considered earth-sheltered dwellings.
- B. **DETACHED ONE-FAMILY DWELLING** — A building designed exclusively for, and occupied exclusively by, one family as a dwelling unit.
- C. **ATTACHED ONE-FAMILY DWELLING** — Three or more one-family dwelling units, each having individual entrances on the first floor and only sharing common side walls, but not having a common floor/ceiling. Such dwellings may also be termed "townhomes."
- D. **TWO-FAMILY DWELLING** — A building, or portion thereof, designed exclusively for occupancy by two families living independently of each other as two dwelling units.
- E. **MULTIPLE-FAMILY DWELLING** — A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other as three or more dwellings. See "apartment."

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.

ESSENTIAL SERVICES — The erection, construction, alteration, maintenance and use by public utilities, municipal departments or quasi-public utilities authorized by franchise agreement with the Township of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems; collection, communications, supply or disposal systems. These may include, but not necessarily limited to, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and other similar accessories in connection herewith that are reasonably necessary for the furnishing of adequate service by such public utilities, municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings or towers subject to the wireless communications regulations of this chapter.¹²

EXCAVATION — The removal or recovery by any means of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substance other than vegetation from water or land. Common household gardening and grounds care are not considered excavation.

12. Editor's Note: See Art. 29, Wireless Communications.

FAMILY — Either of the following:

- A. A domestic family which is one or more persons related by blood, marriage or adoption occupying a dwelling unit and living within a dwelling as a single housekeeping unit; or
- B. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct domestic 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 operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort/seasonal in character. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six.

FARM — A platted or unplatted parcel of contiguous land being at least five acres in area and under single ownership or single operation on which bona fide farming is carried out by the owner, a manager or tenant farmer by means of his own labor, with the assistance from members of the household or by hired employees. The crops may be used for their own consumption or for sale to others off the premises, including a bona fide greenhouse, orchard or nursery where plants or flora are grown for the purpose of selling the agricultural products thereof off the premises. The farm shall not include the keeping, raising or breeding of any livestock, animals or fauna or the operating of hatcheries or stables, unless a permit for such use is granted from the Zoning Board of Appeals.

FENCE — A structure of definite height and location constructed of wood, masonry, stone, wire, metal, other similar material or combination of approved materials to serve as a physical barrier, marker or enclosure, provided the fence does not consist of a solid masonry wall, low-rise decorative fences or railings.

FENCE, DECORATIVE — A fence not necessarily used for enclosure which is part of an overall landscape plan and constructed of natural materials such as wood, brick, stone or decorative metal.

FILLING — The depositing or dumping of any matter onto, or into, the ground; excluding waste, common household gardening and grounds care.

FITNESS CENTER or HEALTH CLUB — A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

FLOODPLAIN — The land at a specified elevation subject to periodic flooding that has been defined by the Federal Emergency Management Agency (FEMA), i.e., lands within the one-hundred-year flood boundary.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

FLOOR AREA — The sum of all horizontal areas of each floor of the building or dwelling unit measured from the exterior faces of exterior walls or from the center line of walls separating dwelling units. Basements, unfinished attics, attached garages, breezeways, enclosed and unenclosed porches, patios and cellars shall not be considered as part of the floor area, except when utilized for commercial or institutional purposes.

FLOOR AREA, GROSS (GFA) — The area within the perimeter of the outside walls of the building, without deducting for hallways, stairs, closets/storage areas, wall thickness, columns or other features.

FLOOR AREA RATIO — Floor area in square feet, including basements, of all principal and accessory buildings divided by the area of the lot, excluding the existing public street right-of-way. Floor area shall exclude parking that is wholly underground but shall include any parking structure located above the ground.

FLOOR AREA, USABLE (UFA) — The area used or intended to be used for the sale of merchandise or services or to serve patrons, clients or customers. Floor area used or intended to be used for hallways, stairs, closets/storage areas, sanitary facilities or the storage/processing of merchandise shall be excluded from the computation of usable floor area. The measurement of usable floor area shall be the sum of the horizontal areas of each floor of a structure measured from the internal faces of the wall.

GARAGE — Part of a principal or accessory building or structure used primarily for the parking or storage of vehicles in connection with a permitted use.

GOLF COURSE — A public or private area consisting of fairways, greens and rough that may include a clubhouse and related accessory uses, provided that all structures and activities shall be an integral part of the golf course. Further, all clubhouses, restaurants, pro-shop facilities, etc., shall be secondary in nature to the golf course and may not be continued if the principal golf course activity shall cease or become the minor activity of the facility.

GRADE — The average of the lowest and highest elevations in an area within five feet of a building or structure's foundation.

GRADE, FINISHED — The resultant elevation of the land after completion of alterations and development.

GRADE, NATURAL — The grade as determined by the natural topography that existed before alteration.

GREENBELT — A landscaped area along a street between the curb or road shoulder and the front building, parking setback line or rear lot line to serve as an obscuring mechanism.

HAZARDOUS OR TOXIC WASTE — Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid or contained gaseous material) which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of or otherwise managed: an increase in mortality; an increase in serious irreversible illness; serious incapacitating but reversible illness; or substantial present or potential hazard to human health or the environment.

HAZARDOUS USES AND MATERIALS — 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.

HELIPAD, HELIPORT and HELISTOP — Areas on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of boarding and discharging passengers, patients or cargo. Accessory uses may include maintenance, overhaul or tie-down.

HOME OCCUPATION — An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling.

HOSPITAL — A facility offering twenty-four-hour emergency, inpatient and outpatient care and services for observation, diagnosis and active treatment of patients under the care and supervision of physicians and professional medical staff. The term "hospital" shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neonatal care, children's hospitals and ophthalmology centers.

HOTEL and MOTEL — A building, or part of a building, with a common entrance or entrances, where the dwelling units or rooming units are used primarily for transient occupancy and/or where one or more of the following services are offered: maid service, the furnishing of linen, telephone, secretarial or desk service and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls or meeting rooms.

IMPERVIOUS SURFACE — A surface that does not absorb or percolate water, including buildings, structures or pavement.

IMPROVEMENTS — Any additions to the natural state of land that increase its value, utility or habitability. Improvements include but are not limited to street pavements, with or without curbs and gutters, sidewalks, water mains, storm and sanitary sewers, landscape and other appropriate and similar items.

INDOOR RECREATION CENTER — An establishment which provides indoor exercise facilities, indoor court and/or field sports facilities and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities and bowling alleys. Auditoriums and stadiums are not included.

KENNEL, COMMERCIAL — Any lot or premises on which three or more pets (but not including wild, vicious or exotic animals) of at least six months in age are kept either permanently or temporarily for the purposes of breeding, boarding, training, sale, protection, hobby, pets or transfer.

LANDFILL or SANITARY LANDFILL — Disposal by which the waste is buried between layers of earth to build up low-lying land.

LANDSCAPING — The treatment of the ground surface with live plant materials normally grown in Wayne County. 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.

LEVEL OF SERVICE — A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel

time, freedom to maneuver, traffic interruptions, comfort and convenience and safety.

LOADING SPACE — An off-street space on the same lot with a building, or a group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT AREA — The total horizontal area within the lot lines, exclusive of any abutting public street right-of-way or private road easements or the submerged area of any river, pond or lake (below the shoreline or ordinary high-water mark)

LOT, CORNER — A lot abutting two streets forming an interior angle of less than 135°.

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

LOT, DOUBLE FRONTAGE, and THROUGH LOT — A lot other than a corner lot that fronts upon two more-or-less parallel streets or upon two streets that do not intersect at the boundaries of the lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

LOT FRONTAGE — The length of the front lot line measured along the right-of-way or easement line.

LOT, INTERIOR — Any lot other than a corner lot.

LOT LINES — The fixed boundaries of a lot described by a survey or recorded plat.

- A. **FRONT LOT LINE** — The lot line separating said lot from the public-right-of way or easement. In the case of a double frontage lot, it is the line separating the lot from that street which is designated as the front yard. A corner lot shall have two front lot lines.
- B. **REAR LOT LINE** — The lot line opposite, parallel and most distant from the front lot line and intersecting the side lot lines. Irregularly shaped lots may have more than one rear lot line. In the case of a triangular shape, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length and located entirely within the subject parcel.
- 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 another lot or lots is an interior side lot line.

LOT OF RECORD — A parcel of land, the dimensions of which are shown on a document or maps on file with the Wayne County Register of Deeds or in use by the Township or Township officials and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from that of the remainder thereof, whether platted or described by metes and bounds.

LOT WIDTH — The straight-line horizontal distance between side lot lines, measured at the minimum front yard setback.

LOT, ZONING — Any single tract of land located within a single block which, at the time of filing for a building permit, is designed by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, setbacks, 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 County Register of Deeds but may include one or more lots of record.

LOT / ZONING LOT / PARCEL — A piece of land, or contiguous parcels of land, under one ownership described within fixed boundaries, of sufficient size and configuration to meet the minimum site development requirements of this chapter, excluding only public right-of-way or private road easement. A lot shall have frontage on a dedicated public or private road. Where a lot is divided by a public street or a private road, each part of such lot shall meet minimum area and bulk requirements for the zone in which it is located and shall be considered separate lots. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978 [MCLA § 559.101 et seq., MSA 26.50(101) et seq.], designed and intended for separate or limited ownership and/or use.

MAJOR THOROUGHFARE — An arterial roadway to serve longer-distance travel to and through the Township with traffic volumes generally over 10,000 vehicles per day. Major thoroughfares are generally spaced at mile points and may also be referred to as "county primary roads" or "major arterials."

MANUFACTURED HOME — A manufactured dwelling unit transportable in one or more sections which is built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

MANUFACTURED HOME COMMUNITY — A parcel or tract of land under the control of a person, group or firm upon which three or more mobile homes or manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility, used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

MASTER PLAN — The comprehensive land use plan, including graphic and written proposals, indicating the general location of planned land uses, streets, pathways, greenways, parks, schools, public buildings and design standards for all physical development of the Township, including any geographic unit, subarea, chapter, part or amendment to such plan which shall be adopted by the Township Planning Commission or Board.

MEAT AND DAIRY PRODUCTS PROCESSING — The processing and packaging of meat products, dairy products, fats and oils, excluding live animals and slaughtering houses.

MEDICAL CLINIC — A public or proprietary establishment providing diagnostic, therapeutic or preventive medical, osteopathic, chiropractic, dental, homeopathic, holistic, acupuncture and psychological treatment of ambulatory human patients on an outpatient basis by a group of practitioners licensed to perform such services and acting conjointly and in the same building for the purpose aforesaid. 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.

MEZZANINE — An intermediate floor in any story occupying not more than 50% of

the floor area of the story below.

MINI/SELF-STORAGE WAREHOUSE OR FACILITY — A building or group of buildings in a controlled-access and fenced compound that contain varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares.

MODULAR HOME — A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.

MORTUARIAL USES — Mortuarial uses include the following land uses: cemetery, pet cemetery, memorial parks and gardens, columbarium, mausoleum, funeral home and crematorium as defined herein.

- A. **CEMETERY** — A parcel of land intended for the burial of deceased humans (or pets within pet cemeteries). A marker or memorial is erected at each gravesite for permanent remembrance of the deceased.
- B. **MAUSOLEUM** — A building or structure designed with vaults to hold many caskets or crematory urns. A mausoleum could be an elaborate grave marker for a single burial or be erected to house entire families as an alternative to family grave plots.
- C. **FUNERAL HOME / MORTUARY / UNDERTAKING ESTABLISHMENT / FUNERAL PARLOR** — A facility for funerals often including a chapel for funeral services; viewing rooms; visitation rooms, preparation rooms (embalming, cosmetic treatment and clothing of the deceased); display rooms and storage for caskets; garages for hearses; and other equipment and administrative offices. A funeral home may include family living quarters for the funeral director/owner as an accessory use.
- D. **CREMATORIUM** — A location where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.
- E. **MEMORIAL PARKS** — A location for burying the deceased where all gravestones must be of standard dimensions and flush with ground level.
- F. **PET CEMETERIES** — Cemeteries as defined herein for the expressed purpose of providing a gravesite and/or permanent marker/remembrance of deceased animals, typically household pets.
- G. **COLUMBARIUM** — A building or structure designed with niches for the location of urns to hold the ashes of cremated persons.

NONCONFORMING — A list of related definitions is provided in § 22.3.

NUISANCE FACTORS — 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 or invasion of nonabutting street frontage by traffic.

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

OFFSET — The distance between the center line of driveways or streets across the street from one another.

OFF-STREET PARKING LOT — A facility providing vehicular parking spaces, drives and aisles for maneuvering for more than two vehicles.

OPEN-AIR BUSINESS — Business and commercial uses conducted solely outside of any building unless otherwise specified herein. Examples of open-air businesses include:

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

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, such as ice cream and yogurt restaurants serving patrons through a walkup window. The term "open front store" shall not include an automobile repair establishment or automobile service stations. See also "restaurant."

OPEN SPACE — Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward except for living plant material, recreation facilities, permitted signs, sidewalks, bike paths and necessary drives and utility lines, unless as otherwise provided in this chapter.

ORDINARY HIGH-WATER MARK — 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.

OUTDOOR STORAGE — The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

PAPER AND ALLIED PRODUCTS MANUFACTURING — The manufacturing of paper and allied products, including pulp mills, paper mills, paperboard containers and boxes, bags, sanitary paper products, stationary and other miscellaneous paper products.

PARCEL or TRACT — A continuous area or acreage of land which can be described as provided for in the Land Division Act (MCLA § 560.101 et seq.).

PEAK HOUR — A one-hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour) or 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).

PERFORMANCE GUARANTEE — A financial guarantee to ensure that all improvements, facilities or work required by this chapter will be completed in compliance with the ordinance, regulations and the approved plans and specifications of a development.

PETROLEUM AND COAL PRODUCTS MANUFACTURING — Uses involving petroleum refining, or asphalt and roofing materials, petroleum and coal products manufacturing.

PLANNED UNIT DEVELOPMENT — An integrated and coordinated development of various residential land uses, and in some cases nonresidential uses, comprehensively planned and approved as an entity via a unitary site plan which permits additional flexibility in building siting, usable open spaces and preservation of natural features.

PLANNING COMMISSION — The Planning Commission of the Charter Township of Northville, Wayne County, Michigan.

PORCH — A structure, attached to the ground, which serves as a covered entrance to a building, commonly enclosed in part and not heated or air conditioned.

PRIMARY METAL INDUSTRIES INCLUDING FOUNDRIES — Blast furnaces, basic steel production, iron and steel foundries and nonferrous metals foundries, rolling and drawing, including metal heat-treating.

PRINCIPAL BUILDING, STRUCTURE OR USE — The primary or predominant building, structure or use to which the premises is devoted and the primary reason the premises exists. No lot may contain more than one principal building, structure or use, excepting groups of multiple-family dwellings, farm worker housing, retail business buildings or similar other groups of buildings.

PRIVATE ROAD — A road owned and maintained by the owners of the property it serves.

PUBLIC UTILITY — Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communications, transportation or water.

RECEPTION ANTENNA FACILITY — An exterior apparatus that is capable of receiving communications for radio or television purposes, including satellite reception antennas but excluding facilities considered to be essential public service facilities or those preempted from Township regulation by applicable state, FCC or other federal laws or regulations.

RECREATIONAL VEHICLE — Includes a tent or vehicular-type structure designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units of this type shall include, but shall not be limited to, the following: travel trailers, camping trailers, tent trailers, motor homes and truck campers. Recreational units shall also include, but shall not be limited to, the following: boats,

boat trailers, snowmobiles, snowmobile trailers, all-terrain vehicles, dune buggies, horse trailers and similar equipment.

RECREATION AREAS, OUTDOOR — Such uses shall include, but need not be limited to, the following: recreation fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, hockey, in-line skating and similar activities; swimming pools open to the general public or operated by a private nonprofit organization; and uses accessory to the above uses, such as refreshment stands, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

RECYCLING CENTER — A facility in which used material, such as paper, glass, plastic or motor oil, is separated and processed prior to shipment to other locations for processing or manufacturing into new products. A recycling center is distinct from a junkyard or salvage yard.

RELIGIOUS INSTITUTIONS — An establishment, organization or association instituted to advance or promote religious purposes or beliefs at a physical place such as churches, mosques, temples and synagogues and religious societies founded by members of a faith. Such institutions shall be limited to nonprofit religious services and related religious activities. Permitted related activities may include living quarters for clergy and other members of religious orders who carry out their primary duties on site, religious education classes, church-sponsored day care, youth centers, religious activities, office space and other similar activities customarily associated with religious institutions. Soup kitchens, rescue missions and residential facilities for men, women or families are not considered accessory uses. Temporary religious assemblies, such as tent revivals or other similar activities, are not included within this definition. **[Added 8-19-2010]**

RESTAURANT — An establishment serving foods and/or beverages for consumption upon the premises within the structure serving such foods or beverages for remuneration.

RESTAURANT, CARRY-OUT — A restaurant for the selling of food or beverage which is served in disposable containers or wrappers for consumption primarily off the premises.

RESTAURANT, DRIVE-IN — A restaurant at which patrons are served from a drive-in window, by employees serving patrons while in a motor vehicle or at which consumption of food takes place within the motor vehicle on the premises.

RESTAURANT, DRIVE-THROUGH — A restaurant at which patrons pay for an order and pick up the order at a drive-through window while in a motor vehicle.

RETAIL BUSINESSES, MISCELLANEOUS — Sporting goods and bicycle shops, bookstores, stationery stores, jewelry stores, hobby toy and game shops, photographic supply stores, gift novelty and souvenir shops, luggage and leather goods shops, florists, tobacco stores, newsstands, optical goods stores and other uses similar in character and intensity.

RETAIL FOOD STORES — Grocery stores, meat and fish markets, fruit and vegetable markets, candy, nut and confectionery stores, dairy product stores and retail bakeries.

RIGHT-OF-WAY — A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines and other similar uses.

SALVAGE BUSINESS — 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 salvage yard includes junkyards and similar facilities, including automobile wrecking yards and any open area greater than 200 square feet that is used for storage, keeping or abandonment of junk.

SCREENING — The method by which a view of one site or use is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms, or other physical features.

SENIOR HOUSING — Housing constructed for the exclusive use of an individual 55 years of age or older or for a couple where at least one of the individuals is over the age of 55. Senior housing may include the types of facilities listed below:

- A. **SENIOR APARTMENTS** — Multiple-family dwelling units where occupancy is restricted to persons 55 years of age or older.
- B. **CONGREGATE OR INTERIM-CARE HOUSING** — A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- C. **DEPENDENT HOUSING FACILITIES** — Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

SERVICE DRIVE — An access drive which parallels the public right-of-way in front of or behind a building or buildings, or may be aligned perpendicular to the street between buildings, which provides shared access between two or more lots or uses.

SETBACK — The distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this chapter.

SHOPPING CENTER — A grouping of two or more business establishments developed in accordance to an overall plan and designed and built as an interrelated project. Buildings constructed on out-lots shall not be considered part of the shopping center unless access and parking easements are provided.

SHORELINE — The edge of a body of water measured at the ordinary high-water mark.

SIGHT DISTANCE — The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

SLAUGHTERHOUSES — The processing and packaging of meat products, dairy products, fats and oils, excluding live animals and slaughtering houses.

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. Such uses are defined as "special land uses" in the Township Zoning Act (MCLA § 125.271 et seq.).¹³

STABLE, COMMERCIAL — A facility for the rearing and housing of horses, mules and ponies or for riding and training academies.

STABLE, PRIVATE — A facility for the rearing and training of horses, ponies and mules which are owned by the occupant of the dwelling unit.

STORY — That part of a building, except a mezzanine defined herein, included between the surface of one floor and the surface of the next floor; in instances where there is no floor above, then ceiling next above. A story thus defined shall not be counted as a story when more than 50% is below the height level of the adjoining ground.

STORY, HALF — An uppermost story lying under a sloping roof; the usable floor area of which the height at four feet above the floor does not exceed 1/2 of the floor area in the story directly below and the height above at least 200 square feet of floor space is seven feet six inches.

STREET — Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court or any similar designation.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings; radio, television and cellular phone towers; decks; fences; privacy screens; walls; antennas; swimming pools; signs; gas or liquid storage facility; mobile homes; sidewalks; and landscape improvements. Approved regulatory signs, sidewalks, pedestrian paths, necessary public utilities, driveways, frontage roads and landscaping shall not be considered a structure.

SWIMMING POOL — Any permanent, nonportable structure or container located either above or below grade designed to allow the holding of water to a depth of greater than 24 inches, intended for swimming, bathing or relaxation. The definition of "swimming pool" includes spas, hot tubs and similar devices. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

TEXTILE MILLS AND APPAREL PRODUCTION — The production of textile products into apparel, home furnishings, automotive trimmings and other textile products.

THEATER — An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building. ("Theater" is distinct from "adult theater" defined separately under "adult regulated uses.")

TOWNSHIP — The Charter Township of Northville, Wayne County, Michigan.

TRAFFIC IMPACT STUDY — The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project.

13. Editor's Note: MCLA § 125.271 et seq. was repealed by P.A. 110 of 2006, § 702, eff. 7-1-2006. See now MCLA § 125.3101 et seq.

- A. **REZONING TRAFFIC IMPACT STUDY** — A traffic impact study which contrasts typical uses permitted under the current and requested zoning or land use classification. This study usually includes a trip generation analysis and a summary of potential impacts on the street system.
- B. **TRAFFIC IMPACT ASSESSMENT** — A traffic impact study for smaller projects which are not expected to have a significant impact on the overall transportation system but will have traffic impacts near the site. This type of study focuses on the expected impacts of a development at site access points and adjacent driveways.
- C. **TRAFFIC IMPACT STATEMENT** — A traffic impact study which evaluates the expected impacts at site access points and intersections in the vicinity.
- D. **REGIONAL TRAFFIC IMPACT STUDY** — A comprehensive traffic impact study for large projects expected to have a significant long-term impact on the street system. Such a study evaluates the impacts over a long period and may involve analyses of alternate routes. This type of study is typically prepared using a computer model which simulates traffic patterns.

TRIP (i.e., DIRECTIONAL TRIP) — A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

URGENT CARE — An establishment where outpatients are examined and treated by a group of physicians, dentists or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

VEHICLES AND TRANSPORTATION EQUIPMENT MANUFACTURING — The manufacturing of motor vehicles, aircraft, boats, motorcycles, railroad equipment and other miscellaneous transportation equipment.

VETERINARY CLINIC — A facility providing diagnosis, treatment, surgery and similar veterinary care for small domestic animals with no overnight boarding and indoor boarding of a maximum three animals at any one time.

VETERINARY HOSPITAL — A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock. A veterinary hospital may include outdoor boarding incidental to treatment.

WALL — A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

WASTE RECEPTACLE — A container, such as a dumpster, used for the temporary storage of rubbish or recycling materials, pending collection and having a capacity of at least one cubic yard.

WATERCOURSE — A natural or artificially created trench which periodically or continuously contains moving water and has definite banks, a bed and visual evidence of a continued flow or occurrence of water, including but not limited to a lake, pond, river, canal, channel, swamp, creek, marsh or outcropping of water.

WETLAND — Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life. Wetland may also be referred to as a "bog," "swamp" or

"marsh."

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

- A. **FRONT YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. **REAR YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **SIDE YARD** — An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING VARIANCE — A modification of a Zoning Ordinance standard granted when strict application of the ordinance would cause a practical difficulty or unnecessary hardship upon the individual property in which the variance is requested.

