



# ***Green Oak Charter Township Zoning Ordinance***

*Adopted by the  
Green Oak Charter Township Board  
February 15, 2006  
with amendments through May 2023.*

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## ARTICLE I. IN GENERAL

### Sec. 38-1. Definitions.

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

**Accessory building or structure** means a supplementary **building** or **structure** on the same **lot** or parcel of land as, and detached from, the **principal building** or part thereof **occupied** by or devoted exclusively to any **accessory use**. Such building or structure shall not include any building used for **dwelling**, residential, or lodging purposes, or sleeping quarters for human beings. Accessory buildings or structures shall include, but are not limited to: storage sheds, **swimming pools**, hot tubs, gazebos, play structures, wind generators, air conditioning units, electrical generators, and other similar structures.

**Accessory use** means a **use** normally and naturally incidental, subordinate and devoted exclusively to, and on the same **lot** as the main use of the land or **principal buildings**.

**Adult day care facility** means a facility that, for compensation, provides supervision, personal care, protection, and meals to adults for a period of less than twenty-four (24) hours per day, five (5) or more days a week and for two (2) or more consecutive weeks.

**Adult foster care family home** means a private residence with the approved capacity to receive not more than six (6) adults who shall be provided **foster care** for five (5) or more days a week and for two (2) or more consecutive weeks.

**Adult foster care large group home** means a facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults, who shall be provided with **foster care**.

**Adult foster care small group home** means a facility with the approved capacity to receive not more than twelve (12) adults, who shall be provided with **foster care**.

**Aesthetic** means the form, design, and/or quality of construction of a particular **sign**, **building**, site, or **structure** that presents a judgmental statement concerning the level of beauty or artistic value.

**Agriculture** means the **use** of land for tilling of the soil, raising of **tree** and field crops or animal husbandry as a source of income, and as defined in the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

**Alley** means a public way not more than thirty (30) feet wide, which affords only secondary means of access to abutting property and is not intended for general traffic circulation.

**Alter** means any change in the location or **use** of a **building** or any change in the supporting members of a building, such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the **roof** or exterior walls, or any change in the type of occupancy. Such term also includes the terms "reconstructed" and "alteration."

**Appeal** means an entreaty or demand for a hearing and/or review of facts and/or action.

**Applicant** means a natural person, firm, association, partnership, or corporation, or combination thereof, that holds an ownership interest in land, whether recorded or not.

**Appurtenance** shall have the meaning assigned to it in the definition of "Structure."

**Architectural features** includes cornices, eaves, gutters, string courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**Authorized Factory Representative** means an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

**Automobile repair** means general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, and collision service, such as body, frame, or fender straightening and repair, painting, and vehicle rustproofing.

**Automobile service station** means a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles, aircraft, or boats, and includes the customary space and facilities for the installation of such commodities on or in such vehicles, and may include space for facilities for the storage, minor repair, or servicing of vehicles, but would not include, as the primary use of the premises, bumping, painting, refinishing, major repair and overhauling, steam cleaning, rustproofing, or high-speed washing.

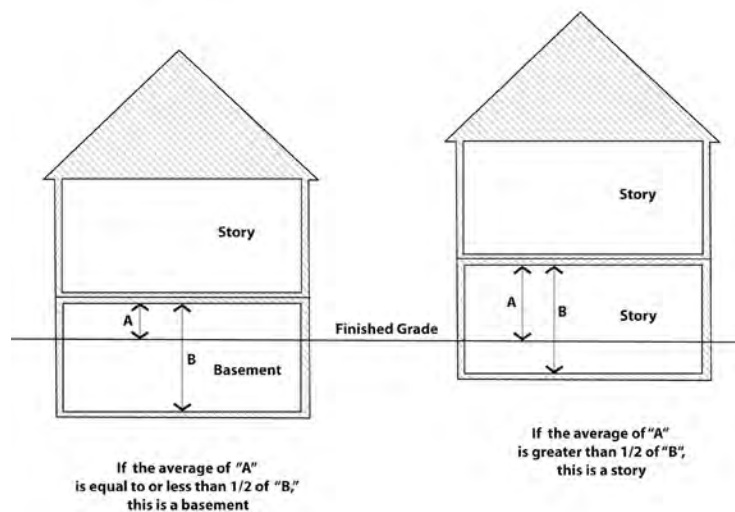
**Automobile wash establishment** means a building, or portion thereof, the primary purpose of which is washing vehicles.

**Average day** means, for most purposes, a Tuesday, Wednesday, or Thursday. The average day may be a Saturday for uses that have higher peak-hour traffic volumes on a Saturday rather than midweek.

**Barrier** means a natural or artificial separation, such as a lake, river, canal, railroad embankment, levee, or berm.

**Basement** means the portion of a building which is wholly or partly below grade when the vertical distance from finished grade to floor is greater than the vertical distance from finished grade to ceiling. A basement shall not be included as a story for height measurement, except as provided in the definition of the term "Story." (See the illustration entitled "Basement and Story Definitions.")

**Figure I-1: Basement and Story Definitions**



**Bed and breakfast** means an operation in which transient guests are provided with a sleeping room and meals in return for payment, and which is located in a private [single-family dwelling](#) that is used principally as a [family](#) unit of the proprietor.

**Bedroom** means a [dwelling](#) room used, or intended to be used solely by human beings, for sleeping purposes.

**Bio-retention** means a water quality practice that utilizes landscaping and soils to treat stormwater runoff by collecting it in shallow depressions before filtering through a fabricated planting soil media.

**Block** means the property abutting one (1) side of a [street](#) and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad [right-of-way](#), unsubdivided acreage, [lake](#), river, or live stream, or between any of the foregoing and any other barrier to the continuity of [development](#).

**Bluff** means a steep bank rising sharply from the water's edge.

**Board** means the legislative body, the Township Board, of Green Oak Township, Livingston County, Michigan.

**Boardinghouse** means a [dwelling](#) where lodging and meals are provided, for compensation, to three (3) or more persons, by prearrangement, for definite periods of not less than one (1) week. A boardinghouse is to be distinguished from a [hotel](#), [motel](#), [convalescent home](#), or [nursing home](#).

**Boat lift/hoist** means an unenclosed [structure](#), with or without a [roof](#), used to lift boats out of the water, allowing at least eighty percent (80%) visibility through its area.

**Boathouse** means an enclosed [building](#) used for the storage of boats and boating equipment.

**Body Art** means physical body adornment using, but not limited to, the following techniques: body piercing, tattooing, and cosmetic tattooing. This definition does not include practices that are considered part of a medical procedure performed by board certified medical or dental personnel, such as, but not limited to, implants under the skin. Such medical procedures shall not be performed in a body art establishment. This ordinance definition shall not include piercing of the outer perimeter or lobe of the ear using pre-sterilized single use stud and clasp ear piercing system.

**Body Art Establishment** means any place or premise, whether public or private, temporary or permanent in nature or location, where the practices of body art, whether or not for profit, are performed.

**Buffer** shall have the meaning assigned to it in the definition of the term, "[Greenbelt](#)."

**Buildable area** means the space remaining after the minimum [setbacks](#), natural rivers, open spaces, floodplain areas, [wetlands](#), and [wetland buffer](#) requirements of this chapter have been complied with.

**Buildable site** includes all lots to be created by split, condominium, or plat must have sufficient land area, exclusive of any [wetlands](#) or [wetland buffers](#) as defined herein, to meet Livingston County Health Department standards as well as required [buffers](#), floodplain areas, and zoning [district setbacks](#) and off-street parking requirements as specified in this chapter. This provision shall not apply to previously recorded lots of record upon which one (1) single-family house is proposed to be built.

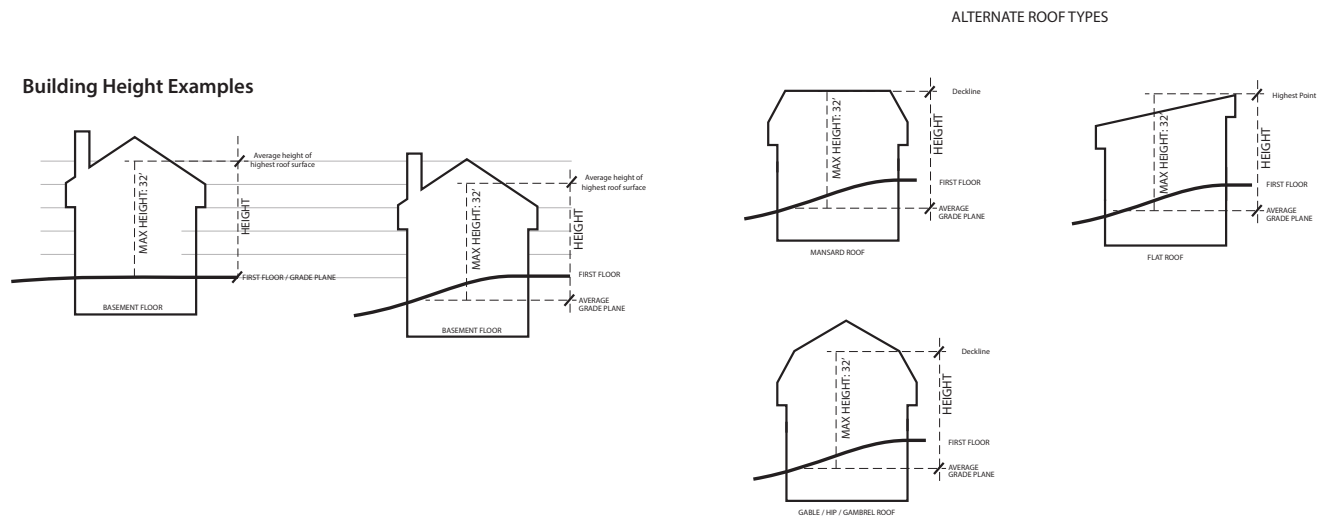
**Building** means an independent **structure**, either temporary or permanent, having a **roof** supported by columns or walls; “**structures**” as defined in this section; and includes **tents**, sheds, garages, **stables**, greenhouses, **ground signs** or sign structures, and other **accessory structures**. The term “detached building” means a building separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

**Building height** means the vertical distance measured from the established grade at the building wall to:

- A. The highest point of the coping of a flat roof;
- B. To the deck line of a mansard roof;
- C. To the average height between the highest ridge to that eave for a gable, hip studio, or gambrel roof; or
- D. Seventy-five percent of the height of an A-frame.

Where established grade is on sloping terrain, the height shall be measured from the average ground level at the building wall on all four sides. (See the illustration entitled “Building Height Requirements.”)

**Figure I-2: Building Height**



**Building setback line** means the line formed by the outer surface of a **building** or enclosure wall at the finish grade or surface of the ground; pertaining to and defining the minimum (building) **setback** lines which are established, in general, parallel to the front **street** or **right-of-way**, and within which setback area no part of a building shall project or be located, except as otherwise provided by this chapter.

**Business center** means a grouping of two (2) or more business establishments on one or more parcels of property, which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one (1) **use** for the purposes of determining the maximum number of **freestanding or ground signs**. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available; however, used auto/truck sales shall be considered a separate use in determining the maximum number of **freestanding signs**, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

**Business sign** means an accessory sign related to the business, activity, or service conducted on the premises upon which the sign is placed.

**Canopy sign** means any **sign** that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A **marquee** is not a canopy. (See the definition of the term “**Awning sign.**”)

**Cargo containers** means any container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship, including shipping containers, storage units or other portable structures that are placed on private property and used for storage of items.

**Certificate of use and occupancy** means an official certification that the intended **use** or **structure**, as-built, conforms to the provisions and requirements of this chapter and all other pertinent Township ordinances, and also meets any special conditions of a **variance** or **special approval use permit** and may be **occupied** or used in its intended manner. Unless such certificate is issued, a structure shall not be occupied or used.

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

**Child day care center** and **day care center** mean a facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Such terms do not include any of the following:

- (1) A Sunday school, vacation Bible school or a religious instructional class that is conducted by a religious organization where children are attending for not more than a period of three (3) hours per day for an indefinite period of time or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- (2) A facility operated by a religious organization, where children are cared for not more than a period of three (3) hours while persons responsible for the children are attending religious services.
- (3) A facility or program for school age children that is operated at a school by a public school or by a person or entity with whom a public school contracts for services, in accordance with section 1285a(2) of the revised school code, Public Act No. 451 of 1976 (MCL 380.1285a(2)), if that facility or program has been granted an exemption under Public Act No. 116 of 1973 (MCL 722.111(2)).

**Clinic** means a **building** or group of buildings where patients, whether human or animal, are admitted for professional examination and treatment by a physician, dentist, veterinarian, etc., except that human patients will not be lodged therein overnight. Any clinic shall operate in full compliance with all federal, state, and local law and regulations.

**Club** means an organization of persons for special purposes or for the promulgation of **agriculture**, sports, arts, science, literature, politics, etc., but not operating for profit. Any club shall operate in full compliance with all federal, state, and local law and regulations.

**Collector street** means a **public right-of-way** intended to provide vehicular access from local or residential **streets** onto **primary thoroughfares**.

**Commercial message** means any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Commercial use** means the **use** of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

**Common use riparian lot (keyhole)** means any private site, platted lot, or other parcel held in common by a subdivision, condominium, association, similar agency or group of individuals, or by virtue of the terms of a plat of record, and which provides common use riparian access to nonriparian lots or landowners.

**Compostable material** means natural, organic material, free of hazardous materials (as defined in U.S. EPA 503 regulations), including leaves, grass clippings, brush, wood or wood byproducts, Christmas trees, untreated lumber, wood pallets, vegetable prunings, garden waste, yard waste and manure.

**Composting, agricultural**, means the biological decomposition of organic material under conditions created, maintained or controlled by a person or entity, which exceeds over five hundred (500) cubic yards of nondecomposed material per year, with the intention of using the compost for on-site agricultural uses or on-site soil enrichment.

**Composting, commercial**, means the biological decomposition of organic material under conditions created, maintained or controlled by a person or entity, which exceeds over five hundred (500) cubic yards of nondecomposed material per year, with the intention that the product be sold and used off-site.

**Confined animal feedlot** means any parcel of land or a premises on which the principal use is the concentrated feeding of livestock, including beef and dairy cattle, goats, hogs, poultry or sheep, within a confined area. A commercial feedlot consists of more than ten (10) farm animals that are on feed and may be owned by a person other than the owner of the feedlot.

**Conservation easement** means an easement granting a right or interest in real property that ensures that a parcel or tract is maintained in its natural condition as defined in the conditions of the easement.

**Contiguous** means being in direct contact, touching, connected to, or adjoining. In the case of a wetland, lake, or stream, such connection may be at the surface or by means of a subsurface hydrogeologic water flow.

**Convalescent home** and **nursing home** mean a home for the care of children, the aged, or the infirm, or a place of rest for persons suffering serious bodily disorders, wherein three (3) or more persons reside. Such home shall conform to, and qualify for, a license under applicable state laws (even though state law has different size regulations).

**Convenience store** means a retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

**County road commission** means the road commission of Livingston County, Michigan.

**Deck** means a structure, with piers and/or joists, lacking a roof and walls with the exception of visual partitions, abutting a dwelling and constructed on piers or a foundation above grade for uses as an outdoor living area.

**Development** means the construction of a new building or structure on a zone lot, the expansion or relocation of an existing building on another zone lot or the utilization of open land for a new use, such as a mobile home park; or a site plan, subdivision tentative preliminary plat, condominium project, mobile home park, redevelopment, reuse or expansion of a use or building.

**Diameter breast height (dbh)** means the diameter of a tree, given in inches, as measured at four and one-half (4 ½) feet above the natural grade.

**District** means a portion of the Township within which certain **uses** of land and/or **buildings** are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

**Dripline** means an imaginary vertical line that extends downward to the ground from the outermost tips of the tree branches.

**Drive-in, fast food, and carryout restaurant** means any establishment where food, frozen desserts, and/or beverages are served to customers. The customers are served either from a serving counter, from their motor vehicles or from a drive-through pickup window, and the food, frozen desserts and/or beverages are served in disposable containers and wrappers. Such food or beverages may be consumed inside the **building**, outside the building, on the premises at facilities provided, or carried out for consumption off the premises.

**Dwelling** means a **building** designed or used exclusively as the living quarters for one (1) or more **families**, but not including an automobile chassis, **tent**, or portable building, or **mobile homes** outside of a **mobile home park**.

**Dwelling, multiple**, means a **building** used for, and designed as, a residence for three (3) or more **families** living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including **mobile homes**.

**Dwelling, one-family**, means a detached **building** designed for, or **occupied** exclusively by, one (1) **family**. Such term is also referred to as a "single-family dwelling."

**Dwelling, two-family**, means a detached **building** designed for, or **occupied** exclusively by, two (2) **families** living independently of each other. Such term is also referred to as a "duplex dwelling."

**Dwelling unit** means any **building**, or portion thereof, having cooking facilities, which is **occupied** wholly as the home, residence, or sleeping place of one (1) **family**, either permanently or transiently, but in no case shall a **travel trailer**, motor home, **mobile home**, trailer coach, automobile chassis, **tent**, or other portable building be considered a **dwelling** in single-family, multiple-family, or two-family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit, and shall comply with the provisions of this chapter relative to dwellings.

**Easement** means a right of **use** over the property of another. In the context of this chapter, **private road** easements shall be designated for the purpose of vehicular access, ingress, and egress.

**Efficiency unit** means a **dwelling unit** consisting of one (1) room, exclusive of the bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room, and providing not less than three hundred and fifty (350) square feet of **floor area**.

**Elder Cottage Housing Opportunity** means a residential **dwelling unit occupied** by a senior person, handicapped person, disabled person, or individual related to the occupants of the main housing unit by blood, marriage, or adoption.

**Erected** includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for building. **Excavations, fill, drainage**, etc. shall be considered a part of the erection.

**Essential services** means the erection, construction, alteration or maintenance, by public utilities, municipal governments, departments, commissions or boards, of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including public safety communication towers, structures and facilities, mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles and other similar

equipment or accessories reasonably in connection therewith for the furnishing of adequate service by such public utilities, municipal governments, departments, commissions or boards for the public health or general welfare, and buildings which are primarily enclosures or shelters of such essential service equipment. An essential service shall not include (i) buildings that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety or welfare; (ii) utility poles and other structures more than 40 feet in height above ground level in a public right-of-way; and (iii) wireless equipment extending more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.

**Excavation** means any pit or mining operation created for the purpose of searching for, moving of, or the removal from the premises, any earth, rock, sand, gravel, clay, stone, slate, marble or other mineral in excess of fifty (50) cubic yards in any calendar year, but shall not include an excavation preparatory to the construction of a **structure** or public highway, except common household gardening and agricultural practices.

**Facility Abandonment** means out of production for a period of time not less than one (1) year.

**Family** means:

- (1) One (1) or more persons related by blood, marriage or adoption with their direct lineal descendants, and including the domestic employees thereof, living as a single, nonprofit housekeeping unit; or
- (2) A collective number of individuals living together in one (1) house under one (1) head, whose relationship is of a permanent and distinct domestic character, and working as a single housekeeping unit. This definition shall not include any society, **club**, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization, which is not a recognized religious order, nor a group of individuals whose association is temporary and resort-seasonal in character or nature.

**Family day care home** means a private home in which more than one(1) , but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, for more than four (4) weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the **family** by blood, marriage, or adoption.

**Farm** means all of the **contiguous** neighboring or associated land, operated as a single unit, on which "farming," as defined by the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.), is carried on directly by the owner-operator, manager, or tenant-farmer, by his or her own labor or with the assistance of members of his or her household or hired employees. Land to be considered a farm under this definition shall include a continuous parcel of not less than ten (10) acres in area. Farms may be considered as including establishments operated as greenhouses, sod farms, nurseries, orchards, chicken hatcheries, livestock and poultry farms, and apiaries, but establishments keeping fur-bearing animals, game or operating fish hatcheries, **confined animal feedlots**, stone quarries, or gravel or sand pits shall not be considered farms under this definition unless combined with a **farm operation** on the same continuous tract of land.

**Farm operation** means the operation and management of a **farm**, or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of **farm products**, and includes operations defined by the Right to Farm Act, MCL 286.471 et. seq. as amended, but is not limited to:

- (1) Marketing produce at **roadside stands** or farm markets.
- (2) The generation of noise, odors, dust, fumes, and other associated conditions.
- (3) The operation of machinery and equipment necessary for a **farm** including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and **farm products** and associated inputs necessary for farm operations on the roadway as authorized by the Michigan Vehicle Code, Public Act No. 300 of 1949 as amended, MCL sections 257.1 to 257.923.

- (4) Field preparation and ground and aerial seeding and spraying.
- (5) The application of chemical fertilizers or organic **materials**, conditioners, liming materials, or pesticides.
- (6) Use of alternative pest management techniques.
- (7) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals.
- (8) The management, storage, transport, utilization, and application of **farm** by-products, including manure or agricultural wastes.
- (9) The conversion from a farm operation activity to other farm operation activities.
- (10) The employment and use of labor.

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

**Fence** means any linear structure or partition, including walls, of definite height and location erected upon the land typically near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure; or for decorative use.

**FHWA** means Federal Highway Administration.

**Fill** means soil, rock, sand, other earthen **material**, waste of any kind or any other material which displaces soil or water, or reduces water retention potential, except common household gardening.

**Filling station** means a **building** designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles, aircraft, or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles.

**Filtered view of the river** means the maintenance or establishment of woody **vegetation** of sufficient density to screen **development** from the river, provide for stream bank stabilization to prevent erosion from surface runoff and provide cover to shade the water. Such vegetation prohibits clearcutting.

**Final wetland determination** means a formal, scientific inventory and analysis of a **wetland** undertaken by trained professionals to:

- (1) Determine its boundaries;
- (2) Describe its natural biological plant and animal communities or groupings and its hydrologic and geological setting; and
- (3) Suggest plan revisions which the Township might require to minimize disruption to the wetland resulting from a proposed development.

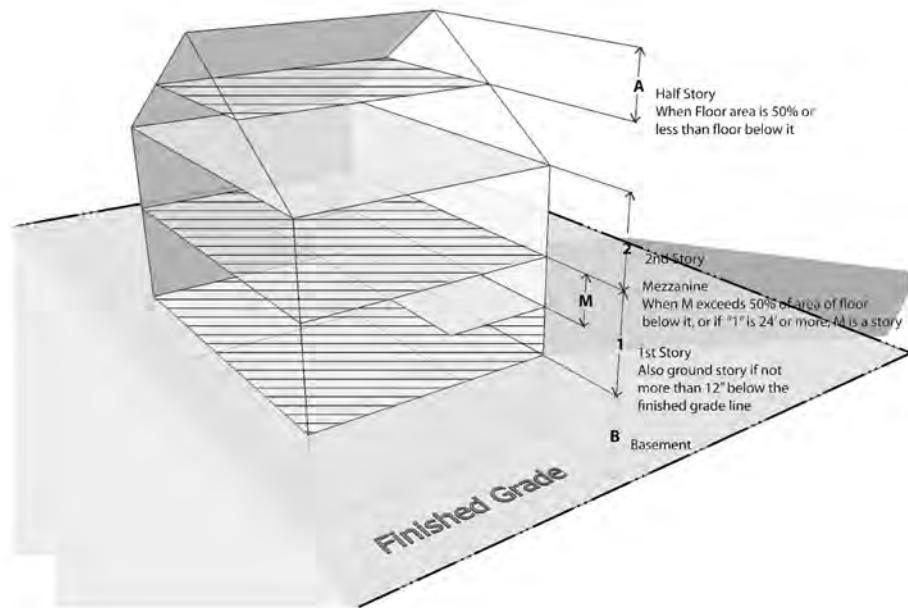
**Flood hazard area** means land, which, on the basis of available floodplain information as identified in the report entitled "Flood Insurance Rate Map (FIRM) – Green Oak Charter Township, Michigan" prepared by the Federal Emergency Management Agency (FEMA), is subject to a one percent (1%) or greater chance of flooding in any given year (one hundred (100) year flood).

**Floor area, gross (GFA)**, means the sum of the gross horizontal areas of the several floors of the **building**, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include the **basement** floor area when more than one-half (½) of the **basement** height is above the established curb level or finished lot grade,

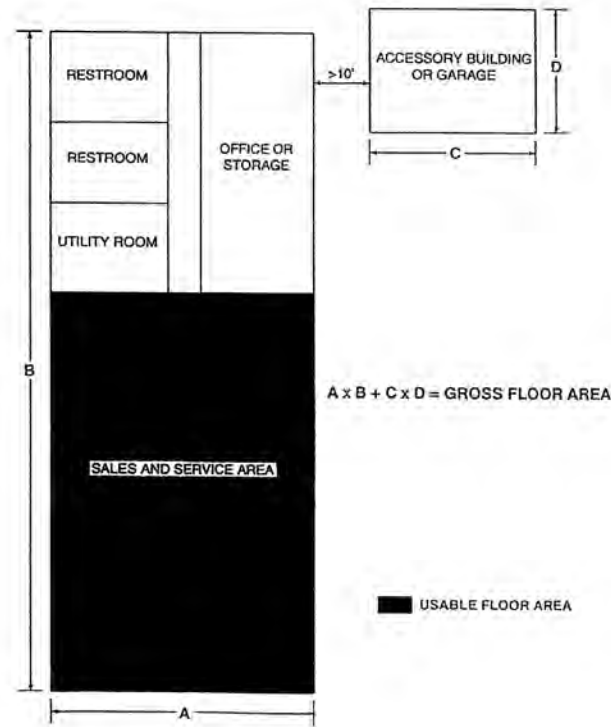
whichever is higher. Any space devoted to off-street parking or loading shall not be included in floor area, nor areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages.

**Floor area, usable (UFA)**, means the portion of floor area (measured from the interior face of the exterior walls) used, or intended to be used, for services to the public as customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including equipment rooms or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more. (See illustrations entitled "Basic Structural Terms" and "Floor Area Terminology.") For residential uses in a planned unit development (Article II, Division 2), the floor area includes all areas used for residential purposes or used as access thereto.

**Figure I-3: Basic Structural Terms**



**Figure I-4: Floor Area Terminology**  
**FLOOR AREA TERMINOLOGY**



**Foster care** means the provision of supervision, personal care, and protection, in addition to room and board, for compensation, which occurs twenty-four (24) hours a day, five (5) days a week, for two (2) or more consecutive weeks.

**Foster family group home** means a private home in which more than four (4), but less than seven (7), minor children, who are not related by blood or marriage to an adult member of the household, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21--710.70), are provided care for twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Foster family home** means a private home in which at least one (1), but not more than four (4), minor children, who are not related by blood or marriage to an adult member of the household, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21--710.70), are given care and supervision for twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Framework** means a [structure](#), usually rigid, serving to hold the parts of something together or to support something constructed or stretched over or around it.

**Gap (critical gap)** means the median time headway, in seconds, between vehicles in a major traffic system, which will permit side street vehicles at a stop or yield controlled approach to cross through or merge with the major traffic stream under prevailing traffic and roadway conditions.

**Garage, commercial**, means any premises, except those designated as a **private**, **community**, or **storage garage**, available to the public, used principally for the storage of automobiles or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt, or reconstructed, and where vehicles may be greased, washed, or serviced.

**Garage, community**, means a **building** used for the storage of vehicles of the residential **dwelling units** on the same or adjacent **blocks**, and providing only incidental service to such vehicles as are stored therein.

**Garage, private**, means a **building** used primarily for the storage of self-propelled vehicles for the use of the occupants of a **lot** on which such building is located and with a capacity of not more than three (3) motor-driven vehicles. Such definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of not more than one (1) commercial vehicle not exceeding a rate capacity of three-quarter ( $\frac{3}{4}$ ) ton.

**Garage, public**, means the space or **structure** for the storage, care, sale, repair, or refinishing of motor vehicles, including the retail sale or supply of lubricants, air, water, and other operating commodities for motor vehicles.

**Garage, storage**, means any premises, except those defined as a “**private garage**,” used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

**Greenbelt** means the strip of land established to protect one (1) type of land **use** from another with which it is not compatible. Such strip of land is planted and maintained with **trees**, **shrubs**, and **groundcover**, and is perpetually maintained as open space.

**Groundcover** means low-growing **shrubs**, woody **vegetation**, wildflowers, and other small herbaceous plants.

**Group day care home** means a private home in which more than six (6), but not more than twelve (12), minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related by blood, marriage, or adoption to an adult member of the **family**. Such term includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

**Hazardous substances** means a chemical or other **material** which is, or may be, injurious to the public health, safety, welfare or the natural environment and as defined in part 201, natural resource and environmental protection act, Public Act No. 451 of 1994 (MCL 324.20101 et seq.).

**Historical sites and/or uses** means the parcels and/or **uses** of land and/or **structures** whose basic purpose is to:

- (1) Safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community’s cultural, social, economic, political, or architectural history;
- (2) Stabilize and improve property values in the area;
- (3) Foster civic beauty;
- (4) Strengthen the local economy; and
- (5) Promote the use of such sites for the education, pleasure, and welfare of the local residents and the general public.

**Home occupation** means any **use** customarily conducted entirely within the **dwelling** and carried on by the inhabitants thereof, not involving employees other than members of the immediate **family** residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety, and welfare of any other person residing in that area by reason of noises, noxious odors, unsanitary or unsightly conditions, fire hazards, etc., involved in, or resulting from, such occupation, profession, or hobby; provided, further, that no article or service is sold or offered for

sale on the premises, except as such as is produced by such occupation, and that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas. Clinics, hospitals, barbershops, nurseries, day care centers, beauty parlors, tearooms, veterinarians' offices, tourist homes, animal hospitals, kennels, real estate offices, millinery shops, etc. shall not be deemed home occupations.

**Hospital** means an institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices. Any hospital shall operate in full compliance with all federal, state, and local law and regulations.

**Hotel** means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals, with or without means, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

**Impervious surface** means any surface of land which has been compacted or covered with a layer of material that substantially reduces, makes highly resistant to, or prevents the infiltration of stormwater into the ground, including graveled drives and parking lots, sidewalks, streets, parking lots, roofs, structures, buildings, and other hard-surfaced paved areas.

**Improvements** means those features and actions associated with a project that are considered necessary by the Zoning Administrator or designee to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and drainage.

**Junkyard** means the use of any lot or parcel of land where junk, waste, discard, salvage, or similar materials, such as iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc., are bought, sold, exchanged, collected, demolished, processed, stored, baled, packed, disassembled, or handled, including auto salvaging, repair, or restoration, structural steel materials and equipment, and establishments for the sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials for any period of thirty (30) consecutive days.

**Kennel** means any lot or premises on which four (4) or more dogs, cats, other household pets, or fur-bearing animals, six (6) months of age or more, are confined, housed, groomed, bred, boarded, trained, or sold.

**Laboratory** means a place devoted to experimental, routine, or basic study, such as testing and analytical operations, in which the manufacturing of produce or products, except prototypes, is not performed.

**Lake** means a body of water having a surface area of five (5) acres or more as measured from the ordinary high-water mark.

**Landfill** means a disposal facility or part of a treatment facility at which any discarded solid or semi-solid materials, including garbage, refuse, rubbish, ashes or construction debris, is placed in, or on, the land, and which is not a land treatment facility, a surface impoundment or an injection well.

**Landmark trees.** (See Section 38-363(f).)

**Landscaping** means changing the natural features of a plot of ground so as to make it more attractive, as by adding lawns, shrubs, trees, etc.

**LCRC** means Livingston County Road Commission.

**Level of service** means a qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

**Living area** means the sum total of the square footage of the habitable **floor area** as defined by the **Zoning Administrator** or designee; the exterior dimensions or footprint of the residential **dwelling**, less any attached **accessory structures** or building area.

**Loading space** means an off-street space, on the same **lot** with a **building** or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or **materials**.

**Local residential street** means a public **easement** which has limited continuity and is used primarily to provide access to abutting properties.

**Lot** means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership; or a place or parcel of land **occupied**, or intended to be occupied, by a **building, structure, or use**, or by other activity permitted thereon, and including the yards and open spaces required under this chapter.

**Lot area, gross**, means the **net lot area**, including **wetland** areas, plus one-half of the area of the **right-of-way** directly adjacent to, and abutting, any side of an unplatted lot.

**Lot area, net**, means, for the purpose of computing the net maximum lot area, a figure determined by deducting from the **gross lot area**, the area of the **public right-of-way** and **private road easements**.

**Lot, corner**, means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) **streets** is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See the illustration entitled "**Corner, Interior, and Double Frontage**.")

**Lot coverage** means the part or percent of the lot occupied by the buildings or structures, including accessory buildings.

**Lot depth** means the mean horizontal distance from the front property line to the **rear lot line**; or in the case of a **waterfront lot**, from the front property line to the **ordinary high-water mark** of the adjacent water body or stream; or in the case of an acreage lot, from the front **right-of-way** line to the rear lot line.

**Lot, double frontage**, means a lot, other than a **corner lot**, having frontage on two (2) more or less parallel **streets**. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in a plat or in a request for a **building and land use permit**. If there are existing **structures** in the same **block** fronting one (1) or both of the streets, the **required front yard setback** shall be observed on the streets where structures presently front.

**Lot, interior**, means a lot, other than a **corner lot**, with only one (1) lot line fronting on a **street**.

Figure I-5: Lot – Corner, Interior, and Double Frontage



**Lot line** means any line dividing one (1) lot from another lot, or from a [right-of-way](#), and constitutes the property lines bounding a lot.

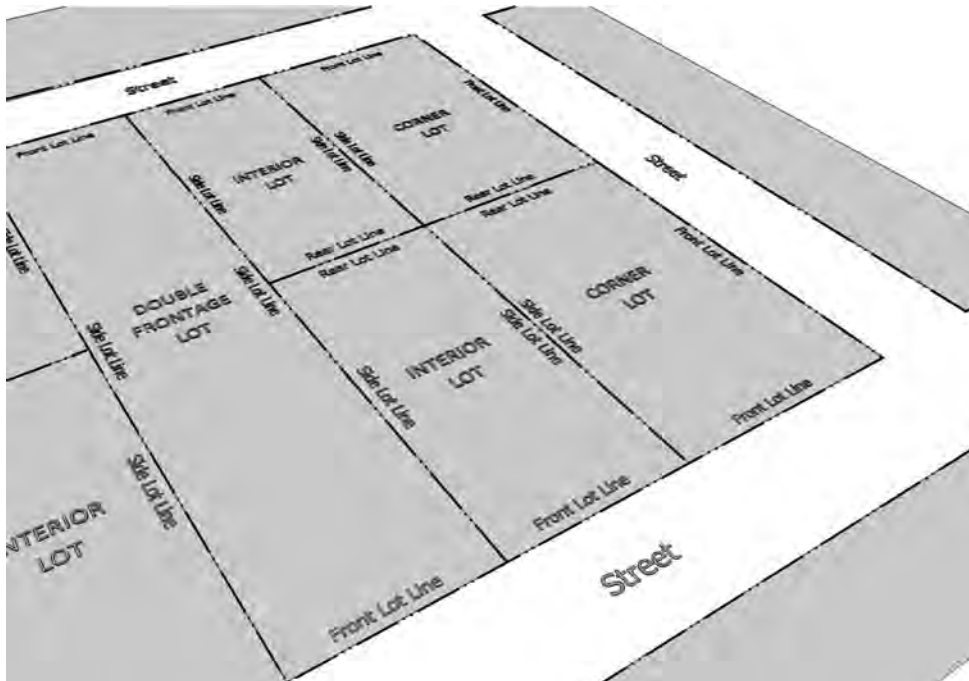
**Lot line, front**, means, in the case of an [interior lot](#), abutting upon one (1) public or private [street](#), the front lot line shall mean the line separating the lot from such [street right-of-way](#). In the case of a [waterfront lot](#), the front lot line shall mean the line separating the lot from the adjacent [street right-of-way](#). In the case of a [double frontage lot](#), the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a [building permit](#). In the case of a [corner lot](#) having frontage on more than one (1) street, the corner lot shall be considered as having a [front yard](#) for each street front.

**Lot line, rear**, ordinarily means that lot line which is opposite and most distant from the [front lot line](#) of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of [rear yard](#). [Waterfront lots](#) shall be considered to have a [waterfront lot line](#) instead of a rear lot line. In cases where none of these definitions are applicable, the [Planning Commission](#) shall designate the rear lot line. (See "[Double Frontage Lot](#)" and "[Waterfront Lot](#)")

**Lot line, side**, means any lot line that is not a [front](#), [rear](#), or [waterfront lot line](#). A side lot line separating a lot from a [street](#) is a [side street lot line](#). A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot line, street or alley**, means a lot line separating the lot from the [right-of-way](#) of a [street](#) or [alley](#), respectively.

Figure I-6: Lot Lines



**Lot line, waterfront**, means, for zoning purposes, the [ordinary high-water mark](#) separating a lot from a [lake](#) or stream that it abuts, adjoins, and is [contiguous](#) to.

**Lot of record** means a lot (the dimensions of which are shown on a map recorded with the office of the register of deeds for the county), plot, or parcel, described by metes and bounds, the accuracy of which is attested to by a [professional engineer](#) or registered surveyor, so designated by the state, and such description so recorded or on file with the county.

**Lot, waterfront**, means a lot which abuts, adjoins, or is [contiguous](#) to a [lake](#), as defined herein, or stream governed by the Natural Rivers Overlay or the Tributary Overlay, as provided herein.

**Lot width** means the horizontal distance between the [side lot lines](#), as measured between the two (2) points where the [front yard setback](#) or [building setback line](#) intersects the side lot lines.

**Lot, zoning**, means a single tract of land, located within a single [block](#) which, at the time of applying for a [building and land use permit](#), is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, and which tract satisfies the applicable requirements of this chapter in every respect. A zoning lot may, therefore, not coincide with a [lot of record](#), but may include one (1) or more lots of record.

**Low Impact Development (LID)** means an ecologically-based stormwater management approach favoring innovative stormwater

engineering and management of rainfall on-site rather than traditional stormwater techniques of channeling or piping. The goal of LID is to sustain the site's pre-development hydrologic regime by using techniques that minimize, infiltrate, filter, store, and evaporate stormwater runoff. LID remediates polluted runoff through a network of distributed treatment landscapes.

**Manual and Automatic Controls** give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.

**Marihuana or medical marihuana** means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.

**Marihuana Establishments** means those establishments as provided for in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

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

**Master Plan** means the Plan adopted by the Township Planning Commission, which illustrates the intended future land use pattern and may also describe roadway functional classifications and intended improvements to the transportation system (i.e., the comprehensive plan, future land use plan, thoroughfare plan, etc.).

**Material** means soil, sand, gravel, clay, peat, mud, debris, and refuse, or any other organic or inorganic substance.

**MDEQ** means the Michigan Department of Environmental Quality.

**MDOT** means Michigan Department of Transportation.

**Medical marihuana activities** means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of medical marihuana by a qualifying patient or primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1.

**Medical marihuana provisioning center** means a commercial entity located in the Township that acquires, possesses, manufactures, delivers, transfers, or transports medical marihuana and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term shall include, but not be limited to, dispensaries, cooperatives, and any other operation or facility similar in nature, and any commercial property where medical marihuana is sold to registered, qualifying patients and registered primary caregivers, or any property used by more than one primary caregiver. The location used by a single primary caregiver to assist a qualifying patient connected to the caregiver through the medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this ordinance.

**Mobile home** means a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Such term does not include a recreational vehicle.

**Mobile home park** means a parcel or tract of land, under the control of a person, upon which three (3) or more mobile homes are located on a continuous nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefore, together with a building, structure, enclosure, street, equipment, or facility used, or intended for use, incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

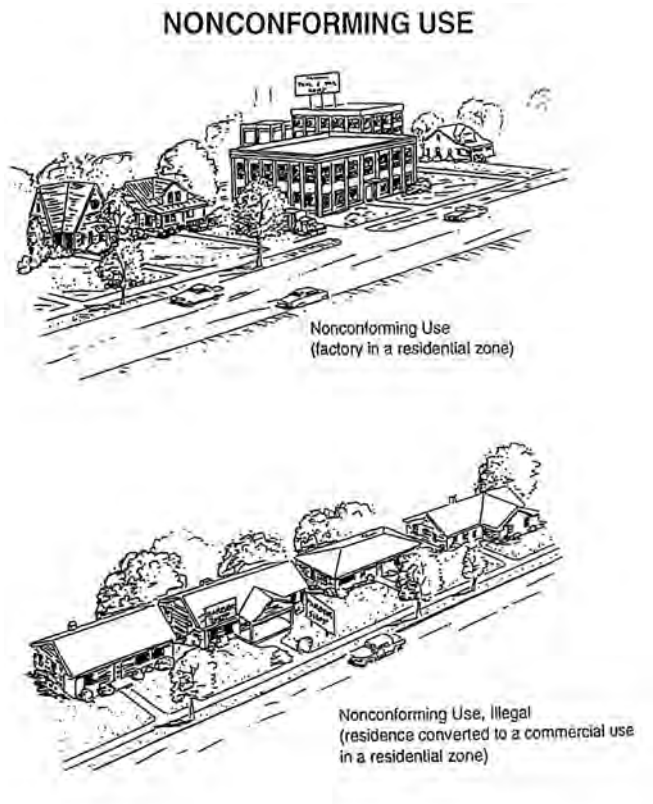
**Motel** means a business comprised of a **dwelling unit**, or a group of dwelling units, arranged so as to furnish overnight lodging accommodations for transient guests, and open to the traveling public for compensation.

**Multi-tenant** means a grouping of two (2) or more business establishments on one (1) or more parcels of property, which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A multi-tenant site shall be considered one (1) **use** for the purposes of determining the maximum number of **freestanding or ground signs**. A vehicle dealership shall be considered a multi-tenant site regardless of the number or type of models or makes available; however, used auto/truck sales shall be considered a separate use in determining the maximum number of **freestanding signs**, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

**MUTCD** means Manual of Uniform Traffic Control Devices. This manual establishes minimum standards of placement that a **sign** must achieve to accomplish readability and conspicuity. The manual covers a range of traffic control devices; specifically signs, which it breaks into three (3) categories – guide signs, warning signs, and directional signs. It is based on the principle that signage deficiencies cause traffic accidents.

**Nonconforming use** means the lawful **use** of a **dwelling, building, structure**, or land at the effective date of the Ordinance from which this chapter is derived, or any amendment thereof, and which may be continued although the use does not conform to the provisions of this chapter in the zoning **district** in which it is located. (See the illustration entitled “Nonconforming Use.”)

**Figure I-7: Nonconforming Use**



**Nonconforming use, illegal**, means the use of a dwelling, structure, building, or land at the effective date of the Ordinance from which this chapter is derived, or any amendment thereof, which did not before, and does not, conform to the provisions of this chapter in the zoning district in which it is located, continues to be illegal and should not be continued.

**Occupied** includes arranged, designed, built, altered, converted to, rented, or leased, or intended to be inhabited, though not necessarily for dwelling purposes.

**Off-street parking lot** means a facility providing vehicular parking spaces and adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress, plus on-site parking space, for at least two (2) vehicles.

**Open air business uses** means business uses operated for profit, substantially in the open air, including the following:

- (1) Bicycles, utility trucks or trailers, motor and recreational vehicles, boats, or home equipment sales, repairs, or rental services.
- (2) Outdoor displays and sales of garages, motor homes, modular homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- (3) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (4) Tennis courts, archery courts, shuffleboards, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's amusement parks, or similar recreation uses, transient or permanent.

**Open storage** means all outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

**Ordinary high-water mark** means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

**Patio** means a level surfaced area, without piers, joists, or permanent roof, intended for outdoor use.

**Pawnbroker** means any person, corporation, member of a limited liability company, member of a partnership, or firm who loans money on deposit, or pledge personal property, or other valuable thing, other than securities, or printed evidence of indebtedness or who deals in the purchasing of personal property, or other valuable things on condition of selling the same back at a stipulated price.

**Pawn shop or collateral loan or exchange establishments** means any place where a pawnbroker regularly conducts the business of being a pawnbroker.

**Peak hour** means a one (1) 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).

**Permit** means the authorization for a use, building, structure, or sign, issued by the Building Department.

**Permit, building and land use.** Any change in the land requires a building and land use permit. The permit is a written authority issued by the Zoning Administrator or designee permitting the construction, removal, moving, alteration, or use of a building, fence, or sign, in conformity with the provisions of this chapter. The permit is also an official finding that the intended activities as described in the formal permit application comply with the requirements of this chapter and meet the special conditions of a variance or special approval use permit. A permit shall be required for the following activities: excavations, improvements to any building or structure, grading, leveling

or recontouring of land, removal of **trees**, change of use signage, construction of a parking lot, construction of a new building or structure, the construction, **erection**, or moving of a temporary **dwelling**, the erection of any temporary construction building, the establishment of a **mobile home** outside of a **mobile home park**, the moving of any building, garage sales, yard sales, or seasonal sales, **landfill** operations, or any activity within a regulated **wetland**.

**Pet** means only such animals as may commonly be housed within domestic living quarters.

**Planning Commission** or **Commission** means the Green Oak Township Planning Commission.

**Planning, zoning, and building administrator** means the official designated by the Township Board to administer this chapter and such other laws, codes, and ordinances which are applicable to land **use** and occupancy in the Township and shall be referred to as the "Zoning Administrator."

**Pollution incident prevention plan (PIPP)** means a report filed with the Township fire chief and the county health department, which shall list all **hazardous substances** manufactured, stored, or sold on the premises, the best management practice used to store such substances, and a plan to manage the storage and proper containment of such substances to prevent leakage.

**Porch, enclosed** means a covered entrance to a building or structure, which is totally enclosed, and projects out from the main wall of the building or structure and has a separate **roof** or an integral **roof** with the principal building or structure to which it is attached.

**Porch, open** means a covered entrance to a building or structure, which is unenclosed, except for columns supporting the porch **roof**, and projects out from the main wall of the building or structure and has a separate **roof** or an integral **roof** with the principal building or structure to which it is attached.

**Portable sign** means a **temporary sign**, which is not permanently affixed to a **building** face or a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to:

- (1) Signs designed to be transported by means of wheels;
- (2) Signs converted to A- or T-frames;
- (3) Menu and **sandwich** board signs;
- (4) Balloons used as signs; and
- (5) Signs attached to or painted on vehicles parked and visible from the **public right-of-way**, unless such vehicle is used in the normal day-to-day operations of the business.

**Primary caregiver or caregiver** means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony within the past 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crimes as defined in section 9a of chapter X of the Code of Criminal Procedure, 1927 PA 175 (MCL 770.9a), as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1.

**Primary thoroughfare** means a main traffic artery designated as a primary thoroughfare on the Township **Master Plan** and the official zoning map.

**Principal building** means the **building** in which is conducted the principal **use** of the **zone lot** on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but detached storage buildings, detached garages, and other clearly accessory detached uses shall not be considered as principal buildings.

**Private road** means an area of land which is privately owned and maintained and provides vehicular access to more than two (2) lots and has not been dedicated to, or accepted for, public use other than access by emergency and public safety vehicles.

**Professional Engineer** means any licensed engineer registered in the State of Michigan.

**Protective barrier** means a structure composed of wood, woven wire fence, or other suitable materials, limiting access to a protected area.

**Public right-of-way** means the surface of, air space above, and area below the entire width of any road, highway, street, alley, thoroughfare, easement, or other area that is dedicated, reserved, used, or open to use as a matter of right, for public travel, whether owned or controlled by, or under the jurisdiction of, the city or county, state, or federal government.

**Public street and right-of-way** means a dedicated right-of-way which affords the principal means of vehicular access to abutting property and which is under public ownership or control.

**Public utility** means any person, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing, and under federal, state, or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water, or sanitary sewer, etc. A public utility shall not, however, include cellular phone operations or commercial broadcast television and radio facilities.

**Qualifying patient or patient** means a person who has been diagnosed by a physician as having a debilitating medical condition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1.

**Recreational vehicle storage yard, commercial**, means a lot or parcel upon which recreational vehicles are stored in exchange for some form of remuneration.

**Regional traffic impact study** means a traffic impact study for uses that are projected to generate over five hundred (500) peak-hour directional trips, or will generate significant traffic volumes impacting the transportation network over a wide geographic area.

**Registry identification card** means a document issued by the State of Michigan that identifies a person as a registered qualifying patient or a registered primary caregiver.

**Restaurant** means a building or structure containing a commercial business where food and/or beverages are provided for sale or consumption, or where food is prepared and sold for consumption outside the building, including a cafe, coffeehouse, cafeteria, lunchroom, tearoom, drive-in, carry-out or other similar establishment. When an establishment where the preparation of food products, such as a grocery store, lunchroom, cafeteria, food market, or convenience store, is an accessory use to a primary use, such as the operation of a hospital, nursing home, boardinghouse, church, school, private manufacturing, or bed and breakfast use, that use shall not be considered a restaurant.

**Resulting parcel** means one (1) or more parcels which result from a land division.

**Retaining wall** means a wall designed and constructed to hold back a mass of earth.

**Rezoning traffic impact study** means a traffic impact study that may be required for rezonings or Master Plan amendment requests when certain criteria are met, such as when a proposed amendment would generate higher traffic volumes.

**Right-of-way** means a strip of land **occupied**, or intended to be occupied, by a **street**, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, **sanitary** or **storm sewer** main, shade **trees**, or other special uses.

**Riparian** means located on, or adjacent to, a watercourse or water body.

**Riverfront setback line** means the minimum **structure setback** required from the **river's edge**.

**River's edge** means the **ordinary high-water mark**.

**Roadside stand** means a **structure** temporarily operated for the purpose of selling produce which is raised or produced primarily on the premises where the structure is situated. The **use** of such structure shall not establish a commercial **district**, nor shall such use be deemed a commercial activity.

**Roof** means a structural covering over any portion of a building or structure used for protection or shielding from the sun, rain, or other elements.

**Roof sign** means any **sign erected** and constructed wholly on and over the **roof** of a **building**, supported by the roof structure and extending vertically above the highest portion of the roof.

**Safety compliance facility** means an entity that tests marihuana produced for medical use for contaminants.

**Safety compliance facility agent** or **provisioning center agent** means a principle officer, board member, employee, operator, or agent of a **safety compliance facility** or provisioning center, as applicable.

**Sanitary sewer** means an artificial conduit to convey water and waste matter to a central treatment facility.

**Separate ownership** means ownership of a parcel of property wherein the owner does not own adjoining vacant property. The owner of a property may include dual or multiple ownership by a partnership, corporation, or other group, provided that the owner of any number of **contiguous** lots of record may have as many of such contiguous lots of record considered as a single **lot of record** as he or she so elects. In such case, the outside perimeter of such group of lots of record shall constitute the **front**, **rear**, and **side lot lines** thereof.

**Septic system** means a **structure** constructed below grade, consisting of a tank and perforated drain tiles designed to treat sanitary sewage.

**Setback** means the distance from the property line to the nearest part of the applicable **building**, **structure**, or **sign**, measured perpendicularly to the property line or **right-of-way** line.

**Sexually Oriented Business** For the purpose of this Ordinance, the following definitions shall be classified as adult oriented uses, adult entertainment use or an establishment including but not limited to the following:

1. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "**sexually explicit activities**" or "specific anatomical areas."

2. **Adult Bookstore or Adult Video Store.** A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
  - a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter, digital media or photographs, cassettes or video reproductions slides or other visual representation which depict or describe “sexually explicit activities” or “specified anatomical areas;” or
  - b. Instruments, devices or paraphernalia which are designed for use in connection with “sexually explicit activities;” or
  - c. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as “sexually explicit activities” or depict or describe “specified anatomical areas.”
  - d. For purposes of this Section, “principal business purpose” means:
    - (1) The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least twenty-five percent (25%) of the floor area; or
    - (2) The receipt of fifty percent (50%) of more of its revenues from the sale of the items listed above; or
    - (3) The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of “sexually explicit activities” or “specified anatomical areas”.
  - e. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing “sexually explicit activities” or “specified anatomical areas”, and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
3. **Adult Cabaret.** A nightclub, bar restaurant or similar commercial establishment which regularly features:
  - a. Persons who appear in a state of restricted nudity; or
  - b. Live performance which are characterized by the partial exposure of “specified anatomical areas”; or
  - c. Films, motion pictures, video cassettes, compact discs, slides, digital media or other photographic reproductions which are characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas”.
4. **Adult Motel.** A hotel, motel or similar commercial establishment which:
  - a. Offers accommodations to the public for any form of consideration and provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas” or which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or
  - b. Permits patrons to be filmed or photographed performing “sexually explicit activities” or displaying “specified anatomical areas” for electronic transmission over the World Wide Web; or
  - c. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - d. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
5. **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides, electronic media or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “sexually explicit activities” or “specified anatomical areas.”

6. **Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified anatomical areas” or by the performance of “sexually explicit activities.” This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
7. **Escort.** A person who, for consideration in any form, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, “privately” shall mean a performance for an individual and/or that individual’s guests.
8. **Escort Agency.** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
9. **Nude Model Studio.** Any place where a person appears in a state of nudity or displays “specific anatomical areas,” and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
10. **Nudity or a State Of Nudity.** The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
11. **Peep Booth.** An adult motion picture theater with a viewing room or cubicle of less than one hundred fifty (150) square feet of floor space.
12. **Private Room.** A room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.
13. **Semi-Nude.** A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
14. **Sexual Encounter Center.** A business or commercial enterprise that as one (1) of its primary business purposes offers a place where two (2) or more persons may congregate, associate or consort for the purpose of “sexually explicit activities,” or the exposure of “specified anatomical areas” for any form of consideration including but not limited to:
  - a. Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
  - b. Activities when one or more of the persons is in a state of nudity or semi-nudity; or
  - c. Permits patrons to display or be filmed or photographed performing “sexually explicit activities” or displaying “specified anatomical areas” for recording or transmission over the World Wide Web or any other media.
15. **Sexually Explicit Activities.** Includes any of the following:
  - a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
  - b. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or
  - c. Masturbation, actual or simulated; or
  - d. An activity intended to arouse, appeal to or gratify a person’s lust, passions or sexual desires; or
  - e. Human genitals in a state of sexual stimulation, arousal or tumescence; or
  - f. Excretory function as part of or in connection with any of the activity set forth in 1 through 5 above.

16. **Sexually Oriented Business.** An adult arcade, adult bookstore or adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing “sexually explicit activities” or displaying “specified anatomical areas” for electronic transmission over the World Wide Web. “Sexually oriented” when used to describe film, motion picture, videocassette, slides, or other photographic reproductions shall mean film, movies, motion picture videocassette, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing “sexually explicit activities” or “specified anatomical areas” offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of “sexually oriented business” shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.
17. **Specified Anatomical Areas.** Includes any of the following:
  - a. Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
  - b. Human genitals in a state of sexual arousal, even if opaquely and completely covered.
18. **Specified Criminal Acts.** Sexual crimes against children, sexual abuse, criminal sexual conduct, rape, and crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business including but not limited to the distribution of obscenity, prostitution and/or pandering.
19. **Significant or Substantial Portion.** Fifteen percent (15%) or more of the term modified by such phrase.
20. **Substantial Enlargement.** Of a sexually oriented business means the increase in floor area occupied by the business by more than fifteen percent (15%), as the floor area exists on the date of adoption of this ordinance.
21. **Transfer Of Ownership Or Control.** Of a sexually oriented business means and includes any of the following:
  - a. The sale, lease or sublease of the business;
  - b. The transfer of securities which constitute a controlling interest in the business whether by sale, exchange or similar means; or
  - c. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

**Shopping center** means a group of commercial establishments designed, built, and managed as a unit to serve the immediate trade area. It provides on-site parking in proportion to the size, type, and number of stores in the center.

**Shrub** means a woody plant of one (1) to thirteen (13) feet in height, with several erect, spreading, or prostrate stems and a general bushy appearance.

**Sight lines** means the reference to the requirements of the MUTCD.

**Signs** See Article IX, Signs, Section 38-402, Definitions.

**Sill** means the horizontal member at the bottom of a window or door.

**Snowmobile** means any motor-driven vehicle, designed for travel primarily on snow or ice, of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination thereof, or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan Vehicle Code, Public Act No. 300 of 1949 (MCL 257.1 et seq.).

**Soil removal** means the removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock, or similar materials, to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

**Special approval use** means a situation wherein a special exception is made by the Planning Commission to accommodate certain land uses which are not normally compatible with other land uses permitted in a district or whose effects upon adjoining land uses are not immediately determinable, and therefore require certain conditional regulations and safeguards to guide their development within a given district.

**Stable** means an accessory building in which horses are temporarily or permanently boarded for breeding, care, grooming, sale or training.

**State-Licensed Day Care Facilities.**

**Adult Day Care Facility** includes the following definitions:

- (1) **Adult Family Day Care Home.** A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (2) **Adult Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- (3) **Adult Day Care Center.** A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

**Child Day Care Facilities** includes the following definitions as defined and regulated by Public Act No. 116 of 1973 as amended:

- (1) **Child Family Day Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting 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 (4) weeks in a calendar year.
- (2) **Child Group Day Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting 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 (4) weeks in a calendar year.
- (3) **Child Care Center.** Also known as "day care center", a state-licensed facility, other than a private residence, receiving one

(1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

***State-Licensed Foster Care Facilities.***

***Adult Foster Care Facility.*** A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, Public Act No. 218 of 1979 as amended. The following additional definitions shall apply in the application of this Ordinance:

- (1) ***Adult Foster Care Small Group Home.*** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (2) ***Adult Foster Care Large Group Home.*** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- (3) ***Adult Foster Care Family Home.*** A private residence with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (4) ***Adult Foster Care Congregate Facility.*** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.

***Child Foster Care Facility.*** A state-licensed establishment that provides foster care to minor children. The following additional definitions shall apply in the application of this Ordinance:

- (1) ***Child Foster Family Home.*** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Public Act No. 288 of 1939 as amended, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (2) ***Child Foster Family Group Home.*** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Public Act No. 288 of 1939 as amended, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

***Steep slope*** means a naturally occurring land form with a vertical change in elevation of ten (10) feet or more, a slope of twelve percent (12%) or more, and a length of fifty (50) feet or more measured parallel to the contour lines.

***Storm sewer*** means an artificial conduit to convey stormwater.

***Story*** means the portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (See the illustration entitled "Basic Structural Terms.")

**Story, basement.** A **basement** shall be counted as a story if over fifty percent (50%) of its height is above the level from which the height of the **building** is measured or if it is used for business purposes.

**Story, half,** means the part of a **building** between a pitched **roof** and the uppermost full **story**, such part having a **floor area** which does not exceed one-half (½) the floor area of the full story, provided the area contains at least two hundred (200) square feet, with a clear height of at least seven (7) feet, six (6) inches.

**Story, mezzanine,** means a full **story** when more than fifty percent (50%) of the area of the story underneath is covered by such mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

**Street** means the public thoroughfare which affords traffic circulation and the principal means of access to abutting property, including avenues, places, ways, drives, boulevards, highways, roads, and other thoroughfares, except **alleys**.

**Street frontage** means the distance for which a lot line of a **zoning lot** adjoins a **public street**, from one (1) lot line intersecting such street to the furthest distant lot line intersecting the same street.

**Street furniture sign** means a **sign structure** which, by its design, invites, entices, encourages, or makes itself convenient or available to use by the general public for something more than mere visual attraction to its message. Such signs include, but are not limited to, signage on benches and on table umbrellas used for outdoor, cafe-style dining.

**Structure** means anything constructed or **erected**, the **use** of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on or below the ground. When a structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

**Study area** means the geographic area containing the critical arterial intersections, and connecting roadway segments, which are expected to be affected by the site-traffic generated by a **development**.

**Subdivision entranceway sign** means a **sign** depicting the name of a residential, office/service, commercial, or industrial subdivision, and located at the entrance to such subdivision.

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

**Sustainable** means relating to, or being a method of, harvesting or using a resource so that the resource is not depleted or permanently damaged.

**Swale** means a shallow stormwater channel that can be vegetated with some combination of grasses, shrubs, and/or trees designed to slow, filter, and often infiltrate stormwater runoff.

**Swimming pool** means any artificially constructed portable or non-portable pool, hot tub, or spa capable of being used for swimming or bathing and having a depth of twenty-four (24) inches (61cm) or more at any point.

**Temporary building** and **use** means a **building** or **use** permitted by the **Zoning Administrator** or designee to exist during periods of construction of the main building, if such period is not to exceed one (1) year.

**Temporary sign** means a [sign](#) which is used only temporarily and advertises a private or public seasonal or special event, function, or sale. Temporary signs are not permanently mounted. Temporary signs shall include [balloon](#), [banner](#), [construction](#), [political](#), [portable](#), and [real estate signs](#).

**Temporary structure** means any structure that is not permanently affixed to the ground or placed on a foundation such as tents, awnings, canopies, or other similar structures which are typically made of a metal frame with material stretched over the top or sides, though such structures may be made of different material such as wood or plastic.

**Tent** means a shelter of canvas, or similar [material](#), supported by poles and fastened by cords or pegs driven into the ground and which shall not include the types of small tents used solely for children's recreational purposes.

**Terrace** means a level surfaced area without piers or joists, or permanent [roof](#), intended for outdoor use.

**Township Board** means the Green Oak Township Board.

**Township engineer** means an engineer appointed by the Township Board to the position of Township engineer or any other person authorized by the Township Board to perform the duties of Township engineer as set forth in this chapter.

**Township official** means the [Zoning Administrator](#) or a designee from the building, zoning, and planning department.

**Traffic hazard** means a source or situation with a potential for harm in terms of human injury or ill health, damage to property, damage to the environment, or a combination of these.

**Traffic impact assessment** means a [traffic impact study](#) for relatively low traffic generating uses, which focuses on the impacts at proposed site access points.

**Traffic impact statement** means a [traffic impact study](#) which evaluates the impacts on roadways adjacent to the study site and specified nearby intersections. Such study is the most common type of impact study.

**Traffic impact study** means 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, [traffic impact assessment](#), [rezoning traffic impact study](#), [traffic impact statement](#), and [regional traffic impact study](#).

**Trailer** means a wheeled vehicle designed to be pulled by a car, truck, or tractor containing a towing mechanism, tongue, or draw bar. Trailers may be utilized for recreational, commercial, or private non-commercial operations.

**Travel trailer** means a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging, but which does not exceed eight (8) feet in width or thirty-two (32) feet in length. Such term also includes folding campers and truck mounted campers, but does not include [mobile homes](#).

**Travel trailer park** means a [family](#), recreation-oriented facility for the overnight or short-term (not to exceed fifteen (15) days, consecutively) parking of [travel trailers](#) or [tents](#). Such term may also be referred to as a "campground."

**Tree** means a woody plant with an erect perennial trunk, which, at maturity, is thirteen (13) feet or more in height, and which has a more or less definite crown of foliage.

**Tributary** means a watercourse such as a stream or creek which has definite banks, a bed, and/or visible evidence of a continued flow or continued occurrence of water and which is identified on the Green Oak Charter Township zoning map. This includes watercourses that are adjacent to regulated [wetlands](#).

**Trip** and **direction trip** mean a single or one (1) direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

**Undeveloped state** means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar [use](#) or condition prior to grading activities. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

**Use** means the purpose or activity for which the land or premises, or a [building](#) or [structure](#) thereon, is designed, arranged, or intended, or for which it is [occupied](#), maintained, let, or leased.

**Utility Scale wind farm** means all wind farms that produce greater than fifty (50) kilowatts of energy.

**Utility pole** means a pole or similar structure that is or may be used in whole or in part for cable, wireline, or wireless communications service, electric distribution, lighting, traffic control, signage, or a similar function.

**Variance** means to be permitted where strict enforcement of the provisions of this chapter would cause undue hardship not created by the owner, as interpreted for a situation containing unique circumstances concerning an individual piece of property.

**Vegetation, woodland**, refers to plant life in general (i.e., [shrubs](#) and [groundcover](#)), and as it pertains to part of a [woodland area](#) as protected in this chapter.

**Wetland** means 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, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- (1) [Contiguous](#) to an inland [lake](#) or pond, or a river or stream.
- (2) Not contiguous to an inland lake or pond, or a river or stream, and is more than five (5) acres in size.
- (3) Not contiguous to an inland lake or pond, or a river or stream, and is five (5) acres or less in size, if the [MDEQ](#) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction, and the department has so notified the owner, except this subsection may be utilized regardless of wetland size in a county in which subsection (2) of this definition is of no effect, except for the purpose of inventorying, at the time.

**Wetland buffer** means a required zone, free of physical disturbance due to construction or earth moving beyond the defined perimeter of a [wetland](#).

**Wind Energy Conversion System (WECS)** means any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of electrical energy greater than one (1) kilowatt.

- a. **Private WECS** means any [WECS](#) that is accessory to a principal non-residential or residential use located on the same lot, and is designed and built to serve the needs of the principal use and has a rated power output of 100kw or less.

- b. **Commercial WECS** means any WECS that is designed and built to provide electricity for commercial use.
- c. **Temporary WECS** means any WECS not permanently affixed to a structure or the ground and will serve a need for no more than three hundred and sixty-five (365) days.

**Wireless communications facilities or facility** shall mean all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals or other wireless communications services, and include **wireless communications equipment**, wireless communications **support structures**, and **wireless communications equipment compounds**, as defined herein. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; private/stand-alone satellite dishes; **essential services** structures and facilities; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

- (1) **Attached wireless communications facilities** shall mean **wireless communications equipment** attached to an existing wireless communications support **structure** or in an existing **wireless communications equipment compound**.
- (2) **Substantial change in physical dimensions** means one or more modifications of the height, width, length, or area of a wireless communications facility at a location, the cumulative effect of which is to materially alter or change the appearance of the wireless communications facility.
- (3) **Wireless equipment** means the equipment and components, including cellular antennae, transmitters, receivers, equipment shelters or cabinets, regular and backup power supply including emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless services, but excluding wireless support structures.
- (4) **Wireless communications equipment compound** means a delineated area surrounding or adjacent to the base of a wireless communications support structure within which any **wireless communications equipment** related to that support structure is located.
- (5) **Wireless communications support structures or support structures** shall mean structures designed to support or capable of supporting wireless communication equipment. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, utility poles, wood poles and guyed towers, buildings, or other structures with such design or capability.
- (6) **Collocation** shall mean the location by two (2) or more wireless communication providers of wireless communication equipment on a common wireless communication support structure.

**Wireless equipment** means the equipment and components, including cellular antennae, transmitters, receivers, equipment shelters or cabinets, regular and backup power supply including emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless services, but excluding wireless support structures.

**Woodland area** means any area, including all **trees**, **shrubs**, and **groundcover**, regardless of size, which is designated on the woodland area map, including trees that were previously existing as of the effective date of the Ordinance from which this chapter is derived. The Township woodland area map shall be available for review at the Township building department.

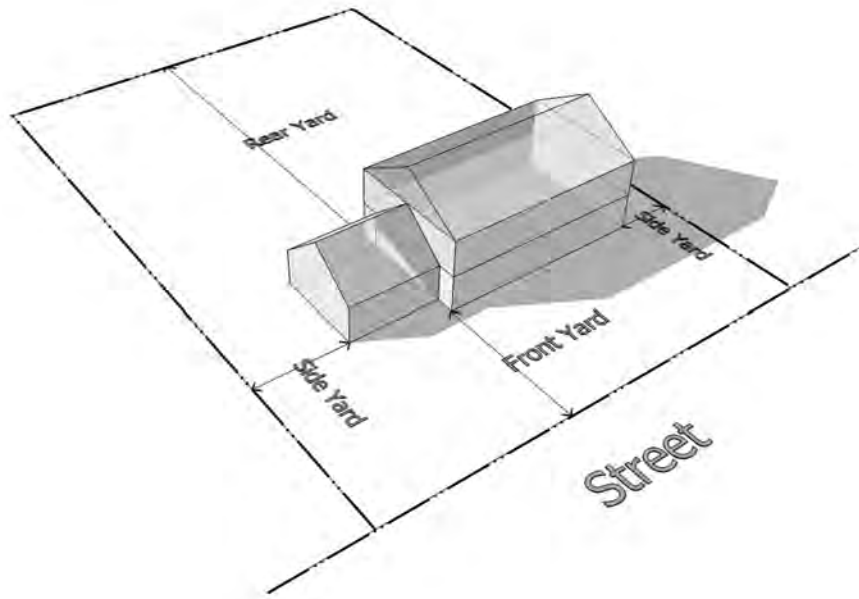
**Yard, front**, means an open space extending the full width of a **lot** and of a uniform depth (**setback**) when measured horizontally at right angles to the **front lot line** and unoccupied from the ground upward, except as otherwise specified in this chapter.

**Yard, rear**, means an open space extending the full width of a **lot** and of a uniform depth (**setback**) when measured horizontally at right angles to the **rear lot line** and unoccupied from the ground upward, except as otherwise specified in this chapter.

**Yard, required, side/rear/front/waterfront**, means an open space of prescribed width or depth adjacent to a lot or property line on the same land with a **building** or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. (See illustration entitled "Lot Terms".)

**Yard, side**, means an open space extending from the **front yard** to the **rear yard** (or **waterfront yard** in the case of **waterfront lots**) and of a uniform width (**setback**) measured horizontally at right angles to the **side lot line**; and unoccupied from the ground upward except as herein otherwise specified.

**Figure I-8: Yard**



**Yard, waterfront**, means the area of the **lot** located between the **principal building** and the **ordinary high-water mark**, extending the full width of the lot, the depth of which is the horizontal distance between the ordinary high-water mark and the nearest point of the principal building.

**Zone lot** means a parcel of land in single ownership, that is of sufficient size to meet minimum zoning requirements for area, coverage, and **use**, and that can provide such yards and other open spaces as required by this chapter.

**Zoning Board of Appeals** means the Zoning Board of Appeals for the Township of Green Oak, Michigan.

### **Sec. 38-2. Title.**

This chapter shall be known and cited as the "Green Oak Township Zoning Ordinance."

### **Sec. 38-3. Purpose.**

- (a) The purpose of this chapter is to provide for the establishment of zoning **districts** in the Township for the regulation of land development and land use, and the **use** and **erection** of **structures** on such land in order to:

- (1) Meet the needs of the citizens of the Township for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
  - (2) Ensure that use of the land shall be situated in appropriate locations and relationships;
  - (3) Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
  - (4) Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and
  - (5) Promote public health, safety, and welfare.
- (b) For such purposes, the Township Board, by this chapter, divides the Township into **districts** of such number, shape, and area as it considers best suited to carry out the act by which this chapter is authorized, and to achieve specific land management objectives and avert or solve specific land use problems, including the regulation, development, and establishment of districts in areas subject to damage from flooding or erosion. The Ordinance from which this chapter is derived, regulating land development, is also adopted for designating or limiting the location, height, number of stories, and size of **dwelling**s, **building**s, and **structure**s that may be **erected** or altered, including **tent**s and trailer coaches, and the specific **uses** for which dwelling, buildings, and structures, including tents and trailer coaches, and the maximum number of **families** which may be housed in buildings, dwelling, and structures, including tents and trailer coaches, are erected or altered. The provisions of this chapter are intended to be uniform for each class of land or buildings, dwelling, and structures, including tents and trailer coaches, throughout each district, but the provisions in one (1) district may differ from those in other districts. The Township Board does not regulate, nor control the drilling, completion, or operation of oil or gas wells, or other wells drilled for oil or gas exploration purposes, and shall not have jurisdiction with reference to the issuance of **permits** for the location, drilling, completion, operation, or abandonment of such wells.

#### **Sec. 38-4. Construction.**

This chapter shall be liberally construed in such a manner as to best effectuate its purpose. In interpreting and applying the provisions of this chapter, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where any condition imposed by any provision of this chapter upon the use of any **lot**, **building**, or **structure** is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this chapter, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

#### **Sec. 38-5. Rules applying to text.**

The following rules shall apply to the text and language of this chapter:

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption, the text shall control.
- (3) The term "shall" is always mandatory and not discretionary. The term "may" is permissive.
- (4) Terms used in the present tense shall include the future; and terms used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (5) All buildings are considered structures, but all structures may not be buildings.
- (6) The term "**building**" or "**structure**" includes any part thereof.
- (7) The term "person" includes a corporation, as well as an individual.
- (8) The term "**used**" or "**occupied**," as applied to any land or building, shall be construed to include the term "intended," "arranged," or "designed to be used or occupied."
- (9) Any word or term not defined in this section shall be used with a meaning of common or standard utilization.

**Sec. 38-6. Validity.**

If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, district, use, building, or structure not specifically included in such ruling.

**Sec. 38-7. Enabling authority.**

The ordinance from which this chapter is derived is adopted pursuant to the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.; Wetlands Protection, part 303 of Public Act No. 451 of 1994 (MCL 324.30301 et seq.); junkyards, Public Act No. 12 of 1979 (MCL 445.451 et seq.); the Mobile Home Commission Act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.).

**Secs. 38-8 - 38-40. Reserved.**

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT\*****DIVISION 1. GENERALLY****Sec. 38-41. Zoning administration.**

The Township Board shall designate and employ a Zoning Administrator or designee to administer and enforce the provisions of this chapter. The Zoning Administrator or designee may, with the approval of the Township Board, designate authorized agents to assist in the administration and enforcement of the provisions of this chapter.

**Sec. 38-42. Duties of Zoning Administrator.**

The Zoning Administrator shall be responsible for a variety of duties related to zoning and planning for Green Oak Charter Township. Wherever in this Zoning Ordinance specific responsibilities of the Zoning Administrator are listed, the Zoning Administrator may transfer the responsibilities to a designee to perform the duties of the Zoning Administrator. The Zoning Administrator or designee shall:

- (1) Receive and review all applications for **building and land use permits** and certificates of use and occupancy, and approve or disapprove such applications, based on compliance or noncompliance with the provisions of this chapter and such other laws, codes and ordinances which are applicable to land use and occupancy, and issue certificates when there is compliance with this chapter.
- (2) Receive all applications for site plan review and **special approval use permits** which the **Planning Commission** is required to decide under this chapter and implement the decisions of the Planning Commission.
- (3) Receive all applications for **appeals, variances**, or other matters which the **Zoning Board of Appeals** is required to decide under this chapter and refer such applications, with recommendations, to the Zoning Board of Appeals for determination.
- (4) Receive all applications for amendments to this chapter from the office of the Township clerk and report to the **Planning Commission** all such applications, together with recommendations.
- (5) Maintain a map showing the current zoning classifications of all land in the Township, which will conform to the true copy maintained by the Township Clerk.
- (6) Maintain written records of all actions taken by the Zoning Administrator and meet with the **Planning Commission**, upon request.
- (7) Be responsible for providing forms required by the **Planning Commission**, Township Board or Zoning Board of Appeals, as required by this chapter, and be responsible for information on such forms necessary for the effective administration of this chapter, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
- (8) Make periodic site inspections of the Township to determine compliance with this chapter, answer complaints of chapter violations and file periodic reports as needed with the Township Board and **Planning Commission**.
- (9) Have the power to grant **building and land use permits** and certificates of use and occupancy, and make inspections of **buildings** or premises necessary to carry out his or her duties in the enforcement of this chapter. It shall be unlawful for the Zoning Administrator to approve any plans or issue any **permits** or certificates of occupancy until the Zoning Administrator has inspected such plans in detail and found them to conform with the requirements of this chapter.
- (10) Under no circumstances, be permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his or her duties as the Zoning Administrator.

**Sec. 38-43. Building and land use permits.**

(a) **Required.** Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, or re-contouring of land of more than twenty-five (25) cubic yards, or the removing of trees in connection with such activities, shall not be undertaken, nor shall any activity or change of use be commenced until the proper permit has been issued by the Zoning Administrator. Except upon a written order of the Zoning Board of Appeals, no such building and land use permit or certificate of use and occupancy shall be issued for any building or structure where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this chapter. A summary of requirements for land use permits and building permits is provided on the following chart:

**Table 43-1 Land Use Permit / Building Permit Summary**

<i>Buildings and Structures Subject to Land Use Permits</i>	<i>Buildings and Structures Subject to Building Permits</i>
One (1) story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed one hundred and twenty (120) square feet	Any two (2) story structure
Ground-mounted air conditioning units/compressors	Structures or buildings larger than one hundred and twenty (120) square feet in area
Fences	In-ground or above-ground swimming pools with a water capacity of over twenty-four (24) inches deep
Gazebos	Decks
Hot tubs / Jacuzzis	Retaining walls over four (4) feet in height
Play structures	Fences over six (6) feet in height

- (b) **Exception.** Permits shall not be required for temporary structures or buildings less than one hundred and twenty (120) square feet, or for minor alterations or repairs costing five hundred dollars (\$500.00) or less which are made to existing structures, or the wrecking of buildings and structures of less than one thousand (1,000) cubic foot capacity. Such structures or buildings must adhere to all applicable local and State codes. Temporary structures may be erected on residential properties for a period not to exceed seven (7) days consecutively.
- (c) **Applications.** Application for a building permit or land use permit shall be made to the Zoning Administrator, signed by the person requesting the permit or the duly authorized agent of such person. For uses requiring a site plan, the Zoning Administrator shall not issue a building permit or land use permit until the provisions of Chapter 38, Division 2, Site Plans of this article, pertaining to site plan review, have been satisfied. For uses not requiring a site plan, there shall be submitted with all applications for building permit or land use permits, two (2) copies of a drawing, drawn to scale, showing the following:
- (1) Location, shape, area, and dimensions for the lot or acreage.
  - (2) Location of the proposed construction, alteration or repair upon the lot or acreage affected, along with existing structures, wells, disposal systems, and setback lines.
  - (3) Dimensions, height, and bulk of structures.
  - (4) Nature of the proposed construction, alteration, or repair and the intended uses.
  - (5) Present use being made of any existing structure affected and any proposed change in the use thereof.
  - (6) Any other information deemed necessary by the Zoning Administrator to determine compliance with this chapter and to provide for the enforcement thereof.
- (d) **Evidence of ownership.** All applicants for building or land use permits shall have available for the Zoning Administrator's inspection, evidence of ownership of all property affected by the permit, and shall submit the evidence upon the request of the Zoning Administrator.

- (e) **Issuance.** If the Zoning Administrator finds the application conforms to the requirements of this section and other laws, codes, and ordinances pertaining to [use](#) and occupancy, he or she shall mark, over his or her signature, all copies of the application as “approved,” and one (1) copy of the application shall be retained by the Zoning Administrator and another copy shall be returned to the [applicant](#), stating the extent of the work authorized. The approval of the application and the issuance of the [permit](#) shall not be binding upon the Township Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed [building](#) do not conform to the requirements of this chapter.
- (f) **Voiding action.** Any building permit granted under this section shall be null and void unless the development proposed shall have its first zoning site inspection within six (6) months of the date of granting the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Such notice shall be mailed to the permit holder at the address indicated on the permit application. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this section whenever the permit is issued erroneously on the basis of incorrect information supplied by the [applicant](#) or his or her agent, or is in violation of any of the provisions of this chapter or of any other laws, codes or ordinances pertaining to [use](#) or occupancy.
- (g) **Inspections.** The construction or [use](#) covered by any building permit shall be subject to the following inspections:
- (1) At the time of staking out of lot corners and building foundations at all building corners.
  - (2) At the time a land use activity is commenced.
  - (3) All normal inspections required by the current building code in effect in the Township.
  - (4) Upon completion of the work authorized by the [permit](#), it shall be the duty of the permit holder(s) to notify the Zoning Administrator when the construction is ready for final inspection. Failure to make proper notification of the time for inspection shall automatically cancel the land use permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted. In the case of a building permit, failure to make proper notification will require the work to cease until the required inspection can be performed (which may necessitate the removal of completed work to expose portions for inspection) before construction may proceed or occupancy be permitted.

### Sec. 38-44. Special approval use permits.

- (a) **Applications.** Applications for [special approval use](#) permits authorized in this section shall be submitted to the Zoning Administrator. Application requirements shall conform to the provisions of [Section 38-43\(c\)](#).
- (b) **Procedures.**
- (1) The Zoning Administrator shall review the proposed application to determine if all required information has been supplied, and then forward completed applications and supporting data to the [Planning Commission](#).
  - (2) Upon receipt of the application for a [special approval use](#) permit, the [Planning Commission](#) shall hold a public hearing, notice of which shall be given in accordance with Section 103 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and [Section 38-51](#) of this Ordinance.
  - (3) Upon conclusion of the public hearing procedures, the [Planning Commission](#) may deny, approve, or approve with conditions a special approval use permit. The decision of the Planning Commission shall be incorporated in a statement of findings and conclusions relative to the special approval use and shall be sent promptly to the Zoning Administrator and the [applicant](#).
- (c) **Basis of determinations.** The [Planning Commission](#) shall review the proposed [special approval use](#) in terms of the standards stated in this section, and shall establish that such [use](#) and the proposed location meet the following standards:
- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Township’s [Master Plan](#).
  - (2) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

- (3) Will not be directly or indirectly hazardous or disturbing to existing or future **uses**, ecosystems, waterways, **wetlands**, etc.
  - (4) Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.
  - (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed **use** will provide adequately for any such service or facility.
  - (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
  - (7) Will be consistent with the intent and purposes of this chapter.
- (d) **Conditions and safeguards.** The **Planning Commission** may impose such additional conditions and safeguards deemed necessary for the general welfare, the protection of individual property rights, and ensuring that the purposes of this chapter and the general spirit and purpose of the **district** in which the **special approval use** is proposed will be observed. Special approval use permits may be issued for specific time periods, as determined by the Planning Commission.
- (e) **Voiding action.** Unless otherwise specified by the **Planning Commission**, any **special approval use** permit granted under this section shall be null and void unless the development proposed shall be operational within one (1) year of the date of special use approval. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared.
- (f) A special use permit may be suspended or revoked according to the following procedure:
- (1) Conditions which may give rise to a suspension or revocation proceeding include, but are not limited to, the following:
    - a. The **special approval use** was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use; or the approved special use is not operational within two (2) years of the date of special use approval; or
    - b. Compliance with the special use permit and any conditions have not been consistently demonstrated and administrative attempts to secure compliance have been unsuccessful; or
    - c. The special use permit is issued erroneously on the basis of incorrect or misleading information supplied by the **applicant** and/or his/her agent; or
    - d. The operation of the **use** granted by special use permit has created a risk or danger to the public health, safety, or welfare; or
    - e. The special use is a violation of any provision of this ordinance or other township, county, state or federal regulations.
  - (2) If the Zoning Administrator or designee determines that a condition for suspension or revocation of the special use permit exists, the Zoning Administrator shall prepare a report in writing specifying the specific factual details for the violation and which support the suspension or revocation of the special use permit.
  - (3) The Zoning Administrator or designee shall file the report so prepared with the Township Supervisor, who shall provide a copy to the Township Board, and serve a copy of such report upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested.
  - (4) After the Supervisor submits the report to the Township Board, the Township Clerk shall schedule a hearing within a reasonable period of time after Township Board's receipt of the report to consider the alleged violation. Notice of the hearing(s) shall be served by the Township Clerk upon the permittee or its authorized agent or employee personally or by regular mail and certified mail, return receipt requested not less than seven (7) days before a scheduled hearing date, and such notice shall advise the permittee of its right to be represented by legal counsel at the hearing before the Township Board.
  - (5) At all such hearings, the permittee shall have the legal right to defend against the allegations made by way of confronting any adverse witnesses, by being able to present witnesses in his/her behalf, by being allowed to present arguments, personally or through legal counsel in his/her own behalf.

- (6) The Township Board shall prepare a written statement of its findings within thirty (30) days of the conclusion of all such hearings and shall serve such findings upon the permittee either personally or by regular mail and certified mail, return receipt requested. If the Township Board decides that the special use permit shall be suspended or revoked, the permittee shall not thereafter conduct, operate or carry on the business or use for which the special use permit was granted.

(g) **Reapplication.** No application for a **special approval use** permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the **Planning Commission**.

### **Sec. 38-45. Certificates of use and occupancy.**

- (a) It shall be unlawful to use, or permit the **use** or occupancy of, any land, **building**, or **structure** for which a building permit is required, and to use, or permit to be used, any building or structure altered, extended, **erected**, repaired, or moved, until the Zoning Administrator or designee shall have issued a **certificate of use and occupancy**, stating that the provisions of this chapter have been complied with.
- (b) Certificates of use and occupancy shall be issued for existing **buildings** or **structures**, or parts thereof, if, after inspection, it is found that the buildings or structures are in conformity with the provisions of this chapter.
- (c) Temporary certificates of use and occupancy may be issued for part of a **building** or **structure**. Such temporary certificates are:
- (1) For the occupancy of the entire **building** prior to it being completed;
  - (2) To be in force for not more than one hundred and twenty (120) days;
  - (3) Renewable only in thirty (30) day increments, and for not more than five (5) days after the **building** or **structure** is fully completed and ready for occupancy; provided, however, that such portions of the building or structure are in conformity with the provisions of this chapter and such other laws, codes, and ordinances pertaining to occupancy.
- (d) **Buildings** or **uses** accessory to **dwellings** shall not require a separate certificate, but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as the dwelling.
- (e) Applications for certificates shall be made in writing to the Zoning Administrator or designee on forms furnished by the Township and such certificates shall be issued within seven (7) days after receipt of the application, if found in compliance with subsection (b) of this section. If such certificate is refused for cause, the **applicant** shall be notified of such action and cause within the seven (7) day period.

### **Sec. 38-46. Enforcement.**

- (a) **Violations.** Any person who violates any of the provisions of this chapter shall have committed a municipal civil infraction.
- (b) **Public nuisance per se.** A **use** of land or a **dwelling**, **building**, or **structure** (including a **tent** or recreational vehicle) which is used, **erected**, altered, razed, or converted in violation of this Zoning Ordinance or regulation adopted in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land shall be liable for maintaining a nuisance per se.

- (c) **Fines and imprisonment.** The owner or agent in charge of any dwelling, building, structure, tent, recreational vehicle, or land, or part thereof, where any condition in violation of this chapter shall be created, and who has knowingly assisted in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to for the fines provided for in Chapter 20, law enforcement. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- (d) **Rights and remedies.** The rights and remedies provided in this section are cumulative and in addition to any other remedies provided by law.
- (e) **General responsibility.** The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this chapter and the Township Board is hereby empowered, in the name of the Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the circuit court of the county, or any other court having jurisdiction, to restrain and/or prevent any noncompliance with, or violation of, any of the provisions of this chapter, and to correct, remedy and/or abate such noncompliance or violation. It is further provided that any person aggrieved or adversely affected by such noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the noncompliance or violation.

### **Sec. 38-47. Performance guarantee.**

- (a) For the purposes of this section, the term “performance guarantee” means a cash deposit, certified check, or automatically renewing irrevocable letter of credit from a bank chartered and located in the United States of America in the amount of at least one hundred and twenty-five (125%) percent of the estimated cost of the improvements to be made, as determined by the applicant and verified by the Township.
- (b) In the interest of ensuring compliance with the provisions of this chapter, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board, upon the recommendation of the Planning Commission, may require the applicant to deposit a performance guarantee as set forth in this section. The purpose of the performance guarantee is to ensure completion of those improvements connected with the proposed use as defined in this chapter.
- (c) Where the Township Board requires a performance guarantee, such performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a building and land use permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee, the Township shall issue the appropriate building and land use permit.
- (d) The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed, which period will begin from the date of the issuance of the building permit.
- (e) If the performance guarantee deposited is a cash deposit or certified check, the Township shall rebate to the applicant fifty percent (50%) of the deposited funds when seventy-five percent (75%) of the required improvements are completed as confirmed by the Township, and the remaining fifty percent (50%) of the deposited funds when one hundred percent (100%) of the required improvements are completed as confirmed by the Township. If a request is made by the applicant for a temporary certificate of use and occupancy without completion of the required exterior improvements, the performance guarantee required in this section may be applied by such applicant to assure compliance of the approved site with the standards of this chapter and the specifications of the approved site plan.

- (f) Upon the satisfactory completion, as determined by the Township, of the **improvement** for which the performance guarantee was required, the Township shall return the deposited performance guarantee to the **applicant**.
- (g) If the **applicant** defaults in making the **improvements** for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited to complete the improvements through contract or otherwise, including, specifically, the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use the performance guarantee, or a portion thereof, to complete the required improvements, any amount remaining after such completion shall be applied first to the Township's administrative costs in completing the improvement, with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency, other than the Township, to ensure completion of an improvement associated with the proposed **use** prior to the Township conditional approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a **building and land use permit**, the applicant shall enter into an agreement, incorporating the provisions of this section, with the Township regarding the performance guarantee.

### **Sec. 38-48. Fees.**

The Township Board shall, by resolution, determine and set the fees to be charged for:

- (1) All **permits** and certificates, and copies thereof;
- (2) **Appeals** to the **Zoning Board of Appeals**;
- (3) Applications to the **Planning Commission** for **special approval uses** or site plan reviews;
- (4) Rezoning applications; and
- (5) All other applications and services provided for in this chapter.

### **Sec. 38-49. Furnishing records to interested persons.**

Complete applications and **permits** shall be furnished to any person having a proprietary or tenancy interest upon the payment to the Township treasurer of a fee determined by the Township Board.

### **Sec. 38-50. Natural Rivers and Tributary Overlay permit.**

- (a) **Requirement.** **Excavation** for, **erection** of, addition to, alteration, or moving of any **building** or **structure**, or the grading, leveling, or recontouring of land, or the removing of **trees** in connection with these activities shall not be undertaken nor shall any activity or change of **use** be commenced within the Natural Rivers or Tributary overlay zones until a **permit** has been issued by the Zoning Administrator or designee pursuant to this section.
- (b) **Application requirements.** Application for a Natural Rivers and Tributary Overlay **permit** shall be made to the Planning and Zoning Administrator, signed by the person, firm, partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, partnership or corporation. For those **uses** requiring a site plan, the Planning and Zoning Administrator shall not issue the aforementioned permit until the provisions of **Article II, Division 2, Site Plan Review**, have been satisfied. For those uses not requiring a site plan, there shall be submitted with all applications for Natural Rivers and Tributary Overlay permits, two (2) copies of a drawing, drawn to scale showing:

- (1) The location, shape, area, and dimensions for the lot, lots, or acreage.
  - (2) **Ordinary high-water mark** of adjacent waterways.
  - (3) The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing **structures**, wells, and disposal systems.
  - (4) The dimensions, height, bulk of **structures**, and **setback** lines.
  - (5) The nature of the proposed construction, alteration, or repair and the intended **uses**.
  - (6) The limits of proposed land disturbance shown in relation to the natural **vegetation** strips required under **Sections 38-361(f) (3) and 38-362(g)**, as well as proposed **tree** protection and sedimentation/erosion control measures.
  - (7) The present **use** being made of any existing **structure** affected and any proposed change in the use thereof.
  - (8) Any other information deemed necessary by the Planning and Zoning Administrator to determine compliance with this chapter and to provide for its enforcement.
- (c) **Evidence of ownership.** All **applicants** for **permits** under this section shall have available for the Planning and Zoning Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Planning and Zoning Administrator.
- (d) **Issuance of permit.** If the Planning and Zoning Administrator finds the application conforms to the requirements of this chapter and other laws, codes, and ordinances pertaining to **use** and occupancy, they shall mark all copies of the application approved over their signature, one copy of which shall be retained by them, and another copy shall be returned to the **applicant**, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed **building** do not conform to the requirements of this chapter. The issuance of a permit for work within the Natural Rivers or Tributary overlay zone pursuant to this section does not release the applicant from the permit requirements of other agencies, including, but not limited to, Soil Erosion and Sedimentation Control Permits issued by the Livingston County Drain Commissioner pursuant to Part 91 of Act 451 of the Public Acts of 1994.
- (e) **Voiding of permit.** Any **permit** granted under this section shall be null and void unless the development proposed shall have its first zoning inspection within six (6) months of the date of granting the permit. The Planning and Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit application. The Planning and Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the **applicant** or their agent or is in violation of any of the provisions of this chapter or of any other laws, codes or ordinances pertaining to **use** or occupancy.
- (f) **Inspection.** The construction or **use** covered by any building or land use permit shall be subject to the following inspections:
- (1) At the time of staking out grading limits and identifying **trees** proposed for removal, but prior to the commencement of such activity.
  - (2) Following grading and **tree** removal, where necessary, at the time of staking out of lot corners and building foundations at all building corners. It shall be the duty of the holder of every permit to notify the Planning and Zoning Administrator when completed grading and tree removal and staking of lot and building corners are ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.
  - (3) Upon completion of the work authorized by the permit, it shall be the duty of the holder of every permit to notify the Planning and Zoning Administrator when the construction is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.

- (4) All normal inspections required by the current building code in effect in the Township.
- (5) At the time a land use activity is commenced.

### **Sec. 38-51. Public notice.**

When notice of a Township action is required, such notice shall comply with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and the Open Meetings Act, MCL 15.261 et seq.

### **Secs. 38-52 - 38-70. Reserved.**

## **DIVISION 2. SITE PLANS**

### **Sec. 38-71. Review required in specific districts.**

Site plan review and approval of all development proposals within specific zoning districts is required in accordance with the following provisions. The intent of this division is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum sustainable utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Township's Master Plan will be assured and the Township will develop in an orderly fashion.

- (1) **Submission.** A site plan shall be submitted to the Planning Commission for review and approval for the following:
  - a. Any permitted or special use in RM, RMH, LB, VMU, GB, HC, RO, LI, and GI districts (see Section 38-234 for PUDs).
  - b. All residentially related permitted and special uses in single-family districts, such as but not limited to churches, schools, roads, and public facilities.
  - c. Any use or development for which the submission of a site plan is required by any provision of this chapter.
  - d. Any change and/or conversion of use as permitted and regulated by this chapter within the same zoning district.
  - e. Any addition to an existing principal or accessory building:
    1. Wherein the proposed addition constitutes an increase of either one thousand (1,000) square feet or ten percent (10%) or more as compared to the existing building or use, whichever is less.
    2. Wherein the proposed addition or expansion would require a variance from the provisions of this chapter, no matter what size the addition or expansion.
- (2) **Review and approval criteria.** The site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met:
  - a. The proposed use will not be injurious to the surrounding neighborhood.
  - b. There is a proper relationship between thoroughfares and proposed service drives, driveways, and parking areas.
  - c. The location of buildings, outside storage receptacles, parking areas, screen walls, and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the surrounding areas.
  - d. The proposed development provides for proper development of roads, easements, and public utilities, and protects the general health, safety, welfare, and character of the Township.
  - e. The proposed development meets the requirements and standards for grading and surface drainage, and for the design and construction of storm sewers, stormwater holding facilities, extended retention facilities to treat stormwater runoff before it reaches a wetland area, water mains, sanitary sewers, and for acceleration, deceleration, and passing lanes or approaches, as determined by the Township engineers and as set forth in the county road commission's construction standards and, where appropriate, the Township, and the county drain commissioner's standards.

- f. All **buildings** or groups of buildings shall be arranged so as to permit emergency vehicle access, by a practical means, to all sides.
  - g. The natural resources are preserved by developing in a **sustainable** manner which will not detrimentally affect or destroy natural features, such as **lakes**, ponds, streams, **wetlands**, **steep slopes** and woodlands.
  - h. There is protection of the local groundwater resources and the recognition of a close relationship between **wetland** areas and static groundwater levels. The proposed development respects the natural topography by minimizing the amount of cutting, **filling** and grading required in and around wetland areas and surface waterbodies.
  - i. The proposed development will not cause soil erosion, sedimentation or degradation of surface water or groundwater quality.
  - j. The stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the **aesthetics** of the site.
  - k. To ensure that storm drainage or stormwater Best Management Practices are implemented for the protection of downstream landowners. The procedures, standards, and recommendations as set forth in the *Low Impact Development Manual for Michigan* ([www.semcog.org](http://www.semcog.org)) shall be considered, as well as the standards within the Green Oak Township Stormwater Management Ordinance. Refer to **Figure 38-366-1** for representative **LID** techniques.
  - l. The wastewater treatment and water supply systems comply with applicable federal, state and county requirements.
  - m. Sites which include storage, use, sale or manufacture of **hazardous substances** or wastes, fuels, salt or chemicals will be designed to prevent spills and **discharges** of polluting materials to the air, surface of the ground, groundwater or nearby waterbodies, or the environment.
  - n. Secondary containment shall be provided for aboveground areas where **hazardous substances** are stored or used. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substance.
  - o. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, drain to an on-site closed holding tank (not a **septic system**), or regulated through a state groundwater discharge permit.
  - p. State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport, and disposal of **hazardous substances** shall be met. No discharges to groundwater or surface water, including direct and indirect discharges, shall be allowed without required **permits** and approvals.
  - q. The submitted site plan has been reviewed by the **Township engineer**, planner, and fire chief to ensure that the plan conforms to adopted Township standards and provisions within this chapter.
  - r. The location of **buildings**, parking, drives, **landscaping**, and other **improvements** on the site is appropriate for the lot size and configuration.
  - s. **Landscaping**, including **trees**, shrubs, and other vegetative material, is provided to maintain and improve the **aesthetic** quality of the site and area.
  - t. The proposed **use** is in compliance with all Township ordinances and any other applicable laws.
- (3) **Required data.**
- a. Plans submitted for site plan approval shall contain all of the data set forth in subsection (3)b. of this section prior to review for approval of such plans by the **Planning Commission**. Final construction plans must be submitted to the Zoning Administrator or designee and must be reviewed and approved prior to obtaining a **building and land use permit**.
  - b. Site plans shall consist of an overall plan for the entire development. The sheet size shall be at least twenty-four (24) inches by thirty-six (36) inches, with the plan view drawn to a scale of one (1) inch equals fifty (50) feet for property less than three (3) acres, or one (1) inch equals one hundred (100) feet for property three (3) or more acres. Included on the site plan will be all dimensions, and the following:
    - 1. The name of the development and the areas of the development, in acres.

2. The location of the development, drawn at a scale of one (1) inch equals two thousand (2,000) feet, with a north point indicated. The location map shall indicate the section, township, and range, as well as the name of the township and county, and all relevant corporate, township, range, and section lines.
3. The names, addresses, and telephone numbers of the applicant, the property owner, if different, and the planner, designer, engineer, or surveyor who was responsible for the design of the proposed development.
4. The names of all abutting subdivisions or condominiums within one hundred (100) feet of the proposed development; the layout of streets, indicating street names, right-of-way widths, and connections with adjoining streets; the widths and location of alleys, easements, and public walkways; the property owners' names of each adjacent property and the property lines; and the zoning classification of the proposed development and the adjacent properties.
5. All existing and proposed lot lines, property line structures, parking areas, etc., within the site and within one hundred (100) feet of the proposed development, as well as the proximity to major thoroughfares and section corners.
6. The plan or plat for the development, drawn to a scale of not more than one (1) inch equals one hundred (100) feet, and including a legal description of the property and all existing utility easements or County drains. All acreage in the proposed street right-of-way, park, or other common areas shall be provided on the plan or plat.
7. All existing and proposed street right-of-way centerlines.
8. The date (month, day, and year) of preparation, including revisions, title block, scale, north arrow, and cardinal points.
9. Site data chart, comparing the existing and proposed improvements with the schedule of regulations for the appropriate zoning district.
10. Location of any existing and proposed sanitary sewers, water mains, Low Impact Development stormwater intervention, storm drains, stormwater/sedimentation facilities, and other underground facilities within or adjacent to the proposed development, including the location and dimensions of any associated easements.
11. A site report for the property, if the property is not to be served by a public sewer and water systems, as described in the county health department rules. Such report shall include soil boring and percolation test data for the property.
12. Physical features, including:
  - i. Locations and dimensions of all existing and proposed access drives, street intersections, driveways, sidewalks, service lanes, signs, curbing, and acceleration, deceleration, and passing lanes. Written approval from the county road commission for a driveway curb cut must accompany the site plan submitted documents.
  - ii. Location of existing and proposed service facilities aboveground and belowground, including:
    - A. Well sites;
    - B. Septic systems and other wastewater treatment systems, and the location of the septic tank, drainfield and reserve field (soil absorption system) should be clearly distinguished;
    - C. Water mains, hydrants, pumphouses, standpipes, and building services and sizes;
    - D. Sanitary sewers and pumping stations;
    - E. Stormwater control facilities and structures, including storm sewers, swales, retention and detention basins, drainageways, sedimentation ponds, and other facilities, including calculations for sizes, designed in compliance with the Township's Stormwater Management Ordinance and compliance with the *Low Impact Development Manual for Michigan*. Refer to Figure 38-366-1 for representative LID techniques;
    - F. Soil erosion control methods;
    - G. Location of all easements;
    - H. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling or disposal of hazardous substances;

- I. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or washwater and all similar uses for which a pollution incidence prevention plan will be required;
  - J. Location of exterior drains, dry wells, catchbasins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of **discharge** for all drains and pipes shall be specified on the site plan;
  - K. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup; and
  - L. Submission of the **hazardous substances** reporting form for site plan review.
- iii. Proposed plan for site grading and surface drainage.
  - iv. All **buildings**, with dimensioned floor plans, **setback** and yard dimensions, typical elevation views of proposed **structures**, finished floor and grade line elevations, floor area, and height of all proposed buildings.
  - v. Location of the dimensioned parking spaces, number and calculations used to determine the number of spaces, **loading spaces**, and method of surfacing.
  - vi. Exterior lighting information in accordance with **Section 38-364**.
  - vii. Location and description of all existing and proposed **buffer areas**, **landscaping**, berms, fencing, and walls in accordance with **Section 38-177(h)**.
  - viii. Sidewalks and bike paths.
  - ix. Trash receptacle pad locations and methods of screening.
  - x. Transformer pad locations and methods of screening.
  - xi. Dedicated road or service drive locations.
  - xii. Entrance details, including sign locations and size of entrance signs, exit signs, and all other site signs.
  - xiii. Designation of fire lanes.
  - xiv. Exterior door locations and sizes.
  - xv. Any other pertinent physical features.
  - xvi. Description of exterior wall construction.
13. Natural features, including:
- i. A statement of parcel soil characteristics of the site to at least the detail provided by the U.S. Soil Conservation Service in the county soil survey.
  - ii. Existing topography, with a maximum contour interval of two (2) feet indicated, and the topography on the site and beyond the site for a distance of one hundred (100) feet in all directions.
  - iii. A grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, **filling**, and grading.
  - iv. Location of existing drainage courses, **lakes**, ponds, rivers, and streams, including their water surface elevation, floodplain elevation, and **ordinary high-water mark**.
  - v. Location of existing **wetlands** and **wetland buffers**.
  - vi. Site investigation report, when required by **Section 38-72(c)**.
  - vii. Delineation of the **flood hazard area**.
  - viii. Location of natural resource features, including woodlands, as follows:
    - A. For an area in which no development is proposed, the general location of all **trees** and an estimate of the number, size, species present, and general description of shrubs and **groundcover** shall be provided.
    - B. In areas proposed for development, an inventory of all **trees** with a **dbh** greater than six (6) inches, regardless of species, shall be provided, complete with distribution of trees by species and dbh as well as shrubs and **groundcover**.
    - C. Location of all **woodland areas**, accurate to the nearest foot.

- D. Perimeter dripline of the woodland areas.
  - E. All **landmark trees** (i.e., genus, species, and **dbh**), with driplines accurate to the nearest foot.
  - F. Elevational information at the base of each landmark tree and any tree in an area proposed to be developed.
  - G. Clearly delineated surveyed lines beyond which no disturbance shall occur during both construction and occupation of the property.
  - H. Location of any permanent protective barriers and soil erosion control measures.
  - I. Detailed description of all mitigation measures required by this chapter to compensate for the loss of **woodland areas** due to development of the property.
14. The following additional information for multiple-family, cluster, and PUD developments:
- i. Density calculations by type of unit by **bedroom** count.
  - ii. Designation of units by type of unit in each **building**.
  - iii. Carport locations and details, where proposed.
  - iv. Specific amount of recreation space and locations.
  - v. Type of recreation facilities to be provided in recreation space.
  - vi. If proposed, details of community buildings and fencing of **swimming pools**.
15. The following additional information for commercial and industrial developments:
- i. Loading/unloading areas.
  - ii. **Gross and usable floor area**.
  - iii. Number of employees during peak usage.
  - iv. A listing of all hazardous materials and processes.
  - v. Pollution incidence prevention plan.
  - vi. Potential materials emitted into the environment.
- (4) **Application procedure.** An application for site plan review shall be processed in the following manner:
- a. All site plans, as well as other required data and exhibits, shall be submitted to the building department and must contain the following in order to be accepted:
    - 1. A signed and complete application.
    - 2. Fifteen (15) copies of the site plan, along with all other required data and exhibits. The **applicant** may submit ten (10) sets of scaled drawings (eleven (11) inches by seventeen (17) inches) and five (5) sets of full size drawings (twenty-four (24) inches by thirty-six (36) inches), or submit all fifteen (15) sets at full size.
    - 3. Required fees.
  - b. Upon receipt of the site plan, the building department shall:
    - 1. Forward a copy of the site plan to the Township planner within two (2) business days to ensure compliance with subsection (3) of this section.
    - 2. Forward, within two (2) business days, a copy of the site plan and application, if in compliance with subsection (3) of this section, to the **Township engineer** and fire chief, or other such fire safety personnel, for review. If compliance with subsection (3) of this section is not demonstrated, the site plan shall be returned to the **applicant**.
    - 3. Receive reviews from the Township planner and engineer within twenty-one (21) days of receipt of the plans (fourteen (14) days for subsequent reviews). A determination shall be made in such reviews as to whether the criteria outlined in subsection (2) of this section has been satisfied. The building department shall send copies of the planner's and engineer's comments for response by the **applicant**.
      - i. If in compliance with subsection (2) of this section, proceed to subsection (4)b.4. of this section.
      - ii. If not in compliance with subsection (2) of this section, the site plan will be sent back to the **applicant** for revision or **Zoning Board of Appeals variance**.

4. Place review of the site plan on the next available **Planning Commission** agenda, as determined by the Planning Commission chairperson and/or building department, provided conformance with subsection (2) of this section has been demonstrated.
  5. Forward a copy of the site plan, application, and all reviews conducted by the planner, engineer, and fire chief, and the **applicant's** response to such reviews, to each Planning Commission member.
  - c. The **applicant** shall forward copies of the site plan to the county health department, drain commissioner, and road commission, as applicable or as required.
- (5) **Planning Commission action.** After review of the application and site plan, the **Planning Commission** may take the following actions:
- a. **Approval.** Upon finding that the application and site plan meet the criteria of subsection (2) of this section, the **Planning Commission** shall approve the site plan.
  - b. **Approval with minor revisions.** Upon finding that the application and site plan meet the criteria in subsection (2) of this section and required information in subsection (3) of this section, except for minor revisions, the Planning Commission may approve the site plan, conditioned upon such revisions being made by the **applicant** and reviewed by appropriate Township staff and/or consultants.
  - c. **Tabling.** Should additional information or clarification of the site plan be required, from either Township consultants, public agencies (i.e., the **county road commission**, drain commissioner or health department), or the **applicant**, the **Planning Commission** may table the site plan review. Tabling shall require the site plan to be placed on an agenda for a designated future date, up to one (1) year, for reconsideration.
  - d. **Denial.** Upon finding that the application and site plan do not meet one (1) or more of the criteria in subsection (2) of this section, or all the required information listed in subsection (3) of this section was not provided, or that revisions necessary to meet such criteria are so extensive as to require the preparation of a new site plan, the **Planning Commission** may deny the site plan. In such case, "denied" shall be written on the plan and the reasons for denial shall be indicated in the Planning Commission's resolution.
  - e. **Distribution.** When a site plan has been reviewed by the **Planning Commission** and all steps have been completed, five (5) copies of the application and plans will be marked "approved" or "denied," for the following distribution:
    1. One (1) copy shall be returned to the petitioner.
    2. One (1) copy shall be forwarded to the building department for a permanent record.
    3. The other three (3) copies shall be placed in the permanent file.
  - f. **Final approval.** Upon final approval by the **Planning Commission**, a **building and land use permit** may be applied for through the Zoning Administrator or designee (building department). Compliance with all Township ordinances and the approved site plan is mandatory.
- (6) **Effect of approval.** When an **applicant** receives final site approval, he or she must develop the site in complete conformity with the approved site plan. The site plan approval shall be valid for a period of one (1) year. If the project is not under construction, as authorized by a **building and land use permit**, at the expiration of the approval time, the site plan approval become null and void, and the developer shall make a new application for approval. A one (1) year extension may be granted if requested by the applicant in writing prior to the original site plan expiration date. A time extension to the site plan approval may be granted by the **Planning Commission**.
- (7) **Administrative review of minor site plans.** An administrative review committee, consisting of the **Township engineer**, planner, Planning Commission chairperson, and building official designated by the Township supervisor, is hereby authorized to conduct administrative review of minor site plans. The committee will evaluate and consider minor site plans for approval, conditional approval, referral to the Planning Commission, or denial. The minor site plans shall be subject to all other site plan criteria, requirements, and standards as included in this section. A minor site plan may be applied for in any of the following cases:
- a. **Accessory uses** incidental to a conforming existing **use**, where such use does not require any **variance** or site modification.

- b. Expansions and/or additions to existing conforming **structures** or additions of **principal buildings** and **accessory buildings** less than two thousand (2,000) square feet or not more than ten percent (10%) of the existing floor area, whichever is less.
  - c. Provision for additional **loading/unloading spaces** and landscape **improvements** as required by this chapter.
- (8) **Minor changes of site plan approved by the Planning Commission.** An Administrative Review Committee, consisting of the Zoning Administrator, Township Engineer, Planner, Planning Commission Chairperson, Building Official or person designated by the Township Supervisor, is hereby authorized to grant minor changes to site plans approved by the Planning Commission under certain circumstances. For purposes of this section, "minor changes" to an approved site plan shall be those minor changes that do not materially affect the approved design character; do not change the use of the property; do not increase building units; do not violate setback, height or other ordinance requirements; do not substantially affect the required landscaping; do not increase the permitted square footage of any buildings; do not affect easement descriptions; do not substantially impact the required engineering approval; and do not substantially impact any required environmental response activities. Examples of minor changes include, but are not limited to:
- a. For residential buildings, the size of structures may be reduced or increased by 5%, provided that the overall density of units does not increase.
  - b. Square footage in non-residential buildings may be decreased or increased by up to 5% or 10,000 square feet, whichever is smaller.
  - c. Horizontal and/or vertical elevations may be altered by up to 5%.
  - d. A building may be moved by no more than 10 feet horizontal.
  - e. Designated areas not to be disturbed may be increased.
  - f. Plantings approved in the final landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
  - g. Improvements may be made to access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  - h. Changes of building materials to another of higher quality may be made.
  - i. Changes may be made of floor plans which do not alter the character of the use.
  - j. Slight modifications of sign placement or reduction of size may be made.
  - k. Relocation of sidewalks and/or refuse storage stations may be made.
  - l. Internal rearrangement of a parking lot may be made which does not affect the number of parking spaces or alter access locations or design.
  - m. Changes required or requested by the Township for safety reasons may be made.
  - n. Minor adjustments in the location of lot lines.
  - o. Approval of the location of mechanical equipment originally omitted from the approved site plan.

### **Sec. 38-72. Site investigation report.**

- (a) **Intent.** It is the intent of this section to ensure that the purpose and intent of this chapter is fulfilled through the submittal of a site investigation report which contains the information as provided in this section. The protection and conservation of irreplaceable natural resources from pollution, impairment, or destruction is of paramount concern.
- (b) **Approval, disapproval, and conditional approval.** The **Planning Commission** shall have the function, duty, and power to approve, disapprove, or conditionally approve the site investigation report, subject to compliance with certain modifications and conditions, in accordance and in conjunction with the review and approval of a site plan, subdivision plat, or condominium plan, with the purpose and intent of this chapter.

- (c) **Required.** A site investigation report shall be filed for any petition for a site plan, condominium or subdivision review, [special approval use](#) permit, or lot split involving a [private road](#) in which two (2) of four (4) possible environmental factors are involved, including the on-site existence of floodplains, [wetlands](#) over one (1) acre, woodlots over one (1) acre, or being within the natural river corridor. If only one (1) such factor is present, the [Planning Commission](#) may require a site investigation report.
- (d) **Submittal.** A site investigation report shall be presented to the [Planning Commission](#) for approval, disapproval, or approval subject to compliance with certain modifications and conditions in accordance with the purpose and intent of this chapter, along with the following:
- (1) A description of the proposed project, including the location, purpose, and extent of the project.
  - (2) The existing zoning and building requirements for the proposed project.
  - (3) Whether any local, state, and federal [permits](#) are required for the project, and if so, a designation of such required local, state, and federal permits.
  - (4) A description of the natural and cultural features of the project, including but not necessarily limited to:
    - a. A description of the topography of the land and soil;
    - b. The existing water resources, including surface water, groundwater, drainage, floodplains and [wetlands](#), water quality, and the effect of the project on any [aquifer](#) of same and/or neighboring wells;
    - c. A description of general stormwater flow and opportunities to reduce stormwater runoff using Best Management Practices (BMP) as defined in the Township's Stormwater Management Ordinance and the *Low Impact Development Manual for Michigan*. Refer to [Figure 38-366-1](#) for representative [LID](#) techniques.
    - d. A description of the existing [vegetation](#), including the existence of any [landmark trees](#), habitat, and wildlife;
    - e. A description of the existing aquatic ecosystems, including a description of the fish species and habitat; and
    - f. A description of the proposed land use, water use, economic and social conditions, any archaeological and historical resources, and community facilities and services which are in existence.
  - (5) A statement describing the environmental impact of the proposed project, which shall include the following:
    - a. A description of the impact on the topography and soils, including any disruption, erosion, etc.
    - b. A description of the impact on water resources, including:
      1. The effect on any surface water;
      2. The effect on any groundwater or water table, aquifers, and existing wells;
      3. The effect of any water [discharges](#), increased stormwater runoff or alteration of natural drainage;
      4. A description of the water quality of both surface water and groundwater;
      5. A description of the susceptibility of the project to flooding; and
      6. A description of any [wetland](#) impact.
    - c. A summarization of the impact on terrestrial ecosystems (the relationship between the land resources and the organisms which depend upon it), including a description of the impact on the following:
      1. The [vegetation](#) and habitat, describing, in particular, whether there would be any alteration and/or loss to such vegetation and habitat;
      2. The impact on wildlife, including any disruption of habitat and whether the project would affect any endangered or rare species of wildlife.
    - d. A summarization of the environmental impact on aquatic ecosystems (the relationship between the [wetland](#) and water resources and the organisms which depend on them), which shall include a summary of the impact on the following:
      1. The fish species, including the impact on the type and number of fish species;
      2. Other species of vertebrates, including the impact on the type and number of species; and
      3. The effect on the habitat, including whether such habitat will be altered or disrupted.
    - e. A summarization of the environmental impact on the cultural environment, which shall include a summary of the following:

1. The effect on neighboring land and water uses;
  2. The impact on economic and social conditions, including the economy, lifestyles, etc., of the surrounding residents;
  3. The impact on any archaeological and historical resources, including whether such resources would be disrupted or altered, or such sites disturbed; and
  4. The impact on community facilities and services, including, but not limited to, schools, roads, police and fire services, etc.
- f. A section dealing with protection of **woodland areas**. The preservation of woodlands, **trees**, **landmark trees** (see Section 38-363(f)), similar woody **vegetation**, and related natural resources shall have priority over development when there are other on-site location alternatives. The integrity of woodland areas shall be maintained irrespective of whether such woodland areas cross property lines. The woodland areas shall be evaluated on the basis of information supplied by the petitioner, including consideration of the following:
1. Soil quality as it relates to potential **tree** disruption;
  2. Habitat quality;
  3. Tree species, including diversity of tree species;
  4. Tree size and density, noting all **landmark trees**;
  5. Health and vigor of tree stands;
  6. Understory species and quality; and
  7. Other factors, such as the value of the **woodland areas** as a scenic asset, windblock, noise buffer, environment asset (i.e., cooling effect), and the value of specimen or historic trees within the woodland areas.
- (e) **Modifications**. The **Planning Commission** shall have the function, duty, and power to require any modification in the site investigation report or require any modification or impose any condition upon approval of any project which requires a site investigation report or requires any modification or imposes any condition upon approval of any project which requires a site investigation report to ensure that the purpose and intent of this chapter is fulfilled.
- (f) **Revocation**. Any site investigation report which has been approved and any amendment, **permit**, or application which has been approved pursuant to the approval of the site investigation report may be revoked when the construction of such development is not in conformance with the approved plans or site investigation report, or if the site investigation report contains false information which would have the effect of violating the purpose and intent of this chapter, in which case the Township Board shall give the **applicant** notice of intention to revoke such permit, amendment, or approved development at least ten (10) days prior to review thereof by the Township Board. After conclusion of such review, the Township Board may revoke the approval of the development, amendment, or plan if the **Planning Commission** feels that a violation in fact exists and has not been remedied prior to such hearing.
- (g) **Appeal**. The decision of the **Planning Commission** with respect to the site investigation report approval may be **appealed** to the **Zoning Board of Appeals** upon written request by the property owner or petitioner for a hearing before such Zoning Board of Appeals. In the absence of such request being filed within sixty (60) days after the decision is rendered by the Planning Commission, such decision becomes and remains final.

**Secs. 38-73 - 38-90. Reserved.**

## DIVISION 3. ZONING BOARD OF APPEALS\*

### Sec. 38-91. Created.

There is hereby created a Township Zoning Board of Appeals (referred to in this chapter as the "ZBA"), which shall perform its duties and exercise its powers as provided in this division and in the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and in such a way that the objectives of this chapter shall be observed, public health, safety, and welfare secured, and substantial justice done.

### Sec. 38-92. Membership.

- (a) The ZBA shall be composed of five (5) regular members who shall be selected in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq. One of the members of the ZBA shall be a member of the Township [Planning Commission](#). The remaining, and any alternate, members shall be selected from the electors of the Township residing within the zoning jurisdiction of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. One (1) regular member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the ZBA. An employee or contractor of the Township Board may not serve as a member of the ZBA.
- (b) The Township Board may appoint no more than two (2) alternate members of the ZBA for the same term as regular members of the ZBA. They shall serve as members of the ZBA upon the call of the chairperson where a regular member is absent from, or unable to attend, a meetings of the ZBA. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons a conflict of interest. The alternate member, having been appointed, shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA in the cases in which the alternate member serves.
- (c) The terms of office for members appointed to the ZBA shall be for three (3) years, except for members serving because of their membership on the [Planning Commission](#) or Township Board, whose terms shall be limited to the time that they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be for the remainder of the term.
- (d) A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

### Sec. 38-93. Meetings.

All meetings of the ZBA shall be held at the call of the chairperson or at such times as the ZBA shall determine. Special meetings shall be held at the call of the chairperson, as the ZBA shall determine or upon request of at least two (2) members of the ZBA; provided, however, that at least forty-eight (48) hours notice shall have been given to each member prior to the time set for the special meeting. The ZBA shall not conduct business unless a majority of the members of the ZBA are present. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. The ZBA shall have the power to subpoena and

request the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before the ZBA. The ZBA shall also have the power to request the production of additional documentation or information which it deems necessary to render a decision on an application, and shall have the power to postpone a decision on an application until such time as the additional information which has been requested is produced by the [applicant](#). The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk.

### **Sec. 38-94. Appeals.**

- (a) An [appeal](#) may be taken to the ZBA by any person, firm, or corporation, or any officer, department, board, or bureau aggrieved by a decision of a Zoning Administrator or Building Official concerning the administering and enforcing of the provisions of the Zoning Ordinance. In order to be “aggrieved by a decision,” the person or other entity must have a property interest recognized under the law, and sufficient standing as recognized under the law, to challenge the decision. Such appeal shall be taken within such time as prescribed by the ZBA by general rule, but in no event later than thirty (30) days after the date of the decision from which the appeal is taken, by filing with the Zoning Administrator and the ZBA a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which the action appealed from was taken.
- (b) An [appeal](#) shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the ZBA after the notice of appeal has been filed by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or the circuit court, on application and due cause shown.
- (c) The ZBA shall select a reasonable time and place for the hearing of the [appeal](#) and give notice in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq. and [Section 38-51](#), and shall render a decision on the appeal without unreasonable delay. The ZBA shall state the grounds of each determination. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- (d) If the ZBA receives a written report seeking an interpretation of the Zoning Ordinance or an [appeal](#) of an administrative decision, the ZBA shall conduct a public hearing on the request. Notice shall be given as required under [Section 38-51](#). However, if the request does not involve a specific parcel of property, notice need only be published as provided in [Section 38-51](#) and given to the person making the request as provided.
- (e) At a hearing, a party may appear personally or by agent or attorney.
- (f) The ZBA may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a [permit](#).
- (g) If there are practical difficulties for nonuse [variances](#) as provided in [Section 38-95](#) in the way of carrying out the strict letter of the Zoning Ordinance, the ZBA may grant a variance in accordance with this section, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
- (h) The ZBA shall have the authority to grant nonuse [variances](#) relating to the construction, structural changes, or alteration of [buildings](#) or [structures](#) related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in the ordinance.

**Sec. 38-95. Jurisdiction.**

- (a) The ZBA, as created in [Section 38-91](#), is a body of limited power. The ZBA shall have the following powers and duties:
- (1) Hear and decide on all matters referred to it upon which it is required to pass under this chapter.
  - (2) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter.
  - (3) Make a determination as to the appropriate zoning district for a [use](#) not specifically listed in this chapter. In making such a determination, the ZBA shall consider, among other things, the specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the [district](#). Such characteristics shall include, but not be limited to, daily traffic congestion and traffic patterns, types of merchandise or service provided, types of goods produced, expected hours of operation, and other characteristics which relate in any fashion to the proposed use in comparison to permitted uses. The ZBA shall determine whether such use shall be permitted by right, special land use, or as an [accessory use](#). The ZBA shall have the authority to establish general standards and conditions under which a use may be included in a district when making a determination as to an unlisted use.
  - (4) Hear and decide [appeals](#) where it is alleged there is an error of law in any order, requirement, decision, or determination made by an administrative official of the department of building and zoning in the enforcement of this chapter.
  - (5) Hear and decide [appeals](#) taken under [Article IX](#), pertaining to signs.
  - (6) Interpret the zoning map.
  - (7) In hearing and deciding [appeals](#), have the authority to grant such [variance](#) from the provisions of this chapter as may be in harmony with the general purpose and intent so that the function of this chapter shall be observed, public health, safety, and welfare secured, and substantial justice done, including the following:
    - a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of this chapter;
    - b. Permit the [erection and use](#) of a [building](#) or use of a premises in any [district](#) for [public utility](#) purposes necessary to public convenience and service, so located, designed, erected, and landscaped to conform harmoniously with the architecture and plan of the Township;
    - c. Permit the modification of the automobile parking space or [loading space](#) requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements;
    - d. Permit modification of the height, [setback](#), and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or located with relation to surrounding development or physical characteristics that it cannot otherwise be appropriately or reasonably improved without such modification;
    - e. Approve building and permits for legal [nonconforming uses](#) to terminate on a date specified in the approval documents, which date shall not exceed two (2) years from the date of the [permit](#), provided such [uses](#) are deemed helpful to the development of certain areas and which will not be detrimental to the neighboring areas;
    - f. Permit a change of [use](#) from one [nonconforming use](#) to another nonconforming use of the same or a more restricted classification, provided that the proposed use is suitable or more appropriate to the [district](#) than the existing nonconforming use;
    - g. Permit the [erection](#) of a [one-family dwelling](#) on a nonconforming lot held under separate and distinct ownership from the adjacent lots, and of record at the time of passage of the Ordinance from which this chapter is derived, and which has less than the lot area requirements of this chapter for the district in which such lot is located.
  - (8) Upon [appeal](#), in specific cases, authorize site variation or modification of the provisions of this chapter, with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this chapter, and so that public safety and welfare will be secured and substantial justice done, where, owing to special conditions, a literal enforcement of the provisions of this chapter would involve practical difficulties or unnecessary hardship. No such [variance](#) or modification of the provisions of this chapter shall be granted unless it appears that, at a minimum, all the following facts and conditions exist:
    - a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the same district or zone.

- b. Such **variance** is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
  - c. The granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or **improvements** in such zone or district in which the property is located.
  - d. The granting of such variance will not adversely affect the purpose or objectives of the **Master Plan** of the Township.
  - e. The condition or situation of the specific piece of property, or the intended **use** of such property, for which the variance is sought is not of so a general or recurrent a nature.
  - f. The practical difficulty causing the need for the variance request was not self-created by the **applicant**.
- (9) In consideration of all **appeals** and all proposed variations to this chapter, before making any variations from this chapter in a specific case, determine that the standards set forth in subsections (a)(7) and (a)(8) of this section have been met, and that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in **public streets**, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the inhabitants of the Township.
- (b) The ZBA shall not have the power or authority to:
- (1) Alter or change this chapter or the zoning map.
  - (2) Alter or change the zoning district classification of any property.
  - (3) Grant a use **variance** or otherwise approve of a **use** not specifically permitted under the zoning district classification. Such prohibition shall not be interpreted to restrict the power of the ZBA to classify an unlisted use as set forth in subsection (a)(3) of this section, and to determine the appropriate zoning district for such unlisted use.
  - (4) Grant a dimensional **variance** for any residential property which has the effect of rezoning that residential property to a different residential zoning classification provided in this chapter. For purposes of this subsection, the term “effect of rezoning” means a request to vary or reduce the required lot area regulations in any residential zoning classification by an amount of fifteen percent (15%) or greater. However, such prohibition shall not apply in the case of a property owner seeking such a dimensional variance to develop one (1) residential **structure** on a single parcel of residential land.
  - (5) Hear an **appeal** relative to any decision rendered on a planned unit development.
  - (6) Hear an **appeal** relative to any decision rendered on a special land use.
  - (7) Hear an **appeal** from a decision rendered by the **Planning Commission** or Township Board on any matter not otherwise expressly under the jurisdiction of the ZBA. Nothing in this subsection shall be interpreted to restrict or limit the jurisdiction of the ZBA to interpret the provisions of this chapter, grant **variances** from the literal enforcement of the provisions of this chapter or otherwise exercise the powers set forth in subsection (a) of this section.

### **Sec. 38-96. Determination and payment of fees.**

All fees required by the provisions of this chapter shall be established by resolution of the Township Board. All fees shall be paid to the department of building and zoning at the time of the filing of the application of **appeal**.

### **Sec. 38-97. Exercising powers.**

In exercising the powers set forth in this division, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination **appealed** from and may make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the administrative official of the department of building and zoning from whom the appeal is taken. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision,

or determination of any administrative official of the department of building and zoning, or to decide in favor of the applicant any matter upon which the ZBA is authorized to render a decision. The ZBA may, in its discretion, grant rehearing of any decision to consider additional and new matters related to the relief requested, when such rehearing is requested within twenty (20) days of the ZBA's initial decision. The ZBA shall also have the right to reconsider a prior decision rendered by it if such motion for reconsideration occurs at the next regularly scheduled meeting after the decision in question, and the motion for reconsideration is made by a member of the ZBA who voted with the prevailing side. The decision of the ZBA shall be final, insofar as it involves discretion in the finding of the facts.

**Sec. 38-98. Notice of hearing.**

The ZBA shall make no recommendation, except in a specific case and after a hearing conducted by the ZBA. Notice shall be given in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and Section 38-51.

**Sec. 38-99. Validity of orders.**

- (a) An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of materially changed conditions found upon consideration by the Zoning Board of Appeals to be valid.
- (b) Prior to granting a variance for a particular parcel of property, all other existing infractions or violations of the Zoning Ordinance or other Township ordinances or regulations related to the property shall be resolved.

**Secs. 38-100 - 38-130. Reserved.**

## ARTICLE III. DISTRICT REGULATIONS

### Sec. 38-131. District designations.

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

<i>Zoning Districts</i>	
PL	Public land
RF	Residential/farming
RE	Residential rural estate
LA, R-1, R-2, R-2A, and R-3	Residential single-family
RM	Residential multiple-family
RMH	Residential mobile home park
LB	Local business
GB	General business
HC	Highway commercial
RO	Research office
LI	Limited industrial
GI	General industrial
PUD	Planned unit development
VMU-1	Village Mixed Use 1
VMU-2	Village Mixed Use 2

### Sec. 38-132. Zoning district map.

- (a) **Identification.** The zoning districts as provided in [Section 38-131](#) are bounded and defined as shown on the map entitled "Zoning District Map of Green Oak Township." The zoning district map, along with all notations, references and other explanatory information, shall accompany and be made a part of this chapter.
- (b) **Authority.** Regardless of the existence of purported copies of the zoning district map which may be published, a true and current copy of the zoning district map, available for public inspection, shall be located in, and maintained by, the office of the Township Clerk. The clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, [district](#), [use](#), [building](#), or [structure](#) in the Township.
- (c) **Rules for interpretation of district boundaries.** Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:
- (1) A boundary indicated as approximately following the centerline of a highway, [alley](#), or [easement](#) shall be construed as following such centerline.
  - (2) A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
  - (3) A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
  - (4) A boundary indicated as following a railroad line shall be construed as being located midway in the [right-of-way](#).

- (5) A boundary indicated as following a shoreline shall be construed as following such shoreline, and, in the event of a change in the shoreline, shall be construed as following the shoreline existing at the time the interpretation is made.
- (6) The boundary indicated as following the centerline of a stream or river, canal, lake, or other body of water shall be construed as following such centerline.
- (7) A boundary indicated as parallel to, or an extension of, features in subsections (c)(1)--(6) of this section shall be so construed.
- (8) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (9) Where a physical or cultural feature existing on the ground is at variance with that shown on the official zoning map or any other circumstances not covered by subsections (c)(1)--(8) of this section, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
- (10) Where a district boundary line divides a lot which is in single ownership at the time of adoption of the Ordinance from which this chapter is derived, the Zoning Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.
- (11) If any portion of any newly created lot or parcel created after January 23, 1999 falls within the boundaries of the natural river overlay zone, the entire lot or parcel shall be subject to the regulations of the natural river overlay zone. If, however, the underlying zoning district imposes more strict requirements (in terms of minimum lot size, required setbacks, etc.), the more strict requirements shall prevail.
- (12) Only that portion of a lot or parcel overlaid by the Spring Mill Creek/Davis Creek overlay zone shall be required to adhere to its provisions. In cases where the underlying zoning district imposes more strict requirements (in terms of minimum lot size, required setbacks, permitted land uses, etc.), the more strict requirements shall prevail.

### Sec. 38-133. Application of regulations.

The regulations established in this Article within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare. Each district, as created in this Article, shall be subject to the regulations contained in this Ordinance, which shall be applied in the following manner:

- (1) No building shall be erected, altered, or moved, nor shall any building or structure or premises be used for any purpose, other than as specifically permitted in the district in which such building, structure, or premises is located.
  - a. **Permitted uses.** Uses shall be permitted by right only if specifically listed as principal permitted uses in the zoning district. Uses not expressly permitted are prohibited.
  - b. **Accessory uses and buildings.** Accessory uses and buildings are permitted only if such uses are clearly incidental to the permitted principal uses.
  - c. **Special approval uses.** Special uses are permitted as listed in the various zoning districts, subject to receipt of special use approval subject to Section 38-44.
- (2) Uses of land or buildings or structures for commercial uses or purposes that are prohibited by or contrary to federal, state or local regulations and ordinances are expressly prohibited in any zoning district within the Township. Medical marihuana provisioning centers, safety compliance facilities, dispensaries, cooperatives, or other shared growing facilities or any other operation or facility similar in nature are expressly prohibited. However, the following uses are exempt from this prohibition in accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, MCL 333.26423(d):
  - a. Medical marihuana activities, including the use or possession of Marihuana by a registered qualifying patient, as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, subject to Section 38-201;
  - b. Medical marihuana activities, including the growth/cultivation of marihuana or provision of services to a qualifying patient by a primary caregiver as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, subject to Section 38-201.
- (3) No building shall be erected or altered so as to:
  - a. Exceed the height limit specified for the district in which such building is located.

- b. Occupy a greater percentage of lot area than is specified for the district in which such **building** is located.
  - c. Intrude upon the **required front, rear, or side yards** as specified for the district in which such **building** is located.
  - d. Accommodate or house a greater number of **families** than is specified for the district in which such **building** is located.
  - e. Provide less living space per **dwelling unit** than is specified for the district in which such **building** is located.
- (4) No lot area shall be reduced or diminished so that yards and other open spaces shall be smaller than specified, nor shall the density of population be increased in any manner, except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements established in this article for the district in which such lot is located.
  - (5) No part of a yard or other open space required for any **building** for the purposes of compliance with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
  - (6) Every **building erected**, altered, or moved shall be located on a **lot of record** as defined in this chapter and, except in the case of approved **multiple dwelling**, commercial, and industrial developments, there shall be no more than one (1) **principal building** and its permitted **accessory structures** located on each lot in any district.
  - (7) Whenever any **street, alley**, or other public way within the Township shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to, and become a part of, lands adjoining such street, alley, or public **right-of-way**, they shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which they shall attach, and they shall be used for the same **use** as is permitted under this chapter for such adjoining lands.
  - (8) Whenever any **fill** is placed in any **lake** or stream, the land created thereby shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which they shall attach or be adjacent, and they shall be used for the same purposes as are permitted under this chapter for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

### Sec. 38-134. Intent and purpose of districts.

The intent and purpose of each **district** is as follows:

- (1) **PL public land district.** The intent of the PL district is to establish a district in which the principal **use** of land is primarily the extensive public use of natural areas, essentially unimproved or undeveloped open spaces, public buildings or public activities involving development or utilization of the land, educational facilities and the related services and functions which are normally operated with them, and institutions and quasi-public uses. Further, the intent is to support the general intent of this chapter, protect and preserve public open space, and ensure orderly transition to appropriate uses when such public use is abandoned. When and if, in the course of governmental operations, land so classified and zoned shall pass out of the possession of the public owner and into the possession of a private owner, such land will have to pass through established rezoning procedures before it can be used by the new owner. The zoning of public land permits the Township to determine, at such future time, the appropriate use which maybe made of such land.
- (2) **RF residential/farming district.** The intent of the RF district is to provide a district in which very low density single-family residential development, **agriculture**, and **farm** residential may occur in close proximity to each other, along with other compatible **uses** often occupying large areas. The prevalent use of the district area is considered to be residential. The regulations of such district are designed to conserve and protect low density residential uses and its occupancy uses, while accommodating an agricultural use and its related **accessory uses**. Such regulations are also designed to exclude uses and **buildings** which demand substantial public services, such as major thoroughfares, public sewer or water facilities, drainage, and other public services.
- (3) **RE residential rural estate district.** The intent of the RE district is to provide a district to encourage a single-family residential development on larger size lots than those in the R-1, R-2, R-2A, and R-3 districts, enabling the developer to incorporate environmentally fragile areas, such as ravines and **wetlands**, into his or her design; retain, preserve, and protect

a predominantly open and non-urban character within the Township; and reduce the need for public services to such areas because of reduced density.

- (4) **LA (Lake Area), R-1, R-2, R-2A, and R-3 residential single-family districts.** The intent of the LA, R-1, R-2, R-2A, and R-3 districts is to provide districts in which the main use is single-family residential, plus its normal accessory and compatible supportive uses. A reasonable range of lot sizes is envisioned, which will provide a choice of desirable and economically feasible development opportunities for all members of the general public. Certain other private and public uses are permitted, but subject to conditions which will ensure their compatibility with the main use and character of such districts.
- (5) **RM residential multiple-family district.** The intent of the RM district is to provide sites for two-family and multiple-family dwelling structures and related uses, which will generally serve as zones of transition between nonresidential districts and lower density single-family districts. The RM district is further provided to serve the limited needs for the apartment type of unit in an otherwise low density single-family community. Due to its buffering characteristic between residential and nonresidential uses, the RM district is intended to provide a residential area which is low rise in character, yet provides greater density by allowing increased building coverage in the most intense single-family residential district.
- (6) **RMH residential mobile home park district.** The intent of the RMH district is to provide districts of such size and location as will encourage good mobile home residential development, adjacent to essential community services, and otherwise protect the health, safety, and welfare of mobile home residents in the Township. In addition to the requirements of this article, all mobile home parks shall comply with the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and the current mobile home code adopted by the state mobile home commission.
- (7) **LB local business district.** The intent of the LB district is to provide a district in which a neighborhood's local service and convenience shopping facilities can be optimally located to best serve each neighborhood of the Township. Such regulations are a means to discourage strip or linear development, and to encourage stable and desirable development in a cluster or planned pattern.
- (8) **GB general business district.** The intent of the GB district is to provide a district in which the community's overall commercial and business facilities can be centralized to most efficiently and effectively serve the general Township and adjacent areas. Other uses are permitted which are generally compatible with the character and requirements of the commercial and business uses. Such regulations are designed to reduce possible conflicts with adjacent land uses and to provide conditions which encourage proper development within the district.
- (9) **HC highway commercial district.** The intent of the HC district is to provide a district for commercial and business uses which primarily serve the motoring public. When located in the HC district, such uses are prevented from encroaching into other districts where they would be deemed incompatible. The proper development of the uses permitted in the HC district under special approval are subject to conditions which are designed to promote homogenous and desirable patterns of usage.
- (10) **RO research office district.** The intent of the RO district is to provide for research and office uses in a planned development. When located in the RO district, such uses are to be developed in a manner which will complement neighboring land uses and the community, while at the same time provide for the necessary nonmanufacturing uses such as corporate office and research facilities.
- (11) **LI limited industrial district.** The LI district is intended to primarily accommodate research, wholesale, and warehouse activities, and light industrial operations whose external, physical effects are restricted to the district, and in no manner affect, in a detrimental way, any of the surrounding districts. The LI district is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.
- (12) **GI general industrial district.** The intent of the GI district is to provide a district whose location will permit heavy manufacturing types of use. Further, the GI district is intended to provide land for the more large-scale and intense manufacturing, fabricating, and assembling uses. While such uses may occasionally produce external physical effects noticeable, to a limited degree, beyond the boundaries of the site, every possible effort shall be made to minimize such effects.

- (13) **PUD planned unit development.** The intent of the PUD district is to authorize the use of the PUD for the purposes of:
- Encouraging the use of the land in accordance with its natural characteristics and adaptability;
  - Conserving natural features, such as [wetlands](#) and woodlots, and the expenditure of energy;
  - Encouraging innovation in land use design, viewsheds and planning;
  - Providing for usable, functional open space and wildlife corridors;
  - Preserving viewsheds and the rustic, rural appearance of the area;
  - Providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the citizens of the Township; and
  - Bringing about a greater compatibility of design and [use](#).
- (14) **Village Mixed Use 1 and 2.** The intent of these districts is to allow mixed-use development for specific areas of the Township in a manner which has a well-coordinated design and which allows a complimentary interface between residential and non-residential [uses](#).

## Sec. 38-135. Schedule of use regulations.

The schedule of use regulations shall be as follows:

- (1) **PL public land districts.**
- Permitted uses.** Permitted [uses](#) within the PL district include the following:
    - Public or private forest preserves and game refuges.
    - [Essential services](#) and [structures](#) of a nonindustrial character, not including maintenance depots or warehouses.
    - Public golf courses, subject to [Section 38-196\(17\)](#).
    - Public parks and recreation activities.
    - Public cemeteries.
    - Other public uses.
  - Special approval uses.** [Special approval uses](#) within the PL district include the following:
    - Residential uses which are associated with a conservation, educational or recreation use.
    - Public and private conservation areas, [structures](#) or roads for the development, protection, and conservation of open space, watersheds, water, soil, forests and wildlife resources.
    - Public [travel trailer parks](#), campgrounds, and parks, subject to [Section 38-196\(11\)](#).
    - Marinas, swimming areas, winter sports arenas, nature study areas, roadways, parking areas, shooting ranges and playfields for medium and high intensity uses, and facilities included in the construction and operation thereof.
    - Sale of food and alcoholic beverages when part of a recreational activity.
    - Public educational or vocational training facilities.
- (2) **LA (Lake Area), R-1, R-2, R-2A, and R-3 residential single-family districts.**
- Permitted uses.** Permitted [uses](#) within the LA, R-1, R-2, R-2A, and R-3 districts include the following:
    - [Single-family](#) detached dwellings.
    - Publicly owned parks and recreation facilities.
    - Public educational institutions.
    - [Stables](#), as accessory to residential dwellings, with no more than five (5) horses, subject to [Section 38-196\(18\)](#).
    - [Accessory uses](#), subject to the provisions of [Section 38-171](#).
    - [Home occupations](#), subject to the provisions of [Section 38-194](#).
    - [Swimming pools](#), subject to the provisions of [Section 38-171\(9\)](#).
    - [Essential services](#) of a nonindustrial character, not including maintenance depots and warehouses.
    - State Licensed Day Care Facilities.
      - Child Family Day Care Homes (six (6) or fewer minor children).
      - Adult Family Day Care Homes (six (6) or fewer adults).

10. State Licensed Foster Care Facilities.
  - i. **Adult Foster Care Family Home**, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions (six (6) or fewer adults).
  - ii. Child Foster Family Homes (four (4) or fewer minor children).
  - iii. Child Foster Family Group Homes (five (5) or six (6) minor children).
11. **Farm operations**, subject to the Michigan Right to Farm Act, MCL 286.471, et. seq., as amended.
- b. **Special approval uses**. **Special approval uses** within LA, R-1, R-2, R-2A, and R-3 districts include the following:
  1. Churches, subject to [Section 38-196\(1\)](#).
  2. Private schools.
  3. Municipal buildings and utility buildings not requiring outdoor storage.
  4. Private noncommercial recreation.
  5. **Hospitals**, subject to [Section 38-196\(4\)](#).
  6. Golf courses and country clubs, subject to [Section 38-196\(17\)](#).
  7. State Licensed Day Care Facilities.
    - i. Adult Group Day Care Homes (seven (7) to twelve (12) adults)
    - ii. Child Group Day Care Homes (seven (7) to twelve (12) minor children)
  8. Museums.
  9. Cemeteries.
  10. **Common use riparian lots**, subject to [Section 38-365](#).
- (3) **RE residential rural estate district**.
  - a. **Permitted uses**. Permitted **uses** within the RE district include all permitted uses in the LA, R-1, R-2, R-2A, and R-3 districts, subject to the minimum requirements of the RE district.
  - b. **Farm operations**, subject to the Michigan Right to Farm Act, MCL 286.471, et. seq. as amended.
  - c. **Special approval uses**. **Special approval uses** within the RE district include the following:
    1. All special uses permitted in the LA, R-1, R-2, R-2A, and R-3 districts, subject to the minimum requirements of the RE district.
- (4) **RF residential farming district**.
  - a. **Permitted uses**. Permitted **uses** within the RF district include the following:
    1. All permitted uses in the LA, R-1, R-2, R-2A, R-3, and RE districts, subject to the minimum requirements of the RF district.
    2. **Farm operations**, subject to the Michigan Right to Farm Act, MCL 286.471, et. seq., as amended.
    3. **Roadside stands** for the display and sale of produce raised or grown on the premises, subject to [Section 38-196\(15\)](#).
    4. Public parks and recreation areas, forest preserves, resource conservation areas, refuges, and similar low intensity activities.
    5. **Agricultural composting**, subject to [Section 38-196\(27\)](#), and subject to the Michigan Right to Farm Act, MCL 286.471, et. seq. as amended.
  - b. **Special approval uses**. **Special approval uses** within the RF district include the following:
    1. All special uses permitted in the LA, R-1, R-2, R-2A, R-3, and RE districts, subject to the minimum requirements of the RF district.
    2. Public and private cemeteries.
    3. Golf driving ranges, subject to [Section 38-196\(17\)](#).
    4. Airports, helicopters, and other vertical land and takeoff craft landing ports and aircraft landing fields, subject to [Section 38-196\(25\)](#).
    5. **Stables**, subject to [Section 38-196\(18\)](#).
    6. **Kennels**, subject to [Section 38-196\(19\)](#).
    7. Private day camps and campgrounds, subject to [Section 38-196\(11\)](#).

8. Recreational vehicle storage yards.
  9. Quarries and excavations, subject to Section 38-359.
  10. Confined animal feedlots, subject to Section 38-196(12).
  11. Participatory commercial recreation, including:
    - i. Golf driving ranges, subject to Section 38-196(17).
    - ii. Commercial stables, subject to Section 38-196(18).
    - iii. Swimming pools, recreation fields for the purpose of softball, baseball, soccer, football, indoor archery, air gun (paint ball) recreation, subject to Section 38-196(26).
- (5) **RM residential multiple-family district.**
- a. **Permitted uses.** Permitted uses within the RM district include the following:
    1. Single-family detached dwellings.
    2. Two-family dwellings.
    3. Multiple-family dwellings.
    4. Public educational institutions.
    5. Accessory uses, subject to Section 38-171.
    6. Senior housing complexes, subject to Section 38-196(13).
    7. Family Day Care Homes, subject to Section 38-196(6).
    8. Adult Foster Care Small Group Home.
  - b. **Special approval uses.** Special approval uses within the RM district include the following:
    1. All special uses permitted in the LA, R-1, R-2, R-2A, R-3, and RE districts.
    2. Convalescent homes, subject to Section 38-196(14).
    3. Adult Day Care Centers, subject to Section 38-196.
    4. Child Care Centers, subject to Section 38-196.
    5. Adult Foster Care Large Group Homes, subject to Section 38-196.
    6. Adult Foster Care Congregate Facilities, subject to Section 38-196.

**Table 135-1 Green Oak Charter Township State Licensed Facilities Summary Listing of Permitted/Special Uses**

Use	LA	R-1	R-2	R-2A	R-3	RE	RF	RM	VMU	LB	GB	HC
Adult Day Care Home (≤6)	P	P	P	P	P	P	P		P			
Adult Group Day Care Home (7-12)	SAU	SAU	SAU	SAU	SAU	SAU	SAU		SAU			
Adult Day Care Center (>1)								SAU	SAU			
Child Family Day Care Home (≤6)	P	P	P	P	P	P	P		P			
Child Group Day Care Home (7-12)	SAU	SAU	SAU	SAU	SAU	SAU	SAU		SAU			
Child Day Care Center (>1)								SAU	SAU	SAU	SAU	SAU
Adult Foster Care Small Group Home (<12)								P	P			
Adult Foster Care Large Group Home (13-20)								SAU	SAU			
Adult Foster Care Family Home (≤6)	P	P	P	P	P	P	P		P			
Adult Foster Care Congregate Facility (>20)								SAU	SAU			
Child Foster Care Family Home (1-4)	P	P	P	P	P	P	P		P			
Child Foster Family Group Home (5-6)	P	P	P	P	P	P	P		P			

P Permitted Use

SAU Special Approved Use

- (6) **RMH residential mobile home park district.**
- a. **Permitted uses.** Permitted uses within the RMH district include the following:
    1. Mobile home parks, subject to the provisions of Section 38-137(h).
    2. Public parks and recreational facilities.
    3. Public educational institutions.
    4. Accessory uses, subject to Section 38-171.
    5. Family day care homes, subject to Section 38-196(6).
    6. Foster family homes.
    7. Foster family group homes.
    8. Adult foster care family homes.
  - b. **Special approval uses.** Special approval uses within the RMH district include all special uses permitted in the LA, R-1, R-2, R-2A, R-3, and RE districts, except hospitals.
- (7) **LB local business district.**
- a. **Permitted uses.** Permitted uses within the LB district include the following:
    1. Retail businesses which supply commodities, such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, or hardware.
    2. Personal service establishments, such as repair shops for watches, small appliances, shoes and televisions, beauty shops, and barbershops.
    3. Laundry and dry cleaning pickup stations, subject to Section 38-196(28).
    4. Professional offices for doctors, dentists, lawyers, architects, engineers, and other similar professions.
    5. Financial and business service establishments, banks, credit unions, and insurance offices.
    6. Post offices and other similar governmental offices serving nearby residential areas.
  - b. **Special approval uses.** Special approval uses within the LB district include the following:
    1. Eating and drinking establishments, excluding drive-in restaurants, subject to Section 38-196(2).
    2. Indoor and outdoor commercial recreation, subject to Section 38-196(8) or 38-196(11).
    3. Shops providing merchandise to be sold on the premises, provided that not more than five (5) persons are employed on the premises in the production of merchandise being sold.
    4. Planned shopping centers, subject to Section 38-196(20).
    5. Mini-storage, subject to Section 38-196(21).
    6. Child day care centers, subject to Section 38-196(6).
- (8) **GB general business.**
- a. **Permitted uses.** Permitted uses within the GB district include the following:
    1. All uses permitted in the LB district.
    2. Private clubs and lodges, provided, sales and services are to members and guests only.
    3. Supermarkets.
    4. Public or private business schools or colleges.
    5. Health and fitness clubs.
    6. Theaters, excluding drive-in theaters.
    7. Eating and drinking establishments, subject to Section 38-196(2).
  - b. **Special approval uses.** Special approval uses within the GB district include the following:
    1. All special uses permitted in the LB district.
    2. Assembly halls or dancehalls, subject to Section 38-196(8).
    3. Open air businesses when developed in conjunction with a permitted use and subject to Section 38-196(9).
    4. Plant nurseries, subject to Section 38-196(23).
    5. Vehicle wash establishments, subject to Section 38-196(24).

6. Mortuaries, subject to [Section 38-196\(7\)](#).
  7. Bowling alleys, indoor skating rinks and similar recreational uses, subject to [Section 38-196\(8\)](#).
  8. Veterinary offices, including animal hospitals and [clinics](#), subject to [Section 38-196\(10\)](#).
  9. Warehouse/indoor storage associated with retail sales businesses.
  10. [Public garages](#), [automobile service stations](#), [filling stations](#), and associated [convenience stores](#) subject to [Section 38-196\(16\)](#).
  11. Child care centers, subject to [Section 38-196\(6\)](#).
- (9) **HC highway commercial district.**
- a. **Permitted uses.** Permitted [uses](#) within the HC district include the following:
    1. All uses permitted in the GB district.
    2. New and used car sales and showrooms.
    3. [Hotels](#) and [motels](#), subject to [Section 38-196\(5\)](#).
    4. Public and commercial [storage garages](#).
    5. Bus and train passenger stations.
  - b. **Special approval uses.** [Special approval uses](#) within the HC district include the following:
    1. All special uses permitted in the GB district.
    2. [Drive-in](#) restaurants, subject to [Section 38-196\(2\)](#).
    3. Body shops.
    4. Lumberyards.
    5. [Recreational vehicle storage yards](#).
    6. New and used bus, truck (one (1) ton and over), and heavy equipment sales and storage.
    7. Adult regulated uses, subject to [Section 38-197](#).
    8. Vehicle [storage garages](#).
    9. Truck stops or truck plazas.
    10. Child care centers, subject to [Section 38-196\(6\)](#).
- (10) **LI limited industrial district.**
- a. **Permitted uses.** Permitted [uses](#) within the LI district include the following:
    1. Wholesale establishments, warehouses, cartage businesses, and truck terminals.
    2. Manufacture, assembly, compounding, processing, packaging, or treatment from previously prepared materials, or repair of such products as, but not limited to:
      - i. Bakery goods and candies;
      - ii. Cosmetics, pharmaceuticals, and toiletries;
      - iii. Hardware and cutlery;
      - iv. Pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;
      - v. Musical instruments, toys, and novelties;
      - vi. Metal or rubber stamps, or other small, molded rubber products;
      - vii. Electrical appliances, electronic instruments and devices, and electronic consumer products;
      - viii. Electric or [neon signs](#);
      - ix. Light sheet metal products, including heating and ventilating equipment, siding, etc.;
      - x. Textile goods;
      - xi. Apparel and leather goods;
      - xii. Furniture and fixtures;
      - xiii. Printing and publishing.

3. Manufacture, compounding, assembling, reassembly, packaging, or treatment of articles or merchandise from previously prepared materials, including but not limited to felt, fiber, glass, leather, paper, plastics, rubber, precious or semi-precious metals or stones, and wire.
  4. Tool, die, and machine shops.
  5. Contractor equipment and material storage yards.
  6. Municipal equipment and material storage yards.
  7. Permitted uses in the RO zoning district.
  8. Experimental, film or testing laboratories.
  9. Mini-storage or self-storage warehouses, subject to [Section 38-196\(21\)](#).
  10. [Accessory buildings, structures, and uses](#) customarily incidental to any of the principal uses set forth in subsections (10)a.1.--9. of this section.
  11. Movie Studio Buildings and film or video production.
- b. **Special approval uses.** [Special approval uses](#) within the LI district include the following:
1. Municipal waste or water treatment facilities.
  2. Automobile body repair stations.
  3. Lumber and planing mills.
  4. Building materials and lumber supply sales and/or storage.
  5. Sales, leasing, and storage of contractors' equipment and supplies.
  6. Truck and [trailer](#) rental facilities.
  7. Retail sales of goods assembled, manufactured, compounded, processed, packaged, or treated from previously prepared materials, or repaired or stored, on the premises, provided, the [building](#) floor area devoted to retail sales comprises no more than twenty-five percent (25%) of [principal building](#) floor area and the outdoor sales area comprises no more than twenty-five (25%) percent of the minimum required lot area.
  8. Central dry cleaning plants, subject to [Section 38-196\(28\)](#).
  9. Airports.
  10. Commercial outdoor storage.
  11. [Recreational vehicle storage yards](#).
  12. [Accessory buildings, structures and uses](#) customarily incidental to the special land uses set forth in subsections (10) b.1.--11. of this section.
  13. Other uses of the same nature or class as those listed as either a principal use in subsection (10)a. of this section or a special land use in this subsection (10)b., which, as determined by the [Planning Commission](#), are no more obnoxious or detrimental to the surrounding area than the uses listed in such subsections.
  14. Special uses in the RO zoning district.
  15. Reserved.
  16. [Commercial composting](#).
  17. Adult regulated uses, including body art establishments and pawn shops, subject to [Section 38-197](#).
  18. Vehicle Towing Facilities.
  19. Movie Studio Buildings and film or video production if production is 24-hour operation or if outdoor storage is considered.
  20. Indoor recreation establishments including, but not limited to, batting cages, dance studios, cheerleading, gymnastics, courts and fields for football, soccer, tennis, basketball, driving ranges, archery, skating rinks, hockey, and other indoor recreation facilities, subject to a review of parking by the Planning Commission and subject to the submittal of parking studies based upon the Institute of Transportation Engineers (ITE) standards, if required.
- (11) **GI general industrial district.**
- a. **Permitted uses.** Permitted [uses](#) within the GI district include the following:

1. All permitted uses in the LI district.
  2. Any manufacturing or other industrial type or related use, including the assembly, alteration, cleaning, fabrication, finishing, machining, processing, production, repair, servicing, storage, testing, or treating of materials, goods, or products, which is not injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat, including but not limited to the following:
    - i. The manufacturing, fabrication, and assembling of motor vehicle equipment and parts, farm machinery and equipment, or heavy industrial machinery and equipment.
    - ii. Production, manufacturing, processing, and packaging of such products as cereals, dog foods, soft drinks, and distillation of grains and fruits.
    - iii. Drop forges, heavy stamping, fabricating, assembly, and other manufacturing processes, except tanneries, slaughterhouses, stockyards, oil refineries, or soap factories.
    - iv. Lumber and planing mills.
    - v. Manufacturing or processing of wood, concrete, cinder blocks, and brick.
    - vi. Permitted uses in the RO zoning district.
    - vii. Manufacture of major appliances.
    - viii. Pressing, stamping, or forming of major sheet metal parts.
    - ix. Manufacture of iron, aluminum, bronze, and other castings.
  3. Certain uses which, by their nature, would be dangerous in a community where large residential areas are prohibited. Such uses shall include the manufacture of explosives, gasoline, and other crude oil byproducts.
- b. **Special approval uses.** Special approval uses within the GI district include the following:
1. Municipal waste or water treatment facilities.
  2. Junkyards, subject to [Section 38-196\(3\)](#).
  3. Recreational vehicle storage yards.
  4. Central dry cleaning plants, subject to [Section 38-196\(28\)](#).
  5. Production, processing and packaging of such products as cosmetics, toiletries, and pharmaceuticals.
  6. Special uses in the RO zoning district.
  7. Reserved.
  8. [Commercial composting](#).
- (12) **RO Research offices district.**
- a. **Permitted uses.** Permitted uses within the RO district include the following:
    1. Any use charged with the principle function of technical training.
    2. Office buildings for executive, administrative, clerical, accounting, engineering, architecture, drafting, and sales functions.
    3. Data processing and computer centers, including sales, service, and maintenance of electronic data processing equipment.
    4. Warehousing accessory to the above uses.
  - b. **Special approval uses.** Special approval uses shall include any use charged with the principal function of basic research, design, and pilot or experimental product development.
- (13) **PUD Planned unit development.**
- a. **Permitted uses.**
    1. All uses permitted in any other zoning district.
    2. Accessory uses in accordance with the provisions of [Section 38-171](#).
- (14) **Village Mixed Use-1 and Village Mixed Use-2.**
- a. Permitted and Special Uses shall comply with the listing of uses and requirements specified in [Table 138-1](#).

**Sec. 38-136. Schedule of area, height, and setback regulations.**

The following regulations regarding lot sizes, yards, setbacks, lot coverage, building size, and densities apply within the zoning districts as indicated. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established in this section for the district in which such building is located. No portion of a lot used in complying with the provisions of this section for yards, courts, or lot area occupancy in connection with an existing or projected building or structure shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Lot Size per Unit		Maximum Building Height		Minimum Yard Setback Required					Maximum % Lot Area Covered by All Buildings - Lot Coverage	Maximum % of Impervious Surface	Additional Regulations
	Area	Width at Building Site	Stories	Feet	Front Yard	Side Yard	Rear Yard	Waterfront Yard**				
Public Lands, PL	5 acres	300 feet	2½	32	60 feet	20 feet	50 feet	60 feet		20%	--	(see Section 38-137(a)-(c))
Residential Farming, RF	2 acres	150 feet	2½	32	50 feet	20 feet	50 feet	50 feet		25%	--	"
Residential Rural Estate, RE	7,200 sq ft	60 feet	2½	32	30 feet	7 feet	30 feet	30 feet		30%	--	"
Lake Area Residential, LA	12,000 sq ft	90 feet	2½	32	30 feet	10 feet	40 feet	30 feet		30%	--	"
Residential Single-Family, R-1	21,750 sq ft	125 feet	2½	32	40 feet	15 feet	45 feet	40 feet		30%	--	"
Residential Single-Family, R-2	32,670 sq ft	135 feet	2½	32	45 feet	20 feet	50 feet	45 feet		30%	--	"
Residential Single-Family, R-2A	1 acre	150 feet	2½	32	45 feet	20 feet	50 feet	45 feet		30%	--	"
Residential Single-Family, R-3	3 acres	200 feet	2½	32	35 feet	20 feet	50 feet	35 feet		30%	--	(see Section 38-137(d)-(g))
Residential Multiple Family, RM	--	--	--	--	--	--	--	--		--	--	(see Section 38-137(h))
Residential Mobile Home Park, RMH	--	--	--	--	--	--	--	--		--	--	--
Local Business, LB	20,000 sq ft	100 feet	2½	32	25 feet	20 feet	25 feet	25 feet		35%	90%	
General Business, GB	20,000 sq ft	100 feet	2½	32	40 feet	25 feet	30 feet	40 feet		35%	90%	
Highway Commercial, HC	20,000 sq ft	100 feet	2½	35	50 feet	15 feet	40 feet	50 feet		35%	90%	
Limited Industrial, LI	1 acre	150 feet	3	50	50 feet	20 feet	40 feet	50 feet		35%	90%	
General Industrial, GI	2 acres	200 feet	3	50	75 feet	35 feet	75 feet	75 feet		35%	90%	
Research Office, RO	1 acre	150 feet	3	50	50 feet	15 feet	40 feet	50 feet		35%	90%	
Village Mixed Use 1, VMU-1	--	--	--	--	--	--	--	--		--	--	(see Table 138-1)
Village Mixed Use 2, VMU-2	--	--	--	--	--	--	--	--		--	--	(see Table 138-2)

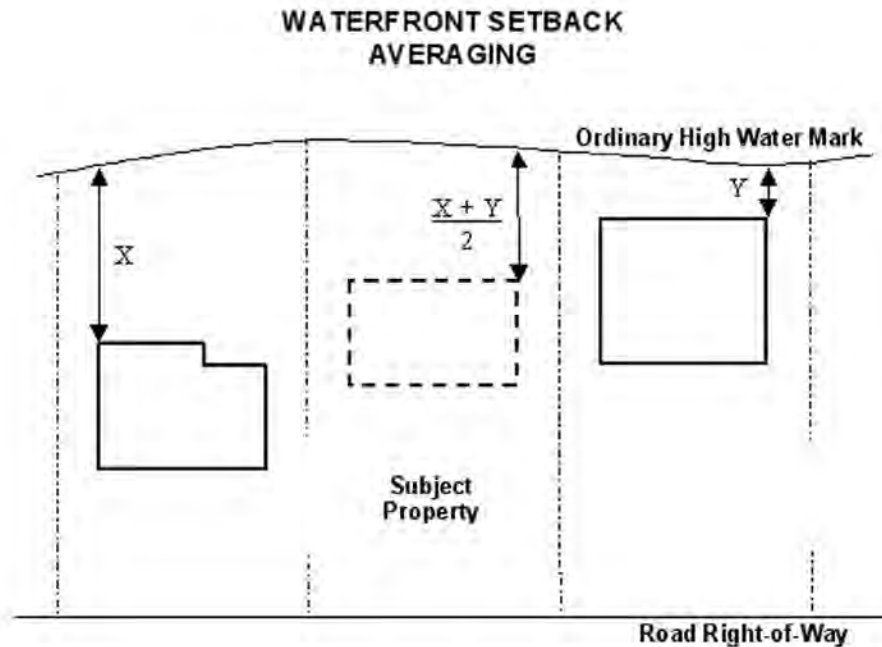
\* If fronting on a natural river, these setbacks will not apply.

\* Refer to Section 38-137(i) for additional standards.

**Sec. 38-137. Miscellaneous regulations.**

- (a) The minimum floor area per **dwelling unit** shall be as follows:
- (1) One (1) **story**, one thousand (1,000) square feet.
  - (2) One and one-half (1½) stories, one thousand one hundred and fifty (1,150) square feet.
  - (3) Two (2) stories, one thousand three hundred and fifty (1,350) square feet.
- (b) All **single-family dwellings** in the LA and R-1 district are required to be served by **sanitary sewers**.
- (c) Minimum **lot widths** are required along the **street right-of-way** upon which the lot fronts. In the case of **corner lots**, minimum lot widths must be met along both **street frontages**. Where curvilinear street patterns or culs-de-sac result in irregularly shaped lots with nonparallel **side lot lines**, no less than eighty percent (80%) of the minimum lot width shall be required at the street right-of-way, provided one hundred percent (100%) of the minimum lot width is met at the building line.
- (d) Site requirements for the RM district are as follows:
- (1) Single-family detached dwellings shall have a minimum lot size of three (3) acres.
  - (2) **Two-family dwellings** shall have a minimum lot size of one (1) acre per two-family unit.
  - (3) A minimum site size of three (3) acres is required for multiple-family developments, other than **two-family dwellings**.
  - (4) Multiple-family residential developments which are not served by public **sanitary sewers**, cluster **septic systems**, or approved package treatment plants shall comply with the following lot area requirements per **dwelling unit**:
    - a. **Efficiency units**, five thousand (5,000) square feet.
    - b. One (1) bedroom units, five thousand (5,000) square feet.
    - c. Two (2) bedroom units, ten thousand (10,000) square feet.
    - d. Three (3) bedroom units, twelve thousand five hundred (12,500) square feet.
  - (5) Multiple-family residential units which are served by public **sanitary sewers**, cluster **septic systems**, or approved package treatment plants shall comply with the following lot area requirements per **dwelling unit**:
    - a. **Efficiency units**, two thousand five hundred (2,500) square feet.
    - b. One (1) bedroom units, two thousand five hundred (2,500) square feet.
    - c. Two (2) bedroom units, five thousand (5,000) square feet.
    - d. Three (3) bedroom units, seven thousand five hundred (7,500) square feet.
  - (6) All packaged treatment plant facilities shall meet all applicable federal, state, and local standards and regulations. The collection system used in conjunction with a packaged treatment facility shall be designed to readily connect into a future public sewer service without the need for reconstruction of any main or later sewer links.
- (e) The minimum required floor space per **dwelling unit** in each **multiple dwelling structure** shall be as follows:
- (1) Efficiency apartments, three hundred and fifty (350) square feet.
  - (2) One (1) bedroom apartments, six hundred (600) square feet.
  - (3) Two (2) bedroom apartments, eight hundred (800) square feet.
  - (4) Three (3) bedroom apartments, one thousand (1,000) square feet.
- Plus an additional eighty (80) square feet for each **bedroom** in excess of three (3) bedrooms in any **dwelling unit**.
- (f) Where two (2) or more multiple, row, or **terrace dwelling structures** are **erected** on the same lot or parcel, a minimum distance between any two (2) structures shall be equal to the height of the highest structure, and the maximum building length shall not exceed two hundred (200) feet.

- (g) No **multiple dwelling** shall be located closer than one hundred (100) feet to a perimeter property line which abuts a single-family residential district.
- (h) All **mobile home parks** shall be located in the RMH residential mobile home park district. All **uses** permitted within the RMH district shall comply with the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), the current mobile home code adopted by the state mobile home commission, and the following additional standards:
- (1) **Front and rear yard.** Each **mobile home** site shall have **front** and **rear yards** of not less than fifteen (15) feet each.
  - (2) **Side yard.** A minimum of twenty (20) feet shall be maintained between mobile homes.
  - (3) **Lot area.** The **mobile home park** shall be developed with sites averaging five thousand five hundred (5,500) square feet per **mobile home** unit. The five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty percent (20%), provided the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required by the mobile home code and this chapter.
  - (4) **Landscape buffer.** A landscape **buffer** shall be required along the boundaries of the **mobile home park** which abut a district other than RMH. For mobile home parks with less than twenty-five (25) sites, a fifteen (15) foot, unoccupied, landscaped bufferstrip shall be provided. For mobile home parks with twenty-five (25) sites or more, a twenty-five (25) foot, unoccupied, landscaped bufferstrip shall be provided. The fifteen (15) foot **setback** between any mobile home park boundary and a **mobile home**, as required by the mobile home code, may be included as part of the landscape bufferstrip. The selection spacing and size of plant material shall be such as to create, within a five (5) year period from the date of planting, a horizontal obscuring effect for the entire length of the entire buffer, and a vertical obscuring effect of no less than ten (10) feet.
  - (5) **On-site vehicle parking.** A minimum of two (2) parking spaces shall be provided on each **mobile home** site. The parking spaces will be constructed in accordance with the mobile home code adopted by the state mobile home commission.
  - (6) **Open space.** Each **mobile home park** shall provide at least one (1) easily accessible open space area containing at least five hundred (500) square feet per **mobile home** site in the park. Optional recreational **improvements**, such as **swimming pools**, recreational buildings, children's playgrounds, picnic areas, game fields and courts, or similar areas or facilities, shall be considered as fulfilling part or all of the total open space requirement. The landscape **buffer** as required in subsection (h)(2) of this section may be included as part of the required open space.
  - (7) **Access.** Each **mobile home park** shall have two (2) paved accesses, at least one (1) of which shall be to a **primary thoroughfare**.
  - (8) **Submission of final plans and specifications.** Upon completion of construction of all **buildings** and site **improvements** represented on the approved **mobile home park** construction plans and specifications, the developer, owner, or operator of the park, in conjunction with an architect or engineer, shall submit final plans and specifications, prepared in accordance with R125.1913 of the department of consumer and industry services, to the Zoning Administrator or designee.
- (i) In cases where the **waterfront yard setback** of the principal **structure** on one (1) or both of the lots immediately adjacent to the subject property is less than that which is required for the district, the waterfront yard setback on the subject property may be reduced to a distance equal to the average of the waterfront yard setbacks on the two (2) immediately adjacent lots, as shown in the figure below. In cases where the **ordinary high-water mark** is irregular, the building official or designee shall determine the average waterfront setback. Regardless of the allowable waterfront yard setback, the **front yard** setback shall be as presented in the schedule of regulations.



### Sec. 38-138 Village Mixed Use Districts.

- (a) **Intent and purpose.** The purpose of the Village Mixed Use Districts shall be to encourage the development of property in accordance with the Green Oak Charter Township [Master Plan](#) and other portions of the Township in a manner that will: allow mixed use development; arrive at a coordinated development pattern which addresses both style and architecture appropriate for the area; ensure safe and complementary vehicular and pedestrian circulation patterns; improve environmental quality; and provide an attractive transition between residential and commercial properties.

Village Mixed Use shall be specified for the areas as designated on the Green Oak Charter Township Master Plan and in other optional areas of the Township.

The provisions of this District are intended to establish the Village Mixed Use as an area which accomplishes one or more of the following:

- (1) Promotes the Goals and Policies of the Green Oak Charter Township [Master Plan](#).
- (2) Promotes a compatible mixture of [uses](#) in close proximity to one another.
- (3) Places public spaces in accessible locations and links prominent uses and features that act as landmarks, symbols, and focal points for community identity.
- (4) Enhances the visual appearance of the District by preserving the natural views and coordinating design of [buildings](#), site arrangement and [landscaping](#), signs, and other elements.
- (5) Improves environmental quality through [low impact development](#) and innovative stormwater management in order to preserve the water quality of the Huron River.
- (6) Manages access to businesses and future development while simultaneously preserving the flow of automobile and pedestrian traffic on the surrounding road system in terms of safety, capacity needs, and speed.
- (7) Improves traffic flow and safety.
- (8) Provides for a coordinated development pattern which allows a well-designed transition between commercial and residential land uses.

- (9) Promotes energy efficiency and full or partial Leadership in Energy and Environmental (LEED) ratings.
- (10) Incorporates **Low Impact Development** (LID) design practices in order to minimize negative environmental impacts.
- (11) Promotes the concepts of Transit Oriented Design (TOD) along the US-23 corridor, Washtenaw-Livingston Rail Line (WALLY), or other County roads.
- (12) Creates a walkable, human-scale environment.

- (b) **Applicable area and requirements.** The Village Mixed Use District encompasses the area as illustrated on the Zoning Map of Green Oak Charter Township and other areas as may be zoned Village Mixed Use. The requirements of this Section shall be applied in addition to the requirements of the applicable zoning districts and other applicable sections of the Green Oak Charter Township Zoning Ordinance.
- (c) **Schedule of uses.** Use and development of land and buildings shall only be for the following specified uses. Land and/or buildings in the district indicated at the top of **Table 138-1** may be used for the purposes denoted by the following abbreviations:

P: Permitted Use – Land and buildings in this District may be used for the purposes listed by right as a permitted use.  
 S: Special Land Use – Land and/or buildings in this District may be used for this purpose by obtaining Special Land Use approval when all applicable standards cited in **Section 38-44, Special Land Use Approval** are met.

**Table 138-1**

PRINCIPAL USE	VILLAGE MIXED USE DISTRICT	REQUIREMENTS
<b>Residential Uses:</b>		
Single-Family dwellings	P	38-138
Two-Family dwellings	P	38-138
Multiple-Family dwellings	P	38-138
Housing for the elderly	S	38-44, 38-138, 38-196
Home occupations	P	38-194
Residential (above first floor commercial)	P	38-138
Elder Cottage Housing Opportunities (ECHO)	S	38-44, 38-138, 38-196(29)
<b>Care Centers:</b>		
Family foster care	P	38-138
Group foster care	S	38-44, 38-138
Family day care	P	38-138
Group day care	S	38-44, 38-138
Child care centers	S	38-44, 38-138
Assisted living (Nursing homes)	S	38-44, 38-138
<b>Public/Quasi-Public:</b>		
Cemeteries	S	38-44, 38-138
Public/Semi-public parks	S	38-44, 38-138
Public services	S	38-44, 38-138
Public service buildings	S	38-44, 38-138
Hospitals	S	38-44, 38-138, 38-196
Public primary/secondary schools	S	38-44, 38-138
Colleges	S	38-44, 38-138
Churches	S	38-44, 38-138, 38-196

<b>Food/Restaurants/Entertainment:</b>		
Restaurant - sit down	S	38-44, 38-138
Restaurant - take-out/home delivery (excluding drive-thru)	S	38-44, 38-138
Video rental	P	38-138
Coffee shop (excluding drive-thru)	P	38-138
Theatres/Auditoriums (less than 500 seats)	S	38-44, 38-138
<b>Office/Service Uses:</b>		
Medical clinic	P	38-138
Personal service	P	38-138
Professional offices	P	38-138
Professional services	P	38-138
Veterinary clinic	P	38-138, 38-196
<b>Retail Commercial Uses:</b>		
Banks, savings and loan, credit unions	P	38-138
Banks, etc. with drive-thru	P	38-138
Teller, automated, 24-hour	P	38-138
Retail business	P	38-138
Pharmacies (with drive-thru)	S	38-44, 38-138
Shopping plazas	P	38-138
<b>Recreational Uses:</b>		
General commercial outdoor recreation	S	38-44, 38-138, 38-196
Golf courses (with or without restaurants)	S	38-44, 38-138, 38-196
Golf driving ranges, mini-golf	S	38-44, 38-138
Fitness	S	38-44, 38-138

P = Permitted Use    S = Special Land Use

- (d) **Schedule of regulations.** Each use within the Village Mixed Use shall comply with Table 138-2 for area, height, setback, and lot coverage. Corresponding uses shall include:

**Table 138-2 Schedule of Village Mixed Use Regulations**

	<i>Residential Single-Family</i>	<i>Residential Multi-Family</i>	<i>Mixed Use Buildings and Non-Residential Uses</i>
<i>Minimum Lot Area</i>	12,000 square feet	N/A	N/A
<i>Minimum Lot Width</i>	90 feet	N/A	N/A
<i>Residential Density</i>	3.5 units/acre maximum	8 units/acre maximum	N/A
<i>Minimum Front Yard</i>	30 feet	20 feet	30 feet (unless waived or modified by Planning Commission)
<i>Minimum Side Yard</i>	10 feet	20 feet between buildings	20 feet
<i>Minimum Rear Yard</i>	40 feet	40 feet	40 feet
<i>Maximum Building Height</i>	2½ stories (32 feet)	2½ stories (32 feet) 4 stories (Senior Housing)	3 stories (36 feet)

- (e) **Single-family residential lot size averaging.** The [Planning Commission](#) may allow a variation in lot size from those requirements set forth in the Schedule of Regulations provided in [Table 138-2](#). However, no single lot may be reduced by more than thirty-five percent (35%) from the scheduled minimum lot size set forth in [Table 138-2](#). Average lot size shall be calculated by adding together the area of each buildable lot and dividing by the number of building lots proposed for said development. Lot size averaging shall only be allowed if there is an equivalent increase in the amount of open space.
- (f) **General design standards.** All proposed development and construction within the Village Mixed Use District shall comply with the following standards:
- (1) **Development patterns.** Proposed development shall reflect characteristics and design features of compact developments that are consistent with the Green Oak Charter Township [Master Plan](#). The intent of the District is to create a coordinated development pattern which provides a smooth transition between [uses](#) and properties. Transition may be created through coordination of building styles and [setbacks](#), landscape [buffers](#), and cross-access between properties.
  - (2) **Mixed use requirements.** A mix of [uses](#) is encouraged and may include first floor commercial and upper floor office or residential uses.
  - (3) **Open space and community design features.** Each non-residential establishment shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: [patio](#)/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the sole discretion of the Township, adequately enhances such community and public spaces.
  - (4) **Site access, parking and loading.** Overall [street](#) and/or driveway design and layout shall be an integral component of site design providing for both internal access to service the development of properties and cross-access between individual properties. Grid patterns for street network systems are required. Site access, parking and loading shall meet the standards set forth in [Article VII](#). In addition, off-street parking for non-residential [uses](#) shall be located predominantly within the [side](#) or [rear yard](#) areas. All required parking for non-residential uses shall be located within the side or rear yard. The [Planning Commission](#) may allow parking in the [front yard](#), subject to traffic safety, visibility, convenience, landscape buffering, or other site factors.
  - (5) **Pedestrian pathways and sidewalks.** Emphasis shall be placed on providing a pedestrian circulation system which promotes safety and connects neighborhoods with open space, community facilities and commercial/office/mixed use areas. Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and [aesthetically](#) pleasing means of on-site movement and shall be an integral part of the overall site design concept. Pedestrian pathway connections to parking areas, [buildings](#), other amenities and between on-site and perimeter pedestrian systems and safety paths shall be planned and installed wherever feasible.
  - (6) **Alternative transportation/transit.** Development should promote alternative transportation concepts including connections to park and ride facilities, linkage to safety paths, facilities for bicycle storage or bike racks, and possible connection to train transportation (WALLY) or transit stations.
  - (7) **Signage.** All signs permitted within this District shall be subject to the provisions of [Article IX, Signs](#), and the following requirements and standards.
    - a. All signs shall be designed so as to be integral and compatible with the architecture and [landscaping](#) component of the development.
    - b. A comprehensive common sign plan shall be submitted with each development project for review and approval by the [Planning Commission](#). [Multi-tenant](#) commercial signage or multi-phase residential projects shall include unified graphics, colors or structural components in order to achieve a consistent and coordinated design.
  - (8) **Lighting.** All lighting shall conform to the requirements of [Section 38-364](#). In addition, in order to maintain pedestrian safety, site security, and accentuate architectural details, pedestrian lighting shall be provided for pedestrian walkways,

building entries and other areas where illumination is needed to permit safe pedestrian travel. Light fixtures shall have a coordinated design appearance. Lighting shall be adjusted to natural light cycles. Excessive lighting and light spill over is prohibited and regulated by [Section 38-364](#).

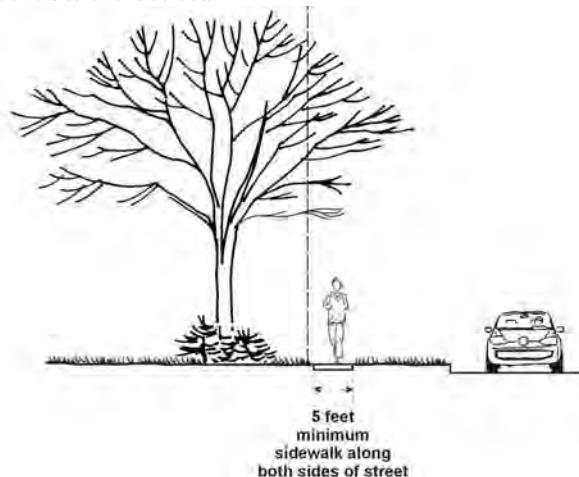
- (9) **Landscaping/greenbelts/buffers/screening elements.** All landscape features of the site shall conform to the requirements set forth in [Section 38-177](#).
- (10) **General site design/architectural guidelines for non-residential uses.** It is the intent of the District to provide an environment of high quality and complementary building architecture and site design. Special emphasis shall be placed upon methods that tend to reduce the visual impact of large buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of [buildings](#) compatible with the streetscape. Building design shall contribute to the uniqueness of the Village Mixed Use with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context. In the case of projects which contain more than one building, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive sense of design and design continuity. A standardized prototype design shall be modified if necessary to meet the provisions of this Ordinance.
- (11) **Non-residential building materials.** The following exterior finish materials are required on the front façade and any façade facing a [street](#) or parking area. These requirements do not include areas devoted to windows and doors.
- All walls exposed to public view from the street or parking area shall be constructed of not less than sixty percent (60%) brick or stone. Panel brick and tilt-up brick textured paneling shall not be permitted.
  - The remaining façade may include wood or fiber cement siding. Exterior finish insulation systems (EFIS) may be used for architectural detailing above the first floor. Vinyl siding may be used on walls above a height determined to be measured from the highest point of the [roof](#) to a level below which represents the highest forty percent (40%) of total [building height](#).



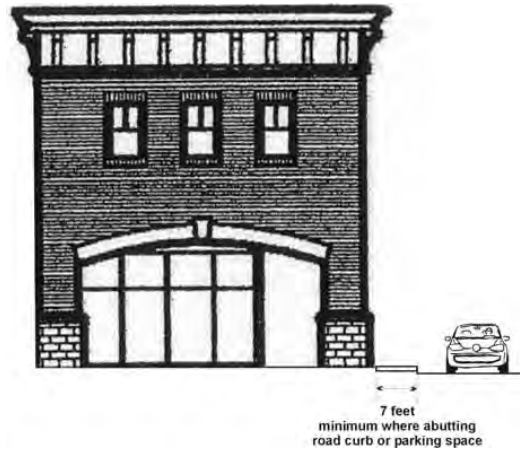
- Buildings** that have upper stories shall be designed to create a distinct and separate ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.
- (12) **Windows and doors.**
- Storefront/ground floor.** Storefronts facing a public or private [street](#) right of way shall have windows, doorways and signage which are integrally designed and painted. No less than seventy percent (70%) of the storefront/ground floor façade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than three (3) feet above the adjacent exterior grade. [Window signs](#) shall comply with [Section 38-407](#).



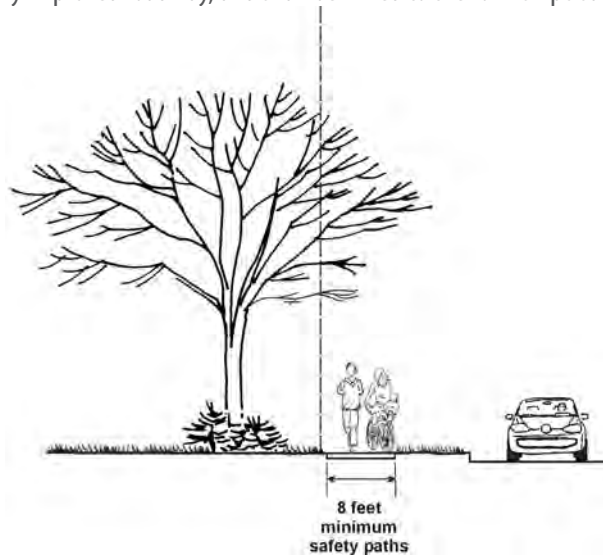
- (13) **Residential architectural requirements.** Townhouses and one/two-family residential dwellings shall meet the following architectural design requirements:
- a. **Building design.** Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts & Crafts, Colonial, Foursquare, Gothic Revival, Italianate, Tudor, Victorian, and other traditional styles characteristic of the Midwestern United States.
  - b. **Building elevations.** As part of a subdivision, condominium, or multiple-family site plan application, typical elevations shall be approved by the Planning Commission and in accordance with the design standards of this section.
  - c. **Front façade.** All residential units shall provide a pedestrian door facing the front lot line.
  - d. **Building material.** All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include brick, stone, wood, and fiber cement siding. Vinyl siding may be permitted only above the first floor.
- (14) **Streetscape design requirements.**
- a. **Street design standards.** All streets shall be constructed to meet the requirements of the Livingston County Road Commission (LCRC) and the Green Oak Charter Township Private Road Standards (Section 38-449).
  - b. **Sidewalks/safety paths.**
    1. Sidewalks shall be required along the frontage of all buildings and shall be a minimum of five (5) feet wide concrete and provided on both sides of the street.



2. Sidewalks shall be seven (7) feet wide where abutting a parking space or road curb.



3. Safety paths shall be a minimum of eight (8) feet wide, shall be constructed within a public right of way but separate from any improved roadway, and shall be linked to the Township's safety path system.



- c. **Street trees.** One (1) canopy tree with a minimum caliper of two and one-half (2.5) inches shall be provided for every fifty (50) feet of frontage, planted within planters, tree grates within the sidewalk, or within a six (6) foot wide green planting strip located between the curb and sidewalk.
- d. **Street connections.** The Village Mixed Use Area shall be developed as an integral area with an interconnected street network. Street connections shall be provided to all adjacent parcels. The use of culs-de-sac and dead-end streets shall be discouraged, and a grid pattern shall be required unless waived by the Planning Commission. Where it is not possible to provide a through-street, the Planning Commission may allow a looped drive with a common green in the center. The circular drive around the green shall be at least twenty (20) feet wide, measured face to face of curb. The green shall be no less than forty (40) feet at its narrowest dimension.
- e. **Bicycle facilities.** Developments shall be designed to accommodate bicycle travel, including the provision of safety paths and bike racks at destination points such as shopping and recreational facilities.
- f. Electric vehicle recharge stations shall be considered near convenient public parking areas.

- (g) **Applicable area and requirements.** Two (2) separate zoning districts are established for Village Mixed Use. These districts are Village Mixed Use-1 and Village Mixed Use-2.
- (1) **Village Mixed Use-1.** The Village Mixed Use-1 District encompasses the area as designated on the 2008 [Master Plan](#). The requirements of this Section ([Sec. 38-138](#)) shall be applied in addition to the requirements of the applicable zoning districts and other applicable sections of the Green Oak Charter Township Zoning Ordinance.
  - (2) In addition to the general regulations contained within [Section 38-138](#), all development within the Village Mixed Use-1 District shall comply with the following:
    - a. Not more than ten (10) to twenty (20) [contiguous](#) acres of the total acreage in the VMU-1 District may be used for senior citizen housing, including independent senior housing, assisted living, nursing or [convalescent homes](#).
    - b. Not more than twenty (20) acres of the total acreage in the VMU-1 District may be used for local business [uses](#) with an aggregate square footage of rentable space not exceeding one hundred and twenty-five thousand (125,000) square feet with the requirement that no single tenant shall exceed twenty thousand (20,000) square feet. Large-format retail use is specifically prohibited. Commercial areas shall be concentrated and [contiguous](#) in order to create a Village Center.
    - c. In order to promote traffic safety and necessary intersection [improvements](#) along Whitmore Lake Road, future development should reserve area for a relocated Winans Lake Road [right-of-way](#). Reserved areas for a future park and school should also be considered.
    - d. Not less than one hundred and twenty-five (125) to one hundred and thirty-five (135) acres of the total acreage in the VMU-1 District may be used for single-family residential homes on varying lot sizes complying with R-1, R-2, R-2A, and R-3 standards.
    - e. Not more than seventy (70) to eighty (80) acres of the total acreage in the VMU-1 District may be used for multi-family housing including apartments, condominiums, townhouses, garden apartments or other attached units.
    - f. **Civic uses.** Sites developed with civic [uses](#) such as schools, churches, libraries, government offices and parks require specific architectural treatment and design that is unique from other uses. The [Planning Commission](#) may permit modifications to the dimensional and [building height](#) requirements as part of the site plan review. In considering the modifications, the Planning Commission shall determine that the design of the [building](#), location of the building and parking, and the relationship of the site design to the streetscape and adjacent buildings are in keeping with the intended character of the Village Mixed Use Area.
    - g. **Phasing.** Village Mixed Use-1 shall be concurrently developed with residential and non-residential uses. Commercial and other non-residential development shall not occur without previously approved and/or constructed residential development in accordance with a development agreement. The Township shall require a phased development agreement specifying timing, phasing, road, utility, site construction scheduling, or performance guarantees.
- (h) **Review procedures – Village Mixed Use-1.** All development applications within the Village Mixed Use-1 District shall follow the procedures required for permitted or special [uses](#) and the appropriate submittal requirements for Special Uses ([Section 38-44](#)), Site Plans ([Section 38-71](#)), or other development review requirements. Properties zoned Village Mixed Use-1 shall not be eligible for consideration as an Open Space Planned Unit Development option under [Section 38-231](#). All applications shall be submitted to the Zoning Administrator with required application forms, number of copies, and fees.
- (1) **Design review.** Development applications within the Village Mixed Use-1 District shall be submitted to the Design Review Committee. The Committee shall be comprised of the following:
    - a. Chairperson of the [Planning Commission](#),
    - b. One (1) additional member of the Planning Commission appointed by the Planning Commission Chair,
    - c. One (1) member from the Township Board appointed by the Supervisor,
    - d. One (1) resident of the Township or a professional architect or builder with design experience,
    - e. The Zoning Administrator, and
    - f. The Township Planning Consultant.

- (2) The Design Review Committee shall review all plans for compliance with the Intent and Purpose of the Village Mixed Use-1 District as well as adopted design standards.
  - (3) **Review procedures for Village Mixed Use-1.** The property owners or their representative shall submit the following:
    - a. An application form from the Zoning Administrator, indicating the applicant's name, mailing address, location of the property, name of architect and such other information as deemed necessary by the appropriate reviewing body.
    - b. Eight (8) copies of the proposed design plan to include elevation drawings of the front, side, and rear of the **building** visible to the public and elevation drawings of adjacent **structures**, showing general design treatment including color and materials of all walls, screens, towers, openings, lighting, and signs, and the treatment to be utilized in concealing any exposed mechanical and electrical equipment.
    - c. Swatches or a materials sample board for proposed **building** and samples of all colors to be used.
    - d. Any other material, drawings and documents which may be helpful to or requested by the Design Review Committee.
  - (4) **Township Board Review.** All applications for review within the Mixed Use-1 District shall be submitted for concurrent review to the Township Board. Preliminary review comments from the Township Board shall be submitted to the **Planning Commission** prior to final action by the Planning Commission.
  - (5) The Design Review Committee for Village Mixed Use-1 shall make its best effort to act upon the application within forty-five (45) days of submittal and shall submit its recommendation to the **Planning Commission**. An extension of time may be permitted by the Planning Commission if mutually agreed upon by the applicant and the appropriate reviewing body.
  - (6) The applicant and/or the person who has prepared the materials submitted to the Design Review Committee for Village Mixed Use-1 may be required to appear in person before the Design Review Committee.
  - (7) The **Planning Commission** shall make its best effort within forty-five (45) days of receiving the recommendation of the Design Review Committee for Village Mixed Use-1 to approve, disapprove, or postpone an application for development within the Village Mixed Use District.
  - (8) **Design review standards.** The Design Review Committee for Village Mixed Use-1 may recommend deviations to the architectural requirements of this Section in order to allow for creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed **building** which highlights the requested deviations shall be provided superimposed on a color drawing or photograph of the entire **block** and adjacent blocks in both directions showing the relation of the proposed building design to other buildings along the **street**, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:
    - a. Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the Village Mixed Use Area, as articulated in the Green Oak Charter Township **Master Plan**.
    - b. The **building** shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
    - c. The **roof** design shall not be out of character with other buildings along the **block** and shall be within the minimum and maximum height requirements of the District.
- (i) **Village Mixed Use-2.** The Village Mixed Use-2 District encompasses future planned or zoned areas within the Township which are not part of Village Mixed Use-1. In addition to the general design requirements of **Section 38-138(g)**, Village Mixed Use-2 areas shall also be subject to design requirements and zoning procedures established by the **Planning Commission** and Township Board as part of a Planned Unit Development (PUD). An Open Space Planned Unit Development (**Section 38-231**) shall be applied for in conjunction with this zoning category, and shall comply with the requirements of **Sections 38-138(a)** through **38-138(h)** unless specifically modified as part of a Planned Unit Development.

**Sec. 38-139 Wellhead Protection Overlay District.**

- (a) **Intent and Purpose.** The purpose of the Wellhead Protection Overlay District is to provide supplemental development regulations in the designated wellhead protection zone so as to protect and preserve the surface and groundwater resources of the Green Oak Charter Township and the region from any use of land or buildings that may reduce the quality and/or quantity of water resources.

**Sec. 38-140 Definitions.**

As used in this Ordinance, the following words and terms shall have the meaning specified, unless the context clearly indicates otherwise.

**Aquifer.** A geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

**Discharge.** Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by law or regulation, which affects surface water and/or groundwater.

**Fonda Island Briggs Lake Joint Water Authority (FIB).** The privately-owned water authority and municipal corporation located in Green Oak Charter Township and the Charter Township of Brighton.

**Impervious Surface.** Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

**Livingston Community Water Authority (LCWA).** A community water utility partnership of the Livingston County, Michigan communities of Green Oak Charter Township, the Charter Township of Brighton and Hamburg Township.

**Overlay District.** That area of the Township in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the [aquifers](#) supplying the Township's municipal water wells.

**Regulated Substances** shall include: (a) Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance; (b) Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended; (c) Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations; (d) Radiological materials; and (e) Biohazards.

**Wellhead Protection Area.** The surface and subsurface area surrounding a public water supply well or well field through which contaminants, if [discharged](#), are reasonably likely to move toward and reach the well or the well field. This area is also known as the zone of contribution (ZOC) which contributes groundwater to the well or well field.

**Sec. 38-141 Scope of Authority.**

The Wellhead Protection Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an [Overlay District](#) is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the Wellhead Protection Overlay District shall prevail.

### **Sec. 38-142 Creation of Overlay District Boundaries.**

The Wellhead Protection Overlay District boundaries shall be established on the Township Wellhead Protected and Restricted Areas map. Said map shall be considered part of this ordinance. The [Overlay District](#) boundaries may be amended by the Township Board of Trustees upon receiving engineering studies from [LCWA](#), [FIB](#) and/or other water authorities in Green Oak Charter Township with approved Wellhead Protection Plans from the Michigan Department of Environmental Quality (MDEQ) that the [wellhead protection area](#) should be expanded or contracted.

### **Sec. 38-143 District Delineation.**

- (a) The Wellhead Protection Overlay District is hereby established to include all lands within Green Oak Charter Township, lying within the [Wellhead Protection Areas](#), including recharge areas of groundwater [aquifers](#) and watershed areas that lie within the wellhead protection area which now or may in the future provide public water supply. If the wellhead protection area includes a portion of the parcel, the entire parcel shall be considered to be within the wellhead protection area.
- (b) Where the boundaries delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show whether the property should be located in the District. At the request of the owner(s), the Township may engage the services of a qualified professional to determine more accurately the location and extent of an aquifer within the wellhead protection area. The Township shall charge the owner(s) for all or a part of the investigation. The Owner shall place the funds necessary into an escrow account at the Township to cover the necessary fees of the qualified professional.

### **Sec. 38-144 Site Plan Review Requirements.**

- (a) **New or Expanded Uses and Structures.** All proposed new or expanded structures or uses within in the Wellhead Protection Overlay District, except single-family uses, shall be subject to site plan review, pursuant to Chapter 38, Article II, Division 2. of the Green Oak Charter Township Zoning Ordinance.
- (b) **Existing Uses and Structures.** All land uses and activities existing prior to approval of the Wellhead Protection Overlay District, except single-family uses, must provide the data required for site plan review in sec. 38-145 of this ordinance within thirty (30) days after adoption of the Wellhead Protection Overlay Ordinance.

### **Sec. 38-145 Data Requirements.**

The following data are required for site plan review in the Wellhead Protection Overlay District, in addition to the information required by Chapter 38, Article II, Division 2 of the Zoning Ordinance.

- (a) **List of [Regulated Substances](#).** A complete list of chemicals, pesticides, fuels and other Regulated Substances to be used or stored on the premises. Businesses that use or store such Regulated Substances shall file a management plan with the Fire Chief. The management plan shall include the following, at minimum:
  - (1) Provisions to protect against the [discharge](#) of Regulated Substances or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
  - (2) Provisions for indoor, secured storage of Regulated Substances and wastes with impervious floor surfaces.
  - (3) Evidence of compliance with the rules and regulations of the Michigan Department of Environmental Quality.

- (1) Drainage recharge features and provisions to prevent loss of recharge.
- (2) Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
- (a) Infrastructure and structures. Location of existing and proposed infrastructure and structures, above and below ground, including:
  - (1) General location of the site within the Wellhead Protection Overlay District.
  - (2) Areas to be used for the storage, loading/unloading, recycling, or disposal of **Regulated Substances**, including interior and exterior areas.
  - (3) Underground storage tank locations.
  - (4) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of **discharge** for all drains and pipes shall be specified on the site plan.
- (b) Water Resources. Location of existing wetlands and watercourses, including ponds and streams on or within a quarter mile of the site.
- (c) Soils. Soil characteristics of the site, at least to the detail provided by the Natural Resources Conservation Service.
- (d) Topography. Existing topography of the site, with a maximum contour interval of two (2) feet.
- (e) Existing Contamination. Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site clean-up.
- (f) MDEQ Checklist. Completion of a Michigan Department of Environmental Quality (MDEQ) checklist, indicating the types of environmental permits and approvals that may be needed for the project.

### **Sec. 38-146 Special Land Use Approval.**

The following uses may be permitted subject to special approval by the Planning Commission in accordance with the provisions set forth in Chapter 38, Article II, Division 1, Sec. 38-44 and any special conditions that are necessary to fulfill the purposes of this ordinance:

- (a) Commercial, industrial, governmental or education uses which are allowed in the underlying district, and which are not prohibited in the underlying zoning district.
- (b) Any enlargement, intensification, alteration, or change of use of an existing commercial, industrial, governmental or education use.
- (c) The rendering impervious of more than fifteen percent (15%) or 2,500 sq. ft. of any parcel, whichever is less, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of the groundwater.
- (d) The mining or excavation for removal of earth, loam, sand, gravel and other soils or mineral resources, provided that such excavation shall not extend closer than five (5) feet above the historical high groundwater table (as determined from on-site monitoring wells and historical water fluctuation data compiled by the United States Geological Survey). One (1) or more monitoring wells shall be installed by the property owner to verify groundwater elevations. This sub-section shall not apply to excavations incidental to permitted uses, including but not limited to installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
  - (1) Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings suitable to control erosion on the site.
  - (2) All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to **aquifer** recharge characteristics.
- (e) Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials provide that such materials are stored in accordance with the manufacturer's label instructions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and that they are used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices" and all other necessary precautions are taken to minimize adverse impact on surface and groundwater.
- (f) The storage of commercial fertilizers and soil conditioners provided such storage shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.

- (a) All liquid [Regulated Substances](#) provided such materials must be stored either in a freestanding container within a building, or in a freestanding container above ground level with protection to contain a spill the size of the container's total storage capacity.

### **Sec. 38-147 Special Land Use Conditions.**

In addition to the requirements of Chapter 38, Article II, Division 1, Sec. 38-44, Special Land Use Approval shall comply with the following:

- (a) The Planning Commission may grant Special Land Use approval only upon finding that the proposed use meets and will continue to meet the following standards:
  - (1) In no way, during construction or thereafter, shall a project adversely affect the quality or quantity of water that is available in the Wellhead Protection Overlay District.
  - (2) The project shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and water-related natural characteristics of the site to be developed.
- (b) The Planning Commission shall not approve a Special Land Use under this section unless they determine that the petitioner's application materials are sufficiently detailed, definite and credible to support positive findings in relation to the standards of this section.

### **Sec. 38-148 Prohibited Uses.**

The following uses are prohibited in the Wellhead Protection Overlay District:

- (a) Business and industrial uses that generate, use, treat, process, store, or dispose of [Regulated Substances](#), including but not limited to metal plating, chemical manufacturing, wood preserving, and dry-cleaning factory, except for the following:
  - (1) Generators of a very small quantity of Regulated Substances (less than 20 kilograms or six (6) gallons per month), subject to Special Land Use review.
  - (2) Commercially-operated household waste collection stations, excluding any municipal-operated stations.
  - (3) Waste oil retention facilities.
  - (4) Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by the Michigan Department of Environmental Quality.
  - (5) The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal of ice and snow on roads, provided such chemicals are covered and located on a paved surface with berms, or within a structure designed to prevent the generation and escape of contaminated run-off.
- (b) Business and industrial uses that dispose of process wastewater on-site.
- (c) Solid waste landfills, dumps, landfilling, spreading or storage of sludge or septage, except for disposal of brush or stumps.
- (d) Storage of liquid petroleum products of any kind, except for the following:
  - (1) Storage that is incidental to:
    - a. Normal household use and outdoor maintenance or the heating of a structure.
    - b. Use of emergency generators.
    - c. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities has been approved by the Michigan Department of Environmental Quality.
  - (2) Replacement of storage tanks and systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this Ordinance, provided that:

- a. All such replacement storage tanks or systems shall be located underground as required by the Michigan Department of Environmental Quality.
  - b. All such storage systems shall be protected by a secondary containment system as specified by the Michigan Department of Environmental Quality.
  - c. The Fire Chief may deny an application for tank replacement or approve it subject to conditions if he/she determines that it would constitute a danger to public or private water supplies.
- (a) Outdoor storage of salt, de-icing materials, pesticides or herbicides.
  - (b) Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including but not limited to septic systems cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichloroethane, or other household [Regulated Substances](#).
  - (c) Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Wellhead Protection Overlay District that contains sodium chloride, calcium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.
  - (d) Sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:
    - (1) The replacement or repair of an existing system shall be exempted if it does not result in an increase in design capacity above the original design.
    - (2) In calculating the maximum sewage disposal system density, it shall be assumed that each single-family-residential home will generate 280 gallons of sewage per day.
    - (3) The maximum sewage disposal system density may be computed using the following method:
      - a. On an individual per lot basis (i.e., a single-family home typically generates 280 gallons of sewage per day, creating the need for a minimum lot area of  $\frac{3}{4}$  acre.  
In addition to meeting the above standards, all lots shall conform to any applicable minimum lot size requirements specified in Article 26.00 of the Zoning Ordinance.
  - (e) Wastewater treatment works, except the following:
    - (1) The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system.
    - (2) The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system.
    - (3) Treatment works designed for the treatment of contaminated ground or surface waters.

### **Sec. 38-149 Miscellaneous Requirements.**

The following requirements shall apply to all uses in the Wellhead Protection Overlay District:

- (a) Drainage. For commercial and industrial uses, run-off from [impervious surfaces](#) shall not be [discharged](#) directly to drains, streams, ponds, or other surface water bodies. Oil, grease and sediment traps shall be used to facilitate removal of contamination. Forebays/sediment basins and other requirements shall be adhered to per the Township Engineering Design Standards.
- (b) Discharge of [Regulated Substances](#). The property owner shall prevent the [discharge](#) of regulated substances.
  - (1) Upon discovery of a discharge within the [Wellhead Protection Area](#), the owner of the property on which a discharge occurred, as well as the person responsible for the discharge if they are not the same, shall take appropriate reasonable actions to mitigate the potential impact of the discharge on the groundwater and remediate the discharge. Remediation shall be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance discharge must be handled in accordance with all applicable legal requirements. Storage of these materials for a

- (1) period of greater than ninety (90) days must be reported to, and approved obtained from, the Township Supervisor or his/her designee.
- (2) All **discharges** shall be documented in writing and mailed to the Township Supervisor or his/her designee within ten (10) business days of said incident. Initial discharge notification shall include, at a minimum, the following:
  - i. Location of the discharge (name, address, and phone);
  - ii. Reporting party's name, address and phone (if different from above);
  - iii. Emergency contact and phone;
  - iv. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) discharged;
  - v. Map showing exact discharge location, and relevant site features (i.e. paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
  - vi. All measures taken to clean up the discharge; and
  - vii. All measures proposed to be taken to reduce and prevent any future discharge.
- (3) The Township Supervisor or his/her designee shall determine if and where any additional investigative work needs to be completed to assess the potential impact of the discharge. The owner or operator shall retain a copy of the written notice for at least three years.

### **Sec. 38-150 Enforcement.**

- (a) Whenever the Township Supervisor or his/her designee determines that a person has violated a provision of this Ordinance, the Township Supervisor or his/her designee may order compliance by issuing a written Notice of Violation to the responsible person/facility.
- (b) If the Township Supervisor or his/her designee requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the Township, with the resulting expense thereof charged to the violator and the expenses may be assessed onto the property if the property owner is also the violator.

### **Sec. 38-151 Variance/Appeal Rights.**

- (a) If an owner of property within a **Wellhead Protection Area** believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance or appeal of the requirements of this ordinance to the Township Board of Trustees. In any appeal to the Township Board, the Township Engineer, and the Township Planner shall provide written reports for the purposes of assisting the Township Board in identifying the relevant information related to said variance request or appeal. Such a request must be in writing with enough detail to allow the Township Engineer and Planner to assist the Township Board for purposes of a variance request or appeal, to understand the situation and the proposed variance. If the Township determines that additional information is needed, the applicant shall provide such additional information within 30 days of the request for additional information. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of receipt of the written reports from the Engineer and Planner, the Township Board will conduct a hearing on the application. The Township Board may grant, deny, or partially grant the request. Reasonable conditions may be imposed by the Township Board as part of such a decision. The Township Board shall be guided by the primary goal of protecting the Township's Wellhead Protection Area without creating undue hardship upon the property owners affected.
- (b) Any person receiving a notice of violation may appeal the determination of violation by submitting a written notice of appeal to the Township Board. The notice of appeal must be received by the Township Board within 30 days from the date of the notice of violation. Within 30 days of the receipt of such an appeal, the Township staff, with assistance from the Township Engineer and

- (a) Township Planner as needed, shall issue a written response to the appeal to the applicant and to the Township Board, unless the Township staff has requested additional information, in which case the Township's response shall be issued within 30 days of receipt of the additional information. The Township Board may affirm, reverse or modify the notice of violation being appealed, or place reasonable conditions on the grant or partial grant of relief from the notice of violation.
- (b) If the person who has made a variance request or an appeal of a notice of violation does not agree with the decision of the Township Board, said person may appeal the matter to the Livingston County Circuit Court in accordance with the law.

**Sec. 38-152 Abatement/Remedial Activities by the Township.**

- (a) The Township is authorized but not obligated to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all expenses thus incurred by the Township, plus an administrative fee of twenty-five percent (25%).
- (b) The responsible party shall reimburse the Township for the abatement activity expenses. Within 90 days of the completion of such activities, the Township shall mail to the responsible party a notice of claim outlining the total expenses incurred, including administrative costs in the amount of twenty-five percent (25%). The responsible party shall pay said sum in full within 30 days of receipt of the claim. If the responsible party desires to object to all or some of the amount sought by the Township, said person may file, within the same 30-day period, a written objection to the Township Board containing specific reasons for the objections. The Township Board shall, within 30 days of the filing of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the Township Board determines that some or the entire amount originally billed is appropriate, the responsible party shall pay said sum within 30 days of receipt of that determination. If the amount due is not timely paid, the Township may cause the charges to become a special assessment against the property and shall constitute a lien on the property. In the alternative, the Township may attempt collection of the sum due by filing a civil lawsuit.

**Sec. 38-153 Injunctive Relief.**

- (a) If a person has violated or continues to violate the provisions of this Ordinance, the Township may petition the appropriate court for injunctive relief restraining the person from activities abatement or remediation or pursue whatever other remedies are available by law.

**Sec. 38-154 Violations Deemed a Public Nuisance.**

- (a) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil infraction to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Township.

**Sec. 38-155 Criminal Prosecution.**

- (a) Any violation of this Ordinance shall be considered a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days. Each day a violation exists shall be deemed a separate violation. A citation charging such a misdemeanor may be issued by the Township Supervisor, his or her designee, the Township's Ordinance Enforcement Officer or the

- (a) Police Department.

**Sec. 38-156 Remedies Not Exclusive.**

- (a) The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Township to seek cumulative remedies.

**Secs. 38-157 - 38-170. Reserved.**

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## ARTICLE IV. SUPPLEMENTARY REGULATIONS

### Sec. 38-171. Accessory buildings, structures, and uses.

Except as otherwise permitted in this chapter, **accessory buildings**, **structures**, and **uses** shall be subject to the following regulations:

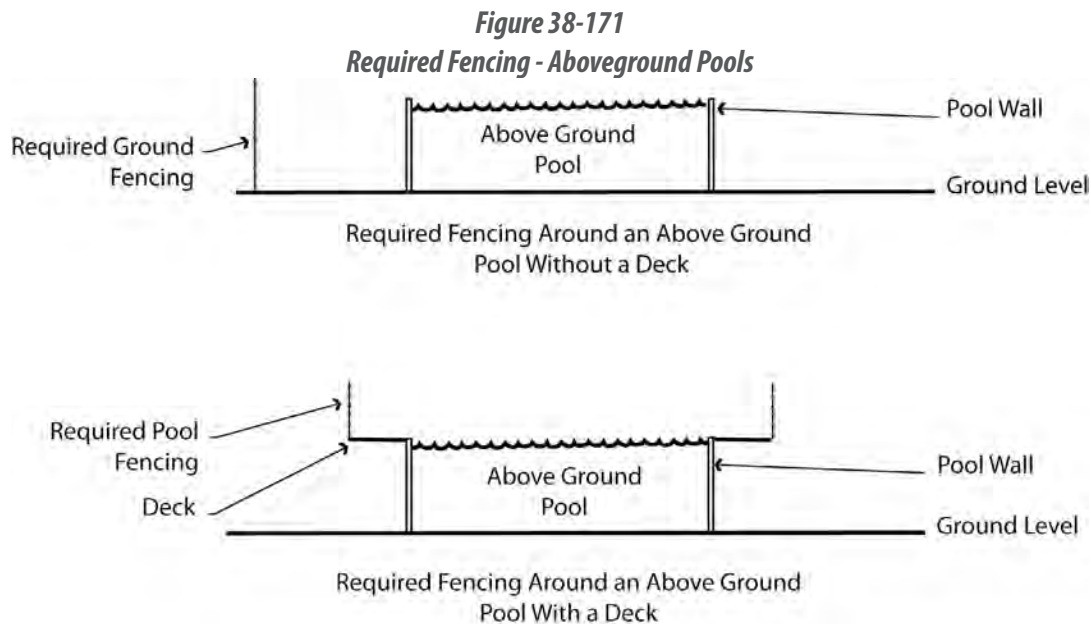
- (1) Where the accessory building is attached to a **principal building**, it shall be subject and must conform, to all area, height and **setback** regulations of this chapter which apply to principal main buildings. For an accessory building to be considered “attached” to a principal building, it must share a common wall and foundation of sufficient size to accommodate an access door. Accessory buildings attached to a principal building by way of a breezeway or similar overhead attachment, without the presence of a common foundation, shall be considered detached **accessory structures** for the purposes of this chapter.
- (2) Detached accessory buildings shall not be allowed in the **front yard** except for lots bordering on water, pursuant to subsection (4), below. No accessory building shall be located in or on any utility or **private road easement**.
- (3) A detached accessory building to a residential building may occupy not more than twenty-five (25%) percent of a required **rear yard** and/or twenty (20%) percent of any non-required rear yard. On parcels up to and including two (2) acres, the accessory building shall not exceed fifty (50%) percent of the **gross floor area** of the principal building. On parcels between two (2) and five (5) acres, the accessory building floor area shall not exceed one hundred (100%) percent of the **living area** of the principal building. In the RE or RF zoning districts and on lots greater than five (5) acres, the total gross floor area of all buildings shall not exceed five (5%) percent of the **net lot area**. A detached accessory building on a **waterfront lot** of any size shall not exceed twenty-five (25%) percent of a required **front yard** and/or twenty (20%) of any non-required front yard.
- (4) A detached **accessory building or structure** to a residential building shall be located no closer than ten (10) feet to any principal building. This shall exclude air conditioning units and electrical generators. Any accessory building or structure shall not be located closer than five (5) feet to any **side** or **rear lot line** or as specified within this section. Detached accessory buildings and structures shall not encroach upon required **waterfront yard setbacks** on **waterfront lots**, except in the following circumstances:
  - a. **Boat lifts/hoists** may be located anywhere within a required waterfront yard **setback**.
  - b. No greater than one utility shed or similar **structure**, not to exceed one hundred (100) square feet in area, may encroach up to twenty (20) feet into the required waterfront yard setback.
  - c. In-ground or above-ground **swimming pools**, per subsection (9) below.
- (5) On lots or parcels with a **net lot area** of one (1) acre or greater no detached **accessory building** in an LA, R-1, R-2, R-2A, R-3, RE, NR, or RM district shall exceed one and a half (1 ½) stories or twenty-two (22) feet in height. For lots or parcels with a **net lot area** less than one (1) acre, accessory buildings shall not exceed fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of **structures** in said districts. No more than one (1) detached accessory building shall be permitted on residential lots of less than five (5) acres. For residential lots greater than five (5) acres, one (1) accessory building shall be permitted, plus one (1) for each whole five (5) acres of lot area (see **Table 171-1** below).

**Table 171-1**

<i>Acreage</i>	<i>Number of Accessory Buildings</i>
Less than 10 acres	One (1) accessory building
10 to 14.9 acres	Two (2) accessory buildings
15 to 19.9 acres	Three (3) accessory buildings
20 to 24.9 acres	Four (4) accessory buildings
25 to 29.9 acres	Five (5) accessory buildings

*Note: An additional accessory building would be allowed for each whole five (5) acres of lot area.*

- (6) When an accessory building to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot. An accessory building shall in no case be located closer than ten (10) feet to a street right-of-way line.
- (7) A detached accessory garage may be constructed within the front yard of a waterfront lot, but not less than twenty-five (25) feet from the road right-of-way or front lot line, provided that the lot in question is legally nonconforming and the provisions of subsections (1) through (5) of this section are met.
- (8) Buildings erected as garages or accessory buildings shall not be occupied for dwelling purposes.
- (9) Private swimming pools shall be subject to the following:
- a. Private swimming pools, spas, or hot tubs shall adhere to the following requirements with regard to location and setbacks:
    1. Private swimming pools, spas, or hot tubs shall not be permitted in the front yard.
    2. Private swimming pools, spas, or hot tubs shall not be permitted within a required side yard setback.
    3. Private swimming pools, spas, or hot tubs shall be installed no closer than ten (10) feet from the rear property line.
    4. On waterfront lots, in-ground pools, spas, or hot tubs may be located no closer than twenty (20) feet from the waterfront lot line; however, associated structures and buildings (pump houses, etc.) shall adhere to the setback requirements of Section 38-171(4). Aboveground swimming pools, spas, or hot tubs must adhere to the required waterfront yard setback for the district within which it is located.
    5. Private swimming pools shall be located no closer than four (4) feet from any building on the lot. This shall exclude spas or hot tubs.
    6. No portion of the swimming pool, spa, or hot tub or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.



- b. For the protection of the general public, all swimming pools (except as noted in Figure 38-171) shall be completely enclosed by a chain link fence or a fence of comparable safety, subject to the following provisions:
  1. Ground fencing shall be not less than four (4) feet nor more than six (6) feet in height, and set at a distance of not less than four (4) feet from the outside perimeter of the pool wall.

2. Pool fencing on [waterfront lots](#) shall adhere to the requirements of [Section 38-176\(d\)](#).
  3. Perimeter fencing for aboveground hot tubs or spas shall not be required if fitted with locking safety covers.
  4. All openings in any such fence or [building](#) shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use.
  5. In the event that the entire premises are enclosed by fence or wall, then said fence requirement may be waived by the building official, after due inspection and approval.
- (10) [Cargo Containers](#) may be used as detached accessory structures in accordance with the following provisions in addition to meeting the preceding requirements of this section:
- a. Cargo containers used as detached accessory structures shall be located on a lot not less than one (1) acre in size.
  - b. Cargo containers used as detached accessory structures shall not be allowed in the front yard or the water front yard.
  - c. Cargo containers used as detached accessory structures shall not be located in required side or rear setbacks of the district in which they are located.
  - d. Cargo containers shall not be stacked above the height of a single container.
  - e. Cargo containers shall be completely screened from view of abutting properties and/or rights-of-ways by a fences or vegetative screening that meets the requirements of Sec. 38-177. (c)(5) Screening.
  - f. Cargo containers shall be located upon an approved foundation that will support the weight of the structure and prevents rodent infestation.
  - g. Cargo containers of any size shall require a building permit despite the exemption in section Sec. 38-43(b).
- (11) [Temporary structures](#) shall not be used as [accessory structures](#).

### **Sec. 38-172. Temporary dwellings.**

No cabin, [trailer](#), motor home, [mobile home](#), or other temporary [structure](#), whether of a fixed or movable nature, may be [erected](#), moved, or used for any dwelling purpose whatsoever, for any length of time, except as follows:

- (1) The location shall not be injurious to the surrounding property or neighborhood, such as in a properly authorized [travel trailer park](#).
- (2) The water supply and toilet facilities serving each temporary dwelling shall conform to the minimum requirements as set forth by the county health department.
- (3) An application for a [building and land use permit](#) for the construction, [erection](#) or movement of a temporary dwelling shall be made to the Zoning Administrator or designee on a special form used for that purpose. The application shall be accompanied by a drawing, showing the location of each proposed [structure](#), and the proposed water supply and toilet facilities for such structure.
- (4) After due consideration, the Zoning Administrator or designee shall approve or deny a [permit](#) for the temporary dwelling, and shall clearly set forth on the permit that the [structure](#) is intended as a temporary dwelling, and that such dwelling is to be vacated upon the expiration of a specific time limit to be determined by the Zoning Administrator or designee. On delivery of the permit, the owner or occupant shall certify in a space allotted for that purpose that he or she has full knowledge of the terms of the permit, and the penalty applicable in the event of a violation of this section. No permit shall be transferable to any other owner or occupant. The Zoning Administrator or designee shall require a cash bond as a condition of approval.

### **Sec. 38-173. Temporary construction.**

- (a) Temporary construction buildings and/or construction activities shall be allowed in any zone for a period of one (1) year if a [building and land use permit](#) is obtained from the Zoning Administrator or designee. A second year may be allowed if there appears to be no unreasonable delay in the activities, and there appears to be a necessity for such activities.

- (b) For the purposes of this section, the term “temporary construction activities with or without **temporary buildings**” means construction activities, other than actual construction of buildings approved pursuant to a **building and land use permit**. Such activities include, but are not limited to, a construction yard for the development of a subdivision or multiple-family project, a cement or asphalt making operation for streets or roads in the Township, and other similar activities.
- (c) The Zoning Administrator or designee shall determine, before issuing a **building and land use permit**, whether the proposed temporary construction building and/or construction activity is necessary and, if it is necessary, that it should be located at the proposed location. The Zoning Administrator or designee shall also find that the proposed activity does not place excessive burden on the **sanitary sewer** and/or water system, nor create a hazardous fire condition. In granting the approval, the Zoning Administrator or designee may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. As a condition of approval, the Zoning Administrator or designee shall require the posting of a cash bond, corporate surety bond, or letter of credit to guarantee compliance with this chapter and all other applicable Township ordinances, standards, rules, and regulations, and a proper cleanup of the site at a time indicated on the building and land use permit.
- (d) Activities allowed pursuant to this section shall conform to the following requirements:
- (1) All roads used for ingress or egress, on or off the site, shall be kept dust free by oiling, chemical substances, or water, and/or by hardtopping with cement or a bituminous substance.
  - (2) Work areas shall be kept clean and clear.
  - (3) Work areas shall be posted with the owner’s and operator’s names and telephone numbers.
  - (4) Work yards shall be fenced or otherwise made safe.
  - (5) Truck crossings and other means of ingress and egress shall be posted two hundred (200) feet therefrom in either direction to warn motorists.
  - (6) Working hours shall be between 7:00 a.m.--10:00 p.m. on Monday--Friday; 8:00 a.m.--7:00 p.m. on Saturday; and 8:00 a.m.--6:00 p.m. on Sunday. No work shall be permitted on Sundays or holidays except by special permission of the Zoning Administrator or designee.

### **Sec. 38-174. Standards for single-family dwellings, mobile homes, and prefabricated housing.**

No site built **single-family dwelling**, **mobile home**, modular housing dwelling or prefabricated house located outside a **mobile home park**, or mobile home subdivision shall be permitted unless such **dwelling unit** conforms to the following standards:

- (1) **Square footage.** Each such **dwelling unit** shall comply with the minimum square footage requirements of this chapter for the zone in which it is located.
- (2) **Dimensions.** Each such **dwelling unit** shall have a minimum width across any front, side, or rear elevation of twenty (20) feet and shall comply in all respects with the single state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), including minimum heights for habitable rooms. Where a **dwelling** is required by law to comply with any federal or state standard or regulation for construction, and where such standard or regulation for construction is different than that imposed by the single state construction code, then and in that event such federal or state standard or regulation shall apply.
- (3) **Foundation.** Each such **dwelling unit** shall be firmly attached to a permanent foundation constructed on the site in accordance with the single state construction code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.
- (4) **Undercarriage.** Such **dwelling units** shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- (5) **Sewage disposal or water supply.** Each such **dwelling unit** shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.

- (6) **Storage area.** Each such **dwelling unit** shall contain a storage capability area either in a **basement** located under the dwelling, in an attic area, or in a separate or attached **structure** of standard construction similar to, or of better quality than, the principal dwelling. Such storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- (7) **Architecture.** All **dwelling**s shall be **aesthetically** compatible in design and appearance with other residences in the vicinity. All homes shall have a **roof** overhang of not less than six (6) inches on all sides, or alternatively with windowsills or roof drainage systems concentrating **roof** drainage at collection points along the sides of the dwelling. The **dwelling**s shall not have less than two (2) exterior doors, with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to such door areas where a difference in elevation requires such steps.
- (8) **Compatibility determination.** The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator or designee. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential **dwelling**s located outside of **mobile home parks** within two thousand (2,000) feet of the subject dwelling where such area is developed with **dwelling**s to the extent of not less than twenty percent (20%) of the lots situated within such area, or, where such area is not so developed, by the character, design, and appearance of one (1) or more residential **dwelling**s located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- (9) **Additions.** Each such **dwelling unit** shall contain no addition, room, or other area which is not constructed with similar quality workmanship as the original **structure**, including permanent attachment to the principal structure and construction of a foundation as required in this section.
- (10) **Code compliance.** Each such **dwelling unit** shall comply with all pertinent building and fire codes. In the case of a **mobile home**, all construction and plumbing, electrical apparatus, and insulation within and connected to such mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as such standards may be amended from time-to-time. Additionally, all **dwelling**s shall meet or exceed all applicable **roof** snow load and strength requirements.
- (11) **Building and land use permit.** All construction required in this section shall be commenced only after a **building and land use permit** has been obtained in accordance with the applicable state construction code provisions and requirements.
- (12) **Exceptions.** The standards of this section shall not apply to a **mobile home** located in a licensed **mobile home park**, except to the extent required by state or federal law or as otherwise specifically required in this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home subdivision district for such **uses**, or unless used as a temporary residence as otherwise provided in this chapter.

### **Sec. 38-175. Essential services.**

**Essential services** shall be permitted as authorized and regulated by law and other ordinances of the township. The construction of **buildings** associated with but not included in the definition of essential services shall be subject to the provisions of **article II, division 2**, pertaining to site plans. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this chapter, including the schedule of regulations (Section 38-136).

### **Sec. 38-176. Fences, walls, and screens.**

- (1) **General Standards.**
  - a. All fences, walls, and screens shall be located entirely on or within the lot lines of the lot upon which they are located; and shall not be located within any public road right-of-way or private road easement.

- b. Fences on any corner lot must also comply with the setback requirements of Section 38-178 - Intersection Visibility.
- c. A retaining wall shall be regulated as a fence if the wall projects more than eighteen (18) inches above the grade of the ground being retained.
- d. Retaining walls shall be designed and constructed in accordance with applicable building code requirements.
- e. A fence shall not be erected where it would prevent or unreasonably obstruct the use of adjacent property or the safe use of an existing driveway or other means of access to adjacent property.

(2) **Height.**

- a. The height of a fence shall be measured from the point at which the fence posts, pilasters or footing intersects the ground on the lowest side of the fence to the top of the fence directly above, including posts, pillars, caps or toppers. Where a fence is built on top of a wall, the combined fence/wall height is measured from the lowest grade to the top of the fence directly above. A fence may slightly exceed the height limits due to minor variations in the underlying terrain as determined by the Zoning Administrator.
- b. Within the limits of the front yard space of a lot in a residential district, no fence, wall or other screening structure shall exceed four (4) feet in height. No such fence or wall located within a side or rear yard shall exceed six (6) feet in height.
- c. In a commercial, industrial or research office district, no fence, wall or other screening structure shall exceed 12 feet in height. No such fence shall be permitted within a front yard setback or within a required greenbelt area.
- d. On waterfront lots, fences, walls, screens and other structures which are located between the main building and the water front shall measure no greater than four feet in height. Such fences shall not be located within 5 feet of the ordinary high water mark.

(3) **Material and construction.**

- a. Fences shall consist of materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, metal tubing, wood planks, chain link, and vinyl composite manufactured specifically as fencing materials. Fence materials must also be materials approved for exterior use that are weather and decay-resistant.
- b. Opaque plastic mesh/netting or plastic strips attached to or inserted within wire/metal fencing is prohibited.
- c. Required four (4) foot high fences in front yards, and in water front yards, must be made to be 50% open. (Examples: Split rail, picket and wrought iron fences)
- d. If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.
- e. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, and electrified fences are prohibited in the LA, R-3, R-2, R-1, RM and RMH zoning districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interest of public safety.
- f. Fences shall not contain any electric charge or current, except fences that enclose active farmland, in which case electrically charged fence wires are permitted, provided such wires are attached to the inside face of the fence posts.
- g. Fences shall be erected in a manner to allow emergency access to the rear yard of a lot by placing a gate and providing sufficient space between the building line of any structure and the fence on at least one-side of the yard.

(4) **Maintenance.**

- a. Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed.
- b. Fence surfaces shall be painted, stained, or treated to prevent weathering, except products that do not require treatment.
- c. Any fence which, through lack of repair, type of construction, or other condition is determined by the zoning administrator, building official or code enforcement officer to be not maintained is hereby deemed a nuisance. The code enforcement officer or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the maintenance condition(s) used to determine said fence was out of compliance with this section of the ordinance, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit

for such repairs, modifications, or removal to be made. Failure to comply with said written notice shall be considered a violation and shall be subject to Section 38-46 and Township penalties as a municipal civil infraction.

### Sec. 38-177. Landscaping and screening.

(a) **Intent and scope.**

- (1) **Intent.** Landscaping enhances the visual image of the Township, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter, and other impacts of more intensive nonresidential uses. The provisions of this section are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of this section is to:
  - a. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way;
  - b. Protect and preserve the appearance, character, and value of the neighborhoods that abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety, and welfare;
  - c. Reduce soil erosion and sedimentation; and
  - d. Increase stormwater infiltration, thereby helping to prevent flooding.
  - e. Incorporate Best Management Practices for Low Impact Development as identified in the LID Manual for Michigan, including but not limited to:
    - Native plant re-vegetation
    - Planter boxes
    - Bio-retention
    - Vegetated filter strips
    - Vegetated roofs
    - Vegetated swales
    - Other

Refer to Figure 38-366-1 for representative LID techniques.
- (2) **Scope of application.** No site plan shall be approved unless it shows landscaping consistent with the requirements of this section. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted. The requirements in this section shall not apply to single-family detached homes, unless otherwise specifically noted.
- (3) **Minimum requirements.** The requirements in this section are minimum requirements, and under no circumstances shall such requirements preclude the developer and the Township from agreeing to more extensive landscaping.
- (4) **Design creativity.** Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, irregular intervals, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.
- (5) **Summary of regulations.** The following table summarizes the landscaping regulations contained in this section:

Summary of Minimum Landscape Requirements <sup>1</sup>						
	Landscaping Island Ratio	Minimum Height (Feet)	Minimum Width (Feet)	Deciduous or Evergreen Trees	Ornamental Trees	Deciduous or Evergreen Shrubs
General site landscaping Section 38-177(c)(1)	--	--	--	1 per 3,000 square feet	--	--
Landscaping adjacent to roads Section 38-177(c)(2)	--	--	20	1 per 30 lineal feet	1 per 100 lineal feet	5 per 30 lineal feet
Greenbelts Section 38-177(4)	--	--	20	1 per 30 lineal feet	--	<sup>2</sup>
Greenbelts used for screening Section 38-177(2) and (5)	--	6	20	<sup>3</sup>	--	--
Berms in front yard Section 38-177(2)	--	4	4	1 per 30 lineal feet	1 per 100 lineal feet	5 per 30 lineal feet
Berms used for screening Section 38-177(3) and (5)	--	3,5	4	<sup>3</sup>	--	--
Parking lot landscaping Section 38-177(6)	20 square feet per space	--	<sup>5,6</sup>	1 per 300 square feet	--	--

<sup>1</sup> See Section 38-177(b) and (c) for detailed requirements.

<sup>2</sup> Five (5) shrubs may be substituted for each tree.

<sup>3</sup> Evergreens must be closely spaced no further than fifteen (15) feet apart to form an eighty percent (80%) visual barrier in summer and sixty percent (60%) visual barrier in winter within three (3) years.

<sup>4</sup> See Section 38-177(c) for detailed requirements.

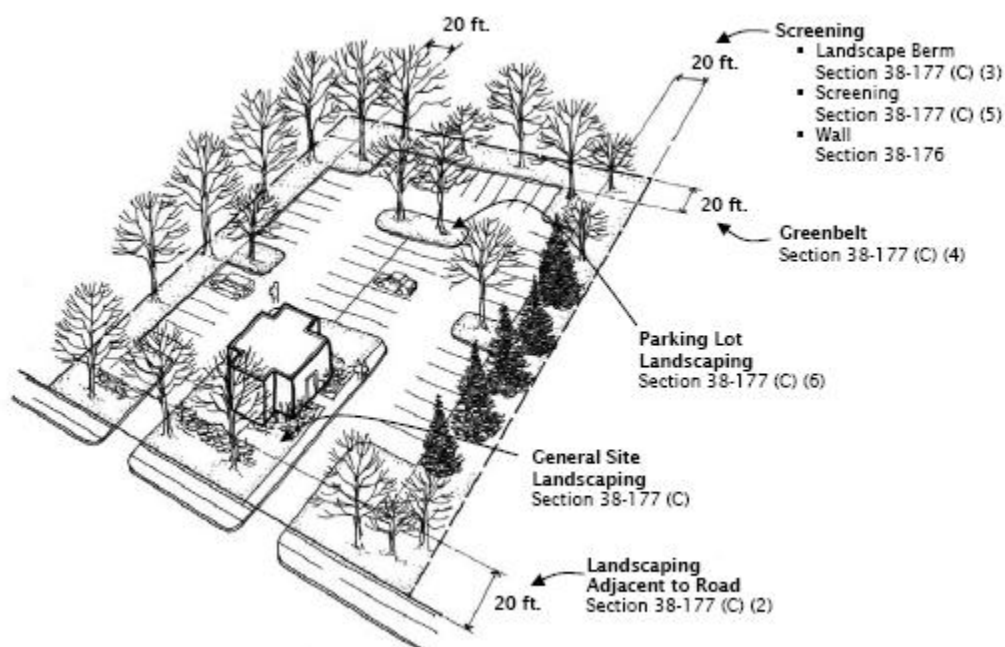
<sup>5</sup> Berms used to screen parking areas from view from the road shall not exceed three (3) feet, per Sections 38-177(b)(1)c., 38-177(b)(2)c., and 38-188(3)c.

<sup>6</sup> Minimum area of each parking lot landscaped area shall be two hundred (200) square feet.

(b) **Specific landscaping requirements for zoning districts.**

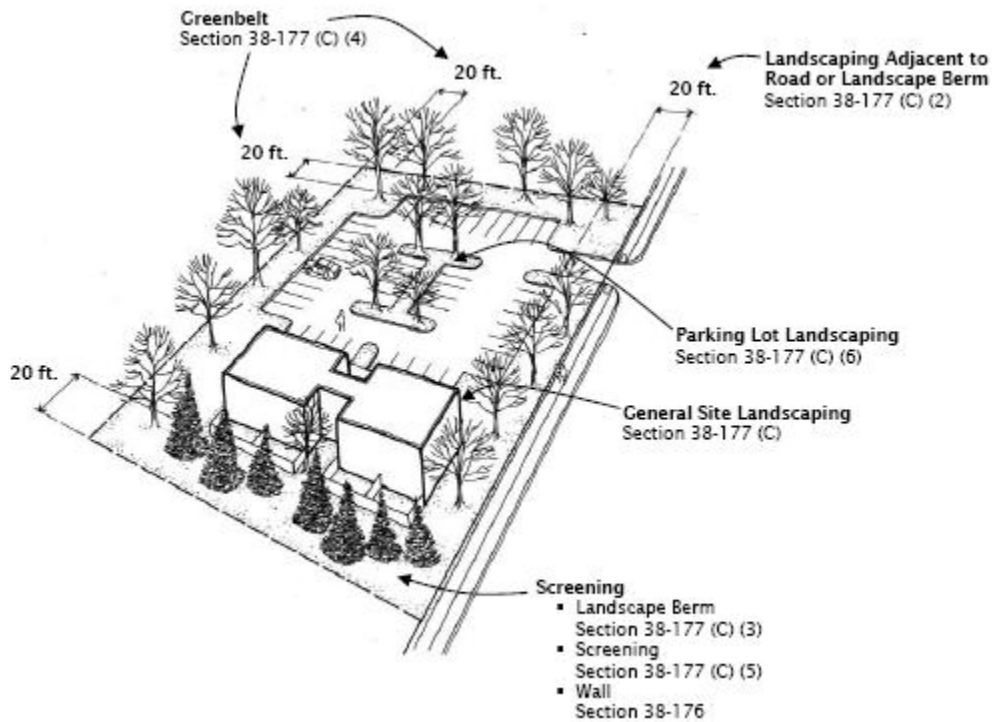
- (1) **Commercial, office, and industrial districts.** All lots or parcels of land located in the LB, GB, HC, RO, LI, and GI zoning districts shall comply with the following landscaping requirements:
  - a. **General site landscaping.** All undeveloped portions of the site not already containing specific landscape requirements shall conform to the general site requirements in subsection (c)(1) of this section.
  - b. **Landscaping adjacent to road.** All commercial, office and industrial developments shall comply with the requirements for landscaping adjacent to the road in subsection (c)(2) of this section.
  - c. **Berm requirements.** A berm may be used to screen off-street parking from the view of the road, in which case, the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with subsection (c)(2) of this section. The berm shall be located totally on private property and adjacent to the road **right-of-way**.
  - d. **Screening.** Screening in the form of a landscaped berm, **greenbelt**, or wall shall be required wherever a nonresidential **use** in a commercial, office, or industrial **district** abuts directly upon land zoned or used for residential purposes, and where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in subsection (c)(5) of this section. If a wall is used instead of **landscaping**, the requirements in **Section 38-176** shall be complied with, but a landscaped **greenbelt** conforming to subsection (c)(4) of this section shall be required on the side of the wall facing the residential district.
  - e. **Greenbelts.** Except where screening is required, a landscaped **greenbelt** shall be provided along side and rear property lines in accordance with subsection (c)(4) of this section.
  - f. **Parking lots.** Off-street parking areas containing greater than twenty (20) spaces shall comply with the requirements for parking lot **landscaping** in subsection (c)(6) of this section.

**Figure IV-1**  
**Landscaping Requirements for Commercial, Office and Industrial Districts**



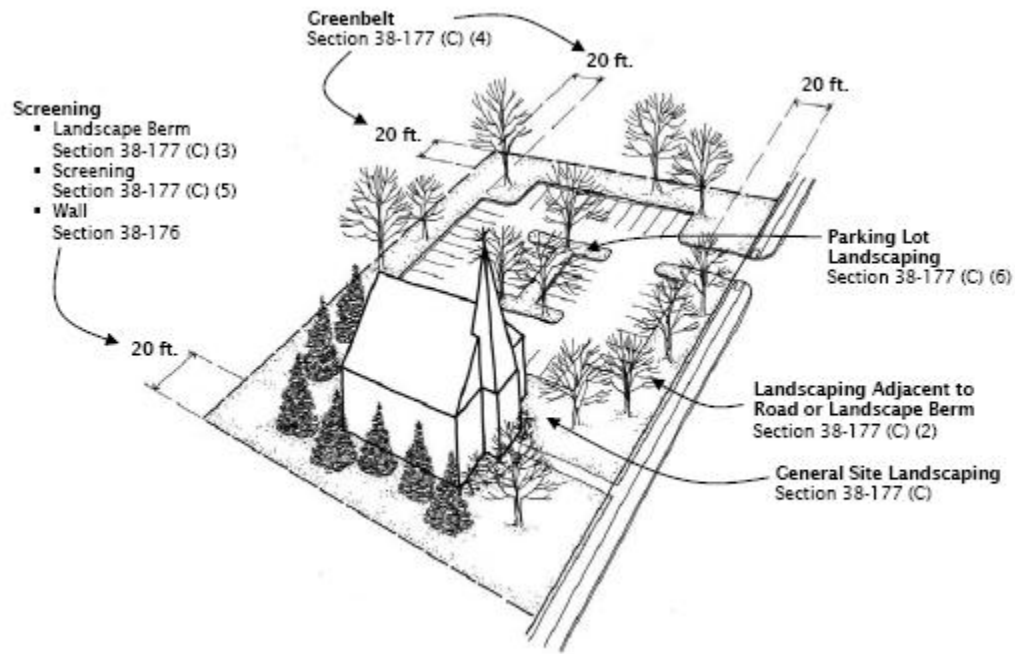
- (2) **Multiple-family districts.** All lots or parcels of land located in the RM zoning district shall comply with the following landscaping requirements:
- General site landscaping.** All undeveloped portions of the site not already containing specific landscape requirements shall conform to the general site requirements in subsection (c)(1) of this section.
  - Landscaping adjacent to road.** All multiple-family developments shall comply with the requirements for landscaping adjacent to the road in subsection (c)(2) of this section.
  - Berm requirements.** A berm may be used to screen off-street parking from the view of the road, in which case, the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with subsection (c)(2) of this section. The berm shall be located totally on private property and adjacent to the road right-of-way.
  - Screening.** Screening in the form of a landscaped berm, greenbelt or wall shall be required on all sides of a multiple-family development abutting land zoned or used for single-family residential purposes. Landscaped screening shall comply with the requirements in subsection (c)(5) of this section. A wall may be used instead of landscaping adjacent to nonresidential districts, subject to the requirements in Section 38-176. If a wall is used instead of landscaping, the requirements in Section 38-176 shall be complied with, but a landscaped greenbelt conforming to subsection (c)(4) of this section shall be required on the side of the wall facing the residential district.
  - Greenbelts.** Except where screening is required, a landscaped greenbelt shall be provided along side and rear property lines in accordance with subsection (c)(4) of this section.
  - Parking lots.** Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in subsection (c)(6) of this section.
  - Privacy screen.** Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. The screen may consist of a combination of trees, shrubs, and berms, subject to review by the Planning Commission.

**Figure IV-2**  
**Landscaping Requirements for Multiple-Family Residential Districts**



- (3) **Nonresidential uses in residential districts.** All nonresidential uses developed in residential zoning districts shall comply with the following landscaping requirements:
- General site landscaping.** All undeveloped portions of the site not already containing specific landscape requirements shall conform to the general site requirements in subsection (c)(1) of this section.
  - Landscaping adjacent to road.** All nonresidential developments shall comply with the requirements for landscaping adjacent to the road in subsection (c)(2) of this section.
  - Berm requirements.** A berm may be used to screen off-street parking from the view of the road, in which case, the berm shall be a maximum of three (3) feet in height, and shall be planted in accordance with subsection (c)(2) of this section. The berm shall be located totally on private property and adjacent to the road right-of-way.
  - Screening.** Screening in the form of a landscaped berm, greenbelt or wall shall be required on all sides of a nonresidential use abuts directly upon land zoned or used for residential purposes. Landscaped screening shall comply with the requirements in subsection (c)(5) of this section. If a wall is used instead of landscaping, the requirements in Section 38-176 shall be complied with, but a landscaped greenbelt conforming to subsection (c)(4) of this section shall be required on the side of the wall facing the residential district.
  - Greenbelts.** Except where screening is required, a landscaped greenbelt shall be provided along side and rear property lines in accordance with subsection (c)(4) of this section.
  - Parking lots.** Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in subsection (c)(6) of this section.

**Figure IV-3**  
**Landscaping Requirements for Non-Residential Uses in Residential Areas**



(c) **General landscaping requirements.**

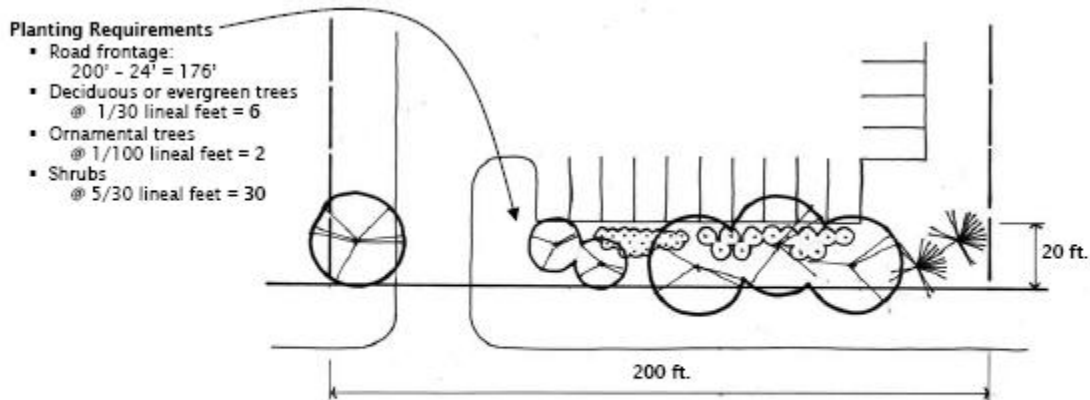
- (1) **General site requirements.** All undeveloped portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as greenbelts, berms, parking lot landscaping, landscaping along roadways, or screening are required:
  - a. All undeveloped portions of the site shall be planted with grass, ground cover, landscape mulch, shrubbery, landscape stone, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod or hydroseeded.
  - b. A mixture of evergreen and deciduous trees shall be planted on nonresidential parcels at the rate of one (1) tree per three thousand (3,000) square feet, or portion thereof, of any undeveloped open area for which specific landscaping requirements do not appear elsewhere in this chapter. Required trees may be planted at uniform intervals, irregular intervals, or in groupings.
- (2) **Landscaping adjacent to roads.**
  - a. **Planting requirements.**
    1. Where required, landscaping adjacent to public and private roads shall comply with each of the following planting requirements:

<i>Planting Type</i>	<i>Requirement</i>
Deciduous or evergreen trees	1 per 30 lineal feet of road frontage
Ornamental trees	1 per 100 lineal feet of road frontage
Shrubs	5 per 30 lineal feet of road frontage

2. For the purposes of computing the length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, irregular intervals, or in groupings.

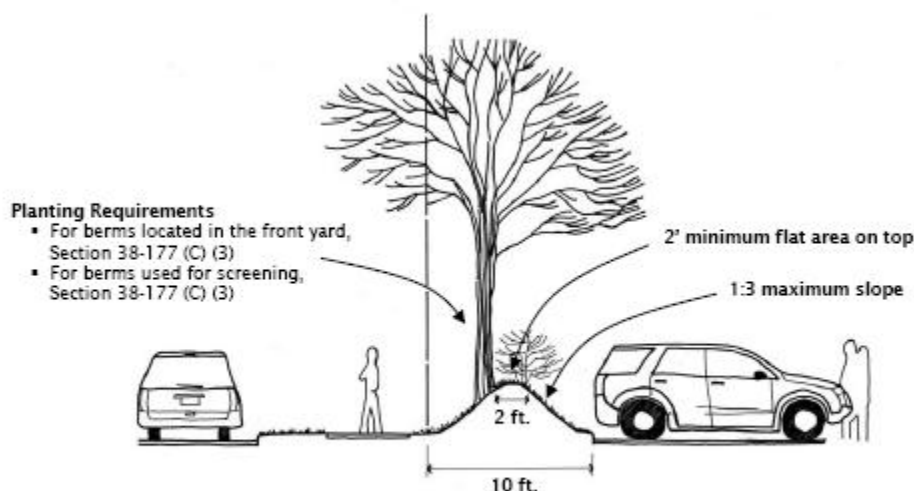
- b. **Location and dimensions.** Required landscaping adjacent to public and private roads shall be located totally on private property within a planting strip adjacent to the road right-of-way and shall be planted in accordance with the requirements for intersection visibility under Section 38-178. The minimum width of the planting strip shall be twenty (20) feet.

**Figure IV-4**  
**Landscaping Adjacent to Roads**



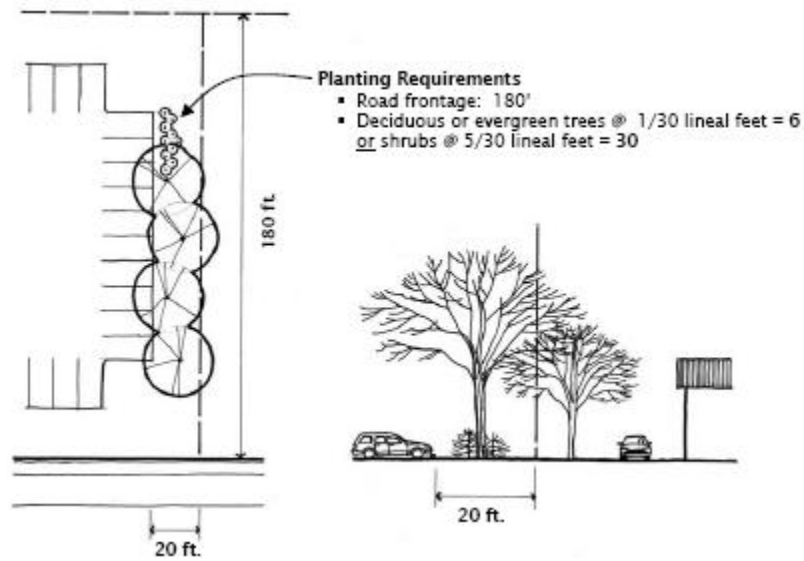
- (3) **Berms.** Where required, berms shall conform to the following standards:
- a. **Dimensions.** Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (thirty-three percent (33%) slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of the berm design as shown on the site plan. All berms shall conform to the requirements for intersection visibility under Section 38-178.
  - b. **Protection from erosion.** Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect the berm from erosion so that it retains its height and shape.
  - c. **Required plantings.**
    1. Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for landscaping adjacent to roads as set forth in subsection (c)(2) of this section.
    2. Berms used for screening, other than in the front yard, shall be landscaped in accordance with the requirements for screening as set forth in subsection (c)(5) of this section.

**Figure IV-5**  
**Berms**



- d. **Measurement of length.** For the purpose of calculating required plant material, the berm length shall be measured along the exterior edge of the berm.
- (4) **Greenbelts.** A twenty (20) foot greenbelt shall be required along the side and rear property lines of all nonresidential developments, and shall conform to the following standards:
- a. **Location.** Required greenbelts shall be located between the property line and any developed or paved area, including parking areas, access drives, and buildings.
  - b. **Measurement of length.** For the purposes of calculating required plant material, the greenbelt length shall be measured along the exterior edge of the greenbelt.
  - c. **General planting requirements.**
    1. **Ground cover.** Grass, landscape mulch, landscape stone, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.
    2. **Trees and shrubs.** Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt or, alternatively, five (5) shrubs may be substituted for each required tree. Trees and shrubs may be planted at uniform intervals, irregular intervals, or in groupings.
    3. **Distance from sidewalk.** Plant materials shall not be placed closer than four (4) feet to the right-of-way line where the greenbelt abuts a public sidewalk.
  - d. **Use as screening.** Greenbelts used for screening shall be landscaped in accordance with the requirements for screening as set forth in subsection (c)(5) of this section.

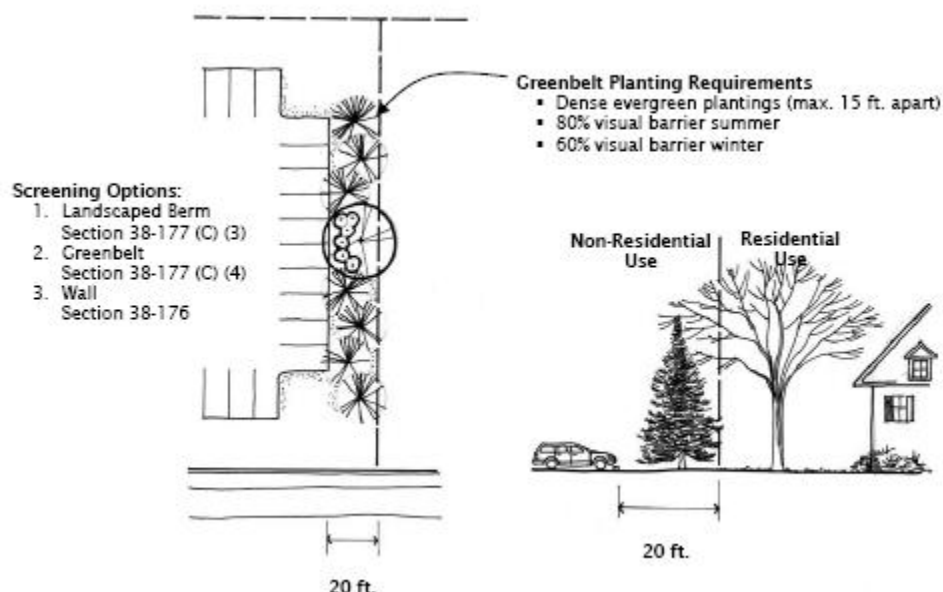
**Figure IV-6**  
**Greenbelt Along Side & Rear Property Lines**



(5) **Screening.**

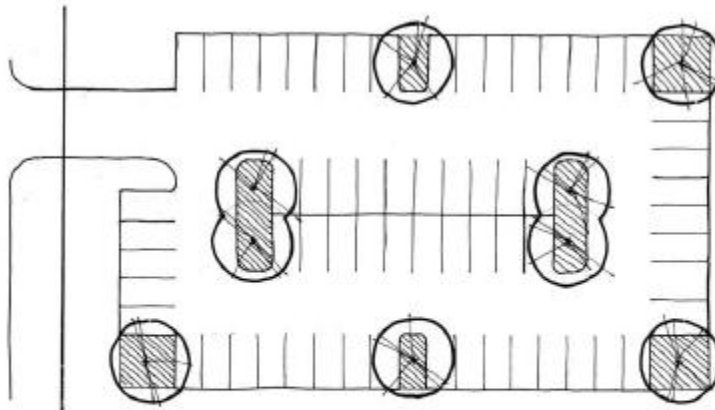
- a. **General requirements.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart), which can be reasonably expected to form an eighty percent (80%) visual barrier in summer and a sixty percent (60%) visual barrier in winter, and that will be at least six (6) feet above the ground level within three (3) years of planting. Deciduous plant materials may be used, provided that an eighty percent (80%) visual barrier in summer and a sixty percent (60%) visual barrier in winter is maintained. Wherever screening is required adjacent to residentially zoned or used property, the screening shall be installed as soon as practicable in relation to site grading and general construction activities.
- b. **Mechanical equipment.** Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae and similar equipment, shall be screened on at least three (3) sides. Insofar as practical, such screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

**Figure IV-7**  
**Screening Between Conflicting Land Uses**



- (6) **Parking lots.** In addition to required screening, all off-street parking areas shall be landscaped as follows:
- a. **Landscaping ratio.** Off-street parking areas containing more than twenty (20) spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space; however, landscaping around the perimeter of the parking lot shall not satisfy such requirement. Suitable interior parking lot landscaping is illustrated in the following [Figure IV-8](#). Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, break up the expanse of pavement, create shade, and improve the appearance of the parking area.
  - b. **Minimum area.** Landscaped areas in parking lots shall be no less than five (5) feet in any single dimension and no less than two hundred (200) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.
  - c. **Other landscaping.** Landscaping provided to satisfy other requirements elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
  - d. **Required plantings.** Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per three hundred (300) square feet, or fraction thereof, of interior landscaped area. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.
  - e. **Compliance with Low Impact Development.** Best Management Practices for stormwater management of parking lots shall be implemented. These shall comply with the *Low Impact Development Manual for Michigan* and the Green Oak Charter Township Stormwater Management Ordinance. Refer to [Figure 38-366-1](#) for representative LID techniques.

**Figure IV-8**  
**Parking Lot Landscaping**



**Parking Lot Requirements**

- Internal landscaping:
  - ⊗ 20 s.f./space
- Plantings: 2400 s.f. provided
  - ⊗ 1 tree/300 s.f. = 8 trees

- (7) **Rights-of-way.** Public rights-of-way located adjacent to required landscaped areas and **greenbelts** shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings, except grass or ground cover, shall be permitted closer than three (3) feet from the edge of the road pavement.
- (8) **Maintenance of unobstructed visibility for drivers.** No **landscaping** shall be established or maintained on any parcel or in any parking lot that will cause a **traffic hazard** by obstructing the view of drivers. All landscaping shall be planted in accordance with the requirements for intersection visibility as set forth in **Section 38-178**.
- (9) **Potential damage to utilities.** In no case shall **landscaping** material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of **trees** whose roots are known to cause damage to public roadways, sewers, or other utilities, such as willows and silver maples, shall not be planted closer than fifteen (15) feet from any such roadway, sewer, or utility.
- (10) **Divider medians.** Where traffic on driveways, maneuvering lanes, **private roads**, or similar vehicle accessways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen **tree** shall be planted for each thirty (30) lineal feet, or portion thereof, of median. Trees may be planted at uniform intervals, irregular intervals, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet.
- (11) **Irrigation.** The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an in-ground irrigation/sprinkler system is encouraged, particularly in **front yards**.
- (d) **Landscape material standards.** Unless otherwise specified, all landscape materials shall comply with the following standards:
- (1) **Plant quality.** Plant materials used in compliance with the provisions of this section shall be nursery grown, free of pests and diseases, hardy in southeastern portion of the state, in conformance with the American Standards for Nursery Stock of the American Landscape and Nursery Association (formerly the American Association of Nurserymen), and shall have passed inspections required under state regulations.
  - (2) **Nonliving plant material.** Plastic and other nonliving plant material shall not be considered acceptable to meet the **landscaping** requirements of this section.

- (3) **Plant material specifications.** The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this section:
- Deciduous shade trees shall be a minimum of two and one-half (2½) inches in caliper when measured six (6) inches abovegrade, and the first branch shall be a minimum of four (4) feet abovegrade when planted.
  - Deciduous ornamental trees shall be a minimum of one and one-half (1½) inches in caliper when measured six (6) inches abovegrade, and shall have a minimum height of four (4) feet abovegrade when planted.
  - Evergreen trees shall be a minimum of six (6) feet in height when planted and shall have a minimum spread of two and one-half (2½) feet. The size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches abovegrade.
  - Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.
  - Hedges shall be planted and maintained so as to form a continuous, unbroken visual screen within two (2) years after planting, barring unusual growing conditions such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

<i>Summary of Plant Material Specifications<sup>1</sup></i>			
	<i>Minimum Caliper</i>	<i>Minimum Height</i>	<i>Minimum Spread</i>
<i>Deciduous Trees</i>	2½ inches <sup>2</sup>	4 feet (first branch)	--
<i>Ornamental Trees</i>	1½ inches <sup>2</sup>	4 feet (first branch)	--
<i>Evergreen Trees</i>	--	6 feet	2½ feet
<i>Shrubs</i>	--	2 feet	2 feet
<i>Hedges</i>	--	2 feet	--

<sup>1</sup> See Section 38-177(d)

<sup>2</sup> Measured six (6) inches abovegrade

- Ground cover used in lieu of turf grasses, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- Grass area shall be planted using species normally grown as permanent lawns in the southeastern portion of the state. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged, or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.
- Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.
- Use of plant materials that cause disruption to storm drainage or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and their use is not encouraged in the Township:
  - Box elder.
  - Chinese elm.
  - Siberian elm.
  - Honey locust (with thorns).
  - Black locust.
  - Ginkgo (female only).
  - Tree of Heaven.
  - European barberry.

9. Mulberry.
10. Cottonwood.
11. Willow.
12. Silver maple.

- (e) **Installation and maintenance.** The following standards shall be observed where installation and maintenance of landscape materials are required:
- (1) **Manner of installation.** Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Areas to be landscaped shall be provided with a minimum topsoil depth of six (6) inches. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.
  - (2) **Perimeter landscaping.** Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.
  - (3) **Seeding or sodding.** Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.
  - (4) **Protection from vehicles.** Landscaping shall be protected from vehicles through use of curbs or wheelstops in parking lots. Landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.
  - (5) **Timing of installation.** Timing of installation shall be as follows:
    - a. Landscaping provided for nonresidential and multiple-family residential projects shall generally be installed upon issuance of a certificate of occupancy. Where extenuating circumstances warrant (e.g., if development is completed during the off season when plants cannot be installed), the Planning Commission or building official shall have the ability to establish an alternative schedule for the installation of the required landscaping. If landscaping is to be installed after the certificate of occupancy is granted, the developer shall provide a performance guarantee to ensure installation of the required landscaping as established by the Planning Commission or building official, such as an irrevocable letter of credit, in an amount equal to the estimated value of the proposed landscape improvements.
    - b. Landscaping of all common areas associated with single-family residential developments shall generally be installed upon the occupancy of the first lot or unit of the development, or of a particular phase in the case of a phased development. Where extenuating circumstances warrant, the Planning Commission or building official shall have the ability to establish an alternative schedule for the installation of required landscaping. To ensure that landscaping is installed according to the schedule established by the Planning Commission or building official, the developer may be required to provide a performance guarantee, such as an irrevocable letter of credit, in an amount equal to the estimated value of the proposed landscape improvements. Notwithstanding the provisions of this subsection, required street trees shall be installed within ninety (90) days of occupancy of each lot or unit, or by June 1 for residences occupied in winter months.
  - (6) **Maintenance.**
    - a. Landscaping required by this section shall be maintained in a healthy, neat, and orderly appearance, and free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the building official, unless the season is not appropriate for planting, in which case, such plant material shall be replaced at the beginning of the next planting season.
    - b. All constructed or manufactured landscape elements, such as, but not limited to, benches, retaining walls, edging, etc., shall be maintained in good condition and neat appearance. Rotten, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.
  - (7) **Irrigation.** All landscaped areas shall be provided with a readily available and acceptable supply of water, and with at least one (1) spigot located within three hundred (300) feet of all plant material to be established and maintained. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season. The Planning Commission may require an irrigation system to stabilize plant materials, in particular for larger parcels over five (5) acres; landscaped

areas over one thousand (1,000) square feet in area; locations where screening is considered crucial to achieve land use compatibility; and/or where more formalized plantings are proposed (as opposed to natural spacing and clustering of plant material).

- (f) **Existing plant material.** The following regulations shall apply to existing plant material:
- (1) **Consideration in the landscape design.** In instances where healthy plant material exists on a site prior to its development, the **Planning Commission** may permit substitution of such plant material in place of the requirements set forth in this section, provided such substitution is in keeping with the spirit and intent of this section and this chapter in general. Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth in this section, provided that such **landscaping** is in conformance with the requirements of this section.
  - (2) **Preservation.** Existing **trees** shall be preserved as set forth in **Section 38-363**. Replacement trees required under **Section 38-363(i)** to mitigate tree removals should be specifically indicated as such on the submitted landscape plan, and shall not count toward the satisfaction of any landscaping requirements provided under this section.
- (g) **Modifications to requirements.** In consideration of the overall design and impact of a specific landscape plan and in consideration of the amount of existing plant material to be retained on the site, the **Planning Commission** may modify the specific requirements outlined in this section, provided that any such adjustment is in keeping with the intent of this section and this chapter in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:
- (1) Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
  - (2) Parking, vehicular circulation or land use are such that required **landscaping** would not enhance the site or result in the desired screening effect.
  - (3) The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this section.
- In consideration of a reduction in **landscaping**, the **Planning Commission** may seek a donation to the Township's tree fund.
- (h) **Landscape plan requirements.** All development proposals for which **landscaping** or **tree** replacement/mitigation is required under this section or **Section 38-363(i)**, respectively, shall submit a landscape plan demonstrating compliance with such sections. The required landscape plan shall include the following:
- (1) Location of all proposed plant material.
  - (2) Schedule of all proposed plant materials, indicating the botanical and common name, number, size, and root type, as well as which landscaping or tree replacement requirement, if any, the plant material is intended to satisfy.
  - (3) Calculations used for determining the required number of **trees** and shrubs.
  - (4) Proposed **groundcover** in all unpaved areas of the site.
  - (5) Location of all **landmark trees** existing on the site.
  - (6) Proposed topographical contour lines.
  - (7) Berm cross sections, if proposed.
  - (8) Planting details.
  - (9) Method of irrigation.
  - (10) Details of any proposed **structures**, such as **retaining walls**, gazebos, arbors, fences, etc.

### **Sec. 38-178. Intersection visibility.**

On any **corner lot** in any **district** having **front** and **side yards**, no fence, wall, screen, hedge, sign, or other **structure** or planting shall obstruct the visibility of **street** vehicular traffic between the heights of three (3) feet and ten (10) feet in an area measuring thirty (30) feet from the point of intersection of the street **right-of-way** lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.

### **Sec. 38-179. Number of principal buildings per lot.**

In all single-family residential districts, only one (1) **principal building** shall be placed on a single **lot of record**.

### **Sec. 38-180. Required street frontage.**

Any parcel of land which is to be **occupied** by a **use** or **building**, other than an **accessory use** or **building**, shall have frontage on, and direct access to, a **public street** or **private road** which meets one (1) of the following conditions:

- (1) A public street which has been accepted for maintenance by the **county road commission**; or
- (2) A permanent and unobstructed private road of record and built in accordance with the Township's Private Road Ordinance.

### **Sec. 38-181. Building grades.**

- (a) Any **building** requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. The finished grade shall be a sloping grade, beginning at the sidewalk level, and shall be maintained and established from the center of the **front lot line** to the finished grade line at the front of the building, and, in the absence of appropriate drainage at the **rear lot line**, a finished grade shall be maintained from the rear lot line to the front lot line, with both grades sloping to the front property line; however, this shall not prevent the grading of a yard space to provide sunken or **terraced** areas, provided proper means are constructed and maintained to prevent the runoff of surface water from flowing onto adjacent properties. Finished grade elevations for roads without curves shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade, or such grade as may be otherwise be determined by the **Township engineer** or the Zoning Administrator or designee.
- (b) When a new **building** is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Zoning Administrator or designee shall use the existing established finished grade or the minimum established grade in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal runoff of surface water to flow onto the adjacent property.
- (c) Final grades shall be approved by the administrator, who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.
- (d) The finished grade at the building line shall be established a minimum of eight (8) inches and a maximum of twelve (12) inches above the crown of the road in all residential areas, except that such requirement may be adjusted by the administrator after taking into consideration the public health, safety, and general welfare of the area, and subject to appropriate conditions and safeguards in conformity with the general purposes and intent of this chapter.
- (e) All grades shall be established and maintained so that surface water runoff damage does not occur to adjoining properties prior to, during, and after construction.

### Sec. 38-182. Buildings to be moved or demolished.

- (a) No **building and land use permit** shall be granted for the moving or demolishing of **buildings** or **structures** from outside or within the limits of the Township to be placed on property within the limits of the Township unless the administrator shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the building code and other codes regulating the health, safety, and general welfare of the Township. A performance bond will be established from time-to-time by resolution of the Township Board of a sufficient amount to ensure the cost of completing the building for occupancy within a period of not less than six (6) months from the date of the permit, shall be furnished before the permit is issued.
- (b) Any **building** moved within a **district** and placed upon a foundation, or any building moved into a district from outside the district, shall be considered a new building and shall be subject to all the limitations and requirements set forth in this chapter relating to **uses**, construction, **permits**, and certificates.
- (c) The administrator shall approve in writing the route to be used to move any building.
- (d) All debris from any demolished **building** or **structure** shall be disposed of properly. The foundation materials shall be removed and disposed of, and the site shall be backfilled with clean earth materials that are devoid of all debris, large stones, and organic materials. The site shall be graded to a smooth, even surface and seeded to grass.

### Sec. 38-183. Dwellings in nonresidential districts.

No **dwelling** shall be **erected** in a nonresidential zoning district; however, the sleeping quarters of a watchperson or caretaker may be permitted by the **Planning Commission** as a **special approval use**.

### Sec. 38-184. Yard encroachments.

- (a) **Terraces**, patios, and similar unroofed **accessory** surface area may project into a required yard as follows:
  - (1) Such surface area must be unroofed and without walls, piers, joists, or other continuous enclosure;
  - (2) Such surface area may project into the required **rear** or **waterfront yard setback**, provided that no such surface area shall be permitted nearer than seven (7) feet to any lot line;
  - (3) Such surface area may have open railings or fences not exceeding forty-two (42) inches in height and may have non-continuous windbreaks, visual screens, or walls not exceeding six (6) feet in height in a **rear yard**, or four (4) feet in height in a **front, side, or waterfront yard**, or not enclosing more than half the perimeter of said **terrace, patio**, or similar structure.
  - (4) No such surface area shall violate or encroach upon any **riparian buffer** in accordance with **Section 38-361(f)(3)e**.
  - (5) **Swimming pools** shall be in accordance with **Section 38-171(9)**.
- (b) Unenclosed porches or **decks** without **roofs** may project into a required yard a distance not to exceed six (6) feet, provided such porch or deck shall not exceed one (1) **story** in height; that such porch or deck shall not be permitted within seven (7) feet of any side lot line; and that no **building** shall have more than one (1) such porch in any one (1) yard. In no case shall these **structures** violate or encroach upon any **wetland buffer**.
- (c) **Enclosed porches** or roofed porches and other enclosed **appurtenances** shall be considered an integral part of the **building** to which they are attached and shall be subject to all yard requirements thereof.

- (d) Chimneys, flues, belt courses, leaders, [sills](#), pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.
- (e) Unenclosed and unroofed fire escapes, outside stairways, and balconies may project into a required yard a maximum of five (5) feet.
- (f) [Decks](#) shall be subject to the Schedule of Regulations, Section 38-136, for yard setbacks and maximum [lot coverage](#) except as modified in this section.

### **Sec. 38-185. Exceptions to height regulations.**

- (a) The following structural [appurtenances](#) shall be permitted to exceed the height limitations for authorized [uses](#) in any [district](#):
  - (1) Those that are purely ornamental in purpose, such as church spires, belfries, domes, cupolas, ornamental towers, flagpoles, and monuments.
  - (2) Those that are integral to mechanical or structural functions, such as chimneys, smokestacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, antennae, electronic devices, heating and cooling units, and fire towers.
  - (3) Those that are necessary to proper building design, such as cornices and parapet walls, which shall not exceed the height limitations by more than five (5) feet and shall have no window openings.
  - (4) Wind Energy Conversion Systems ([WECS](#)) shall be subject to the height limitations as listed in [Section 38-200](#).
- (b) The permitted exceptions set forth in subsection (a) of this section may be authorized only when the following conditions are satisfied:
  - (1) No portion of any [building](#) or [structure](#) permitted as an exception to a height limitation shall be used for human occupancy or commercial purposes.
  - (2) Any [structure](#) permitted as an exception to a height limitation shall be [erected](#) no higher than such height as may be necessary to accomplish the purpose for which it is intended to serve.
  - (3) [Structures](#) permitted as exceptions to height limitations shall not occupy more than twenty percent (20%) of the gross [roof](#) area of any [building](#) upon which such structures may be located.
- (c) Utility poles, structures and wireless equipment in a public right-of-way are subject to the following regulations:
  - (1) Utility poles and structures in a public right-of-way shall not be more than 40 feet in height above ground level.
  - (2) Wireless equipment shall not extend more than five (5) feet above the top of a utility pole or structure it is attached to in a public right-of-way.

### **Sec. 38-186. Continued conformance with regulations.**

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and [loading spaces](#), and all other requirements for a [building](#) or [use](#) specified within this chapter shall be a continuing obligation of the owner of such building or property on which such building or use is located.

### **Sec. 38-187. Garage sales, rummage sales, yard sales, moving sales, and similar activities.**

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary [accessory uses](#) within any residential zoning district, subject to the following conditions:

- (1) Any garage sale, rummage sale, or similar activity shall be allowed without a [building and land use permit](#) for a period not to exceed four (4) days within a six (6) month period. Such activities in operation for a period of time in excess of four (4) days shall require a building and land use permit from the Zoning Administrator or designee. In no instance shall more than two (2) garage sales, rummage sales, or similar activities be held in any one (1) location within any twelve (12) month period.

- (2) All such sales shall be conducted in a manner so as not to create a [traffic hazard](#) or a nuisance to neighboring properties.
- (3) All such sales shall be conducted a minimum of twenty (20) feet from the [front lot line](#) of the premises upon which such sale is conducted.
- (4) Overnight outside storage of goods or merchandise offered at such sale is prohibited.
- (5) No sign advertising a garage sale or similar activity shall be placed upon public property. Two (2) signs advertising a garage sale are permitted to be placed upon private property with the consent of an owner of such property and shall be removed within one (1) business day of the conclusion of such garage sale or similar activity.

### **Sec. 38-188. Seasonal sales.**

The sale of Christmas trees and other seasonal items shall be considered temporary [accessory uses](#) within RF, RE, and all nonresidential zoning districts, subject to the following conditions:

- (1) A temporary [building and land use permit](#), renewable on an annual basis, shall be secured from the Zoning Administrator or designee.
- (2) All such sales shall be conducted in a manner so as not to create a [traffic hazard](#) or a nuisance to neighboring properties.
- (3) Adequate parking and ingress and egress to the premises shall be provided.
- (4) Upon discontinuance of the seasonal [use](#), any temporary [structure](#) shall be removed.
- (5) Signs shall conform to the provisions of the district in which the seasonal use is located.
- (6) Any lighting shall be directed and controlled so as not to create a nuisance to neighboring property owners.

### **Sec. 38-189. Unsafe buildings.**

Nothing within this chapter shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a [building](#) or premises declared unsafe or unhealthy.

### **Sec. 38-190. Structural damage.**

Any [structure](#) or [building](#) which may be, in whole or in part, destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this chapter, Chapter 6, Article III, pertaining to dangerous buildings, and other pertinent codes and ordinances, or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

### **Sec. 38-191. Industrial building construction.**

- (a) Any [building](#) constructed in an LI, GI, or RO district shall be located no closer than one hundred (100) feet from any boundary adjoining property zoned for single-family residential [use](#).
- (b) The front walls of any [building](#) in an LI, GI, or RO district shall be constructed or faced with stone, brick, decorative block, or material approved by the [Planning Commission](#).

### **Sec. 38-192. Trash.**

Trash containers in all zoning districts, other than single-family districts, shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible

with the architectural materials used in the site development. The location of the dumpster or other trash container, unless a specific exception is provided by the [Planning Commission](#), shall be adjacent to the [building](#). The Planning Commission may further require internal storage and/or the use of trash compactors where, in the determination of the Planning Commission, the public health, safety, and welfare is served. A temporary trash and construction debris storage area shall be required to be located on the site of all construction and renovation projects for the duration of the project. All trash and debris shall be removed from the property and disposed of properly.

### **Sec. 38-193. Street, alley, railroad right-of-way, and abandoned railroad right-of-way.**

All [streets](#), [alleys](#), railroad rights-of-way, and abandoned railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, railroad rights-of-way, and abandoned railroad rights-of-way. Where the centerline of a street, alley, railroad [right-of-way](#), or abandoned railroad right-of-way serves as a [district](#) boundary, the zoning of such street, alley, railroad right-of-way, or abandoned railroad right-of-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. No [building](#) or [structure](#) may be [erected](#), constructed, or altered upon any right-of-way unless appurtenant to the right-of-way.

### **Sec. 38-194. Home occupations.**

[Home occupations](#) which are clearly incidental to the principal residential [use](#) are permitted in any residential district. The following conditions for home occupations shall be met:

- (1) The home occupation shall utilize no more than twenty-five percent (25%) of the total floor area of any one (1) [story](#) of the residential [structure](#) used for such home occupation.
- (2) The home occupation shall involve no employees, other than members of the immediate [family](#) residing on the premises.
- (3) All home occupation activities shall be conducted indoors, except gardening.
- (4) No structural alterations or additions which will alter the residential character of the [structure](#) shall be permitted to accommodate a home occupation.
- (5) Only customary domestic or household equipment, or equipment judged by the Zoning Administrator or designee not to be injurious or a nuisance to the surrounding neighborhood, shall be permitted.
- (6) There shall be no external evidence of such occupation, except a small announcement sign not exceeding two (2) square feet and conforming to provisions of Article IX of this chapter, pertaining to signs, may be permitted.
- (7) No unrelated commodity shall be sold on the premises in connection with a home occupation.
- (8) No home occupation shall be permitted which is injurious to the general character of the residential district and which creates a congested or otherwise hazardous traffic or parking condition.

### **Sec. 38-195. Livestock and farm animals.**

The raising or keeping of animals which are normally part of the livestock maintained on a [farm](#) is prohibited, except in the RE and the RF zoning districts. Such restriction shall not apply to the raising or keeping of horses, which is regulated under Sections [38-135\(2\)a.4.](#), [38-135\(5\)b.5](#) and [38-196\(18\)](#), or the raising and keeping of domesticated household [pets](#).

### **Sec. 38-196. Site design conditions.**

The permitted or [special approval uses](#) permitted in any given zoning district and listed in this section shall be subject, unless otherwise required by the [Planning Commission](#), to all of the following conditions and regulations regarding site development:

- (1) [Churches](#).

- a. The minimum **lot width** shall be one hundred and fifty (150) feet.
  - b. The minimum lot area shall be two (2) acres.
  - c. For every foot of height by which the **building**, exclusive of the spire, exceeds the maximum height limitation for the district, an additional (to the minimum) foot of **front, side, and rear yard setback** shall be provided.
  - d. The lot location shall be such that at least one (1) property line abuts a **collector street**, secondary thoroughfare, or **primary thoroughfare**.
- (2) **Restaurants, including drive-in and fast food.**
- a. The main and **accessory buildings** shall be set back a minimum of sixty (60) feet from any adjacent **right-of-way** line or residential property line.
  - b. Public access to the site shall be located at least seventy-five (75) feet from any intersection, as measured from the nearest right-of-way line to the edge of such access and, provided further, that an access road shall lead in and out of the establishment parking area and onto the main thoroughfare.
  - c. A six (6) foot high masonry obscuring wall, landscaped along both sides, shall be provided adjacent to residential districts.
  - d. Parking may be located in the **front yard** in the case of **fast food** or carryout restaurants only.
- (3) **Junkyards, salvage yards, and used material yards.**
- a. The minimum lot size shall be five (5) acres.
  - b. The **setback** from the front property line to the area upon which salvageable materials are stored shall not be less than one hundred and fifty (150) feet and such area shall be screened from the roadway and any adjoining residential or business **uses** by an obscuring fence of not less than eight (8) feet, nor more than twelve (12) feet in height. Such fence is to be painted and neat in appearance.
  - c. The area upon which salvageable materials are stored, including the main and **accessory buildings**, shall be located not closer than five hundred (500) feet to any public building, church, **hospital**, sanitarium, **convalescent home**, child day care facility, or school.
  - d. All **buildings** shall be set back not less than fifty (50) feet from any **street** or highway.
  - e. Material shall not be stored in a manner which exceeds the height of the obscuring fence.
- (4) **Hospitals.**
- a. The minimum lot area shall be ten (10) acres.
  - b. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from such major thoroughfare.
  - c. The minimum main and **accessory building setback** shall be one hundred (100) feet.
  - d. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential **uses** by a **structure** or a masonry wall of six (6) feet or more in height.
- (5) **Hotels, motels, and motor courts.**
- a. Public access to the principal business shall be located so as not to conflict with access to adjacent **uses** or adversely affect traffic flow on adjacent **streets**. Only one (1) exit to the major thoroughfare shall be permitted.
  - b. Where the **front yard** is used to provide access, a **greenbelt** shall be provided along the front property line, as provided in **Section 38-177(d)**.
  - c. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of **gross floor area**.
  - d. When adjacent to a residential district, a chainlink fence or masonry wall four (4) to six (6) feet in height shall be **erected** on the common property line, plus a **greenbelt** shall be planted and continually maintained parallel to both the inside and outside of such fence or wall in accordance with **Section 38-177**.
  - e. A minimum lot size of one (1) acre, and a minimum **lot width** of two hundred (200) feet shall be maintained.
- (6) **State licensed day care and foster care facilities.** All day care facilities indicated as special uses in **Section 38-135(2)** and

defined in Section 38-1 ([State Licensed Day Care Facilities](#)) shall meet the following standards:

- a. **Child care and adult day care centers.** Child care centers and [adult day care facilities](#) shall be subject to the following minimum standards:
    1. A site plan, prepared in accordance with [Section 38-71](#), shall be required to be submitted.
    2. Outdoor play areas shall be required as follows:
      - i. For each child or adult cared for there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor recreation area.
      - ii. The required outdoor play area shall have a total minimum area of not less than three thousand (3,000) square feet.
      - iii. The outdoor play area shall be located in the [side or rear yard](#), shall be fenced, and shall be made and kept secure by the care-givers.
  - b. **Adult and child group day care homes.** Adult and child group day care homes are subject to the following minimum standards:
    1. A site plan, prepared in accordance with [Section 38-71](#), shall be required to be submitted.
    2. A [group day care home](#) shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
      - i. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.
      - ii. A community correction center, resident home, halfway home, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.
  - c. **Adult foster care group homes.** Adult foster family small and large group homes are subject to the following minimum standards:
    1. A site plan, prepared in accordance with [Section 38-71](#), shall be required to be submitted.
    2. A minimum outdoor area of five hundred (500) square feet shall be provided on the same premises as the facility shall be provided. This open space shall be securely fenced and screened, located in the [side or rear yard](#), and shall be made and kept safe by the care-givers.
  - d. **Adult foster care congregate facilities.** [Adult foster care congregate facilities](#) are subject to the following minimum standards:
    1. A site plan, prepared in accordance with [Section 38-71](#), shall be required to be submitted.
    2. Parking requirements as required for [convalescent homes](#) and similar facilities, set forth in [Section 38-312](#), shall be met.
    3. All landscape requirements set forth in [Section 38-177](#) shall be met.
    4. Appropriate licenses with the State of Michigan shall be maintained.
- (7) **Mortuaries.**
- a. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. Such area shall be in addition to the required off-street parking area or its related maneuvering space.
  - b. A caretaker's residence may be provided with the main building.
- (8) **Bowling alleys, indoor skating, and similar uses.**
- a. Public access to the site shall be located at least seventy-five (75) feet from any intersection, as measured from the nearest [right-of-way](#) line to the edge of such access.
  - b. The main and [accessory buildings](#) shall be located a minimum of one hundred (100) feet from any residential use.
- (9) **Open air businesses, except seasonal produce stands.**
- a. The minimum area for the [open air business](#) portion of the lot shall be ten thousand (10,000) square feet.
  - b. The minimum [lot width](#) shall be one hundred (100) feet.
  - c. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot and shall be capable of keeping trash,

paper, and other debris from blowing off the premises, except as otherwise provided.

(10) **Animal hospitals, veterinary offices, and clinics.**

- a. The minimum main and accessory building setback shall be seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.
- b. All principal use activities shall be conducted within a totally enclosed main building.
- c. No boarding of animals shall be permitted, except as required for medical treatment.

(11) **Campgrounds and travel trailer parks.**

- a. The minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. For the purposes of this subsection, the term "lot" means a campground or travel trailer park.
- b. Each site on a lot designated for camping use may accommodate a travel trailer, tent, or recreation vehicle and shall be provided with individual electrical outlets. Animal proof waste containers shall be provided at each site.
- c. Adequate public sanitary facilities, housed in all-weather structures containing an adequate water outlet, toilet, and waste containers, shall be uniformly provided throughout the lot, at a ratio of not less than one (1) such station per each twenty (20) sites.
- d. Each lot containing more than sixty (60) sites shall provide a masonry building containing a machine laundry (wash and dry facilities) and showers.
- e. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites.
- f. Each lot shall provide a hard surfaced, dust-free vehicle parking area for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve, except in the case of sites specifically designated only for tent camping. Each parking space shall be two hundred (200) square feet in area and guest parking shall be provided at the ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
- g. Each site shall contain a minimum of one thousand five hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back at least seventy-five (75) feet from any right-of-way or property line, and at least forty (40) feet from any private street.
- h. A common use area shall be provided on each lot at a ratio of not less than one thousand (1,000) square feet of such area per each site. Such common area shall be developed by seeding and landscaping, and shall be provided with picnic tables, barbecue stands, and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts, etc.) for the general use of all occupants of the entire lot.
- i. Each travel trailer site shall have direct access to a hard surfaced, dust-free roadway at least twenty-four (24) feet in width for two (2) way traffic and twelve (12) feet in width for one (1) way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with asphaltic concrete. Sites specifically designated, and only used, for tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access, which originates at a point on a street or road within two hundred (200) feet of the parking area as set forth in subsection (11)g. of this section.
- j. Any open drainageway must have seeded banks, sloped at least three to one (3:1), and designed to properly drain all surface waters into the county drain system, subject to approval by the county drain commission.
- k. All sanitary facilities shall be designed and constructed in strict conformance with all applicable county health regulations.
- l. The development of the entire lot is subject to all applicable requirements of the MDEQ.
- m. A minimum distance of fifteen (15) feet shall be provided between all travel trailers, tents, or recreational vehicles.
- n. Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

**(12) Confined animal feedlots.**

- a. The minimum lot area shall be ten (10) acres.
- b. A site shall have direct access to a county primary road or a state or federal highway.
- c. There shall be provided at least a one hundred (100) foot setback from the property line that abuts the primary thoroughfare or state or federal highway.
- d. Such use shall be located at least five hundred (500) feet from any residence.
- e. No use shall be located within a flood hazard area.
- f. A management plan for stormwater and animal waste shall have been approved by the MDEQ prior to submittal.

**(13) Housing for senior citizens.**

- a. The minimum lot size shall be five (5) acres.
- b. Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas, and workshops.
- c. Each dwelling unit shall contain at least three hundred and fifty (350) square feet of area, not including kitchen and sanitary facilities.

**(14) Convalescent homes.**

- a. The minimum lot size shall be five (5) acres or two thousand (2,000) square feet per bed, whichever is the greater.
- b. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare, or primary thoroughfare. More than one (1) point of vehicle ingress and egress shall be provided directly from such thoroughfare and shall meet county road commission requirements for off-street parking areas for guests and patients.
- c. The main and accessory buildings shall be set back at least one hundred (100) feet from all property lines.
- d. The facility shall be designed to provide a minimum of one thousand five hundred (1,500) square feet of open space for every bed used or intended to be used. Such open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks, and accessory uses.
- e. An area for access of emergency vehicles shall be provided for each primary building entrance.

**(15) Roadside stands.**

- a. There shall be a temporary structure only, and the gross floor area of such structure shall not be more than two hundred and fifty (250) square feet.
- b. Suitable containers for rubbish shall be placed on the premises for public use.
- c. The temporary building or structure shall be located not less than twenty-five (25) feet from the public road right-of-way. The height of such building or structure shall be no more than one (1) story.
- d. Off-street parking shall be provided and may be in the required front yard setback area. Such parking area shall be constructed in accordance with this chapter, except hard surfacing shall not be required.

**(16) Automobile service stations, public garages, and filling stations.**

- a. No automobile service station, public garage, or filling station existing on the effective date of the Ordinance from which this chapter is derived shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on such date.
- b. The minimum lot area shall be fifteen thousand (15,000) square feet for an automobile service station or public garage, and twelve thousand (12,000) square feet for a filling station.
- c. The minimum lot width shall be one hundred and twenty (120) feet for a public garage or automobile service station, and one hundred (100) feet for a filling station.
- d. An automobile service station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
- e. Ingress and egress drives shall not be more than thirty (30) feet wide, as measured at the property line.
- f. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage, or major fraction thereof, along any street.
- g. No drive or curb opening shall be located closer than twenty-five (25) feet from any intersection or adjacent residential

property line. No drive shall be located closer than fifty (50) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator or designee, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

- h. A raised curb of six (6) inches in height shall be constructed along all **street frontages** at the **right-of-way** line, except for drive openings.
  - i. The entire lot, excluding the area occupied by a **building**, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas, which shall be separated from all paved areas by a low barrier or curb.
  - j. All lubrication equipment, motor vehicle washing equipment, and hydraulic hoists shall be entirely enclosed within a **building**.
  - k. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, **street**, or **right-of-way**.
  - l. Storage items shall not exceed the height of the wall. All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a five (5) foot masonry wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding ten (10) days.
  - m. The sale or rental of new or used cars, trucks, **trailers**, and any other vehicles on the premises is expressly prohibited.
  - n. The lot shall be located so that it is at least five hundred (500) feet from an entrance or exit to any property on which a public library, public school, private school, playground, playfield, park, church, or **hospital** is situated.
  - o. On a **corner lot**, both **street frontage** sides shall be subject to all of the applicable **front yard** provisions of this chapter.
  - p. All repair and maintenance activities are to be conducted entirely within an enclosed **building**.
  - q. All **uses** shall comply with the flammable liquid regulations promulgated by the fire safety board by authority conferred by Section 3c of Public Act No. 207 of 1941 (MCL 29.3c).
  - r. Tow trucks or other commercial vehicles that are on the premises for reasons other than typical customer activity shall be parked in nonrequired parking spaces and should not be parked in such a manner to be used as an advertisement.
  - s. The outdoor display and sale of merchandise shall generally be prohibited, unless specifically approved by the **Planning Commission** as a condition of the special land use permit.
  - t. The exterior of the main **building** shall be harmonious with its surroundings and shall include some brick, stone, wood, or other masonry finished building materials other than glass and metal. The canopies shall be designed within a minimum height of twelve (12) feet, and a maximum height of fifteen (15) feet, and the building design, including finished construction shall be related to or directly match the finish building materials and architectural style of the main building.
  - u. The outdoor use of any electronic or enhanced sound or public announcement system shall be limited to the hours of 8:00 a.m. and 6:00 p.m. Such a system shall not be directed toward adjacent residentially zoned or used property, and shall generally not present an unreasonable disturbance to the neighborhood in which it is located.
  - v. All restroom entrances shall be situated either to the side, to the rear, or within the main **building**.
  - w. **Landscaping** shall be at least fifteen percent (15%) of the site, and should be designed in such a manner as to provide proper screening of on-site vehicles and paved surfaces and provide beautification on the site. The landscaping should include acceptable live plant, shrub, and **tree** specimens that will mitigate the view of headlight glare and as permitted in **Section 38-177**.
  - x. The installation and use of an oil-water separator with monitoring capabilities in the facility's stormwater management system shall be required, as well as the use of best management practices for pollution prevention for automobile filling/service operations, in order to protect surface water and groundwater quality.
- (17) **Golf courses and country clubs.**
- a. The minimum lot sizes are as follows:
    1. County club, forty (40) acres.

2. Eighteen (18) hole, par 3 golf course, twenty (20) acres.
  3. Nine (9) hole, par 3 golf course, ten (10) acres.
  4. Golf driving ranges, ten (10) acres.
- b. A shelter building with toilet facilities shall be provided, which meets all requirements of the county health department.
  - c. The main and **accessory buildings** shall be set back at least seventy-five (75) feet from all property lines.
- (18) **Horse stables, commercial and private.**
- a. The minimum lot size shall be five (5) net acres for the first two (2) horses and one (1) acre for each horse thereafter.
  - b. Stable buildings shall not be located closer than one hundred (100) feet to any property line and one hundred and fifty (150) feet from any **dwelling** off the premises.
  - c. The animals shall be confined in a suitably fenced area or paddock, which shall not be located closer than one hundred (100) feet to any dwelling off the premises.
  - d. Odor, dust, noise, drainage, or insects resulting from the facility shall not constitute a nuisance to any adjoining premises.
- (19) **Kennels.**
- a. All **kennels** shall be operated in accordance with all applicable county and state regulations.
  - b. A minimum lot size of five (5) acres shall be required.
  - c. Up to ten (10) animals shall be permitted for the first five (5) acres. Thereafter, one-half (½) acre shall be required for each additional dog.
  - d. **Buildings** wherein animals are kept, runs, and other exercise areas shall not be located in any **front, side, or rear yard setback** and not closer than one hundred (100) feet to any off-premises **dwelling** or other building used by the public.
  - e. Such facilities shall be under the jurisdiction of the **Planning Commission** and subject to other requirements of the Planning Commission as deemed necessary to ensure against the occurrence of any possible nuisance to surrounding properties.
  - f. It shall be required that a location sketch be included, showing any other **kennels** within a one-half (½) mile radius. If such kennels exist, approval shall be conditioned upon on-site inspection by the Planning Commission.
- (20) **Planned commercial shopping centers.**
- a. There shall be a minimum lot size of one (1) acre and a **lot width** of one hundred and fifty (150) feet.
  - b. The minimum **setback** for any **building** shall be twenty-five (25) feet from any property line.
  - c. The building composition shall be such as to be characterized as an architectural unit.
- (21) **Mini-storage.**
- a. The minimum lot area shall be five (5) acres, located on either a primary or secondary thoroughfare designated by the **Master Plan**.
  - b. The minimum **lot width** shall be two hundred (200) feet.
  - c. A six (6) foot screen, fence, berm, or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the **Planning Commission**.
  - d. The minimum distance between **buildings** shall be twenty-five (25) feet.
  - e. A **front yard setback** of not less than fifty (50) feet shall be maintained in landscaped open space. **Side yard** setbacks shall not be less than twenty-five (25) feet and the **rear yard** setback shall not be less than forty (40) feet.
  - f. All areas intended for vehicle travel shall be paved with asphalt or concrete.
  - g. Exterior walls of all storage units shall be of masonry construction.
  - h. Site development shall be compatible with the surrounding area.
- (22) **Reserved.**
- (23) **Plant nurseries.**
- a. Outdoor display areas shall meet all applicable **setback** requirements.
  - b. The storage of any soil, fertilizer, or any other material shall be contained to prevent any adverse affect on neighboring properties.

- c. A **building** of not less than five hundred (500) square feet shall be constructed in conjunction with the plant nursery.
- (24) **Vehicle wash establishments.**
- a. A minimum lot size of thirty thousand (30,000) square feet and a **lot width** of one hundred and fifty (150) feet shall be required.
  - b. All washing activities must be carried on from within a **building**.
  - c. Vacuum islands shall be placed in the **rear yard** and a minimum of fifty (50) feet from adjacent property boundaries.
  - d. Overnight parking or storage of vehicles is prohibited.
- (25) **Airports, helicopters, and other vertical landing and takeoff craft landing ports on land.**
- a. The site shall be on a **primary thoroughfare**.
  - b. The site shall contain at least twenty (20) acres.
  - c. The site shall be approved by the Federal Aviation Authority and the state department of transportation.
- (26) **Commercial recreation.**
- a. The sites shall require a minimum of twenty (20) acres.
  - b. All activities or facilities shall be located a minimum of two hundred (200) feet from the property lines or no closer than two hundred and fifty (250) feet between the activity and the nearest residence.
  - c. Activities or facilities shall not be permitted within the natural river overlay zone.
  - d. All off-road vehicles are prohibited, except for vehicles used for event control and administration.
  - e. The assembly of more than two hundred and fifty (250) people at any given time shall be subject to Chapter 24, pertaining to outdoor assemblies. Total attendance at any time shall not be more than five (5) persons per acre gross average density. This subsection shall permit up to ten (10) persons per acre for one (1) event per calendar year. The annual event shall not exceed more than three (3) consecutive days and two (2) nights.
  - f. Outdoor recreation activities shall be subject to lighting and noise regulations as contained in **Article VIII** of this chapter.
  - g. Parking shall be provided at a rate of one (1) parking space per two (2) contestants anticipated during peak recreational activities. Parking shall be prohibited on county or **private roads** or rights-of-way. The **Planning Commission** may allow a waiver of hard surface paving and parking requirements set forth in **Section 38-313(1)** for those situations where parking is used on a periodic basis for all or part of the parking requirements.
  - h. The **Planning Commission** shall be authorized to establish hours of operation.
  - i. All sites or facilities shall comply with food and water supply regulations, health and sanitation regulations, or other regulations necessary to protect health, safety, or welfare as established by the county health department or the appropriate state agency.
  - j. Activities are for the enjoyment of contestants. The special use does not provide for the sale of admission tickets, nor assemblage of spectators and contestants in excess of the number of attendees specified in subsection (26)e. of this section.
  - k. There shall be no commercial events involving the discharge of firearms, except paint ball.
  - l. Camping permits will be allowed at a ratio of one (1) site per two (2) acres (maximum of six (6) persons per site). The location of any site shall be a minimum of four hundred (400) feet from any property line. Camping is limited to one (1) event per year. The time period for camping shall be limited to not more than three (3) days and two (2) nights.
  - m. The site shall maintain free and clear access for emergency service vehicles during all activities. Site access shall be reviewed during the special use permit process and shall be monitored by Township enforcement officials.
- (27) **Agricultural and commercial composting.**
- a. The minimum lot area shall be twenty (20) acres.
  - b. For **commercial composting**, the main facility access must be from a paved county arterial or paved county major collector road.
  - c. For **agricultural composting** or **commercial composting**, there shall be provided at least a two hundred (200) foot **setback** for compost windows or compost stockpiles from adjoining property lines and public rights-of-way.

- d. Runoff from composting shall not be allowed to directly flow into streams, ditches, ponds, lakes, or wetlands, but shall be directed to a retention or holding pond. Management of runoff shall follow the guidelines published by the state department of agriculture.
  - e. Composting operations shall not accept or use plastic bags or other nonbiodegradable wrappings.
  - f. Total land area used in the composting operation shall not exceed the maximum lot coverage area as noted in Section 38-136 for the applicable zoning district, excluding the disposal of finished compost material which has been tilled into the soil for on-site enrichment.
  - g. Noise from machinery associated with composting activities shall be in conformance with noise limit regulations set forth in Section 38-357.
  - h. Management of odor associated with composting shall conform to the best management practices for agriculture as outlined by the state department of agriculture and/or air pollution control rules as enforced by the MDEQ.
- (28) **Dry cleaning facilities.**
- a. Storage areas for dry cleaning chemicals shall employ secondary containment, and shall be isolated from floor drains leading to septic systems, sanitary or storm sewers or dry wells.
  - b. Spent dry cleaning chemicals shall be disposed of in an environmentally sound fashion, in accordance with MDEQ requirements.
  - c. Prior to the issuance of building permits, the applicant shall submit evidence that all necessary MDEQ permits have been issued for chemical storage and disposal as well as air quality.
- (29) Elder Cottage Housing Opportunities (ECHO) shall be permitted as a special use within the Village Mixed Use District, subject to the following regulations:
- a. Dwelling unit shall not exceed eight hundred (800) square feet.
  - b. The ECHO unit shall be occupied by either a senior person (over sixty-five (65) years of age), handicapped or disabled person, or an individual(s) related to the occupants by blood, marriage, or adoption.
  - c. The ECHO unit shall be occupied by no more than two (2) people.
  - d. The ECHO unit shall be connected to sanitary sewers and central water.
  - e. The ECHO unit shall comply with all Building and Fire Codes and shall have separate cooking facilities.
  - f. The ECHO unit shall be located in the side or rear yard or shall be located above an attached garage or detached garage.
  - g. The ECHO unit shall be subject to time limitations and inspection requirements as determined by the Township and specified as part of the conditions of special use approval.

## Sec. 38-197. Adult regulated uses.

### (a) *General requirements for Regulated Uses.*

- (1) It is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section.

Prior to adopting these regulations, the Township reviewed studies prepared on these uses, reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law, including the following: Pap's AM v City of Erie, 529 US 277 (2000); Deja Vu of Nashville v Metropolitan Government of Nashville & Davidson County, 466 G3d 391 (6th Cir 2006); Sensations, Inc. v City of Grand Rapids, 2006 WL 2504388 (WD MI 2006); Van Buren Township v Garter Belt, 258 Mich App 594; 673 NW2d 111 (2003); Bronco's Entertainment v Charter Township of Van Buren, 421 F3d 440 (6th Cir 2005), Thomas v Chicago Park District, 122 S Ct 775 (2002), City of Renton v Playtime Theatres Inc, 475 US 41 (1986), Young v American

Mini Theatres, 426 US 50 (1976), Barnes v Glen Theatre Inc, 501 US 560 (1991); California v LaRue, 409 US 109 (1972); DLS Inc v City of Chattanooga, 107 F3d 403 (6th Cir 1997); East Brooks Books Inc v City of Memphis, 48 F3d 2200 (6th Cir 1995); Broadway Books v Roberts, 642 F Supp 4867 (ED Tenn 1986); Bright Lights Inc v City of Newport, 830 F Supp 378 (ED Ky 1993); Richland Bookmart v Nichols, 137 F3d 435 (6th Cir 1998); Richland Bookmart v Nichols, 278 F3d 570 (6th Cir 2002); Déjà vu of Cincinnati v Union Township Board of Trustees, 411 F3d 777 (6th Cir 2005); Déjà vu of Nashville v Metropolitan Government of Nashville, 274 F3d 377 (6th Cir 2001); Bamon Corp v City of Dayton, 7923 F2d 470 (6th Cir 1991); Threesome Entertainment v Strittmather, 4 F Supp 2d 710 (ND Ohio 1998); JL Spoons Inc v City of Brunswick, 49 F Supp 2d 1032 (ND Ohio 1999); Triplett Grille Inc v City of Akron, 40 F3d 129 (6th Cir 1994); Nightclubs Inc v City of Paducah, 202 F3d 884 (6th Cir 2000); O'Connor v City and County of Denver, 894 F2d 1210 (10th Cir 1990); Deja Vu of Nashville Inc et al v Metropolitan Government of Nashville and Davidson County, 2001 USA App LEXIS 26007 (6th Cir Dec 6, 2001); ZJ Gifts D-2 LLC v City of Aurora, 136 F3d 683 (10th Cir 1998); Connection Distribution Co v Reno, 154 F3d 281 (6th Cir 1998); Sundance Associates v Reno, 139 F3d 804 (10th Cir 1998); American Library Association v Reno, 33 F3d 78 (DC Cir 1994); American Target Advertising Inc v Giani, 199 F3d 1241 (10th Cir 2000); ZJ Gifts D-2 LLC v City of Aurora, 136 F3d 683 (10th Cir 1998); ILQ Investments Inc v City of Rochester, 25 F3d 1413 (8th Cir 1994); Bigg Wolf Discount Video Movie Sales Inc v Montgomery County, 2002 US Dist LEXIS 1896 (D Md Feb 6 2002); Currence v Cincinnati, 2002 US App LEXIS 1258 (3rd Cir Jan 24, 2002); and other cases; and on testimony to Congress in 136 Cong Rec S 8987; 135 Cong Rec S 14519; 135 Cong Rec S 5636; 134 Cong Rec E 3750; and reports of secondary effects occurring in and around [sexually oriented businesses](#), including, but not limited to, Phoenix, Arizona - 1979; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Amarillo, Texas; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square 1993; Bellevue, Washington, - 1998; Newport news, Virginia - 1996; new York Times Square study - 1994; Phoenix, Arizona - 1995-98; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House committee on Ethics and Constitutional Law, Jan 12, 2000, and the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota).

- (2) Based on the evidence of adult uses presented in hearings and in the aforementioned reports made available to the Township Board, the Township Board finds that [sexually oriented businesses](#) as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports and cases are reasonably believed to be relevant to the problems that Green Oak Charter Township is seeking to abate and prevent in the future. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area which would create such adverse effect(s). It is further the intent these regulations that these uses only be permitted as special land uses.
  - (3) Uses (collectively "Regulated Uses") subject to these controls are as follows:
    - a. [Sexually oriented business](#) as defined in Sec. 38-1, Definitions.
    - b. Body art establishments.
    - c. Pawnshops or collateral loan or exchange establishments.
- (b) **Locational requirements for Regulated Uses.** Regulated uses shall only be permitted in the LI, Limited Industrial, zoning district and only after special land use approval is obtained. The Planning Commission must find that there is not presently more than one (1) such Regulated Use within one thousand (1,000) feet of the boundaries of the site of the proposed Regulated Uses. The Planning Commission may not waive this location provision for [sexually oriented businesses](#) as defined by this Ordinance. The Planning

Commission may waive this locational requirement for tattoo establishments and body art establishments if the following findings are made:

- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the Section will be observed.
  - (2) That the proposed use will not enlarge or encourage the development of a “skid-row” area in which the homeless, unemployed, transients or others may loiter or congregate for no gainful purpose.
  - (3) That the establishment of any additional Regulated Use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any plans for future development of the area according to the Township’s Master Plan.
  - (4) That all applicable regulations of this Ordinance will be observed.
- (c) **Conditions of approval.** The Planning Commission may recommend that the Township Board impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the Regulated Uses, as shall, in its judgment, considering the standards set forth in Sec. 38-44, Special Approval Use Permits, be necessary for the protection of the public health, safety, welfare and interest, except that any conditions imposed on a [sexually oriented business](#) shall be limited to those conditions necessary to assure compliance with the standards and requirements of Section 38-197 H, Requirements For Sexually Oriented Businesses. Any evidence and guarantee may be required as proof that the conditions stipulated in connection with the establishment, maintenance and operation of a sexually oriented business shall be fulfilled.
- (d) **Time limits for review.** An application for special land use approval of a Regulated Use shall proceed before the Planning Commission for recommendation, and then the Township Board for final decision. Applications for special use approval of a Regulated Use, with the exception of a [sexually oriented business](#), shall be processed in the normal course. The following time limits shall apply to the review of an application by the Planning Commission and Township Board for special approval of a sexually oriented business:
- (1) The Planning Commission will publish notice and hold a public hearing as required for special land use approval review within sixty (60) days of receiving a complete and technically compliant special land use approval and site plan application, as required by Sec. 38-43, 38-44 and 38-71, for a [sexually oriented business](#).
  - (2) The Planning Commission will make its recommendation regarding the special approval application for a [sexually oriented business](#) at the next regularly scheduled meeting of the Planning Commission following the public hearing held to review the application, unless additional information is required from the applicant, or to a later date if agreed to by the applicant. If additional information is required, the Planning Commission will make its recommendation at the next regularly scheduled meeting after receipt of the requested additional information, provided the additional information is received no later than fifteen (15) days prior to the meeting, unless a later date is agreed to by the applicant.
  - (3) The recommendation of the Planning Commission will be forwarded to the Township Board within sixty (60) days of the meeting at which Planning Commission issues its recommendation, unless a later date is agreed to by the applicant. The Township Board will render its decision to grant or deny special approval of the [sexually oriented business](#) or to grant approval with conditions, as stipulated by the Zoning Ordinance at this meeting, unless a later date is agreed to by the applicant.
  - (4) Failure of the Township to act within the above specified time limits shall not be deemed to constitute the grant of special approval to the [sexually oriented business](#).
- (e) **Effect of denial.** No application for a Regulated Use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.
- (f) **Revocations.** In any case where a building permit for a Regulated Use is required and has not been obtained within six (6) months after the granting of the special approval by the Township Board, the grant of special approval shall become null and void.

- (g) **Reconstruction of damaged Regulated Uses.** Nothing in this Section shall prevent the reconstruction, repairing or rebuilding and continued use of any building or structure, the use of which makes it subject to the controls of this Section, which is damaged by fire, collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed fifty percent (50%) of the reconstruction cost of the building or structure at the time such damage occurred, provided that where the reconstruction repair or rebuilding exceeds the above-stated expense, the re-establishment of the use shall be subject to all provisions of this Section.
- (h) **Requirements for sexually oriented businesses.**
- (1) **Purpose and intent.** It is the purpose of this Ordinance to regulate **sexually oriented businesses** to promote and protect the health, safety, morals and general welfare of the citizens of the Green Oak Charter Township and to establish reasonable and uniform regulations to prevent a concentration of sexually oriented businesses within the Township. These regulations are intended to control the negative secondary impacts such businesses have been documented to have on the surrounding area and the community. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Likewise, it is not the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance or state or federal law.
- (2) **Definitions.** **Sexually oriented businesses** are defined in Sec. 38-1, Definitions.
- (3) **Location of sexually oriented business.**
- a. A **sexually oriented business** shall not be located closer than one thousand (1,000) feet to the property line of any of the following:
- i. a building used primarily for religious worship and related religious activities;
  - ii. a public or private elementary or secondary school, vocational school, special education school, junior college or university;
  - iii. a residential zoning district;
  - iv. a parcel in residential use;
  - v. a public or private park;
  - vi. an existing **sexually oriented business**; and
  - i. a child day care facility, nursery or preschool.
- b. A sexually oriented business site shall not be located closer than three hundred (300) feet to the right-of-way of a major thoroughfare within the Green Oak Charter Township.
- c. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property site boundary of a **sexually oriented business** to the nearest property line of the premises of any use, district or right-of-way listed in Sub-section (1) above or public right-of-way listed in Sub-section (2) above. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the site or property boundary in which each business is located. Access easements or portions of the parcel that are exclusively used to provide access to the site of the sexually oriented business shall be excluded from the parcel boundary in determining whether the site complies with the required separation. The intent of this exclusion is to allow sexually oriented businesses to comply with the separation requirement from major thoroughfares by means of an access easement or access strip of land from the site to the thoroughfare.
- d. A person is in violation of this Ordinance if he/she causes or permits the operation, establishment, **substantial enlargement**,

or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

- e. A person is in violation of this Ordinance if he/she causes or permits the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure or portion thereof or the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
  - f. All off-street parking areas and entry door areas of a sexually oriented business shall be illuminated from dusk until the closing time. This requirement is to ensure the personal safety of patrons and employees, and to reduce the incidence of vandalism and other criminal conduct.
  - g. Any business now classified as a sexually oriented business lawfully operating on the date of adoption of the Ordinance that is in violation of this Section shall be deemed a non-conforming use.
- (4) Nude entertainment prohibited in alcoholic commercial establishment.

Refer to the Green Oak Charter Township Code of Ordinances for additional regulations.

- (5) Exterior display and signs.
  - a. A sexually oriented business is in violation of this Section if:
    - i. the merchandise or activities of the establishment are visible from any point outside the establishment; or
    - ii. the exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawing or pictorial representatives of any specified anatomical area or sexually explicit activity as defined in this Ordinance.
- (6) **Enforcement.** A violation of the provisions of this Section shall result, in addition to the remedies provided herein, possible criminal violations consisting of a fine of five hundred (\$500.00) dollars or a jail term of ninety (90) days, or both.

### Sec. 38-198. Traffic impact studies.

- (a) **Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**Average day** means a Tuesday, Wednesday, or Thursday for most uses. The average day may be a Saturday for uses that have higher peak hour traffic volumes on a Saturday rather than midweek.

**Development** means a site plan, subdivision tentative preliminary plat, condominium project, mobile home park, redevelopment, reuse, or expansion of a use or building.

**Gap (critical gap)** means the median time headway, in seconds, between vehicles in a major traffic system which will permit side street vehicles at a stop or yield controlled approach to cross through, or merge with, the major traffic stream under prevailing traffic and roadway conditions.

**Level of service** means a qualitative measure describing operational conditions within a traffic stream, and is generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

**Master Plan** means the Plan adopted by the Township Planning Commission, which illustrates the intended future land use pattern and may also describe roadway functional classifications and intended improvements to the transportation system (i.e., the comprehensive plan, future land use plan, thoroughfare plan, etc.).

**Peak hour** means a one (1) hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour), or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

**Regional traffic impact study** means a traffic impact study for [uses](#) that are projected to generate over five hundred (500) peak hour directional trips, or will generate significant traffic volumes impacting the transportation network over a wide geographic area.

**Rezoning traffic impact study** means a traffic impact study that may be required for rezonings or [Master Plan](#) amendment requests when certain criteria are met, such as when a proposed amendment would generate higher traffic volumes.

**Study area** means the geographic area containing the critical arterial intersections and connecting roadway segments which are expected to be affected by the site traffic generated by a development.

**Traffic impact assessment** means a traffic impact study for relatively low traffic generating [uses](#), which focuses on the impacts at proposed site access points.

**Traffic impact statement** means a traffic impact study which evaluates the impacts on roadways adjacent to the study site and specified nearby intersections, and is the most common type of impact study.

**Traffic impact study** means the analysis of the potential traffic impacts generated by a proposed project. Such type of study and level of analysis will vary, dependent upon the type and size of the project (i.e., [traffic impact assessment](#), [rezoning traffic impact study](#), [traffic impact statement](#) and [regional traffic impact study](#)).

**Trip (i.e., directional trip)** means a single or one (1) direction vehicle movement with either the origin or the destination (exiting or entering) inside a study site.

- (b) **Intent.** The Township recognizes the direct correlation between land use decisions and traffic operations. The intent of this section is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making. This section is further intended to help achieve the following objectives:
- (1) Provide a standard set of analytic tools and format for preparing traffic impact studies.
  - (2) Allow the community to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
  - (3) Help ensure safe and reasonable traffic operating conditions on [streets](#) and intersections after development of the proposed [use](#).
  - (4) Reduce the negative traffic impacts created by individual developments, and which may negatively impact such developments, by helping to ensure the transportation system can safely and efficiently accommodate the expected traffic.
  - (5) For rezonings, evaluate if the rezoning is timely and, if inconsistent with the [Master Plan](#), if it would be a logical alternative to the Master Plan.
  - (6) Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of a community, rather than a piecemeal approach.
  - (7) Provide direction to community decision-makers, road agencies and developers of expected impacts of a project.
  - (8) Alert the community, transportation agencies and developers of [improvements](#) or modifications needed to the roadway, access, or site design.
  - (9) Protect the substantial public investment in the existing street system.

- (c) **Applicability.** A **traffic impact study** shall be required and submitted by a petitioner for a rezoning, site plan, or subdivision plan under any of the following situations. The type of study required shall be dependent upon the type and scale of the proposed **use** and existing traffic conditions.
- (1) **Rezoning traffic impact study.**
- a. A **rezoning traffic impact study** shall be required for the following rezonings and **Master Plan** amendment requests:
    1. A proposed rezoning consistent with the community's long-range land use plan, but when the timing of the change may not be appropriate due to traffic issues. Such threshold applies when a rezoning would permit **uses** that could generate one hundred (100) or more directional trips during the **peak hour**, or at least one thousand (1,000) more trips per day, than the majority of the uses that could be developed under current zoning.
    2. A proposed rezoning which is inconsistent with the community's **Master Plan** when permitted **uses** could generate at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent **streets** or over seven hundred and fifty (750) trips in an average day.
    3. A site along any corridor identified as a critical/congested/safety management corridor in the Master Plan or long-range transportation plan.
    4. Proposed amendments to the Master Plan which would recommend **uses** which would generate higher traffic volumes.
  - b. The requirements of the rezoning traffic impact study may be waived or modified by the **Planning Commission** in accordance with subsection (e) of this section.
- (2) **Regional traffic impact study.**
- a. A **regional traffic impact study** or analysis shall be required for projects that generate over five hundred (500) **peak hour** directional trips or significant traffic volumes impacting a wide geographic area.
  - b. A regional traffic impact study may be required for projects that are located along a "critical," "safety management," or "congested corridor," as defined by the metropolitan planning organization, or as identified in the **Master Plan** or long-range transportation plan.
- (3) **Development proposals for site plans, plats, mobile home parks, and condominium projects.**
- a. A **traffic impact statement** shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the **peak hour** of the traffic generator or the peak hour on the adjacent **streets**, or seven hundred and fifty (750) trips in an average day.
  - b. A **traffic impact assessment** shall be required for projects which could generate fifty (50) to ninety-nine (99) directional trips during a peak hour.
  - c. A **traffic impact statement** shall be required for any proposed development along a corridor identified in the **Master Plan** or long-range transportation plan as a critical, congested, or safety management corridor (segments which currently experience, or are projected to experience, significant congestion or relatively high crash rates) which would be expected to generate over fifty (50) directional trips during the peak hour of the traffic generator on the adjacent **streets**, or over five hundred (500) **trips** in an average day.
  - d. A **traffic impact statement** or assessment, based on the thresholds set forth in subsections (c)(3)a. and b. of this section, shall be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two percent (2%) annually).
  - e. A **traffic impact assessment** shall be required for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least seven hundred and fifty (750) vehicle **trips** per day for the entire project. A **traffic impact statement** shall be required if the traffic is expected to increase by over one hundred (100) directional trips in the peak hour.
  - f. A development proposal shall be required for special (conditional) land uses, planned unit developments, and other **uses** which are specifically required to provide a **traffic impact study** in this chapter. The type of study shall be based on the

- thresholds set forth in subsections (c)(3)a. and b. of this section.
- g. A development proposal shall be required for a change in a planned unit development (PUD) to a more intense use (Note: on a case-by-case basis or using thresholds similar to set forth in subsections (c)(3)a. and b. of this section).
  - h. A development proposal shall be submitted where required by the road agency to evaluate access issues.
- (d) **Contents.** The traffic impact study shall contain the following:
- (1) **Description of the site, surroundings, and study area.** Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). Such description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
  - (2) **Description of the requested zoning or use.**
    - a. A traffic study for a rezoning or Master Plan amendment request shall contain a description of the potential uses which would be allowed, compared to those allowed under current zoning. If the use is not consistent with the community's Master Plan, an explanation of the difference should be provided.
    - b. A traffic study for a site plan review, mobile home park, condominium project, or subdivision tentative preliminary plat, or specified special land uses shall contain a description of such factors as the number and types of dwellings units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion should also be noted.
  - (3) **Description of existing traffic conditions.**
    - a. **Traffic counts.**
      - 1. Traffic counts shall include existing conditions, including existing peak hour traffic volumes and daily volumes, if applicable, on streets adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the community at a preapplication conference or discussion, should be provided for projects requiring a traffic impact statement or regional traffic analysis. Traffic count data shall not be over two (2) years old, except the community or road agency may permit twenty-four (24) hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two percent (2%) annually in the past three (3) to five (5) years.
      - 2. Traffic counts shall be taken on Tuesday, Wednesday, or Thursday of nonholiday weeks. Additional counts (i.e., on a Saturday for a proposed commercial development) may also be required in some cases. The individual or firm performing the impact study shall obtain the traffic counts during average or higher than average volume conditions (i.e., regarding weather or seasonal variations and in consideration of any construction or special events) for the area under study.
    - b. **Roadway characteristics.** Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
    - c. **Existing driveways and potential turning movement conflicts.** Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
    - d. **Existing rights-of-way.** The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
    - e. **Traffic crash data and analysis.** Traffic crash data and an analysis covering the most recent three (3) years for the study area or proximity to site access points may be required by the community, particularly for sites along roadways identified as critical or congested corridors. (Note: crash analyses are not generally appropriate for a rezoning traffic study or a traffic impact assessment.)

- (4) **Background traffic growth.** For any project requiring a **traffic impact statement** with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at the date of completion along the adjacent **street** network using a forecast based on a network traffic assignment model, if available, historic annual percentage increases and/or future development in the area which has been approved. For a project requiring a regional traffic analysis, available long-range traffic projections shall be used.
- (5) **Trip generation.**
- Forecasted trip generation of the proposed **use** for the a.m., if applicable, and p.m. **peak hour** and average day shall be required. The forecasts shall be based on the data and procedures outlined in the most recent edition of the trip generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in the state.
  - For rezoning requests where a traffic study is required, the study should contrast the traffic impacts 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 Commission**. For **traffic impact assessments**, statements or regional traffic analyses, the rates for the specific uses proposed shall be used.
  - Any **trip** reduction for pass-by trips, transits, ride sharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
  - For projects intended to be developed in phases, the trip generation by phase shall be described.
- (6) **Trip distribution.** The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing **street** network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (i.e., trip distribution model, market studies, counts at existing driveways, etc.). For projects requiring a regional traffic analysis, use of a network traffic assignment model projection, if available, may be required to help evaluate impacts.
- (7) **Impact analysis.**
- A **level of service** or "capacity" analysis at the proposed access points shall be required using the procedures outlined in the most recent edition of the highway capacity manual published by the transportation research board. For projects requiring a **traffic impact statement** or regional traffic analysis, before and after capacity analyses shall also be performed for all **street** intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency.
  - In lieu of the analysis required by subsection (d)(7)a. of this section, a **level of service** analysis for intersections identified at the preapplication conference may be submitted.
  - Gap** studies for unsignalized intersections, where applicable, shall be required.
  - The community may require a regional traffic analysis which evaluates the impact on the **street** network over a wide area and/or for up to twenty (20) years for a project of regional significance, if a network model is available.
- (8) **Access design and access management standards.** The report shall include a map and description of the location and design of proposed access (i.e., driveways or new **street** intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred and fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed is the fewest necessary and support that the access points will provide safe and efficient traffic operation and be in accordance with the standards of the Township and the applicable road agency, but shall not be required for a rezoning traffic study.
- (9) **Miscellaneous study items.** The **traffic impact study** shall also include the following:
- The need for, or provision of, any additional **right-of-way** where planned or desired by the applicable road agency.
  - Changes which should be considered to the plat or site plan layout.

- c. A description of any needed nonmotorized facilities.
  - d. An evaluation of the adequacy of the queuing/stacking area, if the **use** involves a drive-through facility.
  - e. Provision of a separate analysis, if a median crossover is desired.
  - f. The relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices, if a traffic signal is being requested. An analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
  - g. Descriptions of site circulation and available sight distances at site driveways.
- (10) **Mitigation/alternatives.** The study shall outline mitigation measures and demonstrate any changes to the **level of service** achieved by the measures. Any alternative or suggested phasing of **improvements** should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of **use**. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.
- (11) **Qualifications.**
- a. **Preparer.**
    1. The preparation of a thorough **traffic impact study** requires an extensive background and experience in traffic related analyses; therefore, the experience of the preparer best defines his or her ability to provide a technically sound analysis. The person responsible for the preparation of the study shall meet the following requirements:
      - i. He or she shall have three (3) or more years of recent experience in the preparation of traffic impact studies.
      - ii. The development of impact studies and similar intersection and/or corridor analyses shall comprise a major component of the preparer's recent professional experience, including ongoing experience and familiarity with the highway capacity manual techniques, as well as the computer software (highway capacity software and others) that provide **level of service** results and other analysis findings needed to fully assess potential impacts.
      - iii. He or she shall have specific education, training and/or professional coursework in traffic impact analysis from an accredited college or university or other professional transportation training organization (i.e., National Highway Institute, Northwestern University Traffic Institute, etc.).
      - iv. He or she shall be an associate, or higher, member of one (1) or more professional transportation related organizations, particularly the Institute of Transportation Engineers (ITE) or the transportation research board (TRB), to help ensure that the preparer is maintaining his or her knowledge as new research is published and analysis techniques are changed or refined.
    2. In addition to the requirements set forth in subsection (d)(11)a.1. of this section, the preparer should have one of the following professional qualifications:
      - i. A registered engineer (PE).
      - ii. A community planner with AICP or PCP certification.
      - iii. A trained professional transportation planner.
    3. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.
    4. The study should include a resume of the preparer responsible for the report. The study may also include relevant experience of the preparer's firm. The study should also be signed by the preparer, with full recognition of potential liability for the results and recommendations outlined in the report.
  - b. **Reviewers.** Review of the study is important to ensure that the analysis and recommendations are based on accepted practices. The ITE recommends that the **traffic impact study** be reviewed by trained traffic engineers or transportation planners. The qualifications of the reviewers should parallel the qualifications of the preparers as outlined in subsection (d)(11)a. of this section.

1. The applicant shall discuss or meet with Township representatives to determine if a study is needed, what type of study is needed, and specific items to be addressed.
  2. The applicant shall submit the [traffic impact study](#) to the community with the request for rezoning or development proposal. A revised study may be required as the scope and details of the request change.
  3. The community shall distribute the [traffic impact study](#) to the appropriate road agencies, and adjacent community, if appropriate. A copy may also be submitted to the metropolitan planning organization, transit agency, etc., as appropriate for projects of regional significance or along critical corridors.
  4. Road and other review agencies shall provide the community with comments prior to any action on the project.
- (e) **Waiver of requirements.** The requirement for a [traffic impact study](#) or the study elements listed in subsection (d) of this section may be waived or modified by the [Planning Commission](#). Reasons for the waiver or modification shall be documented and may include one (1) or more of the following factors:
- (1) Roadway [improvements](#) are scheduled which are expected to mitigate any impacts associated with the proposed project.
  - (2) The existing [level of service](#) along the roadway is not expected to drop below C due to the proposed project.
  - (3) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at the location.
  - (4) A similar traffic study was previously prepared for the site or an adjoining parcel and is still considered applicable.
  - (5) Other reasons and factors identified by the [Planning Commission](#).

### **Sec. 38-199. Wireless communication facilities.**

- (a) **Purpose and intent.** It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will protect the public health, safety and welfare and retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, and changes in State and Federal legislation, it is the further purpose and intent of this section to:

- (1) Facilitate adequate and efficient provision of sites for [wireless communication facilities](#) and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- (2) Establish predetermined districts in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
- (3) Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
- (4) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- (5) Provide for adequate information about plans for [wireless communication facilities](#) in order to permit the community to effectively plan for the location of such facilities.
- (6) Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

- (7) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.
- (8) Implement and provide for compliance with State and Federal legislation through new and amended application, review, and decision standards, requirements and procedures for wireless communication facilities requests.

(b) **Authorization.**

- (1) As a Permitted Use Subject to Site Plan Approval.

In all Zoning Districts, a **wireless communication facility** described in this subsection (b)(1) shall be a permitted use subject to the standards and conditions set forth in subsection (c), the application requirements in subsection (d), the **collocation** requirements in subsection (e), the procedures in subsection (g), and any prior special land use or site plan approval conditions.

- a. **Wireless communications equipment** attached to an existing structure not previously approved and used as a wireless communications support structure and located within a nonresidential zoning district, where there will be no **substantial change in physical dimensions** of the existing structure.
- b. A proposed **collocation** upon a wireless communication support structure which has been approved by the Township for such **collocation** but which is not permitted by administrative review under subsection (b)(3).
- c. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no **substantial change in physical dimensions** of the existing pole.
- d. Attached **wireless communication facilities** that are not permitted by administrative review under subsection (b)(3).

- (2) As a Special Land Use.

Unless permitted under subsections (b)(1) or (b)(3), **wireless communication facilities** require approval as a special land use, which shall be subject to the standards and conditions in subsection (c), the application requirements in subsection (d), the **collocation** requirements in subsection (e), the procedures in subsection (g), and a demonstration of the need for the proposed facility based on one or more of the following factors:

- i. Proximity to an interstate or major thoroughfare.
  - ii. Areas of population concentration.
  - iii. Concentration of commercial, industrial, and/or other business centers.
  - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - vi. Other specifically identified reason creating facility need.
- a. If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (b)(1), **wireless communication facilities** may be permitted as a special land use in the LI and GI zoning districts.
  - b. If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be

established as permitted under subsection (b)(1) or in a zoning district identified in subsection (b)(2)a, such [wireless communication facility](#) may be considered and permitted elsewhere in the Township as a special land use, subject to the following:

1. In the application, the applicant shall demonstrate that no existing structure identified in subsection (b)(1) or location in a zoning district identified in subsection (b)(2)a, above can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
2. [Wireless communication facilities](#) shall be of a “stealth” design such as, without limitation, a steeple, bell tower, tree, or other form which is located and compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township taking into account any alternative designs submitted by the Applicant or identified during the review and decision process.
3. Locations outside the zoning districts identified in subsection (b)(2)a, shall be limited to the following sites:
  - i. Municipally-owned sites.
  - ii. Other governmentally owned sites.
  - iii. Religious or other institutional sites.
  - iv. Public or private school sites.
  - v. Other sites if: (i) not located in an R1, R2, R2A, or R3 zoning district, and (ii) no sites identified in i - iv, above are available and suitable, as demonstrated in the application and determined by the Planning Commission.
4. The applicant’s demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in subsection (a).
5. For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant’s demonstration that the proposed facility is more consistent with the ordinance purposes stated in subsection (a), and/or that such alternate is not feasible.

(3) Wireless Communication Equipment as a Permitted Use Subject to Administrative Review.

A proposal for attached [wireless communication facilities](#) that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review and written certification by the Zoning Administrator to the construction code building official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (c), with the certification to identify any items of noncompliance.

- a. The existing wireless communications support structure and/or [wireless communications equipment compound](#) are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.
- b. The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless communications support structure and/or wireless communications compound.
- c. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or 10% of its original height (as first erected without any later additions), whichever is greater.
- d. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.

- e. The proposal will not increase the area of the existing [wireless communications equipment compound](#) to more than 2,500 square feet.

(c) ***Review Standards and Conditions.***

All applications for [wireless communication facilities](#) shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

- (1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- (2) Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
- (3) Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- (4) Applicants shall demonstrate an engineering justification for the proposed height of the support structure, and an evaluation of alternative designs and locations which might result in lower heights. Support structures shall not exceed the minimum height necessary for [collocation](#) by at least two (2) providers, or by a larger number of providers identified and disclosed in the application as contracted or otherwise committed to use of the structure. Except as needed for [essential services](#), and regardless of the number of collocators, wireless communication support structures shall not exceed a height of 220 feet. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- (5) The minimum setback of a monopole support structure and equipment compound from an adjacent boundary of any property shall be equal to the required setbacks for structures in the district in which the tower is located. Lattice towers or guyed towers shall be setback from an adjacent boundary of any property a minimum of 125% of the height of the support structure.
- (6) There shall be unobstructed access to the support structure and equipment compound, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
- (7) The division of property for the purpose of locating a [wireless communication facility](#) is prohibited unless all zoning requirements and conditions are met.
- (8) The equipment enclosure may be located within the principal building, an accessory building, or in an equipment compound upon a demonstration by the applicant, and approval by the Township, that placement of the equipment inside a building is not practical due to site or equipment conditions or constraints. Equipment compounds shall include landscaping and screening approved by the Township along the perimeter of the compound, exclusive of a singular entry point, that at the time of initial installation shall have a minimum height equal to the height of the tallest building or piece of equipment located within the equipment compound, but in no case less than eight (8) feet in height, exclusive of the support structure. If proposed as an accessory building or equipment compound, it shall conform to all district requirements for principal buildings, including yard setbacks. Where a [wireless communication facility](#) is proposed on the [roof](#) of a building, any equipment enclosure proposed as a [roof](#) appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building. [Wireless communication facilities](#) mounted upon the side of a building shall be attached flush against the building surface, and shall not be allowed to protrude more than the depth of the antenna. Such facilities shall blend into the design; contour and color scheme of the building.
- (9) The Township shall review and approve the architecture and color of the support structure and all accessory buildings and structures so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the [wireless communication facility](#) in a neat and orderly condition. Lighting is only allowed if required by, and in compliance with the standards of, the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, other governmental agencies, or the Township as a special land use approval condition. Any such requirements and standards shall be documented by the Applicant.

- (10) The support structure and system shall be designed to support, or capable of supporting the proposed wireless communication equipment, which shall be demonstrated by a structural analysis and certification from a registered **professional engineer** that identifies any modifications to an existing structure necessary to such capability.
- (11) Support structures shall be constructed, and maintained in accordance with all applicable building codes. Any approval or certification under this ordinance shall be subject to and conditioned on the construction code building official's authority to require and be provided with a soils report from a geotechnical engineer, licensed in the State of Michigan, based on actual soil borings and certifying the suitability of soil conditions for the proposed use, and a written engineering certification from the manufacturer or designer of the support system that the support system can safely accommodate attached antennas under expected weather conditions.
- (12) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard. Such plans shall include the names, pager number and email addresses, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night that have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current by immediate written notice to the Township of any changes.

(d) ***Application Requirements.***

All of the following information and documents shall be required for a special land use, site plan, or administrative review application to be considered complete:

- (1) A site plan prepared in accordance with Article II, Division II, shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.
- (2) The site plan shall also include a detailed landscape plan prepared in accordance with Section 38-177. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory building(s) or enclosure. In all cases, fencing of a minimum height equal to the tallest building or piece of equipment located within the equipment compound, but in no case less than eight (8) feet in height exclusive of the support structure, shall be required for protection of the support structure and security from children and other persons who may otherwise access the facilities.
- (3) The application shall include a description of security to be posted at the- time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement accepted by the Township Board.
- (4) A map or plan showing the locations and heights of existing **wireless communications support structures** in the Township and communities adjoining the Township, and which identifies structures the Applicant is using or has the right to use and the heights at which its antennas are or may be installed.
- (5) The name, address identity, home and business telephone numbers, pager number and email addresses, if any, and mobile phone number, if any, of the person to contact for engineering, maintenance and other notice purposes . This information shall be kept current by immediate written notice of the Township of any changes.
- (6) An application fee in an amount established by Resolution of the Township Board.
- (7) Identification of the dates, nature and conditions of any prior zoning approvals or permits for the property.
- (8) If the application is for a new wireless communication support structure or to place or install additional **wireless communications equipment** on an existing support structure, a structural analysis and certification to the Township by a registered **professional engineer** that the structure is designed to support, or capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment shall be specifically identified in the analysis and certification.
- (9) If modifications to a wireless communications support structure are identified in a structural analysis under subsection (8) above, a written determination by the Township construction code building official that, subject to review of an actual building permit

application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.

- (10) If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and one collocation.
- (11) If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
- (12) If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.
- (13) If the application is for a new wireless communications support structure outside the L1 and G1 zoning districts, identification and submission in written form of the evidence and arguments the Applicant will rely on in claiming that those restrictions prohibit or have the effect of prohibiting it from providing personal wireless services and that its proposal is more consistent with the ordinance purposes stated in subsection (a), than alternate sites, locations, designs, placements and features.
- (14) Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.
- (15) If the application is for a special land use approval, the name, expertise, and relationship to applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.
- (16) For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the Township, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.
- (17) The Applicant's email address, fax number or address to which the Township should direct notices regarding the Application.

(e) **Collocation.**

- (1) Statement of Policy.

It is the policy of the Township to minimize the overall number of newly established locations for [wireless communication facilities](#) and [Wireless Communication Support Structures](#) within the community, and encourage the use of existing structures for [Attached Wireless Communication Facility](#) purposes, consistent with the statement of purpose and intent, set forth in Subsection (a), Purpose and Intent, above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of [wireless communication facilities](#) reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on [Attached Wireless Communication Facilities](#) and [Wireless Communication Support Structures](#) in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Subsection (a), Purpose and Intent. If a provider fails or refuses to permit [collocation](#) on a facility owned or otherwise controlled by it, where [collocation](#) is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

(2) Feasibility of collocation.

Collocation shall be deemed to be “feasible” for purposes of this section where all of the following are met:

- a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections (b) and (c), above.

(3) Requirements for Collocation.

- a. The construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the collocation. 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 which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(f) **Removal.**

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after construction.
- (2) A condition of every approval of a wireless communication facility shall be removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- (3) The situations in which removal of a facility is required, as set forth in paragraph (2) above, may be applied and limited to portions of a facility no longer being used, by written application to and approval of the Zoning Administrator.
- (4) If removal of all or part of a facility is required, 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, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

- (5) The required removal of a facility or a portion thereof shall be lawfully completed within 60 days of the period of nonuse under paragraph (2) above. If removal is not completed within that time, after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

(g) **Procedures.**

- (1) Review and administrative actions on special land use and site plan approval applications.

- a. The Zoning Administrator shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (d). If the application is not complete, no later than 14 business days after receiving it, the Zoning Administrator shall provide a written or electronic notice to the Applicant specifying the information necessary to complete the application. Such initial review for completeness by the Zoning Administrator shall be on behalf of the Planning Commission for special land use and site plan approvals.
- b. The Zoning Administrator shall review supplemental information submitted in response to an incomplete application notice and notify the Applicant of any remaining deficiencies.
- c. An application shall be administratively complete upon the Zoning Administrator's determination or the expiration of 14 business days from receipt of the application without a notice to the Applicant of deficiencies.
- d. Upon a special land use or site plan approval application being administratively complete, the Zoning Administrator shall promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (2) below.
- e. If the application has disclosed professional opinions supporting the application and the Zoning Administrator or Planning Commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the Applicant by a written notice from the Zoning Administrator, as a professional review cost to be paid in accordance with the notice.

- (2) Decisions on special land use and site plan approval applications.

- a. The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than 90 days after it is administratively complete.
- b. For all special land use and site plan applications other than new [wireless communications support structures](#), the Planning Commission shall approve or deny the application not more than 60 days after it is administratively complete.

- (3) Post-approval costs, fees and administrative actions.

Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for [wireless communication facilities](#), and zoning certificates of use and occupancy for such facilities shall be issued subject to and conditioned on all of the following:

- a. Any conditions of the special land use or site plan approval.
- b. Payment of any outstanding professional review costs as described in subsection (g)(1)e.
- c. Payment of a permit fees in an amount established by or in accordance with a Resolution of the Township Board.

## Secs. 38-200. Wind Energy Conversion Systems.

- (a) Intent. It is the intent of Green Oak Charter Township to promote the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee the wind rights or establish access to the wind.
- (b) Approval Required. Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within Green Oak Charter Township unless approval for a:
- (1) Private WECS. A permit has been obtained from the Building Department as an accessory use and subject to Section 38-171 and the height restrictions of Section 38-185 and this Section. Only one (1) Private WECS shall be permitted per lot, and the private WECS shall not be allowed within either a required or non-required front yard area. Two (2) Private WECS shall be permitted on a lot if the lot is greater than forty (40) acres in size and meets all requirements of this Ordinance.
  - (2) Commercial WECS. A special land use has been obtained pursuant to Section 38-44 and this Section.
  - (3) Temporary WECS. A permit has been obtained from the Building Department.
- (c) General Standards. The following standards shall apply to wind energy conversion systems in Green Oak Charter Township:
- (1) Design Safety Certification. The safety of the design of all WECS structures shall comply with all current applicable State of Michigan guidelines and standards.
  - (2) Setbacks. All private and commercial WECS structures (Horizontal axis or vertical axis wind turbines) must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. (See Figure 38-200-1)
  - (3) Utility Notification. No grid-tied WECS shall be installed until evidence has been submitted that the applicant's utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
  - (4) Construction Code. All WECS shall meet or exceed all requirements of the State of Michigan Construction Codes.
  - (5) Applications for roof-mounted (or other non-traditionally mounted) WECS must include a wet stamped structural engineering analysis for the roof WECS mounting system and for the suitability of the building to which the WECS is to be mounted.

**Figure 38-200A**

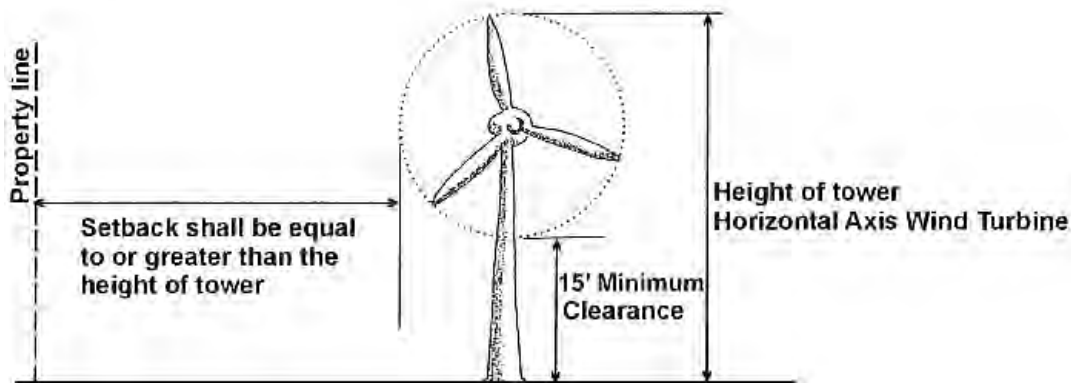
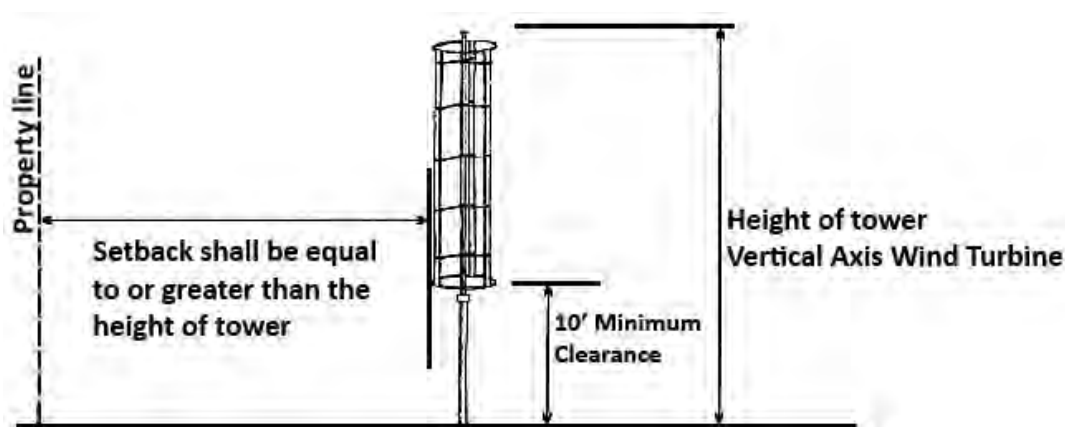


Figure 38-200B



- (6) Interference. All WECS structures shall be certified by the manufacturer to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
  - (7) Noise. The sound pressure level shall not exceed 60 dB(A) (A-weighted Decibels) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 60 dBA, the standard shall be ambient dBA plus 5 dBA.
  - (8) Safety. All moving parts including blades or rotating cylinders shall be located at least fifteen (15) feet above ground for horizontal axis wind turbines (Figure 38-200A) and ten (10) feet above ground for vertical axis wind turbines (Figure 38-200B) in order to provide a safe distance from human interference. The support system, footings and tower shall be constructed in accordance with all applicable building codes governing structural integrity and wind loads.
  - (9) Height. All private and commercial WECS structures shall be subject to the height restrictions of this Section and Section 38-185.
- (d) Additional Standards for Commercial WECS Structures. The following additional standards shall apply to all commercial wind energy conversion systems in Green Oak Charter Township:
- (1) Color. Towers and blades shall be a non-reflective, non-obtrusive neutral color such as white, off-white, or gray.
  - (2) Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. Wind cut out speed rotation governors are required. The Professional Engineer must certify that the rotor and over speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
  - (3) Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.
  - (4) Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices.
  - (5) Shadow Flicker. The facility owner or operator shall minimize shadow flicker by orienting and placing a commercial WECS away from occupied buildings. The Planning Commission may require a shadow flicker analysis and methods of mitigation such as revised location, landscape buffer, or other methods to minimize adverse impacts.
  - (6) Warnings. A visible warning sign of High Voltage as required by the State Construction Code shall be placed at the base of all commercial WECS structures. The sign must have at a minimum six-inch letters with 1/8-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.

- (7) Performance Guarantee. All commercial WECS shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed. The security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or (3) other security arrangement accepted by the Township Board.
- (8) Removal. A condition of every approval of a commercial WECS shall be adequate provision for 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 one hundred and eighty (180) days or more. For purposes of this section, the removal of equipment from the facility, or the cessation of operations (transmission of electrical power or prolonged periods of no movement of the WECS) shall be considered as the beginning of a period of nonuse.
  - b. The situations in which removal of a facility is required, as set forth in paragraphs 1 and 2 above, may be applied and limited to portions of a facility.
  - c. Upon the occurrence of one (1) or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.
  - d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted (Section 38-200(d)7) at the time of application.

### **Secs. 38-201. Medical Marihuana Activities.**

Medical marihuana activities shall be subject to the following limitations:

- (a) Medical marihuana activities are permitted in the RF (Residential/Farming), RE (Residential Rural Estate), LA, R-1, R-2, R-2A and R-3 (Residential Single-Family districts), RM (Residential multiple-family) and RMH (Residential mobile home park) zoning districts. Medical marihuana activities are expressly prohibited in all other zoning districts.
- (b) All medical marihuana activities shall be conducted in full compliance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law No. 1, as amended.
- (c) All medical marihuana activities shall be conducted in full compliance with all applicable building and fire codes.
- (d) Medical marihuana provisioning centers, safety compliance facilities, dispensaries, cooperatives, or other shared growing facilities or any other operation or facility similar in nature are expressly prohibited.
- (e) Medical marihuana activities shall not be conducted in accessory structures.

### **Secs. 38-202. Marihuana Establishments Prohibited.**

Green Oak Charter Township hereby prohibits all marihuana establishments within the boundaries of the Township pursuant to the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951, et seq., as may be amended.

### **Secs. 38-203 - 38-230. Reserved.**

## ARTICLE V. OPEN SPACE PLANNED UNIT DEVELOPMENT

### Sec. 38-231. Intent.

- (a) An open space planned unit development may be applied for in any zoning district, except the PL public lands district or other districts as may be restricted in this Ordinance. The grant of an open space community development application shall require a rezoning by way of amendment to this chapter upon the recommendation of the [Planning Commission](#) and approval of the Township Board.
- (b) It is the intent of this article to offer an alternative to traditional subdivisions, site condominiums, or other developments through the use of planned unit development legislation, in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., for the purpose of:
  - (1) Encouraging the use of Township land in accordance with the land's character and adaptability.
  - (2) Assuring the permanent preservation of open space, agricultural lands, and other natural resources.
  - (3) Providing recreational facilities within a reasonable distance of all residents of the open space planned unit development.
  - (4) Allowing innovation and greater flexibility in the design of residential, commercial, and industrial developments.
  - (5) Facilitating the construction and maintenance of [streets](#), utilities, and public services in a more economical and efficient manner.
  - (6) Ensuring compatibility of design and [use](#) between neighboring properties and encouraging a less sprawling form of development, thereby preserving open space as developed or undeveloped land.
- (c) The regulations set forth in this article are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small residential nodes or other developments contrasting with open space and less intensive land [uses](#). This article is not intended as a device for disregarding the zoning regulations of the Township, the standards set forth in this chapter, nor the planning concepts upon which this chapter has been based.
- (d) The regulations set forth in this article are intended to result in a specific development substantially consistent with the standards of this chapter, yet allowing for modifications from the general standards to ensure appropriate, fair, and consistent decision making and to achieve the objectives set forth in this section. Requirements stated in this article are development guidelines that planning officials will use to determine the merits of a particular application. The [Planning Commission](#) may recommend variations from such guidelines when an application has demonstrated that doing so will result in corresponding benefit to the community.
- (e) In recognizing the importance of adequate housing on social equity and economic prosperity, the open space planned unit development option is also intended to encourage and allow for affordable housing. Provision of affordable housing should be consistent with guidelines and standards set forth by the county housing growth alliance.

### Sec. 38-232. Scope.

For the purposes of this article, the term "open space planned unit development" means a development in which the units are placed together into one (1) or more groupings within a defined project area. The units are separated from adjacent properties or other groupings of [buildings](#) by substantial open space that is perpetually protected from development. Commercial and multiple-family [uses](#) which are components of open space residential projects as stated in [Section 38-236](#) may be allowed within open space communities of fifteen (15) acres or more. Smaller commercial and industrial developments without associated residential development may be allowed on sites of at least one (1) acre in size.

**Sec. 38-233. Eligibility criteria.**

To be eligible for open space planned unit development consideration, the applicant must present a proposal for development that meets each of the following:

- (1) **Recognizable benefits.** An open space planned unit development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this chapter, such as high quality architectural design, extensive landscaping, provision of transition areas from adjacent residential land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams, and wetlands. The benefit should accrue in spite of any foreseeable detriments of the proposed development.
- (2) **Minimum project size.** The minimum project size of an open space planned unit development shall adhere to the following schedule:
  - a. Single-family, five (5) acres minimum.
  - b. Single-family with a commercial component, twenty (20) acres minimum (see Section 38-236).
  - c. Stand-alone commercial and/or industrial, one (1) acre minimum (Section 38-236 does not apply and there is no density bonus).
- (3) **Open space.** The proposed development shall provide at least one (1) of the following open space benefits:
  - a. **Significant natural assets.** The site contains significant natural assets, such as woodlands, individual trees over twelve (12) inches in diameter when measured at breast height, rolling topography with grades exceeding fifteen percent (15%), significant views, natural drainageways, waterbodies, stormwater management, floodplains, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve, and which might be negatively impacted by conventional residential development. Such determination shall be made by the Planning Commission after review of a site investigation report, as outlined in Section 38-72, prepared by the applicant that inventories the features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space planned unit development plan preserve such areas in a natural state and adequately protect them as nature preserves or limited access areas.
  - b. **Low Impact Development.** Innovative stormwater management techniques shall be considered. These techniques shall be in accordance with the Best Management Practices identified in the *Low Impact Development Manual for Michigan* and in accordance with the Green Oak Charter Township Stormwater Management Ordinance. Refer to Figure 38-366-1 for representative LID techniques.
  - c. **Recreation facilities.** If the site lacks natural features, it may still qualify for open space planned unit development treatment if the development will preserve an existing recreation facility or provide usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as neighborhood parks, golf courses, passive recreational facilities, soccer fields, ballfields, bike paths, or similar facilities which provide a feature of communitywide significance and enhance residential development.
  - d. **Creation of natural features.** If the site lacks existing natural features, it can also qualify for open space planned unit development treatment if the development will create significant woodland features. For the purposes of this subsection, the term “create significant woodland features” means providing perimeter buffer plantings and interior street tree plantings significantly in excess of, but at least twice what is required by this chapter.
- (4) **Guarantee of open space.** The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided, notice of such transfer is provided to the Township and the land uses continue as approved in the open space planned unit development plan.

- (5) **Cohesive development.** The proposed development shall be designed to create a cohesive community/development through common open space areas for passive or active recreation and resident/tenant interaction. All open space areas shall be equally available to all residents of the open space planned unit development.
- (6) **Unified control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- (7) **Density impact.** The proposed type and density of use shall not result in an unreasonable increase in the need for, or impact to, public services, facilities, roads, and utilities in relation to the uses otherwise permitted by this chapter, and shall not place an unreasonable impact to the subject site, surrounding land, property owners and occupants, and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic, or socio-economic impacts resulting from the proposed open space planned unit development. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the open space planned unit development plan to assist in making such determination, such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical. If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand and services or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the open space planned unit development.
- (8) **Master Plan.** The proposed development shall be consistent with, and further the implementation of, the Township Master Plan. If the proposed development is not consistent with the Master Plan, but there has been a change in conditions in the area which will explain why the proposed open space planned unit development is a reasonable use of the land, the Planning Commission can concurrently consider an amendment to the Master Plan and a rezoning to open space planned unit development for the proposed development in question.

### Sec. 38-234. Project design standards.

A proposed open space planned unit development shall comply with the following project design standards:

- (1) **Location.** An open space planned unit development may be applied for within any zoning district, except the PL public lands district.
- (2) **Minimum lot size without public sewer and water.** The minimum single-family residential lot size of any open space planned unit development that is not served by sanitary sewer and central water is one-half (½) acre.
- (3) **Permitted uses.**
  - a. An open space planned unit development is permitted for the following types of uses:
    1. Single-family detached;
    2. Attached residential dwellings;
    3. Commercial uses;
    4. Industrial uses; and
    5. Mixed use projects of the land uses stated in subsections (3)a.1.--3. of this section. (Refer to Section 38-236 for open space planned unit developments that propose to mix residential and commercial or multiple-family components.)
  - b. Unless modified by the Planning Commission, all residential dwellings and nonresidential buildings and structures shall meet the yard, lot width, and bulk standards required by Section 38-136, except that single-family attached dwellings may have zero (0) side lot lines for yards that abut interior lots.

- c. Single-family projects that will contain a commercial or multiple-family component may be allowed by the [Planning Commission](#) and must qualify under the standards of [Section 38-236](#).
- (4) **Plan submittal.** Any application for open space planned unit development shall be accompanied by a plan based on existing zoning at the time of application, a density plan prepared in accordance with this subsection, and a planned unit development plan. The density allowable within an open space planned unit development shall be determined through preparation of the density plan, which shall have the following requirements:
  - a. The applicant shall prepare, and present to the [Planning Commission](#) for review, a density plan for the project that is consistent with state, county, and township requirements and design criteria for a tentative preliminary plat or site condominium, whichever is appropriate. The density plan shall meet all standards for lot size as set forth in subsection (4) b. of this section, [lot width](#) and [setbacks](#) as normally required under [Section 38-136](#), public roadway [improvements](#) and private parks, and contain an area which conceptually would provide sufficient area for stormwater detention. Lots in the density plan shall provide sufficient building envelope size without impacting [wetlands](#) regulated by the [MDEQ](#).
  - b. The density plan shall be drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, and shall contain the following:
    1. Layout of roads and rights-of-way.
    2. Lot lines.
    3. [Wetland](#) boundaries and submerged lands.
    4. Floodplains.
    5. Lot numbers and a schedule of lot areas.
    6. Areas proposed for stormwater management.
  - c. The density plan shall be prepared with the following minimum lot areas. The density plan is only used to determine allowable density for an open space planned unit development project. A density bonus may be granted in addition to the provisions of this subsection, if the development qualifies under [Section 38-236\(2\)a.](#), with the exception of stand-alone commercial and industrial projects.

<i>Underlying/Existing Zoning District</i>	<i>Zoning Ordinance Minimum Lot Size</i>	<i>Density Plan Minimum Lot Size</i>
RF	5 acres	2.5 acres
RE	2 acres	1.5 acres
R-3	1 acre	40,000 square feet
R-2A	32,670 square feet	25,000 square feet
R-2**	21,750 square feet	20,000 square feet**
R-1*	12,000 square feet	10,000 square feet
LA	7,200 square feet	6,000 square feet
RM		--
RMH		--
LB	20,000 square feet	20,000 square feet
GB	20,000 square feet	20,000 square feet
HC	20,000 square feet	20,000 square feet
LI	1 acre	40,000 square feet
GI	2 acres	1.5 acres
RO	1 acre	40,000 square feet

\* The open space planned unit development shall be served by a public [sanitary sewer](#) and water.

\*\* The minimum lot size for all single-family residential lots within an open space planned unit development shall be one-half (½) acre when not served by a public sewer and central water services.

- d. The **Planning Commission** shall review the design and determine the number of lots that could be feasibly constructed. Such number, as determined by the Planning Commission, shall be the maximum number of **dwelling units** allowable for the open space planned unit development project, and shall be shown on the planned unit development plan. Regardless of the lot sizes used in the density plan, the planned unit development plan may contain lots as small as one-half (½) acre in size, if not served by a public **sanitary sewer** and water, provided that the total number of lots shall not exceed that which the density plan yields. The Planning Commission may grant a density bonus for exemplary projects that meet the conditions outlined in **Section 38-236**.
  - e. Overall density shall be determined by use of the density plan, using the underlying/existing zoning and corresponding lot sizes set forth in the table in subsection (4)c. of this section. The applicant may propose other underlying zoning categories for the consideration of density in such chart. Such consideration shall be limited to an adjustment of not more than one (1) category. For example, a density plan designed with an underlying/existing zoning district of RF may request a zoning category shift on the chart of not more than one (1) zoning category, using the RE district. In determining if a category shift shall be granted, the Township shall consider the following:
    1. Conformance with the **Master Plan**.
    2. Community Benefit.
    3. Preservation of natural resources.
- (5) **Water and sewer service.** If there is public water or sewer service available to the site on which an open space planned unit development is proposed, the **Planning Commission** may require connection into the system.
- (6) **Base zoning regulations.** Unless specifically waived or modified by the **Planning Commission** and Township Board, all requirements of this chapter for the underlying zoning district, except minimum lot area and other Township regulations, shall remain in full force.
- (7) **Regulatory flexibility.**
- a. To encourage flexibility and creativity consistent with the open space planned unit development concept, the **Planning Commission** may recommend, and the Township Board may grant, specific departures from the requirements of this chapter as a part of the approval process as follows:
    1. Yard, **lot width**, minimum lot size, density, and bulk standards may be modified, provided that such modifications results in enhanced buffering from adjacent land uses or public **right-of-ways**, or preservation of natural features. Any modification to the natural river overlay zone standards must also be approved by the Michigan Department of Natural Resources, if required.
    2. Standards that apply to entryway features, such as decorative gates (nonclosable), walls, and signs, may be modified, provided that the overall entranceway design is reviewed by the **Planning Commission** and found to be consistent with the proposed open space planned unit development and the character of the surrounding area in terms of size, materials, color, lighting, and **landscaping**.
  - b. Any regulatory modification shall be approved through a finding by the **Planning Commission** and Township Board that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to **variance** approval of the Zoning Board of Appeals. No part of an open space planned unit development plan may be **appealed** to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a dimensional variance following final approval of the open space planned unit development, provided, such variance does not involve alterations to open space areas as shown on the approved open space planned unit development site plan.
  - c. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height, and **setback** regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the **uses** and development proposed in the absence of this article. This specification should include Ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought. Only deviations consistent with the intent of this chapter shall be considered.

**(8) Open space requirements.**

- a. All land within a development that is not devoted to a residential unit or a principal commercial or industrial building, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement, or a commercial or multiple-family component as part of a residential project shall be set aside as common land for recreation, conservation, or agricultural uses, or preserved in an undeveloped state. Grading in the open space shall be minimal, with the intent of preserving existing topography.
- b. An open space planned unit development shall maintain a minimum of forty percent (40%) of the buildable area of the site as dedicated open space held in common ownership. Buildable area shall not include existing lakes on the property. Wetlands, lakes, or submerged lands may occupy up to one-half (½) of the required open space. The Planning Commission may reduce open space requirements for commercial and industrial projects; however, adequate open space shall still be provided so as to provide appropriate setbacks, preserve natural features, and buffer the proposed uses from incompatible adjacent uses. Such open space may be reduced in residential projects to thirty percent (30%) for lower density projects as described in subsection (8)j. of this section. Except as noted in subsection (8)c. of this section, any undeveloped land area within the boundaries of the site meeting the open space standards of this subsection (8) may be included as required open space.
- c. The following land areas are not included as dedicated open space for the purposes of this article:
  1. The area of any street right-of-way proposed to be dedicated to the public. This subsection shall not preclude the future dedication of a private road easement to a public road agency.
  2. Wetlands, lakes or submerged lands above and beyond those that occupy up to one-half (½) of the required open space, as per subsection (8)b. of this section.
  3. The required setbacks surrounding any structure, residential or otherwise, that is not located on an individual lot or condominium site.
- d. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features or located to connect open spaces throughout the development. Any open space provided along the exterior public roads shall generally have a depth of at least one hundred (100) feet, and either landscaped or preserved in a natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting such frontage landscaping requirement.
- e. Connections with adjacent open space, public land, or existing or planned pedestrian/bike paths may be required by the Planning Commission.
- f. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission and Township Board, such as:
  1. Recorded deed restrictions;
  2. Covenants that run perpetually with the land; or
  3. A conservation easement established pursuant to part 21, subpart 11 of Public Act No. 451 of 1994 (MCL 324.2140 et seq.).
- g. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
  1. Indicate the proposed allowable uses of the dedicated open space. The Planning Commission and Township Board may require the inclusion of open space restrictions that prohibit the following:
    - i. Dumping or storing of any material or refuse;
    - ii. Activity that may cause a risk of soil erosion or threaten any living plant material;
    - iii. Cutting or removal of live plant material, except for removal of dying or diseased vegetation;
    - iv. Use of motorized off-road vehicles;

- v. Cutting, filling or removal of **vegetation** from **wetland** areas; and
  - vi. Use of pesticides, herbicides or fertilizers within or adjacent to **wetlands**.
2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
  3. Provide standards for scheduled maintenance of the open space.
  4. Provide for maintenance to be undertaken by the Township if the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- h. The dedicated open space shall forever remain open space, subject only to **uses** approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural purposes, except for **easements** for utilities and **septic systems**, shall be strictly prohibited. Open space may include a golf course area, provided that it forever remains outdoor recreation or natural undeveloped land.
  - i. Any **structure** or **building** accessory to a recreation, conservation, or **agriculture use** may be **erected** within the dedicated open space, subject to the approved open space plan. Such **accessory structure** or **building** shall not exceed, in the aggregate, one percent (1%) of the required open space area.
  - j. The **Planning Commission** and Township Board has the discretion to allow lower density open space planned unit developments with larger lots and less open space. For such large lot open space planned unit developments, the required minimum open space area may be reduced from forty percent (40%) to thirty percent (30%) where the total number of units, determined under subsection (4) of this section, is reduced by at least ten percent (10%).
- (9) **Compatibility with adjacent uses.** The proposed location of **accessory uses** or **structures** that are of a significantly different scale or character than abutting residential districts, such as access drives, parking areas, solid waste pickup points, **swimming pools**, tennis courts, and facilities of a similar nature, shall not be located near the boundary of the development or so as to negatively impact the residential **use** of adjacent lands.
- (10) **Transition areas.** Where the open space planned unit development abuts a single-family residential district, the **Planning Commission** and Township Board may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to a single-family residential district is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed **building heights**. Perspective renderings from adjacent residential units are encouraged. The Planning Commission may review the proposed transition area to ensure compatibility. The Planning Commission and Township Board may require that the transition area consist of one or more of the following:
- a. A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, **lot width**, **setbacks**, and **building spacing**.
  - b. Woodlands, natural features, or a landscaped **greenbelt** sufficient to provide an obscuring effect.
  - c. Open or recreation space.
  - d. Significant changes in topography, which provide an effective **buffer**.
- (11) **Architectural and site element design.**
- a. Residential facades shall not be dominated by garages. At least fifty percent (50%) of residential units shall have side entry garages, or recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal **dwelling**. The intent of encouraging recessed or side entry garages is to enhance the **aesthetic** appearance of the development and minimize the visual impact resulting from the close clustering of units allowed under these regulations. **Building** elevations shall be required for all **structures**, other than **single-family dwellings**.
  - b. Signage, lighting, entryway features, **landscaping**, building materials for the exterior of all **structures**, and other features of the project shall be designed and completed with the objective of achieving an integrated and cohesive development consistent with the character of the community, surrounding development and natural features of the area. The **Planning Commission** and Township Board may require **street** or site lighting, where appropriate.
- (12) **Access.** Direct access onto a county road or state highway shall be required for an open space planned unit development. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing **street** or road intersection, as measured from the nearest intersection **right-of-way** line.

(13) **Internal roads.**

- a. Internal roads within an open space planned unit development may be public or private.
- b. Construction of **private roads** as a means of providing access and circulation is encouraged. Private roadways within an open space planned unit development must meet the design requirements of **Article X** of this chapter. The **Planning Commission** and Township Board may modify such requirements if all of the following findings are made:
  1. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.
  2. Significant natural features, such as mature **trees**, natural slopes, **wetlands** or other waterbodies, would be preserved through allowing a modification to the **private road** standards set forth in **Article X** of this chapter.
- c. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Township **Planning Commission** and Township Board.
- d. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy **trees** shall be provided per residential dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy tree shall be provided on each side for every fifty (50) feet of road. Existing trees to be preserved within five (5) feet of the road **right-of-way** or **easement** may be credited towards meeting such requirement.
- e. Additional requirements for buffering/screening, **greenbelts**, and parking lot trees for nonresidential projects may be required by the **Planning Commission** and Township Board and can be found in **Section 38-176**, pertaining to walls and screens and **Section 38-177**, pertaining to **landscaping** and screening.

(14) **Pedestrian circulation.** The open space planned unit development plan shall provide pedestrian access to all open space areas from all residential/development areas, connections between open space areas, public thoroughfares, and connections between appropriate on-site and off-site uses. Trails within the open space planned unit development may be constructed of gravel, wood chips, or other similar material, but the **Planning Commission** and Township Board may require construction of eight (8) foot wide asphalt bike paths through portions of the development or along any public **right-of-way** abutting the open space planned unit development. Locations for school bus stops shall be provided on the site plan, if applicable.

(15) **Natural features.** The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the **Planning Commission** and Township Board, as a condition of approval, may require that the open space planned unit development plan preserve such areas in a natural state and adequately protect the areas as nature preserves or limited access areas. The **Planning Commission** and Township Board may also require a minimum of a twenty-five (25) foot wide undisturbed open space **setback** from the edge of any **lake**, pond, river, stream, or **wetland**, provided that the **Planning Commission** and Township Board may permit trails, boardwalks, observation platforms, or other similar **structures** that enhance passive enjoyment of the site's natural amenities within the **setback**.

(16) **Existing structures.** When a tract contains **structures** or **buildings** deemed to be of historic, cultural, or architectural significance, as determined by the **Planning Commission** and Township Board, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential or nonresidential use or permitted **accessory uses** shall be permitted.

### Sec. 38-235. Nonresidential project design standards (commercial and industrial).

- (a) All design standards contained in **Section 38-234** are applicable under this section, where appropriate.
- (b) Nonresidential **uses** shall always be separated and buffered from residential units in a manner consistent with good land use and community planning principles.

- (c) For nonresidential developments, minimum lot area, height and placement shall be negotiated by the Township Board, after review and recommendation of the [Planning Commission](#). The [Master Plan](#), the character of the area and the previous zoning classification shall be reviewed before the open space planned unit development concept plan, density, [setbacks](#), parking requirements, etc., are approved.
- (d) The [Master Plan](#) shall be reviewed to determine the overall lot density on the property and a compatible zoning district standard may be selected to set forth proper [setbacks](#), [lot coverage](#), and [lot widths](#). For all special uses, regulations applicable to the respective uses shall apply. The Township Board, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this subsection, deviations with respect to such regulations may be granted as part of the overall approval of the planned unit development, provided, there are features or elements, deemed adequate by the Township Board, that are designed into the project plan for the purpose of achieving the objectives of this article.
- (e) To the maximum extent feasible, the development shall be designed to preserve natural resources and natural features. In the interpretation of this subsection, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether an action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features. To accomplish the desired balance, the following criteria shall be applied:
  - (1) The availability of feasible and prudent alternative methods of completing the development;
  - (2) The extent and permanence of the beneficial or detrimental effects of the proposed activity; and
  - (3) The size, quality, and rarity of the natural resources or natural features which would be impaired or destroyed.
- (f) There shall be a perimeter [setback](#) and berming, as found to be necessary by the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the open space planned unit development project includes nonresidential [uses](#) adjacent to a [district](#) authorizing residential uses, a perimeter [setback](#) shall be established with a dimension from the property line of up to one hundred (100) feet, at the discretion of the [Planning Commission](#) and Township Board, taking into consideration the uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- (g) Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of [uses](#) served.
- (h) Where feasible, there shall be underground installation of utilities, including electricity and telephone.
- (i) In all cases, where separation can be accomplished without significantly reducing the kind and density of [uses](#), the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.
- (j) Signage, lighting, [landscaping](#), building materials for the exterior of all [structures](#), and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding developments, and natural features of the area.
- (k) In all cases where nonresidential [uses](#) adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms, such as earthen and/or landscape berms and/or decorative walls, shall be employed. The [Planning Commission](#) and Township Board, at their discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent, the achievement of the screening objectives.

## Sec. 38-236. Optional provisions for exemplary projects.

The [Planning Commission](#) and Township Board may allow an exemplary open space planned unit development to include one (1) or more of the following optional provisions. In order to qualify for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission and Township Board, that the proposed project exceeds the minimum standards for open space planned unit development eligibility as set forth in [Section 38-233](#). In order to qualify for development under the optional provisions of this section, architectural standards shall be subject to review by the Planning Commission and Township Board. [Buildings](#) shall be harmonious with adjacent [uses](#) in terms of texture, materials, peaked rooflines, and massing, but there shall be a variation of front façade depth and rooflines to avoid monotony. Building elevations shall be required for all [structures](#).

- (1) **Density bonus.** A variable density bonus of up to fifteen percent (15%) may be allowed, at the discretion of the [Planning Commission](#) and Township Board, based upon a demonstration by the applicant of design excellence in the open space planned unit development. Projects qualifying for a density bonus shall include no less than two (2) of the following elements:
  - a. A high level of clustered development where a minimum of sixty percent (60%) of the open space planned unit development is common open space.
  - b. Inclusion of [greenbelts](#), greenways, and/or bikeways, if provided with at least one (1) other element.
  - c. Providing perimeter transition areas around all sides of the development that are at least one hundred and fifty (150) feet in depth.
  - d. Provisions or components of the proposed plan that show a sensitivity to the Huron River Watershed and is designed to enhance surface water and groundwater quality.
  - e. Provisions and design that preserve natural features.
  - f. Donation or contribution of land or amenities that represent significant community benefit, such as for a school, community center, fire hall, nature preserve, safety paths, etc.
  - g. Other similar elements, as determined by the [Planning Commission](#) and Township Board.
- (2) **Multiple-family component.** In an open space community with a gross area of fifteen (15) acres or more, up to fifty percent (50%) of the [dwelling units](#) may be other than [single-family dwellings](#). Such units shall meet the following design standards:
  - a. **Front yard.** The minimum building [setback](#) from an internal road shall be twenty-five (25) feet from the [public street right-of-way](#) or [private road easement](#). The [Planning Commission](#) and Township Board may reduce the setback, based upon a determination that off-street parking will be adequate and that the modification will preserve natural features or that the [rear yard buffer](#) will be increased by one (1) foot for each one (1) foot of reduction in the [front yard setback](#). In no instance shall the front yard setback be reduced below a minimum of fifteen (15) feet. [Buildings](#) that front on two (2) [streets](#) must provide the required front yard setback from both streets.
  - b. **Rear yard.** A thirty-five (35) foot [rear yard](#) shall be maintained for all [buildings](#). Where the rear of a building abuts the side or rear of another residential [structure](#), the minimum spacing between the structures shall be the combined total of the two (2) [setback](#) requirements.
  - c. **Side yards.** A ten (10) foot [setback](#) shall be maintained to the side of all residential [buildings](#). Where two (2) buildings are located side-by-side, a thirty-five (35) foot spacing shall be maintained between apartment buildings.
  - d. **Off-street parking lots.** [Off-street parking lots](#) serving three (3) or more [dwelling units](#) shall provide a ten (10) foot wide open green space area around the perimeter of the parking lot.

The building [setback](#) requirements may be varied, provided such [variances](#) are specifically indicated on the open space community plan, and the [Planning Commission](#) and Township Board determines the variation does not negatively impact adjacent properties and provides a recognizable benefit. Building setback requirements on the perimeter of the development shall not be reduced below thirty-five (35) feet.

- (3) **Commercial component.** An open space community with a gross area of twenty (20) acres or more may incorporate a commercial land use component, provided that all of the following requirements are met:

- a. The commercial component shall be located on a lot of sufficient size to contain all commercial **structures**, parking and landscape buffering. The total area **occupied** by the commercial land uses may not exceed five percent (5%) of the gross area of the open space community or five (5) acres, whichever is less.
- b. All **commercial uses** shall be compatible with the residential area.
- c. The **Planning Commission** finds that the architectural design of the **structures** is compatible with the balance of the development.
- d. All commercial **structures** are connected to a pedestrian access system servicing the project.
- e. All parking and loading areas serving the **commercial uses** shall be to the rear or side of the **structure** and fully screened from view of any public roadway, except that the **Planning Commission** and Township Board may allow up to twenty-five percent (25%) of the minimum number of required parking spaces in the **front yard**. Employee and customer parking in PL, LI, and GI zoning districts may be in the front yard per **Section 38-313**. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape **buffer** consisting of evergreen **trees** spaced no more than ten (10) feet on center.

### Sec. 38-237. Project standards.

In considering any application for approval of an open space planned unit development site plan, the **Planning Commission** and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in **Article II, Division 2** of this chapter, pertaining to site plans, as well as the following standards and requirements:

- (1) **Compliance with concept.** The overall design and land uses proposed in connection with an open space planned unit development shall be consistent with the intent of the open space planned unit development concept, as well as with specific design standards set forth in this article.
- (2) **Compatibility with adjacent uses.** The proposed open space planned unit development plan shall set forth, in detail, all specifications with respect to height, **setbacks**, density, parking, circulation, **landscaping**, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site and the land uses. In determining whether such requirement has been met, consideration shall be given to the:
  - a. Bulk, placement, and materials of construction of the proposed **structures**.
  - b. Pedestrian and vehicular circulation.
  - c. Location and screening of vehicular use or parking areas.
  - d. Provision of **landscaping** and other site amenities.
- (3) **Impact of traffic.** The open space planned unit development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding **uses**.
- (4) **Protection of natural environment.** The proposed open space planned unit development shall be protective of the natural environment, and shall comply with all applicable environmental protection laws and regulations. Stormwater management techniques as identified in the *Low Impact Development Manual for Michigan* shall be employed. PUD projects shall also comply with the Green Oak Charter Township Stormwater Management Ordinance. Refer to **Figure 38-366-1** for representative **LID** techniques.
- (5) **Compliance with applicable regulations.** The proposed open space planned unit development shall comply with all applicable federal, state, and local regulations.
- (6) **Master Plan.** The proposed open space planned unit development shall be consistent with, and further the implementation of, the Township **Master Plan**.

**Sec. 38-238. Review and approval procedures.**

- (a) **Preapplication conference.** Prior to the submission of an application for an open space planned unit development approval, a preapplication conference will be held. The purpose of the conference shall focus on the open space planned unit development process and required information, as outlined in this article, and shall not constitute any form of official review and approval of the open space planned unit development project, nor shall the conference in any way circumvent, replace, or supersede the review and approval powers of the Township **Planning Commission** and Township Board regarding the open space planned unit development application. The building department shall contact the preapplication conference committee, which shall be composed of a Township Board representative, Planning Commission representative, Township planner, and building department representative. At least two (2) committee members shall meet with the applicant for the preapplication conference. At such conference, the applicant shall present at least a sketch plan of the proposed open space planned unit development, as well as the following information:
- (1) Total size of the project.
  - (2) A statement of the number of residential units, if any.
  - (3) The number and type of nonresidential **uses**.
  - (4) The size of the area to be **occupied** by each type of use.
  - (5) The known deviations from Ordinance regulations to be sought.
  - (6) The number of acres to be preserved as open or recreational space.
  - (7) All known natural or historic features to be preserved.
- (b) **Approval procedures.** The procedures for planned unit development approval are summarized in the planned unit development process flow chart which is on file in the Township clerk's office.
- (c) **Preliminary site plan.**
- (1) **Submission.** Following the preapplication conference, the applicant shall submit a preliminary site plan of the proposed open space planned unit development. A narrative report shall accompany the site plan and shall provide a description of the project, discuss the market concept of the project, and explain the manner in which the criteria set forth in **Section 38-235** has been met.
  - (2) **Information required.** The preliminary site plan for an open space planned unit development shall contain, at a minimum, the following information. Any of the following requirements may be waived by the **Planning Commission** when determined to be unnecessary, not applicable or premature at this stage of review, given the nature, size, and scope of the project.
    - a. Sheet size of submitted drawings shall be no greater than thirty (30) inches by forty (40) inches, with graphics and a scale.
    - b. Plans providing the following information:
      1. Applicant's name;
      2. Name of the development;
      3. Preparer's name and the name of the engineer, surveyor or landscape architect;
      4. Date of preparation and any revisions;
      5. North arrow;
      6. Property lines and dimensions;
      7. Complete and current legal description and size of property, in acres;
      8. Small location sketch of the subject site and area within one-half (½) mile, at a scale of no less than one (1) inch equals one thousand (1,000) feet;
      9. Zoning and current land use of the applicant's property, the property owner's name and address, and zoning and land use of all abutting properties and properties across any public or private **street** from the open space planned unit development site;

10. Lot lines and all **structures** on the property and within one hundred (100) feet of the open space planned unit development property lines;
  11. Location of any access points on both sides of the **street** within one hundred (100) feet of the open space planned unit development site along streets where access to the open space planned unit development is proposed;
  12. Existing locations of significant natural, historical, and **architectural features**, existing drainage patterns, surface waterbodies, floodplain areas, MDEQ designated or regulated **wetlands**, with supporting documentation, and a **tree** survey indicating the location of tree groupings;
  13. Existing and proposed topography, at one (1) foot or two (2) foot contour intervals, and a general description of grades within one hundred (100) feet of the site;
  14. Dimensions of existing and proposed **right-of-way** lines, **street** widths, names of abutting **public streets**, proposed access driveways, and parking areas, and existing and proposed pedestrian and/or bicycle paths;
  15. Existing **buildings**, existing or proposed **public utility** services, with sizes, and any public or private **easements**, with a notation of those which will remain and which are to be removed;
  16. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed **buildings** and **structures**, and **uses**, with the acreage allotted to each use. For residential developments, the number, type, and density of proposed housing units shall be indicated;
  17. General location and type of **landscaping** proposed (i.e., evergreen, deciduous, berm, etc.), with a notation of the existing **trees** and landscaping to be retained;
  18. Size, type, and location of proposed **identification signs**;
  19. Size, type, and location of proposed detention basins;
  20. If a multiphase planned unit development is proposed, identification of the areas included in each phase. For residential **uses**, the number, type, and density of proposed housing units within each phase shall be identified;
  21. Any additional graphics or written materials requested by the **Planning Commission** or Township Board to assist the Township in determining the appropriateness of the open space planned unit development, such as, but not limited to, aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impacts, using trip generation rates recognized by the Institute of Transportation Engineers for an average day and **peak hour** of the affected roadways; turning movement analysis, acceleration/deceleration analysis, and passing lane analysis; impact on significant natural, historical, and **architectural features** and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying **district**; and preliminary architectural sketches; and
  22. An explanation of why the submitted planned unit development plan is superior to a plan which could have been prepared under strict adherence to related sections of this chapter.
- (3) **Review; hearing date.** The **Planning Commission** shall review the preliminary planned unit development plan in accordance with this article and set a date for the public hearing.
  - (4) **Notice of public hearing.** The preliminary plan shall be noticed for public hearing before the **Planning Commission** in accordance with the Township zoning act, Public Act 110 of 2006, as amended (MCL 125.3503 et seq.).
  - (5) **Density determination.** Following the public hearing, the **Planning Commission** shall establish density, as provided by the yield calculated by the density plan, in accordance with **Section 38-234(4)d**.
  - (6) **Action of Planning Commission.** Following the public hearing or at a subsequent **Planning Commission** meeting, the Planning Commission shall review the preliminary plan and shall take one of the following actions:
    - a. **Approval.** Upon finding that the preliminary plan meets the criteria set forth in **Sections 38-231--38-236**, if applicable, the **Planning Commission** shall recommend preliminary approval to the Township Board. Approval by the Township Board shall constitute approval of the **uses**, density, and design concept as shown on the preliminary plan, and shall confer upon the applicant the right to proceed to preparation of the final plan. A recommendation of approval of the preliminary plan by the Planning Commission shall not bind the Township Board to approval of the final plan.

- b. **Approval with changes or conditions.** The **Planning Commission** may recommend conditional approval to the Township Board, subject to modifications as performed by the applicant.
  - c. **Postponement of action.** Upon finding that the preliminary plan does not meet the criteria set forth in **Sections 38-231--38-236**, if applicable, but could meet such criteria if revised, the **Planning Commission** may recommend to postpone action to the Township Board until a revised preliminary plan is submitted.
  - d. **Denial.** Upon finding that the preliminary plan does not meet the criteria set forth in **Sections 38-231--38-236**, if applicable, the **Planning Commission** shall recommend denial of the preliminary approval to the Township Board.
- (7) **County Planning Commission action.** The Township **Planning Commission**, having recommended either approval, approval with changes or conditions, or denial, shall forward the application for open space planned unit development, in accordance with the Township zoning act, Public Act 110 of 2006, as amended (MCL 125.3503 et seq.), to the County Planning Commission for their review and recommendation.
- (8) **Township Board action.** If the preliminary plan has been approved, approved with conditions, or denied by the Township and County Planning Commissions, the Township Board may, upon finding that the **Planning Commission** has issued a recommendation on the preliminary plan, approve, approve with conditions, or deny the preliminary plan. The applicant may still submit a final planned unit development plan in accordance with subsection (d) of this section, regardless of action taken by the Township Board on the preliminary planned unit development plan.
- (d) **Final plan.** Following receipt of the Township **Planning Commission's** comments on the preliminary plan, the County Planning Commission's recommendation and preliminary action by the Township Board, the applicant shall submit a final plan and supporting materials conforming with this subsection. If a final plan is not submitted by the applicant for final approval within twelve (12) months of the Township Board's approval of the preliminary planned unit development plan, the preliminary plan approval becomes null and void. The Planning Commission may, however, issue a waiver for greater periods of time, if it is determined to be appropriate, as a condition of preliminary open space planned unit development approval. Such extension and request of waiver must be made prior to expiration of the preliminary plan approval.
- (1) **Information required.** A final site plan and application for an open space planned unit development shall contain the following information:
- a. A site plan meeting all of the requirements of **Article II, Division 2** of this chapter, pertaining to site plans, shall be required unless the applicant desires a phased approval whereby open space planned unit development zoning is considered at the final plan stage and detailed site plans meeting the requirements of **Article II, Division 2** of this chapter are submitted for each phase of the open space planned unit development.
  - b. A utility master plan for the entire open space planned unit development site must be provided, which includes the location and size of all public and private utilities, utility services, **storm sewers**, basins, and necessary  **easements**.
  - c. A separate delineation of all deviations from this chapter which would otherwise be applicable to the **uses** and development proposed in the absence of this article.
  - d. A specific schedule of the intended development and construction details, including phasing or timing.
  - e. A specific schedule of the general **improvements** to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
  - f. A specification of the exterior building materials for the **structures** proposed in the project.
  - g. Signatures of all parties having an interest in the property.
- (2) **Final action of Planning Commission.** The **Planning Commission** shall review the final site plan and shall take one of the following actions:
- a. **Approval.** Upon finding that the final open space planned unit development plan meets the intent and criteria established in this article and other sections of this chapter, the **Planning Commission** may recommend final approval to the Township Board.
  - b. **Approval with changes or conditions.** The Planning Commission may recommend to the Township Board conditional approval, subject to modifications as performed by the applicant.

- c. **Postponement of action.** Upon finding that the final plan does not meet the intent and criteria set forth in this article and other sections of this chapter, the Planning Commission may postpone action until a revised plan is submitted.
  - d. **Denial.** Upon finding that the final plan does not meet the intent and criteria set forth in this article and other sections of this chapter, the Planning Commission shall recommend denial to the Township Board.
- (3) **Final action of Township Board.** If the proposed development has been approved, approved with conditions, or denied by the Planning Commission, the Township Board may, upon finding that the Planning Commission has issued a recommendation on the final plan, approve, approve with conditions, or deny the final plan.
  - (4) **Statement of reasons for actions.** All actions on the preliminary plan or final plan by the Planning Commission and the Township Board shall state the reasons for approval, conditional approval, postponement, or denial within the body of the motion.
  - (5) **Final approval.** A preliminary plan approved in conformance with subsection (c) of this section shall be granted final open space planned unit development plan approval if it meets the applicable standards of this article and is substantially in conformance with the approved preliminary plan.

### Sec. 38-239. Permit conditions.

- (a) Reasonable conditions may be required by the Planning Commission and Township Board before the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Permit conditions may be drafted in writing, specifying conditions of approval and use. Conditions may stipulate that the open space planned unit development may only be used for selective land uses, provided the restraints:
  - (1) Advance, rather than injure, the interests of adjacent landowners;
  - (2) Are a means of harmonizing private interests in land, thereby benefiting the public interest;
  - (3) Are for the purposes of ensuring that the open space planned unit development fulfills the purposes and intent of this article and, thereby, benefit the public interest; and/or
  - (4) Possess a reasonable relationship to the promotion of the public health, safety, and welfare.
- (b) Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent thereto, and the community as a whole, reasonably related to the purposes affected by the planned unit development, and necessary to meet the intent and purpose of this article, and be related to the objective of ensuring compliance with the standards of this article. All conditions imposed shall be made a part of the written record of the approved planned unit development, which shall include a site plan and written open space planned unit development permit conditions signed by the Township and the applicant.
- (c) If conditions set forth in this section are not complied with, then the supervisor shall have the right to compel a show cause hearing by the Planning Commission or issue a violation pursuant to Section 38-46(a). At the show cause hearing, additional conditions may be imposed by the Planning Commission or the Township may require submittal of a new open space planned unit development application.

**Sec. 38-240. Phasing and commencement of construction.**

- (a) Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable, in the discretion of the Township Board, after recommendation from the Planning Commission.
- (b) Construction shall be commenced within one (1) year following final approval of an open space planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant and in accordance with this article. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided an extension for a specified period may be granted by the Planning Commission, upon good cause shown, if such request is made to the Planning Commission prior to the expiration of the initial period. If a site plan has expired, the Planning Commission shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as planned unit development, a new application shall be required, and shall be reviewed according to existing and applicable law and ordinance provisions at the time of any subsequent submission.

**Sec. 38-241. Effect of approval.**

When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final open space planned unit development site plan and open space planned unit development permit conditions shall be recorded with the county register of deeds, at the applicant's expense.

**Sec. 38-242. Deviations from approved final site plan.**

Deviations from the approved final open space planned unit development site plan may occur only in accordance with the following:

- (1) Deviations shall be reviewed by an open space planned unit development committee, comprised of the building and zoning official, Township planner, and Planning Commission chairperson or designee.
- (2) An applicant or property owner who has been granted final open space planned unit development site plan approval shall notify the open space planned unit development committee of any proposed amendment to such approved site plan or open space planned unit development conditions.
- (3) Minor changes to the final open space planned unit development site plan may be approved by the open space planned unit development committee upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design, nor any conditions of the plan imposed upon the original approval by the Planning Commission. In considering such a determination, the open space planned unit development committee shall consider the following to be minor changes:
  - a. For residential buildings, the size of structures may be reduced or increased by five percent (5%), provided that the overall density of units does not increase;
  - b. Square footage of nonresidential buildings may be decreased or increased by up to five percent (5%) or ten thousand (10,000) square feet, whichever is smaller;
  - c. Horizontal and/or vertical elevations may be altered by up to five percent (5%);
  - d. A building may be moved by no more than ten (10) feet;

- e. Designated areas not to be disturbed may be increased;
  - f. Plantings approved in the final open space planned unit development landscape plan may be replaced by similar types of landscaping on a one-to-one (1:1) or greater basis;
  - g. Improvements may be made to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.;
  - h. Changes of building materials to another of higher quality may be made, as determined by the open space planned unit development committee;
  - i. Changes may be made in floor plans, which do not alter the character of the use;
  - j. Slight modifications of sign placement or reduction of size may be made;
  - k. Relocation of sidewalks and/or refuse storage stations may be made;
  - l. Internal rearrangement of a parking lot may be made, which does not affect the number of parking spaces or alter access locations or design;
  - m. Changes required or requested by the Township for safety reasons may be made.
- (4) Should the open space planned unit development committee determine that the requested modification to the approved final open space planned unit development site plan is not minor, or if a change in land use has occurred which is different than land uses previously approved, resubmittal to the Planning Commission and Township Board shall be necessary and a new public hearing and notification under Section 38-238 shall be required. After the public hearing, the Planning Commission shall refer the revised open space planned unit development plan to the Township Board, with a recommendation from the Planning Commission.
- (5) Should the Planning Commission's plan significantly alter the intent of the preliminary open space planned unit development site plan, a new submittal, illustrating the modification, shall be required.
- (6) Any deviation from the approved open space planned unit development site plan, except as authorized in this section, shall be considered a violation of this article and treated as a misdemeanor, and shall be subject to Section 38-46(a). Further, any such deviation shall invalidate the open space planned unit development designation.
- (7) Approved plans for an open space planned unit development that do not qualify as minor under subsection (3) of this section may be revised by resubmitting a final open space planned unit development site plan for approval following the procedures of this article.

**Secs. 38-243 - 38-270. Reserved.**

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## ARTICLE VI. RESIDENTIAL CLUSTER DEVELOPMENT OPTION\*

### Sec. 38-271. Intent.

- (a) It is the intent of this article to promote the goals of the Township's [Master Plan](#) to permit, by means of a special use permit in accordance with procedures specified in [Section 38-44](#), the development of [single-family dwellings](#) in patterns which will:
- (1) Protect productive agricultural lands and preserve open space.
  - (2) Minimize the demand for public services.
  - (3) Encourage a more creative approach to rural residential development, rather than conventional land division, and allow greater flexibility in the siting of units.
  - (4) Provide a more desirable living environment through the preservation and conservation of natural features, such as topography, [wetlands](#), woodlands, water bodies, and other natural assets.
  - (5) Reduce the number of driveways accessing county primary and local roads.
- (b) It is further the intent of this article to address the open space preservation zoning requirements of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.

### Sec. 38-272. Eligibility criteria.

To be eligible for residential cluster development consideration, the applicant must present a special use permit proposal for a residential cluster development that meets each of the following requirements:

- (1) **Recognizable benefits.** A residential cluster development shall result in a recognizable and substantial benefit both to the residents of the property and to the preservation of open space or [agriculture](#) in the Township. Such benefit should accrue in spite of any foreseeable detriments of the proposed development.
- (2) **Open space.**
  - a. No more than fifty percent (50%) of the parent parcel may be developed as a cluster residential development. A minimum of fifty percent (50%) of the gross [buildable area](#) of the parent parcel shall be preserved as open space. For the purposes of this subsection, the term "gross buildable area" means the portion of the gross site area not containing open bodies of water, streams, floodplains, and [wetlands](#), as defined by the [MDEQ](#). The preserved buildable area of the site shall remain as a single [contiguous](#) parcel and be designated as an open space preservation area. For the purposes of this requirement, preserved buildable areas of the site may be considered contiguous when they are linked via unbuildable areas.
  - b. The proposed development shall be under single ownership and/or control so that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership and/or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- (3) **Guarantee of maintenance of open space.** The applicant shall guarantee to the satisfaction of the Township [Planning Commission](#) that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as part of the proposal. Such provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the residential cluster development plan.
- (4) **Zoning.** The Residential Cluster Development Option may only be considered for the following zoning districts:
  - a. Residential Farming (RF);
  - b. Residential Rural Estate (RE);

- c. Residential Single Family (R-3);
- d. Residential Single Family (R-2A);
- e. Residential Single Family (R-2).

### Sec. 38-273. Project design standards.

A proposed residential cluster development shall comply with the following project design standards:

- (1) **Location.** A residential cluster development may be approved as a special use in accordance with [Section 38-44](#) in the zoning districts listed in [Section 38-272\(4\)](#).
- (2) **Density without public utilities.** The minimum lot size of any residential lot or condominium unit within a cluster development that is not served by central [sanitary sewer](#) and central water shall generally be one-half acre, unless the county health department determines that the minimum lot size must be greater.
- (3) **Open space requirements.**
  - a. A residential cluster development shall maintain a minimum of fifty (50%) percent of the gross [buildable area](#) of the site as dedicated open space held in common ownership as noted in [Section 38-272\(2\)](#) and (3).
  - b. All land within a development that is not devoted to a [lot of record](#), including a residential lot or condominium unit, an [accessory use](#), vehicle access, vehicle parking, or a recorded roadway [right-of-way](#), shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an [undeveloped state](#).
  - c. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is acceptable to the [Planning Commission](#), such as a recorded deed restriction, covenants that run perpetually with the land, or a [conservation easement](#) established per the State Conservation and Historic Preservation Act, part 21, subpart 11, Public Act 451 of 1994 (MCL 324.2140 et seq.). Such conveyance shall assure that the open space will be protected from all forms of development, except that which is consistent with the definition of the term "[undeveloped state](#)," and is shown on an approved site plan, and shall never be changed to another [use](#). Such conveyance shall:
    1. Indicate the proposed allowable uses of the dedicated open space.
    2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
    3. Provide standards for scheduled maintenance of the open space.
- (4) **Areas not considered open space.** The following land areas are not to be counted toward satisfying the open space preservation requirement of subsection (3) of this section:
  - a. The area of any [street right-of-way](#) proposed to be dedicated to the public.
  - b. The area of any lot or unit.
  - c. Unbuildable land, including [wetlands](#), floodplain areas, open bodies of water, and streams.
  - d. Golf courses.
- (5) **Continuing obligation.** The dedicated open space shall forever remain open space, subject to development with only the [uses](#) approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation, or agricultural purposes, except for [easements](#) for utilities and [septic systems](#), shall be strictly prohibited.
- (6) **Allowable structures.** Only [structures](#) that would be consistent with an "[undeveloped state](#)" as defined herein may be [erected](#) within the dedicated open space, subject to the approved open space plan. This may include recreational trails, picnic area, children's play area, greenway, or linear park. Such [accessory structures](#) shall not exceed, in the aggregate, one percent (1%) of the required open space area. [Buildings](#) and structures not consistent with such definition of the term "[undeveloped state](#)" may not be constructed within the dedicated open space.
- (7) **Common areas.** No lot or parcel shall have direct driveway access to a county designated primary or local road. All lots or parcels shall have frontage on, and direct access to, a newly constructed public or [private road](#) which meets one of the following conditions:

- a. A public street which has been accepted for maintenance by the county road commission;
  - b. A permanent and unobstructed private road approved by the Township Board and built in accordance with the Township standards for private roads.
- (8) **Setback.** All residential structures within a residential cluster development shall be set back at least one hundred (100) feet from a public road right-of-way.
- (9) **Density plan.**
- a. The density allowable within a residential cluster development shall be determined through preparation of a density plan.
  - b. The applicant shall prepare, and present to the Planning Commission for review, an alternate design for the project, or “density plan,” employing a conventional lot layout. The density plan shall contain the following elements:
    - 1. Layout of roads and rights-of-way;
    - 2. Lot lines;
    - 3. Boundaries of wetlands, streams and open bodies of water;
    - 4. Floodplain boundaries;
    - 5. Lot numbers and a schedule of lot areas;
    - 6. Areas proposed for stormwater management.
  - c. A residential cluster development may be developed as: 1) an acreage parcel division, subject to the limitations of the Michigan Land Division Act; 2) a subdivision plat; or 3) a site condominium. All acreage parcels or site condominium developments proposed under this section shall be subject to site plan review (Article II). All subdivisions shall be subject to subdivision plat review. Unbuildable areas, including open bodies of water, streams, floodplains, and wetlands (as defined by the MDEQ), shall be excluded from the density plan for purposes of calculating maximum allowable density.
  - d. The density plan shall be prepared with the following minimum lot areas and shall be only used to determine allowable density for a residential cluster development:

Zoning District	Underlying Zoning Minimum Lot Size	Density Plan Minimum Lot Size
RF	5 acres	2.5 acres
RE	2 acres	2 acres
R-3	1 acre	1 acre
R-2A	32,670 square feet	32,670 square feet
R-2	21,750 square feet	21,750 square feet

- e. The density plan shall meet all standards for lot size as shown in subsection c. above, and shall meet lot width and yard setback requirements required by Section 38-136.

**Sec. 38-274. Project standards and requirements.**

In considering any application for approval of a residential cluster development, the Planning Commission shall make determinations on the basis of the standards for special use permits (see Section 38-44), as well as the following standards and requirements:

- (1) **Compliance with Master Plan.** The overall design and land uses proposed in connection with a residential cluster development shall be consistent with the intent of the residential cluster development, as well as the Township Master Plan.
- (2) **Specifications and design features.** The proposed residential cluster development plan shall set forth in detail all specifications with respect to setbacks, density, and other design features. Such specifications and design features shall exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the proposed land uses. In determining whether this requirement has been met, consideration shall be given to:

- a. Placement of proposed [structures](#), as well as lot layout and design.
  - b. Vehicular circulation, road layout, and configuration.
  - c. Location of agricultural operations.
  - d. Preservation of natural resources, including protection of woodlands, [wetlands](#), and floodplains.
  - e. Stormwater management and compliance with *Low Impact Development Standards Manual for Michigan* and the Green Oak Charter Township Stormwater Management Ordinance. Refer to [Figure 38-366-1](#) for representative [LID](#) techniques.
- (3) **Environmental protection laws and regulations.** The proposed residential cluster development shall be protective of the natural environment and shall comply with all applicable environmental protection laws and regulations.
- (4) **Compliance with applicable regulations.** The proposed cluster development community shall comply with all applicable federal, state, and local regulations.

### Sec. 38-275. General requirements.

- (a) **Application.** The application for a residential cluster development shall be made according to procedures and guidelines adopted by resolution of the [Planning Commission](#) and [Section 38-44](#). The required materials shall be submitted to the building department office, with all required fees.
- (b) **Recording of action.** The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval and declaring that all [improvements](#) and open space dedication will be carried out in accordance with the approved residential cluster development plan, unless a subsequent amendment is adopted by the Township. In addition, all deed restrictions and [easements](#) shall be duly filed with the register of deeds of the county and copies of recorded documents shall be presented to the Township.
- (c) **Permits.** Following final approval of the residential cluster development, and presentation of evidence of the required recording as set forth in subsection (b) of this section, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, county, state, or federal [permits](#).
- (d) **Failure to maintain approved site design.** Any property owner who fails to maintain the approved site design shall be deemed in violation of the [use](#) provisions of this chapter and shall be subject to the penalties for such violation.
- (e) **Performance guarantee.** The [Planning Commission](#) may require that a performance guarantee, in accordance with [Section 38-47](#), be deposited with the Township to ensure completion of applicable proposed [improvements](#).

### Sec. 38-276. Revisions.

Approved plans for a residential cluster development may be revised in accordance with the procedures set forth in this chapter or as approved by the [Planning Commission](#).

### Sec. 38-277. Minor changes.

Notwithstanding [Section 38-276](#), minor changes to an approved residential cluster development plan may be permitted by the building department and [Planning Commission](#) chairperson or designee, subject to the finding of all of the following:

- (1) Such changes will not adversely affect the initial basis for granting approval;
- (2) Such minor change will not adversely affect the overall open space community, in light of the intent and purpose of such development as set forth in this article; and

(3) Such changes shall not result in the reduction of the open space area as required in this article.

**Secs. 38-278 - 38-310. Reserved.**

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**ARTICLE VII. OFF-STREET PARKING AND LOADING\*****Sec. 38-311. Parking requirements generally.**

- (a) **Facilities required.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered, or extended after the effective date of the ordinance from which this article is derived shall be provided as prescribed in this article. Such space shall be maintained and shall not be encroached upon as long as the main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.
- (b) **Parking lot area.** For the purpose of this article, two hundred and eighty (280) square feet of parking lot area shall be deemed a parking area space for one (1) vehicle, including the access aisle.
- (c) **Fractional requirements.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) may be disregarded and fractions over one-half (½) shall require one (1) parking space.
- (d) **Location for one-family and two-family dwellings.** The off-street parking facilities required for one-family and two-family dwellings shall be located on the same lot or plot of ground as the building such facilities are intended to serve, but shall not be considered a parking lot under the provisions of Section 38-313.
- (e) **Location for multiple-family dwellings.** The off-street parking facilities for multiple-family dwellings shall be located on the same lot or plot of ground as the dwellings such facilities are intended to serve, and shall consist of a parking lot, as set forth in Section 38-313. In no event shall any uncovered parking space be located closer than ten (10) feet to any main building.
- (f) **Location for other uses.** The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, and such distance is to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In districts other than PL, LI, and GI the front setback area shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials, or vehicle access drives. In the PL, LI, and GI district, parking for employees and customers may be located within the front yard with a minimum setback of 20 feet to allow for Landscaping adjacent to roads per Section 38-177(c) (2). A fully executed parking easement agreement for all off-site parking shall be signed by all parties involved and recorded for all off-street parking intended to service the main facility.
- (g) **Seating capacity.** As used in this article to determine parking requirements, the term “seat” means that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the administrator specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for determining required parking spaces.
- (h) **Similar uses and requirements.** In the case of a use not specifically listed in this article and which is similar to another use listed, the requirements for off-street parking facilities for the similar use shall apply.
- (i) **Floor area.** For the purpose of this article, the floor area used to determine the required number of parking spaces shall be as defined in Section 38-1.

- (j) **Existing off-street parking.** Off-street parking existing on the effective date of the ordinance from which this article is derived, which serves an existing **building** or **use**, shall not be reduced in size to less than that required under the terms of this article.
- (k) **Collective provisions.** Nothing in this article shall be construed to prevent collective provision of off-street parking facilities for two (2) or more **buildings** or **uses**, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with **Section 38-312**. A fully executed parking **easement** agreement for all off-site parking intended to service the main facility shall be signed by all parties involved and recorded.
- (l) **Parking time limit.** Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in nonresidential off-street parking areas shall prevail. It is the purpose and intent of this article that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the **streets**. Such requirement is not designed or intended to provide, and shall not permit, the storage or prolonged parking of wrecked or junked cars on any such parking area in any such **district**, or for creating a **junkyard** or a nuisance in such areas.
- (m) **Parking on private property restricted.** It shall be unlawful for any person to park any motor vehicle on any private property, use such private property for vehicle storage or use any portion of any private property as a parking space, without the express or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. A complaint for the violation of this subsection shall be made by the owner, holder, occupant, lessee, agent, or trustee of such property.

**Sec. 38-312. Off-street parking space requirements.**

The amount of required off-street parking space for new **uses** or **buildings**, additions thereto, and additions to existing buildings as specified in **Section 38-311** shall be determined in accordance with the following table, and the space so required shall be stated in the application for a **building and land use permit** and shall be irrevocably reserved for such use and/or shall comply with **Section 38-311**:

USE	REQUIRED NUMBER OF PARKING SPACES	UNIT OF MEASURE
<i>Residential</i>		
Single-family or two-family dwellings	2	Per each dwelling unit
Multiple-family dwellings	2	Per each dwelling unit, plus
	1	Per each ten (10) dwelling units
Senior citizen housing	1	Per each dwelling unit, plus
	1	Per each ten (10) dwelling units
<i>Institutional</i>		
Churches	1	Per each three (3) seats, based on maximum seating capacity in the main place of assembly therein
Private clubs and lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by local county, state, fire, health, or building codes
Hospitals	1	Per each two (2) beds, plus
	1	Per staff doctor, plus
	1	Per each two (2) employees

Convalescent homes, homes for the aged, nursing homes, and children's homes	1	Per each four (4) beds, plus
	1	Per each staff doctor, plus
	1	Per each two (2) employees
High schools	1	Per each teacher, plus
	1	Per each ten (10) students, plus
	1	Per each employee or administrator, plus
		Requirements of the auditorium or assembly hall therein
Elementary and junior high schools, and trade schools	1	Per each teacher, plus
	1	Per each employee or administrator, plus
		Requirements of the auditorium or assembly hall therein
Child care centers, day nurseries, or nursery schools	1	Per each four hundred (400) square feet of UFA, plus
	1	Per each employee
Stadiums and sports arenas	1	Per each four (4) seats or eight (8) feet of bench
<i>Commercial</i>		
Retail stores, except as otherwise specified in this table	1	Per each two hundred (200) square feet of GFA, plus
	1	Per each three (3) employees
Furniture, appliances, and household equipment, repair shops, hardware stores, and other similar uses	1	Per each eight hundred (800) square feet of UFA, plus
	1	Per each two (2) employees
Auto salesroom, wholesale stores, machinery sales, and other similar uses	1	Per each one thousand (1,000) square feet of UFA, plus
	1	Per each employee
Medical clinics and dental clinics	3	Per each staff or visiting doctor, plus
	1	Per each employee
Business and professional offices	1	Per each three hundred (300) square feet of GFA
Motels, hotels, and tourist homes	1	Per each guest bedroom, plus
	1	Per each employee, plus amount required for accessory uses
Banks (other than drive-in) and post offices	1	Per each two hundred (200) square feet of UFA, plus
	1	Per each employee
Banks, drive-in	4	Per each teller window
Barbershops and beauty shops	3	Per each operator
Bowling alleys	6	Per bowling lane, plus
		Amount required for accessory uses
Drive-in restaurants	1	Per each fifty (50) square feet of GFA, plus
	1	Per each two (2) employees, with a minimum total of twenty-five (25) parking spaces
Fast food drive-in restaurants	1	Per each one hundred and twenty-five (125) square feet of GFA, plus
	1	Per each two (2) employees, with a minimum total of twenty-five (25) parking spaces

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Establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages, or refreshments	1	Per each three (3) persons allowed within the maximum occupancy load as established by local, state, or county fire, health, or building codes, plus
	1	Per each three (3) employees, or
	1	Per each one hundred (100) square feet of UFA, plus
	1	Per each three (3) employees (whichever is greater)
Private tennis, swim, or golf clubs, or other similar uses	1	Per each two (2) member family or individual, plus
		Amount required for accessory uses
Golf courses, open to the general public	5	Per each hole, plus
	1	Per each employee, plus
		Amount required for accessory uses
Filling stations and automobile service stations	2	Per each service stall, plus
	1	Per each employee, plus
	1	Per each service vehicle
Motor vehicle wash establishments (self-serve)	4	Per each wash stall
Motor vehicle wash establishments (other than self-serve)	4	Per each unit which represents the establishment's maximum capacity as computed by dividing the linear dimensions of the mechanical wash/dry operation by twenty (20) feet, plus
	1	Per each employee
Service garages, auto repair shops, collision or bump shops, and other similar uses	1	Per each eight hundred (800) square feet of UFA, plus
	1	Per each two (2) employees computed on the basis of the maximum number of employees on duty at any one (1) time, plus
	2	Per each stall or service area
Open air business (not otherwise provided for in this table)	1	Per each eight hundred (800) square feet of lot area used for such business
Personal service establishments (not otherwise provided for in this table)	1	Per each three hundred (300) square feet of UFA, plus
	1	Per each two (2) employees
Theaters, auditoriums, and assembly halls	2	Per each five (5) seats, based on the maximum seating capacity in the main place of assembly therein, plus
	1	Per each two (2) employees
<i>Industrial</i>		
Industrial or manufacturing establishments and research establishments	1	Per each one and one-half (1½) employees computed on the basis of the greatest number of persons employed at any one (1) time, day or night, or
	1	Per each two thousand (2,000) square feet of UFA (whichever is greater)
Warehouses and storage buildings	1	Per each two (2) employees computed on the basis of the greatest number of persons employed at any one (1) time, day or night, or
	1	Per each two thousand (2,000) square feet of GFA (whichever is greater)

### Sec. 38-313. Parking lot construction and operation.

The construction of any parking lot shall be in accordance with the requirements of this section and such construction shall be completed and approved by the administrator and the [Township engineer](#) before actual use of the property as a parking lot and before a [certificate of use and occupancy](#) is issued. Plans for the development of any parking lot must be submitted to the administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, dimensions of all parking, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalls, [landscaping](#), surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by persons competent in such work and shall reflect conformance with the following provisions:

- (1) **Surfacing.** All such parking lots, driveways, or loading areas required for [uses](#) other than single-family or two-family residential shall be hard surfaced with a pavement having an asphalt or concrete binder, or if using [LID](#) technique, other hard-surfaced permeable materials, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a [certificate of use and occupancy](#) being issued. No surface water from such parking lot area shall be permitted to drain onto adjoining private property or regulated [wetlands](#) without first flowing into a sedimentation management facility. Under certain conditions, the [Planning Commission](#) shall have the discretion of waiving certain hard surface paving requirements where:
  - a. Driveways, loading, or turnaround or storage areas receive only limited use and are not used for employee parking, customer parking, or primary access.
  - b. Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
  - c. Hard surfacing will significantly increase stormwater runoff and create a potential for flooding and/or soil erosion.
- (2) **Illumination.** All illumination for or on all such parking lots shall be designed, installed, and maintained in accordance with [Section 38-364](#).
- (3) **Front yard setback.** The depth of the [front yard setback](#) line from the [street](#) as established for houses in any [block](#) in any given residential area shall be continuous and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles except for parking in driveways for single-family and duplex homes. For PL, LI, and GI districts the front setback for parking lots shall be a minimum of twenty (20) feet from the property line.
- (4) **Rear yard setback.** When a required nonresidential parking lot or parking area is situated on a parcel which adjoins a residential district or a residential [use](#) abutting directly or across a roadway, the respective [side](#) or [rear yard setback](#) in which such parking is located shall be a minimum of thirty (30) feet, of which the fifteen (15) feet nearest the respective property line is developed as a [greenbelt](#), extending from the [front yard](#) setback to the rear yard setback in the case of [side yard](#) parking adjoining the residential use, or the width of the rear of the lot in the case of rear yard parking adjoining the residential use. The greenbelt may be, upon [Planning Commission](#) approval, replaced by an eight (8) foot wide strip of lawn containing a five (5) foot masonry wall located within two (2) feet of the respective property line.
- (5) **Ingress and egress.** Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. The minimum paving width of ingress/egress lanes shall be as follows:
  - a. One (1) way traffic, fifteen (15) feet;
  - b. Two (2) way traffic, twenty-four (24) feet.
- (6) **Wheel chocks.** Wheel chocks shall be provided and located so as to prevent any vehicle from projecting over the [lot](#) or [setback](#) lines.
- (7) **Backing onto roadway.** Backing onto a public or [private road](#)way from an off-street parking space shall be prohibited.
- (8) **Layout plans.** Plans for the layout of off-street parking facilities shall be in accordance with the minimum regulations set forth in the following table. The minimum parking space dimensions for a layout not provided for in the following table shall be nine and one-half (9 ½) feet in width, eighteen (18) feet in length and one hundred and seventy-one (171) square feet in area.

Parking Pattern (degrees)	Maneuvering Lane Width		Parking Space Width	Parking Space Length (feet)
	One-Way (feet)	Two-Way (feet)		
0 (parallel)	12	20	9 feet	20
30 - 53	12	20	9 feet	20
54 - 74	15	24	9 feet	20
75 - 90	15	24	9 feet 6 inches	18

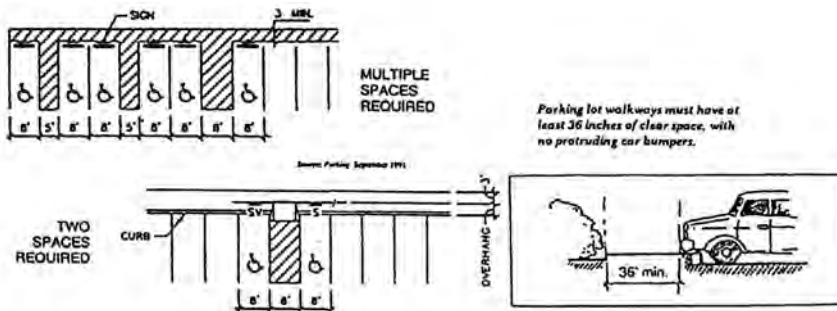
- (9) **Handicapped parking facilities.** All parking facilities shall conform to all state and federal regulations, particularly the Americans with Disabilities Act. Handicapped parking shall be clearly designated and provided according to the following schedule:

Accessible Parking Spaces (Required Minimum)	
Total Parking Spaces in Lot	Accessible Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2*
1,001 and over	20**

\* Percent of total

\*\* Plus one (1) space for each one hundred (100) over one thousand (1,000)

- a. One (1) in eight (8) accessible spaces shall have an access aisle that is eight (8) feet wide and shall be signed as “van accessible.”



- (10) **Stormwater management.** The design of parking lots and associated stormwater drainage shall be in compliance with the *Low Impact Development Manual for Michigan* and the Green Oak Charter Township Stormwater Ordinance. Refer to [Figure 38-366-1](#) for representative LID techniques.

## Sec. 38-314. Parking and storage of commercial and recreational vehicles.

### (a) *Parking and storage of commercial vehicles and equipment.*

- (1) Commercial vehicles and equipment shall include, but shall not be limited to, tractors (excluding lawn tractors), bulldozers, earth carriers, drag lines, cranes, back hoes, dump trucks, stake trucks, flatbed trucks, panel trucks, cube vans, wreckers, septic tank pumpers, semi-tractors, tanker trucks, well-drilling rigs, welding trucks, semi-trailers, and any other type of commercial or construction equipment, as well as any other motor vehicles not customarily used for passenger transport.
- (2) The [open storage](#) or outdoor parking of commercial vehicles or equipment in residentially-zoned or used areas of the Township shall be prohibited, with the following exceptions:
  - a. The open storage and outdoor parking of panel trucks, cube vans, and/or [trailers](#) is permitted provided that the following standards are adhered to:
    1. Panel trucks and cube vans shall not exceed twenty eight (28) feet in length, nor have more than two (2) axles (one (1) steering and one (1) drive).
    2. [Trailers](#) shall not exceed twenty (20) feet in bed length, exclusive of the tongue, nor have more than two (2) axles (tandem).
    3. No more than three (3) [trailers](#) shall be stored outdoors in residentially zoned or used lots.
    4. All such vehicles parked or stored on residentially zoned or used property shall be owned by the current owner or occupant of the subject property, and shall be properly licensed.
    5. All such vehicles shall adhere to the standards set forth in [Section 38-314\(b\)](#) for recreational vehicles.
  - b. For the purposes of this section, motor vehicles customarily used for passenger transport (i.e. sedans, coupes, hatchbacks, station wagons, minivans, vans, pick-up trucks, sport utility vehicles, etc.) shall not be considered commercial vehicles, even when used for a commercial purpose.
- (3) The [open storage](#) or outdoor parking of commercial vehicles and/or equipment shall be allowed in any zoning district where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service. Utility service vehicles, emergency service vehicles, and vehicles engaged in agricultural activities are also exempt from these provisions.

### (b) *Parking and storage of recreational vehicles on residentially zoned or used property.*

- (1) Recreational vehicles shall include, but shall not be limited to, campers, motor homes, [travel trailers](#), boats, jet skis and other personal watercraft, [snowmobiles](#), all-terrain vehicles (ATVs), and associated [trailers](#).
- (2) The outdoor parking and [open storage](#) of recreational vehicles shall be allowed on residentially zoned or used property, subject to the following provisions:
  - a. Such parking and storage shall be prohibited within any public road [right-of-way](#) or [private road easement](#).
  - b. When recreational vehicles are parked or stored on non-waterfront lots, such parking or storage shall be prohibited within the required [front yard setback](#).
  - c. When recreational vehicles are parked or stored on [waterfront lots](#), such parking or storage shall be prohibited within a twenty (20) foot setback from road [right-of-way](#) or [private road easement](#).
  - d. In no case shall a recreational vehicle be parked or stored less closer than five (5) feet from the [principal building](#) on a residential lot or parcel.
  - e. Recreational vehicles parked or stored on a residential lot or parcel shall not be used for living, sleeping, or housekeeping purposes.
  - f. The repair, refurbishing, or reconstruction of licensed and operable recreational vehicles on residential property shall be subject to the following:

1. Recreational vehicles being worked on shall be on an improved driveway surface.
2. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be inoperable in excess of forty-eight (48) hours shall be conducted within an enclosed **building**.
3. Inoperable vehicles and vehicle parts shall be stored inside an enclosed **building**.

**Sec. 38-315. Parking and storage of personal recreational vehicles on unbuildable lots.**

- (a) Recreational vehicles, as defined in **Section 38-314**, may be parked or stored on lots or parcels of land determined to be unbuildable by the building official or **Zoning Board of Appeals**, subject to the provisions of subsection (b), below. In determining whether a property is unbuildable, the property's size, shape, existence of **wetlands**, floodplain condition, or presence of **easements** or deed restrictions shall be taken into consideration.
- (b) The outdoor parking and **open storage** of recreational vehicles on unbuildable lots or parcels, as permitted in subsection (a), above, shall be subject to the following provisions:
  - (1) Only those recreational vehicles owned by the owner of the unbuildable property shall be stored on said property. Storage of recreational vehicles belonging to those other than the property owner, whether in exchange for some form or remuneration or not, shall be prohibited.
  - (2) Such vehicle storage shall only be permitted on property within one hundred (100) feet of the lot or parcel containing the vehicle owner's residence.
  - (3) Such parking and storage shall be prohibited within any public road right-of way or **private road easement**, and within any **wetland** area.
  - (4) Such parking and storage shall be prohibited within the following **setbacks**:
    - a. Front: Twenty (20) feet
    - b. Side and rear (except waterfront): Ten (10) feet
    - c. Waterfront: Twenty (20) feet
  - (5) Recreational vehicles parked or stored on such unbuildable lots or parcels shall not be used for living, sleeping, or housekeeping purposes.
  - (6) No **buildings** or **structures** shall be constructed in association with recreational vehicles parked or stored on such unbuildable lots or parcels.
  - (7) The repair, refurbishing, or reconstruction of recreational vehicles on such unbuildable lots or parcels shall be prohibited.
  - (8) Inoperable vehicles and vehicle parts shall not be stored on such unbuildable parcels.
  - (9) Recreational vehicles stored pursuant to the provisions of this section shall display current licenses or registration, as required by law.

**Sec. 38-316. Off-street loading requirements.**

- (a) On the same premises with every **building**, or part thereof, **erected** and **occupied** for manufacturing, storage, warehouse, goods display, department store, wholesale, market, **hotel**, **hospital**, laundry, dry cleaning, or other **uses** similarly involving the receipt or distribution of vehicles, material, or merchandise, adequate space for standing, loading, and unloading services shall be provided and maintained on the lot in order to avoid undue interference with the **street** or parking areas. Such **loading and unloading space**, unless completely and adequately provided for within a building, shall be an area of ten (10) feet by fifty (50) feet, with a fourteen (14) foot height clearance, and shall be provided according to the following schedule:

<i>Gross Floor Area (square feet)</i>	<i>Loading and Unloading Spaces Required in Terms of Square Foot Gross Floor Area</i>
0 - 2,000	None
2,000 - 20,000	One
20,000 - 100,000	One, plus one for each 20,000 square feet in excess of 20,000 square feet
100,000 - 500,000	Five, plus one for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen, plus one for each 80,000 square feet in excess of 500,000 square feet

- (b) Off-street **loading space** areas shall not be construed as, or counted toward, the supply of required off-street parking space area.
- (c) Backing into a site from a public or **private road right-of-way** shall be prohibited.

**Secs. 38-317 - 38-350. Reserved.**

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**ARTICLE VIII. ENVIRONMENTAL PERFORMANCE STANDARDS****Sec. 38-351. Purpose.**

No use otherwise allowed shall be permitted within any district which does not conform to the standards of use, occupancy and operation set forth in this article, which standards are hereby established as the minimum requirements to be maintained within such area.

**Sec. 38-352. Smoke.**

- (a) **Smoke, dust and fly ash emissions.** It shall be unlawful for any person to permit the emission of any smoke, dust, or fly ash from any source whatsoever to a density greater than that permitted by the Federal Clean Air Standards and the standards promulgated by the MDEQ pursuant to air pollution control, part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.).
- (b) **Air pollution.** The state's air resource is protected by air pollution control, part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.). A permit must be issued by the air pollution control commission (APCC) prior to the installation or alteration of any process, including reconstruction and relocation of a process which is fuel or refuse burning.
- (c) **Particulate emissions.** Particulate emissions present in the ambient air in the form of smoke, dust, fly ash, or other similar forms shall not be present in quantities which create an opacity level greater than or equal to twenty percent (20%). Such levels are then injurious to human health or welfare, animal life, plant life, or property.
- (d) **Compliance report; nuisance dust.** The owner or petitioner shall be required to retain a certified observer of visible emissions to prepare a report over a two (2) week period of reading to prove compliance. Concentrations in excess of five (5) milligrams per cubic meter are classified as nuisance dust.
- (e) **Organic emissions.**
  - (1) Organic emissions are allowed as permitted by air pollution control, part 55 of Public Act No. 451 of 1994 (MCL 324.5501 et seq.).
  - (2) If requested, a property owner must demonstrate that property line concentrations of organic emissions do not exceed a one in 1,000,000 cancer risk level by stack testing and air modeling.

**Sec. 38-353. Dust, dirt, and fly ash.**

- (a) **Quantity of emissions.** Any person operating, or causing to be operated, any combustion device utilizing coal or synthetic fuels shall not permit such device to emit into the atmosphere a quantity of gasborne solids in excess of two-tenths (0.20) gram per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
- (b) **Measurement method.** For the purpose of determining the adequacy of such devices, such conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. Such requirements shall be measured by the American Society of Mechanical Engineers (ASME) Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated to prevent escape or emission into the open air. The Zoning Administrator or designee may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

### **Sec. 38-354. Glare and electromagnetic radiation.**

- (a) Glare from any process, such as or similar to arc welding or acetylene torch cutting, which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and so as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation emitted through X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (b) Glare from automobiles, or commercial or industrial vehicle headlights, shall not be directed into any adjacent property so as to become a nuisance.
- (c) Exterior lighting shall be designed, installed, and regulated in accordance with [Section 38-364](#).

### **Sec. 38-355. Fire and explosive hazards.**

The storage and handling of flammable liquids, liquified petroleum gases, and explosives shall comply with the state rules and regulations as established by the fire prevention code, Public Act No. 207 of 1941 (MCL 29.1 et seq.), and the following shall be required:

- (1) Approved indoor flammable storage cabinets for flammable materials shall be used.
- (2) Outdoor storage containers shall not exceed two hundred (200) gallons.
- (3) A concrete pad, with containment features, shall be installed beneath any outdoor storage tank.
- (4) A concrete charging pad shall be installed to prevent surface leakage from entering the ground.
- (5) A double walled container storage tank shall be installed for aboveground [structures](#) protected by a roofed structure.

### **Sec. 38-356. Regulation of discharges.**

Any [discharge](#) is regulated by water resources protection, part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.). Such discharge shall be deemed illegal unless specifically permitted by the [MDEQ](#) or the petitioner can present a permit exemption letter from the MDEQ.

### **Sec. 38-357. Noise.**

All [uses](#) of land and activities conducted on land shall comply with Chapter 10, Article IV, the Township Anti-Noise Ordinance.

### **Sec. 38-358. Waste and rubbish dumping.**

No garbage, sewage, filth, refuse, waste, trash, debris, construction surplus, or rubbish, including cans, bottles, wastepaper, cartons, boxes and crates, or other offensive or obnoxious matter, shall be kept in open containers or piled, placed, stored, or dumped on any land within the Township in such a manner as to constitute a nuisance, create an eyesore, or create a hazard to the health, safety, morals, and general welfare of the citizens of the Township.

### **Sec. 38-359. Mineral mining and extractive operations.**

- (a) ***Intent and purpose.*** It is the intent and purpose of this section to promote the underlying spirit and intent of this article, but at the same time allow for the extraction of minerals in locations where such minerals have been naturally deposited, and ensure that mineral mining activity shall be compatible with adjacent [uses](#) of land, the natural environment, and the capacities of public

services and facilities affected by the land use, and ensure that mineral mining activities are consistent with the public health, safety, and welfare of the Township.

- (b) **Use restriction.** Sand, gravel, stone, and/or other mineral mining in the Township shall be prohibited unless first authorized by the grant of a [special approval use](#) application by the [Planning Commission](#) in accordance with this section and [Section 38-44](#). In all events, such [use](#) shall be prohibited in LA, R-1, R-2, and R-3 districts, as well as the Natural River and Tributary overlay zones.
- (c) **Exemption.** Usual and customary land balancing by cutting and [filling](#), in preparation for immediately planned and approved development, in accordance with this chapter and all other applicable ordinances and laws, shall be exempt from the provisions of this section.
- (d) **Application.** Fifteen (15) copies of an application shall be filed with the Zoning Administrator or designee and shall include the following:
  - (1) A site plan prepared in accordance with [Section 38-71](#).
  - (2) Duration of the proposed operation, and the location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
  - (3) Land use study/drawing, showing the existing land uses, with a specification of the type of [use](#) (e.g., single-family residential, multiple-family residential, retail, or office) and the density of individual units in the areas shown, including:
    - a. Property within a radius of one (1) mile around the site; and
    - b. The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks which will enter and leave the site.
  - (4) Geological/hydrological/engineering survey, prepared by appropriate and qualified experts, indicating:
    - a. The level of the water table throughout the proposed mining areas;
    - b. An opinion as to each and every effect on the water table, private wells, and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
    - c. All qualitative and quantitative aspects of the surface water, groundwater, and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
    - d. An opinion of whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the levels proposed as part of the operation, and whether the operation will interfere with the existing subterranean water or cause any harm or impairment to the general public.
  - (5) A description of the vehicles, machinery, and equipment proposed for use on the property, specifying with respect to each the anticipated noise and vibration levels and the hours of operation thereof.
- (e) **Application review procedure.**
  - (1) The Zoning Administrator or designee shall retain the original of the application for the file, and forward the copies to the members of the [Planning Commission](#), the [Township engineer](#) and planner, and the [county road commission](#).
  - (2) The [Township engineer](#) and planner shall each file a report with the Zoning Administrator or designee, together with a recommendation on the need for additional experts. The Zoning Administrator or designee shall retain the original of such reports for the file and forward copies to the [Planning Commission](#).
  - (3) The Zoning Administrator or designee shall request a report from the [county road commission](#) regarding traffic safety relevant to the application.
  - (4) After receiving all reports, including any additional reports of experts recommended by the [Township engineer](#) and planner, if deemed appropriate, the [Planning Commission](#) shall consider the application in accordance with the procedures set forth in [Section 38-44](#).

- (5) Reasonable conditions may be required with the approval of the application for the special land use to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.
- (f) **Requirements and standards.** The determination of applications submitted under this section shall be based upon the following requirements and standards, as determined at the discretion of the [Planning Commission](#), and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant:
  - (1) It shall be demonstrated by the applicant that the proposed special land use shall not result in a probable impairment, pollution, and/or destruction of the air, water, natural resources, and public trust therein.
  - (2) It shall be demonstrated by the applicant that the proposed special land use shall not result in a probable impairment to the water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
  - (3) It shall be demonstrated by the applicant that the proposed special land use shall not create a probable impairment of, and/or unreasonable alteration in, the course, quantity, and quality of surface water, groundwater, and/or the watershed anticipated to be impacted by the operation.
  - (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding [uses](#), based upon an application of generally accepted planning standards and principles.
  - (5) The proposed special land use shall not unreasonably burden the capacity of public services and facilities.
  - (6) The proposed special land use shall have immediate and direct access to a paved road having a [right-of-way](#) of not less than one hundred and twenty (120) feet and having necessary and appropriate loadbearing and traffic volume capacity in relation to the proposed intensity of the [use](#).
  - (7) The proposed special land use shall not unreasonably impact upon surrounding property and/or property along haul routes, in terms of noise, dust, air, water, odor, light, and/or vibration, and further shall not unreasonably impact upon persons perceiving the operation in terms of [aesthetics](#).
  - (8) All activities conducted in connection with the operation shall occur at least one hundred and sixty (160) feet from the nearest property line, provided all processing and stockpiling shall be conducted at least two hundred and sixty (260) feet from the center of the nearest [street](#) and two hundred (200) feet from the nearest property line.
  - (9) The hours of operation shall not reasonably interfere with usual and customary [uses](#) of land within the surrounding area anticipated to be impacted.
  - (10) Taking into consideration that the Township is conditionally authorizing the special land use in residential districts, and that the special land use is, to some extent, inharmonious with child rearing and other residentially related activities, and as an attempt to legislate a balance of interests between the mineral mine user and the owners and/or occupants of residential property, the maximum duration of the proposed special land use, if conducted in or immediately adjacent to a residential zoning district, shall be ten (10) years.
  - (11) The total area being mined, and which has not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres or forty percent (40%) of the entire parcel approved as a special use.
  - (12) The activities of the proposed special land use shall not result in a demand for local services and/or facilities which are, or become, unavailable, including, without limitation, road and/or drainage facilities, maintenance, and repair.
  - (13) The proposed transportation routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined at the discretion of the Township Board at the time of application and thereafter.

- (g) **Reclamation.** Reclamation of the site shall be in accordance with a reclamation plan approved by the **Planning Commission** as part of the application review process. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal, and, for permanent water areas, for a distance of not less than ten (10) feet, nor more than fifty (50) feet. Submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal. The entire site shall be planted with sufficient **vegetation** so as to sustain short-term and long-term growth and in order to avoid erosion and washout. To the extent necessary to achieve such objective, suitable soils shall be placed on the property. All **structures**, machinery, equipment, and **improvements** shall be removed from the site unless, following approval of the Zoning Board of Appeals, they are deemed consistent with the zoning district in which the site is situated. The Township Board shall have the right to impose performance bonds or letters of credit to ensure that the reclamation and restoration plans, as submitted, are implemented.

### Sec. 38-360. Sanitary landfills.

- (a) **Intent and purpose.**
- (1) It is the intent and purpose of this section to:
    - a. Promote the underlying spirit and intent of this article, but at the same time allow for sanitary landfills through **special approval use**;
    - b. Ensure that such activities shall be compatible with adjacent **uses** of land, the natural environment, and the capacities of public services and facilities affected by the land use; and
    - c. Ensure that such activities are consistent with the public health, safety, and welfare of the Township.
  - (2) Prior to consideration of a **special approval use** by the **Planning Commission** for a sanitary landfill facility in any area of the Township, the limitations and conditions set forth in this section shall be strictly complied with, in addition to any other requirements contained in this article or in any other Township ordinance controlling such operations. The rules and regulations set forth in this section shall apply specifically to each **landfill** area, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulation shall apply (solid waste management, part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.)).
- (b) **Application.** No sanitary landfill activities shall be allowed or commenced until an application has been submitted to the **Planning Commission**, disclosing compliance with all of the provisions of this section or the manner in which compliance will be secured by the applicant. Fifteen (15) copies of the application shall be filed with the Zoning Administrator or designee and shall include the following:
- (1) A site plan prepared in accordance with **Section 38-71**.
  - (2) Land use study/drawing, showing the existing land uses, with a specification of the type of **use** (e.g., single-family residential, multiple-family residential, retail, or office) and the density of individual units in the areas shown, including the:
    - a. Property within a radius of one (1) mile around the site; and
    - b. Property fronting on all vehicular routes within the Township contemplated to be utilized by trucks which will enter and leave the site.
  - (3) Number of acres, and the location thereof, proposed to be operated upon within the following twelve (12) month period after commencement of the operations.
  - (4) Type of sanitary landfill proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
  - (5) Geological/hydrological/engineering survey, prepared by appropriate and qualified experts, indicating:
    - a. The level of the water table throughout the proposed landfill areas;
    - b. An opinion as to each and every effect on the water table, private wells, and property owners within the reasonably anticipated area of impact during and subsequent to the operation;

- c. All qualitative and quantitative aspects of the surface water, groundwater, and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected; and
  - d. Stratigraphic records of all subsurface material in and around the active [landfill](#) areas.
- (6) A plan map, disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including the proposed [uses](#) being contemplated for the future use of the land.
- (c) **Application review procedures.**
- (1) The Zoning Administrator or designee shall retain the original of the application for the file, and forward the copies to the members of the [Planning Commission](#), the [Township engineer](#) and planner, and the [county road commission](#).
  - (2) The [Township engineer](#) and planner shall each file a report with the Zoning Administrator or designee, together with a recommendation on the need for additional experts. The Zoning Administrator or designee shall retain the original of such reports for the file and forward copies to the [Planning Commission](#).
  - (3) The Zoning Administrator or designee shall request a report from the [county road commission](#) regarding traffic safety relevant to the application.
  - (4) After receiving all reports, including any additional reports of experts recommended by the [Township engineer](#) and planner, if deemed appropriate, the [Planning Commission](#) shall consider the application in accordance with the procedures set forth in [Section 38-44](#).
  - (5) Reasonable conditions may be required with the approval of the application for the special land use to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent [uses](#) of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.
- (d) **Requirements and standards.** The determination of applications submitted under this section shall be based upon the following requirements and standards, as determined at the discretion of the [Planning Commission](#), and if the application is approved, such standards and requirements shall be maintained as a condition to continued operation and use by the applicant:
- (1) It shall be demonstrated by the applicant that the proposed special land use shall not result in a probable impairment, pollution, and/or destruction of the air, water, natural resources, and public trust therein.
  - (2) It shall be demonstrated by the applicant that the proposed special land use shall not result in a probable impairment to the water table and/or private wells of property owners within the reasonably anticipated area of impact during and subsequent to the operation.
  - (3) It shall be demonstrated by the applicant that the proposed special land use shall not create a probable impairment of, and/or unreasonable alteration in, the course, quantity, and quality of surface water, groundwater, and/or the watershed anticipated to be impacted by the operation.
  - (4) Taking into consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existence, or reasonably anticipated to be in existence during the operation, the proposed special land use shall not be incompatible with such surrounding [uses](#), based upon an application of generally accepted planning standards and principles.
  - (5) The proposed special land use shall not unreasonably burden the capacity of public services and facilities.
  - (6) The proposed special land use shall have immediate and direct access to a state highway or county primary road.
  - (7) Sufficient [setback](#) shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such disposal area shall be permitted closer than one hundred (100) feet from the interior boundary lines. In addition, no disposal areas shall be permitted closer than three hundred (300) feet to any domicile or within three hundred (300) feet of any residential or agricultural [district](#). No such disposal areas shall be permitted closer than ninety (90) feet to adjacent public rights-of-way, property lines, [lakes](#), and streams. Such disposal areas shall not at any time be permitted where adjoining lateral support for the maintenance of adjoining land is not maintained.

- (8) Any permanent solid waste processing plant and its **accessory structures** shall not be located closer than two hundred and fifty (250) feet from the interior property lines. In addition, if located within one thousand (1,000) feet of a residence, it shall be obscured by a suitable barrier not less than ten (10) feet high, with screening of a type to be decided on an individual basis by the **Planning Commission** at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain in order to lessen visual and noise impact, excluding digging or excavating apparatus, stockpiling or loading, and transportation equipment.
  - (9) Sight barriers shall be provided along all **setback** lines of the sites which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of a berm of at least ten (10) feet in height and plantings of evergreen **trees**, not more than ten (10) feet apart, or shrubbery not more than five (5) feet apart, in staggered rows, along the berm and parallel to the boundaries of the property. Evergreens shall be at least two (2) year transplants at the time of planting, and shall grow to not less than ten (10) feet in height, and shall be sufficiently spaced to provide effective sight barriers when ten (10) feet in height. Trees or shrubs which die shall be replaced.
  - (10) The sanitary landfill area is to be fenced with an eight (8) foot high chainlink fence, with three (3) strands of barbed wire angled forty-five (45) degrees toward the outside of the premises on the top. Such fence shall be located inside of any berms or screening following the exterior boundaries. The entrance to the sanitary landfill area shall have a gate which shall be closed and locked at all times that the **landfill** is not open.
  - (11) Air pollution, noise, and vibration, and their effects upon adjacent properties, shall be minimized by the utilization of adequate soundproofing equipment and **buildings** designed to accomplish such minimization, and by the proper use of berms, walls, and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations shall have their surfaces treated to minimize any condition.
  - (12) The applicant shall demonstrate that an acceptable means of rodent and litter control has been devised.
  - (13) Any security lighting deemed necessary by the Township and/or the owner/operator shall be the sodium vapor type and shall be aligned so that no part of the illuminated field shall fall on any adjoining property.
  - (14) The hours of operation shall not reasonably interfere with usual and customary **uses** of land within the surrounding area anticipated to be impacted.
  - (15) The **landfill** facility shall be compatible with, and directly referenced in, the adopted and official county solid waste plan and comply with all standards stated in such plan.
- (e) **Liability insurance.** All applicants shall be required to carry personal injury, pollution liability, major catastrophe, and property damage insurance, in addition to any and all bonds required by state statute, while any open or unrehabilitated area exists. Such insurance shall be in an amount set by resolution of the Township Board from time-to-time for each person injured or property damaged, or for any injury or damage to more than one (1) person or one (1) person's property, arising out of any occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township clerk, and shall be maintained in effect for a period of not less than twenty (20) years following final closure and termination of sanitary landfill activities. The deductible written into the insurance policy shall not exceed five percent (5%) of the per incident limit of the liability of the policy and the Township shall be named as an additional insured. The coverage obtained by the owner/operator to fulfill the requirements of this subsection shall include the provisions that the insurer shall notify the Township thirty (30) days prior to the cancellation of the insurance for any reason.
- (f) **Closure of disposal areas.** Reclamation or rehabilitation of sanitary landfill areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such reclamation or rehabilitation shall be accomplished concurrently with the facility's operations. Substantial completion of reclamation and rehabilitation shall be effected within two (2) years after the termination of the waste disposal facility. Inactivity for twelve (12) consecutive months shall constitute, for such purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site and the

post-closure monitoring of the site shall be the rules and regulations written by the MDEQ, which is solid waste management, part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.).

- (g) **Permit fees.** An annual permit fee, as determined by the Township Board, shall be paid to the Township for all landfill operations.
- (h) **Site inspection.** Site inspection shall be provided by the Township during all hours of operation, at the expense of the owner/operator. The owner/operator shall pay in advance, on a monthly basis, the actual cost of providing on-site inspection personnel.

### Sec. 38-361. Natural River overlay zone.

- (a) **Purpose.** The intent of the Natural River overlay zone is to provide an overlay zone that reinforces the Natural Rivers Act (Part 305 of Act No. 451 of the Public Acts of 1994, as amended (MCL 324.30501 et seq.)). The purpose of this overlay zone is to preserve and enhance the recreational, ecological, and aesthetic values of a “natural river” area in the interests of future generations. The natural river overlay zone establishes supplementary standards by overlaying existing zoning for an area four hundred (400) feet from the ordinary high-water mark on each side of and parallel to the Huron River and its tributaries, as denoted on the Green Oak Township zoning map, including:
  - (1) Huron River from the eastern boundary of Section 1 to the western boundary of Section 18;
  - (2) Spring Mill Creek from the eastern boundary of section 1 to its confluence with the Huron River, excluding that portion covered by the Tributary overlay zone in Section 11;
  - (3) Davis Creek from the eastern boundary of Section 13 to its outlet into Crooked Lake in Section 22, excluding that portion covered by the Tributary overlay zone in Sections 12, 13, and 14;
  - (4) Greenock Creek from the outfall of Nichwagh Lake in Section 25 to Sandy Bottom Lake;
  - (5) South branch of the Huron River from the outfall of Sandy Bottom Lake to its confluence with the Huron River;It is emphasized that a natural rivers designation, or establishment of an overlay zone along the river, does not open private lands to the public. Private lands remain private and are subject to the rights of private ownership.
- (b) **Lot and building standards.**
  - (1) **Lot area and width.** New parcels, lots, or units created in the natural river overlay zone shall be at least one (1) acre in area, and shall have a minimum lot width of one hundred and fifty (150) feet at the ordinary high-water mark of the adjacent stream. Lot width at the front building line shall be as required by the underlying zoning district.
  - (2) **Nonconforming lots of record.** Lots of record that are nonconforming at the time of the effective date of these regulations, because of size to accommodate building setbacks from the water’s edge, may be allowed to be built upon with such variances as may be allowed by the Zoning Board of Appeals.
  - (3) **Building setbacks.** New buildings and appurtenances on all reaches of the natural river overlay zone will be required to be set back a minimum of one hundred and twenty-five (125) feet from the ordinary high-water mark. The setback may be decreased ten (10) feet for every ten (10) foot of rise in bank height to a minimum of seventy-five (75) feet from the ordinary high-water mark. In no case shall a building be located any closer than fifty (50) feet from the edge of the steep slope/bluff or ten (10) feet from the required vegetative strip, whichever provides greater distance from the tributary. Further, no building shall take place on land that is subject to flooding and all tributaries of the Huron River as defined above.
- (c) **Nonresidential structures.** All existing nonresidential structures shall conform to this section. Commercial uses and structures are prohibited within the Natural River overlay zone.

(d) **Permits.**

- (1) In order to ensure that developments within the natural river overlay zone, including **dwelling**s, **structures**, and land alterations, including but not limited to dredging, cutting, **filling**, and timber cutting and/or removal, are done so as to further the intent and objectives of the natural river overlay zone, approval of a natural rivers/**tributary** overlay zone **permit** by the Zoning Administrator or designee, pursuant to **Section 38-50**, shall be required. The permit shall be required before any work can take place in the Natural River Overlay Zone.
- (2) The Zoning Administrator or designee may submit the permit application and required plot plan to the **Planning Commission** for approval or disapproval of the requested permit in those cases where compliance with this chapter and its requirements is in question due to the presence of unique or unusual natural features, potential impacts on natural features, existing nonconformities, or other factors as determined by the Zoning Administrator or designee.

(e) **Land alteration.**

- (1) Cutting, **filling** for building (including **appurtenances**) on the floodplain, and filling for buildings on the upland within five hundred (500) feet of the **river's edge** where the groundwater table is within six (6) feet of the surface shall be prohibited. Dredging or filling for the construction of fish or wildlife ponds within five hundred (500) feet of the river requires a permit under part 91 of Act 451 of the Public Acts of 1994. However, no **lake** shall be constructed within the natural river overlay zone.
- (2) A stormwater runoff management facility shall be constructed to ensure the protection of the watercourses from unnecessary degradation due to sedimentation for all stormwater **discharges** prior to their reaching the **ordinary high-water mark** of any **lake** or stream. The facility shall be built to Township standards.

(f) **Building design and screening.**

- (1) **Use of natural materials and colors.** Property owners are encouraged to use natural materials and natural unobtrusive colors in the construction of new or remodeling of existing **buildings**.
- (2) **Floodplain restrictions.** No **structure** shall be permitted in the floodplain of the natural river area of the Huron River and its designated tributaries and no land filling is permitted in the floodplain.
- (3) **Natural vegetation strip.** To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen manmade **structures**, and also to preserve **aesthetic** values of the natural river area, a natural **vegetation** strip shall be maintained on each parcel or lot between the **river's edge** and a line, each point of which is one hundred (100) feet on all land horizontal from and perpendicular to the river's edge. Clear cutting within their vegetation strip is strictly prohibited.

For all other lots and parcels, this minimum restricted vegetation strip shall apply on each side of the mainstream and designated tributaries. The natural vegetation strip shall have three (3) distinct zones requiring the following minimum widths and vegetative targets:

a. **Zone 1: Water Side Zone.**

1. Undisturbed vegetated area aims to protect the physical and ecological integrity of the river/stream ecosystem.
2. Begins at the edge of the river/stream bank of the active channel and extends a minimum distance of twenty-five (25) feet, measured horizontally on a line perpendicular to the water course.
3. The vegetative target for the water side zone is undisturbed native woody species with native plants forming canopy, understory, and duff (or ground) layer; where such forest does not grow naturally, then native vegetative cover appropriate for the area (such as grasses, forbs, and shrubs) is the vegetative target. This vegetative target specifically excludes non-native turf grass. It also excludes maintaining native grasses or other vegetation as a mown lawn.

b. **Zone 2: Middle Zone.**

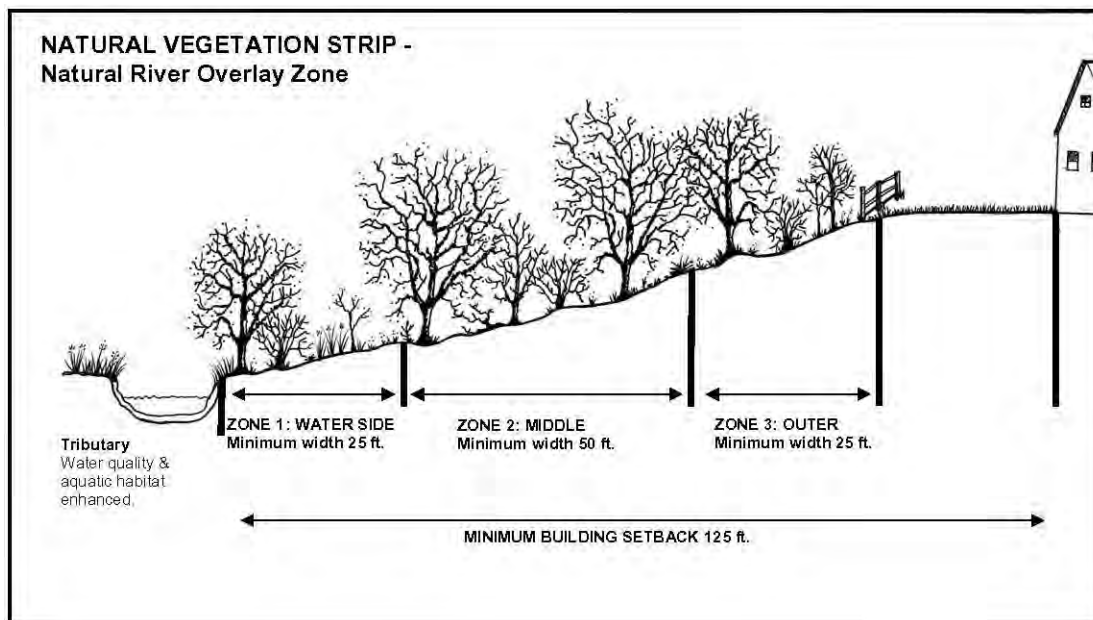
1. This managed area of native **vegetation** protects key components of the stream ecosystem and provides distance

between upland development and the water side zone.

2. Extends immediately from the outer edge of Zone 1 for a minimum distance of fifty (50) feet.
3. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, and forbs. This vegetative target specifically excludes non-native turf grass. It also excludes maintaining native grasses or other native vegetation as a mown lawn. Undisturbed forest, as in Zone 1, is strongly encouraged to further protect water quality and the river/stream ecosystem.

c. **Zone 3: Outer Zone.**

1. This zone prevents encroachment into the riparian buffer, filters runoff from adjacent land, and encourages sheet flow of runoff into the natural vegetation strip.
2. Extends a minimum of twenty-five (25) feet, measured immediately from the outer edge of Zone 2.
3. The vegetative target for the outer zone is native woody and herbaceous vegetation to increase the total width of the vegetation strip. Native grasses and forbs are acceptable.



Graphic adapted from Schueler, WPT 2/94, p. 19 (Courtesy of the Center for Watershed Protection)

- d. The natural vegetation strip width shall be modified if there are steep slopes and/or bluffs which are within two hundred (200) feet of the river/stream. In those cases, Zone 3 of the vegetation strip shall be adjusted as given in the following table. In any event, Zone 3 shall vegetate the top of a steep slope/bluff for a minimum width of ten (10) feet measured parallel to the edge of the steep slope/bluff.

Width for Zone 3 Vegetation Strip	
% Slope	Width
0 - 8	25 feet
9 - 15	35 feet
> 15	45 feet

- e. In the case of the presence of a floodplain, or regulated wetland wholly or partially within the natural vegetation strip, an additional twenty-five (25) feet will be added to the floodplain or regulated wetland boundary.
- f. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable

timber to achieve a [filtered view of the river](#) from the main [dwelling](#), and for reasonable private access to the river. Said pruning and removal activities:

1. Shall ensure a live root system stays intact to provide for stream bank stabilization and erosion control;
  2. Shall ensure that any path to the river is no greater than four (4) feet in width, shall meander down to the [river's edge](#) in a manner which protects the soil and [vegetation](#) from erosion while also screening the principal [structure](#) and vehicles from a direct river view.
  3. Dead, diseased, unsafe, or fallen [trees](#), invasive [vegetation](#) including buckthorn, honeysuckle, and multiflora rose, and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Act 359 of the Public Acts of 1941, as amended, may be removed. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and [steep slopes](#) exist, and in reforestation efforts; and
  4. Pathways or boardwalks running along or parallel to the river within the required natural [vegetation](#) strip shall be prohibited.
  5. Shall be accompanied by a [permit](#) from the Planning and Zoning Administrator, as outlined in [Section 38-50](#).
  6. The construction, maintenance, repair or operation of gas or oil pipelines, electric transmission and distribution power lines, and municipal water and sewer lines are exempt from this requirement as long as the pipelines, power lines, or other utility lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the natural [vegetation](#) strip will be otherwise minimized. The MDNR still requires a permit for utility work within the Natural River overlay zone.
- g. All [nonconforming uses](#), [vegetation](#) or plantings, and [structures](#) existing in the natural vegetation strip at the effective date of this regulation may be continued but shall not be changed or enlarged in a manner that increases the degree of nonconformity.
- h. Development projects including site condominiums, subdivisions, and Planned Unit Developments (PUDs), or projects that require site plan review or special land use approval that are subject to [Section 38-361](#) and required to provide a natural [vegetation](#) strip, shall also:
1. Designate how the natural vegetation strip will be preserved. The strips shall be preserved through:
 

EITHER

A declaration of protective covenant, approved by the Township body responsible for approving the development project. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.

OR

A [conservation easement](#) to a local land conservancy acceptable to the Township body responsible for approving the development project. The easement shall be recorded in the land records and shall run with the land and continue in perpetuity. Terms of such an easement shall be at least as restrictive as those included in this ordinance. The easement shall be submitted to the [Planning Commission](#) for their review, or review by their designee, prior to execution.

    - i. All lease and sales agreements must contain a notation regarding the presence and location of protective covenants for natural vegetation strips, and which shall contain information on the management and maintenance requirements for the natural vegetation strips for the new property owner.
    - ii. An offer of dedication of a natural vegetation strip by [conservation easement](#) shall not be interpreted to mean that this offer automatically conveys to the general public the right of access to this area.
    - iii. If a [conservation easement](#) is dedicated, the land conservancy shall inspect the [buffer](#) annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels, and identify corrective action to be taken to ensure the integrity and functions of the vegetation strip.
  2. Install permanent boundary markers every two hundred (200) feet prior to final approval of the required clearing and grading plan. Boundary markers shall be placed at the transitional edge of Zone 2 and Zone 3 (See illustration in [Section 38-361\(f\)\(3\)c](#)).

3. Submit a natural **vegetation** strip maintenance plan at the same time as the natural rivers overlay zone permit application, which shall contain the following information:
  - i. Field-delineated and surveyed natural vegetation strip by outside professional consultants.
  - ii. **Steep slopes**, regulated **wetlands**, and floodplains for areas adjacent to and within two hundred (200) feet of the river/stream.
  - iii. A narrative describing the species and distribution of existing **vegetation** within the **buffer**.
  - iv. A narrative describing the restrictions to **uses** and vegetation cutting and removal within the natural vegetation strip.
  - v. A note on the survey stating the following: "There shall be no clearing, grading, construction, storage of construction materials, equipment, and the like, or disturbance of vegetation within the natural vegetation strip except as permitted by Green Oak Charter Township."
  - vi. A note on the survey stating the following: "Any natural vegetation strip shown hereon is subject to protective covenants that may be found in the land records and restrict disturbance and use of these areas."
- i. Inspections of construction or **use** covered by any building or land use permit that requires preservation of a natural vegetation strip shall be conducted as described in **Section 38-50** of this ordinance.
- (4) **Removal of logs and debris from the river.** A riverfront owner may clean deadfall logs and other debris from the river to maintain a safe, clean, and free-flowing river. Removal should be undertaken in a manner which will least disrupt fish and wildlife habitat, riverside **vegetation**, and limit sediment disruption on the river bottom. An MDNR fisheries biologist shall be consulted before any river channel clearing is begun to determine if a permit is required.
- (5) **Excavation.** All **excavation**, including dredging, cutting, **filling**, and grading, within five hundred (500) feet of the **river's edge** shall be done in accordance with the requirements of the Livingston County Drain Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, part 91 of Act 451 of the Public Acts of 1994, as amended (MCL 324.9101 et seq.) and other applicable state and local laws. In addition, commercial mining and extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within four hundred (400) feet of the river's edge.
- (6) **Dredge and fill activities.** All dredge and **fill** activities and construction of permanent **structures**, including docks, lying below the **ordinary high-water mark** of the river are subject to the provisions of part 301 of Act 451 of the Public Acts of 1994, as amended.
- (7) **Use of pesticides, herbicides, and fertilizers.** Because of the potentially severe adverse effects on riverfront **vegetation**, fish, wildlife, and water quality from improper use of even small amounts of synthetic pesticides, herbicides, and fertilizers, their use on lands within the natural river area is prohibited. Note that this prohibition does not apply for the limited use of synthetic herbicides for the control of invasive or noxious plant species, as described in **Section (f)(3)f.3.** above. (Contact the Township for more information on the environmentally-responsible use of herbicides for invasive/noxious plant control.) Use of pesticides, herbicides, and fertilizers that are approved for organic production (Organic Materials Review Institute – or OMRI – approved) are allowed.
- (8) **Required minimum distance from river.** All **septic system** drainfields shall be set back from the **river's edge** at least one hundred and fifty (150) feet.
- (g) **Docks.** Docks may be constructed which do not exceed six (6) feet in width nor are more than twenty (20) feet in length with no more than four (4) feet of the dock extending beyond the low water mark. Docks must be constructed in accordance with the requirements of the Livingston County Drain Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, part 91 of Act 451 of the Public Acts of 1994, as amended (MCL 324.9101 et seq.) and other applicable state and local laws. The use of natural materials and camouflaging is encouraged.
- (h) **Campgrounds and picnic areas.** On public land, no new **structures** associated with a campground or picnic area, except those necessary to protect the riverbank, will be permitted within three hundred (300) feet of the designated mainstream or **tributary**.

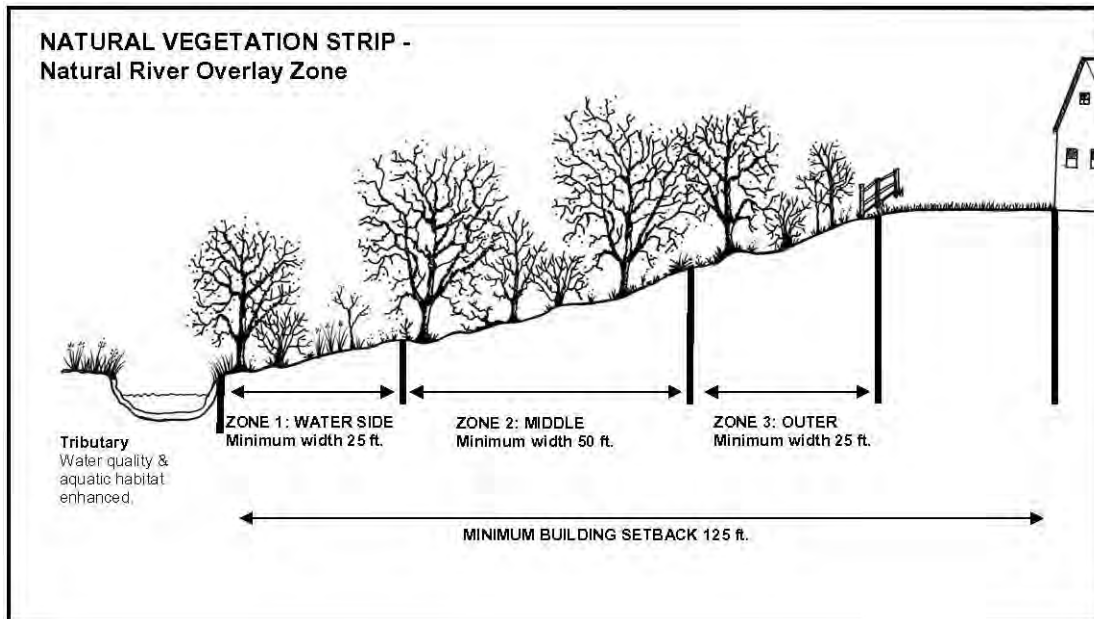
Such structure shall be designed and constructed in such a manner as to further the purpose of this overlay zone.

- (i) **Archaeological sites.** The identification, preservation, and interpretation of archaeological sites along the designated portions of the overlay zone, both by public agencies and local societies, is strongly encouraged.
- (j) **Compliance with stormwater management standards.** All activity within the natural river overlay zone shall be in compliance with all County and Township stormwater management standards.
- (k) **Stream/river crossings.** New stream/river crossings of the Huron River and the south branch of the Huron River are prohibited.
- (l) **Violations.** In the event of violation of this article, the Township Code Enforcement Official shall notify the owner of record and shall specify the violation and corrective action including the replacement, restoration or remediation of removed vegetation. Violations shall also be subject to Section 38-46 and Township penalties as municipal civil infraction.

### Sec. 38-362. Tributary overlay zone.

- (a) **Purpose.** The purpose of the Tributary overlay zone is to preserve and enhance the environmental, ecological, and aesthetic values of the streams and creeks within the Township. These water resources are unique features within Green Oak Charter Township. In order to protect said resources, overlay zones are hereby established. The zones overlay existing zoning for an area one hundred and twenty-five (125) feet from the ordinary high-water mark on each side of and parallel to the designated tributaries, as denoted on the Green Oak Charter Township zoning map.
- (b) **Building setbacks.** New buildings on all reaches of the overlay zones shall be set back a minimum of one hundred and twenty-five (125) feet from the water's edge.
- (c) **Accessory uses.** All accessory uses, including storage buildings, garages, parking lots, detention ponds, retention ponds, gravel parking lots, or outdoor industrial storage areas shall be set back a minimum of one hundred and twenty-five (125) feet from the water's edge.
- (d) **Excavation.** All excavation, including dredging, cutting, filling, and grading within the overlay zone shall be done in accordance with the requirements of the Livingston County Drain Commissioner for soil erosion/sedimentation control pursuant to the Soil Erosion and Sedimentation Control Act, part 91 of Act No. 451 of the Public Acts of 1994, as amended (MCL 324.9101 et seq.) and other applicable state and local laws. In addition, commercial mining, extraction of soil materials, sand, or gravel is prohibited within the overlay zone. Activities within four hundred (400) feet of Davis Creek or Spring Mill Creek are subject to additional regulations and permitting as stated in Public Act 451 of 1994, as amended and as regulated by the MDEQ.
- (e) **Use of pesticides, herbicides, and fertilizers.** Because of the effects on vegetation, fish, wildlife, and water quality from improper use of even small amounts of synthetic pesticides, herbicides, and fertilizers, the use of such on lands within the overlay zone is prohibited. Note that this prohibition does not apply for the limited use of synthetic herbicides for the control of invasive or noxious plant species, as described in Section 38-361(f)(3)f.3.. (Contact the Township for more information on the environmentally-responsible use of herbicides for invasive/noxious plant control.) Use of pesticides, herbicides, and fertilizers that are approved for organic production (Organic Materials Review Institute – or OMRI – approved) are allowed.
- (f) **Required minimum distance from tributary.** All septic system drainfields shall be set back from the rivers edge at least one hundred (100) feet, or outside the required natural vegetation strip, if further.

- (g) **Natural vegetation strip.** To minimize erosion, stabilize the creek bank, protect water quality, minimize nutrient loading, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen manmade **structures**, and preserve **aesthetic** values of the tributaries covered by the Tributary overlay zone, a natural **vegetation** strip shall be maintained on each parcel or lot between the water's edge and a line, each point of which is one hundred (100) feet horizontal from and perpendicular to the water's edge. Clear cutting within this vegetation strip is strictly prohibited. This restricted vegetation strip shall apply to each side of the **tributary**. The natural vegetation strip shall have three (3) distinct zones, requiring the following minimum widths and vegetative targets:
- (1) **Zone 1: Water Side Zone.**
    - a. Undisturbed vegetated area aims to protect the physical and ecological integrity of the river/stream ecosystem.
    - b. Begins at the edge of the creek bank of the active channel and extends a minimum distance of twenty-five (25) feet, measured horizontally on a line perpendicular to the water course.
    - c. The vegetative target for the water side zone is undisturbed native woody species with native plants forming canopy, understory, and duff (or ground) layer; where such forest does not grow naturally, then native vegetative cover appropriate for the area (such as grasses, forbs, and shrubs) is the vegetative target. This vegetative target specifically excludes non-native turf grass. It also excludes maintaining native grasses or other vegetation as a mowed lawn.
  - (2) **Zone 2: Middle Zone.**
    - a. This managed area of native **vegetation** protects key components of the stream ecosystem and provides distance between upland development and the water side zone.
    - b. Extends immediately from the outer edge of Zone 1 for a minimum distance of fifty (50) feet.
    - c. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, and forbs. This vegetative target specifically excludes non-native turf grass. It also excludes maintaining native grasses or other native vegetation as a mown lawn. Undisturbed forest, as in Zone 1, is strongly encouraged to further protect water quality and the river/stream ecosystem.
  - (3) **Zone 3: Outer Zone.**
    - a. This zone prevents encroachment into the **riparian buffer**, filters runoff from adjacent land, and encourages sheet flow of runoff into the natural vegetation strip.
    - b. Extends a minimum of twenty-five (25) feet, measured immediately from the outer edge of Zone 2.
    - c. The vegetative target for the outer zone is native woody and herbaceous vegetation to increase the total width of the vegetation strip. Native grasses and forbs are acceptable.



Graphic adapted from Schueler, WPT 2/94, p. 19 (Courtesy of the Center for Watershed Protection)

- (4) The natural **vegetation** strip width shall be modified if there are **steep slopes** and/or **bluffs** which are within two hundred (200) feet of the creek. In those cases, the Zone 3 of the vegetation strip shall be adjusted as given in the following table. In any event, Zone 3 shall vegetate the top of a steep slope/bluff for a minimum width of ten (10) feet measured parallel to the edge of the steep slope/bluff.

<i>Width for Zone 3 Vegetation Strip</i>	
<i>% Slope</i>	<i>Width</i>
0 - 8	25 feet
9 - 15	35 feet
> 15	45 feet

- (5) In the case of the presence of a floodplain, or regulated **wetland** wholly or partially within the natural vegetation strip, an additional twenty-five (25) feet will be added to floodplain or regulated wetland boundary.
- (6) Within the natural vegetation strip, **trees** and shrubs may be selectively pruned or removed for harvest of merchantable timber to achieve a **filtered view of the river** from the main **dwelling**, and for reasonable private access to the river. Said pruning and removal activities:
- Shall ensure that a live root system stays intact to provide for creek bank stabilization and soil erosion control.
  - Shall ensure that any path to the **tributary** is no greater than four (4) feet in width, shall meander down to the tributary's edge in a manner which protects the soil and vegetation from erosion while also screening the principal **structure** and vehicles from a direct tributary view.
  - Dead, diseased, unsafe, or fallen **trees**, invasive vegetation including buckthorn, honeysuckle, and multiflora rose, and noxious plants and shrubs, including poison ivy, poison sumac, and other plants regarded as common nuisances in Section 2, Act 359 of the Public Acts of 1941, as amended, may be removed.
  - Planting of perennial native species on the natural vegetation strip is encouraged, especially where exposed soil or **steep slopes** exist or where reforestation is necessary.

- e. Pathways or boardwalks running along or parallel to the **tributary** within the required natural vegetation strip shall be prohibited.
  - f. Shall be accompanied by a **permit** from the Planning and Zoning Administrator, as outlined in **Section 38-50**.
  - g. The construction, maintenance, repair, or operation of gas or oil pipelines, electric transmission and distribution power lines, and municipal water and sewer lines shall be exempt from this requirement as long as the pipelines, power lines, or other utility lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the natural vegetation strip will be otherwise minimized.
- (7) All **nonconforming uses**, **vegetation** or plantings, and **structures** existing in the natural vegetation strip at the effective date of this regulation may be continued but shall not be changed or enlarged in a manner that increases the degree of nonconformity.
- (8) Development projects including site condominiums, subdivisions, and Planned Unit Developments (PUDs), or projects that require site plan review or special land use approval that are subject to **Section 38-362** and required to provide a natural vegetation strip, shall also:
- a. Designate how the natural vegetation strip will be preserved. The strips shall be preserved through:
    - EITHER
    - A declaration of protective covenant, approved by the Township body responsible for approving the development project. The covenant shall be recorded in the land records and shall run with the land and continue in perpetuity.
    - OR
    - A **conservation easement** to a local land conservancy acceptable to the Township body responsible for approving the development project. The easement shall be recorded in the land records and shall run with the land and continue in perpetuity. Terms of such an easement shall be at least as restrictive as those included in this ordinance. The easement shall be submitted to the Township body responsible for approving the development project for their review, or review by their designee, prior to execution.
      - 1. All lease and sales agreements must contain a notation regarding the presence and location of protective covenants for natural vegetation strips, and which shall contain information on the management and maintenance requirements for the natural vegetation strips for the new property owner.
      - 2. An offer of dedication of a natural vegetation strip by **conservation easement** shall not be interpreted to mean that this offer automatically conveys to the general public the right of access to this area.
      - 3. If a **conservation easement** is dedicated, the land conservancy shall inspect the **buffer** annually and immediately following severe storms for evidence of sediment deposition, erosion, or concentrated flow channels and identify corrective action to be taken to ensure the integrity and functions of the vegetation strip.
  - b. Install permanent boundary markers every two hundred (200) feet prior to final approval of the required clearing and grading plan. Boundary markers shall be placed at the transitional edge of Zone 2 and Zone 3 (See illustration in **Section 38-362(g)3**).
  - c. Submit a natural **vegetation** strip maintenance plan at the same time as the Tributary overlay zone permit application, which shall contain the following information:
    - 1. Field-delineated and surveyed natural vegetation strip by outside professional consultants.
    - 2. **Steep slopes**, regulated **wetlands** and floodplains for areas adjacent to and within two hundred (200) feet of the creek.
    - 3. A narrative describing the species and distribution of existing vegetation within the **buffer**.
    - 4. A narrative describing the restrictions to uses and vegetation cutting and removal within the natural vegetation strip.
    - 5. A note on the survey stating the following: "There shall be no clearing, grading, construction, storage of construction materials, equipment and the like, or disturbance of vegetation within the natural vegetation strip except as permitted by Green Oak Charter Township."

6. A note on the survey stating the following: "Any natural vegetation strip shown hereon is subject to protective covenants that may be found in the land records and restrict disturbance and use of these areas."
- (9) Inspections of construction or use covered by any building or land use permit that requires preservation of a natural vegetation strip shall be conducted as described in Section 38-50 of this ordinance.
- (h) **Permits.** In order to ensure that developments within the Tributary overlay zone, including dwellings, structures, and land alterations, including but not limited to dredging, cutting, filling, and timber cutting and/or removal, are done so as to further the intent and objectives of the Tributary overlay zone, approval of a permit by the Zoning Administrator or designee, pursuant to Section 38-50, shall be required prior to any work taking place in the Tributary Overlay Zone. The Zoning Administrator or designee may submit the permit application and required plot plan to the Planning Commission for approval or disapproval of the requested permit in those cases where compliance with this chapter and its requirements is in question due to the presence of unique or unusual natural features, potential impacts on natural features, existing nonconformities, or other factors as determined by the Zoning Administrator or designee.
- (i) **Application of standards.** In cases where nonconforming uses or nonconforming structures exist at the time of adoption of these standards, the Planning Commission may determine that compliance with all of the overlay standards of this section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives that substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrate that one or more of the following conditions apply:
- (1) Size of the parcel is insufficient to meet dimensional standards.
  - (2) A site plan, plat, or special use permit was previously approved by the Planning Commission, or building permits were previously issued by the building department.
- (j) **Compliance with stormwater management standards.** All activity within the Tributary overlay zone shall be in compliance with all County and Township stormwater management standards.
- (k) **Violations.** In the event of violation of this article, the Township Code Enforcement Officer shall notify the owner of record and shall specify the violation and corrective action including the replacement, restoration or remediation of removed vegetation. Violations shall also be subject to Section 38-46 and Township penalties as a municipal civil infraction.

### **Sec. 38-363. Woodlands protection and preservation.**

- (a) **Intent and Purpose.** It is the purpose of this section to protect trees and woodlands within the township and preserve the economic, health, aesthetic and environmental values associated with trees. Regulation of the removal of tree resources will help protect and preserve an important natural feature of the township for the benefit of present and future generations, and for the future well-being of the public health, township character, and the natural environment. The provisions of this section are also intended to prohibit clear-cutting of woodland areas within the township.

The township finds that rapid growth, the spread of development, and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation, and economic assets to existing and future residents of the township. Specifically, the township finds that:

- (1) Woodland growth protects public health through the absorption of air pollutants such as nitrous oxide, ammonia, sulfur dioxide, and ozone, and contaminants such as dust, pollen, ash, and smoke. The absorption of foul smelling gases by trees

mitigates odor nuisances. Additionally, woodland growth creates visual screening, provides a cooling effect in the summer months, and buffers against excessive wind, stormy weather, and noise.

- (2) Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.
- (3) Trees and woodland growth are an essential component of the general welfare of the township by maintaining natural beauty, recreation, and heritage for existing and future township residents.
- (4) Woodlands provide habitats and food for a wide array of species and ecological systems, including food and shelter for a variety of birds, insects, and small animals such as squirrels, opossums, beavers, racoons, and chipmunks. Trees are a common nesting spot, breeding ground, and source of materials commonly utilized by wildlife, such as, but not limited to, flowers, fruits, buds, acorns, leaves, and woody parts of trees.
- (5) The absorption and filtration of rainwater continues to be more important as both the frequency and volume of rain events have increased in the late 20th and early 21st centuries. Furthermore, several published scientific studies indicate that the frequency and volume of rain events in southeast Michigan will continue to exceed the existing infrastructure's capacity to retain or detain stormwater and prevent flooding damage to property and life. Trees reduce runoff by breaking rainfall, absorbing, and storing it, which reduces runoff volume, prevents erosion of watercourses, and delays onset of peak flows. As a result, stormwater is prevented from collecting and carrying pollutants from the ground surface to lakes or other bodies of water. Trees also act like a sponge by absorbing water, filtering it naturally, and using it to recharge groundwater supplies. Forests and woodlands are especially known to reduce flooding because of their ability to absorb and store large quantities of water during rain events, thereby reducing runoff.
- (6) Woodlands sequester carbon dioxide, the most common greenhouse gas, in two ways: First, trees sequester carbon dioxide as biomass when they grow, and typically sequester more carbon as they get older. Second, trees can reduce the demand for heating and cooling of buildings when strategically placed (e.g., evergreen trees to block wind in the winter and deciduous trees to block the sun in summer), which reduces the carbon emitted by power plants and the individual buildings that employ these techniques.
- (7) Trees can be used to cover unsightly objects or operations, such as but not limited to mechanical equipment, staging locations, industrial operations, lighting, and transformers, thereby lessening the visual impact on adjacent properties and the public right-of-way. Likewise, trees can create privacy for residents and businesses.
- (8) When used as windbreaks, trees can keep yards at steadier temperatures, which reduces energy consumption, lowering heating and cooling costs. Trees also provide shade, which reduces the amount of radiant energy absorbed and stored by buildings and other structures. Furthermore, trees offer transpiration, which converts liquid water to water vapor and thus cools by using solar energy that would otherwise result in heating of the air.
- (9) The protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Michigan State Constitution of 1963, and the Natural Resources and Environmental Protection Act of 1994, Act No. 451 of the Public Acts of Michigan of 1994 (MCL 324.101 et seq.), as amended.

Therefore, this chapter is intended to:

- (10) Provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in the township in order to minimize disturbance to them and to prevent damage from erosion and siltation, loss of wildlife and vegetation, and/or destruction of the natural habitat. In this regard, it is the intent of this chapter to protect the integrity of woodland areas as a whole, in recognition that woodlands serve as part of an ecosystem, and to place priority on the preservation of woodlands, trees, similar woody vegetation, and related natural resources over development when there are no location alternatives.
- (11) Protect the woodlands of the township for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character and geological, ecological, or historical significance.

- (12) Protect the woodlands (including trees and other forms of vegetation) of the township for their significance as large specimens of their species and/or rare and endangered species.
  - (13) Protect functional strips of vegetation (including fencerows, hedgerows, shrubby borders of streams and public right-of-way and road edge) of the township for their significance as travel lanes for wildlife, noise buffer, visual screens, aesthetically pleasing enclosures, and vistas for pedestrian and vehicular traffic.
  - (14) Prevent owners or developers of property from removing trees from land prior to or in anticipation of development.
  - (15) To protect the significant individual trees and woodland areas located on sites subject to development during the course of construction of improvements to benefit the development site and buildings on the site.
  - (16) Provide for the replacement of protected trees and landmark trees removed, where no feasible alternative site development for the proposed use is possible.
  - (17) Provide for the protection, preservation, replacement, proper maintenance and proper use of woodland systems to maintain ongoing natural processes such as water cycling, nutrient cycling, and photosynthesis/transpiration.
  - (18) Minimize disturbance and structural changes to vegetative cover.
  - (19) Minimize damage from erosion, siltation, windthrow, and disease.
  - (20) Prohibit the unregulated cutting of trees or harvesting of forest products and to establish a permit process which will regulate the cutting of trees and harvesting of forest products and prescribe the review process for the issuance of tree cutting and harvesting permits.
  - (21) Protect the Township's woodland systems and trees to maintain and improve their current and future visual character, not only for residential areas and homesites, but also as natural settings for development in all zoning districts.
  - (22) Protect the reproductive and regenerative capabilities of all woodland systems to maintain plant and tree diversity; protect groundwater recharge areas; and maintain visual screening, windbreak, dust collection and noise barrier characteristics exhibited by woodland systems.
  - (23) Protect the existing woodland systems in the township to limit the loss of existing wildlife habitat, to maximize the quality and quantity of woodland corridors available across the township, and to encourage habitats suitable for wildlife communities.
  - (24) Protect the natural environment of wooded areas to provide for recreation, health and education.
  - (25) Protect individual trees which are known to be rare in southeastern Michigan, or have reached a certain age of maturity to be considered a landmark specimen or which represent historical value to the community.
  - (26) Preserve the landscape in its natural state as much as possible by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading when a site plan is reviewed, in accordance with Section (j) of this Ordinance.
  - (27) Provide for the paramount public concern for these natural resources in the interest of health, safety, and general welfare of the residents of the township.
- (b) **Applicability.** This section shall apply to all land within the township where removal of protected trees is proposed or anticipated, including land where clearing or grubbing is proposed, except as provided otherwise herein.
- (1) Notwithstanding any requirements or exemptions in the Subsection (e), all landscaping required as part of a site plan approved by the Township or otherwise required in section 38-177 remains in effect. Therefore, any tree or other landscaping removed that is required as part of an approved site plan or otherwise required in 38-177 must be replaced in accordance with this section.
- (c) Nothing in this section is intended, nor shall be interpreted, administered, or enforced in any manner in which an easement or other interest in land is required in exchange for a permit.
- (d) **Definitions.** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) **Agricultural activity** means the production of plants and animals useful to humans, including forages and sod crops, feed crops, field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of

cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural activity includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural activity does not include the management and harvesting of a woodlot.

- (2) **American National Standards Institute** means the most current version of A300, the industry consensus of performance standards for the care, pruning, and protection of trees.
- (3) **Arborist** means a professional person skilled and trained in the art and sciences of municipal arboriculture, horticulture, forestry, landscape architecture or other closely related fields. An example of an arborist is a Certified Arborist by the International Society of Arboriculture.
- (4) **Bona fide farming** means the undertaking of good faith agricultural activity on a farm located in the RF, residential farming district, or RE, rural residential estates district, in the township, or on a farm established in conformance with the Right to Farm Act.
- (5) **Commercial nursery, certified tree farm** means a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business.
- (6) **Critical root zone (CRZ)** means a circular area around a tree with a radius measured to the tree's longest dripline radius plus one (1) foot.
- (7) **Damaged tree** means a tree that is injured so that it is not a viable tree or may cause harm. Any tree with greater than seventy-five (75) percent of its canopy intact shall be considered viable and healthy. This determination shall be made during the regular growing season.
- (8) **Dead tree** means a tree having fifteen (15) percent or less of the canopy with leaves. This determination shall be made during the regular growing season.
- (9) **Development** means any land proposed for construction or under construction, including but not limited to, construction of a new building, reconstruction of an existing building or improvement of a structure, the relocation of an existing building to another lot, or the improvement of vacant land for a new use.
- (10) **Diameter breast height (DBH)** means the diameter in inches of a tree measured at four and one-half (4½) feet above the existing grade. In the case of a multi stemmed trunk the average of all stems shall be used.
- (11) **Diseased tree** means a tree that has been determined to have a terminal disease such as, but not limited to, Dutch Elm disease or Oak Wilt.
- (12) **Drip line** means an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
- (13) **Groundcover** means low-growing shrubs, woody vegetation, wildflowers, and other small herbaceous plants within a woodland area.
- (14) **Grubbing** means the effective removal of understory vegetation from a site that does not include the removal of any trees with a DBH of greater than three (3) inches.
- (15) **Invasive Plant Species** means any non-native (or alien) to the ecosystem under consideration; and whose introduction causes or is likely to cause economic or environmental harm or harm to human health as identified in the Table of Invasive Plant Species in Section 38-363(q).
- (16) **Land clearing** means those operations where trees and vegetation are removed and which occur previous to construction of a building, e.g., road right-of-way excavation and paving, lake and drainage system excavation, utility excavation, grubbing, and any other clearing operations.
- (17) **Landmark Tree** means a tree that is distinctive because of its age, size, type, or historical significance and includes: (a) any tree (except an invasive species) with a DBH of twenty-four (24) inches or larger; or (b) any tree that has attained the associated DBH on the Table for Landmark trees contained in Section 38-363 (k).

- (18) **Person** includes any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind, including all tree removal businesses and persons removing trees on behalf of others.
- (19) **Protected tree** means all trees eight (8) inches DBH or greater, including but not limited to those defined as landmark trees and excluding species specifically identified as invasive in Section 38-363(q). A protected tree does not include a tree located within the footprint of a proposed building, or within 10 feet from such footprint.
- (20) **Protective barrier** means a physical structure limiting access to a protected area, composed of wood or other suitable materials, which assures compliance with the intent of this chapter. Variations of these methods may be permitted upon written request to the Supervisor, or Planning Commission, as applicable, if they satisfy the intent of this chapter.
- (21) **Remove, removal** includes the cutting of trees by whatever method, on any lands subject to this chapter.
- (22) **Structure** means any assembly of materials above or below the surface of land or water, including but not limited to, houses, buildings, bulkheads, piers, docks, landings, waterway obstructions, towers, and utility transmission devices.
- (23) **Transplant** means the digging up by a property owner or his/her representative of a tree from one place on a property and the planting of the same tree in another place on the same property.
- (24) **Tree** means a woody plant with an erect perennial trunk, which at maturity is thirteen (13) feet or more in height and which has a more or less definite crown of foliage.
- (25) **Tree Inventory** means a drawing, prepared by an arborist, landscape architect, or similar professional, which illustrates the location of all trees with a DBH of eight (8) inches or greater plotted by accurate and acceptable techniques, which includes DBH, common and botanical names, identifies landmark trees, states whether the tree is to be saved or removed, and states the health/condition of the tree affected. Reference section 38-363 (g) for tree inventory requirements.
- (26) **Understory Vegetation** means the vegetative layer, including trees and shrubs, between the forest canopy and ground cover.
- (27) **Woodland** means any forested area of one-half (1/2) acre or more, containing at least 28 trees with a DBH of eight (8) inches or more.
- (e) **Exemptions.** The following exemptions shall apply to this section unless otherwise prohibited by statute or other ordinances:
- (1) **Residential parcels.** Notwithstanding the provisions of this chapter, removal, or transplantation of trees necessary for the construction of a single-family home or accessory structures is permitted on residential parcels, provided the parcel supports only one (1) dwelling and permitted residential accessory uses, and provided that the parcel is not part of a site plan, plat, or site condominium being reviewed or anticipated for review under subsection (b) of this section and 38-71.
  - (2) **Invasive Species.** Invasive species as identified in the Table of Invasive Plant Species in Section 38-363(q) or Problem Native Plant Species as listed in Table of Problem Native Plant Species in Section 38-363(r). may be removed without mitigation. A tree that is a component of a landscape plan required through township approval which is removed for any reason shall be replaced in compliance with that plan using a tree selected from the approved planting list.
  - (3) **Property Maintenance.** This section does not prohibit tree removal or other activities where such actions were made necessary by a genuine emergency, such as a tornado, windstorm, flood, freeze, dangerous insect infestation or disease, or other natural or manmade disaster, in order to prevent injury or damage to persons or property, or to restore order. Property maintenance shall also include preventative actions necessary to protect against property damage due to conditions where the tree has grown in a manner that negatively impacts, for example, a structure, sidewalk, parking area, septic field, or utilities.
  - (4) **Dead or damaged trees.** This section does not prohibit the removal or trimming of dead, diseased, infested, or damaged trees, where the damage resulted from an accident or natural cause without a permit.
  - (5) **Customary trimming and pruning.** Customary trimming and pruning of trees in a manner that will not harm the health of the tree is permitted without a permit, provided, trimming and pruning occurs in accordance with the American National Standards Institute (ANSI) or another similar acceptable standard.
  - (6) **Government agencies.** This section does not apply to tree removal, transplanting, or trimming by or on behalf of government entities or agencies for public interest purposes, provided the planning and zoning department is given prior written notice.

- (7) **Public utilities.** This section does not prohibit the construction of, repair of, or maintenance work required for public utilities, which necessitate the trimming or removal of trees. This exemption shall not include work performed by a developer/landowner for installation of utilities as part of a new development project.
- (8) **Agricultural Activity, Bonafide Farming, Commercial Nursery, and Tree Farm uses.** This section does not prohibit the removal or transplanting of trees occurring during the use of the land for agriculture or bona fide farming purposes, provided farming and agricultural activities are permitted uses in the zoning district and are in compliance with the Michigan Right to Farm Act and all Generally Accepted Agricultural Management Practices adopted by the Michigan Department of Agriculture and Rural Development. The operation of a commercial nursery or certified tree farm is also exempt, but only if the commercial nursery or certified tree farm has been licensed with the state and has received all other necessary licenses and permits.
- (9) **Woodlands management.** This section does not prohibit the grubbing, thinning, selective clearing, and trimming of trees, if conducted in accordance with the industry standards established by the American National Standards Institute. A tree permit for woodland management shall be required to engage in such activities and shall specify the means by which cut trees will be removed from the property without damaging remaining trees. Through the application for a woodland management permit, the applicant must demonstrate that the proposed tree removal will promote the overall health of the woodland. Woodlands management activities shall not include clear cutting the site, which is specifically prohibited.
- (10) **Outdoor Recreation.** This section does not prohibit the trimming, removal, or relocation of trees for outdoor recreation, such as field trails for nature study, hiking and horseback riding, boating, hunting, or fishing where otherwise legally permitted and regulated.
- (f) **Tree Permit.** A tree permit shall be required for the removal or relocation of any tree within the township to which this section applies. A tree permit will be approved or denied by the Planning and Zoning Administrator and/or his/her designee, after review by appropriate township personnel and consultants.
- (1) An application for, or amendment to, a tree permit shall be made by filing an application and required fee with the Planning and Zoning Administrator and/or his/her designee. The fee shall be set by resolution of the township board. Any amendment to a tree permit shall be applied for and processed in the same manner as the initial permit, and the amendment request shall highlight the proposed changes, including any additional tree removal, and include the requisite fee for an amendment. An amendment required by the Township shall not require any additional fee.
- (2) Application for a tree permit shall be made prior to the removal, cutting, or transplanting of any protected tree. Where the site is proposed for development requiring site plan review, the tree permit shall not be approved unless and until site plan approval has been received by the applicant.
- (g) **Tree inventory.** A tree inventory, conducted not more than two (2) years prior to the date of the application for a tree permit, shall be required for all lands, parcels, and projects to which this section applies. The tree inventory need not include any section of a site that will not be disturbed. The tree inventory shall include the following information:
- (1) The legal description of the property, including lot boundaries and dimensions, and the location of any existing or proposed structures, with a statement identifying the type of structures and/or improvements.
- (2) The location and dimensions of existing and proposed easements as well as all required setbacks.
- (3) If any excavation, land balancing or other grade changes are proposed, then a topographic survey shall be required, which shall be drawn at two-foot contour intervals referenced to a United States Geologic Survey benchmark. Grade changes proposed for the property shall be indicated on the plan.
- (4) An inventory indicating the location of all existing trees that are eight (8) inches in diameter at DBH or more, including all trees to be affected by the development. All such trees proposed to remain, be relocated, or be removed shall be so designated. All landmark trees shall be identified. Clearing limits shall be clearly shown on the inventory. The inventory shall be accompanied by a separate key, identifying the number of trees by size, common name, and condition.

- (5) Tree location inventories are to be performed by actual field survey by a registered land surveyor, registered landscape architect, or certified arborist or forester. Professionals must verify the contents by seal or signature, whichever is applicable.
  - (6) If existing trees are to be relocated, the proposed location for such trees, together with a statement of how such trees are to be protected and/or stored during land clearance and construction, and how the trees are to be maintained after construction.
  - (7) A statement showing how trees to remain are to be protected during land clearance and construction, and on a permanent basis, including protection of the CRZ and the proposed use of tree wells, protective barriers, tunneling, or retaining walls.
  - (8) A statement addressing the review standards contained in (i) below if the landowner seeks to avoid replacement of any tree.
- (h) ***Application review process.***
- (1) The Planning and Zoning Administrator will review all applications for tree permits. The application may be referred to the Planning Commission.
  - (2) The Planning and Zoning Administrator may approve the permit application, approve with conditions, or deny the permit for reasons which shall be clearly identified and provided to the applicant in writing. Any conditions imposed on approval of the application shall be aimed at ensuring that the activity or use will be conducted in such a manner as to cause the least possible damage, encroachment, or interference with natural resources and environmental conditions on the property. The conditions shall be based on the requirements of this section and may include recommendations from Township's consultants.
- (i) ***Review standards; Assessment.*** No application for a tree permit will be denied solely on the basis that some trees are growing on the property under consideration. Every effort will be made to achieve the intents and purposes of this chapter and to balance that against the property rights of the landowner. The following standards will be applied in reviewing an application for a tree permit to assess the need for replacement of a tree:
- (1) The protection and conservation of irreplaceable natural resources from pollution, impairment or destruction is of paramount concern. The preservation of landmark/historic trees, forest trees, similar woody vegetation and related natural resources shall have priority over development when there are other onsite location alternatives.
  - (2) Each tree shall be evaluated for its effect and/or impact on the quality of the area of location, including but not limited to, tree species, habitat quality, health and vigor of tree, tree size, age, density, canopy coverage, absorption and retention of carbon dioxide and other pollutants, storm water absorption, and replacement value. Consideration must be given to scenic assets, wind blocks, and noise and visual buffers.
  - (3) The trees and surrounding area shall be evaluated for the quality of the tree and the involved and surrounding area by considering the following:
    - a. Soil quality as it relates to potential tree disruption.
    - b. Habitat quality and impact on ecological systems.
    - c. Tree species (including diversity of tree species).
    - d. Tree size and density.
    - e. Health and vigor of tree stand.
    - f. Understory species and quality.
    - g. Floodplains, wetlands, creeks, drains, and other water features.
    - h. Topography, steep slopes, and soil erosion and sedimentation control.
    - i. Whether the tree interferes with existing utility service or interferes with safe visions clearances.
    - j. Whether removal of the tree is consistent with good forestry practices or if it will enhance the health of remaining trees.
    - k. Whether the tree or trees are part of a larger woodland, even if the woodland crosses property lines.
    - l. Other factors such as value of the trees as an environmental asset (i.e., cooling effect, etc.).
  - (4) The removal or relocation of trees shall be limited to the following:

- a. Instances where necessary for the location of a structure or site improvement and when no reasonable or prudent alternative location for such structure or improvement can be had without causing undue hardship. The burden of demonstrating that no feasible or prudent alternative location or improvement without undue hardship shall be upon the applicant.
  - b. Where the tree is exempt pursuant to subsection (e), interferes with safe vision clearances, or conflicts with other ordinances and regulations.
  - c. Where removal or relocation of the tree is consistent with good forestry practices, or it will enhance the health of the remaining trees.
  - d. Where the proposed activity consists of land clearing, it shall be limited to designated street rights-of-way, drainage and utility areas, and areas necessary for the construction of buildings, structures, and other site improvements. Where the proposed activity consists of grubbing, all trees with a DBH of three (3) inches or greater shall be left undisturbed with the drip line understory left intact. Where the land clearing and/or grubbing is not proposed as part of a development proposal for which a site plan has been submitted, the applicant shall demonstrate to the reasonable satisfaction of the Planning and Zoning Administrator the reasons that the land clearing and/or grubbing cannot be delayed until a site plan is submitted and approved. The Planning and Zoning Administrator may refer the application to the Planning Commission.
  - e. If after application of the review standards and assessment of the quality and benefit of a specific tree it is determined that no replacement is necessary, the landowner may proceed with the removal of that specific tree without further mitigation.
- (j) ***Preservation through site development techniques.*** The preservation of protected trees, landmark trees, and woodlands is in the best interests of the Township and its residents. Therefore, it is highly recommended that a landowner utilize their best efforts to preserve those trees to the greatest extent practicable through the use of site development techniques, including, but not limited to, the following:
- (1) Site design should consider any landmark tree on a site as an important design element. Removal of landmark trees should occur rarely and should be considered only after alternatives are studied and found to be infeasible.
  - (2) Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.
  - (3) Minimize clearing and grading of the site by working with the site's existing topography. Grading, roads, walkways, utility lines, and all other aspects of soil disturbance shall be minimized to the extent possible considering standards of sound design and public safety. Clearing for buildings should be limited to the smallest area needed for safe and effective building and utility work. Excavated solids and materials from basements and grading shall not be spread in the woodland area. Careful handling of trees and use of adequate tree protection measures should be undertaken, especially for trees near the building envelope.
  - (4) Use retaining walls and other techniques to minimize grade changes near trees.
  - (5) Provide tree and understory/ground layer protection during all construction phases of the project. Woodland areas, protected trees, and landmark trees excluded from development must be protected from all intrusions during development by a well-maintained protective barrier. If construction or grading is within a portion of the woodlands, those woodland areas excluded from development should be clearly marked and/or fenced off during development and construction. Unpermitted intrusions include an activity that could adversely affect the plants (trees, shrubs, and herbaceous/ground layer plants) within the fenced-off woodland, including but not limited to driving vehicles and/or heavy equipment, stockpiling, storage, or parking of any soils, materials, equipment or vehicles; spreading excess fill/soil; dumping of construction materials or landscaping wastes; and clearing/removal of the understory or ground layer of vegetation within the woodland.
  - (6) Minimize the building/construction footprint on individual lots to preserve trees within lot boundaries.

- (7) Maintain grades and moisture conditions within the critical root zone of trees. Many native hardwood trees (e.g., oaks, hickories, maples, and beeches) and many old trees do not adapt to environmental changes brought about by construction. Grading changes should not occur within the critical root zone, and in some cases, within the full root zone of a tree because the area of concern around a tree may be significantly larger than the critical root zone. In addition, grading on a site should neither increase nor decrease moisture conditions within a tree's critical root zone.
- (8) Utility lines should be located away from any trees to be retained. If this is not possible, utility lines should be installed through bored tunnels instead of trenches.
- (9) Conduct any necessary excavation around trees by hand.

(k) **Landmark trees.** Specific landmark trees are identified in the following table:

<i>Common Name</i>	<i>Species</i>	<i>Size** (inches)</i>
Firs	Abies spp.	18
Maple	Acer spp. (excl. negundo, saccharinum)	18
Buckeye (horsechestnut)	Aesculus spp.	18
Serviceberry	Amelanchier spp.	8
Birch	Betula spp.	18
American hornbeam	Carpinus caroliniana	8
Hickory	Carya spp.	18
American chestnut	Castanea dentata	8
American beech	Fagus grandifolia	18
Ginkgo	Ginkgo biloba	18
Honey Locust	Gleditsia triacanthos	24
Kentucky coffee tree	Gymnocladus dioicus	18
Witch hazel	Hamamelis virginiana	8
Hawthorne (cultivars)	Crataegus spp.	12
Black and white walnut	Juglans nigra, J. cinerea	20
Cedar, red	Juniperus virginiana	12
Larch/tamarack	Larix laricina (eastern)	12
Sweet Gum	Liquidambar styraciflua	18
Tulip tree / Yellow poplar	Liriodendron tulipifera	18
Crabapple (cultivars)	Malus spp.	12
Black tupelo	Nyssa sylvatica	12
American hornbeam	Ostrya virginiana	8
Spruce	Picea spp.	18
London plane / Sycamore	Platanus spp.	18
Wild cherry	Prunus spp. (excl. avium, mahaleb, subhirtella)	18
Douglas fir	Pseudotsuga menziesii	18
Oak (all varieties)	Quercus spp.	24
Sassafras	Sassafras albidum	15
Arborvitae, White cedar	Thuja occidentalis	18

American basswood / Linden / Lime Tree	Tilia americana	24
Eastern hemlock	Tsuga canadensis	12
Hybrid elms (Dutch elm disease resistant cultivars)	Ulmus e.g. Accolade, Commendation, Frontier, etc.	18

\* The landmark tree list includes the species that are prevalent in this area. Size designations take into consideration the potential longevity of the tree so that protected trees may still have years to grow.

\*\* Size = dbh (diameter at breast height when measured 4 ½ feet above the existing grade).

- (l) **Trees to be removed/protected.** Developments that are subject to the tree and woodlands preservation regulations of this section shall indicate all trees proposed to be removed and preserved on the provided tree inventory. The trees designated for protection shall be properly protected from damage due to construction operations and development. Prior to commencement of development or construction operations, land clearing, filling, or any land alteration, a developer must erect and maintain suitable protective barriers around the CRZ to protect trees designated to remain under the submitted plan, including maintaining the CRZ free of any solvents, material, construction machinery, or added soil. The protective barriers around the CRZ shall be required for all trees designated to remain in place by the submitted plan.
  
- (m) **Development of land.** Except for the exemptions listed in subsection (e) of this section, no person shall remove, cause to be removed, transplant, or destroy, on any land in the township to which this chapter applies, any tree having an eight (8) inch or greater DBH, without first obtaining approval subject to the provisions of this section. Protected trees shall be mitigated or replaced in accordance with the provisions of this section.
  
- (n) **Tree mitigation and replacement.**
  - (1) **Requirement.** For each protected tree required to be preserved under the terms and standards set forth in this section, and which is permitted to be removed under this section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth in subsection (o) of this section.
  - (2) **Specifications.**
    - a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees; shall be state department of agriculture nursery grade no. 1 or better; and must be approved by the township prior to planting. Replacement trees meeting those characteristics may be any species except those invasive species identified in the Table of Invasive Plant Species in Section 38-363 (q). Replacement trees must be fertilized, mulched, and watered, and shall be guaranteed by the applicant for a period of two (2) years.
    - b. For protected trees removed, replacement shall be on a one-for-one (1:1) basis, if the assessment determines that replacements is required for a tree. For example, if it is determined that replacement is necessary, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a DBH of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet in height.
    - c. For landmark trees, replacement shall be on a one to one-half (1:1/2) DBH inch basis, if the assessment determines that replacement is required for a tree. For example, a forty-eight (48) inch landmark tree shall be replaced by twelve (12) two (2) inch trees.
      - 1. The Planning Commission shall be authorized to waive portions of the tree replacement requirements if the applicant has adjusted site design to save landmark trees.
  
- (o) **Tree Replacement and Mitigation requirements.** For activities that require a tree permit under this section, the township shall conduct an individualized assessment pursuant to subsections (i) and (j) to determine the impact of the activities and the

mitigation required of the applicant. The mitigation options shall consist of the following options, and the applicant may choose one or the other, or a combination of both:

- (1) Replacement of trees and landmark trees on site.
  - a. The protected and landmark trees removed will be evaluated based on the criteria of section 38-363 (i) and (j).
  - b. The Township Planning Commission, Planning and Zoning Administrator, and/or his/her designee as applicable will verify the number and location of replacement trees, which is determined by the tree inventory and based on the remaining trees on the site as well as the trees proposed in accordance with the landscaping requirements of 38-177. Where tree replacement is required, the landscape areas of the site required will be supplemented with replacement trees in the available landscaping areas, such as setbacks, parking lot landscape areas, building foundation, landscape areas, and open areas of the site suitable for tree planting. Required landscaping trees can not be counted towards required mitigation plantings.
  - c. Where practicable, replacement trees must be of the same species or plant community as the removed trees, unless the trees are invasive plant species or problem native plant species. When replacement trees of the same species are not available from qualifying nurseries or a different species is more suitable for site conditions, the applicant may substitute any species that is acceptable to the township.
  - d. Replacement trees shall have the same canopy coverage potential (estimated at maturity) and other characteristics comparable to the protected and landmark trees being removed unless alternative tree species are approved by the reviewing body.
  - e. All trees shall exhibit a normal live growth cycle for a minimum of two (2) years from the time of planting. Trees which fail to support a normal life cycle shall be replaced, and the replacements shall be required to sustain the same two-year growth cycle, or they shall also be replaced.
  - f. All replacements trees shall meet the minimum size, species and quality requirements stated in section 38-177.
- (2) Environmental trust fund. If lot coverage or site characteristics prohibit onsite or off-site mitigation, contribution to the township's environmental trust fund may be permitted. The Township Board will adopt by resolution a tree value standard that will place a monetary value on protected and landmark trees based on the evaluation criteria of subsections (i) and (j), which shall be updated from time to time based on changes impacting tree species and other related factors. This tree value may be adjusted for an application based on the specific evaluation. In lieu of replacing regulated trees, the Planning Commission or the Township Board, as applicable, may direct the applicant to exercise the option to contribute money to the township's environmental trust fund. Payment to the environmental trust fund, per protected tree removed for each tree required to be replaced after assessment, shall be in accordance with the replacement fee schedules as established by the township board. The funds shall be used within the township to fund tree planting activities or other projects that contribute the same or similar benefits as identified in Section 38-363(A). Examples of these projects include but are not limited to natural open space preservation, replanting of trees in township parks or public areas, land purchase for park development, park development which preserves open space and existing trees and provides additional areas to plant trees or create innovative stormwater features, wetland restoration projects which preserve trees and other natural features that perform similar ecological functions, or non-motorized pathway development which promote alternate transportation modes to those that increase the carbon footprint to the detriment of trees and the environment. The amount of the payment into the environmental trust fund will be determined using the same criteria as set forth in subsections (i) and (j), to the extent they bear on the number of replacements trees for purposes of calculating the payment into the environmental trust fund.
- (3) Off-site planting.
  - a. Township approval required. The Planning Commission shall approve tree relocation or replacement at off-site locations in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.
  - b. Relocation or replacement off-site. Where it is not feasible and desirable to relocate or replace trees on-site, relocation

or replacement may be made at another location in the township that has been approved by the Supervisor, or Planning Commission, as applicable. If trees are to be located offsite, the first choice should be to locate them on public land. If replacement trees are to be placed on private land the property owners should sign an affidavit indicating that they will make all reasonable accommodation to protect said tree(s) and maintain the tree(s) in a healthy condition.

(p) ***Invasive Plant Species.*** Specific invasive plant species are identified in the following table:

<i>Common Name</i>	<i>Latin name</i>	<i>Type</i>
Amur maple	Acer ginnala	Tree
Norway maple	Acer platanoides	Tree
Horse-chestnut	Aesculus hippocastanum	Tree
Tree-of-Heaven	Ailanthus altissima	Tree
Black Alder	Alnus glutinosa	Tree
False indigo	Amorpha fruticosa	Shrub
Turquoise berry	Ampelopsis brevipedunculata	Vine
Japanese barberry	Berberis thunbergii	Shrub
Common barberry	Berberis vulgaris	Shrub
Siberian peashrub	Caragana arborescens	Shrub
Oriental bittersweet	Celastrus orbiculata	Vine
Chinese yam	Dioscorea oppositifolia	Vine
Autumn-olive	Elaeagnus angustifolia	Tree
Autumn-olive	Elaeagnus umbellata	Shrub
Winged wahoo	Euonymus alata (including 'compacta')	Shrub
Spindle tree	Euonymus europaea	Shrub
Wintercreeper	Euonymus fortunei	Vine
Kalopanax	Kalopanax septemlobus	Tree
Border privet	Ligustrum obtusifolium	Shrub
Common privet	Ligustrum vulgare	Shrub
Japanese honeysuckle	Lonicera japonica	Vine
Amur honeysuckle	Lonicera maackii	Vine
Smooth Tartarian honeysuckle	Lonicera tatarica	Vine
Hybrid honeysuckle	Lonicera x bella	Vine
European fly honeysuckle	Lonicera xylosteum	Vine
White mulberry	Morus alba	Tree
Austrian pine	Pinus nigra	Tree
Scotch pine	Pinus sylvestris	Tree
White poplar	Populus alba	Tree
Sweet cherry	Prunus avium	Tree
Perfumed cherry	Prunus mahaleb	Tree
Kudzu	Pueraria lobata	Vine
Bradford/Callery pear	Pyrus calleryana	Tree

Japanese knotweed	Reynoutria japonica (aka Fallopia japonica, Polygonum cuspidatum)	Shrub
Giant knotweed	Reynoutria sachalinensis (aka Fallopia sachalinensis, Polygonum sachalinensis)	Tree
Common buckthorn	Rhamnus cathartica	Tree
Glossy buckthorn	Rhamnus frangula	Shrub
Buckthorn	Rhamnus utilis	Shrub
Jetbead	Rhodotypos scandens	Shrub
Black locust	Robinia pseudoacacia	Tree
Multiflora rose	Rosa multiflora	Shrub
White willow	Salix alba	Tree
Crack willow	Salix fragilis	Tree
Basket willow	Salix purpurea	Tree
Siberian elm	Ulmus pumila	Tree
Wayfaring tree	Viburnum lantana	Shrub
European highbush cranberry	Viburnum opulus	Shrub

- (q) **Problem Native Plant Species.** Problem native plant species include trees or shrubs that are native to Michigan, but which propagate in a manner that is undesirable and/or can overwhelm sensitive ecosystems, or which are susceptible to significant disease or insect infestation. These trees should not be planted in Green Oak Township and are exempt from protection. Specific Problem Native Plant Species are identified in the following table:

Common Name	Latin name	Type
Box elder	Acer negundo	Tree
Silver maple	Acer saccharinum	Tree
Northern catalpa	Catalpa speciosa	Tree
Ash	Fraxinus spp.	Tree
Cottonwood	Populus deltoides	Tree
Black locust	Robinia pseudoacacia	Tree

- (r) **Recommended Tree Species.** Recommended tree species include trees that are native to Michigan, or which do not exhibit negative propagation characteristics typical of invasive species. Specific species are identified in the following table:

Common Name	Latin name	Type
Freeman maple	Acer x freemanii	Tree
Trident maple	Acer buergerianum	Tree
State Street Maple	Acer miyabei	Tree
Red maple	Acer rubrum	Tree
Sugar maple	Acer saccharum	Tree
Amur maple	Acer tartaricum ssp ginnala	Tree
Red horsechestnut	Aesculus x carnea	Tree
Serviceberry	Amelanchier spp.	Tree/Shrub

River birch (Heritage and Dura-Heat)	<i>Betula nigra</i>	Tree
Ironwood, Muscledwood, American Hornbeam	<i>Carpinus caroliniana</i>	Tree
Common hackberry	<i>Celtis occidentalis</i>	Tree
Eastern redbud	<i>Cercis canadensis</i>	Tree
American yellowwood	<i>Cladastris lutea</i> , <i>C. kentukea</i>	Tree
Corneliancherry Dogwood	<i>Cornus mas</i>	Tree
American smoketree	<i>Cotinus obovatus</i>	Tree/Shrub
Thornless Cockspur Hawthorn	<i>Crataegus spp. crus-galli var. inermis</i>	Tree
Hardy rubber tree	<i>Eucommia ulmoides</i>	Tree
Gingko, Maidenhair tree	<i>Gingko biloba</i> (male only)	Tree
Thornless honeylocust	<i>Gleditsia triacanthos var. inermis</i>	Tree
Coffeetree	<i>Gymnocladus dioicus</i>	Tree
Golden raintree	<i>Koelreuteria paniculata</i>	Tree
American sweetgum	<i>Liquidambar styraciflua</i>	Tree
Tuliptree	<i>Liriodendron tulipifera</i>	Tree
Amur Maackia	<i>Maackia amurensis</i>	Tree
Flowering Crabapple	<i>Malus spp.</i>	Tree
Dawn redwood	<i>Metasequoia glyptostroboides</i>	Tree
Black tupelo, Sour gum, Black gum	<i>Nyssa sylvatica</i>	Tree
American hophornbeam	<i>Ostrya virginiana</i>	Tree
Persian Parrotia	<i>Parrotia persica</i>	Tree
London planetree	<i>Platanus x acerifolia</i>	Tree
Accolade Flowering Cherry	<i>Prunus 'Accolade'</i>	Tree
Snow Goose Cherry	<i>Prunus 'Snow Goose'</i>	Tree
White oak	<i>Quercus alba</i>	Tree
Swamp white oak	<i>Quercus bicolor</i>	Tree
Scarlet oak	<i>Quercus coccinea</i>	Tree
Shingle oak	<i>Quercus imbricaria</i>	Tree
Bur oak	<i>Quercus macrocarpa</i>	Tree
Chinkapin oak	<i>Quercus muehlenbergii</i>	Tree
Pin oak	<i>Quercus palustris</i>	Tree
English oak	<i>Quercus robur</i>	Tree
Northern red oak	<i>Quercus rubra</i>	Tree
Shumard oak	<i>Quercus Shumard</i>	Tree
Japanese pagodatree	<i>Sophora japonica</i>	Tree
Japanese Tree Lilac	<i>Syringa reticulata</i>	Tree
Japanese pagodatree / Scholartree	<i>Styphnolobium japonicum / Sophora japonica</i>	Tree
Baldcypress	<i>Taxodium distichum</i>	Tree
Linden, Basswood	<i>Tilia americana</i>	Tree
Littleleaf linden	<i>Tilia cordata</i>	Tree
Silver linden	<i>Tilia tomentosa</i>	Tree

American Elm cultivars	Ulmus hybrids (Dutch Elm resistant cultivars only)	Tree
Japanese zelkova	Zelkova serrata	Tree

\* Additional tree species not specifically listed in the invasive plant species table may be considered by the Planning and Zoning Administrator, or Planning Commission, as applicable, for inclusion on a landscape plan.

(s) **Tree Protection During Development.**

- (1) Prior to the land clearing stage of development and before a tree permit is issued, the following must be done:
  - a. All trees for which the application is being made for removal shall be identified onsite by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the township.
  - b. Barriers shall be erected of four (4) foot high wooden snow fencing or similar sturdy material staked with metal stakes ten (10) feet on center which will shield and protect trees no closer than six (6) feet from the trunk or at the drip line, whichever is greater.
- (2) During construction, no activity shall take place within the drip line of any protected tree or group of trees, including but not limited to, the parking or storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material, or any other material harmful to the tree.
- (3) No damaging attachment, wires (other than cable wires for trees), signs, or permits may be fastened to any tree protected by this section.
- (4) Periodic inspections shall be conducted by the township during land clearing and construction in order to ensure compliance with this chapter.

- (t) **Appeals.** If a person disagrees with an official interpretation of a provision of this chapter or where a hardship in the application of the provisions of this chapter occurs, the person may appeal the interpretation to the township board. The request for appeal should be in letter form to the township board, submitted to the attention of the township clerk. The appeal will be considered at a regular meeting of the township board to be set within a reasonable time after receipt of the letter.

(u) **Violation; Penalties; Enforcement.**

- (1) Any person violating a provision of this chapter shall be guilty of a municipal civil infraction. Each day upon which such violation shall occur shall constitute a separate offense.
- (2) In addition, any person who violates any provision of this chapter shall forfeit and pay to the township a civil penalty equal to the total value of the trees illegally removed or damaged as determined by the International Society of Arboriculture shade value formula. The sum collected will be placed in the township's Environmental Trust Fund. Replacement of illegally removed trees may be required as restoration in lieu of money. This replacement will be computed on an inch-for-inch ratio based on the total DBH of the illegally removed trees. If the township is unable to determine the inch-to-inch measurement, the township may use other means to estimate the tree loss. A combination of money and tree replacement may be required.
- (3) Any use or activity in violation of the terms of this chapter is declared to be a nuisance per se and may be abated by a court. If the township institutes an action for a violation, all costs, attorney fees, and expenses in connection with such action shall be assessed as damages against the violator.
- (4) If activities are conducted in violation of an issued tree permit or otherwise in violation of this chapter, the township will give written notice to the person conducting the activity, notifying him or her of the violation, and to appear and show cause why the activity should not be stopped. If the person fails to appear and show cause within seven (7) days after notice is delivered, a stop work order shall be posted on the property. A person shall not continue or cause or allow to be continued, activity in violation of the stop work order. If the stop work order is not obeyed, the township may apply to the court for an order enjoining the violation. If the township institutes an action for a violation, all costs, attorney fees, and expenses in connection with such action shall be assessed as damages against the violator. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the stop work order.

## Sec. 38-364. Lighting regulations.

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

**Canopy structure** means any overhead protective **structure**, which is either extended from a **building** or freestanding, including an awning.

**Footcandle** means a standard unit, established as a reference, and used when measuring the quantity of light. A footcandle equals the total intensity of light that falls upon a one (1) square foot surface that is placed one (1) foot away from one (1) lit candle.

**Glare** means light that is misdirected into the eye of potential observers or passersby, potentially impairing their ability to see clearly and compromises public safety and welfare.

**Lamp** means the component of the luminaire that produces the actual light, including luminous tube lighting.

**Light fixture** means the assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and refractor or lens. Such term also includes the assembly for luminous tube and fluorescent lighting.

**Light pollution** means the electric light which may impact the safety and welfare of travelers by impairing their ability to effectively see potential hazards, reduces the enjoyment of the night sky or causes undesirable glare, unnecessary illumination of adjacent properties, or a detrimental effect on the environment.

**Light trespass** means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Luminaire** means the complete lighting system, including the lamp and light fixture.

**Luminous tube lighting** means gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used (e.g., neon, argon, etc.).

**Shielded fixture** means an outdoor light fixture shielded or constructed in a manner so that its light does not project beyond a certain limit. A luminaire mounted in a recessed fashion under a canopy or other **structure** so that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this section. Shielded fixtures shall be specified and properly installed to restrict light spillage past the property line.

**Spill light** means light that is misdirected and illuminates an object or area that is not intended to be illuminated.

**Useful light** means light that is directed to illuminate an object or area for a useful purpose.

(b) **Purpose.** This section provides standards for various forms of outdoor lighting so as to properly illuminate **buildings** and sites for safety and security without contributing to light pollution, intrusive artificial light or degradation of the natural nighttime visual environment.

- (c) **Applicability.** The standards in this section shall apply to any light source that is visible from any property line other than, or beyond, the site from which the light is emanating. The building official or designated individual may review any site to determine compliance with the requirements under this section and may require a property owner or developer to make such corrections as necessary to comply with [Section 38-46](#). Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use permit, subdivision approval or site plan approval from the Township, the applicant shall submit sufficient information to assure the building official and/or [Planning Commission](#) that the proposed lighting can comply with this section. The applicant shall bear responsibility for the actual performance of lighting in compliance with such requirements.
- (d) **Lighting plan submittal requirements.** The following information must be included on all site plan submissions:
- (1) The locations of all freestanding, building mounted, and canopy light fixtures on the site plan and/or building elevations, including a legend that identifies the fixtures and their intended accessories by manufacturer and model numbers.
  - (2) A photometric grid overlaid on the proposed site plan, indicating the light intensity throughout the site, in footcandles. The [Planning Commission](#) is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.
  - (3) All manufacturers' published specifications and cut sheets for the type of fixture being proposed, including the total luminance output, type of lamp and voltage, method of shielding, and all applicable accessories.
  - (4) A scale drawing of no less than one (1) inch equals one (1) foot, showing a typical fixture, at its intended elevation closest to the property line, with the accessory shield attached. A line shall be drawn representing the coverage angle distribution from the far side of the fixture lens to the bottom edge of the shield on the opposite side of the fixture. The line shall be projected to the ground plane and shall confirm the glare of the fixture does not pass the property line in any direction. Any details relating to the proper installation and adjustment for optimum performance shall be described.
  - (5) Any other information deemed necessary by the building official and/or [Planning Commission](#) to determine the appropriateness of illumination.
- (e) **Nonresidential lighting standards.** Unless exempted under this section, all nonresidential lighting must comply with the following standards:
- (1) **Freestanding pole lighting.**
    - a. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) footcandles unless lights are recessed within an overhead [roof](#) or canopy structure.
    - b. Properties adjacent to residential properties shall be designed and maintained so that illumination levels shall not exceed three-tenths (0.3) footcandle at or beyond property lines. Lighting for [uses](#) adjacent to nonresidential properties shall be designed and maintained so that illumination levels do not exceed one (1) footcandle at or beyond property lines.
    - c. Parking lot illumination shall average no less than the following minimum levels over the entire area when measured five (5) feet above the surface:

<i>Parking Lot Size</i>	<i>Parking Lot Average Illumination (in footcandles, minimum)</i>
Small (5 - 10 spaces)	0.4
Medium (11 - 99 spaces)	0.6
Large (100+ spaces)	0.9

- d. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and reduce light pollution. Suitable applications for high pressure and low pressure sodium fixtures may be used, but only with color corrected and shielded lenses.
  - e. The **Planning Commission** may approve decorative or historic light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will be more consistent with the character of the site.
  - f. The maximum height of pole fixtures shall be twenty (20) feet or the height of the **building**, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) feet above the ground level. The **Planning Commission** may permit a maximum height of thirty (30) feet in an industrial district where fixtures are no closer than two hundred (200) feet to any residential property.
  - g. All outdoor lighting fixtures installed and maintained upon private property within commercial, industrial, and office zoning districts shall be automatically turned off or reduced by no less than fifty percent (50%) in intensity between the hours of 11:00 p.m. and sunrise, except where active use continues after 11:00 p.m., but only for as long as such use continues.
  - h. No exposed luminous tube lighting shall be used.
- (2) **Building mounted lighting.**
- a. Building mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) footcandles, unless lights are recessed within an overhead **roof** or canopy structure. Light shall not exceed three-tenths (0.3) footcandle beyond new and existing residential property lines, and one (1) footcandle beyond nonresidential property lines.
  - b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.
  - c. The **Planning Commission** may approve decorative or historic light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will be more consistent with the character of the site.
  - d. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all **buildings** (e.g., along the roofline and eaves, around windows, etc.). The **Planning Commission** may approve internally illuminated architectural bands or external lighting directed on buildings where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties or create glare off-site.
- (3) **Sign/canopy lighting.**
- a. Sign lighting may be directed upward or downward, or may be internal to the sign.
  - b. Downward and upward directed sign lighting shall illuminate the sign only, and light spillover shall not exceed one (1) footcandle along nonresidential property lines and three-tenths (0.3) footcandle along residential property lines.
  - c. Upward sign lighting shall illuminate the sign only, and any point source or glare of light shall not be visible from adjacent properties, adjacent roadways, or safety paths. Light shall not spill past the sign to the extent that it is visible from beyond the property.
  - d. All internal sign lighting shall illuminate the sign only. Internal lighting shall be evenly distributed over the sign so as not to cause glare. Internal light sources shall not be directly visible from any location. Projected sign illumination intensity shall not exceed one and one-half (1.5) footcandles as measured four (4) feet above the ground and ten (10) feet from the base of the sign.
  - e. All internally lit translucent or fabric awnings shall be prohibited within any zoning district unless the **Planning Commission** determines that the following conditions are met:
    - 1. Internal light sources are not directly visible from the road rights-of-way.
    - 2. Light levels comply with other provisions of this section and are not offensive to the adjoining neighbors.

3. Any proposed signage on a translucent or fabric awning, whether illuminated or not, shall comply with [Section 38-406\(4\)](#).
- (f) **Residential lighting standards.** Unless exempted under this section, all outdoor lighting in residential use districts shall be shielded or directed in a manner which reduces glare and shall be arranged so as to prevent objectionable lighting from intruding upon any adjacent residential district or adjacent residence.
  - (g) **Nonresidential uses in residential use districts.** For nonresidential [uses](#) allowed in residential zoning districts, such as churches, schools, municipal facilities, etc., all illumination shall be subject to subsection (e) of this section.
  - (h) **Prohibited lighting types.** The following lighting types are prohibited within the Township:
    - (1) The use of searchlights or any similar high intensity light for outdoor advertisement or entertainment, except as approved by the Township Board as part of an assembly license issued in accordance with Chapter 24, provided that glare from such lighting shall not enter the road [right-of-way](#).
    - (2) Flashing, moving or intermittent type lighting.
    - (3) Building mounted or [roof](#) mounted lighting, intended to attract attention to a [building](#) and/or [use](#), which is not strictly designed for security purposes or architectural accent, or which projects light beyond the property.
    - (4) Exterior exposed luminous tube lighting, except neon lighting.
  - (i) **Lamp or fixture substitutions.** Should any light fixture regulated under this section, or the type of light source therein, be changed after the [permit](#) has been issued, a change request must be submitted to the building official for administrative approval, together with adequate information to assure compliance with this chapter, and which must be received prior to such substitution.
  - (j) **Exemptions.** The following are exempt from the lighting requirements of this section, except that the building official may take steps to eliminate the impact of the following exempted items when deemed necessary to protect the health, safety, and welfare of the public:
    - (1) Sports fields that are properly designed to meet the criteria for minimal light trespass and glare control.
    - (2) [Swimming pools](#).
    - (3) Holiday decorations.
    - (4) Shielded pedestrian walkway lighting.

### Sec. 38-365. Common use riparian lot (keyhole) regulations.

- (a) **Intent.** The intent of this section is to protect the public health, safety, and welfare, which could be threatened by the overusage of inland [lakes](#) and streams, and avoid situations which may create a nuisance, impair important irreparable natural resources, and harm property values. The regulations set forth in this section are intended to reinforce the implementation of the inland lakes and streams, part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.). These regulations are not intended to negate any obligations of a property owner to fully comply with regulations contained in the Natural River Overlay District or other applicable overlay districts, but are supplementary thereto.
- (b) **Applicability.** The regulations set forth in this section shall apply to the following private sites, platted lots, and other parcels to be held in common by a subdivision, condominium, association, similar agency, or group of individuals, or held in common by virtue of the terms of a plat of record, or which provide for common use [riparian](#) access under deed restrictions (all of which are referred to herein as “Common Use Riparian Lots”):
  - (1) Lots created after the effective date of the Ordinance.

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- (2) Lots of record existing prior to the effective date of the Ordinance that did not provide common use access to a water body (riparian rights to nonriparian landowners) prior to the effective date of the Ordinance.
- (3) Lots that have been providing common use access to a water body for a defined geographical area or a specific number of lots through an association or subdivision/condominium deed prior to the effective date of the Ordinance, and where it is proposed to expand the geographical area, add amenities, or increase or change the number of lots that are provided common use access to a water body through such common use access lot.

Common Use Riparian Lots that existed prior to the effective date of this Ordinance that provided common use access to a water body may continue to provide those riparian rights existing on the date of this Ordinance as provided herein.

Any improvement, expansion or alteration of a Common Use Riparian Lot shall require a marina operating permit requirements of inland lakes and streams, part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.), if applicable.

### (c) **Special use approval required.**

- (1) The following uses shall be permitted on Common Use Riparian Lots in any residential district upon special use approval of the Planning Commission in accordance with Section 38-44 and subject to the standards provided in subsection (c)(2) of this section:
  - a. Recreational sites, including parks, picnic areas, bathing, beaches, playgrounds, boat launching sites (excluding boat docking), and other recreational areas.
  - b. Scenic sites.
  - c. Trails, bicycle paths, and access routes, other than dedicated streets.
  - d. Boat docks, provided that all requirements of subsection (e) of this section are met.
- (2) Common Use Riparian Lots used for the uses listed in subsection (c)(1) of this section shall be developed according to the following standards:
  - a. Adequate off-street parking shall be provided to accommodate anticipated users of a Common Use Riparian Lot. Such parking shall be developed to the standards set forth in Article VII of this chapter. Parking shall not be permitted on lawn areas or within a road right-of-way.
  - b. Screening shall be provided along the property lines shared with adjacent properties and shall be sufficient to reasonably mitigate the visual impact it may cause. Such screening shall be in the form of a screening fence, landscape screening, or berms, or a combination thereof. In no case shall such screening negatively impact the view of the lake or stream by adjacent properties.

Those in control of Common Use Riparian Lots through an association or subdivision/condominium deed or otherwise may choose to impose additional private regulations (e.g. hours of operation, lighting, signage) on the use of a particular Common Use Riparian Lot. However, any such private regulations shall be enforced by those in control of the Common Use Riparian Lots. It shall not be the obligation or responsibility of the Township to enforce any such private regulations.

### (d) **General requirements.**

- (1) Upon application for the development of property involving a riparian lot or parcel, the applicant shall specifically disclose all parcels or property that gain, or will gain, riparian access via the riparian lot.
- (2) The deed to such lot or parcel shall specify the nonriparian lots or parcels, which shall have rights to its use.
- (3) The responsibility for maintenance of landscaping and improvements to such common use riparian lot shall be specified in the deed, master deed, covenants, or similar document governing the parcel.

(e) **Boat docks.**

- (1) The maximum number of docking spaces, slips, or mooring points for boats or other watercraft (e.g., jet skis, canoes, etc.) that may be provided at or off-shore of a **Common Use Riparian Lot** shall be based upon the lot's **riparian** frontage, at the following ratio:

<i>Zoning District</i>	<i>Number of Docking Spaces Permitted</i>
NR (Natural River)	1 per 100 feet of riparian frontage
All other residential districts	1 per 50 feet of riparian frontage

- (2) **Riparian** frontage shall be measured by a straight line which intersects each **side lot line** at the water's edge. Shoreline encumbered by **wetlands**, as defined by the **MDEQ**, that extend more than fifty (50) feet inland and perpendicular to the water's edge shall not be included in the calculation of necessary riparian frontage, nor shall such wetland be dredged, drained, or **filled** to create the frontage necessary for a proposed development. Artificially created shoreline may not be used to increase the calculated riparian frontage.
- (3) The boat dock facility must obtain all necessary permits from the **MDEQ** in accordance with administrative rules, inland **lakes** and streams, part 301 of Public Act No. 451 of 1994 (MCL 324.30101 et seq.). The design for a boat dock facility shall meet all of the MDEQ's standards for such facilities. Public access sites owned and operated by the state are exempt from this subsection.

### **Sec. 38-366. Low Impact Development.**

**Low Impact Development (LID)** is an ecologically-based stormwater management approach favoring innovative stormwater engineering and management of rainfall on-site rather than traditional stormwater techniques of channeling or piping. The goal of LID is to sustain the site's pre-development hydrologic regime by using techniques that minimize, infiltrate, filter, store, and evaporate stormwater runoff. LID remediates polluted runoff through a network of distributed treatment landscapes.

By incorporating **LID** techniques into the Green Oak Charter Township Zoning Ordinance, the Township can ensure that high-quality, environmentally sensitive development will recognize the Huron River Watershed area as an important asset to the Township. Where practical, the following representative LID techniques are to be incorporated into stormwater management control measures (**Figure 38-366-1**, following page).

The Planning Commission and/or the Township Board is authorized to waive or modify **Low Impact Development** requirements where the following requirements where the following site conditions are present:

- Topographic conditions which make **LID** intervention impractical
- Soil conditions such as clay soils or high ground water not conducive to infiltration
- Site constraints such as the size of the parcel and limited land area
- Engineering restrictions or limitations which make LID techniques impractical
- Jurisdictional requirements of the Livingston County Drain Commissioner or Michigan Department of Environmental Quality (MDEQ)
- Other restrictions or limitations found acceptable to the Township

As part of the Township's review for a waiver or modification, the Township may request an opinion from its planner, engineer, or County Drain Commissioner regarding **LID** application and feasibility. The Township may also require supplemental studies, soil reports, or other items of information prior to its decision on a waiver or modification.

**Figure 38-366-1  
Representative LID Techniques**

<p>overland flow</p>	<p>riparian buffer</p>	<p>reducing impervious surfaces</p>	<p>cluster development</p>	<p>Non-structural practices include minimizing total disturbed area of a site, protecting sensitive or special value features, protecting or utilizing natural overland flow pathways, reducing impervious surfaces, and clustering development.</p>
<p>vegetated roof</p>				<p>Green roofs are a conventional roof with a thin layer of vegetation, usually consisting of Sedum species, used to capture storm water and reduce energy use.</p>
<p>rainwater harvesting</p>				<p>Rain barrels are containers that capture rainwater from downspouts for later reuse as irrigation. Cisterns have greater storage capacity and are used to supplement gray water needs.</p>
<p>detention pond</p>	<p>retention pond</p>	<p>constructed wetland</p>	<p>underground detention</p>	<p>Storm water basins are temporary or permanent storm water storage structures that help prevent downstream flooding. These include dry ponds, wet ponds, constructed wetlands and underground detention.</p>
<p>catchbasin insert</p>				<p>Catch basin inserts are devices such as trays, bags or sumps inserted into catch basins to catch pollutants such as sediment, oil, grease, litter and debris.</p>
<p>porous pavement</p>				<p>Porous pavement is a material that consists of a porous surface that allows for the infiltration of storm water (examples include porous asphalt, pervious concrete, and brick pavers).</p>
<p>filter strip</p>				<p>Native vegetation uses plants local to the area for landscaping, converting areas away from turf grass and establishing buffers along water bodies. Native plants are more tolerant of drought, insects and disease, and can infiltrate storm water better than turf grass or ornamental plants.</p>
<p>infiltration basin</p>	<p>tree box filter</p>	<p>rain garden</p>	<p>bioswale</p>	<p>These techniques use native plants to manage storm water and allow it to infiltrate the soil. Rain gardens are typically smaller in size, while bio-swales are linear and provide both infiltration and movement of storm water.</p>

**Secs. 38-367 - 38-400. Reserved.**

## ARTICLE IX. SIGNS

### Sec. 38-401. Purpose, authority, and findings.

Signs may be erected or maintained in Green Oak Township only as permitted by this article and subject to other restrictions contained in this Code. The sign regulations in this article are intended to balance the public and private interests and to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. The sign regulations of this article are intended to ensure that signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication.

The following municipal interests are considered by the township to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes.

- (a) **Pedestrian and Vehicular Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the township, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians in the Township, even in automobile-oriented commercial areas. The township recognizes that pedestrian traffic in the commercial areas leads to retail sales and it serves a variety of business, entertainment, government, and residential uses in the districts. In addition, the Township also accommodates automobile-oriented businesses and other land uses that generate motor vehicle trips.

Since most signage is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions from vigilance for traffic and pedestrian safety, this ordinance is intended to regulate signs such as to reduce such distractions and, in turn, reduce the risk for crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in these districts.

- (1) The township encourages signage that will inform pedestrians regarding their desired locations without conflicting with other structures and improvements in these districts, while concurrently allowing effective signage for motorists. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks where relevant, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.
- (2) In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on busy thoroughfares.
- (3) In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.
- (4) Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.

- (b) **Character and Quality of Life.** Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values. This ordinance intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the township's character and support neighborhood stability. Signs that promote potential vehicular and pedestrian conflict, hinder sight distance, and distract from the pedestrian experience will be prohibited in efforts to preserve the character and unique experience within the township. Also, the intent of this ordinance is that signs will reflect the character of unique districts as may be established by the township's Master Plan, other adopted plans or the zoning ordinance.
- (c) **Economic Development and Property Values.** It is found that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a tendency to result in an appearance that reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this ordinance has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success. The application of the restrictions in this ordinance allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visuals, including types of business, landscaping, and architecture, all promoting economic development and property value enhancement.
- (d) **Avoidance of Nuisance-Like Conditions.** Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the township, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the township. Ultimately, these regulations are compelling and important for the protection of the Township's character and residents.
- (1) An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, and establishing setbacks from property lines is a compelling interest that can be directed with minimum regulation.
  - (2) Signs that are too large and not properly spaced can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter which can create safety issue for pedestrians and motorists. Establishing maximum sizes and locations can be the subject of clear and effective regulations that address this compelling and important interest.
  - (3) Requiring minimum construction and maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures. These requirements can be enforced with efficient and low discretion application and review.
  - (4) The sign ordinance is designed to prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. There is a compelling governmental interest that signs avoid glare, light trespass, and skyglow. A framework that enables the selection of proper fixture types and location, use of supportive lighting technology, and control of light levels in a reasonable fashion is consistent with regulations that are narrowly tailored to achieve the Township's interests.
- (e) **Property Identification for Emergency Response and Wayfinding Purposes.** Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.

- (f) **Protection of the Right to Receive and Convey Messages.** The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying a desired message. Nothing in this ordinance is intended to prohibit the right to convey and receive messages, particularly noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.
- (g) **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow.

### Sec. 38-402. Definitions.

The following words and phrases shall have the meanings set forth in this article when they are used in this article:

- (a) **Sign Definitions, Sign Types.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:
- (1) **Air-Activated Signs.** A sign that is inflated by air or uses air flow to induce movement. Inflatable objects used for signs are often made of flexible fabric and are equipped with a motor to blow air into the object. Air-activated signs are typically temporary and are restrained, attached, or held in place by a cord, rope, cable, or similar method, but can be permanent.
  - (2) **Animated Sign.** A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or oscillating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene. This definition does not include Changeable-Copy Signs and Electronic Message Center (EMC) Signs that comply with this article.
  - (3) **Awning Sign.** A permanent sign painted or screen printed on the exterior surface of an awning.



Figure 1: Awning Sign

- (4) **Banner Sign.** A temporary sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat against a structure or strung between two poles or structures.



Figure 2: Banner Sign

- (5) **Bench Sign.** A sign applied to or affixed to the seat or back of a bench.
- (6) **Billboard Sign.** A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A Billboard Sign differs from a Freestanding Sign based on its size. A Billboard Sign is typically 200 square feet or greater in size.
- (7) **Blade Sign.** Blade sign means a pedestrian-oriented sign, adjacent to a pedestrian walkway or sidewalk, attached to a building wall, marquee, awning, or arcade with the exposed face of the sign in a plane that is perpendicular to the plane of the building wall.
- (8) **Canopy Sign.** A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached canopy.



Figure 3: Canopy Sign

- (9) **Changeable-Copy Sign.** A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means or manually through placement of copy and symbols on a panel mounted in or on a track system.

- (10) **Display Board.** An accessory sign displayed near a public building entrance either on the building or on a freestanding podium. Display Boards are intended to be viewed at close proximity. Examples include displaying menus, special sales, and descriptions of goods or services provided within the building.



Figure 4: Display Board

- (11) **Electronic Message Center (EMC) Sign.** An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed.
- (12) **Entranceway Signs.** A sign placed at a major entrance to a development consisting of multiple users, parcels, lots, or a combination of each. Entranceway signs are often integrated into freestanding walls, columns, boulders, or other distinguishing features unique to the development.



Figure 5: Entranceway Sign

- (13) **Festoons.** A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.



Figure 6: Festoons

- (14) **Flag.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole in accordance with the zoning ordinance and the building code. Flags are typically supported on one side of the sign. Flags are not considered air-activated signs for the purposes of this ordinance.



Figure 7: Flag

- (15) **Freestanding Sign.** A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include Monument Signs, but do not include Billboards.



Figure 8: Freestanding Sign

- (16) **Incidental Sign.** A small sign, usually two (2) square feet or less, designed and located to be viewed by persons on a property and are generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity.
- (17) **Interior Sign.** A sign placed within a building, but not including a Window Sign as defined by this Ordinance, that is not visible from any public street, sidewalk, alley, park or public property.
- (18) **Marquee Sign.** A type of projecting sign typically mounted perpendicular to the building façade in a vertical manner. Marquee signs often include a changeable copy component in addition to the display of a permanent message but are not required to have changeable copy.



Figure 9: Marquee Sign

- (19) **Monument Sign.** A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A Monument Sign includes a solid supporting base of at least twenty-four (24) inches in height and a width equal to or greater than the width of the sign face. Monument signs are constructed of a decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base.



Figure 10: Monument Sign

- (20) **Nameplates.** Nameplates are typically made of metal, and may display addresses, names or images
- (21) **Nit.** A measure of luminance equal to one candela per square meter.
- (22) **Nonconforming Sign.** A sign that was lawfully permitted at the time it was erected but is not permitted under current law.
- (23) **Permanent Sign.** A sign constructed of durable materials intended to withstand prolonged exposure to exterior elements. Permanent signs are affixed to the ground or a structure by means of footings beneath the ground surface, bolts or screws into a structure, or other method intended to ensure the sign is displayed for an extended period of time with minimal maintenance or replacement of parts.
- (24) **Portable Sign.** A temporary sign designed to be easily movable. Portable signs are typically held in place during the period of display by sandbags, blocks, or other easily movable anchor.
- (25) **Projecting Sign.** A sign attached to a building or other structure and extending beyond the attachment surface by more than eighteen (18) inches. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building. "Awning Signs," "Canopy Signs," "Blade Signs" and "Marquee Signs" are types of Projecting Signs.



Figure 11: Projecting Sign

- (26) **Roof Sign.** A sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet is considered a "Wall Sign."

(27) **Sandwich Board Sign.** A temporary sign that is not permanently anchored or secured to either a building, structure, or the ground. Often referred to as “sidewalk signs,” sandwich board signs include, but are not limited to, “A” frame, “T” shaped, or inverted “T” shaped stands.



Figure 12: Sandwich Board Sign

(28) **Support Pole Sign.** Support pole signs is any permanent sign that is mounted on and supported by a pole.

(29) **Temporary Sign.** A display sign, banner or other device constructed of cloth, canvas, fabric, plastic or other light temporary materials, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or a building.

(30) **Transported Sign.** A sign attached to or pulled by a vehicle that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A “Portable Sign” does not constitute a “Vehicle Sign.”



Figure 13: Transported Sign

(31) **Vehicle Sign.** A sign, painted or otherwise, attached to an operable vehicle that is regularly used and moved, including signs on a truck trailer. A “Vehicle Sign” does not constitute a “Transported Sign.”



Figure 14: Vehicle Sign

- (32) **Wall Sign.** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall and which does not project above the roof or parapet line. A "Wall Sign" shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building or any portion thereof is defined as a "Roof Sign."



Figure 15: Wall Sign

- (33) **Window Sign.** A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.



Figure 16: Window Sign

- (34) **Yard Sign.** A small temporary sign typically used for non-commercial purposes. Yard signs are characterized by a wire frame, non-durable message surface such as cardboard, plastic, or paper, and are often inserted into a lawn with wire posts. Although variations exist to the materials of the frame and message board, a consistent physical characteristic is its temporary and disposable nature.



Figure 17: Yard Sign

(b) **Definitions, General.**

- (1) **Alteration.** Any change in size, shape, height, or type which changes the appearance of a sign or its structure, or a change in position, location, construction, or supporting structure of a sign.
- (2) **Building Frontage.** The length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenants are located.
- (3) **Glare.** Light emitting from a luminaire with intensity enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.

- (4) **Grade.** The average of the existing natural grade of the area within ten (10) feet of the influence of the sign.
- (5) **Height, Maximum.** Shall be measured from grade to the highest edge of the sign surface or its projecting structure.
- (6) **Height, Minimum.** Shall be measured from grade to the lowest edge of the sign surface or its projecting structure.
- (7) **Lot, zoning.** A single tract of land, located within a single block, which at the time of filing for a sign permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control.
- (8) **Luminaire.** A luminaire is a complete lighting system, which includes a lamp or lamps and a fixture
- (9) **Owner.** A person, firm, partnership, association, company, or corporation, or any other legal entity, and/or its legal successors, heirs, and assigns.
- (10) **Premises.** The contiguous land in the same ownership or control which is not divided by a public street.
- (11) **Sign.** Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure or piece of land. The definition does not include goods displayed in a window.
- (12) **Sign Area.** The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

### **Sec. 38-403. Sign Design Standards in All Zoning Districts.**

- (a) **Construction Standards.**
  - (1) **General requirements.** All signs shall be designed and constructed in a safe and stable manner in accordance with the township's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
  - (2) **Building code compliance.** All permanent signs shall be designed to comply with maximum wind pressure and other requirements contained in the adopted Building Code.
  - (3) **Framework.** All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached to be totally screened from view.
- (b) **Illumination.**
  - (1) **General requirements.** Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this article.
  - (2) **General illumination.** Maximum sign luminance shall not exceed 0.3 foot-candles above ambient light measurement based upon the area of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table (Table 403-1):

**Table 403-1**  
**Maximum Light Levels of Electronic Message Signs**

<b>Maximum Allowed Ambient Light Level</b>	<b>Area of Sign (sq. ft.)</b>	<b>Measurement of Distance (ft)*</b>
0.3 foot-candles	10	32
0.3 foot-candles	15	39
0.3 foot-candles	20	45
0.3 foot-candles	25	50
0.3 foot-candles	30	55
0.3 foot-candles	35	59
0.3 foot-candles	40	63
0.3 foot-candles	45	67
0.3 foot-candles	50	71
0.3 foot-candles	55	74
0.3 foot-candles	60	77

Source: Model Code, Illuminating Engineering Society of North America

\* Measured in feet, perpendicular to the face of the sign.

- (3) **Non-glare shielded lighting.** A sign shall not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Use of glaring undiffused lights or bulbs is expressly prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts. In order to further reduce glare, no design shall have a white or near white background.
  - (4) **Bare bulb illumination.** Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on theatre marquees.
  - (5) **Traffic hazards.** Sign illumination color and/or brightness that create a traffic hazard are prohibited.
- (c) **Electronic Message Center (EMC) Signs.** EMC signs may be permitted on monument signs and billboards in non-residential and appropriately zoned districts subject to the standards of this section and the following regulations:
- (1) **Frequency of Change.** Signs with the ability to change displays shall not change more frequently than one (1) time per ten (10) seconds. Animated signs are expressly prohibited.
  - (2) **Manner of Change.** Signs with the ability to change displays must be designed to change the display instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are expressly prohibited.
  - (3) **Internal Illumination.** EMC signs, including billboards, shall not emit more than 5,000 nits in full daylight and 100 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All EMC signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. In order to verify compliance with Township Code or other applicable law, the interface that programs an EMC sign shall be made available to township staff for inspection upon request. If the interface is not or cannot be made available upon the Township's request, the sign shall cease operation until the township has been provided proof of compliance with Township Code.
  - (4) **Rendering:** A color rendering of the display shall be provided for consideration of the planning commission during site plan review, and the planner and building official during an administrative review.
  - (5) **Area:** An electronic changeable copy or electronic graphic display area shall not exceed more than 80 percent of the actual sign area of any monument sign or 100 percent of a billboard sign.
  - (6) **Integration into sign:** The electronic changeable copy or electronic graphic display areas on monument and billboard signs

shall be part of the same sign face as a monument or billboard sign without electronic display technology and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.

- (7) **Default.** All electronic message signs shall default to an unlit black screen if fifty (50%) percent or more of the light source fails or if the light source otherwise is not displaying properly.
- (d) **Sign Measurement.** The total sign area is to be expressed in square feet and shall be computed as herein set forth.
- (1) Single face sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle, oval, or circle encompassing the extreme limits of an individual letter(s), word(s), logo(s), message(s), representations, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed. Uprights or supports for freestanding signs are excluded from this measurement.
  - (2) Double-face signs having two (2) faces of equal size arranged and/or positioned back-to-back and parallel, or with the faces at an included angle of not more than thirty (30) degrees in the plain or vertical views the area of the sign, shall be computed as one half (½) of the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face. When signs have three (3) to four (4) faces of equal size arranged and/or positioned with the faces at an angle of more than thirty (30) degrees in the plain or vertical view, the area of the sign shall be computed as the total area of the largest two (2) faces. The area of three-dimensional signs shall be measured by computing the total area of the largest two (2) faces measured at a two-dimensional view.
  - (3) When two (2) single-face wall signs are arranged and/or positioned within thirty-six (36) inches of each other, the area of the two (2) signs shall be computed as one (1) single face sign and total area shall include the open space between the two (2) separate faces.
  - (4) The height of the sign shall be measured from grade. The maximum sign height shall be measured from grade to the top of the sign. The minimum height, if applicable, shall be measured from grade to the bottom of the sign.
  - (5) The area of a cylindrical sign shall be computed by multiplying the circumference of the cylinder by its height.
- (e) **Sign Location.**
- (1) **Right-of-Way Prohibited.** No sign, except those established and maintained by the township, county, state, or federal governments shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
  - (2) **Clear Vision Triangle Area Prohibited.** No sign shall be located in the clear vision triangle area, which shall mean the triangular area adjacent to the intersection of any street established by measuring a distance of fifteen (15) feet from the point of intersection of two streets along the right-of-way of each of the intersecting streets and connecting the ends of each measure distance to assure adequate visibility sight lines for vehicular traffic approaching the intersection.
  - (3) **Compliance with setback requirements.** All permanent signs shall comply with the applicable setback requirements.
  - (4) **Projections.** Unless otherwise stated, no sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than eighteen (18) inches and shall not project above or beyond the highest point in the roof or parapet.
  - (5) **Safety.** No sign shall be permitted at any location that, in the discretion of the building official, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, the building official shall cite any relevant building or electrical codes, provisions of this article or other township ordinances, and/or findings or studies of the public safety department and/or a traffic engineer.
- (f) **Liability Insurance.** If any wall, projecting, pole or roof sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a Commercial

General Liability Insurance policy in the amount of \$1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, endorsing the township as an additional insured.

- (g) **Landscaping.** The area surrounding signs shall be landscaped to match the design characteristics of the site as determined by the Zoning Administrator. The landscaping shall be maintained such that the sign remains visible to passing motorists.
- (h) **Setbacks and Distances.** The following setback and distance measurements shall be met:
  - (1) The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two (2) signs.
  - (2) The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
  - (3) The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the edge of the sign and the building or property line.

### **Sec. 38-404. Signs Exempt from Permits.**

The following signs shall be permitted in all zoning districts according to the regulations of this Ordinance and subject to the following provisions. No permit shall be required for signs enumerated below unless otherwise stated. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, maintenance, and removal.

- (a) Address numbers with a numeral height no greater than eight (8) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings. The posting of these address signs is necessary for the effective delivery of public safety services, which is a compelling governmental interest.
- (b) Any sign on the premises required by law.
- (c) Any sign that conforms to the Federal Highway Administration's Manual on Uniform Traffic Control Devices and is installed for the purpose of directing or instructing traffic.
- (d) Nameplates not to exceed two (2) square feet.
- (e) Historical markers and plaques up to 12 square feet.
- (f) Temporary signage in accordance with this ordinance.
- (g) Official and legal notices signs that are issued by any court, public body, person, or officer in the performance of a public duty, or in giving any legal notice, including signs that are required for any public hearing. Such signs shall be removed according to the requirements of the Township, court order or state statute.
- (h) Signs erected on a township, county, state, or federal building or land owned by the authorized public agency.
- (i) Interior signs that are not visible to the outside.
- (j) Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.
- (k) Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- (l) Not more than three (3) flags, mounted on a pole that is no higher than thirty (30) feet.
- (m) Window signs, not to exceed twenty-five (25) percent of the total window area of the façade facing a road. Window signs must be placed in a manner to ensure visibility into the building for public safety.
- (n) Vehicle signs, where the vehicle on which the sign is displayed does not regularly go unoperated for a period exceeding seven (7) consecutive days.
- (o) Signs displaying noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution; provided, however, said signs shall comply with the number and size regulations in the applicable zoning district.

- (p) No Trespassing signs and/or No Hunting signs not to exceed one and one half (1) square feet in size, on posts not to exceed a total height of five (5) feet.

### **Sec. 38-405. Prohibited Signs in All Zoning Districts.**

The following signs are prohibited in all zoning districts, notwithstanding anything to the contrary in this article.

- (a) Any sign not expressly permitted.
- (b) Obsolete signs.
- (c) Animated signs (including revolving signs and rotating signs) and signs that incorporate moving features, except for changeable-copy signs explicitly permitted in this article.
- (d) Any sign that displays flashing, animation, scrolling, blinking, or intermittent lights, or lights with changing levels of light intensity.
- (e) Festoons.
- (f) Air-activated signs and balloon signs.
- (g) Any sign that is deemed structurally or electrically unsafe by the Building Official.
- (h) Signs which hide from view all or any part of any traffic sign, street sign or traffic signal.
- (i) Support pole signs, including signs attached to light poles, utility poles, street signpost, and trees. Prohibited support pole signs shall not include support pole signs lawfully installed by an authorized public entity.
- (j) Transported signs unless the vehicle with the transported sign is operating lawfully in a public or private road.
- (k) Roof signs, except any sign erected or constructed as an integral, or essentially integral, part of the normal roof structure.
- (l) Bench signs, not including permanently mounted plaques intended to be read at close proximity.
- (m) Signs on or attached to fences.
- (n) Projector-image signs.
- (o) Rotating search lights or similar devices.
- (p) Temporary electronic message center signs (EMCs).
- (q) Signs on public or private towers.
- (r) Signs displayed on an unlicensed vehicle or trailer, wagon, or other conveyance. This prohibition shall not apply to temporary "for sale" signs displayed in vehicle windows.
- (s) Costume signs. The basis of prohibiting costume signs is that the movement and proliferation of costume signs would degrade traffic safety through the creation of visual distractions.
- (t) Banners, , flag signs and feather signs.
- (u) Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Ordinance.
- (v) Neon, LED, or other light types permanently outlining windows or doors.
- (w) Signs intended to mimic traffic control or emergency services signage. These signs are considered hazards detrimental to pedestrian and vehicular travel and to the public safety and welfare.

### **Sec. 38-406. Billboards.**

- (a) **Districts.** Billboards shall be permitted only in the LI Light Industrial district and the GI General Industrial District abutting the right-of-way of M-36 between Whitmore Lake Road and Lemman Road or US-23.
- (b) **Area.** The total sign area of any billboard shall not exceed six hundred and seventy-two (672) square feet per face. A triangular or "V"-shaped billboard shall not have more than two (2) sign faces and not be separated by an internal angle of more than 20 degrees.
- (c) **Setback.** No billboard shall project over public property. No billboard shall be located closer than twenty-five (25) feet to any property line. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards

shall be set back a minimum of twenty-five (25) feet from any other structure on or off the same premise upon which the billboard is located.

- (d) **Distance from other signs.** Billboards shall be spaced no closer than one thousand five hundred (1,500) feet from another billboard, and no less than 100 feet from other non-billboard signs or buildings
- (e) **Interchange Distance.** A sign structure shall not be permitted adjacent to or within five hundred (500) feet of an interchange, an intersection at grade, or any highway pull off including MDOT facilities. The five hundred (500) feet shall be measured from the point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
- (f) **Height.** The top of any billboard, including the structure and the display area, shall not be higher than twenty-five (25) feet above average preexisting normal grade at any point beneath the sign.
- (g) **Illumination.** A billboard may be either externally or internally illuminated subject to section 38-403 (B), or may utilize digital technology subject to the following:
  - (1) A billboard shall not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. In order to reduce glare, no design shall have a white or near white background.
  - (2) The digital billboard sign shall comply with Illumination standards contained in Section 403(C)(3) for EMC signs.
  - (3) Sign Owner shall provide written certification from the sign manufacturer or company furnishing the sign display system, that the above requirements have been pre-set at the factory or other facility. The sign owner shall separately certify that the above requirements setting will not be adjusted.
  - (4) The brightness of the sign shall be measured by a third-party specialist other than the Sign Owner or an employee of the Sign Owner, who is qualified to make such measurement using a handheld luminance meter e.g., "nit gun." The required operation/level of ambient light sensors shall be measured using a handheld illuminance meter. The timing for each message change shall be verified by use of a stopwatch, video camera or other appropriate measuring device. The Sign Owner shall certify in writing to the Township Planning and Zoning Administrator before final construction inspection, and twice annually from the Sign Owner's initial certification date thereafter, that the sign has been field tested by a third-party specialist, other than the Sign Owner or employee of the Sign Owner, and the sign is operating in compliance with the requirements in this section. The cost of all certifications shall be the responsibility of the Sign Owner.
  - (5) The digital billboard sign display system shall be configured with a self-diagnostics program that will notify the Sign Owner's technical support team in the event of a malfunction of the sign. In the event of a display failure resulting in a flashing or intermittent light change, or a failure resulting in the display exceeding the brightness level or image dwell standard stated in subsection (f)(2) above, the display shall be automatically shut-off or steps shall be taken immediately by the Sign Owner's technical support team to shut-off the sign remotely. Additionally, if more than one individual display panel comprising the total sign display area does not function as engineered, the display shall be immediately shut-off remotely.
  - (6) All displayed images must be static.
  - (7) No flashing, animation, scrolling, blinking, or intermittent lights, or lights with changing colors or levels of light intensity shall be permitted.
  - (8) The use of video on signs is expressly prohibited.
  - (9) The transition time between images shall be instantaneous (less than one second), with no transition effects between images.
  - (10) The minimum dwell time (time an image is displayed) of each and any image shall be no less than ten (10) seconds. Emergency messages may exceed this dwell time if deemed appropriate.
  - (11) Sequential images or messages (e.g., back-to-back, ten (10)second images that form one continual advertisement), are prohibited.
  - (12) The digital billboard screen shall be allowed to operate 24 hours per day, seven days per week, unless a malfunction occurs.
- (h) **Construction.** A billboard shall be self-supported, and pole mounted. The materials used for the construction of the billboard structure will be metal, stone, brick, or similar materials. The support structures for billboards shall be covered in brick or stone substantially similar to the example in figure 406-1.

Figure 406-1



- (i) **Landscaping.** A landscape plan shall be submitted in conjunction with the sign permit application for a billboard. A landscape buffer a minimum of 15 feet wide shall be provided at the base of all billboards. Such landscaped area should be enhanced with a decorative wall. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the effect of making the base of the structure blend with the surroundings. The proposed landscaping plan shall be substantially similar to the example in figure 406-1. An irrigation system shall be installed for the landscaping area.
- (j) **Conversion.** No existing static billboard may be converted to one using digital technology without first submitting a sign permit application that demonstrates that the proposed sign will meet all of the requirements of this ordinance.
- (k) **Guarantee.** Prior to the issuance of a sign permit for construction of a billboard, a performance guarantee in the form of cash or an automatically renewing irrevocable letter of credit in an amount established by the Township shall be deposited with the Township to guaranty completion of the project and cost for sign removal should its removal be required in the future. The amount of the guaranty shall be reduced in proportion to the amount of project work completed provided the amount of guarantee remaining shall not be less than an amount equal to the cost to remove the sign, related ground structure and landscape should the sign be abandoned or fall into a state of disrepair. Should it be found that the guarantee is insufficient to cover said cost, any additional cost will be assessed to the property owner and become a lien on the property if not paid.

### Sec. 38-407. Electronic Message Signs.

Electronic Message Signs (LED) shall be permitted only within the LB, RO, GB, and HC zoning districts, as either a freestanding, wall sign or window sign. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

- (a) The electronic display shall not be animated, flashing, multi-colored, or scrolling.
- (b) The frequency of the message change shall be restricted to no more than once every ten (10) seconds.
- (c) The maximum area of an electronic message board shall not exceed fifty percent (50%) of the total sign area and shall be considered a part of a wall or freestanding sign, and as allowed per the zoning district and the sign regulations of this article.
- (d) The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.
- (e) The electronic message sign shall be subject to the illumination regulations in section 38-403 B. This shall exclude billboards, which are subject to Section 38-403(C)(3).
- (f) Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to Green Oak Charter Township.

## Sec. 38-408. Zoning District Regulations.

### (a) Permanent Sign Regulations Applicable to the RF, RE, LA, R-1, R-2, R-2A, R-3, RM, RMH, VMU-1, VMU-2, and PUD (residential only) Districts.

<b>Sign Type</b>	<b>Sign Regulations:</b> Residential Developments [e.g., single-family homes, subdivisions, site condominiums, multi-family, and mobile home parks] and Permitted Non-Residential Uses only
<b>Monument Signs</b>	<b>Permitted Use:</b> Monument signs shall only be allowed for permitted non-residential uses.
<b>Entranceway Signs</b>	<p><b>Permitted Use:</b> Entranceway signs shall only be permitted for residential developments.</p> <p><b>Maximum Number:</b> 1 per side of an entrance or exit drive.</p> <p><b>Maximum Height:</b> Sign structure shall not exceed 8 feet.</p> <p><b>Location:</b> No part of an entranceway sign shall be installed in a road right-of-way unless consent is given in writing by the entity with jurisdiction over the right of way. If a sign is located within the right-of-way, the property owner shall execute a recordable document ensuring the sign will be removed at the owner's expense if the road is widened to encompass the land on which the sign is located.</p> <p><b>Boulevard Island Option:</b> An entranceway sign may be located on a landscaped boulevard island, provided that:</p> <ul style="list-style-type: none"> <li>• The nearest edge of the sign must be set back a minimum of 10 feet from the right-of-way of the intersecting street.</li> <li>• Such signs shall comply with the requirements related to clear vision distance in Section 38-493(E)(2) so as to maintain visibility for drivers.</li> <li>• If sign is in the road right-of-way, then a copy of the permit from the Livingston County Road Commission must be submitted.</li> </ul>
<b>Wall Signs</b>	<p><b>Permitted Use:</b> Wall signs may only be used in conjunction with permitted non-residential uses (including approved home occupations).</p> <p><b>Maximum Number:</b> 1 per lot.</p> <p><b>Maximum Area:</b> 2 square feet.</p> <p><b>Internal Illumination:</b> Internal illumination is prohibited.</p>

### (b) Temporary Sign Regulations Applicable to the RF, RE, LA, R-1, R-2, R-2A, R-3, RM, RMH VMU-1, VMU-2, and PUD (residential only) Districts.

<b>Sign Type</b>	<b>Sign Regulations:</b> Residential Developments [e.g., subdivisions, site condominiums, multi-family, and mobile home parks] and Permitted Non-Residential Uses only
<b>Banner Signs</b>	<p><b>Maximum Number:</b> 1 banner is permitted per model home in a residential development.</p> <p><b>Maximum Area:</b> 32 square feet.</p> <p><b>Maximum Duration:</b> 30 days per 6-month period.</p>
<b>Portable Signs</b>	<p><b>Maximum Number:</b> For residential developments, up to one (1) portable sign may be placed for each common amenity property maintained by the association.</p> <p><b>Maximum Height:</b> 3 feet.</p> <p><b>Maximum Area:</b> 6 square feet</p> <p><b>Location:</b> For residential developments, signs shall be placed on common amenity property with approval of the recognized association in charge of maintaining the property.</p> <p><b>Duration of Display:</b> Seven (7) days per month; may be displayed on consecutive days.</p>
<b>Yard Signs</b>	<p><b>Maximum Number:</b> Unlimited so long as total square footage does not exceed 24 square feet.</p> <p><b>Maximum Height:</b> 4 feet.</p> <p><b>Maximum Area:</b> 24 square feet total; Maximum of 6 square feet per sign.</p> <p><b>Minimum Setback:</b> 5 feet from any lot line.</p> <p><b>Duration of Display:</b> 30 days per 6-month period.</p>

Signs exempt from permits under Sec. 38-404(0) are exempt from the durational requirements.

(c) Permanent Sign Regulations Applicable to the LB, GB, HC, RO, LI, GI, VMU-1, VMU-2, and PUD (non-residential) Districts

Sign Type	Sign Regulations
<p><b>Monument Signs</b></p>	<p><b>Maximum Number:</b> 1 per road frontage of a lot or development.  <b>Maximum Height:</b> 6 feet.  <b>Maximum Area:</b> 1.5 square feet per foot of road frontage, up to 48 square feet. Signs up to 64 square feet in area may be permitted where the road frontage on which the sign is placed exceeds 450 feet in length. in the following instances:  <b>Required Setback:</b> 15 feet from existing right-of-way or access easement, and 25 feet from the right-of-way of an interstate freeway. Signs in a planned right-of-way, published by the Livingston County Road Commission, may only be permitted with an executed and recordable document ensuring the sign will be removed/relocated at the owner’s expense if the right-of-way is expanded to encompass the land on which the sign is located.  <b>Setback from Residential Districts:</b> 50 feet from district boundary.  <b>Parcels with US-23 Frontage:</b> Monument signs shall not be permitted to face US-23.  <b>Signs in a boulevard island:</b> The required setback is reduced to 10 feet from the right-of-way when a sign is placed in a landscaped island and must comply with the sight distance and clear vision requirements in Sec. 38-403 (E).</p>
<p><b>Entranceway Signs</b></p>	<p><b>Permitted Use:</b> Entranceway signs shall only be permitted in instances where multiple businesses utilize a common entranceway, such as an industrial park, shopping center, or similar multi-user development.  <b>Maximum Number:</b> 1 per side of an entrance or exit drive commonly utilized by the public.  <b>Maximum Height:</b> Sign structure shall not exceed 8 feet.  <b>Maximum Area:</b> Message area shall not exceed 64 square feet. Sign structure may exceed this area; entranceway signs are commonly incorporated into walls, gateways, columns, or other design element consistent with the character of the development.  <b>Location:</b> No part of an entranceway sign shall be installed in a road right-of-way unless consent is given in writing by the entity with jurisdiction over the right of way. If a sign is located within the right-of-way, the property owner shall execute a recordable document ensuring the sign will be removed at the owner’s expense if the road is widened to encompass the land on which the sign is located.  <b>Boulevard Island Option:</b> An entranceway sign may be located on a landscaped boulevard island, provided that:  <ul style="list-style-type: none"> <li>• The nearest edge of the sign must be set back a minimum of ten feet from the right-of-way of the intersecting street.</li> <li>• Such signs shall comply with the requirements related to unobstructed sight distance in Section 12.09 to maintain visibility for drivers.</li> </ul> If sign is in the road right-of-way, then a copy of the permit from the Livingston County Road Commission must be submitted.</p>
<p><b>Incidental Signs</b></p>	<p><b>Maximum Number:</b> 1 per vehicular entrance or exit, plus 1 per 100 linear feet of driveway, measured from the right-of-way.  <b>Maximum Height:</b> 4 feet.  <b>Maximum Area:</b> 6 square feet  <b>Location:</b> Must be placed within 6 feet of a driveway or sidewalk; may not be closer than 15 feet from planned right-of-way.</p>
<p><b>Billboard Signs</b></p>	<p><b>Location Permitted:</b> Permitted only in I-1 Light Industrial and G-I General Industrial abutting the right-of-way of M-36 between Whitmore Lake Road and Leman Road or US-23.  <b>Maximum Size:</b> 672 square feet per sign face. A triangular or “V”-shaped billboard shall not have more than two (2) sign faces and not be separated by an internal angle of more than twenty (20) degrees.  <b>Maximum Height:</b> 25 feet from grade.  <b>Setbacks:</b> Twenty-five (25) feet to any property line. The sign shall not project over the property line. No billboard shall project over public property. No billboard shall be located within one thousand (1,000) feet of any residentially used or zoned property. Billboards shall be setback a minimum of twenty-five (25) feet from any other structure on or off the same property upon which the billboard is located.  <b>Distance from Other Billboards:</b> Minimum 1,500 feet between billboards.  <b>Distance from Other Signs:</b> Minimum 100 feet between a billboard and any other permitted sign on a lot.  <b>Placement:</b> Billboards shall not be located on or over the roofs of buildings.  <b>Interchange Distance:</b> A billboard shall not be permitted within five hundred (500) feet of an interchange, an intersection at grade, or any highway pull-off including MDOT facilities. The 500 feet shall be measured from the point of beginning or ending or pavement widening at the exit from or entrance off the main traveled road.  <b>Illumination:</b> See Sec. 38-403(C)(3). 38-406(g)  <b>Electronic message sign:</b> See Sec. 38-407.</p>

<p><b>Electronic Message Signs</b></p>	<p><b>Permitted:</b> Only in the LB, RO, GB, HC and at schools and places of worship.  <b>Maximum Height, Size and Number:</b> Shall comply with wall or monument regulations.  <b>Maximum Area:</b> Fifty (50%) percent of total sign area allowed.</p>
<p><b>Wall Signs</b></p>	<p><b>Maximum Number:</b></p> <ul style="list-style-type: none"> <li>• For single-tenant structures, 1 wall sign may be located on each side of a building that faces a street or highway. For multi-tenant structures or shopping centers: tenants with individual access are permitted 1 sign each; tenants with shared/common access are permitted 1 sign per entrance.</li> </ul> <p><b>Maximum Sign Height:</b> The top of a wall sign shall not be higher than whichever is lowest:</p> <ul style="list-style-type: none"> <li>• The maximum height specified for the district in which the sign is located.</li> <li>• The bottom of the window at the first level of windows above the first story.</li> <li>• The height of the building facing the street on which the sign is located.</li> <li>• Wall signs shall not project more than twenty-four (24) inches from the face of a wall.</li> </ul> <p><b>Maximum Vertical Dimension:</b> The maximum vertical dimension of any wall sign shall not exceed one-fourth (1/4) of the building height.</p> <p><b>Maximum Horizontal Dimension:</b> The maximum horizontal dimension of any wall-mounted sign shall not exceed one-half (1/2) of the width of the building.</p> <p><b>Maximum Area:</b></p> <ul style="list-style-type: none"> <li>• 1 square foot per linear foot of building facade, not to exceed 60 square feet. For multi-tenant structures or shopping centers: tenants with individual access are permitted up to 60 square feet per sign based on the façade length of the occupied suite; sign area should be allocated on an equal basis for signs for tenants with shared/common access. Buildings set back more than one hundred and fifty (150) feet from the road right-of-way may be allowed to have a maximum of 2 square feet of sign area per one lineal foot of building frontage not to exceed two hundred (200) square feet.</li> <li>• Parcels with US-23 Frontage: 1 additional wall sign is permitted to face US-23.</li> </ul> <p><b>Window Signs:</b> Shall not exceed one-fourth (1/4) or 25% of the total window area of a façade. Window signs are included in the total permissible wall sign area.</p> <p><b>Vertical Clearance:</b> Marquee signs must maintain a minimum of 10 feet vertical clearance beneath any marquee. Marquee signs are included in the calculation for total permitted wall signage.</p>
<p><b>Marquee Signs</b></p>	<p><b>Design Standards:</b></p> <ul style="list-style-type: none"> <li>• UV-resistant architectural fabric, in matte finish, suitable for outdoor use must be used and shall cover the front of the awning frame.</li> <li>• The awning frame shall be constructed of steel or aluminum.</li> <li>• Wind and snow load capacities shall be provided to the Township as part of the permit process. Applicants should obtain wind and snow load capacities from the product manufacturer.</li> </ul> <p><b>Message:</b> The written message shall be affixed flat to the vertical face of the marquee.</p> <p><b>Projection:</b> Limitations imposed by this article regarding the projection of signs from the face of a wall or building shall not apply to marquee signs; provided that marquee signs shall comply with the setback requirements for the district in which the signs are located.</p>

<p><b>Awnings and canopies</b></p>	<p><b>Coverage:</b> The total area of the lettering and logo shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from the street.</p> <p><b>Compliance with size requirements for wall signs:</b> The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.</p> <p><b>Projection:</b> Limitations imposed by this article regarding the projection of signs from the face of a wall or building shall not apply to awnings and canopies; provided that awnings and canopies shall comply with the setback requirements for the district in which the signs are located.</p> <p><b>Vertical clearance:</b> A minimum vertical clearance of ten (10) feet shall be provided beneath any awning or canopy.</p> <p><b>Design Standards:</b></p> <ul style="list-style-type: none"> <li>• UV-resistant architectural fabric, in matte finish, suitable for outdoor use must be used and shall cover the front of the awning frame.</li> <li>• The awning frame shall be constructed of steel or aluminum.</li> <li>• Wind and snow load capacities shall be provided to the Township as part of the permit process. Applicants should obtain wind and snow load capacities from the product manufacturer.</li> </ul> <p><b>Maintenance:</b> Torn, frayed, ripped, faded, stained, soiled, or dirty awnings shall be replaced immediately.</p> <p><b>Illuminated fabric canopy signs:</b> A translucent fabric canopy sign with internal illumination shall be considered a wall sign. The entire surface of the illuminated fabric sign shall be counted in the determination of sign area. Illumination levels shall be subject to Sec. 38-403 B.</p>
<p><b>Projecting Signs</b></p>	<p><b>Maximum Number:</b> 1 per public entrance, spaced a minimum of 20 feet apart.</p> <p><b>Placement:</b> Projecting signs must be installed at a 90-degree angle from the building wall, at least 10 feet above the sidewalk and below the second story windowsill or roofline of the building, whichever is lower.</p> <p><b>Maximum Area:</b> 12 square feet per sign face; maximum of 2 faces each sign.</p>

(d) **Temporary Sign Regulations Applicable to the LB, GB, HC, RO, LI, GI and PUD (non-residential) Districts**

Sign Type	Sign Regulations
<p><b>Banner Signs</b></p>	<p><b>Maximum Number:</b> 1 per business.</p> <p><b>Maximum Area:</b> 32 square feet or the area of the permanent sign if temporarily covering the permanent sign.</p> <p><b>Maximum Duration:</b> 14 days per 12-month period.</p>
<p><b>Yard Signs</b></p>	<p><b>Maximum Number:</b> 24 square feet total; 6 square feet per sign.</p> <p><b>Maximum Height:</b> 4 feet.</p> <p><b>Maximum Area (Total):</b> 24 square feet.</p> <p><b>Minimum Setback:</b> 10 feet from any lot line.</p> <p><b>Duration:</b> 30 days per six-month period.</p>
<p><b>Sandwich Board Signs</b></p>	<p><b>Districts Permitted:</b> LB Local Business, GB General Business, HC Highway Commercial, PUD (non-residential only)</p> <p><b>Maximum Number:</b> 1 per business with individual access to a sidewalk.</p> <p><b>Maximum Height:</b> 3 feet.</p> <p><b>Maximum Area:</b> 6 square feet.</p> <p><b>Location:</b> Within 15 feet of the primary building entrance door; location must allow more than 5 feet of clearance for pedestrian circulation on a sidewalk. Signs shall not be placed in a right-of-way.</p> <p><b>Duration of Display:</b> Signs may be displayed up to 1 hour before and after business hours.</p> <p><b>Manner of Display:</b> A sandwich board sign shall be internally weighted to ensure stability and prevent unintentional movement or conflict with pedestrians.</p>

Signs exempt from permits under Sec. 38-404(0) are exempt from the durational requirements.

### Sec. 38-409. Construction and Maintenance Requirements.

- (a) **Material and Design.** All signs shall be designed, constructed, and maintained in conformity with the provisions for materials, loads and stresses of the latest adopted edition of the building code and requirements of this article.
- (b) **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- (c) **Fire Escapes.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- (d) **Support Location.** No pole, cable, or support of any nature shall be placed on any publicly owned property, street, right-of-way, or proposed street rights-of-way without written authorization from the owner of said right-of-way.
- (e) **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables and guys will be within ten (10) feet of any electrical conductor, streetlamp, traffic light or other public utility pole, or ten (10) feet of a high voltage wire.
- (f) **Sanitation.** Property surrounding any ground or monument sign shall be kept clean, sanitary, and free from obnoxious and offensive substances, free from weeds, rubbish and inflammable material.
- (g) **Traffic Interference.** No sign shall be erected or maintained which simulates or imitates in size, color, letter, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
- (h) **Maintenance.** All signs shall be maintained in a condition of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, rusted, or missing material or parts shall be repaired within sixty (60) days of written notification by the building official.
- (i) **Compliance with Building Code.** The building code adopted by the township shall regulate the construction and maintenance of signs unless the provisions of this article are more stringent.

### Sec. 38-410. Nonconforming Signs.

- (a) **Intent.** It is the intent of this article to avoid any unreasonable invasion of established private property. It is further the intent to encourage eventual elimination of signs that:
  - (1) As a result of the adoption of this article, become nonconforming.
  - (2) Are recognized as illegal nonconforming signs.
- (b) **Lawful Existing Signs.** Any sign lawfully existing at the time of adoption of this article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided. Signs on which an enforcement action have been initiated by the township are not considered lawful signs for the purposes of this section.
- (c) **Alteration.** No nonconforming sign shall be altered, reconstructed, or re-erected, unless the alteration, reconstruction, or re-erection complies with the provisions of this article. For the purpose of this article only, the term "altered" or "reconstructed" shall not include normal maintenance or replacement of sign copy when no changes are made to the frame or structure of the sign. Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the use to which they are accessory.
- (d) **Continuance.** A nonconforming sign shall not be:
  - (1) Relocated, expanded, or structurally altered to prolong the life of the sign or to change the shape, size, type, placement, or design of the sign.
  - (2) Repaired after being damaged if the repair of the sign would cost more than fifty (50%) percent of the cost of a similar new sign. Such sign shall be brought into compliance with this article or shall be removed.

- (e) **Removal of Nonconforming Signs.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this article.

### **38-411. Administration, Permits, Inspections and Enforcement.**

#### **(a) Permits and Applications**

- (1) **Permit Required.** It shall be unlawful for any person to erect, re-erect, alter, or relocate any sign, excluding those listed in 38-404, without first obtaining a permit in accordance with the provisions set forth in this article. A permit shall require the payment of a fee in accordance with the schedule adopted by resolution of the township board. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- (2) **Applications.** Applications for sign permits shall be made upon forms provided by the Building Department for this purpose and shall contain the following information:
  - a. Name, address, and phone number of applicants.
  - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
  - c. Position of the sign on the building, structure, or lot on which the sign is to be attached or erected.
  - d. Position of the sign in relation to nearby buildings, structures, property lines, and right-of- ways, exiting or proposed.
  - e. Two (2) copies of the plans and specifications and method of construction and attachment to the building or the ground.
  - f. Copies of sheets and calculations, if deemed necessary, which show the structure is designed for dead load and wind pressure in accordance with the regulations adopted by the Township.
  - g. Name and address of the sign erector.
  - h. Insurance policy and/or performance guarantee as required in the Code.
  - i. Such other information as the building official may require to show full compliance with this and all other applicable laws of the township and the state of Michigan.
  - j. When public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
  - k. Indicate the zoning district in which the sign is to be located.
  - l. A landscaping plan for the area surrounding the sign base, if applicable.
- (3) **Review of application; issuance of permit.**
  - a. **Planning commission review.** Sign permit applications submitted in conjunction with the proposed construction of a new development, building or addition to an existing building shall be reviewed by the planning commission as a part of the required site plan review. Proposed signs must be shown on the site plan.
  - b. **Building official review.** The building official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
  - c. **Issuance of a permit.** Following review and approval of a sign application by the planning commission or building official, as appropriate, the building official shall issue a sign permit for signs that meet all the requirements of this article.
- (4) **Permit Expiration.** A sign permit shall be come null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.
- (5) **Sign Maintenance and Message Change.** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed to allow for message change without a change of structure, such as a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

**(b) Inspection and Maintenance**

- (1) **Inspection of new signs.** All signs for which a permit has been issued shall be inspected by the building official when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and building code standards.
- (2) **Inspection of existing signs.** The building official shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the building official shall determine whether the sign is located in the permitted area, adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
- (3) **Correction of defects.** If the building official finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the building official.

**(c) Compliance Certificate Required**

- (1) **Compliance Certification.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions this article, shall be issued a Certificate of Compliance.
- (2) **Inspections.** The building official may cause existing signs to be inspected on a periodic basis, at least once every two (2) years to determine continuation of compliance with the provisions of this article.
- (3) **Inspection Fee.** An inspection fee may be established by the Township Board. Such fee shall be charged to the owner of each sign inspected, at the time of inspection, provided that such fee shall not be imposed more than once in any year.
- (4) **Concealed Work.** In cases where fastenings are to be installed and enclosed in such a manner that the building official cannot easily remove material to see the fastenings and material used, the building department may advise the sign erector so that the inspection may be made before concealment, if such inspection is deemed necessary by the building official.
- (5) **Removal of Signs.** Should any sign be found unsafe, insecure, improperly maintained, or constructed or not in accordance with the requirements of this article, the erector and/or owner shall be required to make any such sign safe, secure, and otherwise in compliance with the requirements of this article within thirty (30) days of written notice. Failure to comply shall result in an order to remove the sign within forty-eight (48) hours from the time of notification in writing of the same from the building department.
- (6) **Exception.** Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed, repaired, or secured within twenty-four (24) hour of notification.
- (7) **Exemptions.** Exempt signs as provided in Section 38-404 shall not be required to obtain a Certificate of Compliance.
- (8) **Responsibility of Compliance.** The owner of any property on which a sign is placed, and the owner of the sign are declared to be equally responsible for the erection, safety, and condition of the sign and the area in the vicinity thereof subject to provisions of this article.

**(d) Sign Erector Requirements.** Permits may be issued only to licensed persons in compliance with the following provisions.

- (1) **License application.** Any person before engaging or continuing in the business of erecting or repairing signs in the Township shall apply for a sign erector's license.
- (2) **Insurance Certificates.** To obtain said license the applicant shall first furnish the township a Commercial General Liability insurance policy in the amount of \$1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the township as an additional insured. Said license shall automatically terminate upon the expiration of the insurance policy unless evidence of renewal is filed with the township clerk. All persons erecting, installing, repairing, replacing or otherwise engaging in such activities with respect to an electric sign or outline lighting must also be appropriately licensed as required by the Michigan Electrical Administrative Act 217 of 1956, as amended.

- (3) **Lapsing of Insurance.** If at any time, the insurance of any sign erector is permitted to lapse, his/her/its license and right to obtain permits shall automatically be revoked until a current certificate of insurance is filed with the building department.
- (4) **Notification of Change.** A sign erector shall notify the building department of any change in address and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance.
- (5) **Revocation.** The license of a sign erector may be suspended or revoked as otherwise provided for in this Code.

### **Sec. 38-412. Appeals.**

Any party who has been refused a sign permit for a proposed sign may file an appeal with the zoning board of appeals, in accordance with Sec. 38-91 of this ordinance. In determining whether a variance is appropriate, the zoning board of appeals shall study the sign proposal, considering any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be enough to justify granting a variance. However, the zoning board of appeals may decline to grant a variance even if some circumstances are present.

- (a) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.
- (b) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the zoning board of appeals shall consider the width of the road, the number of moving lanes, the volume of traffic and speed limits.
- (c) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
- (d) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.
- (e) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.
- (f) Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.
- (g) A sign which exceeds the permitted height or area standards of the ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building or within a building setback significantly greater than required by ordinance.

### **Sec. 38-413. Violations; removal of signs.**

- (a) A violation of any provision or requirement of this article is a municipal civil infraction, subject to enforcement and the fines and penalties for civil infraction violations as set forth in the Charter Township of Green Oak Code of Ordinances, in addition to the penalties set forth herein.
- (b) In addition to the remedies set forth in paragraph A, above, the enforcement officer or his/her designee shall have the right to revoke any permit issued hereunder for a violation of this article. Any of the grounds upon which the initial permit application may be denied shall also constitute grounds for such revocation. In addition, the failure of the sign erector and property owner to comply with the provisions of this article or other provisions of this Code or other law shall also constitute grounds for revocation of the permit. The sign erector and property owner shall be notified in writing by the enforcement officer or his/her/its designee of the specific grounds for a revocation and demand for correction and abatement. Such notice may be served personally or by registered mail, return receipt requested. The notice shall allow a maximum of ten (10) business days after service of the notice to correct or abate the violation. Additional time may be granted by the enforcement officer or his/her designee when bona fide efforts to remove or eliminate the offending condition are in progress. The notice shall provide that the sign erector and property owner may request a hearing on the notice and permit revocation by filing an appeal with the Zoning Board of Appeals.

- (c) If a violation is neither remedied nor appealed within the given time period set forth by the written notice, the enforcement officer or his/her designee shall have the right to revoke the sign permit. Upon revocation of a permit issued pursuant to this ordinance, the sign erector or property owner of the parcel on which the sign has been placed shall remove the sign from the property within ten (10) calendar days from the date of the notice and, if not so removed within the time period, the township or township's contractor may initiate removal of the sign. All costs associated with the removal of the sign and correction of the offense incurred by the township, or the township's contractor, shall be the joint and several responsibilities of the Permittee and property owner. If such obligation is not paid within thirty (30) days after mailing of the bill of costs to the property owner, the township may place a lien upon such real property enforceable as a tax lien in the manner prescribed by the general laws of this state against the property and collected as in the case of general property tax. If the same is not paid prior to the preparation of the next assessment roll of the township, the amount shall be assessed as a special tax against such premises on the next assessment roll and collected thereunder.
- (d) The Township Building Official or designee shall have the authority to enter upon property to remove any signs located within the public right-of-way.

### **Sec. 38-414. Severability.**

If any section, clause or provision of this ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any court of competent jurisdiction, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this ordinance, but the remainder of this ordinance shall stand and be in full force and effect.

### **Sec. 38-415. Substitution Clause.**

Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this ordinance.

### **Secs. 38-416 - 38-440. Reserved.**

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**ARTICLE X. RESERVED.**

**Secs. 38-441 - 38-490. Reserved.**

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## ARTICLE XI. NONCONFORMING LOTS, USES OF LAND, STRUCTURES, AND USES OF STRUCTURES AND PREMISES\*

### Sec. 38-491. Intent and findings.

- (a) It is the intent of this article to permit legal nonconforming lots, structures, or uses to continue until they are removed.
- (b) It is recognized that there exists within the districts established by this chapter uses which were lawful before the Ordinance from which this article is derived was passed or amended which would be prohibited, regulated, or restricted under the terms of this article or future amendments. Such uses are declared by this article to be incompatible permitted uses in the districts involved. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (c) A nonconforming use of a structure or land, or a structure and land, shall not be extended or enlarged after passage of the Ordinance from which this article is derived by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses or structures of a nature which would be prohibited generally in the district involved.
- (d) To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Ordinance from which this article is derived and upon which actual building construction has been diligently carried on. For the purposes of this subsection, the term "actual construction" means the placing of construction materials in a permanent position and fastening in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

### Sec. 38-492. Nonconforming lots.

- (a) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the Ordinance from which this article is derived. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located. A variance to yard requirements may be obtained through approval of the Zoning Board of Appeals.
- (b) If two (2) or more lots or combinations of lots and portions of lots with continuous frontage and single ownership are of record at the date of passage or amendment of the Ordinance from which this chapter is derived, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this article, and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with a width or area below the requirements stated in this chapter; provided, however, the Zoning Administrator or designee may permit single-family dwellings to be built on lots having a width less than the minimum established by this chapter upon determining and making findings that the resultant lot width would be consistent with the character of the existing single-family residential

neighborhood or where, because of existing development or ownership or other existing conditions, it would not be possible to meet the minimum lot width requirements of this chapter, provided that the resultant lots are not less than sixty (60) feet in width. Requirements for yard dimensions and other requirements not involving area or width, or both, for the building lot shall conform to the regulations for the [district](#) in which such building lot is located.

### **Sec. 38-493. Nonconforming uses of land.**

Where, at the effective date of adoption or amendment of the Ordinance from which this chapter is derived, a lawful [use](#) of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (1) No such [nonconforming use](#) shall be enlarged, increased, or extended to occupy a greater area of land than was [occupied](#) at the effective date of adoption or amendment of the Ordinance from which this chapter is derived.
- (2) No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Ordinance from which this chapter is derived.
- (3) If such nonconforming use of land ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this chapter for the [district](#) in which such land is located.

### **Sec. 38-494. Nonconforming structures.**

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

- (1) No such [structure](#) may be enlarged or altered in a way that increases its nonconformity. For example, existing residences on lots of a width less than required in this chapter may add a rear porch, provided that other requirements relative to yard space and land coverage are met.
- (2) Should a residential [dwelling unit](#) be destroyed by any means, it shall not be reconstructed in a manner which increases the nonconformity or in a manner by which the structure extends beyond the original footprint of the residential dwelling.
- (3) Should a nonresidential structure be destroyed by any means, it shall not be reconstructed, except in conformity with the provisions of this chapter.
- (4) Should such a structure be moved for any reason, for any distance whatsoever, it shall thereafter conform to the regulations for the [district](#) in which it is located after it is moved.
- (5) Examples of expansions to nonconforming lots or structures which do not require variances from the Board of Zoning Appeals are depicted in diagrams A, C, and D. Examples of expansions to nonconforming lots or structures which require variances from the Board of Zoning Appeals are depicted in diagrams B, E, and F. Note that any second story or upper level expansion or addition to a nonconforming structure will require a variance from the Board of Zoning Appeals.

**Green Oak Charter Township  
Non-conforming Lots and Lots of Record**

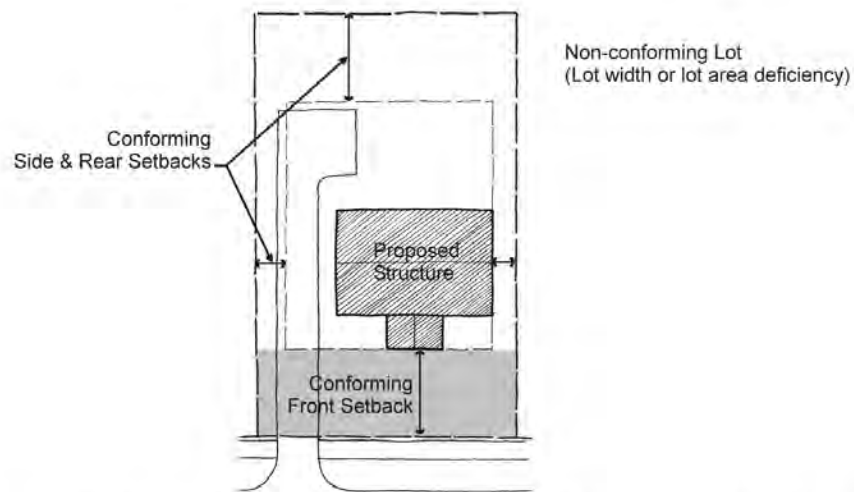


Diagram A. Non-conforming lot or legal lot of record and proposed structure which complies with Schedule of Regulations (Section 38-136)  
This development does not require a variance from the Board of Zoning Appeals

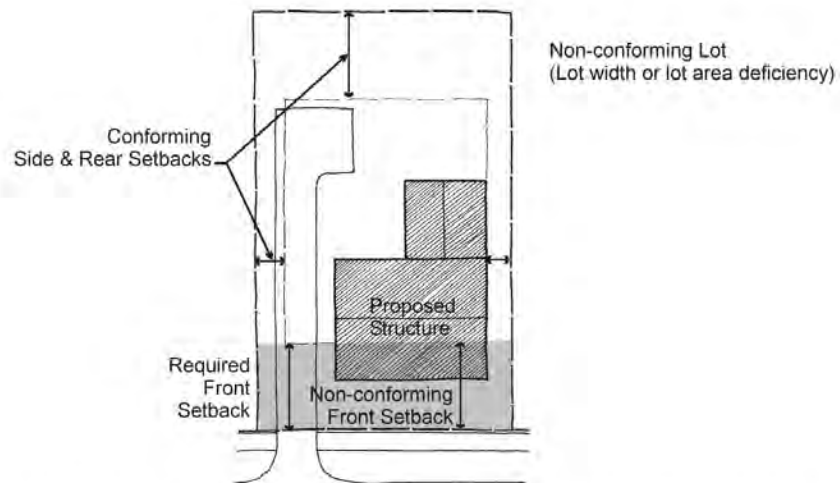


Diagram B. Non-conforming lot or legal lot of record and proposed structure which does not comply with Schedule of Regulations (Section 38-136)  
This development will require a variance from the Board of Zoning Appeals

**Green Oak Charter Township  
Expansion of Non-Conforming Structures**

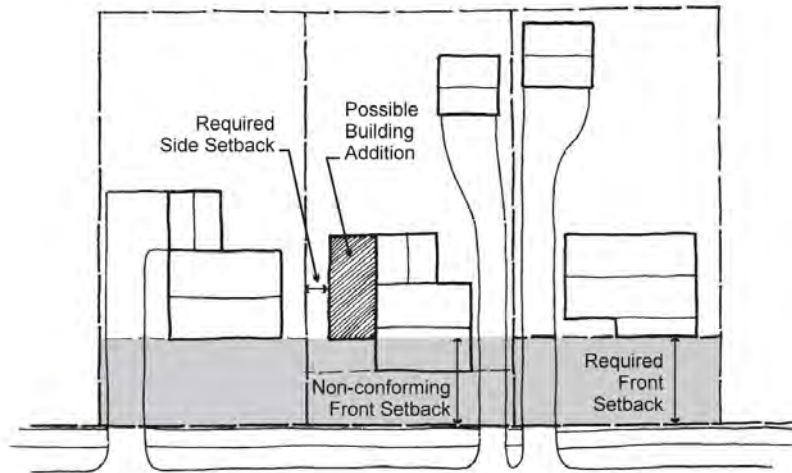


Diagram C. Expansion of a non-conforming structure which complies with Schedule of Regulations (Section 38-136)  
This expansion to a non-conforming structure does not require a variance from the Board of Zoning Appeals

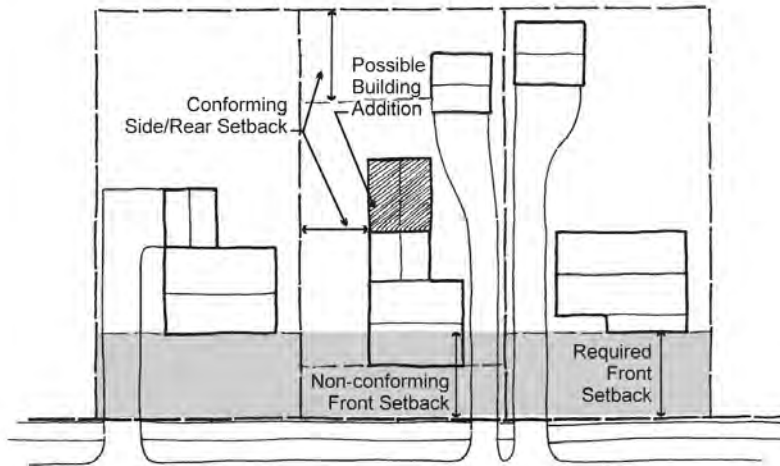


Diagram D. Expansion of a non-conforming structure which complies with Schedule of Regulations (Section 38-136)  
This expansion to a non-conforming structure does not require a variance from the Board of Zoning Appeals

**Green Oak Charter Township  
Expansion of Non-Conforming Structures**

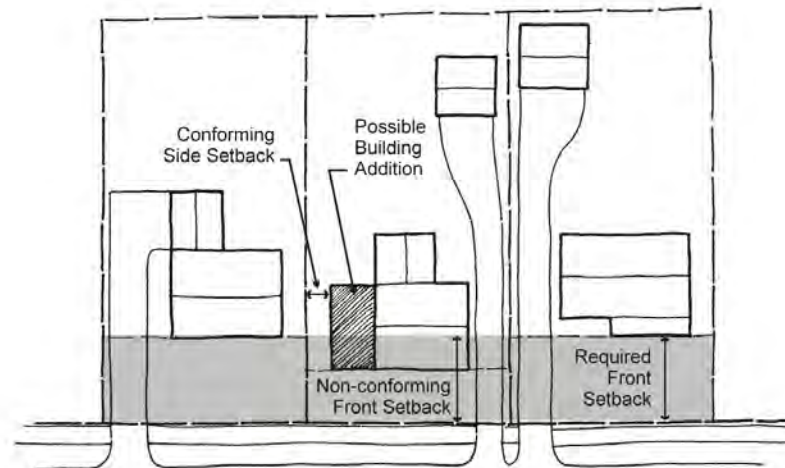


Diagram E. Expansion of a non-conforming structure which maintains non-conforming front setback  
This expansion to a non-conforming structure will require a variance from the Board of Zoning Appeals

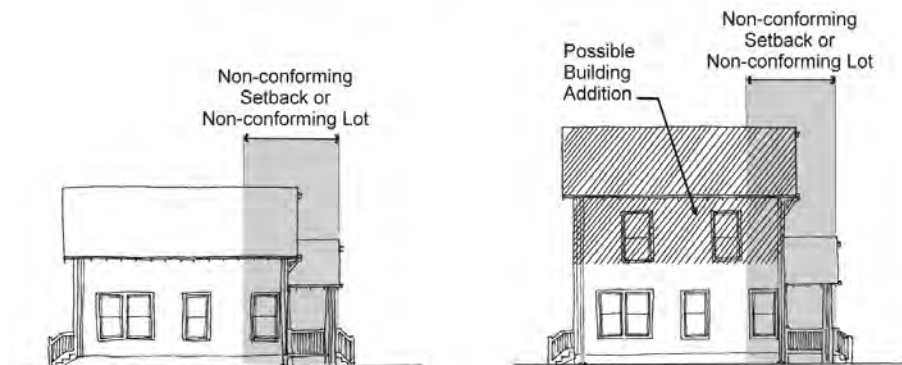


Diagram F. Addition of a second story to a non-conforming structure or on a non-conforming lot  
This expansion will require a variance from the Board of Zoning Appeals  
(Note: Any portion of a second story addition to a non-conforming structure will require a variance from the Board of Zoning Appeals)

### **Sec. 38-495. Nonconforming uses of structures and land.**

If a lawful [use](#) of a [structure](#), or of a structure and land in combination, exists at the effective date of adoption or amendment of the Ordinance from which this chapter is derived that would not be allowed in the [district](#) under the terms of this chapter, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing [structure](#) devoted to a [use](#) not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

- (2) Any **nonconforming use** may be extended throughout any part of a **building** which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of the Ordinance from which this chapter is derived, but no such use shall be extended to occupy any land outside such building.
- (3) Any **structure**, or a structure and land in combination, in or on which a **nonconforming use** is superseded by a permitted **use** shall thereafter conform to the regulations pertaining to the uses permitted in the **district** in which such structure is located, and the nonconforming use may not thereafter be resumed. **Section 38-494** shall apply to any nonconformity relating to such structure.
- (4) If such nonconforming use of land and structures ceases operation with the intent of abandonment for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this chapter pertaining to the uses permitted in the district in which such land is located. Structures **occupied** by seasonal uses shall be excepted from this provision only as long as the seasonal uses shall continue.
- (5) Where **nonconforming use** status applies to a **structure** and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (6) If no structural alterations are made, any **nonconforming use** of a structure, or a structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the **district** than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this article. Where a nonconforming use of a **structure** or land, or structure and land in combination, is changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

### **Sec. 38-496. Repairs and maintenance.**

On any **building** devoted, in whole or in part, to any **nonconforming use**, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty percent (50%) of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of the Ordinance from which this chapter is derived shall not be increased.

### **Sec. 38-497. Uses allowed as general exception, conditional approval, or special approval uses.**

Any **use** for which a general exception, conditional approval, or special approval is permitted as provided in this chapter shall not be deemed a **nonconforming use**, but shall, without further action, be deemed a conforming use in such **district**.

### **Sec. 38-498. Change of tenancy or ownership.**

There may be a change of tenancy, ownership, or management of any existing **nonconforming use** of land, **structure**, and premises, provided there is no change in the nature or character of such nonconforming use, except in conformity with the provisions of this article.

### **Secs. 38-499 – 38-535. Reserved.**

## ARTICLE XII AMENDMENT/CONDITIONAL REZONING

### Sec. 38-536. Initiating Amendments.

The Township Board may, from time to time, amend, modify, supplement, or revise the [district](#) boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Township [Planning Commission](#), by petition of one or more property owners of Green Oak Charter Township, or by one (1) or more persons acting on behalf of a property owner(s) of Green Oak Charter Township. All proposed amendments shall be referred to the Township Planning Commission for review, public hearing, and recommendation before action may be taken by the Township Board.

### Sec. 38-537. Amendment Procedure.

The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and the provisions of this Ordinance.

- (1) A request for the rezoning of land from one (1) zoning classification to a different zoning classification, or a request for a text amendment, shall be made by submitting an application, along with all required information and the required fee as established by the Township Board, to the Zoning Administrator. Upon receipt of a completed application, the Zoning Administrator shall transmit a copy of the application and required information to the [Planning Commission](#). The Planning Commission shall hold a public hearing on the application.
- (2) All required notices shall be given in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., and [Section 38-51](#) of the Township's Zoning Ordinance.
- (3) Upon receipt of a recommendation from the Planning Commission, the Township Board may hold a public hearing if it considers same to be necessary or otherwise required. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail addressed to the Clerk of the Township.

### Sec. 38-538. Information Required.

- (a) If an application involves a request to rezone land from one zoning classification to another zoning classification, the petitioner shall submit the following information:
  - (1) A legal description of the property, including all street addresses and tax ID number(s).
  - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - (3) The name and address of the petitioner, the record owner, and all other parties claiming an interest in said property.
  - (4) The petitioner's interest in the property. If the petitioner is not the record owner, the name and address of the record owner(s), and the record owner(s) and other interested parties consent in writing to the petition.
  - (5) Signature(s) of the petitioner(s) and owner(s) certifying the accuracy of the information.
  - (6) Identification of the zoning district requested and the existing zoning classification of property.
  - (7) A vicinity map showing the location of the property, and adjacent land uses and zoning districts.
  - (8) Additional studies such as traffic studies, environmental studies, or market studies as requested by the [Planning Commission](#).
- (b) If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
  - (1) A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
  - (2) Name and address of the petitioner.
  - (3) Reasons for the proposed amendment.

**Sec. 38-539. Review.**

- (a) In reviewing any petition for a zoning amendment, the **Planning Commission** shall evaluate all factors relevant to the petition and shall make its recommendations for disposition of the petition to the Township Board following a public hearing.
- (b) The factors to be considered by the Planning Commission may include, but shall not be limited to, the following:
  - (1) Whether the rezoning is consistent with the policies and **uses** proposed for that area in the Township's Master Land Use Plan;
  - (2) Whether all of the **uses** allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
  - (3) Whether any public services and facilities would be significantly adversely impacted by a development or **use** allowed under the requested rezoning;
  - (4) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land;
  - (5) Whether the condition and/or value of property in the Township or in adjacent communities would be significantly adversely impacted by a development or use allowed under the requested rezoning;
  - (6) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance; and
  - (7) Whether precedents might result from approval or denial of the petition, and the possible effects of such precedents.
- (c) All findings shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

**Sec. 38-540. Conformance to Court Decree.**

Any amendment for the purpose of conforming a provision of the Zoning Ordinance to a decree of a court of competent jurisdiction as to any specific lands, may be adopted by the Township Board and notice of the adopted amendment published without referring the amendment to any board or agency provided for under the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.

**Sec. 38-541. Publication.**

Following Township Board approval of an amendment to the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within the Township. The notice of adoption shall include the following information:

- (1) In the case of an amendment to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (2) The effective date of the amendment.
- (3) The place and time where a copy of the Ordinance may be purchased or inspected.

**Sec. 38-542. Conditional Rezoning.**

- (a) **Intent.** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the Township must consider all potential **uses** which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular

piece of property considering items such as, but not limited to, the surrounding land uses, the Township [Master Plan](#), available infrastructure and utilities, and natural features. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq., by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

- (b) **Application and offer of conditions.** An owner of land may voluntarily offer in writing conditions relating to the [use](#) and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
- (1) **General procedure.** A request for a conditional rezoning shall be commenced by filing an application with the Township Zoning Administrator or designee, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this Section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey which contains all the information required in [Section 38-71\(3\)](#) of this Ordinance. The applicant shall also present a conceptual plan showing the specific proposed use of the property and containing all the information outlined in [Section 38-71\(3\)](#) of this Ordinance.
  - (2) **Pre-application conference.** Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant must informally meet with the Township Zoning Administrator or designee, and other representatives as deemed necessary by the Township, to discuss the proposed development. The Pre-Application Conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning policies of the Green Oak Charter Township.  
The applicant must present a conceptual plan for the contemplated conditional rezoning at or before the Pre-Application Conference. Any and all statements made by the Green Oak Charter Township Board of Trustees, Zoning Administrator or designee, Planning Commissioners, Township employees, attorneys, agents, or representatives at the Pre-Application Conference have no legal force and are not legal and binding promises, commitments, or contracts.
- (c) **Review procedures.** The owner's offer of conditions may not purport to authorize [uses](#) or developments not permitted in the requested new zoning district. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the [Planning Commission](#) and Township Board shall, at a minimum, consider all the review considerations contained in [Section 38-542](#) of this Ordinance in rendering a decision on a request for conditional rezoning.
- (1) **Other required approvals.**
    - a. Any [use](#) or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
    - b. Any use or development proposed as part of an offer of conditions that would require a [variance](#) under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the [Zoning Board of Appeals](#) in accordance with the provisions of this Ordinance.
    - c. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.
  - (2) **Amendment of conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the [Planning Commission's](#) public hearing on the

original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- (d) **Planning Commission review.** The [Planning Commission](#), after public hearing and consideration of the factors for rezoning set forth in [Section 38-538\(b\)](#) of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner in writing. In the event that any recommended changes to the offer of conditions are not subsequently offered by the owner in writing, the recommendation of the Planning Commission shall be considered by the Township Board to be a recommendation of denial of the proposed conditional rezoning.
- (e) **Township board review.** After receipt of the Planning Commission's recommendation, the Township Board shall review the Planning Commission's recommendation and deliberate upon the requested conditional rezoning, considering the factors for rezoning set forth in [Section 38-538\(b\)](#), and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission subsequent to the recommendation of the Planning Commission, then the Township Board shall refer such proposed additional or different conditions to the Planning Commission for report thereon within a time specified by the Township Board, and the Township Board shall thereafter proceed to deny or approve the conditional rezoning.
- (f) **Approval.** If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested conditional rezoning. The Statement of Conditions shall:
  - (1) Be prepared in a form recordable with the Livingston County Register of Deeds;
  - (2) Contain a legal description of the land to which it pertains;
  - (3) Contain a statement acknowledging that the Statement of Conditions runs with the land, and is binding upon successor owners of the land;
  - (4) Incorporate by attachment the conceptual plan which formed the basis of the conditional rezoning;
  - (5) Contain the notarized signatures of all the owners of the property proceeded by a statement attesting to the fact that they are the only parties having an interest in the property, and that they voluntarily offer and consent to the provisions contained within the Statement of Conditions;
  - (6) The Statement of Conditions may be reviewed and approved by the Township Attorney, with the applicant to pay all costs associated with such review and approval.

The approved Statement of Conditions shall be filed by the owner with the Livingston County Register of Deeds within thirty (30) days after approval of the conditional rezoning. The owner shall provide the Township with a recorded copy of the Statement of Conditions within thirty (30) days of receipt. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of the Statement of Conditions would be of no material benefit to the Township or to any subsequent owner of the land; and

Upon the conditional rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification, together with a designation that the land was a Conditional Rezoning with a Statement of Conditions. Upon the conditional rezoning taking effect, and after the required recording of the Statement of Conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

- (g) **Compliance with conditions.** Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply fully with the conditions contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (h) **Time period for establishing development or use.** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within eighteen (18) months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if:
- (1) It is demonstrated to the Township Board's sole satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
  - (2) The Township Board finds that there has not been change in circumstances that would render the conditional rezoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- (i) **Reversion of zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under subsection (h) above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board, and proceed pursuant to Section 38-536.
- (j) **Subsequent rezoning of land.** When land that is conditionally rezoned with the Statement of Conditions is thereafter rezoned to a different zoning classification, or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to subsection (i) above, or upon application of the landowner, or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Livingston County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- (k) **Amendment of conditions.** During the time period for commencement of an approved development or use specified pursuant to subsection (h) above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and Statement of Conditions.

- (l) **Township right to rezone.** Nothing in the Statement of Conditions nor in the provisions of this section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 as amended, MCL 125.3101 et seq.
- (m) **Failure to offer conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

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