

CHARTER TOWNSHIP OF INDEPENDENCE ZONING ORDINANCE



CERTIFICATION

I, the undersigned, the qualified and acting Clerk of the Charter Township of Independence, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the Board of Trustees of the Charter Township of Independence at a meeting held on the 19th day of February, 2013, the original of which is on file in my office.



Barbara A. Pallotta, CMC
Clerk, Charter Township of Independence

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INDEPENDENCE TOWNSHIP ZONING ORDINANCE

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ARTICLE 1

TITLE, PURPOSE, AND LEGAL CLAUSES

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as “The Charter Township of Independence Amended Zoning Ordinance,” or the “Ordinance.”

SECTION 1.02 AUTHORITY, FINDINGS, AND PURPOSES

- A. The Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) establishes the authority to adopt comprehensive zoning regulations, and empowers the Township to enact a Zoning Ordinance and provide for its administration, enforcement, and amendment.
- B. The Township deems it necessary to enact said regulations for the purpose of promoting and protecting the health, safety, comfort, convenience, and general welfare of its residents.
- C. The Township has prepared and adopted a Master Plan designed to guide growth in a logical and orderly fashion; to lessen congestion on the public streets; to protect and preserve its natural resources; and to ensure a well-balanced community considering its present and potential physical, economic, cultural, and environmental assets.
- D. The Township has identified districts on a Zoning Map and prepared regulations in this Zoning Ordinance pertaining to such districts, in coordination with the Independence Township Master Plan and for the specific purposes of:
 - 1. Promoting and protecting the public health, safety, and general welfare;
 - 2. Protecting the character and stability of the recreational, agricultural, residential, commercial, industrial, and public lands within Independence Township;
 - 3. Promoting and regulating growth of Independence Township to obtain orderly and beneficial development with a balanced mix of uses that will support economic vitality and sustainability;
 - 4. Conserving life, property, and natural resources;
 - 5. Stewarding the expenditure of funds for public improvements and services;
 - 6. Providing adequate light, air, and privacy to property;

7. Lessening and avoiding congestion on highways and streets, and providing safe and convenient access for property; and
8. Conserving the taxable value of land, buildings, and structures of the Township.

SECTION 1.03 VALIDITY AND SEVERABILITY

- A. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
- B. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

SECTION 1.04 SCOPE AND CONSTRUCTION OF REGULATIONS

- A. This Ordinance shall be liberally construed in such manner as to best effectuate its purposes. In interpreting and applying the provisions of this chapter, the requirements shall be held to the minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.
- B. No building or structure, or part thereof, shall be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.05 CONFLICTS

- A. Where any condition imposed by any provision of this Ordinance upon the use of any property, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by any other provision of this Code, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

- C. Nothing within this Ordinance 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.

SECTION 1.06 REPEAL OF ORDINANCE

The Charter Township of Independence Zoning Ordinance, and all amendments thereto, and all prior zoning ordinances of Independence Township, are hereby repealed effective as of the effective date of this Ordinance.

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ARTICLE 2

DEFINITIONS

SECTION 2.01 RULES OF INTERPRETATION

For the purposes of this Ordinance, certain terms or words used in this Ordinance shall be interpreted as follows:

- A. The particular shall control the general.
- B. In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “person” includes a firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity as well as an individual.
- D. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- E. The word “shall” is mandatory; the word “may” is permissive.
- F. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used” or “arranged to be occupied.”
- G. A “building” or “structure” includes any part thereof.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either...or,” such conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- I. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

SECTION 2.02 DEFINITIONS

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

Accessibility Improvement. An unroofed and open structure, including a ramp or chairlift, that (1) allows a person with a physical disability access to a one-family dwelling; and (2) is exterior to a one-family dwelling.

Accessory building. A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an [accessory use](#).

Accessory residential garage. An [accessory building](#) used primarily for the storage of motor vehicles and incidental storage of goods and materials, owned by the occupant of the principal building, sometimes referred to as “garage” or “residential garage.” Carports shall be considered as residential garages. An attached garage is any garage which has a common wall with the principal residential dwelling or which is connected to the principal residential dwelling with a breezeway not exceeding twenty (20) feet in length. Any garage not meeting the definition of attached shall be considered to be detached.

Accessory storage building. An [accessory building](#) used to store goods and materials owned by the occupant of the principal building. [Cargo containers](#) are [portable storage containers](#) as defined and regulated by this Ordinance are not considered to be an accessory storage building.

Accessory supplemental building or structure. An [accessory building](#) used by the occupants of the principal building for recreation or pleasure, such as a gazebo, swimming pool cabana, building housing a spa, or hobby greenhouse. An accessory supplemental building shall not be used for storage, except that a cabana used in conjunction with a swimming pool may house filter equipment and pool accessories.

Accessory use. A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Addition. An extension or increase in floor area or height of a building or structure.

Adult day care facility:

1. **Adult family day care home.** A private residence, in which six (6) adults or less are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going 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, or are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going 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 center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going 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.

Alley. A public way that affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building or structure, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

Animal. A non-human zoological species, classified for purposes of this Ordinance as follows:

1. **Class I animal.** Class I animals are domesticated household pets weighing less than one hundred and fifty (150) pounds.
2. **Class II animal.** Class II animals are animals which are normally part of the livestock maintained on a farm, including:
 - a. Bovine and like animals, such as the cow;
 - b. Equine and like animals, such as the horse;
 - c. Swine and like animals, such as the pig and hog;
 - d. Ovine and like animals, such as the sheep and goat; and
 - e. Other animals weighing in excess of seventy-five (75) pounds, and not otherwise specifically classified herein.

3. **Class III animal.** Class III animals are rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, except for chickens, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.
4. **Wild animal.** An animal that is not customarily domesticated and customarily devoted to the service of mankind in the Township. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

Applicant and Petitioner. The property owner, or a person acting with the written and signed authorization of the property owner to make application under this section.

Architectural features. Features of a building which include cornices, eaves, gutters, belt courses, sills, lintens, bay windows, chimneys, and decorative ornaments.

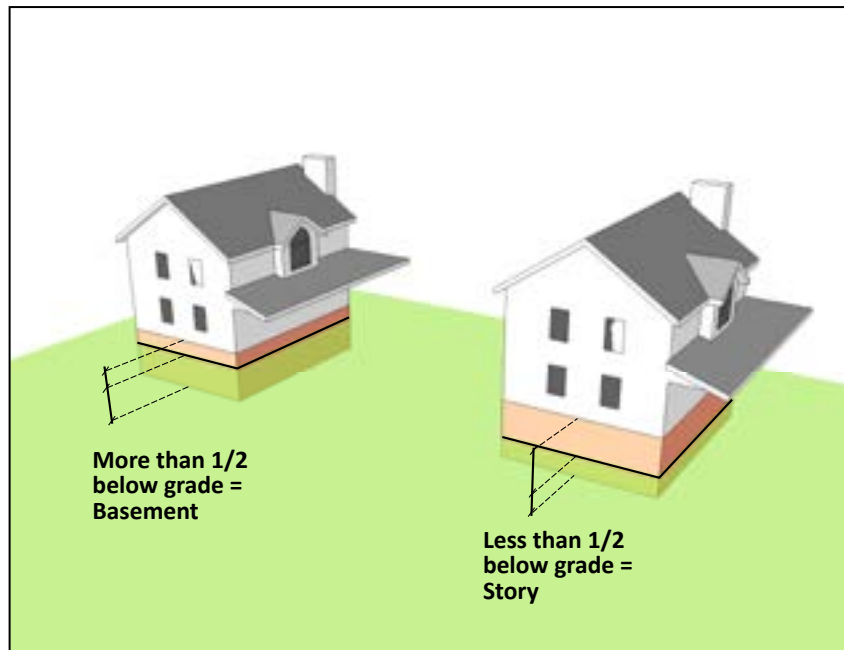
Attached single-family residential development. Two (2) to four (4) single-family dwelling units constructed in a series or group of attached units with property lines separating such units from other units and from common areas. No unit shall be connected on more than two (2) sides by common walls or other units.

Automobile service station. See “[Motor vehicle service station.](#)”

Bar/lounge. A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, with the ancillary sale of prepared food or snacks. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Basement. A portion of a building having at least one-half ($\frac{1}{2}$) of its height below grade. See illustration below.

Figure 2.02-1 Basement Definition



Berm. A landscaped mound of earth that blends with the surrounding terrain.

Best Management Practices (BMP). The best available methods, activities, maintenance procedures, technologies, operation methods, or management practices for preventing or reducing the quantity of regulated substances entering groundwater and surface water from a particular land use activity.

Block. The property, abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the aforementioned and any other barrier to the continuity of development.

Buffer. A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between a residential use and conflicting land uses.

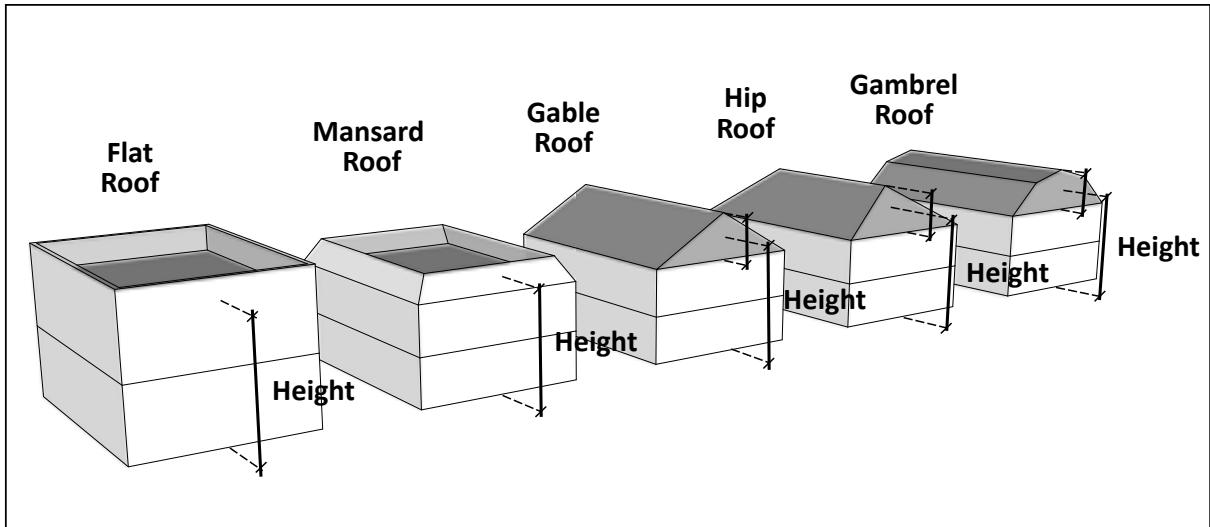
Building. A structure, either temporary or permanent, having a roof supported by columns or walls, for the shelter, support, or enclosure of persons, animals, or property. The term shall include tents, awnings, or vehicles situated on private property and used for purposes of a building. When any portion thereof is completely separated from every part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building code or construction code. The state construction code.

Building frontage. The portion of a building that principally relates to the public right-of-way.

Building height. The vertical distance measured from the grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs.

Figure 2.02-2 Building Height Definition



Building line. A line established as the required front yard [setback](#).

Building, main or principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Official. The administrative official appointed by the Township Board charged with the responsibility of enforcing the Building Code.

Building permits. The written authority issued by the building inspector permitting the construction, removal, moving, and alteration of a building or structure in conformity with the provisions of this Ordinance.

Building site. Land occupied or intended to be occupied by a building or structure.

Capture zone time-of-travel or Time-of-travel capture zones or TOT. That area through which water travels below the surface and reaches a Township well or well field within a specified period of time (under specified conditions set by the MDEQ). This Ordinance addresses one-year, five-year, and ten-year time-of-travel capture zones.

Cargo Containers. Standardized reusable receptacles that are:

1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers.

Cellar. See “[Basement](#).”

Child care facility. The following definitions shall apply in the application of this Ordinance:

1. **Child day care center.** A facility, other than a private residence, receiving more than one or more 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.
2. **Child family day care home.** A private home in which 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, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. The term “family day care home” includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
3. **Child group day care home.** A private home in which more than six 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 to an adult member of the family by blood, marriage, or adoption. The term “group day care home” includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
4. **Private home.** A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

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

Club. An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like.

Cluster development. A development technique that concentrates dwellings in specific areas to allow the remaining land to be used for recreation, open space, and natural feature preservation.

Commercial Indoor Recreation Facility. An enterprise conducted entirely within a building, which receives a fee in return for the provision of some recreational activity. Such activities and facilities include, but are not limited to, racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, firing ranges, basketball courts, indoor soccer fields and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

Commercial vehicle. All motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Commission or Planning Commission. The Independence Township Planning Commission.

Community impact statement. A written assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the community impact statement.

Community wastewater utility system. A facility which is owned by a nongovernmental entity and is designed, constructed, operated and maintained to transport, collect, process, and treat sanitary sewage from more than one structure.

Condominium. A place or project consisting of not less than two condominium units established in conformance with the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended, and this Ordinance. The following additional definitions shall apply in the application of the regulations of this Ordinance:

1. **Condominium documents.** The master deed recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws that affect the rights and obligations of a co-owner in the condominium.
2. **Condominium unit.** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
3. **General common elements.** The common elements other than the limited common elements.
4. **Limited common elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
5. **Master deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by section 8 of the condominium act, Public Act No. 59 of 1978 (MCL 559.108).

Conflicting use, nonresidential. Any nonresidential use, such as office, commercial, industrial, research, parking, or public road right-of-way land use which abuts a residential land use.

Conflicting use, residential. Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.

Convalescent or nursing care facility. A state-licensed medical facility providing 24-hour medical care for aged or infirmed persons.

Correlated color temperature (“CCT”). A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in Kelvin (“K”).

“Day useage.” Includes the launching and retrieval of non-motorized watercraft capable of being hand carried from a site with no overnight in-water storage, anchoring or mooring of any kind, in addition to the temporary mooring of personal watercraft (as defined in the Marine Safety Act, Act 303 of the Public Acts of 1967, as amended) with no overnight mooring of any kind.

Decorative display. A temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

“Direct water access.” The use of property that adjoins or extends into a lake for water access to the lake, either exclusively by the riparian owner of the property, or exclusively by the tenants of the owner of a single-family residential dwelling located on the property.

District. A portion of the Township within which on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DPW. The Charter Township of Independence Department of Public Works.

DPW Director. The Director of the Charter Township of Independence Department of Public Works.

Drive-in establishment. A business establishment (e.g., restaurants, cleaners, banks, theaters) so developed that its principal retail or service character is dependent on providing a driveway approach or [parking spaces](#) for motor vehicles to service patrons while in said vehicles.

Dwelling unit. That portion of a building designed or redesigned and intended for occupancy, including kitchen, dining, housekeeping and bathroom facilities, as the home or residence of one (1) family. A motorized home, travel trailer, automobile chassis, tent, or the like, shall not be considered to constitute a dwelling unit.

Dwelling, multiple or multiple-family. A building designed and intended for use as a residence for three (3) or more families living independently of each other.

Dwelling, single-family attached. A row of three (3) or more attached one-family dwelling units erected side by side as a single building and having separate ingress and egress for each, and no side yards excepting end units, each of which have one (1) side yard.

Dwelling, single-family. A detached, freestanding building, containing one (1) dwelling unit.

Dwelling, two-family. A detached freestanding building, designed or redesigned and intended for occupancy by two (2) families, independent of each other, such as a duplex.

Earth berm. A mound of earth, planted with [ground cover](#), grass, trees, or other landscaping material intended to minimize the view of parking areas and to reduce noise and dust from adjacent uses and passersby.

Efficiency unit. A dwelling unit consisting of one (1) room in addition to a bathroom, kitchen, hallway, closet, or dining alcove.

Enclosed mall. A shopping center wherein all stores, offices, shops, walkways and corridors are enclosed under a common roof, and all serviced by a common means of access for retail purposes.

Erected. Means and includes the words built, constructed, reconstructed, moved upon, attached, placed, suspended, affixed, or any physical operations on the premises required for the building or structure. Excavations, fill, drainage, and the like shall be considered a part of erection.

Essential services. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Excavating. The removal or movement of soil, sand, stone, gravel or fill dirt.

Family. Means either of the following:

1. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling; or
2. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the zoning administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6) . Such presumption may be rebutted by application to the Planning Commission for a [special land use](#) based upon the applicable standards in this Ordinance.

Farm buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

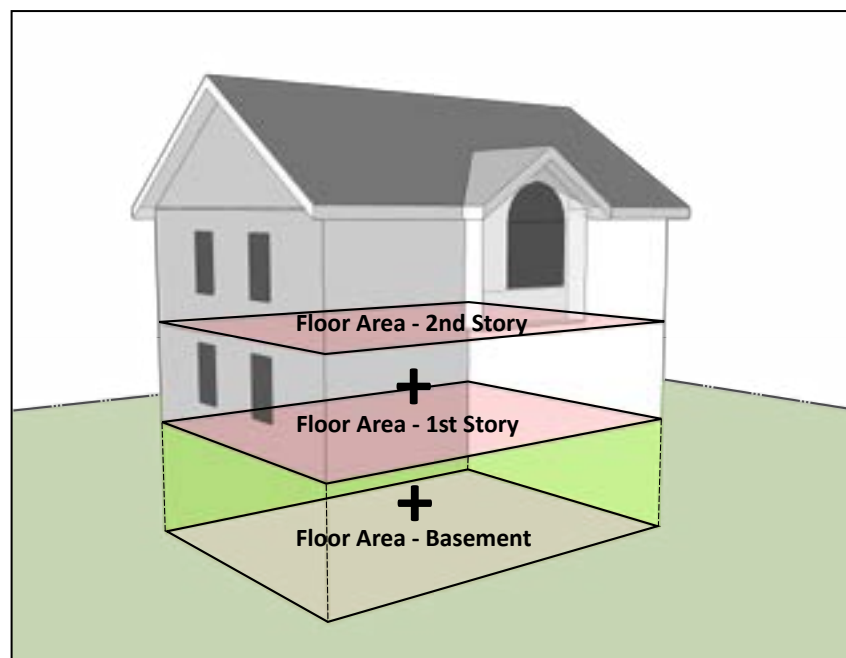
Farms or farm lots. All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry or pigeon farms, and apiaries.

Fence. Any permanent partition, structure or gate erected as a dividing marker, barrier or enclosure.

Filling. The depositing or dumping of any matter onto or into the ground, except common household gardening.

Floor area, gross. The sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior walls or from the centerline of walls separating two buildings. In particular, floor area includes: basement space; elevator shafts or stairwells; floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches, and accessory buildings; attic floor space (whether or not floor has been laid) providing structural headroom of seven feet six (7'6") inches. Floor area shall not include elevator or stair bulkheads, accessory water tanks, or cooling towers; uncovered steps, or attic floor space less than seven feet six (7'6") inches high. Covered but unenclosed portion of porches, terraces or breezeways shall have their floor area computed as fifty percent (50%) of the actual floor area. Uncovered and unenclosed porches, terraces, or breezeways shall have their floor area computed at twenty-five percent (25%) of the actual floor area.

Figure 2.02-3 Floor Area, Gross Definition



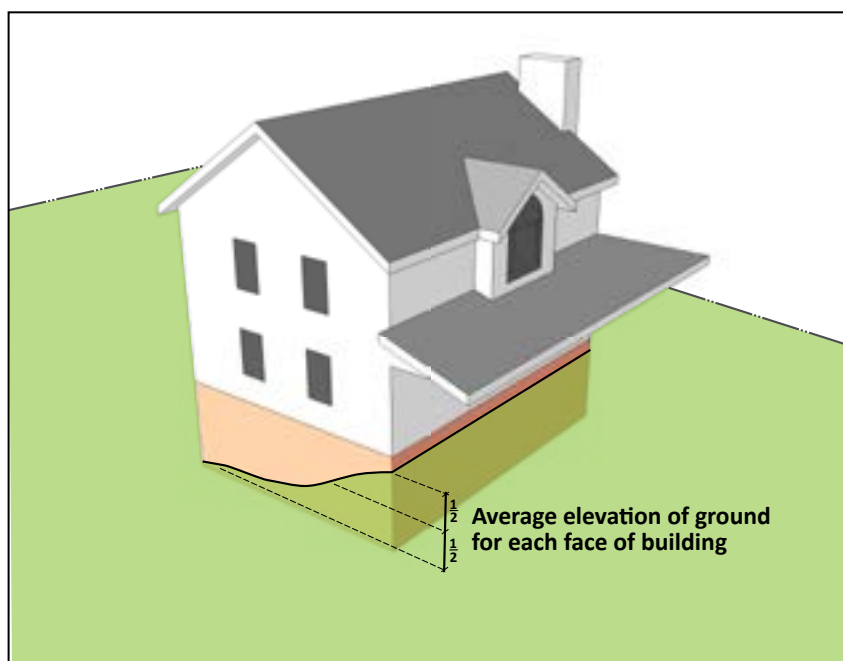
Floor area, usable (for the purposes of computing parking). That area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. One-half of such floor area that is used principally for the storage or processing of merchandise, such as hallways, basements, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Floor area, usable (for the purpose of determining building size). All horizontal floor area within the enclosed living space of a dwelling unit, measured from the interior faces of the exterior walls; provided that usable floor area shall not include basements, cellars, unfinished attics, garages, breezeways, enclosed and unenclosed porches, space used for off-street parking, elevators, accessory structures and utility rooms.

Glare. Lighting entering the eye directly from lighting fixtures, or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

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

Figure 2.02-4 Grade Definition



Greenbelt. A landscaped area, established at a depth equivalent to the minimum required front yard setback within a zoning district, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use.

Gross vehicle weight. The empty weight of a vehicle or combination of vehicles, fully equipped for service, plus the weight of the maximum load which the owner has elected to carry on such vehicle or combination of vehicles as required to be indicated on the vehicle's registration issued pursuant to the laws of the state.

Ground cover. A low-growing deciduous and/or evergreen species chosen for a very low, spreading green cover, usually dense and rapid-growing, reaching a height of three (3) feet or less at maturity.

Groundwater. The water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

Hazardous substances. Includes hazardous chemicals as defined by the state department of community health and the state department of labor and economic growth; flammable and combustible liquids as defined by the department of state police, fire marshal division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the state department of environmental quality. Petroleum products and waste oil are subject to regulation under this section.

Home for the Aged. A supervised personal care facility at a single address, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to 21 or more unrelated, nontransient, individuals 55 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 55 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home. Home for the aged does not include an area excluded from this definition by section 17(3) of the continuing care community disclosure act, 2014 PA 448, MCL 554.917.

Home occupation. Any use customarily conducted on a residentially-used property and carried on by the inhabitants thereof, which use is clearly incidental or secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, subject to the standards of this Ordinance. Instruction in craft or fine art is considered a home occupation as required by MCL 125.3204. Medical offices and clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, and millinery shops shall not be deemed to be home occupations. The following types of home occupations shall have the following meanings:

1. Class I home occupation. A home occupation limited to a home office, telecommuting, catalog business, professional services, internet business or similar use that is conducted by a resident that is significantly incidental to the residential use with no visible evidence of the home occupation.

2. Class II home occupation. A home occupation that is clearly incidental or secondary to the residential use, but which may include some visible evidence of the home occupation, including multiple onsite customers, limited outdoor storage, and may create greater impacts on the surrounding properties or area.

Hospital. An institution providing health services, primarily for in-patients and medical and 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.

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

Housing for the elderly. A building or group of buildings containing dwellings intended to be occupied by elderly persons as defined by the Federal Fair Housing Act, as amended. Housing for the elderly may include independent and/or assisted living arrangements but shall not include convalescent homes or homes for the aged regulated by the state. The following additional definitions shall apply in the application of this Ordinance:

1. **Assisted living for the elderly.** Housing that provides twenty-four (24) hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents shall receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation, security and housekeeping. Individual dwellings may contain kitchen facilities.
2. **Independent living for the elderly.** Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping and recreational and social activities. Project sites shall be Designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

Illuminance. The density of the luminous flux incident on a surface; it is the quotient of the luminous flux by the area of the surface when the latter is uniformly illuminated.

Incombustible material. Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Junk. Any motor vehicles, machinery, appliances, product, or merchandise with parts missing or scrap metals, or other refuse, or parts of any of the above named or enumerated items, such as fenders, motors, electric motors, and like materials.

Junkyard. Includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, and or all discarded goods, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles, or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kenel. Any lot or premises of any nature whatsoever, on which four dogs, four months or more old, are kept, whether for the purpose of breeding, or for any other purpose whatsoever, whether permanent or temporary.

Keyhole water access. The use of property that adjoins or extends into a lake for water access by owners or occupants of other property that does not adjoin or extend into a lake.

Laboratory. A place devoted to experimental, routine study such as testing and analytical operations and in which manufacturing of products, except prototypes, is not performed.

Lake. A natural or man-made water body and includes navigable tributaries of a lake, such as canals, rivers and streams.

Lamp. A source of optical radiation, often called a “bulb” or “tube,” such as incandescent lamps, fluorescent lamps, high-density discharge (“HID”) lamps, and low pressure sodium (“LPS”) lamps, as well as light-emitting diode (“LED”) modules and arrays.

Landscaping. Any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, screening, or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Light fixture. A complete lighting unit consisting of one or more lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply. Sometimes this includes ballasts or drivers, and photocells.

Light trespass. Lighting that falls beyond the boundaries of the property it is intended to illuminate.

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

Lot. A parcel or description of land occupied or intended for occupancy by a use permitted in this Ordinance, including one or more main buildings with their [accessory buildings](#), and providing the open spaces, [parking spaces](#), and loading spaces required by this Ordinance.

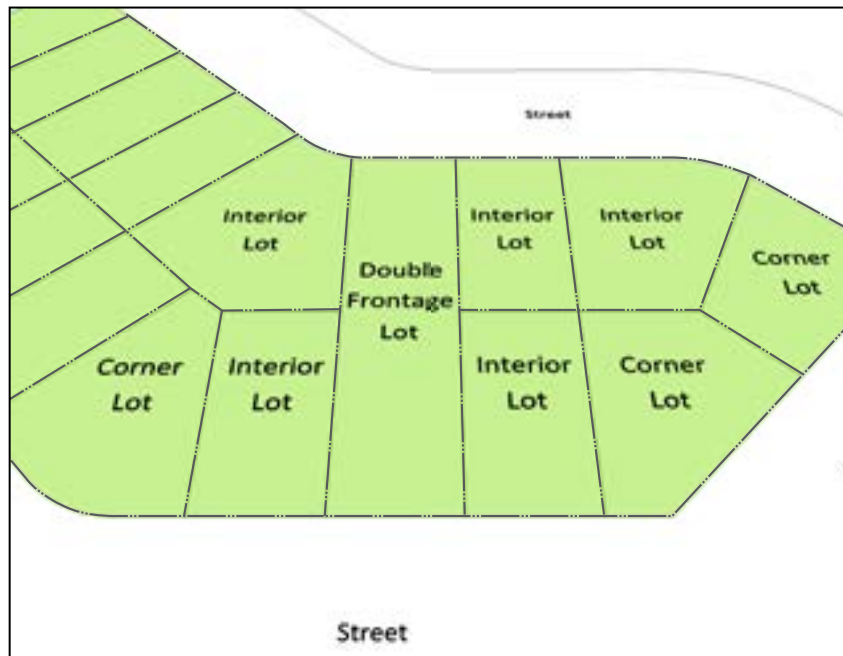
Lot area. The total horizontal area within the [lot lines](#) of a lot.

Figure 2.02-5 Lot Area Definition



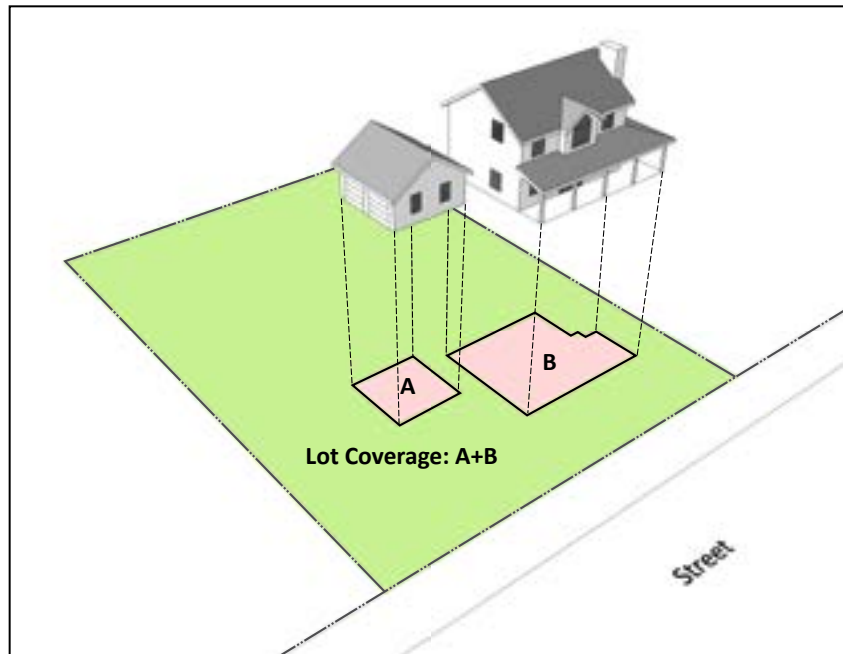
Lot, corner. A lot located at the intersection of two (2) or more streets.

Figure 2.02-6 Lot, Corner Definition



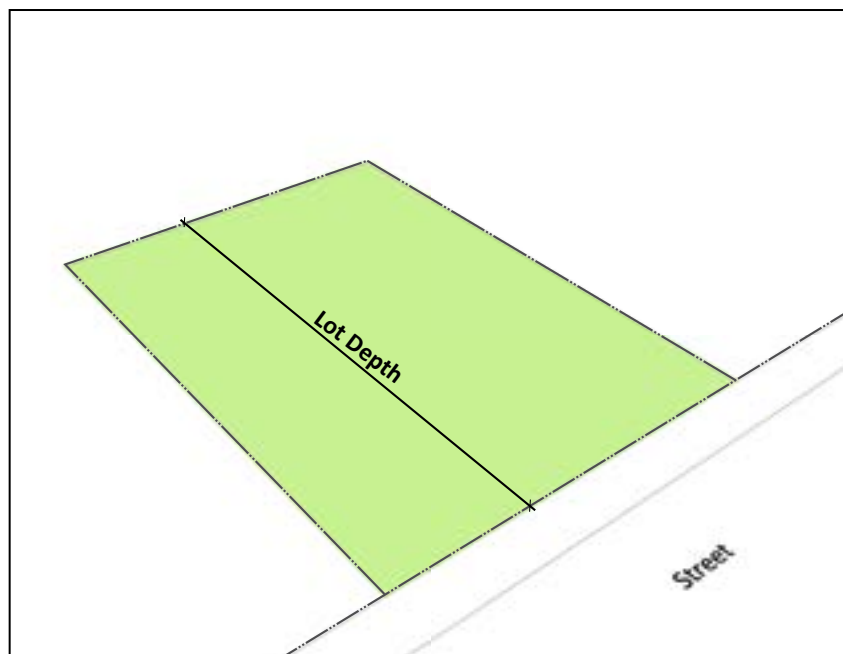
Lot coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Figure 2.02-7 Lot Coverage Definition



Lot depth. The mean horizontal distance from the front street line to the rear line.

Figure 2.02-8 Lot Depth Definition



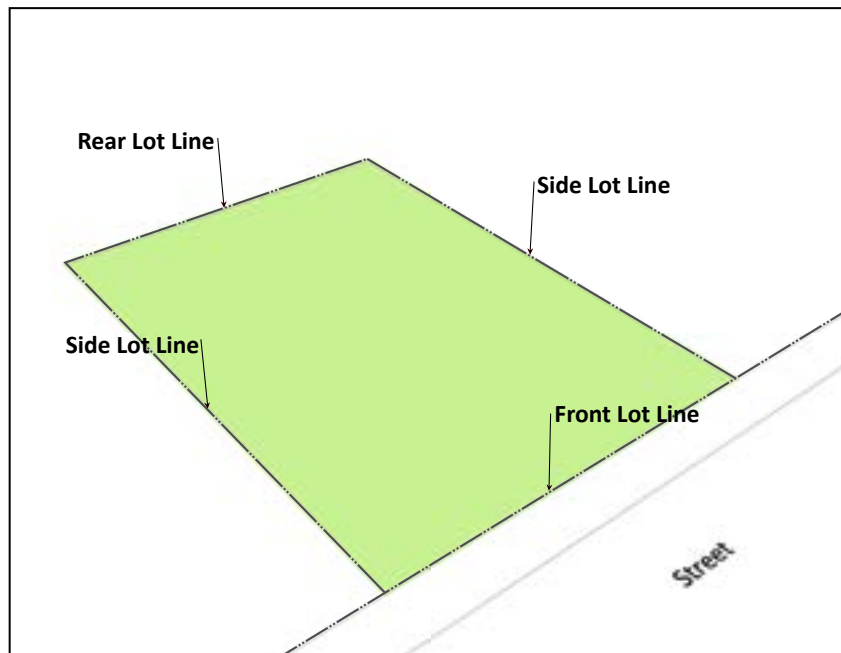
Lot, double frontage. A lot other than a **corner lot** having frontage on two more or less parallel streets.

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

Lot line. A line dividing one lot from another, or from any other piece or parcel of property of whatever nature, or from a street, or from any other use of any kind whatsoever.

1. **Front lot line.** In the case of an **interior lot** abutting upon one public or private street, the front lot line shall mean the line separating such lot from such 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 principal frontage in the request for a building permit. In the case of a **corner lot**, the front lot line shall be that line separating said lot from both street frontages.

Figure 2.02-9 Lot Line Definition

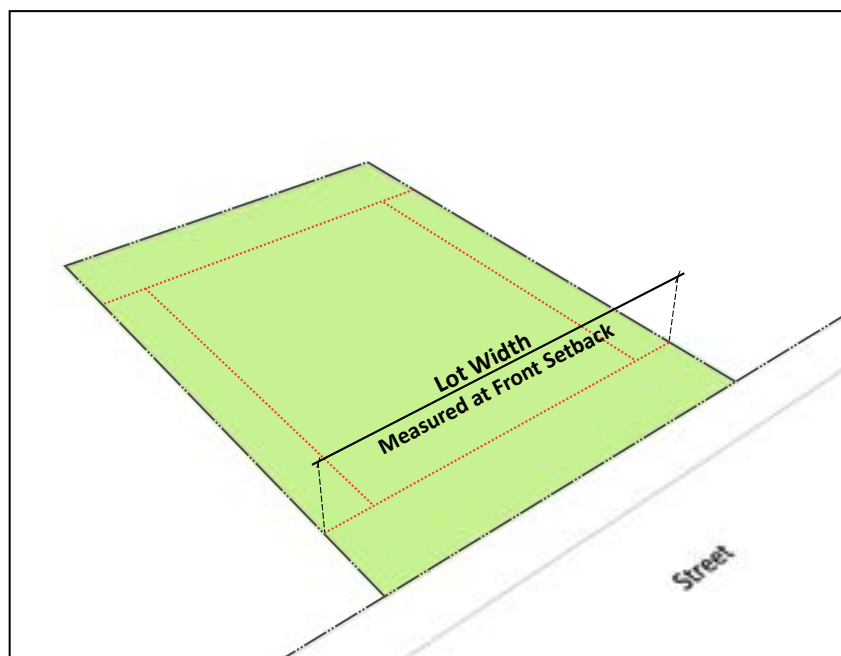


2. **Rear lot line.** Ordinarily that **lot line** that is opposite and most distant from the front lot line of the lot. In the case of an Irregular triangular, or gore-shaped lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In the case of a **double frontage lot**, the rear lot line shall be that lot line opposite the front lot line, as designated as the principal frontage in the request for a building permit.
3. **Side lot line.** Any **lot lines** not a front line or a rear lot line. A lot line separating a lot from a street is a front street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of record. A lot which actually exists within a subdivision plat or a lot or parcel described by metes and bounds, the description of which has been recorded in the county register of deeds. Whenever an owner has combined two or more lots as contained on any recorded plat into a single building site, or combined two or more lots contained on any recorded plat on the records of the Township assessor or treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot width. The horizontal distance between the side lot lines, measured at the two points where the building line, which is the front setback, intersects the side lot lines.

Figure 2.02-10 Lot Width Definition



Low-impact development. Site design and stormwater management techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source, and that result in maintaining a site's presettlement hydrology.

Lumen. The unit of measure used to quantify the amount of light produced by a lamp or emitted from a light fixture (as distinct from "watt" or other measure of a lamp's power consumption).

Luminaire. A complete lighting unit.

Marihuana. The term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marihuana Act ("MMMA"), PA 2008, Initiated Law 1, MCL 333.26423(d).

Marihuana establishments. 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.

Medical Use of Marihuana. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

Mobile home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence.

Mobile home park. A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel. A series of attached, semi-attached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

Motorized home. A self-propelled motor vehicle that provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

Motor vehicle collision repair. A business that provides for the general repair, rebuilding or reconditioning of motor vehicle bodies and collision service such as body, frame, fender straightening and repair.

Motor vehicle fueling station. A facility limited to retail sales of gasoline, motor oil, lubricants, and travel aids, and may include convenience food and beverages, but shall not include a restaurant and/or drive-through facility.

Motor vehicle repair. A business which provides for the repair of motor vehicles in one or more of the following respects: mechanical, electrical, cooling, heating, exhaust, power, braking, suspension and steering systems, windshield and glass replacement, rust-proofing and auto body protection and appearance reconditioning; and may offer for sale and installation of materials and parts for a motor vehicle normally obtainable in a motor vehicle service station. Motor vehicle repair shall not include operations such as bumping, welding, reshaping, resurfacing, sanding, and paint spraying to restore wrecked or damaged vehicles.

Motor vehicle service station. A building or structure designed or used as a place of business for sale to the general public of fuels, lubricants, air, and water and may include other operating

commodities for motor vehicles, and may also include the customary space and facilities for the installation of such commodities on or in such vehicles. A motor vehicle service station shall not include a private storage tank or tanks intended for the dispensing of such products above described where the storage is maintained for the use or benefit of the owner, lessee, agents or employees of either, and not for sale to the general public; and, shall not include motor vehicle collision repair.

Motor vehicle wash. A business that provides either automated, hand or self-serve washing and/or waxing of motor vehicles.

Natural features. A wetland, as defined in Chapter 18, Article IV of the Charter Township of Independence Code of Ordinances and a watercourse a lake, pond, river, stream, or creek.

Nonconforming lot. Any lot, outlot, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance.

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

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

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

Nursery school. A public or private school, kindergarten, or child care facility wherein day care or day care and education is provided for five (5) or more minors under the age of seven years.

Occupied. Means and includes the following words: arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-street parking lot. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two (2) automobiles.

Opacity. The state of being impervious to sight.

Opaque fencing wall. A nontransparent decorative barrier intended to screen from view of adjoining neighbors or roadways the contents of the site.

Open air business uses. Includes any of the following businesses when said business is not conducted from a wholly enclosed building:

1. Bicycle, trailer, motor vehicle, boats, or home equipment sale or rental services;
2. Outdoor display and sale of garages, swimming pools, and similar uses;
3. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment; and
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, amusement parks, or similar recreational uses.

Open storage. All outdoor storage of any kind whatsoever.

Ordinary high-water mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as a result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Owner. As used in the definition of “gross vehicle weight,” means:

1. Any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of greater than thirty (30) days; and
2. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgager shall be deemed the owner.

Parking space. An area meeting the dimensions required by this Ordinance, providing parking for a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits.

Performance standards. Those BMPs and engineering and regulatory controls contained within the provisions of the this Ordinance.

Permanent den. A permanently enclosed and integrally connected room in a dwelling unit to which heating is furnished by the same means as the rest of the dwelling unit.

Person. Any individual, partnership, association or corporation or other entity to which the law assigns rights, duties, and responsibilities.

Place of worship. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all [accessory buildings](#) and uses customarily associated with such primary use.

Planned rezoning overlay conditions. Conditions proposed by the [applicant](#) and approved by the Township as part of an approval under this section, which shall constitute regulations for and in connection with the development and use of property approved with a planned rezoning overlay in conjunction with a rezoning. Such planned rezoning overlay conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO agreement), and may include some or all of the following in addition to conditions imposed by the Township under MCL 125.3504.

Planned shopping center. Two or more commercial or service establishments within a structure or group of structures bound by a common architectural style and served by common parking area.

Planned unit development. Both a form and process of development, the approval of which is based upon a specific [site plan](#) and other information meeting the standards set forth in this Ordinance. A planned unit development project is characterized by a unified site design and singular ownership and control.

Plant material. A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines, and [ground cover](#).

Porch, enclosed. A covered projection on a building which is totally enclosed by walls, windows, and/or screens and has a separate roof or a roof which is integral with the principal building to which it is attached.

Porch, open. An uncovered, and unenclosed projection on a building, which is integral with the principal building or structure to which it is attached.

Portable Storage Container. A portable, weather-resistant receptacle designed and used for the temporary storage and/or shipment of household goods or building materials. This term shall not include roll-off or [cargo containers](#).

Private access property. A site that is directly adjoined to and part of a single-family residential subdivision or [condominium](#) development and under the jurisdiction of a condominium association or subdivision association, which site is used, or proposed to be used, to provide water access exclusively to owners or occupants of residential units within the subdivision or condominium association.

PRO agreement. A written agreement approved and executed by the Township and property owner, incorporating a PRO [site plan](#), and setting forth planned rezoning overlay conditions, conditions imposed pursuant to MCL 125.3504 and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a rezoning with planned rezoning overlay.

Public access. A site for water access provided by the state or any political subdivision thereof, a commercial marina or other property owner for the use of the general public whether with or without charge.

Public utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, county or municipal regulations, to the public, electricity, gas, steam, communication, telegraph, transportation, water or sewer services.

RCRA. The Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq., as amended).

Recreational vehicle. A vehicle which moves one or more persons over the ground, water, ice or snow, and which is either self-propelled or connects to a vehicle which is self-propelled. The term “recreational vehicle” includes, but is not limited to, snowmobiles, camping vehicles, ATVs, motorcycles and related two-wheel, three-wheel or four-wheel vehicles, mini-bikes, go-carts, boats, and iceboats; however, it does not include automobiles licensed by the state to travel upon the streets and highways.

Registered Primary Caregiver. A registered primary caregiver, as defined in the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

Registered Primary Caregiver Operation of “Caregiver Operation.” The location where a Registered Primary Caregiver in possession of a valid registry identification card is permitted to assist a qualifying patient to whom he or she is connected through the Michigan Department of Community Health’s registration process with the medical use of marihuana in certain industrial districts, subject to the restrictions in Section 8.23 of this Ordinance.

Registration. Registration certificate or certificates and registration plates issued under the laws of the state pertaining to the registration of motor vehicles.

Regulated Substances shall include:

1. 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;
2. **Hazardous Waste**, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended;
3. **Hazardous Substances**, 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;

4. Radiological materials; and
5. Biohazards.

Regulated Substances shall not, however, include:

1. Substances in an amount equal or less than 2,200 pounds that are in an area capable of fully containing a total release of said substance or an area that would drain the substance to a wastewater treatment system, excluding septic tanks systems, capable of treating the released substance(s);
2. Substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than twenty-four (24) hours;
3. Substances, such as gasoline or oil, in operable motor vehicles or boats so long as used solely for the operation of the vehicle, but not the tanker portion of a tank truck;
4. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
5. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
6. Substances contained within electrical utility transformers/switches; or
7. Substances used in construction for which all necessary permits have been obtained, and in accordance with [Article 11, Environmental Standards](#) of this Ordinance.

Release, in the context of [Section 11.02.D](#). The spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one (1) or more regulated substances upon or into any land or water within a capture zone; and release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term “release” when used and applied herein does not include:

1. Disposal in accordance with all applicable legal requirements, including those in RCRA and CERCLA, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
2. Disposal of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit;
3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;

4. Disposal, in accordance with all legal requirements, of “sanitary sewage” to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Oakland County Environmental Health;
5. A release for which there is no obligation to report under Federal, State, or other local regulations that occurs on an impervious ground surface (e.g. building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g. unpaved), a dry well, a storm sewer, or surface water body; or
6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under the “Generally Accepted Agricultural Management Practices,” and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture.

Restaurant. Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food, standard restaurant, or bar/lounge, or combination thereof. The following additional definitions shall apply:

Restaurant, drive-through. A restaurant the method of operation which includes the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

Restaurant, fast-food. A restaurant the method of operation which involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is intended to be served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not intended to be consumed in a motor vehicle at the site.

Restaurant, standard. A restaurant the method of operation which involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
2. The preparation of food to be delivered to customers at a cafeteria line and subsequently consumed by the customers at tables within a completely enclosed building.

Riparian owner(s). A person who owns fee title to property that adjoins or extends into a lake or water body.

Roadside stand. A temporary building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his or her family, and its use shall not make it into a commercial district land, which would otherwise be agricultural, nor shall its use be deemed a commercial activity.

Seasonal activity. Any intermittent or temporary operation which occurs annually and is subject to interruption from changes in weather, water level, or time of year, and shall involve annual removal and replacement of an operation, obstruction, or structure.

Seasonal lighting. Lighting in use for not longer than a six-week period in any calendar year.

Seasonal structure. Any type of recreational structure that is placed into an inland lake and stream and removed at the end of the boating season.

Self-storage facility. A building or group of buildings containing fully enclosed, compartmentalized stalls or lockers which are rented or leased as individual units for the storage of personal property customarily related to residential, office and/or local commercial activities.

Semi-trailer. Every vehicle with or without motive power, other than a pole-trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that its load rests upon or is carried by another vehicle.

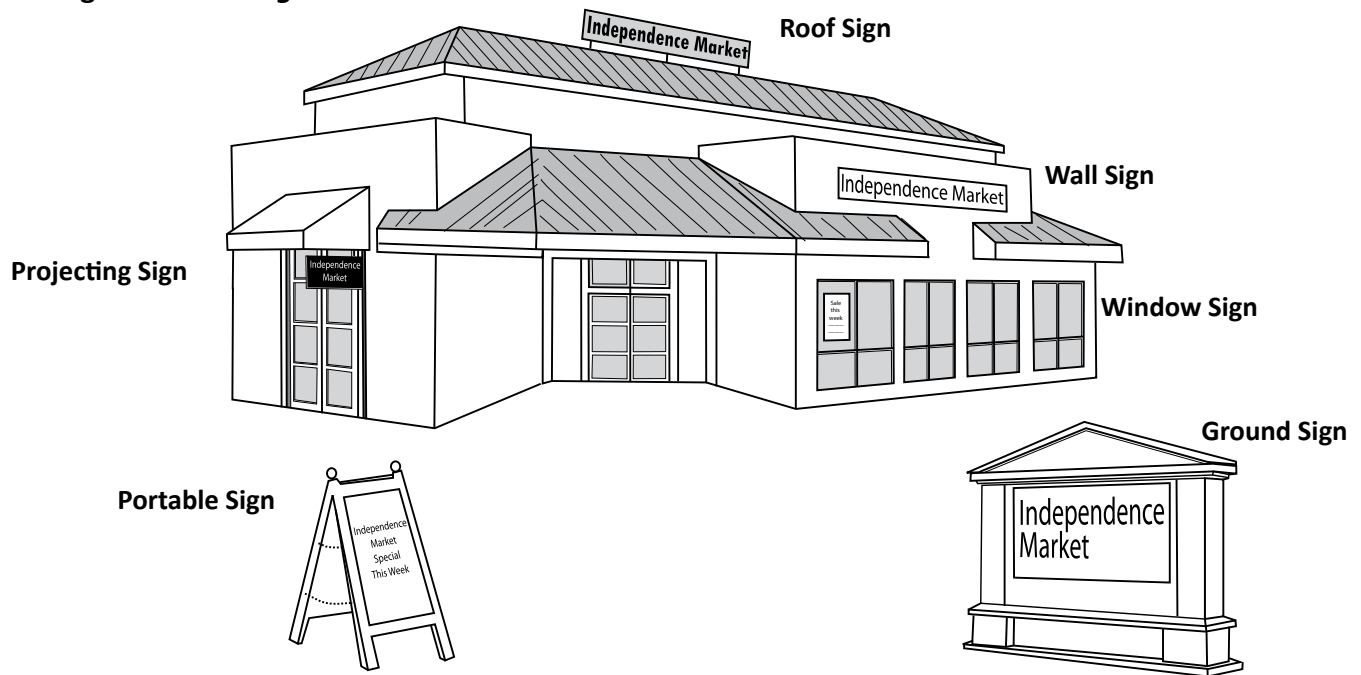
Setback. The minimum horizontal distance between the building or structure, excluding steps and unroofed porches, and the adjacent property line, **lot line**, right-of-way, or easement if for ingress and egress.

Shopping center. A group of three (3) or more stores, offices, or shops selling merchandise or services and served by a common off-street automobile parking area, which is located on private property.

Shrub. A self-supporting deciduous and/or evergreen woody species, normally branched near the base and bushy.

Sign. A structure, wall or other object which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land which displays a message and which is visible from any public street, sidewalk, alley, park, or public property. The term includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The term does not include goods displayed in a business window.

Figure 2.02-11 Sign Definition



Sign, Billboard. Any sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located; also called a remote sign.

Sign, Electronic Message (EMS). A sign or portion of a sign, that displays an electronic image or video, which may or may not include text, introducing any sign or portion of a sign that uses changing lights or similar forms of electronic display such as LED to form a sign message with text and or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes without limitation television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays. The following additional definitions shall apply to an EMS:

Display Time: The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve: A mode of messaging transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Dynamic Frame Effect: An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Fade: A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame: A complete, static display screen on an Electronic Message Sign.

Frame Effect: A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

LED: Light emitting diode.

Scroll: A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

Transition: A visual effect used on an Electronic Message Sign to change from one message to another.

Travel: A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

Sign, Ground. A sign that is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.

Sign Illuminance. The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot).

Sign, Logograph. A sign which consists of symbols, words, pictures, letters or other graphic elements arranged in a generally recognizable fashion used to represent a particular trade, corporation, profession or business; including, but not limited to, corporate emblems, trademarks, logos and barber poles. Any words or letters included in a logograph shall be incidental to the graphic elements.

Sign, Marquee. A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

Sign, Portable temporary. A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, easily movable, not mounted on wheels, and not permanently attached to the ground.

Sign, Projecting. A sign which is affixed to any building or structure other than a marquee and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.

Sign, Real estate. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

Sign, Roof. Any sign wholly erected to, constructed or maintained on the roof structure of any building.

Sign, Supplemental ground. An accessory sign affixed to a ground sign, intended to be used for communicating messages anticipated to be changed or removed from time to time.

Sign Surface. That part of the sign upon, against, or through which the message is displayed or illustrated.

Sign, Wall. Any sign that shall be affixed parallel to the wall or printed on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. A wall sign shall also include an illuminated window sign.

Sign, Window. Any sign installed inside a window and intended to be viewed from the outside.

Site condominium. A condominium development containing uses permitted in the zoning district where located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions shall apply in the application of the regulations of this Ordinance:

1. **Building envelope.** The ground area occupied, or to be occupied by the principal structure which is placed, or is intended to be placed, on a building site, together with any attached accessory structures, e.g., house and attached garage.
2. **Building site.** The condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counterpart of "lot" as used in connection with a project developed under the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.).

Site plan. A plan showing all salient features of a proposed development, as required under Article 6, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. The processing of a site plan will include a conceptual and/or final approval as may be appropriate.

Soil removal. Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, except common household gardening and general farm care.

Special land use. Permitted use after special approval by the Planning Commission as set forth in Article 7 and other applicable sections of this Ordinance.

Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, mobile office trailers, mobile tool shed trailers, mobile trailer units used for housing stationary construction equipment, ditch-digging apparatus, well-boring and well-servicing apparatus. The foregoing enumeration shall be deemed

partial and shall not operate to exclude other such vehicles that are within the general terms of this definition.

Speed exhibition. A display, demonstration, spectacle, show, or function, where one or more motor vehicles or animals are competing against time or against one or more other motor vehicles or animals, and to which spectators or observers are permitted admission in exchange for the payment of consideration, and, further, all operation of motor vehicles on the premises ancillary to the operation of the principal use as described above, for time trials, warm-ups, practice and/or any other purpose (except employee and/or spectator parking) whether or not spectators or observers are present or permitted for such ancillary activity.

Spill contingency plan. A written site-specific plan conforming to the requirements and standards of this Zoning Ordinance as set forth in [Article 6, Site Plan Review](#), and [Section 11.02, Environmental Standards](#), and including the documentation of: general site operations; Regulated Substance storage areas; potential for releases of Regulated Substances and an analysis of the potential destination of such releases; and procedures to be followed in the event of a release.

State equalized valuation. The value shown on the Township assessment roll as equalized through the process of state and county equalization.

State licensed residential facility. Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or public Act 218 of 1979. These acts provide for the following types of residential structures:

1. **Adult foster care facility.** A governmental or non-governmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided by these rules:
 - a. **Adult foster care family home.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 - b. **Adult foster care small group home.** An adult foster care facility with the approved capacity to receive not more than twelve (12) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.

- c. **Adult foster care large group home.** An adult foster care facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
 - d. **Adult foster care congregate facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care. Local zoning approval is required prior to issuance of a license.
2. **Foster family home.** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Consumer and Industry Services.
 3. **Foster family group home.** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a foster family group home requires local zoning approval before being licensed by the Department of Consumer and Industry Services.

Story. That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it.

1. A “mezzanine” shall be deemed a full story when it covers more than 33-1/3 percent of the area of the story underneath said 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.
2. A basement or cellar shall be counted as a story if over fifty percent (50%) of its height is above the grade level from which the height of the building is measured, or, if it is used for business purposes, or, if it is used for dwelling purposes by other than a janitor or domestic servant employed in the same building including the family of the same.

Street. A thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

Street system. The classification of streets and highways by their diverse functions and design. The following additional definitions shall apply in the application of this Ordinance:

1. **Expressway or freeway.** A highway for through-traffic with full or partial control of access and generally with grade separations at intersections.
2. **Arterial Street.** A street that provides through-traffic movement on a continuous route joining major traffic generators, other arterials, expressways, and freeways. The access to abutting properties may be controlled.

3. **Collector Street.** A street that provides service for internal traffic movement within an area and connects local streets to arterial streets. Direct access to adjoining properties generally permitted.
4. **Local Street.** A street that provides for traffic movement within an area, primarily for the provision of direct access to abutting properties.

Structural alteration. Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

Structure. Anything constructed or erected which requires a permanent location on the ground or attachment to something having such location.

Subdivide or subdivision. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the land division act by sections 108 and 109 (MCL 560.108, 560.109). The term “subdivide” or “subdivision” does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the land division act or the requirements of an applicable local ordinance.

Sustainable building. Construction that integrates building materials, siting, and other methods that promote environmental quality, energy conservation, and economic vitality.

Swimming pool. An artificially constructed portable or non-portable pool or container capable of being used for swimming, wading, or bathing or any combination thereof, wholly outside a permanently enclosed and roofed building.

Temporary building and use. A structure or use permitted by the building inspector to exist during periods of construction of the main use or for special events, not to exceed twelve (12) months.

Tents. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children’s recreational purposes.

Terrace. An open, uncovered level space at ground level that is either natural or manmade. A terrace may be surfaced with paving material.

Trailer. Every vehicle with or without motive power, other than a pole-trailer, designed for carrying property or persons and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Travel or transit trailer park. A parcel of land that has been planned and improved for the placement of travel or transit trailers.

Tree. A self-supporting deciduous and/or evergreen woody species with a well-defined stem, or multi-stems.

Truck trailer. Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Use. The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

Vine. A type of woody-stemmed plant chosen for its habit of climbing, creeping, twining around supports and flat surfaces.

Violation. Any act that is prohibited or made or declared to be unlawful or an offense under this Ordinance, including affirmative acts as well as omissions and/or failure to act where the act is required by this Ordinance.

Water access. The launching, mooring and/or docking of watercraft.

Watercraft. A boat, pontoon, jet ski or other motorized craft for use on the water having a motor, engine or other machinery of more than five horsepower or the equivalent, and shall also mean and include a "personal watercraft" as defined in the Marine Safety Act, Act 303 of the Public Acts of 1967, as amended.

Wellhead. Any Township-owned well used for supplying public water.

Wireless communications facilities. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including those of a public utility. 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 private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities, federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

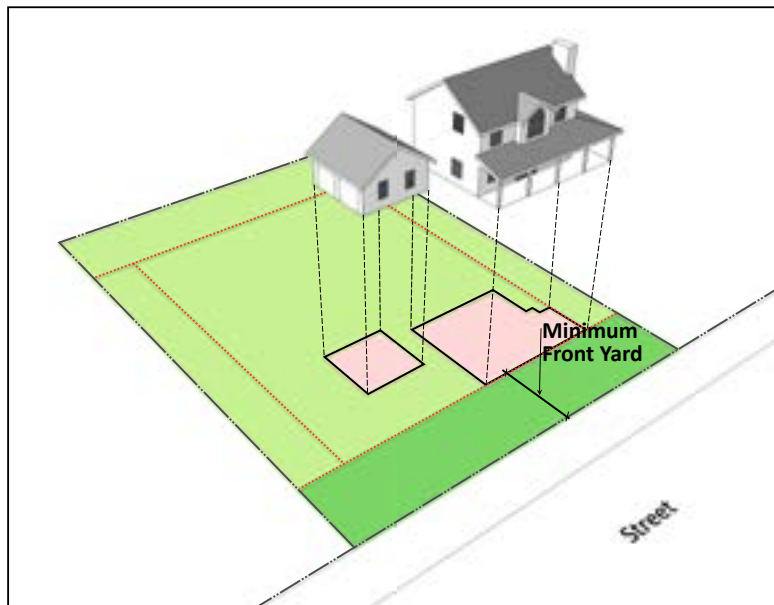
The following additional definitions shall apply in the application of the regulations of this Ordinance:

1. **Attached wireless communications facilities.** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. **Collocation.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.
3. **Wireless communication support structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Yard. An open unoccupied space on the same lot with a building extending along the entire length of the street, or rear, or interior lot line.

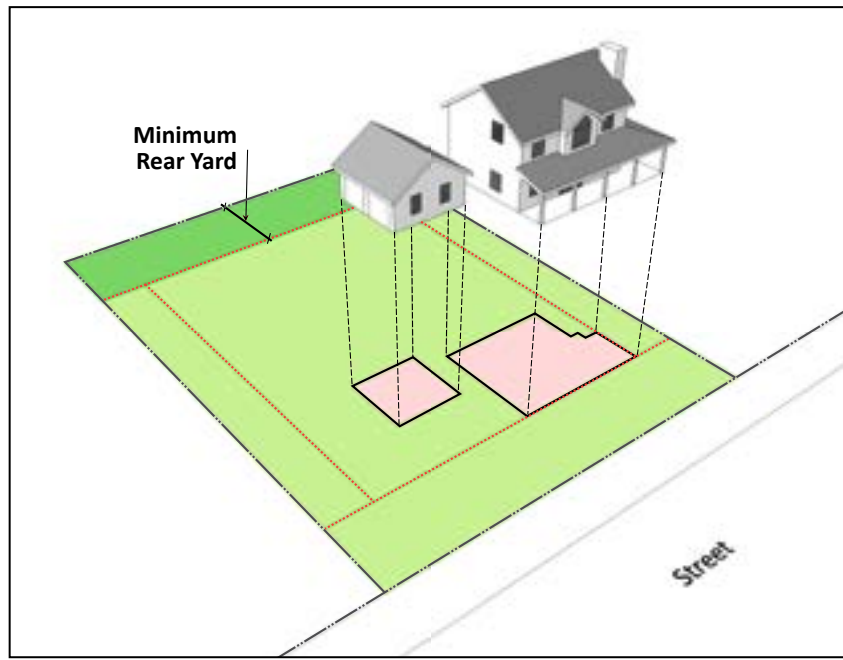
Yard, front. A yard extending the full width of the lot, the depth of which is the minimum required horizontal distance between the front lot line and the nearest point of the main building.

Figure 2.02-12 Yard, Front Definition



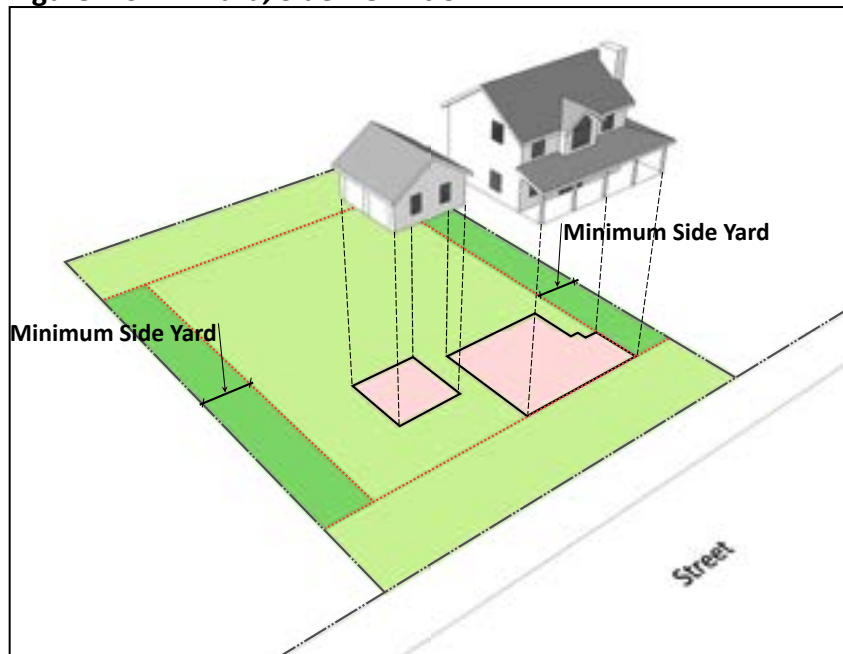
Yard, rear. A yard extending across the full width of the lot, the depth of which is the minimum required horizontal distance between the rear lot line and the nearest point of the main building.

Figure 2.02-13 Yard, Rear Definition



Yard, side. A yard extending from the front yard to the rear yard, the width of which is the minimum required horizontal distance between the side lot line and the nearest point of the main building.

Figure 2.02-14 Yard, Side Definition



Zoning Administrator. The administrative official ([Building Official](#)) appointed by the Township Board charged with the responsibility of enforcing this Ordinance.

Zoning Board of Appeals. As used in the Ordinance meaning the Charter Township of Independence Zoning Board of Appeals.

Zoning district. A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within certain yards, open spaces, lot areas, and other requirements are established by this Ordinance.

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ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

SECTION 3.01 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or any other employees, inspectors, and officials as the Township Supervisor may delegate to enforce the provisions of this Ordinance.

SECTION 3.02 DUTIES OF THE ZONING ADMINISTRATOR

The duties and responsibilities of the Zoning Administrator shall include the following:

- A. Receive and review for completeness all applications for [site plan](#) review, [special land uses](#), planned unit developments, or other matters that the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission, and where applicable, the Township Board for determination.
- B. Receive and review for completeness all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- C. Receive and review for completeness all applications for text or map (rezonings) amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- D. Make periodic site inspections to determine compliance with this Ordinance.
- E. Implement the decisions of the Planning Commission, Zoning Board of Appeals, and Township Board.
- F. Investigate complaints regarding violations of the Zoning Ordinance.

SECTION 3.03 DUTIES OF THE BUILDING OFFICIAL

- A. In addition to performing the duties of the Zoning Administrator, the [Building Official](#) shall have the authority to issue permits and make inspections of buildings and premises in order to carry out his duties as provided in this section. The Building Official shall not approve any plans and/or issue any permits for excavating or construction until he/she has inspected such plans in detail and found them to be in conformity with this Ordinance.

- B. A permit shall be issued by the **Building Official** if the application conforms in all respects with this Ordinance, and with all other applicable ordinances, statutes and regulations. Private contracts, covenants and restrictions, in and of themselves, shall not be a basis for denial of a permit. Where the Building Official determines to deny an application for a permit, he/she shall state in writing the reasons for such denial.
- C. The **Building Official** shall not have authority to grant exceptions or variances to the strict terms of this Ordinance, and in the event of the issuance of a permit in violation of this Ordinance, such issuance shall not, in any respect, waive any provision of this Ordinance. A person shall not have the right to rely upon the issuance of a permit as a basis for violating the terms of this Ordinance.

SECTION 3.04 PERMIT

- A. **Permits Required.** It shall be unlawful for any person to commence excavation for or construction of any building or structure, to make structural changes or repairs of or in any existing building or structure, to move an existing building or structure or to engage in grading, stripping of topsoil, excavation or road construction activities without first obtaining a permit from the **Building Official**.
- B. **Zoning Compliance Permits.**
 - 1. **Permit Requirements.** The certification of zoning compliance signifies that, in the opinion of the Zoning Administrator, the intended use, building or structure complies with all the provisions of this Ordinance. No building permit shall be issued unless certification of zoning compliance have been issued. It shall be unlawful to change a type of use of land, to change the type of use or occupancy of any building or structure, or to extend any use on any lot on which there is a non-conforming use or structure, until a certification of zoning compliance has been issued. No occupancy permit shall be issued for any lot, building, or structure that does not have a certification of zoning compliance.
 - 2. **Activities not Requiring Permit.** Certification of zoning compliance permit shall not be required for the following:
 - a. Uses which do not require a site plan as set forth in Article 6.
 - b. A project conducted to provide barrier free access to or within a building required under State or Federal law.
 - c. A project to restore or repair a building or structure that has been determined by the Building Official to be physically unsafe or unlawful due to lack of repairs or maintenance into a safe condition in compliance with applicable building codes.

3. **Standards for Issuing Zoning Compliance Permit.**

- a. Certification of zoning compliance shall not be issued unless it is determined by the Zoning Administrator that the use is allowable in the Zoning District in which it is located.
 - b. Prior to issuing a certification of zoning compliance, the Building Official and Zoning Administrator shall determine the minimum level of improvements necessary to bring the site into compliance with applicable zoning regulations and with any site plan approved by the Planning Commission. In cases where an approved site plan does not exist, minimum site improvements must comply with current Ordinance standards.
- C. **Permits for New Use of Land Required.** It shall be unlawful for any person to change the current use of land, whether presently vacant or occupied, without first obtaining a permit from the [Building Official](#).
- D. **Permits for New Use of Buildings or Structures Required.** It shall be unlawful for any person to change the use of an existing building or structure without first obtaining a permit from the [Building Official](#).
- E. **Permit Requirements General.** No permits shall be issued until an application has been submitted in accordance with the provisions of this section and all other applicable ordinances, statutes, and regulations, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the state construction code.
- F. **Application Requirement.** As a condition to the issuance of a building permit, and prior to undertaking any grading, stripping of topsoil, excavation, change of principal use, moving of buildings, road construction or modification by a private person or entity, and/or any construction requiring a building permit, an application shall be submitted to and approved by the [Building Official](#) in accordance with this Article.
- G. **Prior Grading Plan.** If the Township has approved a grading plan in connection with the same project, the [Building Official](#) may waive the requirement for a new permit for grading, stripping or excavation in conformance with such approved grading plan.
- H. **Inclusions in Applications.** The applications shall include a grading application and a building permit application, which shall together include a written statement on the forms provided by the building department together with a plot plan.
- I. **Inclusions in Plot Plan.** The plot plan shall show the following, taking into consideration the development design standards contained in Chapter 12 of the Township Code of Ordinances:
- 1. The legal description of the property, accompanied by a statement affirming that the property has been surveyed and that the boundary corners of the property have been marked by placing permanent points at each corner of the property;

2. The north point and scale of not less than one (1) inch equals one hundred (100) feet;
3. The name, address, and telephone number of the person responsible for the preparation of the plan;
4. The dimensions of all lot and property lines, including bearings and distances, and showing the relationship of the subject property to abutting properties;
5. Two (2) foot contours or spot grade elevations at fifty (50) feet on center for the entire property, as existing, and for a distance not less than fifty (50) feet outside the entire perimeter of the property.
6. In the case of a building site that is heavily wooded, and that has sharp topographical features, the [Building Official](#) may, in his or her discretion, modify the requirements of this provision, however, sufficient information must be provided for use in making and confirming grading and drainage determinations. The terms of the reduction in requirements shall be stated in writing, signed by the Building Official and the building permit holder, and the original shall be maintained in the Township file;
7. The existing finished grade elevations of all existing buildings or structures on or within a minimum of fifty (50) feet of the property. A distance greater than fifty (50) feet may be required if reasonably determined to be necessary by the [Building Official](#).
8. The location and dimensions of all existing and/or proposed drives and parking areas;
9. The location and dimensions of all existing and/or proposed rights-of-way and/or easements on the property and all abutting streets, roads and/or drives;
10. The location of all existing or proposed underground utilities and utility leads (including water, sanitary sewer, well, septic field, and stormwater);
11. The proposed finished grade of all buildings in tenths of a foot, the site itself, and the entire perimeter of the property including property corners;
12. The boundaries of wetlands and/or floodplains, as governed by applicable law and ordinance, including natural feature [setback](#), all of which shall be subject to field verification;
13. The Point, area, ditch, or enclosure to which all stormwater shall drain;
14. The proposed method of rear yard drainage;

15. The general location of rear and side yard drainage and swales, and the direction of drainage indicated with arrows. Proposed swale inverts are to be provided at a maximum fifty (50) foot interval where grades are critical and such detail is necessary in the opinion of the [Building Official](#);
 16. The location of existing and proposed buildings on the property, including [setback](#) dimensions to front, side, and rear property lines, and tie dimensions from the proposed building to any adjoining building on or within twenty (20) feet of the property;
 17. The location of existing and proposed freestanding [signs](#) and lighting structures;
 18. The location and dimensions of existing or proposed pedestrian walks or paths;
 19. All required zoning [setbacks](#) shown and labeled; and
 20. Such other or additional information concerning the property, or adjoining properties, as may be essential for determining whether the provisions of this section shall be met, as required by the [Building Official](#).
- J. The preparation of the plot plan shall be by a registered land surveyor or registered civil engineer if required by the Zoning Administrator where needed in order to make relevant decisions.
- K. ***Waiver of Duplication.*** If, and to the extent, substantially the same information, review and approval have been previously provided as required by the Township, and a change of circumstances has not occurred, the [Building Official](#) may waive all or a portion of the requirements in Section 3.04 E through H, upon a determination that compliance with the waived portions would serve no purpose.
- L. ***Waiver for Activity Not Involving New Buildings or Additions.*** When the proposed activity does not involve construction of a new building or structure, or an addition to a building or structure, the [Building Official](#) may waive one (1) or more of the inclusions in the plot plan upon a determination that furnishing such material for each of the provisions to be waived would serve no purpose.
- M. ***Following Foundation and Backfill.***
1. Following the installation of footings or foundation walls, and after backfilling such walls, but prior to commencement of any additional work, the builder shall, by certification of a registered engineer or surveyor, or by other means deemed reliable by the [Building Official](#), demonstrate to the Building Official that the footings or foundation walls are properly located on the property and that the grade for the brick ledge or other basis for determining final grade is set to proper elevation, both according to the dimensions and elevations as indicated on the approved plot plan.

2. Prior to the inspection to determine location and elevations of the footings or foundation walls, all property lines shall be identified with the surveyed property corners in place and visibly identifiable.
3. The builder or his/her agent shall be present on the property at the time of inspection with a copy of the approved building plan and plot plan.

N. **No Substantive Change; Exception.** No substantive changes from the approved plot plan shall be permitted for individual homes, [condominiums](#) or commercial structures; however, this provision shall not prohibit the submission and approval of an amended plot plan. For changes which contemplate an altered grade, such as a request for a walk-out basement where none is shown on the approved plot plan, a proposed revision of the plot plan shall be submitted with a letter from a registered engineer or surveyor, bearing his/her seal, certifying that:

1. The change has been reviewed and is consistent with regard to drainage on the individual building site, in the general area, and with regard to the drainage plan approved for the land which includes the building site (if such a grading plan exists); and
2. That such change does not create a significant grade differential with surrounding properties resulting in steep slopes or necessitating construction of retaining walls; provided, where the change does create a significant grade differential with surrounding properties, the engineer may include the change and certify as part of the letter that the differential has been reconciled with surrounding properties.

O. **Prior to Issuance of Certificate of Occupancy.** Prior to the issuance of a certificate of occupancy, the [Building Official](#) shall inspect the site to confirm that construction has been completed in accordance with the plans for the property. If the Building Official has a material question based upon such inspection, the Building Official may require as-built certifications as follows:

1. **Builder certification.** A certification that construction has been completed in accordance with all of the plans and specifications submitted for issuance of a building permit as the same may have been expressly amended and approved by the [Building Official](#); and/or
2. **Surveyor/engineer.** A plot plan certified by a registered surveyor or engineer that he/she has completed a survey of the building foundation, and certifies that it is located as shown on the approved plans, that the garage foundation, brick ledge or other basis for determining final grade are set in accordance with the approved plans, and that drainage will be in accordance with the approved plans, subject to any changes in accordance with [Section 3.04.M](#).

P. **Obligation to Comply with Ordinance; Waiver Regarding this Section.**

1. With the exception of the authorization contained in [Section 3.04.M](#), in no event is the Zoning Administrator, building inspector, and/or other official of the Township authorized to alter or vary the terms of this section, and any permit issued or other action allowed

in violation of this section shall not be binding upon the Township, and the Township shall have the absolute right at all times to expect and compel full conformance with this section.

2. If the Zoning Administrator determines with respect to an acreage parcel, taking into consideration the size and topography of the parcel, location of existing and proposed improvements, and any other relevant factor, that providing any of the information required in this section would serve no useful purpose, the **Building Official** may issue a written waiver with respect to the necessity of providing such information. Such waiver shall identify the information that is not being required, and shall be signed by the Building Official and the building permit holder. The original of such waiver shall be maintained in the Township file.

Q. **Stop Work Order.** The Zoning Administrator shall be authorized to issue a stop work order to any person and/or entity in violation of this section, and to any person involved in the removal of vegetation, e.g., grubbing, on any property if it is determined by the Zoning Administrator that plans and/or other steps or precautions need to be taken in order to ensure that erosion and/or drainage problems do not result from the activity. In the event of the issuance of such a stop work order, all persons and/or entities performing the work directed to be stopped in the stop work order shall cease and fully and completely desist from all activities, to the extent directed in the order.

R. **Manner of Undertaking.** Notwithstanding issuance of a certificate of occupancy for any property, any and all final grading and/or landscaping shall be undertaken and maintained in a manner which does not alter the drainage pattern for the site unless a proposed revision of the plot plan shall be submitted as provided in [Section 3.04.M](#).

SECTION 3.05 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the **Building Official** shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with.

- A. **Certificate Validity.** The certificate of occupancy, as required for new construction of, or renovations to existing buildings and structures, in the state construction code, shall also constitute certificates of occupancy as required by this section.
- B. **Certificates for Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance and all other applicable ordinances, statutes and regulations.

- C. **Temporary Certificates.** Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, if after inspection it is found that there has been compliance with all provisions of this Ordinance and all other applicable ordinances, statutes and regulations, and provided that such certificate of temporary occupancy shall not remain in force more than ninety (90) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy.
- D. **Records of Certificates.** A record of all certificates of occupancy shall be kept in the office of the [Building Official](#) and copies of such certificates of occupancy shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.
- E. **Certificates for Accessory Buildings to Dwellings.** [Accessory buildings](#) or structures to dwellings shall not require a separate certificate of occupancy but rather, may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- F. **Application for Certificates.** Certificates of occupancy shall be applied for in writing to the [Building Official](#) coincidentally with application for building permits and shall be issued within ten (10) days after written notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance, and all other applicable ordinances, statutes and regulations. If such certificate is refused for cause, the [applicant](#) shall be notified of such refusal and the reasons therefore within the aforesaid ten (10) day period.

SECTION 3.06 FINAL INSPECTION

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

SECTION 3.07 FEES

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all applications for zoning and building permits, Certificates of Occupancy, appeals, and other matters pertaining to the Zoning Ordinance. The Township shall have the authority to include costs for the necessary use of engineering, planning, legal, or other special consultants. The schedule of fees shall be available at the Clerk's Office and the Building Department, and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Township Board, Planning Commission, or Zoning Board of Appeals, unless or until application fees have been paid in full.

SECTION 3.08 VIOLATIONS AND PENALTIES

A. *Municipal Civil Infraction; Nuisance per Se.*

1. Any person or anyone acting on behalf of said person who should violate the provisions of this Ordinance, or who fails to comply with the regulatory measures or conditions adopted by the Board of Appeals, Planning Commission or the Township Board, shall be responsible for a municipal civil infraction.
2. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, raised, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court may, in addition to the remedies provided in [Section 3.08.A.1](#), order such a nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home, or land may be adjudged guilty of maintaining a nuisance per se.

B. *Penalties, Sanctions, and Remedies for Ordinance Violation.*

1. *Penalties for municipal civil infractions.*

- a. **Application.** The fines provided in Chapter 1, Section 1-9 of the Charter Township of Independence Code of Ordinances shall apply in the event of a determination of responsibility for a municipal civil infraction, unless otherwise specifically designated in the text of this Ordinance.
- b. **Authorization to issue judgment, etc.** In addition to ordering the defendant determined to be responsible for a municipal civil infraction to pay a civil fine, costs, damages and expenses, the judge or magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this Ordinance.
- c. **Continuing offense.** Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- d. **Remedies not exclusive.** In addition to any remedies provided for in this Ordinance, any equitable or other remedies available may be sought.
- e. **Authorization to impose costs, etc.** The judge or magistrate shall also be authorized to impose costs, damages and expenses as provided by law.

2. **Infraction not an included offense.** A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an Ordinance violation which is not a civil infraction.

C. *Commencement of Municipal Civil Infraction Action.*

1. A municipal civil infraction action may be commenced upon the issuance by an authorized official of either of the following:

- a. A municipal civil infraction citation directing the person alleged to be responsible to appear in court; or
 - b. A municipal civil infraction violation notice directing the person alleged to be responsible to appear at the Township Ordinance violations bureau.
2. The form of citations used to charge municipal civil infraction violations shall be in accordance with state law (see MCL 600.8709).
 3. The basis for issuance of a municipal civil infraction citation shall be as follows:
 - a. An authorized official who witnesses a person violate this Ordinance, the violation of which is a municipal civil infraction, shall prepare and subscribe, as soon as possible and as completely as possible, an original and three (3) copies of a citation unless such official issues a municipal civil infraction violation notice;
 - b. An authorized official may issue a citation to a person if, based upon investigation, the official has reasonable cause to believe that a person is responsible for a municipal civil infraction; and
 - c. An authorized official may issue a citation to a person if, based upon investigation of a complaint by someone who allegedly witnessed the person violate this Ordinance, a violation of which is a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the attorney for the Township for whom the authorized local officer is acting approves in writing the issuance of the citation.
 4. Municipal civil infraction citations shall be served in the following manner:
 - a. Except as otherwise provided in subsection 4.b of this section, the authorized official shall personally serve a copy of the citation upon the alleged violator;
 - b. In a municipal civil infraction action involving the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address; and
 - c. A citation served as provided in subsection 4.b of this section, for a violation involving the use or occupancy of land or a building or other structure shall be processed in the same manner as a citation served personally upon a defendant.

SECTION 3.09 PUBLIC HEARING NOTICE REQUIREMENTS

- A. **When Required.** Public hearings are required in those instances where public hearings are required by this Ordinance and Act 110 of the Public Acts of 2006, as amended.
- B. **Notice Requirements.** Notice shall be given not less than fifteen (15) days before each public hearing at which an application will be considered. Notice shall be given by publication in a newspaper that circulates in Independence Township, and by personal delivery or mailing, where required, to the following:
1. The **applicant**, and the owner(s) of the property, if the applicant is not the owner.
 2. All persons to whom real property is assessed within three hundred (300) feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within Independence Township.
 3. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within Independence Township, except as set forth below.
 4. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
 5. The notice under this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- C. **Actions Exempt from Notification.**
1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
 2. For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirement for individual notice as set forth in [Section 3.09.B.3](#) and [4](#) does not apply to that group of adjacent properties.
- D. **Content of Notice.** The notice shall include:
1. The nature of the request.

2. The property(ies) for which the request has been made.
 3. A listing of all existing street addresses within the property(ies) which is (are) the subject of the request. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
 4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
 5. The date, time, and location of when the hearing on the application will take place.
 6. The address at which written comments should be directed prior to the consideration.
- E. **Posting of Signage.** The applicant(s) or owner(s) of a property or properties for which an application for rezoning, planned rezoning overlay, planned unit development or special land use is submitted shall allow public hearing signs provided by Independence Township to be posted on the subject property in accordance with the following standards:
1. The public hearing sign provided by the Township shall be a minimum of sixteen (16) square feet in area and a minimum of four (4) feet in height.
 2. The public hearing sign shall be placed on the subject property by the Township in a location that is clearly visible from a public road or private road of record on which the property fronts. The sign shall not be erected in the road right-of-way or in a manner that will obstruct the vision of motorists or pedestrians. If the parcels are located on a corner lot, a public hearing sign must be conspicuously placed in each yard abutting a public road or private road.
 3. Each sign shall be erected at least fifteen (15) calendar days, but not more than thirty (30) calendar days, before the Planning Commission's public hearing date.
 4. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date thereof, whichever is later.
 5. Each sign shall include the content of this notice as set forth in [Section 3.09 D](#).
 6. Signs erected under this Section are exempt from other provisions of this Ordinance regulating signs.
 7. Should a sign be removed by inclement weather conditions, by persons other than the applicant or Independence Township, or for reasons beyond the control of the applicant or Independence Township, the applicant may request, and the Planning Commission may grant, that the public hearing proceeds as scheduled.

ARTICLE 4

DISTRICT REGULATIONS

SECTION 4.01 ESTABLISHMENT OF DISTRICTS

The Township is hereby divided into Zones or Districts as shown on the Official Zoning Map and shall include the following:

R-1A	Single-family residential
R-1B	Suburban residential
R-1C	Suburban farm residential
R-1R	Rural residential
R-2	Multiple-family residential
R-3	Elderly housing residential
R-4	Single-family attached residential
RMT	Mobile home park
O	Office
OS-1	Office service one
OS-2	Office service two
C-1	Local business
C-2	Planned shopping center
C-3	Highway commercial
C-4	General commercial
MS	Motor vehicle service station
REC	Recreation
ML	Limited industrial
GI	General industrial
IOP	Industrial office park
R-O	Research-office
PUD	Planned unit development
PRD	Planned residential development

SECTION 4.02 MAP

The boundaries of the districts set forth in [Section 4.01](#) are shown upon the map attached hereto and made a part of this Ordinance which map is designated as the Official Zoning Map of the Township. The Zoning Map, along with all notations, references and other explanatory information, are available at the Township offices.

SECTION 4.03 SETBACK REGULATIONS APPLYING TO ALL PROPERTIES

The following regulations shall apply to properties in all zoning districts:

- A. The parking of vehicles is not allowed in the required front yard setback. Said setback is to be landscaped and is not to be used for storage or operation. This requirement shall not apply to single- and two-family dwellings; provided parking is confined to the driveway serving the dwelling unit; and
- B. Where nonresidential districts abut residential districts, a nonresidential use shall be required to provide a setback which is the equivalent of the abutting residential district setback, or the required setback within the nonresidential district, whichever is more restrictive.
- C. In determining the placement of a structure on a lot, the front building setback line shall be measured from the future right-of-way line in accordance with the Road Commission for County Master Right-of-Way plan adopted by the Township Board on May 25, 2006, and as amended by the Township Board from time to time. This provision relates solely to the measurement made for locating a structure on a lot, and is not intended to limit use of the property in other respects. Unless and until area between the existing and future right-of-way lines is taken or dedicated for public use, such area, shall, in all respects, be considered to be private property for private use. Thus, for determining density of use and other calculations relating to the layout and substantive use rights of the property, the existing right-of-way line shall be applicable.

In the event that application of this provision, in combination with other dimensional requirements under this Ordinance, results in a loss of the right to construct a structure of the size which would be permitted if measurement were made from the existing right-of-way line, variance relief may be available upon application to the Zoning Board of Appeals; provided that all applicable grounds for relief are demonstrated.

SECTION 4.04 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any district indicated on the Official Zoning Map, the following rules shall apply:

- A. Except where reference on the Official Zoning Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow **lot lines** or the centerlines of the street, alleys, railroads, or such lines extended and the corporate limits of the Township as they existed at the time of the adoption of this Ordinance.
- B. Where a district boundary line, as established at this Section or as shown on said Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this Ordinance, shall be considered as extending to the entire lot,

provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming.

- C. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made. 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.
- D. Where a physical or cultural feature existing on the ground varies from that shown on the Official Zoning Map or any other circumstances not covered by A through C preceding, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.

SECTION 4.05 DISTRICT INTENT AND USES

- A. The Districts set forth herein guide the establishment of district boundaries to further the objectives of the Master Plan. The intent of each district defines interrelationships between conflicting and compatible land uses and between land uses and resources such as transportation, utilities, cultural and institutional facilities and the natural environment.
- B. Except as hereinafter provided, district regulations shall be applied in the following manner:
 - 1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses.
 - 2. **Accessory Uses and Buildings.** Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
 - 3. **Special Land Uses.** Special land uses are permitted as listed, subject to the procedures set forth in Article 7.0 Special Land Uses.

SECTION 4.06 R-1A SINGLE-FAMILY RESIDENTIAL

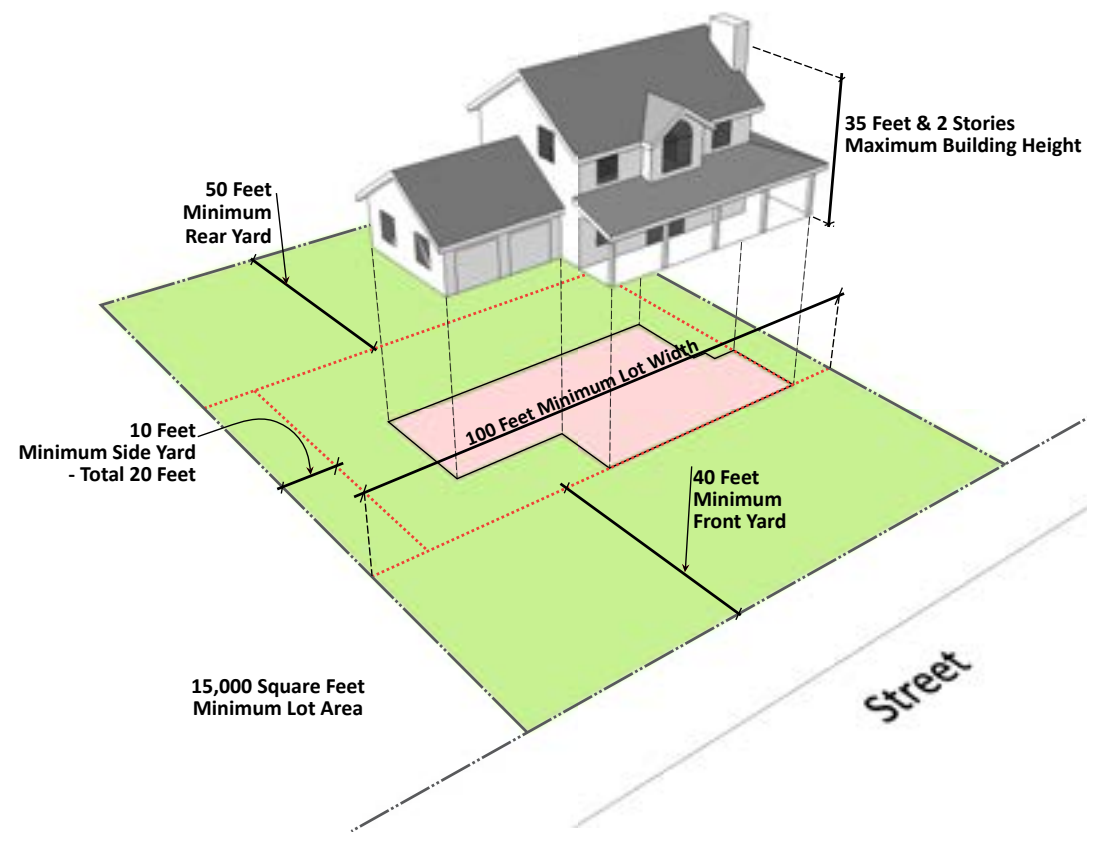
- A. **Intent.** The R-1A single-family residential district is intended to encourage a suitable environment for families. To this end, uses are limited to single-family dwellings, together with certain other uses such as schools, parks, and playgrounds, which provide a neighborhood environment. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses, tending to be incompatible with the intent are prohibited.
- B. **Permitted Principal Uses.** Permitted principal uses in the R-1A, single-family residential district, shall be as follows:
1. Single-family residence.
 2. State licensed residential facilities, restricted to the following: adult foster care family home and foster family home.
 3. Child family day care homes.
 4. An [accessory use](#) customarily incidental to the permitted principal use, subject to the standards set forth in [Section 5.06](#).
 5. Class I home occupation, subject to the standards set forth in Section 5.10 Home Occupations.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the R-1A single-family residential district, subject to the requirements and standards of [Article 7.0 Special Land Uses](#), and any of the applicable requirements and standards of this Ordinance.
1. Places of worship, subject to the standards set forth in [Section 8.13](#).
 2. Public or private schools, subject to the standards set forth in [Section 8.14](#).
 3. Noncommercial recreation uses such as parks, playgrounds, ball fields, athletic fields and community centers.
 4. Municipal, state, or federal uses, public library, public museum, public utility building, telephone exchange, transformer station and substation, fire station, gas regulator station.
 5. Class II [home occupations](#), subject to the standards set forth in Section 5.10 Home Occupations.
 6. Functional equivalent family: additional persons, subject to the standards set forth in [Section 8.08](#).
 7. Child group day care homes, subject to the standards set forth in [Section 8.04](#).

- 8. Child day care centers, subject to the standards set forth in [Section 8.04](#).
- 9. Adult family day care homes, subject to the standards set forth in [Section 8.04](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk and placement requirements for the R-1A single-family residential district shall be as follows:

Table 4.06 - R-1A							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
40	10	20	50	35	2	15,000	100 ^{1&2}

Figure 4.06



¹ The width and depth of lots at the highest and widest point of same shall conform to a width-to-depth ratio of one to four (1:4) maximum allowed by the State of Michigan Land Division Act (MCL 560.101 et. seq.).

² Width-to-depth ratios shall apply to all parcels of land and/or lots in platted subdivisions created after the effective date of this Ordinance; said regulation shall not apply to parcels of land and/or lots in platted subdivisions created prior to the effective date of this Ordinance.

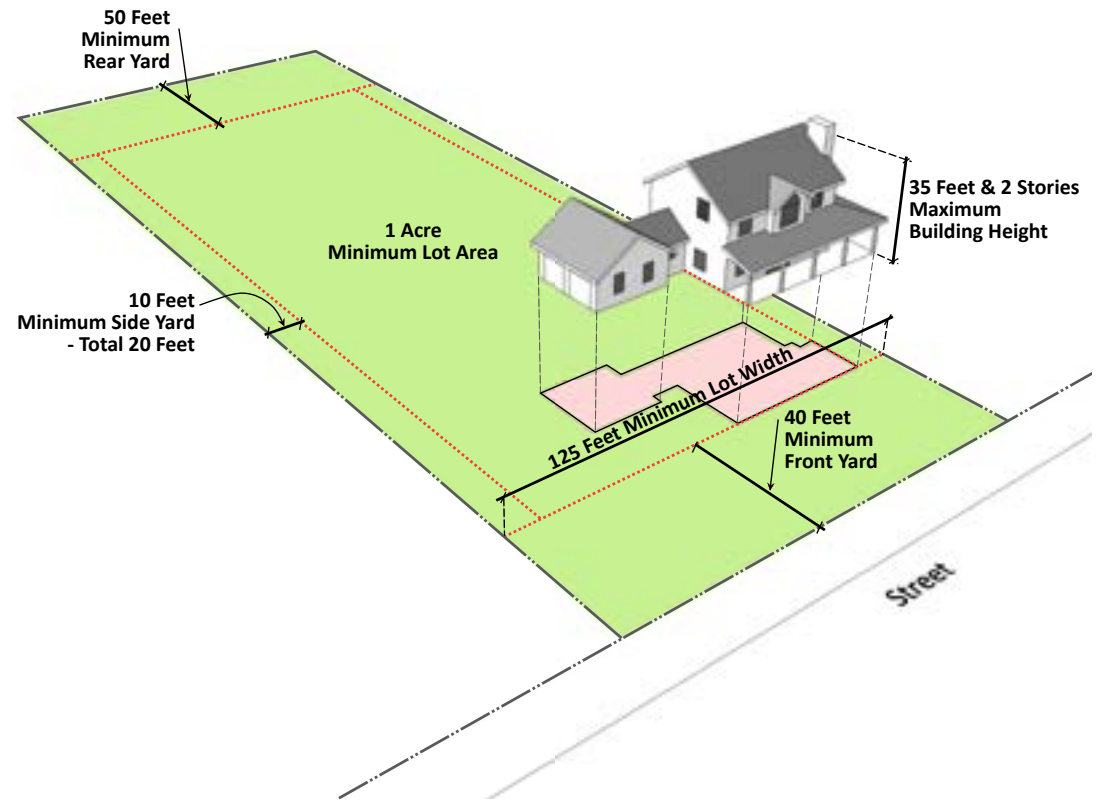
SECTION 4.07 R-1B SUBURBAN RESIDENTIAL

- A. **Intent.** The R-1B suburban residential district is intended to encourage a suitable environment for families with large open space devoted to passive open space enjoyment. To this end, uses are limited to single-family dwellings, together with certain other uses such as schools, parks, and playgrounds, which provide a neighborhood environment. In keeping with the intent, development is regulated to a moderate density. Commercial and other uses, tending to be incompatible with the intent, are prohibited.
- B. **Permitted Principal Uses.** Permitted principal uses for the R-1B suburban residential district shall include any principal use permitted in the [R-1A single-family residential district](#).
- C. **Special Land Uses.** The [special land uses](#) permitted in the R-1A single-family residential district shall be permitted in the R-1B suburban residential district, subject to the requirements and standards of [Article 7.0 Special Land Uses](#), and any of the applicable requirements and standards of this Ordinance.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk and placement requirements for the R-1B suburban residential district shall be as follows:

Table 4.07 - R-1B							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
40	10	20	50	35	2	1 ¹	125 ^{2&3}

Figure 4.07



¹ Lots of record that are conforming to the minimum lot area of 33,000 square feet at the time of adoption of this Ordinance shall continue to be considered in conformance of the R-1B district.

² The width and depth of lots at the highest and widest point of same shall conform to a width-to-depth ratio of one to four (1:4) maximum allowed by the State of Michigan Land Division Act (MCL 560.101 et. seq.).

³ Width-to-depth ratios shall apply to all parcels of land and/or lots in platted subdivisions created after the effective date of this Ordinance; said regulation shall not apply to parcels of land and/or lots in platted subdivisions created prior to the effective date of the Ordinance.

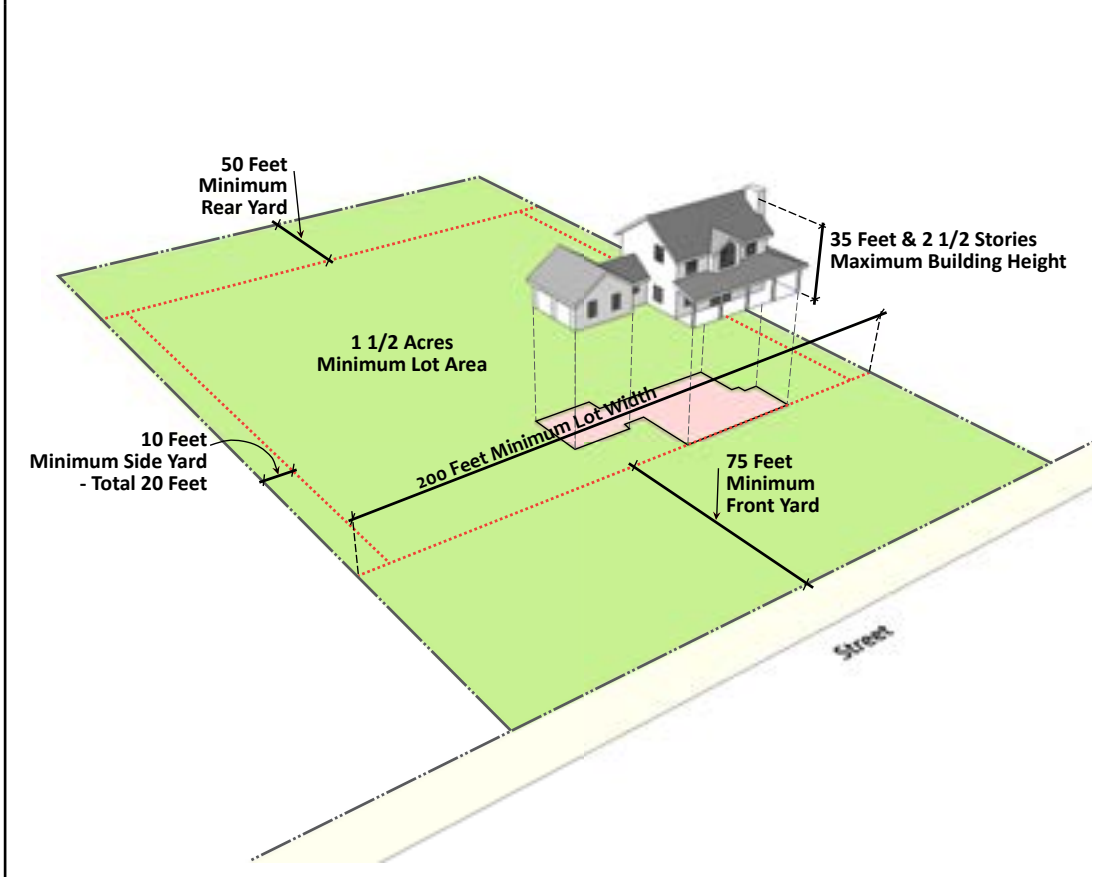
SECTION 4.08 R-1C SUBURBAN FARM RESIDENTIAL

- A. **Intent.** The R-1C suburban farm residential district is intended to provide for single-family dwellings on large lots, of at least one and one-half (1½) acres in size. Because of the size of these lots, the needs of the residents, in those instances where the soil conditions and water table are normal, would not require urban services such as municipal water or sewer.
- B. **Permitted Principal Uses.** Permitted principal uses in the R-1C suburban farm residential district shall include any principal use permitted in the [R-1A single-family residential district](#).
- C. **Special Land Uses.** The [special land uses](#) permitted in the R-1A single-family residential district shall be permitted in the R-1C suburban farm residential district, subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk and placement requirements for the R-1C suburban farm residential district shall be as follows:

Table 4.08 - R-1C							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
75	10	20	50	35	2	1½	200 ^{1&2}

Figure 4.08



¹ The width and depth of lots at the highest and widest point of same shall conform to a width-to depth-ratio of one to four (1:4) maximum allowed by the State of Michigan Land Division Act (MCL 560.101 et. seq.).

² Width-to-depth ratios shall apply to all parcels of land and/or lots in platted subdivisions created after the effective date of this Ordinance; said regulation shall not apply to parcels of land and/or lots in platted subdivisions created prior to the effective date of the Ordinance.

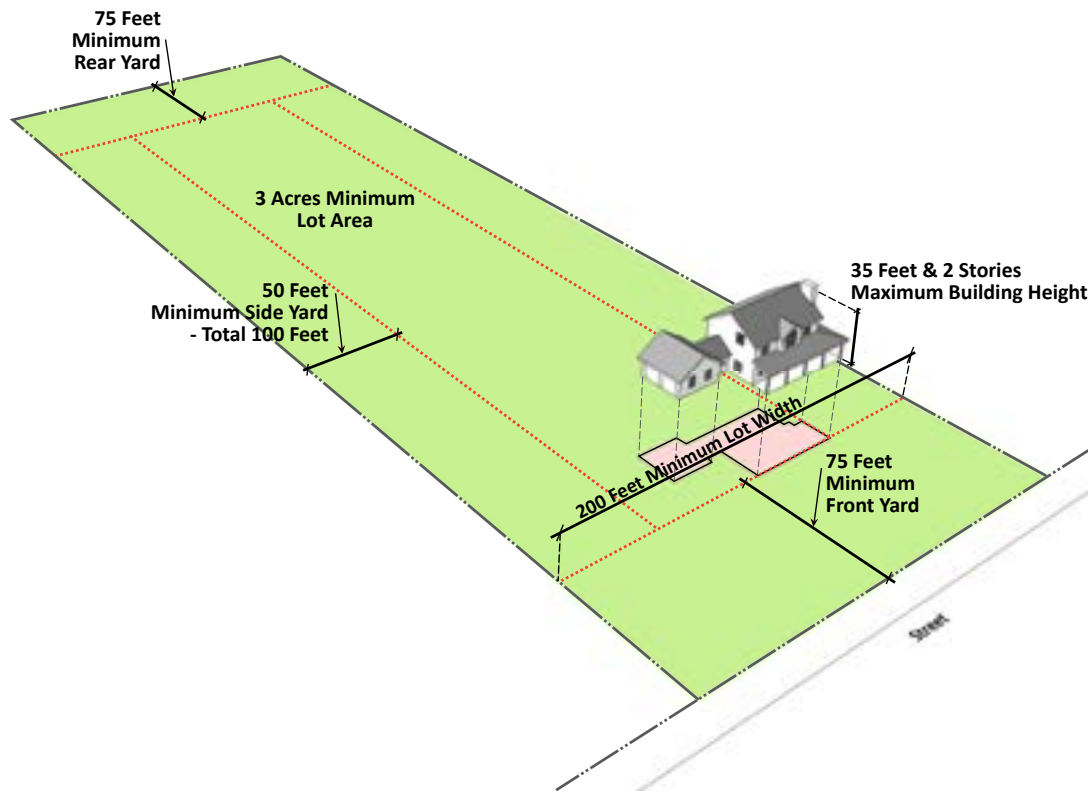
SECTION 4.09 R-1R RURAL RESIDENTIAL

- A. **Intent.** The R-1R rural residential district is intended to provide for single-family dwellings on large lots that provide a rural atmosphere and agricultural uses.
- B. **Permitted Principal Uses.** Permitted principal uses in the R-1R rural residential district shall be as follows:
1. Any principal use permitted in the [R-1A District](#).
 2. Farms and general farming on a parcel ten (10) acres or greater.
 3. Class I home occupation, subject to the standards set forth in Section 5.10 Home Occupations.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the R-1R rural residential district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Special land uses permitted in the R-1A single-family residential district.
 2. Equestrian facilities, subject to the standards set forth in [Section 8.06](#).
 3. Kennels, subject to the standards set forth in [Section 8.05](#).
 4. Bed and breakfast establishments, subject to the standards set forth in [Section 8.03](#).
 5. Farm markets, subject to the standards set forth in [Section 8.07](#).
 6. Class II home occupation, subject to the standards set for in Section 5.10 Home Occupations.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk and placement requirements for the R-1R rural residential district shall be as follows:

Table 4.09 - R-1R							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
75	50	100	75	35	2	3	200 ^{1&2}

Figure 4.09



¹ The width and depth of lots at the highest and widest point of same shall conform to a width-to-depth ratio of one to four (1:4) maximum allowed by the State of Michigan Land Division Act (MCL 560.101 et. seq.).

² Width-to-depth ratios shall apply to all parcels of land and/or lots in platted subdivisions created after the effective date of this Ordinance; said regulation shall not apply to parcels of land and/or lots in platted subdivisions created prior to the effective date of the Ordinance.

SECTION 4.10 R-2 MULTIPLE-FAMILY RESIDENTIAL

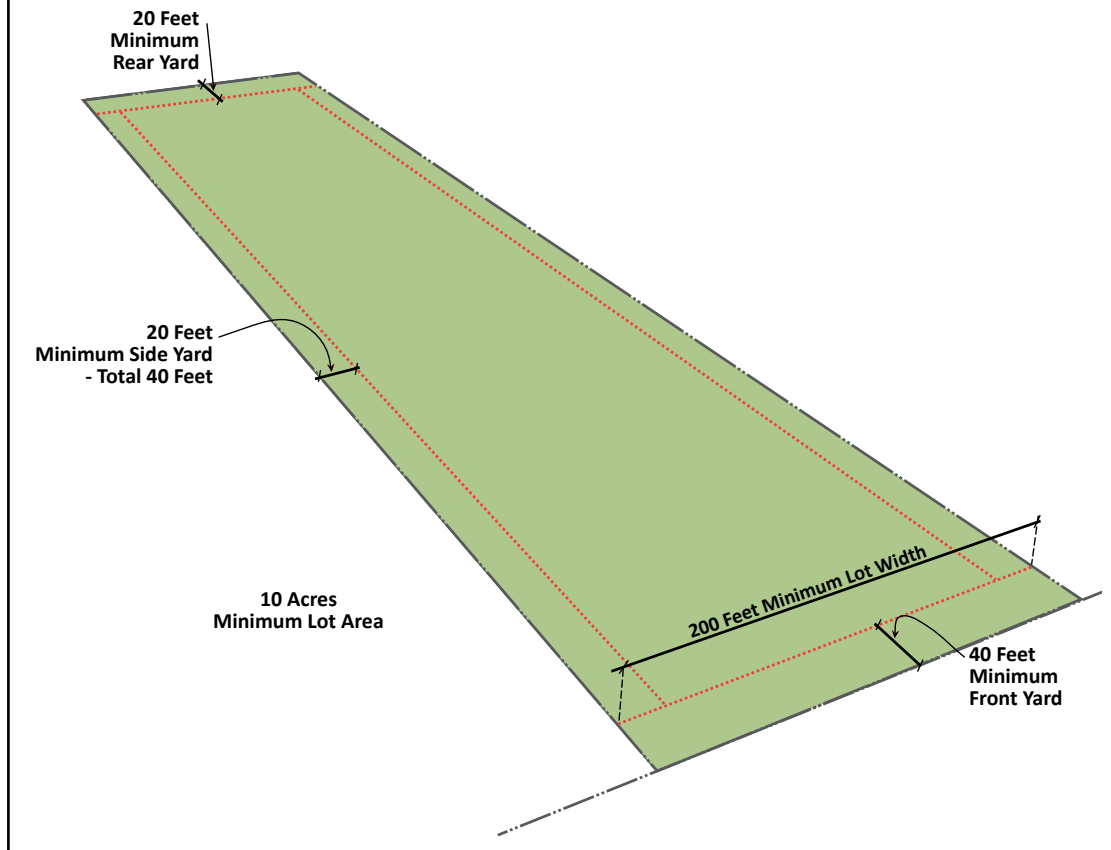
- A. **Intent.** The R-2 multiple-family residential district is intended to permit a more intensive residential use of land with various types of multiple-family dwellings, two (2) family dwellings, housing for the elderly, and convalescent or nursing homes. These areas would be located near major roads for good accessibility. The intent of this district is to allow various types and sizes of residential uses in order to meet the needs of the different age and family groups in the Township.
- B. **Permitted Principal Uses.** Permitted principal uses in the R-2 multiple-family residential district shall be as follows:
1. Single-family dwellings and two (2) family dwellings subject to all regulations attended to such use as stated in the [R-1A district](#).
 2. Dwellings, multiple-family, such as garden-type apartments, townhouses, and similar types of housing.
 3. State licensed residential facilities, restricted to the following: adult foster care family home, adult foster care small group home, foster family home and foster family group home.
 4. Child family day care homes.
 5. Housing for the elderly and homes for the aged, subject to the standards set forth in [Section 8.16](#).
 6. [Accessory buildings](#) and uses customarily incidental to the above permitted principal uses.
 7. Class I home occupations, subject to the standards set forth in [Section 5.10 Home Occupations](#).
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the R-2 multiple-family residential district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Convalescent or nursing homes, subject to the standards set forth in [Section 8.22](#).
 2. State licensed residential facilities that include the following: adult foster care large group home and adult foster care congregate facility, subject to the standards set forth in [Section 8.16](#).
 3. Child group day care homes, subject to the standards set forth in [Section 8.04](#).
 4. Child day care centers, subject to the standards set forth in [Section 8.04](#).

5. Adult group day care homes, subject to the standards set forth in [Section 8.04](#).
6. Adult day care centers, subject to the standards set forth in [Section 8.04](#).
7. Class II home occupation, subject to the standards set forth in [Section 5.10 Home Occupations](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk and placement requirements for the R-2 multiple-family residential district shall be as follows:

Table 4.10 - R-2							
Minimum Yard Setback in Feet (per lot) ¹				Minimum Lot Size ¹			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
40	20	40	20	35	2	10 ¹	200

Figure 4.10-1



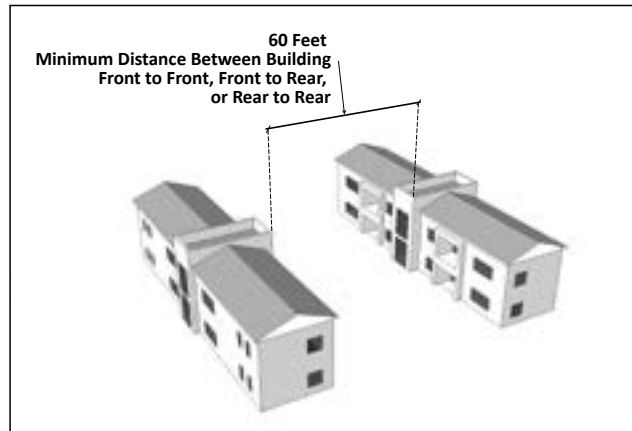
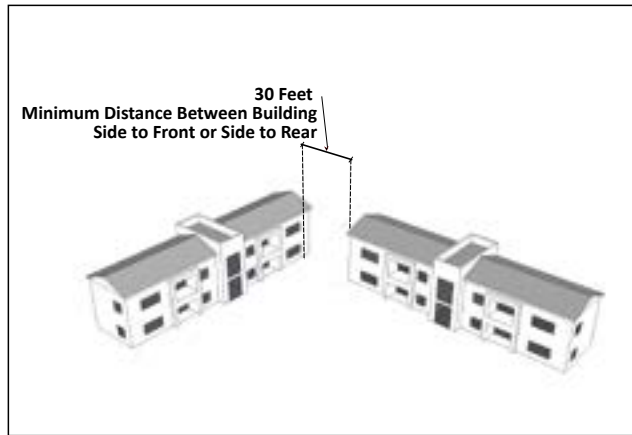
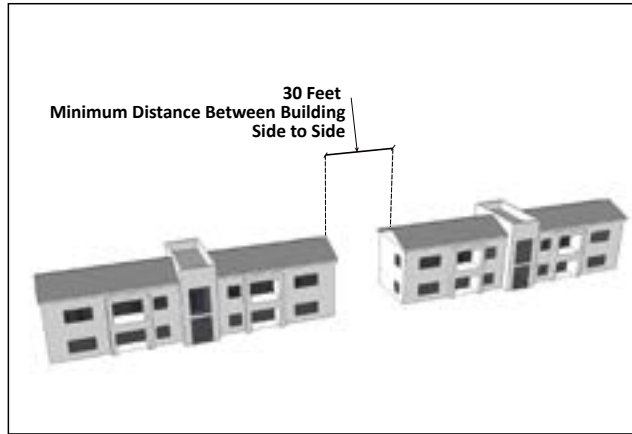
¹ Multiple-family minimum lot areas and setbacks:

- a. Two-family dwellings shall have a minimum lot area of 20,000 square feet per two family units. Where multiple-family dwellings are permitted a minimum of ten (10) acres shall be provided for such developments. In addition, the lot area for the first unit in a multiple-family development shall contain 15,000 square feet, plus the additional lot requirement per unit listed below:

One bedroom unit: 6,000 square feet
Two bedroom unit: 8,000 square feet
Three bedroom unit: 10,000 square feet

- b. The minimum setback from interior drives shall be twenty-five (25) feet. Where interior drives do not have a recorded easement, setbacks shall be measured from the edge of the pavement. The minimum setback from parking shall be ten (10) feet.
- c. Where buildings are located side to side, side to front, or side to rear, the minimum distances shall be thirty (30) feet. Where buildings are located front to front, front to rear, or rear to rear, the minimum distance shall be sixty (60) feet.
- d. Multiple family dwellings which abut single-family residentially zoned or used property shall have a minimum side and rear yard setback of forty (40) feet for one-story buildings and seventy (70) feet for two-story buildings.

Figure 4.10-2 Distances Between Buildings



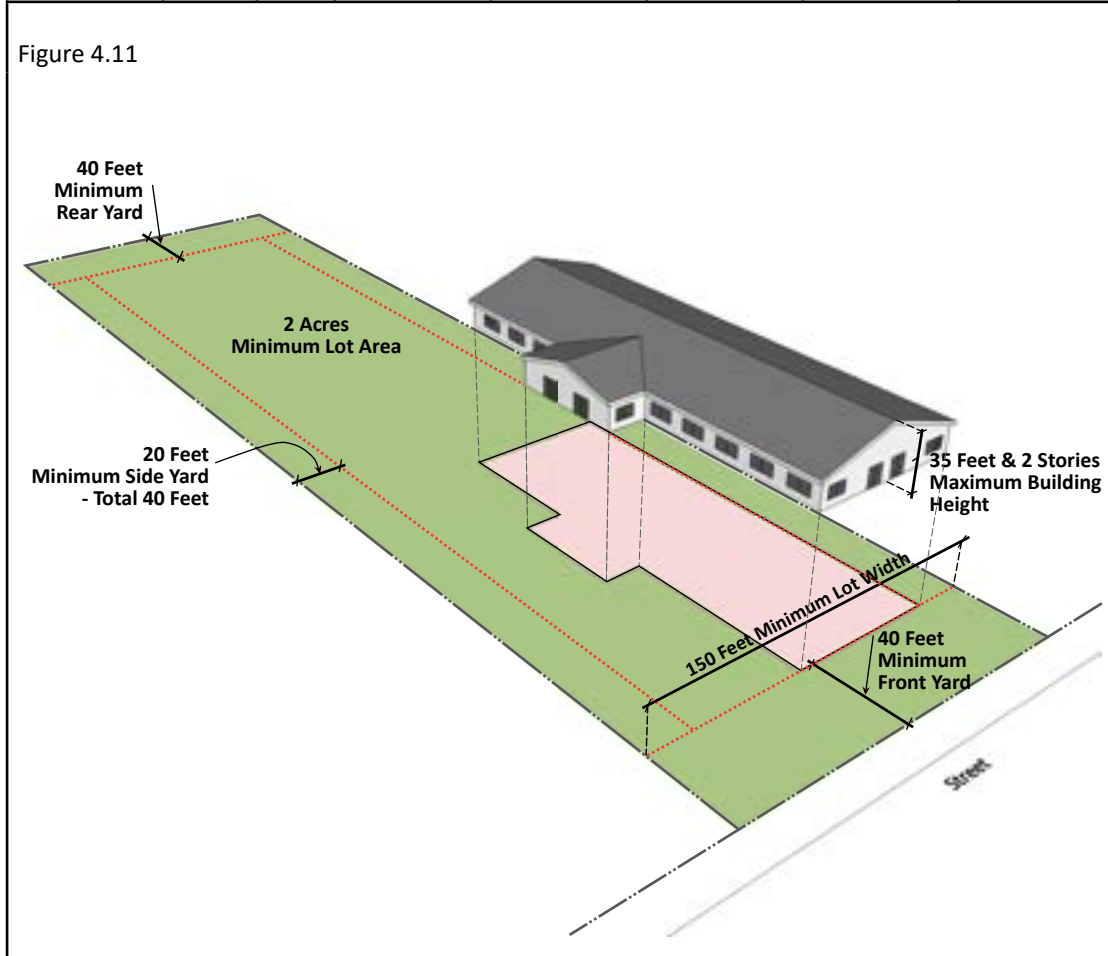
SECTION 4.11 R-3 ELDERLY HOUSING RESIDENTIAL

- A. **Intent.** The R-3 elderly housing residential district is intended to permit housing, which meets the needs of the elderly, as defined and regulated by this Ordinance. It is the intent of this division to establish standards which will ensure the compatibility of elderly housing with adjacent land uses, provide for appropriate locations in close proximity to facilities and services that are required by the elderly, and allow for building and site designs which meet the various needs of the elderly. It is recognized that a specialized type and design of housing may be permitted for the elderly in view of their distinguished needs and requirements, including the amount of area to be occupied and maintained, and reduced ownership and use of automobiles.
- B. **Permitted Principal Uses.** Permitted principal uses in the R-3 elderly housing residential district shall be as follows:
1. Housing for the elderly and homes for the aged, subject to the special development standards and site design requirements set forth in [Section 8.16](#).
 2. State licensed residential facilities restricted to the following: adult foster care family home, adult foster care small group home, adult foster care congregate facilities and adult foster care large group home. Adult foster care large group homes and adult foster care congregate facilities shall be subject to the requirements set forth in [Section 8.16](#).
 3. Family day care homes.
 4. [Accessory buildings](#) and uses customarily incidental to the above-permitted principal uses.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the R-3 elderly housing residential district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Convalescent or nursing homes subject to the requirements set forth in [Section 8.22](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the R-3 elderly housing residential district shall be as follows:

Table 4.11 - R-3							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
40	20	40	40	35	2	2	150

Figure 4.11



SECTION 4.12 R-4 SINGLE FAMILY ATTACHED

- A. **Intent.** The R-4 Single Family Attached District is intended to permit and to relate the type, design, and layout of attached single family residential development to the particular site in a manner consistent with the preservation of the property values in established residential areas. This district is also intended to encourage a more efficient and more desirable use of land.

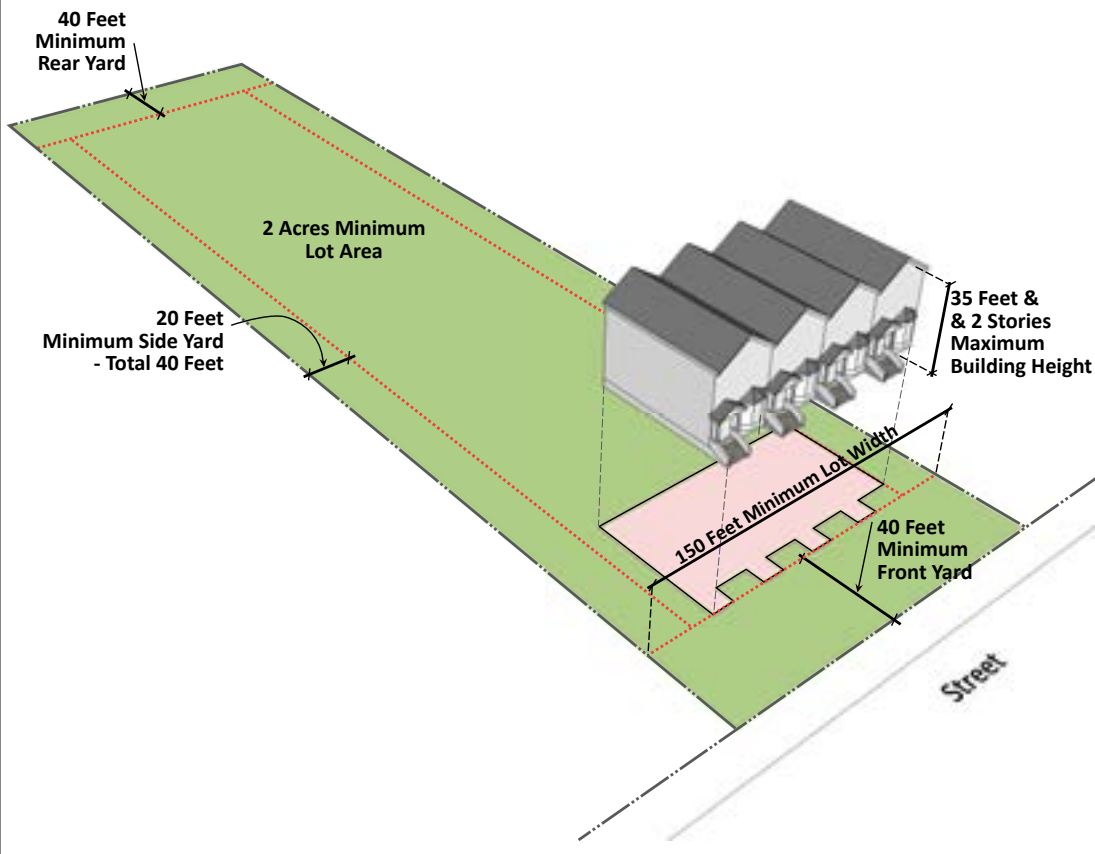
This district is specifically intended to prohibit multiple family buildings where entry to individual dwelling units is from an interior common area, to require that units be separated from any abutting dwelling unit by a party wall extending up from the ground the full height of the building, and to require each dwelling unit to have direct access from outdoors from at least the front and rear or side of the unit.

- B. **Permitted Principal Uses.** Permitted principal uses in the R-4, Single-Family Attached District, shall be as follows:
1. Single family attached dwellings, subject to compliance with the development standards set forth in [Section 8.18](#).
 2. [Accessory buildings](#) and uses customarily incidental to the above-permitted principal use.
 3. Class I home occupation, subject to the standards set forth in Section 5.10 Home Occupations.
- C. **Special Land Uses.** The [special land uses](#) permitted in the [R-1A single-family residential district](#) shall be permitted on the R-4 single-family attached district, subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the R-4 single family attached district shall be as follows:

Table 4.12 - R-4							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
40	20	40	40	35	2	2	150

Figure 4.12



SECTION 4.13 RMT MANUFACTURED HOME PARK

- A. **Intent.** The RMT Manufactured Home Park district is intended to provide for manufactured home parks, and to require that such manufactured home parks be developed with the character of residential neighborhoods. This Ordinance recognizes that manufactured homes in manufactured home parks require locations, services, and facilities similar to any other single-family and multiple-family dwelling units that are developed at higher densities. It is further the intent of this Ordinance that various supporting uses common to higher density residential areas, as well as those that are unique to manufactured home communities, be permitted in this district.
- B. **Principal Permitted Uses.** Principal permitted uses in the RMT manufactured home park district shall be as follows:
 1. Manufactured homes located in manufactured home parks, subject to [Section 8.17](#).
 2. Management office, laundry facilities, indoor and outdoor recreation areas and facilities, meeting rooms, and similar uses and structures provided to serve only the residents of a manufactured home park and their invited guests.
 3. Class I home occupation, subject to the standards set forth in Section 5.10 Home Occupations.
- C. **Special Land Uses.** The [special land uses](#) permitted in the [R-1A single-family residential district](#) shall be permitted in the RMT manufactured home park district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
- D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for mobile home parks within the RMT mobile home park district shall be in accordance with [Section 8.17](#). All other uses shall be as follows:

Table 4.13 - RMT							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	15	30	15	20	1	¹	¹

¹ See Section 8.17. *Manufactured Housing Park Standards*

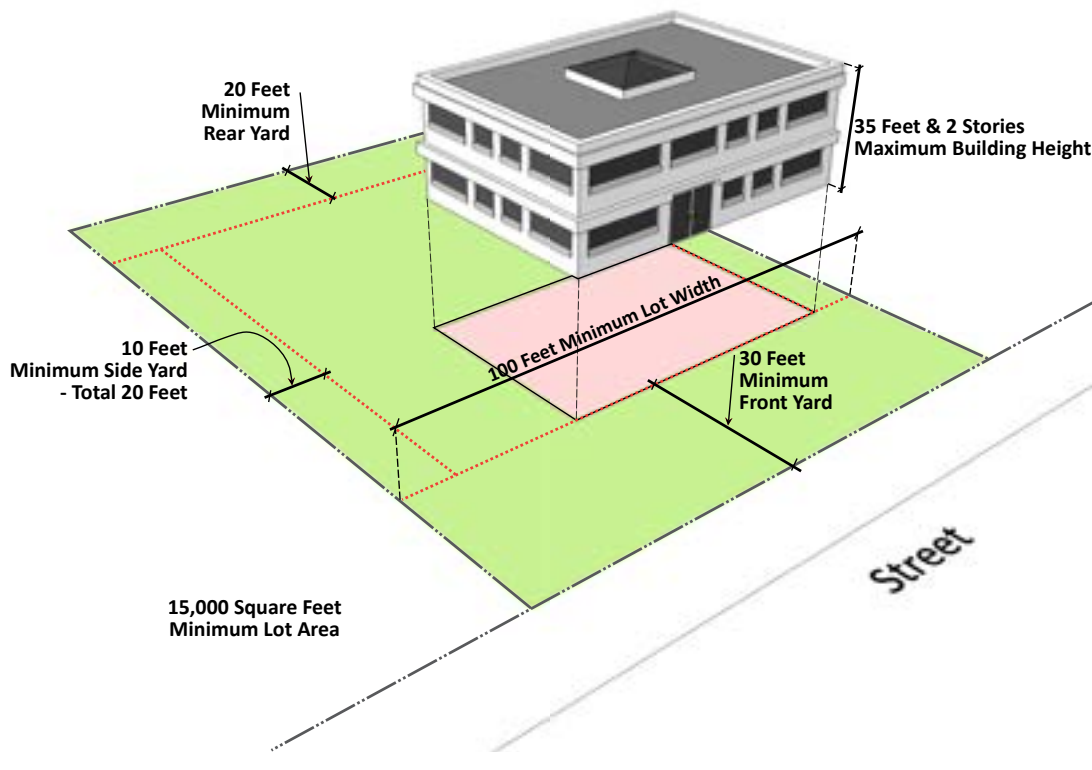
SECTION 4.14 O OFFICE

- A. **Intent.** The O Office district is intended to permit those offices and personal service uses that will provide modern office buildings that provide office-related services to the community.
- B. **Permitted Principal Uses.** Permitted principal uses for the O office district are limited to buildings and/or complexes having a usable floor area of fifty thousand (50,000) square feet or less and shall be as follows:
1. Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales.
 2. Medical, dental or veterinary office, including clinics and medical laboratories, except animal hospitals, or sanitariums for the care of contagious, mental, drug, or alcohol addiction cases.
 3. Banks, credit unions, savings and loan associations.
 4. Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
 5. Business, private, or public schools.
 6. Photographic studios.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the O Office district, subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and the applicable requirements and standards of this Ordinance.
1. Pharmacies, durable medical goods, opticians and optical companies, and restaurants located entirely within the building to which it is accessory and without a direct outside entrance for customer use.
 2. Private service clubs, fraternal organizations, and lodge halls.
 3. Places of worship, subject to the standards set forth in [Section 8.13](#).
 4. All principal permitted uses set forth in [Section 4.13.B](#) which have a usable floor area in excess of fifty thousand (50,000) square feet.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the O office district shall be as follows:

Table 4.14 - O							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	10	20	20	35	2	15,000	100

Figure 4.14



SECTION 4.15 OS-1 OFFICE SERVICE ONE

- A. **Intent.** The OS-1 office service one district is intended to provide locations for low intensity uses that primarily include office uses, and business and personal services uses that are dependent on and supportive of an office environment. The OS-1 office service one district is intended for smaller sites with minimum road frontage and lot depth that may be located between residential areas and commercial areas and/or thoroughfares.

The OS-1 office service one district is not intended to permit commercial retail uses that generate a large traffic volume. A limited range of business and service uses are permitted for the benefit of official personnel, tenants, and visitors; provided that offices remain the predominant use within the district.

The district shall be characterized by uses that:

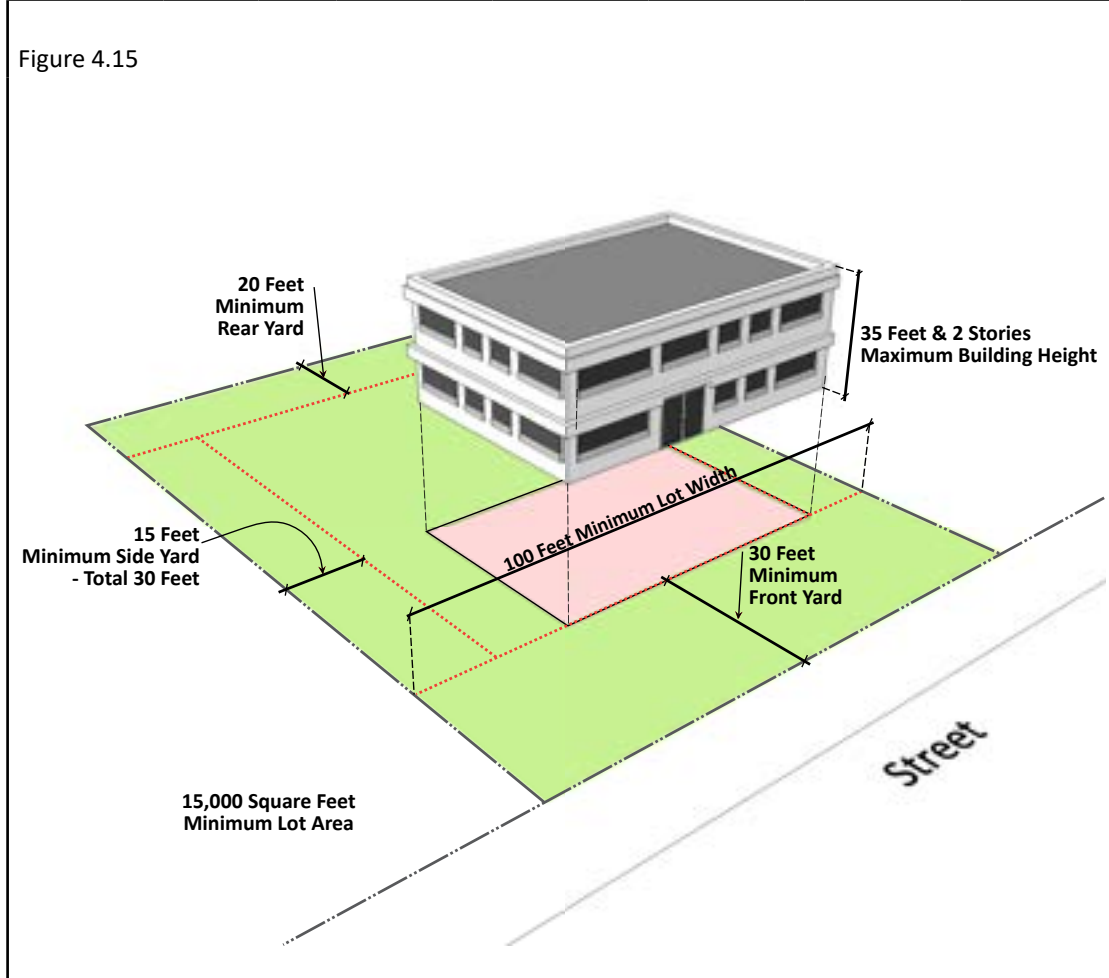
1. Generally operate during normal business hours;
 2. Produce a low volume of traffic;
 3. Are compatible transitional use between commercial and residential areas and/or between thoroughfares and residential areas; and
 4. Are located in buildings that are architecturally compatible with the residential community.
- B. **Permitted Principal Uses.** Permitted principal uses in the OS-1 office service one district shall include the following:
1. Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
 2. Medical and dental offices, including clinics and medical laboratories.
 3. Veterinary offices and hospitals, including accessory boarding, provided no outdoor exercise runs or pens are permitted.
 4. Banks, credit unions, savings and loan associations.
 5. Publicly owned buildings, public utility transformer stations and substations, telephone exchanges, and public utility offices.
 6. Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
 7. Photographic studios.

8. Retail office supply, computer and business machine sales.
 9. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
 10. Florist shops.
 11. Personal service establishments, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.
 12. Child day care centers, subject to the standards set forth in [Section 8.04](#).
 13. Adult day care centers, subject to the standards set forth in [Section 8.04](#).
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the OS-1 office service one district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of the Ordinance.
1. Private service clubs, fraternal organizations, and lodge halls.
 2. Pharmacies, including stores selling or renting durable medical equipment.
 3. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
 4. Laundry and dry cleaning customer outlets; provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.
 5. Places of worship, subject to the standards set forth in [Section 8.13](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the OS-1 office service one district shall be as follows:

Table 4.15 - OS-1							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	15	30	20	35	2	15,000	100

Figure 4.15



SECTION 4.16 OS-2 OFFICE SERVICE TWO

- A. **Intent.** The OS-2 office service two district is intended to provide location uses, which primarily include office and technical uses, and business and personal services uses, which are dependent on and supportive of an office environment. The OS-2 office service two district is intended for larger sites than the OS-1 office service one district and where there may not be a need to provide for a compatible transitional use between commercial and residential areas and/or between thoroughfares and residential areas.

The OS-2 office service two district is not intended to permit commercial retail uses that generate a large traffic volume. A limited range of business and service uses are permitted for the benefit of official personnel, tenants and visitors; provided that offices and technical uses remain the predominant use within the district.

The district shall be characterized by uses that:

1. Generally operate during normal business hours;
 2. Produce a low volume of traffic;
 3. May require some service areas along with storage facilities; and
 4. Are located in buildings that are architecturally compatible with the surrounding area.
- B. **Permitted Principal Uses.** Permitted principal uses in the OS-2, office service two district, shall be as follows:
1. Any principal permitted use in the [OS-1 Office Service One District](#).
 2. Laundry and dry cleaning customer outlets; provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.
 3. Private service clubs, fraternal organizations and lodge halls.
 4. Pharmacies, including stores selling or renting durable medical equipment.
 5. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the OS-2 office service two district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of the Ordinance.
1. Sit-down restaurants serving food and beverages. Consistent with the intent of this district to allow uses which produce a low volume of traffic, the uses authorized under

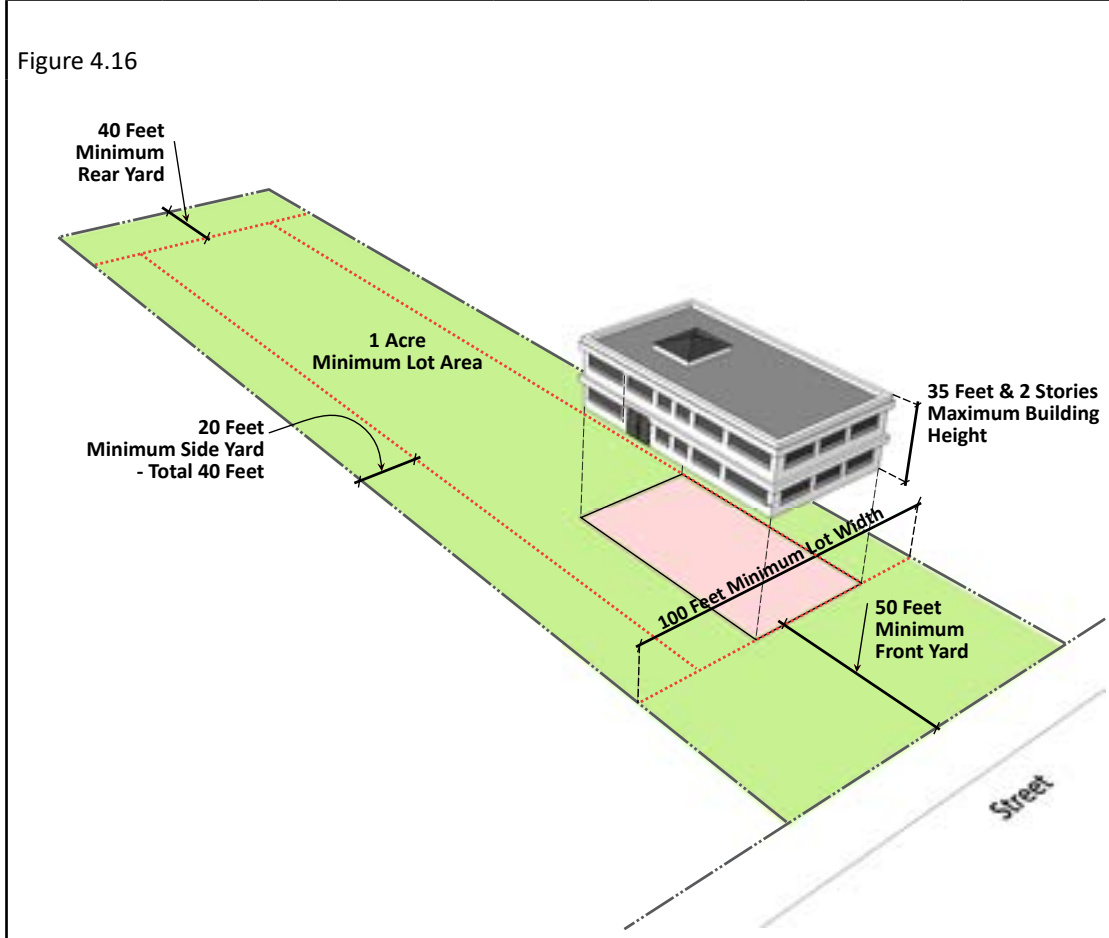
this subsection shall not include those which permit food and beverages to be served on the premises in motor vehicles, sold at a drive-through window, and uses which otherwise have a carryout service as a material part of the business.

2. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where said offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
3. General or specialty hospitals.
4. Motels and residence hotels providing temporary lodging.
5. Places of worship, subject to the standards set forth in [Section 8.13](#).
6. Housing for the elderly, subject to the standards set forth in [Section 8.16](#).
7. State license residential facilities restricted to the following: adult foster care large group home and adult foster care congregate facility, subject to the standards set forth in [Section 8.16](#).
8. Convalescent or nursing homes, subject to the standards set forth in [Section 8.22](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the OS-2 office service two district shall be as follows:

Table 4.16 - OS-2							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
50	20	40	40	35	2	1	100

Figure 4.16



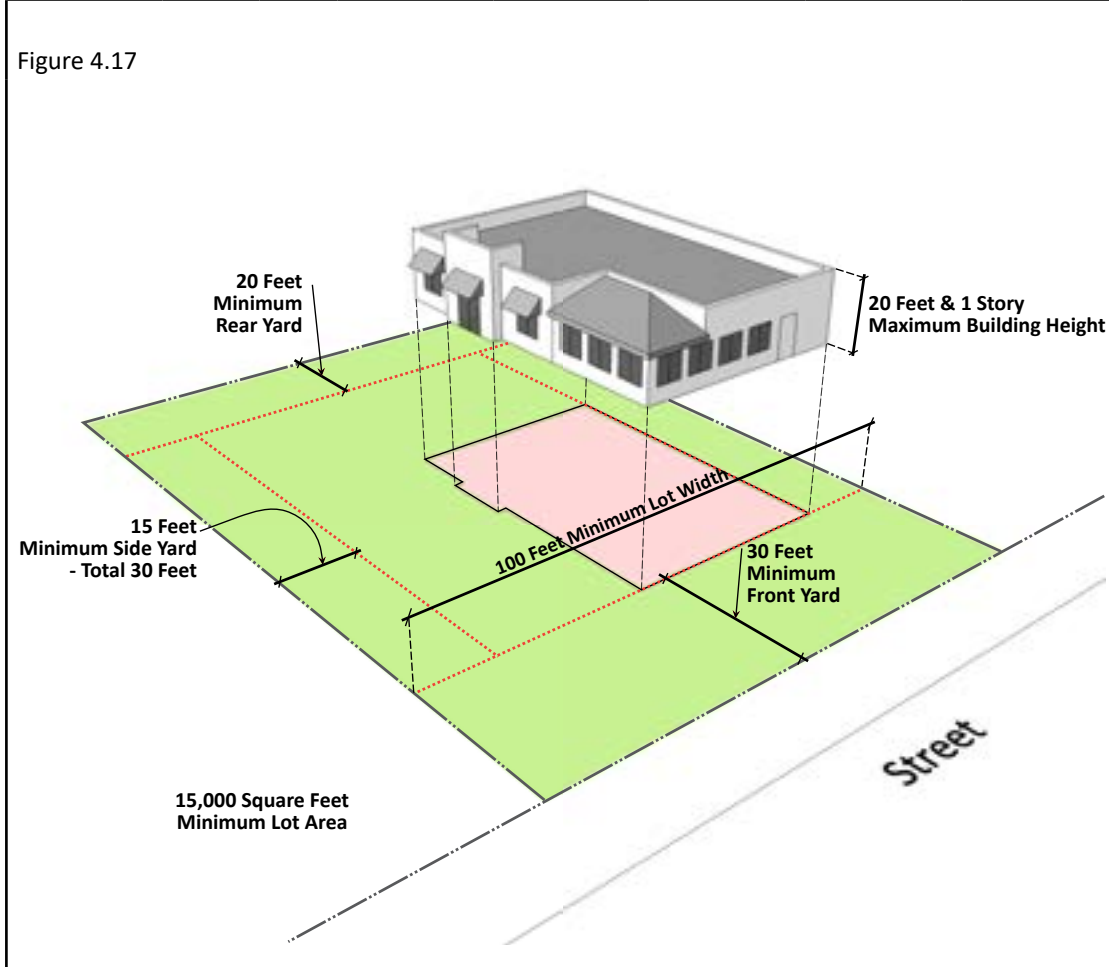
SECTION 4.17 C-1 LOCAL BUSINESS

- A. **Intent.** The C-1 local business district is intended to provide areas for retail business and service uses which are designed and located to serve the nearby residential areas. The intent of this of this district is also to allow local business areas in locations that are compatible with neighboring residential areas.
- B. **Permitted Principal Uses.** Permitted principal uses in the C-1 local business district shall include the following:
1. All permitted principal uses in the [OS-1 District](#).
 2. Retail businesses that do not exceed ten thousand (10,000) square feet in gross floor area which sell commodities, such as: groceries, meats, dairy products, beverages, and baked goods; books and periodicals; drugs; apparel; gifts and jewelry; and; hardware, paint, and decorating supplies.
 3. Planned shopping centers that do not exceed fifty thousand (50,000) square feet in gross floor area and contain permitted principal uses in [OS-1](#) and [C-2](#) Districts.
 4. Standard and fast-food restaurants.
 5. Personal fitness, gymnastic, and exercise centers; and dance, music, and art schools that do not exceed ten thousand (10,000) square feet in gross floor area.
 6. [Accessory buildings](#) and uses customarily incidental to the above permitted principal uses.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the C-1 local business district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Drive-through serving any permitted or special land use, subject to the standard set forth in [Section 10.03](#).
 2. Places of worship, subject to the standards set forth in [Section 8.13](#).
 3. Public utility buildings, quasi-public buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations but without storage yards.
 4. Child day care centers, subject to the standards set forth in [Section 8.04](#).
 5. Adult day care centers, subject to the standards set forth in [Section 8.04](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements in the C-1 district shall be as follows:

Table 4.17 - C-1							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	15	30	20	20	1	15,000	100

Figure 4.17



SECTION 4.18 C-2 PLANNED SHOPPING CENTER

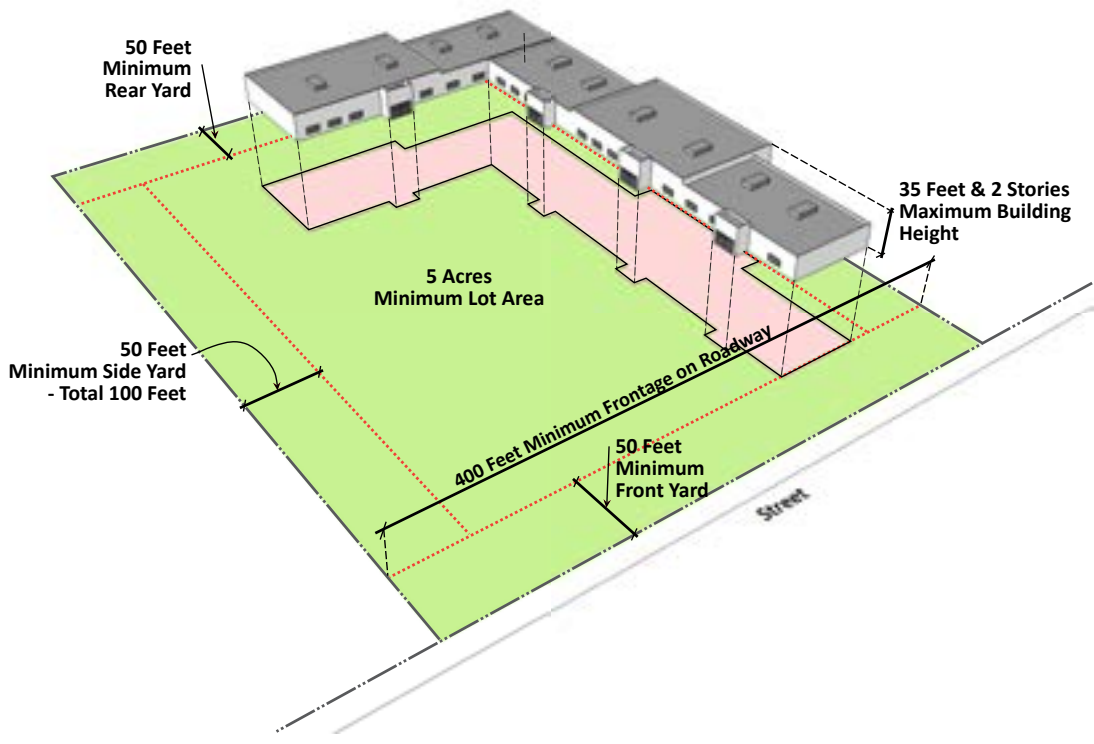
- A. **Intent.** The C-2 planned shopping center district is intended to provide for a combination of commercial and office uses, in a single planned facility. The purpose of this district is to provide large, uniformly planned areas where people may work, shop, and conduct business in an atmosphere which has been created so as to minimize parking and traffic conflicts, and maximize ease and safety of pedestrian circulation.
- B. **Permitted Principal Uses.** Permitted principal uses in the C-2 planned shopping center district shall include the following:
1. All principal uses permitted in the [OS-2, Office Service Two](#) and [C-1, Local Business](#) districts.
 2. Retail businesses that are permitted principal uses in the C-1 District that do not exceed seventy-five thousand (75,000) square feet in gross floor area.
 3. Retail businesses that do not exceed seventy-five thousand (75,000) square feet which sell commodities such as: carpet, furniture, household appliances, building material, and sporting goods and hobby equipment.
 4. Planned shopping centers that do not exceed seventy-five thousand (75,000) square feet in gross floor area and contain uses which are principal permitted uses in the [OS-2](#), [C-1](#), and [C-2](#) Districts.
 5. Personal fitness, gymnastics and exercise centers, and dance, music, and art schools that do not exceed seventy-five (75,000) square feet in gross floor area.
 6. Indoor commercial entertainment and recreation activities such as movie theaters, bowling centers, skating rinks and racquet clubs.
 7. Places of Worship, subject to the standards set forth in [Section 8.13](#).
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the C-2 planned shopping center district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any applicable requirements and standards of this Ordinance.
1. Any permitted principal use that exceeds seventy-five thousand (75,000) square feet in gross floor area.
 2. Drive-through restaurants.
 3. Drive-through serving any permitted or special land use, subject to the standards set forth in [Section 10.03](#).
 4. Bar/lounge.

5. Hotels and motels.
6. Child day care centers, subject to the standards set forth in [Section 8.04](#).
7. Adult day care centers, subject to the standards set forth in [Section 8.04](#).
8. Motor vehicle fueling stations that are incidental to principal retail use located within a planned shopping center, subject to the standards set forth in [Section 8.10\(C\)](#),

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements in the C-2 district shall be as follows:

Table 4.18 - C-2							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
50	50	100	50	35	2	5	¹

Figure 4.18



¹ If a site has frontage on one (1) roadway, the minimum frontage shall be 400 feet. If a site has frontage on two (2) roadways, the total frontage of the two (2) roadways may be counted. However, in no case shall the depth be less than 300 feet.

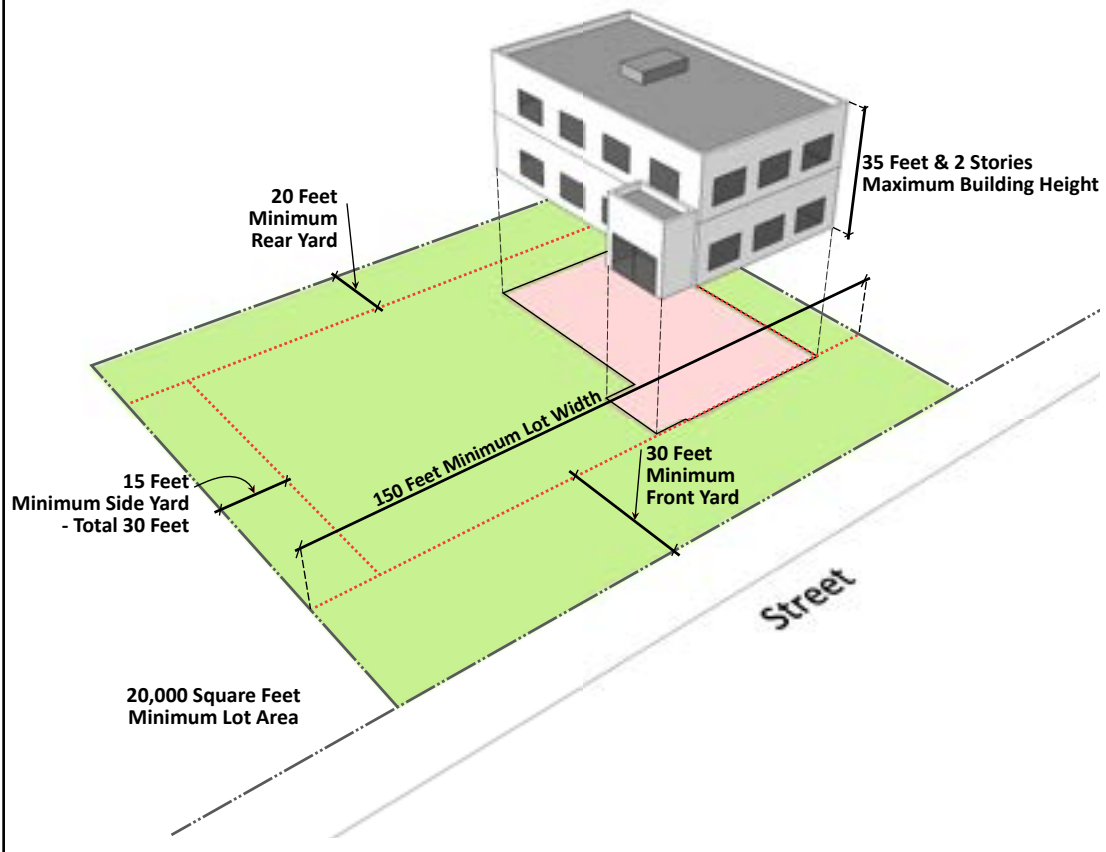
SECTION 4.19 C-3 HIGHWAY COMMERCIAL

- A. **Intent.** The C-3 highway commercial district is intended to provide areas for retail business and service uses which serve the Township by being located along principal and minor arterials as designated in the Township Master Plan.
- B. **Permitted Principal Uses.** Permitted principal uses in the C-3 highway commercial district shall be as follows:
1. All principal permitted uses in the [C-2 planned shopping center district](#).
 2. Building material sales that do not exceed seventy-five thousand (75,000) square feet in gross floor area.
 3. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations with service yards but without vehicular or material storage yards. Water and sewerage pumping stations.
 4. [Accessory buildings](#) and uses customarily incidental to the above-permitted principal uses.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the C-3 highway commercial district subject to requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Any special land use in the [C-2, Planned Shopping Center District](#).
 2. Uses which have outdoor storage of merchandise for sale on the premises, including new and used car sales, trailer sales, boat and marine sales, and nursery and garden sales.
 3. Trade contractors, provided that no services shall be performed on the premises.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements in the C-3 district are as follows:

Table 4.19 - C-3							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	15	30	20	35	2	20,000	150

Figure 4.19



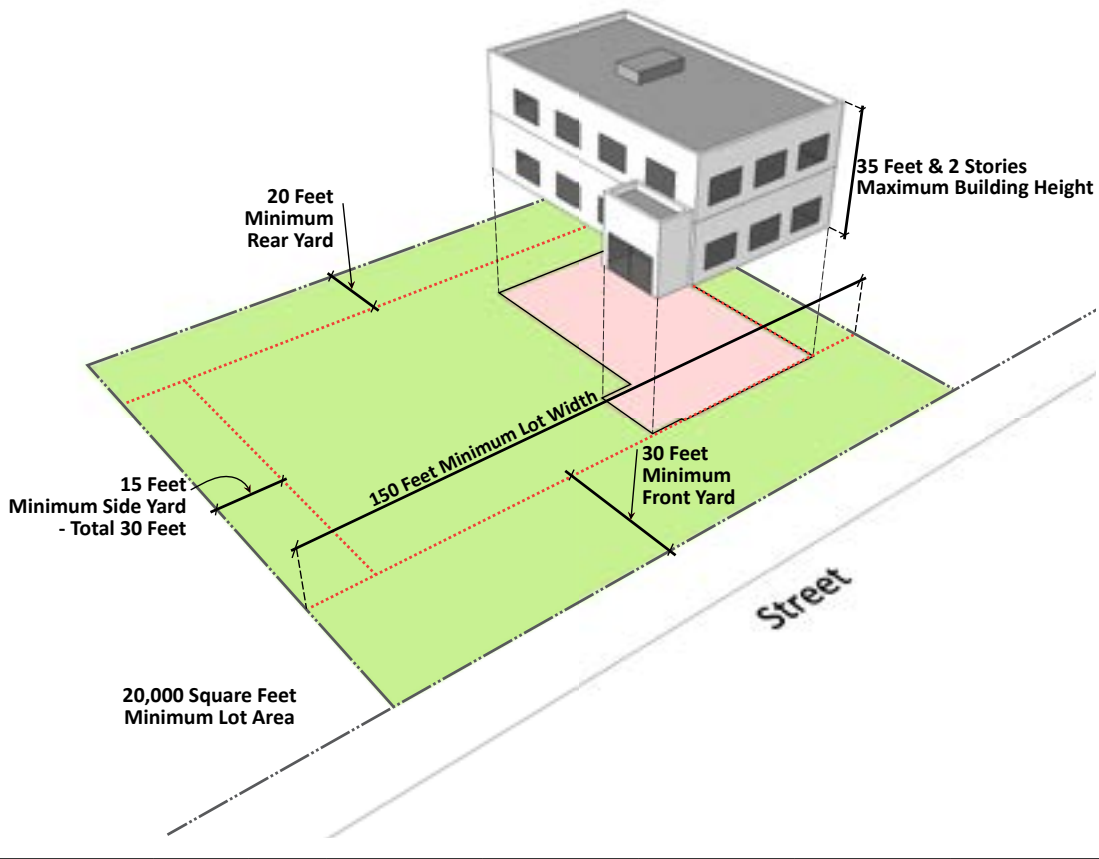
SECTION 4.20C-4 GENERAL BUSINESS DISTRICT

- A. **Intent.** The C-4 General Business District is intended to provide areas for retail business and service uses that serve a market area larger than the C-1 District, but would generally be confined to the Township as a whole. Because of the variety of business types permitted in the C-4 District, special attention shall be paid to site layout, building design, site access and vehicular circulation, coordination of site features between adjoining sites and compatibility to the surrounding area, especially neighborhoods.
- B. **Permitted Principal Uses.** Permitted principal uses in the C-4 General Business District shall be as follows:
1. All permitted principal uses in the [OS-2](#) and [C-1](#) Districts.
 2. Retail businesses that are permitted principal uses in the C-1 District that do not exceed seventy-five thousand (75,000) square feet in gross floor area.
 3. Retail businesses that do not exceed seventy-five thousand (75,000) square feet of gross floor area which sell commodities such as: carpet, furniture and appliances; building materials; and sporting goods and hobby equipment.
 4. Planned shopping centers that do not exceed seventy-five thousand (75,000) square feet in gross floor area and contain permitted principal uses in the [OS-2](#), [C-1](#), and [C-4](#) Districts.
 5. [Accessory buildings](#) and uses customarily incidental to the above permitted principal uses.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the C-4 General Business District subject to the requirements of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Any special land use in the [C-2, Planned Shopping Center District](#).
 2. Drive-through serving any permitted or special land use, subject to the standards set forth in [Section 10.03](#).
 3. Drive-through restaurants.
 4. Bar/lounge.
 5. Hotels and motels.
 6. Child day care centers, subject to the standards set forth in [Section 8.04](#).
 7. Adult day care centers, subject to the standards set forth in [Section 8.04](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements in the C-4 district shall be as follows:

Table 4.20 - C-4							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	15	30	20	35	2	20,000	150

Figure 4.20



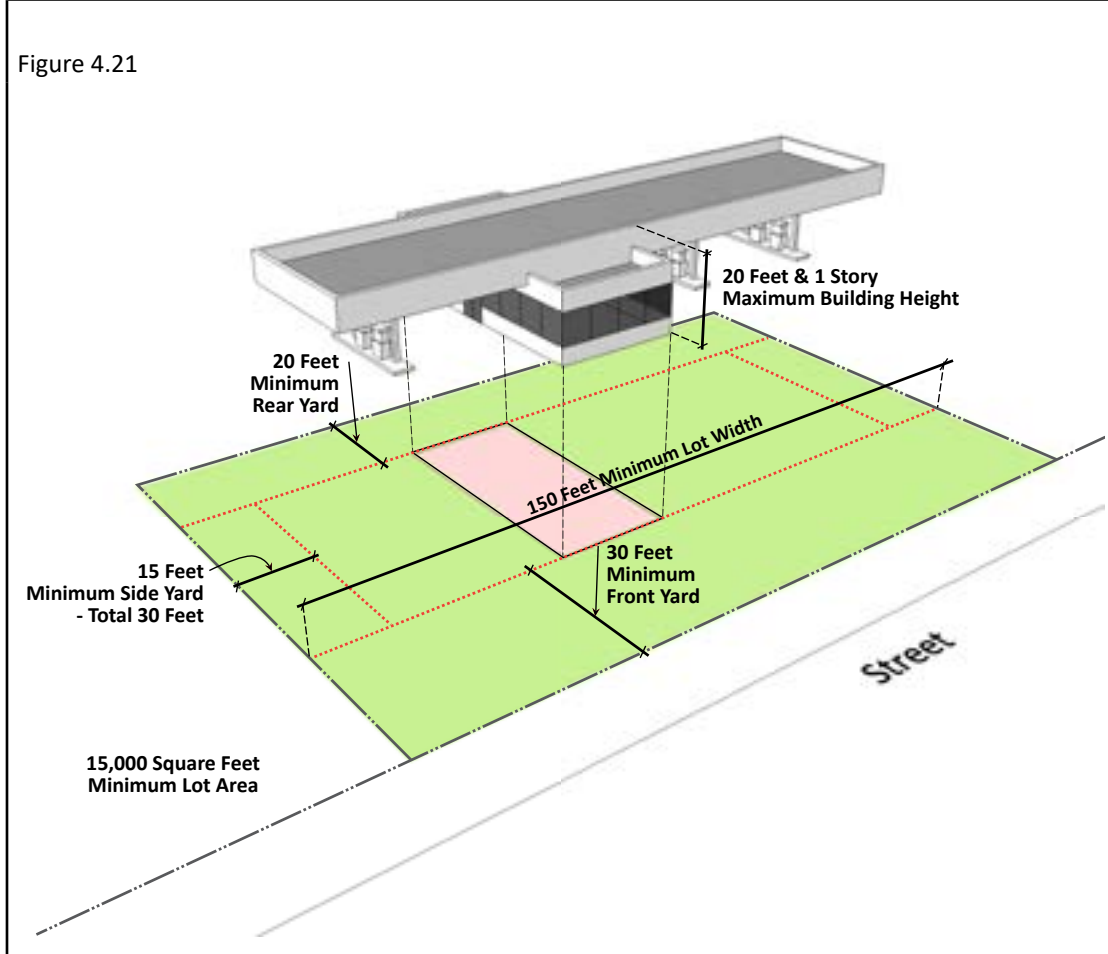
SECTION 4.21 MS MOTOR VEHICLE SERVICE STATION

- A. **Intent.** The MS Motor Vehicle Service Station district is intended to provide for and regulate motor vehicle service stations in a manner that will be: compatible with residential areas; avoid a public hazard to vehicular and pedestrian traffic; prevent a public nuisance due to noise, odor, lights, vibrations, or danger of fire and explosions; and protect the public health, safety and welfare.
- B. **Permitted Principal Uses.** Permitted principal uses in the MS motor vehicle service station shall include the following:
1. Motor vehicle service stations, subject to the standards set forth in [Section 8.10](#).
 2. Accessory vending machine and retail sales of food and beverages, when enclosed within the principal building.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the MS motor vehicle service station district subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Drive-through and fast food restaurants.
 2. Motor vehicle repair (other than collision repair or bump shop), subject to the standards set forth in [Section 8.10](#).
 3. Motor vehicle wash establishment, subject to the standards set forth in [Section 8.10](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements in the MS motor vehicle service station district shall be as follows:

Table 4.21 - MS							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Square Feet	Width in Feet
30	15	30	20	20	1	15,000	150

Figure 4.21



SECTION 4.22 REC RECREATION

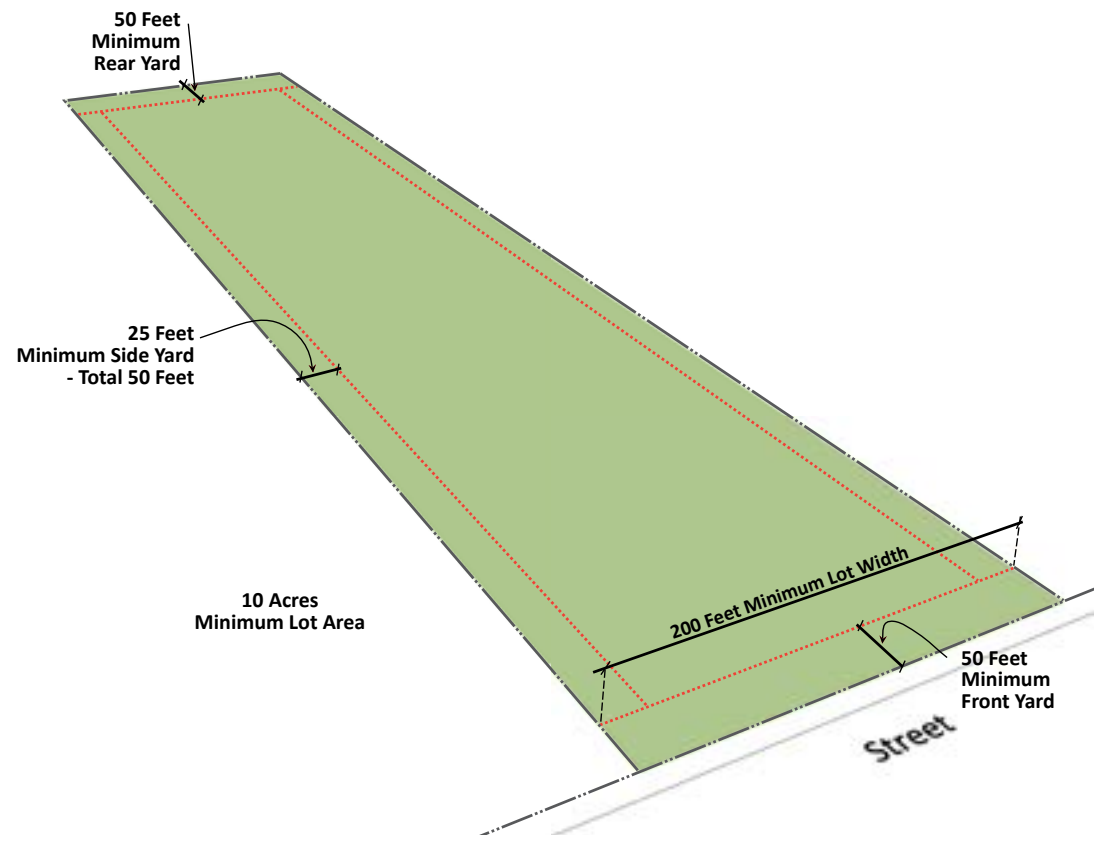
- A. **Intent.** The REC recreation district is intended to provide areas for the development of recreational facilities and uses of an outdoor nature that will preserve the land in its natural state, as well as for the encouragement of large outdoor recreation uses that could not easily be provided in the portions of the metropolitan area which are substantially developed and urbanized.
- B. **Permitted Principal Uses.** Permitted principal uses in the REC recreation district shall include the following:
1. Archery ranges, country clubs, campgrounds, beaches, day camps.
 2. Fairgrounds, public, semi-public and private golf courses, golf driving ranges and hunting, fishing and shooting preserves.
 3. Historical monuments, picnic parks, swimming pools and toboggan runs.
 4. Township government buildings and uses, not including service or outdoor storage yards.
 5. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations but not including service or outdoor storage yards.
 6. **Accessory buildings** and uses that are customarily incidental to any of the permitted principal uses when located on the same premises.
- C. **Special Land Uses.** The following **special land uses** shall be permitted in the REC recreation district subject to the requirements and standards of **Article 7.0 Special Land Uses** and any of the applicable requirements and standards of this Ordinance.
1. Riding academies and public or private stables with a minimum site size of forty (40) acres.
 2. Snow ski facilities, including accessory lodges with food and beverage services and/or locker rooms.
 3. Golf courses, including clubhouses with accessory food and beverage services and locker rooms.
 4. Outdoor theaters, including accessory food and beverage facilities.
 5. Public and private parks and wildlife preserves.
 6. Speed exhibition use.

7. Educational facilities such as zoological gardens, botanical gardens, bird sanctuaries, arboretums.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the REC recreation district shall be as follows:

Table 4.22 - REC							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
50	25	50	50	35	2	10	200

Figure 4.22



SECTION 4.23 ML LIMITED INDUSTRIAL

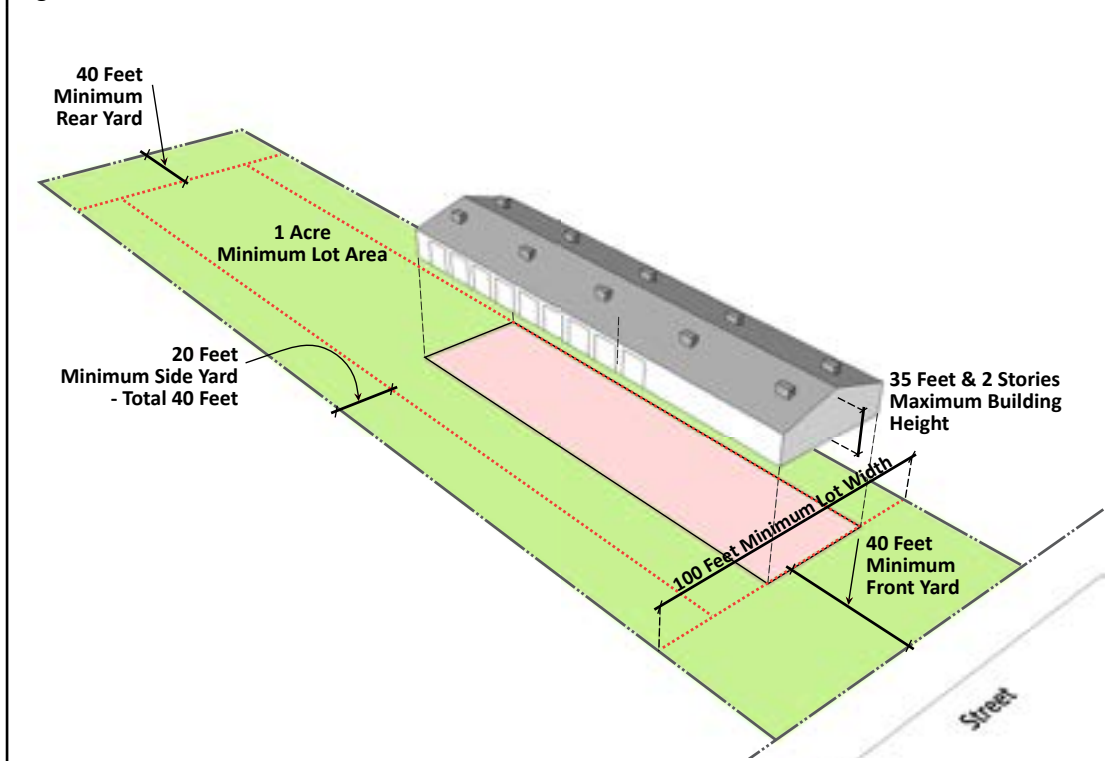
- A. **Intent.** The ML limited industrial district is intended to provide land for various types of industrial, research, office and warehousing uses that are compatible with one another. The lands included in this district are those suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects, and the possibility of large setbacks, attractive building architecture, and large, landscaped, park-like areas. The purpose of the district is to provide suitable sites for such uses, while making certain that such uses will be compatible with adjacent or surrounding districts. To these ends, development is limited to a low concentration, external effects are minimized, and permitted uses are limited to those that are adapted to an environment of this nature. The regulations are also designed to stabilize and protect the essential characteristics of the district by excluding uses that would have a detrimental effect upon the orderly development and functioning of the district.
- B. **Permitted Principal Uses.** Permitted principal uses in the ML limited industrial district include the following:
1. Data processing and computer centers, including sales, service and maintenance of data processing equipment.
 2. Warehousing, refrigerated and general storage, except that there shall be no outdoor storage.
 3. Manufacturing or assembly of professional, scientific and controlling instruments, photographic and optical goods.
 4. Experimental or testing laboratories.
 5. Basic research, design, and pilot or experimental product development.
 6. Executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales offices.
 7. Printing and publishing and allied industries.
 8. Commercial indoor recreation facility, such as but not limited to golf driving ranges, athletic fields and indoor gymnasiums.
- C. **Special Land Uses.** The following special land uses shall be permitted in the ML limited industrial district subject to the requirements and standards of Article 7.0 Special Land Uses and any of the applicable requirements and standards of this Ordinance.
1. Utilities and communications, such as electrical receiving or transforming stations, radio or television broadcasting stations, transmitting and receiving towers.

2. Industrial plants, manufacturing, processing or assembly of the following:
 - a. Biological products, drugs, medicinal chemicals, and pharmaceutical preparation.
 - b. Electrical machinery, equipment and supplies, electronic components and accessories.
 - c. Office, computing and accounting machines.
3. Self-storage facilities, subject to the standards set forth in [Section 8.19](#).
4. Motor vehicle collision repair, subject to the standards set forth in [Section 8.10](#).
5. [Registered Primary Caregiver Operations](#), subject to the standards set forth in [Section 8.23](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the ML limited industrial district shall be as follows:

Minimum Yard Setback in Feet (per lot)			Minimum Lot Size				
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
40	20	40	40	35	2	1	100

Figure 4.23



E. **Special Development Standards.**

1. Developments planned under the provisions of the ML limited industrial district shall be homogeneous and uniform in nature and all reasonable attempts shall be included in such plans to protect the existing environmental quality of the site. Preservation of natural features such as slopes, stands of trees, animal sanctuaries and similar characteristics shall be taken into account when the site has such features present. Similarly, appropriate measures shall be suggested by the applicant to ensure minimal negative impact upon adjacent land areas, residents, and property owners should the site plan be implemented.
2. Outdoor storage or display shall be prohibited.

SECTION 4.24 GI GENERAL INDUSTRIAL

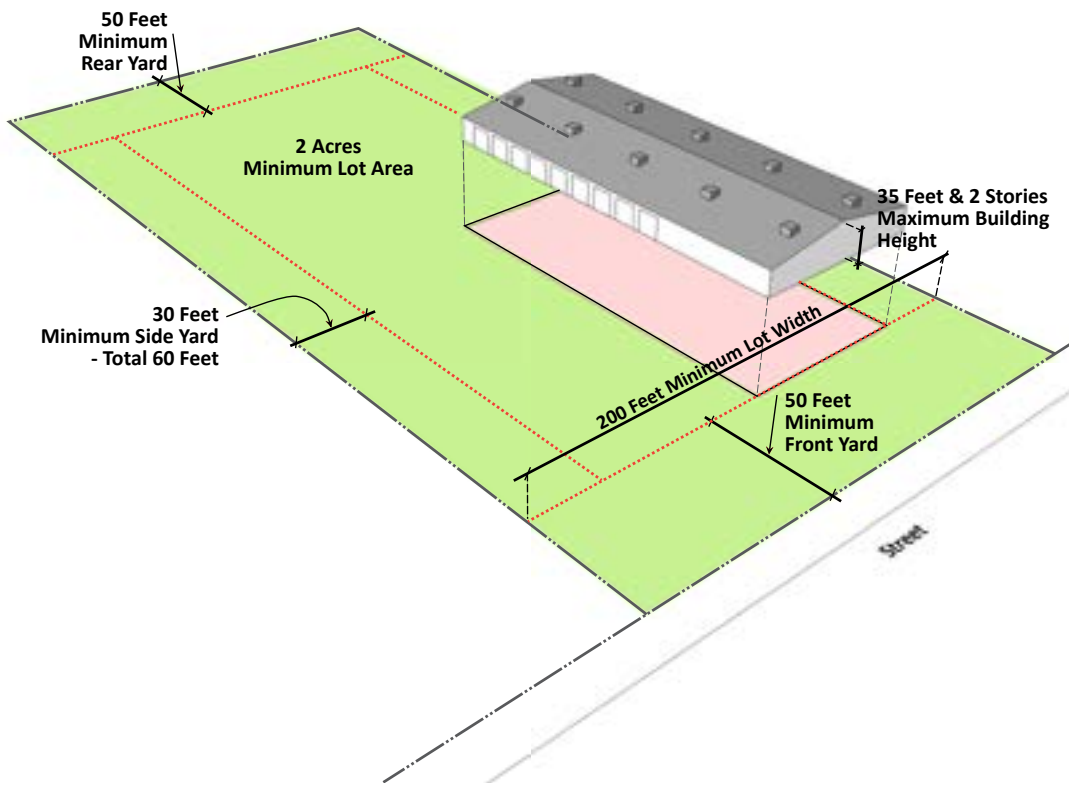
- A. **Intent.** The GI general industrial district is intended to provide land for the more intense types of industrial and manufacturing uses. The GI general industrial district includes uses that, if not properly located and regulated, could have an adverse impact on neighboring uses.
- B. **Permitted Principal Uses.** Permitted principal uses in the GI general industrial district shall include the following:
1. Any principal use permitted in the ML limited industrial district, subject to all the regulations of the ML limited industrial district.
 2. General construction and general building contractors.
 3. Light manufacturing, processing or assembly of the following:
 - a. Communication, transmission and reception equipment.
 - b. Data processing equipment and systems.
 - c. Optical devices, equipment and systems.
 - d. Scientific and mechanical instruments.
 - e. Testing equipment.
 - f. Biological products, drugs, medicinal chemicals, and pharmaceutical preparations.
 - g. Electrical machinery, equipment and supplies, electronic equipment and accessories.

4. Tool, die, gauge, and machine shops.
 5. Plastic injection molding.
 6. Transportation, communication, power and fuel rights-of-way.
 7. Trucking terminals, maintenance and service facilities.
 8. Laundries, laundry services, and cleaning and dyeing plants.
 9. Self-storage facilities, subject to the standards set forth in Section 8.18.
 10. Motor vehicle collision repair.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the GI general industrial district, subject to the requirements and standards of [Article 7.0 Special Land Uses](#) and any of the applicable requirements and standards of this Ordinance.
1. Scrap and waste wholesaling, subject to the standards set forth in [Section 8.12](#).
 2. Asphalt and concrete mixing plants.
 3. Recycling facilities.
 4. [Registered Primary Caregiver Operations](#), subject to the standards set forth in [Section 8.23](#).

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the GI general industrial district shall be as follows:

Table 4.24 - GI							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
50	30	60	50	35	2	2	200

Figure 4.24



SECTION 4.25 IOP INDUSTRIAL OFFICE PARK

- A. **Intent.** The IOP industrial office park district is intended to accommodate a variety of light industrial, applied technology, research and related office uses within a planned campus environment through the coordinated application of development standards such as building height, signage, landscaping and other unifying elements.

The IOP industrial office park district is so structured as to permit, along with any specific uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.

The specific site development of the uses permitted in this district shall be permitted subject to the application of required development standards intended to create compatible and orderly development of the area and to promote both safe and convenient vehicular and pedestrian traffic.

- B. **Permitted Principal Uses.** Permitted principal uses in the IOP industrial office park district shall include the following, subject to the specific development standards set forth in [Section 8.20](#):

1. Light manufacturing, research, assembly, testing and repair of components, devices, equipment and systems, including the following:
 - a. Communication, transmission and reception equipment.
 - b. Data processing equipment and systems.
 - c. Optical devices, equipment and systems.
 - d. Radar, infrared and ultra-violet equipment and systems.
 - e. Scientific, mechanical, and metering instruments.
2. Light manufacturing, processing or assembly of the following:
 - a. Biological products, drugs, medicinal chemicals, and pharmaceutical preparations.
 - b. Electrical machinery, equipment and supplies, electronic equipment and accessories.
 - c. Office, computing and accounting machines.
3. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities

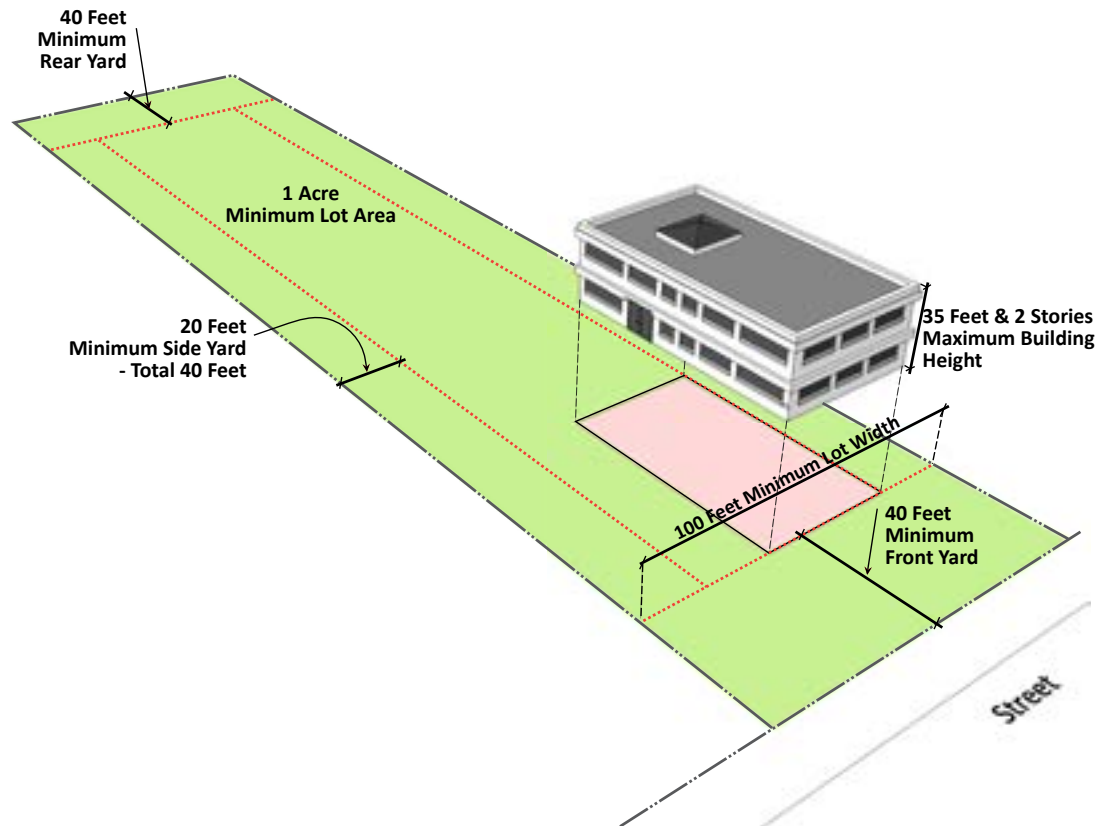
where said offices are designed to accommodate: executive, administrative, professional, accounting, engineering, architectural, and support personnel.

4. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
 5. Warehousing, refrigerated and general storage, but not including self-storage facilities.
 6. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
 7. Training and/or educational centers where such centers are designed and intended to provide training at the business, technical, and/or professional level.
- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the IOP industrial office park district subject to the requirements and standards of [Article 7.0 Special Land Uses](#), the specific development standards set forth in [Section 8.18](#) and any applicable requirements and standards of this Ordinance.
1. Utilities and communications, such as electrical receiving or transformer stations, radio or television broadcasting stations, transmitting and receiving towers.
 2. Computer and business machine sales when conducted in conjunction with and accessory to a permitted principal use.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the IOP industrial office park district shall be as follows:

Table 4.25 - IOP							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
40	20	40	40	35	2	1	100

Figure 4.25



SECTION 4.26 R-O RESEARCH-OFFICE

- A. **Intent.** The R-O research-office district is intended to permit those research, office and light industrial uses which are planned and designed to compliment and be consistent with surrounding and/or adjacent land uses and to act as a buffer between more intensive land uses and the less intense residential zones. It is further intended that the R-O research-office district provides locations for research, office and light industrial uses which by their nature require close proximity to major thoroughfares as well as to other similar types of uses.

The uses permitted in this district shall be incorporated in a planned campus environment through the coordinated application of development standards such as building height, signage, landscaping, and other unifying elements.

- B. **Permitted Principal Uses.** Permitted principal uses in the R-O research-office district shall include the following, subject to the specific development standards set forth in [Section 8.19](#).

1. Office buildings for corporate executives, administrative and professional staffs, together with their support personnel.
2. Training and/or educational centers where such centers are designed and intended to provide training at the business and/or professional level.
3. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
4. [Accessory building](#) and uses customarily incidental to any of the permitted principal uses.

- C. **Special Land Uses.** The following [special land uses](#) shall be permitted in the R-O research-office district subject to the requirements and standards of [Article 7.0 Special Land Uses](#), the specific development standards set forth in [Section 8.21](#) and any of the applicable requirements and standards of this Ordinance.

1. Research and design centers where said centers are intended for the development and testing of prototype, pilot, or experimental products.
2. Light manufacturing, processing and assembly of the following:
 - a. Communication, transmission and reception equipment such as coils, tubes, semiconductors, navigation control equipment and systems guidance equipment.
 - b. Data processing equipment and systems.
 - c. Metering and testing instruments.

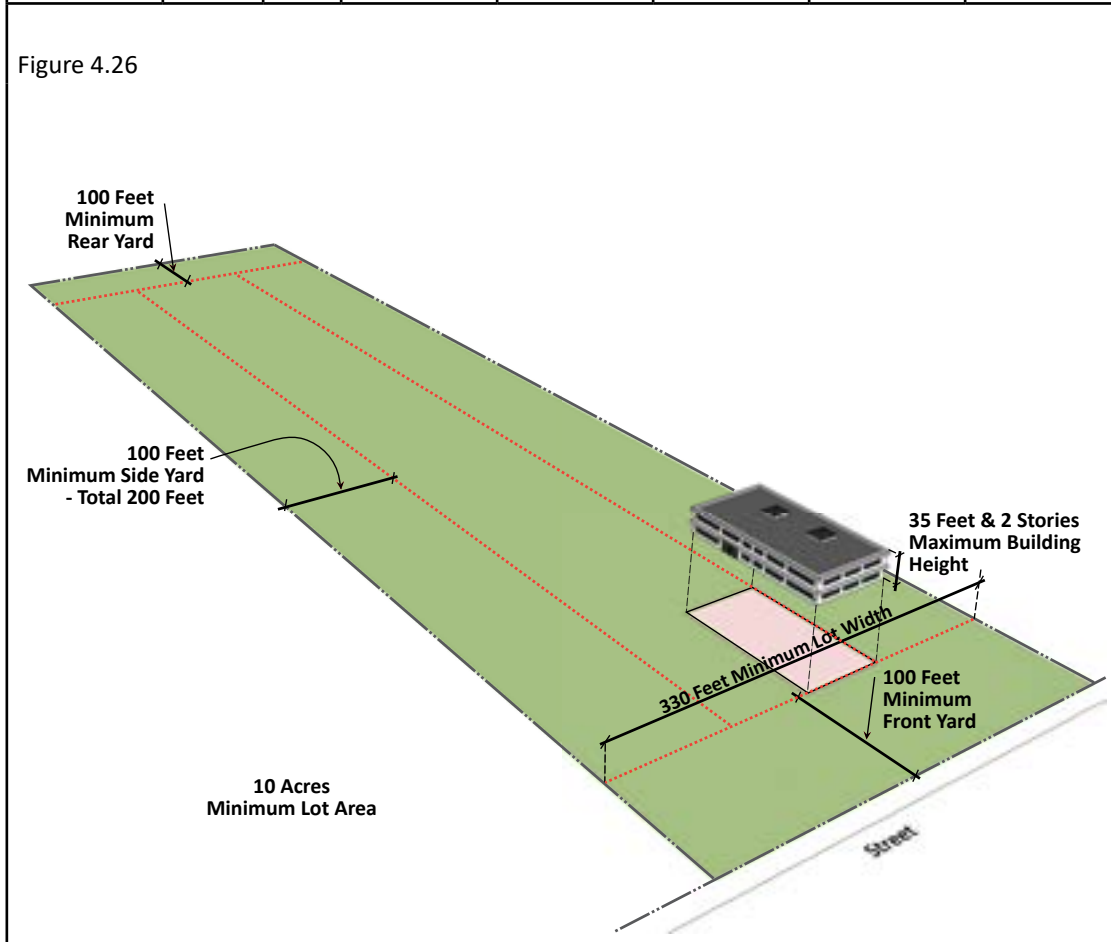
- d. Optical devices, equipment and systems.
- e. Electrical and electronic equipment and supplies.
- f. Office, computing and accounting machines.
- g. Automotive parts and accessories.

3. Warehousing, when associated with a permitted principal or special land use.

D. **Area, Height, Bulk, and Placement Requirements.** Area, height, bulk, and placement requirements for the R-O district shall be as follows:

Table 4.26 - R-O							
Minimum Yard Setback in Feet (per lot)				Minimum Lot Size			
Front Yard	Side Yards		Rear Yard	Maximum Building and Structure Height		Minimum Land Area	
	Least	Total		In Feet	In Stories	Area in Acres	Width in Feet
100	100	200	100	35	2	10	330

Figure 4.26



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ARTICLE 5

GENERAL PROVISIONS

SECTION 5.01 SCOPE

The regulations in this Article shall apply in all zoning districts unless specifically provided otherwise in a section of this Article.

SECTION 5.02 RESTRICTIONS ON THE NUMBER OF BUILDINGS PER LOT

- A. There shall be only one (1) single-family residence permitted per lot in all single-family residential zoning districts, notwithstanding subsection B., below.
- B. For all development subject to [site plan](#) review, more than one (1) principal building per lot may be permitted to the extent that the proposed plan for such purpose is found by the Planning Commission as part of site plan review to conform with the intent, and with all standards and requirements of this Ordinance.

SECTION 5.03 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 of the following conditions:

- A. A public street which has been accepted for maintenance by the County Road Commission;
- B. A permanent and unobstructed existing private road of record at the county register of deeds and having width of at least sixty (60) feet, and built in accordance with Township standards;
or
- C. All street or roadway names shall be approved by the Township building department to avoid duplication.

SECTION 5.04 PROHIBITED PARKING IN ALL RESIDENTIAL DISTRICTS

- A. The following provisions shall be applicable in all residential zoning districts:
 - 1. Automotive vehicles, recreational vehicles, or trailers of any kind shall be maintained in an operable and licensed condition, or stored in completely enclosed buildings. Inoperable and/or unlicensed automotive vehicles, recreational vehicles, or trailers of any kind shall not be parked or stored other than in completely enclosed buildings.

2. Notwithstanding that a motor vehicle is operable and has current license plates, if there is evidence that a motor vehicle has not been operated for a period of one hundred and eighty (180) days, it shall be presumed that the vehicle has been abandoned and may not be stored or parked except in a completely enclosed building.
3. Storage and parking of recreational vehicles and trailers of any kind within all residentially zoned districts shall comply with the following:
 - a. Storage or parking shall not be permitted on vacant lots or parcels.
 - b. All such vehicles shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, except that the parking and occupancy of a recreational vehicle on private property shall be permitted for a period not to exceed two (2) weeks, and not to exceed four (4) times a year.
 - c. Any recreational vehicles and trailers of any kind shall be parked or stored, unless otherwise permitted hereafter, in the following manner:
 - (1) In an enclosed building, such as a garage; or
 - (2) The recreational equipment shall be parked completely within the boundaries of the lot or parcel and shall not block a public sidewalk where such public sidewalk exists.
 - (3) No more than two (2) items of recreational equipment shall be permitted to be parked or stored upon any established driveway at any one (1) time. For purposes of this limitation, recreational equipment used in conjunction with other recreational equipment, such as a boat mounted on a boat trailer, shall be considered as one (1) item of recreational equipment.
 - (4) Parking of recreational equipment in the driveway shall not prevent the off-street parking requirements set forth in [Section 10.02](#) from being met.
 - (5) Recreational and camping equipment may be parked anywhere on the owner's premises for loading or unloading purposes for a period of not more than forty-eight (48) hours.
- B. Commercial vehicles, including road tractors, truck tractors, semitrailers and trailers, having a gross vehicle weight of ten thousand (10,000) pounds or greater shall not be parked or stored in any residentially zoned property except when making a delivery. Special mobile equipment shall not be parked and/or stored in any residentially zoned property when not used in construction and development of the property upon which it is located.

SECTION 5.05 GENERAL EXCEPTIONS

- A. **Height.** No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as set forth herein.
1. Roof structures and screening devices for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, shall not exceed by more than ten (10) feet the height limit of the district in which the use is located.
 2. Fire or parapet walls and skylights shall not exceed by more than five (5) feet the height limit of the district in which the use is located.
 3. Steeples, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, or similar structures or portions of buildings shall not exceed by more than fifteen (15) feet the height limits of the district in which the use is located.
 4. A structure which is permitted by this section to exceed height shall have a total area no greater than ten percent (10%) of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building. In no event may persons occupy such a structure.
 5. The provisions of this section shall not apply to wireless communication facilities regulated by [Section 8.15](#).
- B. **Architectural Features.** Architectural features, as defined in [Article 2, Definitions](#), not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet. An open porch may project into a front yard [setback](#) for a distance not exceeding five (5) feet. Terraces, as defined in [Article 2, Definitions](#), shall not be subject to setback requirements.
- C. **Grade Elevations and Excavation.**
1. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A slope grade shall be established and maintained from the center of the front or rear [lot line](#) to the finished grade line at the front or rear of the building. 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 the adjacent properties. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as established grade or such grade determined by the Township engineer or building inspector.

2. The construction, maintenance or existence of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the building inspector; and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state.

- D. **Accessibility Improvement.** An accessibility improvement meeting ADA requirements may be constructed to a point ten (10) feet from the front and rear property lines, and five (5) feet from side property lines in all residential districts.

SECTION 5.06 ACCESSORY BUILDINGS AND STRUCTURES

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

A. **Standards within All Residential Districts.**

1. **Location.** An accessory building, structure or garage shall be required to be located on a parcel where a principal building, structure, or use has been, or is concurrently being, established on the same parcel.
2. **Attached or detached accessory garages.** Each single-family dwelling shall be permitted one attached or detached accessory garage or a combination of accessory garages, subject to the following requirements:
 - a. The architectural style, type of construction and building materials shall be similar to and compatible with the principal dwelling as determined by the building department;
 - b. The allowable floor area of an attached or detached residential garage, shall not exceed fifty percent (50%) of the total floor area (excluding basements) of the principal dwelling or nine hundred (900) square feet in the R-1A district and one thousand two hundred (1,200) square feet in the R-1B, R-1C, and R-1R districts, whichever is greater;
 - c. In the case of a combination of an attached and detached garage, the total allowable square footage shall not exceed the amount set forth in subsection A.2.b. of this section;
 - d. An attached residential garage shall conform to all setback and height requirements applicable to the principal dwelling. An attached residential garage may include storage and/or other uses which are clearly incidental to the principal dwelling; provided the total requirements for floor area are met; and

e. A detached accessory garage shall be subject to the [setback](#) and height requirements set forth in [Section 5.05.A.4](#).

3. **Additional detached accessory storage buildings.** In addition to an attached or detached residential garage permitted in subsection 2.b. of this section, the following requirements shall be applicable to additional detached accessory storage buildings:

a. One (1) additional detached accessory storage building shall be permitted on parcels or lots of one (1) acre or less. Two (2) additional detached buildings shall be permitted on parcels or lots of greater than one (1) acre;

b. The total allowable floor area of detached accessory storage buildings shall be subject to the following requirements:

<i>Table 5.06-1 Allowable Floor Area of Detached Accessory Storage Buildings</i>					
<i>Parcel or lot area</i>	<i>15,000 s.f. or less</i>	<i>15,000 s.f. to 1.5 acres</i>	<i>>1.5 acres to 3 acres</i>	<i>>3 acres to 10 acres</i>	<i>>10 acres</i>
<i>Dwelling with attached garage</i>					
Allowable floor area (square feet), plus	200	300	950	1,600	3,500
Additional area per 100 square feet of lot area (square feet)	1	1	0.5	0.5	0.25
Maximum allowable floor area (square feet)	300	950	1,600	3,500	6,000
<i>Dwelling with detached garage</i>					
Allowable floor area (square feet), plus	200	300	950	1,600	3,500
Additional area per 100 square feet of lot area (square feet)	1	1	0.5	0.5	0.25
Maximum allowable floor area (square feet)	225	875	1,525	3,500	6,000

c. When combined with a detached accessory garage in a single building, the allowable floor area for a detached accessory storage building may be combined with the allowable floor area for the detached accessory garage.

d. The use of [cargo containers](#) for storage or any other purpose shall be strictly prohibited in any district, except those listed in Section 5.06 B.3.

e. The use of [portable storage containers](#) for temporary storage shall be permitted in residential districts for a period not to exceed sixty (60) days or, in the case where a building permit has been issued for construction on the premises, for the period which the building permit is active.

4. **Setback and height requirements for all detached accessory buildings and structures.** A detached accessory residential garage, storage building, or structure shall be located behind the front of the principal building and shall be subject to the following minimum setback and height requirements.

<i>Table 5.06-2 Setback and Height Requirements for Detached Accessory Buildings</i>					
<i>Use</i>		<i>R-1A</i>	<i>R-1B</i>	<i>R-1C</i>	<i>R-1R</i>
<i>Minimum yard setbacks (in feet)</i>					
	Front	40	40	75	75
	Side	10	10	10	50
	Rear	10	10	50	75
<i>Minimum setbacks from other buildings (in feet)</i>					
	Principal dwelling	10	10	10	10
	Other accessory buildings	10	10	10	10
<i>Maximum height (in feet)</i>					
		16	16	16	16

5. **Detached supplemental accessory buildings.** Detached supplemental accessory buildings shall be subject to the following:
- a. No more than two (2) detached supplemental accessory buildings shall be permitted;
 - b. The total floor area shall not exceed three hundred (300) square feet; and
 - c. The minimum setback and height requirements shall be the same as detached accessory buildings, as set forth in Section 5.05.A.4.
6. **Decks.** Decks requiring a building permit shall be subject to the following:
- a. The total square footage, excluding steps, shall not exceed the ground floor area of the principal building; and
 - b. Decks shall be subject to the following minimum setback requirements:
 - (1) A deck shall meet the required front and side yard requirements applicable to the principal building in the district in which it is located;
 - (2) A deck shall be permitted to encroach in the required rear yard by no more than ten (10) feet; provided the portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence. Furthermore, the portion of a deck which occupies the required rear yard shall not contain any enclosed or covered structures, such as a gazebo or screened porch; and
 - (3) A deck shall meet the required natural feature setback of twenty-five (25) feet.

In the case of PRD, PUD and cluster lot developments which result in the reduction of lot sizes, specific provisions shall be set forth on the [site plan](#) for the manner in which decks are to be treated. The Township in their sole discretion, shall make a determination whether the requirements set forth in Section 5.05.A.6 may be applied.

7. **Swimming pools.** Swimming pools shall be permitted in all residential districts subject to the following:
 - a. A swimming pool shall be located behind the front of the principal building; and
 - b. In the R-1A, R-1B and R-1C districts, a side and rear yard [setback](#) of a minimum of ten (10) feet shall be required. In the R-1R district, a side and rear yard setback of a minimum of fifty (50) feet shall be required.
8. **PRD, PUD, and cluster lot developments.** Recognizing that certain PRD, PUD and cluster lot developments result in the reduction of lot sizes below that which is required in the underlying zoning district, regulation of [accessory buildings](#) shall be based upon the lot size of the most applicable zoning district taking into consideration lot size and width.
9. **Exemption for historic structures.** Where there is a historically significant accessory structure as identified in the Township's historic and rural preservation plan and the owner intends on constructing additional [accessory buildings](#) and structures on the property, the following standards shall apply:
 - a. The existing square footage of the accessory historical structure shall not be counted towards allowable square footage set forth in the regulations herein; and
 - b. Any expansion of the square footage of the accessory historical structure shall be counted towards allowable square footage set forth in the regulations herein.

B. Standards for Buildings and Structures Accessory to All Other Uses.

1. All [accessory buildings](#) shall be subject to the same placement and height requirements applicable to principal structures in the district in which located.
2. No accessory building shall be larger than twenty-five percent (25%) of the total ground floor area of the principal building or buildings that it serves.
3. The use of [cargo containers](#) for storage shall be permitted in ML, GI, IOP, and RO Districts, subject to the following:
 - a. Containers shall be restricted to a location behind the front face of the building.
 - b. Containers shall not be stacked above the height of a single container.

- c. Container storage areas which are visible from the public right-of-way or abut residentially zoned or used properties shall be screened in accordance with the standards set forth in Section 10.06.
- d. Materials stored within cargo containers are subject to review and approval by the Independence Township Fire Department.

SECTION 5.07 SINGLE-FAMILY DWELLING REGULATIONS

- A. A single-family dwelling, other than homes situated in a mobile home park within the jurisdiction of the State Mobile Home Commission, that is constructed, erected, structurally altered, repaired, and/or moved in whole or in part from or to a site in the Township shall conform to the following regulations, in addition to all other applicable state and/or federal standards and/or regulations:
 1. It shall comply with all applicable building, construction and fire codes;
 2. It shall comply with a minimum floor area, lot size, yard setback, and the like, the requirements of this Ordinance for the zone in which it is situated;
 3. It shall have a minimum width of twenty (20) feet on the front, rear, and all side elevations;
 4. It shall be firmly attached to a permanent foundation with a minimum forty-two (42) inch footing, constructed of materials required for single-family dwellings pursuant to the state construction code;
 5. It shall have no exposed wheels, towing mechanism, undercarriage, or chassis;
 6. All means of access fixed to the foundation of the dwelling, such as porches, ramps, and the like shall be permanent in nature, with footings below the frost line;
 7. It shall be connected to a public sewer and water supply, or to such private facilities approved by the county health department;
 8. It shall contain inside storage capability equal to ten percent (10%) of the square footage of the building, or one hundred (100) square feet, whichever is less, such storage capability to be in a basement beneath the dwelling, an attic area, one (1) or more closet areas, or an attached or detached structure with construction standards and materials of equal or greater quality and durability than the principal structure, including foundation;
 9. It shall have no less than two (2) exterior doors situated on different elevations of the dwelling, e.g., front and side; and
 10. In terms of construction standards, character, materials, design, appearance, aesthetics

and quality, it shall be compatible, i.e., it shall meet equal or greater standards, as compared with existing dwellings in the area. The building director, or his or her designate, shall make the determination of compatibility in the first instance, based upon the plans, specifications and elevations, which shall be presented upon application for a building permit. Such determination shall be made in view of the following:

- a. The area of consideration: If the dwelling is to be located in a platted subdivision, it shall be compatible with the houses in the plat; and, if not in a platted subdivision, it shall be compatible with the houses within two thousand (2,000) feet which might be considered as being an area which relates to the property in question;
 - b. The square footage of floor space;
 - c. The length, width, and height of structure;
 - d. The architectural type and design, including, without limitation, exterior materials, custom nature of design, roof style, and the like, to the extent that the same would likely bear upon property values; and
 - e. The attachment of garages.
- B. These regulations shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices, including solar energy, view, unique land contour, and/or custom qualities. The determination of the building director, or his designate, shall be subject to appeal to the Zoning Board of Appeals; provided a written application to appeal must be filed within fifteen (15) days after notice of the decision in the first instance.

SECTION 5.08 MOVING OF BUILDINGS

No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the building inspector 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 state construction code and other codes regulating the health, safety and general welfare of the Township. A performance bond, as established by the Township Board of sufficient amount to insure the cost of completing the building for occupancy within a period of not more than six (6) months from the date of permit, shall be furnished before a permit is issued.

SECTION 5.09 VOTING PLACES

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

SECTION 5.10 HOME OCCUPATIONS

All [home occupations](#), with the exception of agricultural operations, shall be in single-family residences and shall be subject to the following requirements:

- A. **Incidental and Secondary.** All home occupations must be clearly incidental and secondary to the primary residential use and conducted by a resident of the property.
- B. **Character and Appearance.** Home occupations shall not change the character or appearance of the structure or the premises or create other visible evidence of conduct of such home occupation, except as expressly permitted. There shall be no external or internal alterations not customary in residential areas or structures.
- C. **Nuisance.** Home occupations shall not create a nuisance or endanger the health, safety, welfare or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, and/or fire hazards. Any electrical equipment processes that create visual or audible interferences with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- D. **Sewage and Water.** Home occupations shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling unit.
- E. **Traffic.** There shall be no vehicular traffic permitted for a home occupation, other than as is normally generated for a single-family dwelling unit, both as to volume and type of vehicles, except for Class I, Home Occupation that permits one customer, and Class II, Home Occupation where the Planning Commission may permit on-site visitation by customers or clients.
- F. **Class I home occupations.** Class I home occupations shall not require a permit but shall be subject to the following additional requirements:
 - 1. **Location.** Class I home occupations shall be conducted within the dwelling unit or an existing accessory building.
 - 2. **Employees.** There shall be no on-site employees other than members of the immediate family living on the property.
 - 3. **Parking.** There shall be no additional parking spaces provided.
 - 4. **Customers.** There shall be no more than one on-site customer or client at any time.
 - 5. **Exterior Storage.** The exterior storage of material, equipment or refuse associated with the home occupation shall be prohibited.
- G. **Class II home occupations.** Class II home occupations shall require special land use approval in accordance with Article 7 and shall be subject to the following additional requirements.

1. Plot Plan Required. In lieu of a site plan, the application shall require a plot plan that includes the following information:
 - a. The legal description of the property, accompanied by a statement affirming that the property has been surveyed and that the boundary corners of the property have been marked by placing permanent points at each corner of the property;
 - b. The north point and scale of not less than one (1) inch equals one hundred (100) feet;
 - c. The name, address, and telephone number of the person responsible for the preparation of the plan;
 - d. The dimensions of all lot and property lines, including bearings and distances, and showing the relationship of the subject property to abutting properties;
 - e. The location and dimensions of all existing and/or proposed drives and parking areas;
 - f. The location and dimensions of all existing and/or proposed right-of-way and/or easements on the property and all abutting streets, roads and/or drives;
 - g. The location of all existing or proposed underground utilities and utility leads (including water, sanitary sewer, well, septic field, and stormwater);
 - h. The location of existing and proposed buildings on the property, including setback dimensions to front, side, and rear property lines, and tie dimensions from the proposed building to any adjoining building on or within twenty (20) feet of the property;
 - i. All required zoning setbacks shown and labeled;
 - j. The preparation of the plot plan shall be by a registered land surveyor or registered civil engineer if required by the Zoning Administrator where needed in order to make relevant decisions; and
 - k. If no work is being done or required to the physical structure or the site of which the home occupation is proposed, the Zoning Administrator may waive any submittal requirements if the Zoning Administrator determines certain submittal requirements are not necessary to the Township's consideration of the home occupation use.
2. Location. Class II home occupations shall be located within the dwelling unit or an accessory building with a gross floor area not to exceed seven hundred fifty (750) square feet.
3. Employees. There may be up to one (1) on-site employee other than members of the immediate family living on the property.

4. **Parking.** There may be up to two (2) additional parking spaces provided. Parking spaces shall be on-premises, shall be subject to the standards of Article 10 Site Design Standards, and shall not be located in a required front yard.
 5. **Sign.** A wall plate, consistent with Section 12.02.E.2, shall be permitted.
 6. **Customers.** There shall be no more than one (1) on-site customer or client at any time, unless additional customers or clients is granted by the Planning Commission as part of the special land use review.
 7. **Products.** Articles sold or offered for sale on the premises shall be limited to those produced by the home occupation or provided as incidental to the service or profession of the home occupation.
 8. **Exterior Storage.** The exterior storage of material, equipment or refuse associated with the low-impact home occupation may be permitted if adequate screening is provided from adjacent properties and streets.
- H. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises. Off street parking is subject to all regulations in [Article 10, Site Design Standards](#). [Parking spaces](#) shall not be located in the required front yard.
- I. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or [accessory building](#) or is provided as incidental to the service or profession conducted therein.
- J. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

SECTION 5.11 MAINTENANCE OF ANIMALS

The regulations of this section applies to all properties where animals are kept, with the exception of bonafide farm operations protected under the Right to Farm Act, P.A. 93 of 1981 and the keeping of chickens regulated by Chapter 8, Article IV - Keeping of Chickens. The maintenance of animals is subject to the following provisions:

- A. Class I animals may be maintained in any zoning classification district subject to the performance standards in [Section 11.02](#).
- B. Class II animals may be maintained in the following zoning classification districts; R-1A, R-1B, R-1C, and R-1R subject to the performance standards in [Section 11.02](#); provided, however, that class II animals shall not be permitted on a premises having less than three (3) acres; one (1) class II animal shall be permitted on a premises having three (3) acres or more; and one (1) additional class II animal shall be permitted per each full acre on a premises in excess of three (3) acres.

- C. Class III animals may be maintained in the following zoning classification districts: R-1A, R-1B, R-1C, and R-1R subject to the performance standards in [Section 11.02](#); provided, however, that class III animals shall not be permitted on a premises having less than three (3) acres, and one (1) additional class III animal shall be permitted per each one-tenth (1/10) acre on a premises in excess of three (3) acres.
- D. In addition to, and notwithstanding subsections A. through C. of this section, the following regulations shall be applicable to the maintenance of animals:
1. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this section.
 2. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
 3. All feed and other substances and materials on the premises for the maintenance of animals shall be stored in appropriate enclosed receptacles and structures, excepting such storage as may otherwise be accomplished without adversely affecting the neighbors of the premises or the public health, safety and welfare of the citizens of the Township.
 4. Structures shall be provided to house, confine, and shelter animals, and the size of all [accessory buildings](#) and structures situated on a premises shall not exceed a total of one hundred fifty (150) square feet for each complete acre of land area; provided that no single building or structure shall exceed the size of two thousand (2,000) square feet. The following minimum sized structures shall be provided for each animal:
 - a. For class II animals:
 - (1) Bovine and like animals, fifty (50) square feet;
 - (2) Equine and like animals, fifty (50) square feet;
 - (3) Swine and like animals, twenty (20) square feet;
 - (4) Ovine and line animals, eight (8) square feet; and
 - (5) Other Class II animals shall be provided with a minimum of fifty (50) square feet of structure per animal.
 - b. Class III animals shall be provided with a structure having a minimum size of four (4) square feet per animal; provided that in the event that animal stalls, cages, etc., are constructed on more than one (1) floor, level, or layer, square footage shall be computed by counting the area on each floor, level, or layer separately.

5. Class II and class III animals shall be restricted to areas on the premises upon which they are being maintained no less than seventy-five (75) feet from the nearest residential [lot line](#), other than R-1R, or any neighboring dwelling unit in any zoning classification district, said restricted area to include areas in which animals are fenced or otherwise restrained, and structures required to house, care for and maintain animals.
6. On any premises upon which animals are situated or maintained in the Township, garbage, refuse, offal, and the like shall not be brought upon the premises and fed to animals; said action is hereby deemed to be a nuisance.
7. A nuisance shall not be created by the maintenance of animals in the Township, and upon the inspection by the [Building Official](#), or other Township official duly designated and authorized by the Township Board, concerning a premises on which animals are kept and upon ten (10) days' written notice given by said official to the person maintaining animals on said premises, stating in said notice that it appears that a nuisance does in fact exist on said premises, and specifically describing said nuisance, due notice being given to individuals residing within three hundred (300) feet of the said premises, and other interested parties known to the Township, the Board of Appeals shall conduct a hearing and make a determination as to whether the conditions on the premises in question constitute a nuisance; the person or persons maintaining the animals on said premises, or their legal representatives, shall be permitted to present evidence and argument. Upon a determination by the Board of Appeals that a nuisance exists, the Board of Appeals shall, in writing, apprise the person maintaining the animals on said premises as to how the nuisance shall be abated, and provide a reasonable time therefore. The Board of Appeals shall order the animals upon the premises removed only in the event that the maintenance of said animals creates an imminent danger to the public health, safety, and welfare, and provided that such a removal order shall be limited to a minimum number of animals and minimum time period necessary to abate said danger.
8. Except as authorized in an approved wildlife reserve or zoological garden, wild animals shall not be permitted to be maintained in the Township, temporarily or permanently.

SECTION 5.12 MINIMUM DWELLING SIZE

The minimum size of buildings shall be as follows:

<i>Table 5.12 Minimum Dwelling Size</i>			
<i>Type of Building</i>	<i>Square Foot Usable Floor Area First Story</i>	<i>Square Foot Total Useable Floor Area</i>	<i>Square Foot Additional Floor Area for Storage and/or Utility</i>
<i>Single-Family (R-1A/R-1B)</i>			
1 story	1,000	1,000	
1 ½ stories	850	1,000	
2 stories	800	1,600	
<i>Single-Family (R-1C/R-1R)</i>			
1 story	1,200	1,200	
1 ½ stories	1,000	1,200	
2 stories	900	1,800	
<i>Two-Family</i>			
Per dwelling unit		800	100
<i>Multifamily dwelling</i>			
Efficiency unit		450	100
1 bedroom		630	100
2 bedroom		800	100
3 bedroom		1,050	100

SECTION 5.13 RECREATIONAL MARIHUANA ESTABLISHMENTS AND MEDICAL MARIHUANA FACILITIES PROHIBITED

- A. Any and all types of a “[marihuana establishments](#),” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act (the “MRTMA”), are completely prohibited in the Township and may not be established or operated in any zoning district, by any means, including by way of a variance. Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act (“MMFLA”), are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance, with the exception of a [Registered Primary Caregiver](#), as provided in this Ordinance.

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ARTICLE 6

SITE PLAN REVIEW

SECTION 6.01 INTENT

Site plan review and approval of all development proposals within specific zoning districts is required by the following provisions. The intent of this section is to provide for consultation and cooperation between the developer and the Township planning department so that both parties might realize reasonable utilization of land and minimum adverse effects upon the surrounding land uses. Through the application of the following provisions, the attainment of the Master Plan of the Township will be assured, and the Township will develop in an orderly fashion.

SECTION 6.02 WHEN REQUIRED

A site plan shall be submitted to the planning department for approval of any new use or expansion of an existing use with the exception of new construction and modification to an individual residence. Further, such site plan approval shall be required in the following situations:

- A. Any use or development for which the submission of a site plan is required by a provision of this Ordinance;
- B. All special land uses;
- C. All uses subject to the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended; and
- D. All planned unit and planned residential developments.

SECTION 6.03 PROCEDURES FOR SUBMISSION AND REVIEW OF APPLICATION

- A. **General Requirements.** The applicant shall complete and submit the required number of copies of an application for site plan review, site plans, and other information where applicable. Compliance with the requirements of this Ordinance is mandatory. The applicant or his or her representative must be present at each scheduled review or the matter will be tabled for a maximum of two (2) consecutive meetings due to lack of representation.
- B. **Conceptual and Final Site Plan Approval.** The procedure for processing the site plan includes two (2) phases:

1. The first phase is called conceptual approval, the intent of which is to present a [site plan](#) to the Planning Commission for initial review and approval of the overall concept of the development. A conceptual site plan shall contain all information required under [Section 6.05](#). Wherein the [applicant](#) intends to request variances from this Ordinance from the Zoning Board of Appeals, conceptual approval by the Planning Commission shall be conditional upon favorable action on any variance requested by the Zoning Board of Appeals.
 2. The second phase is called final [site plan](#) approval and can only be given after conceptual approval and Zoning Board of Appeals action, where necessary. The final site plan approved by the Planning Commission shall contain all required information as mandated by [Section 6.06](#) and as may be required by the review comments of any reviewing agency and/or Township department. Wherein a permit is required under the Township wetlands and watercourse ordinance, final site plan approval by the Planning Commission shall be conditioned upon obtaining a wetlands permit.
- C. ***Specific Procedures.*** The procedures for the review and approval of conceptual and final [site plans](#) shall be as follows:
1. Copies of the application for site plan review must be obtained from the Township building and planning department. The [applicant](#) is asked to keep a copy for their records. The applicant shall return the original copy of the application to the Township at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission. Application fees as found in the Township's fee resolution must be paid when the application is submitted and sufficient escrow accounts must be established to cover the review costs.
 2. The completed application shall be accompanied by copies of the [site plan](#) to be reviewed. The number of copies shall be specified by the Zoning Administrator. Site plans which fail to meet the minimum information requirement set forth in [Sections 6.05](#) and [6.06](#) shall not be accepted for review.
 3. The Zoning Administrator shall submit the [site plan](#) to the Township engineer, Township planner, fire department and other appropriate Township departments for review and recommendations.
 4. The [applicant](#) shall submit the [site plan](#) to the following agencies for approval, when such approval is required by law, ordinance, or regulation for specific site improvements or facilities or environmental permits: county road commission, state department of transportation, county drain commissioner, county health department, state department of environmental quality.
 5. All conceptual [site plans](#) shall be considered within sixty (60) days of placement on the first available Planning Commission agenda. The Planning Commission will consider the conceptual site plan for approval, revision, or disapproval at a scheduled meeting.

- a. Upon determination of the Planning Commission that a conceptual site plan is in compliance with this Ordinance and other plans or regulations, the conceptual site plan shall be granted conceptual approval. Following conceptual approval, the [petitioner](#) shall resubmit the site plan to the Planning Commission for final site plan approval.
 - b. Upon determination of the Planning Commission that a conceptual site plan is in compliance, except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the [petitioner](#) shall resubmit the conceptual site plan to the Planning Commission for final site plan approval. If extensive revisions to the conceptual site plan are necessary to meet the requirements of this Ordinance, the site plan shall be disapproved and the [applicant](#) requested to prepare an alternate site plan. In this case, “DISAPPROVAL” shall be written on the plan and reasons for disapproval indicated in the Planning Commission’s resolution.
 - c. Final site plan approval with conditions or contingencies does not constitute final approval. Final approval will not be provided until all contingencies have been met, as determined by the Township building and planning department.
6. When a [site plan](#) is reviewed and approved or denied by the Planning Commission, and all steps completed, three (3) copies of the site plan shall be marked by the Planning Commission for the following distribution:
- a. One (1) copy shall be returned to the [applicant](#) signed by the chairman including any conditions of approval; and
 - b. Two (2) copies shall be forwarded to the building department for filing.

SECTION 6.04 REVIEW AND APPROVAL AUTHORIZED

The Planning Commission shall review and approve or review and deny all [site plans](#) submitted under this section, except where administrative approval is permitted as set forth in [Section 6.08](#). Specific standards and procedures for consideration of each case are set forth herein.

SECTION 6.05 APPLICATION FOR CONCEPTUAL SITE PLAN REVIEW

An application for conceptual [site plan](#) review shall be submitted to the Zoning Administrator. The site plan presented for consideration shall contain all information required in this section.

- A. **Form.** The application form shall include the:
1. [Applicant’s](#) name and address;
 2. Name of the proposed development;

3. Common description of the property and complete legal description;
4. Dimensions of land, width, length, acreage, and frontage;
5. Existing zoning and zoning of all adjacent properties;
6. Statement of intent of proposed use of land and any phasing of project;
7. Name, address, city and phone number of the:
 - a. Firm or individual who prepared [site plan](#);
 - b. Legal owner of property; and
 - c. [Applicant](#) (including basis of representation);
8. Signature of the legal owner and the [applicant](#) and the date; and
9. Statement of intent, if applicable, to develop the property under the condominium act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended.

B. *Drawings and Illustrations.*

1. The [site plan](#) drawings and illustrations shall include the:
 - a. Sheet size which 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 or less for property less than three (3) acres or one (1) inch equals one hundred (100) feet or less for property three (3) or more acres;
 - b. Names, addresses and telephone numbers of the [applicant](#) and owner;
 - c. Date (month, day, year), including revisions;
 - d. Title block;
 - e. Scale;
 - f. Northpoint;
 - g. Location map drawn at scale of one (1) inch equals two thousand (2,000) feet with north point indicated;

- h. Identification of the registered architect, engineer, surveyor, landscape architect, or planner's professional seal, which shall be required on all plans, accompanied by the following statement:

"I (name of professional) certify that the plans submitted for review were prepared by me or by persons under my employ or supervision. I am a principal of the firm indicated in the title block or the responsible licensee in charge of the project for the firm producing the documents. My license is in good standing with the Michigan Licensing Department and is currently active."

- i. Gross acreage;
 - j. Legal description;
 - k. Zoning classification of applicant's parcel and all abutting parcels; and
 - l. Proximity to major thoroughfares and section corners.
2. Physical features to be indicated on the site plan drawings and illustrations shall include the:
- a. Existing and proposed lot lines, building lines, buildings, structures, and parking areas on the site and within one hundred (100) feet of the site;
 - b. Centerline, existing and proposed right-of-way lines, and lanes of any street abutting the property;
 - c. Location of existing and proposed traffic and pedestrian circulation facilities including:
 - (1) Access drives;
 - (2) Service drives;
 - (3) Fire lanes;
 - (4) Street intersections;
 - (5) Acceleration, deceleration, and passing lanes and approaches;
 - (6) Sidewalks, safety paths, and other pedestrian trails and walkways; and
 - (7) Curbing;
 - d. Location of existing and proposed off-street parking.

- e. General description of existing and proposed water, sewer and stormwater service facilities.
 - f. Identification of any variances requested; and
 - g. Any other pertinent physical features.
3. Natural features to be indicated on the [site plan](#) drawings and illustrations shall include the:
- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service Soil Survey of Oakland County, MI 1980;
 - b. Existing topography with a maximum contour interval of two (2) feet, on parcels of more than one (1) acre. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall be indicated;
 - c. Location of existing drainage courses and associated bodies of water, on site and offsite, and their elevations;
 - d. Location of existing wetlands to at least the detail indicated on the Township wetland inventory map and identification of any wetlands board action; and
 - e. Location of slopes greater than eighteen percent (18%) (one (1) foot of vertical elevation for every eighteen (18) feet of horizontal distance).

SECTION 6.06 APPLICATION FOR FINAL SITE PLAN REVIEW

An application for a final [site plan](#) review shall be submitted to the Zoning Administrator. The detailed site plan presented for consideration shall contain all information required in this section.

A. Provide all information required in a conceptual [site plan](#) submittal as outlined in [Section 6.05](#).

B. *Drawings and Illustrations.*

- 1. The [site plan](#) and illustrations shall include:
 - a. Location of existing and proposed off-street parking indicating the dimensioned [parking spaces](#) and maneuvering lanes calculations of the number of parking spaces required and provided, and the method of surfacing;

- b. Location of existing and proposed service facilities including the:
 - (1) Well site;
 - (2) Septic systems, drainfields and other wastewater treatment systems;
 - (3) Water mains, hydrants, pump houses and building services and sizes;
 - (4) Sanitary sewers and pumping stations;
 - (5) Stormwater management facilities and structures including storm sewers, swales, retention and detention basins, drainageways, and other facilities, including calculations for sizes;
 - (6) Location of all easements; and
 - (7) Common post office box facilities.
 - c. Grading plan, which illustrates existing and proposed grades;
 - d. Dimensioned floor plans and typical elevation views for all buildings;
 - e. Exterior lighting locations, typical detail and illumination patterns;
 - f. Location and description of all existing and proposed landscaping berms, fencing and walls, including quantity and size of all proposed landscaping;
 - g. Trash receptacle pad location and method of screening;
 - h. Location of transformer pads, compressors, air conditioners, generators, refrigeration units and similar equipment and method of screening;
 - i. Ground, wall and directional [sign](#) locations and detail; and
 - j. Location of existing and proposed areas, tanks and containers for the storage, loading and disposal of chemicals, hazardous substances, salt and fuels.
2. Natural features to be indicated on the [site plan](#) drawings and illustrations shall include the:
- a. Location, size and type of all single trees having a diameter at breast height (dbh) of four (4) inches or greater. Wooded areas shall be delineated by symbolic lines tracing the spread of the outermost branches and shall be described as to the general sizes and kinds of trees contained.

3. Additional requirements for multiple-family, cluster and PUD developments include the:
 - a. Density calculations by type of unit;
 - b. Type and number of units in each building;
 - c. Carport locations and details;
 - d. Amount, type and location of recreation, spaces and recreation facilities to be provided;
and
 - e. Details of community building and fencing of swimming pool.
4. Additional requirements for commercial and industrial developments include the:
 - a. Loading/unloading areas;
 - b. Total and useable floor area;
 - c. Number of employees in peak usage.
5. Historic features to be indicated on the [site plan](#) drawings and illustrations include the:
 - a. Identification of historic sites or structure as documented in the 1998 Independence Township Historic Survey; and
 - b. Description of the site's historic significance and statement of intent of proposed use of the historic resource.
6. ***Environmental/Wellhead Protection Review Requirements.***
 - a. Specify location and size of interior and exterior area(s) and structure(s) to be used for on-site storage use, load/unloading, recycling, or disposal of hazardous materials.
 - b. Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous materials storage, collection of contaminated stormwater or wash water, and all similar uses.
 - c. Specify location of exterior drains, dry wells, catch basins, retention/detention areas, sumps, floor drains, 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](#).
 - d. Specify areas on the site that the [applicant](#) has reason to believe are contaminated, together with a report on the status of site cleanup, if applicable.

- e. Submit "Township Environmental Review Checklist".
- f. Submit "Hazardous Chemicals Survey".
- g. Indicate Time-of-Travel (TOT) Zone status (one-year, five-year, ten-year, or not within any zone) for subject site as indicated on the Wellhead Protection Overlay District Map.

SECTION 6.07 STANDARDS FOR GRANTING APPROVAL

- A. The use intended shall have sufficient parking facilities, exits, and entrances, streets, roads and alleys, and screening walls and/or fences. The construction of the same shall be engineered, planned and installed correctly to ensure the needs of public safety, health and welfare and to ensure rendition of proper services concerning fire and police protection, disposal of surface water and sanitary sewage, traffic control and maintenance services as furnished or may be required of the Township and to ensure preservation and protection of property rights to related or adjoining residential properties.
- B. All elements of the [site plan](#) shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Structures, walls, fences, and landscaping will be located so as not to be detrimental to each other or to existing or potential adjacent development. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. Site planning and design of specific improvements will accomplish, to the extent reasonably feasible, the preservation and protection of existing natural resources and features such as lakes, ponds, streams, wetlands, floodplains, steep slope, groundwater, trees and wooded areas.
- D. The [site plan](#) shall provide reasonable, visual and acoustical privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants. Objectionable views or uses shall be screened.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides wherever possible.
- F. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. [Site plan](#) streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry.

- G. All streets shall be provided with a smooth, paved surface which shall be durable and well drained under normal use and weather conditions. All roads shall be provided with curbs and gutters.
- H. Stormwater management will preserve natural drainage characteristics, enhance site aesthetics and promote the creative use and design of stormwater management systems and facilities. Stormwater management will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or watercourse or cause alterations which could be expected to increase flooding or water pollution on site or offsite.
- I. The means of ingress and egress to and from the site shall be planned with the objective of achieving recognized planning, engineering and safety standards, and such ingress and egress shall not result in an unreasonable risk of danger to persons and/or property on the site and/or off the site. For the purpose of attempting to alleviate an unreasonable risk, the Planning Commission may make a discretionary determination that the cause of traffic volume must be adjusted, e.g., reduction of the number of residential units and/or the square footage of space used for nonresidential purposes; provided that such a determination shall be made with the advice and concurrence of a consultant having expertise in the subject matter. In general, this standard shall be met based upon the design of the ingress and egress in terms of the number, location and design of accesses, and utilization of acceleration, deceleration and passing lanes and approaches. The Planning Commission shall review the ingress and egress proposed for the purpose of promoting and protecting traffic safety, and shall require and/or limit improvements accordingly. Development design standards adopted by the Township shall be applied where applicable.
- J. Sites which include use or storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and discharges of polluting materials to the air or to the surface of the ground, groundwater or nearby water bodies, with a specific plan to achieve such objectives being incorporated as part of the [site plan](#) submission.
- K. Site planning and design of specific improvements will accomplish to the extent reasonably feasible, the preservation of existing and significant historic resources and historic features such as buildings, outbuildings, wells, orchards, etc.

SECTION 6.08 CONFORMITY TO APPROVED PLAN REQUIRED

- A. Upon final adoption of a [site plan](#) by the Township Planning Commission, the [petitioner](#) shall construct the site plan improvements in complete conformity with the approved plan.
- B. Upon final site plan approval by the Planning Commission, a building permit may be obtained subject to review and approval of the construction and/or engineering plans by the Township engineer.

- C. Final site plan approval is valid for a period of one (1) year from the date of Planning Commission action, within which time all necessary building or construction permits shall be secured and construction substantially commenced. The Planning Commission may grant not more than three (3) extensions on site plan approval for up to one (1) year per extension. All requests for extensions shall be made in writing at least thirty (30) days prior to expiration and include a statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the site plan as approved.
- D. In the interest of ensuring compliance with the provisions of this Ordinance, 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 Planning Commission may require the [applicant](#) to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including, but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, landscaping, and widening strips.
1. The term “performance guarantee,” as used herein, means a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the [applicant](#) and verified by the Township.
 2. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township prior to the issuance of a building 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 permit and the Township shall thereafter deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account to the [applicant](#).
 3. 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. The period will begin from the date of the issuance of the building permit.
 4. In the event 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 occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by said applicant to ensure compliance with the standards of this Ordinance and the specifications of the approved [site plan](#).
 5. Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the [applicant](#) the performance guarantee deposited and any interest earned thereon.

6. In the event 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 and any interest earned thereon 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 amounts by which the costs 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 amounts remaining after said 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 insure 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 permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

SECTION 6.09 ADMINISTRATIVE APPROVAL

- A. The Zoning Administrator may approve the [site plan](#) without submission to the Planning Commission, but subject to all of the above criteria, requirements and standards in the following cases, but in no other:
 1. [Accessory uses](#) incidental to an existing conforming use where said use does not require any variance and where said site plan conforms with all the requirements of this section;
 2. Expansion and/or addition to an existing conforming use where said site plan conforms with all the requirements of this section;
 3. Provision of accessory storage buildings in all zoning districts; and
 4. Provision of increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces in commercial and industrial zoning districts, and landscape improvements as required by this Ordinance.
- B. The Zoning Administrator shall prepare a report of each and every [site plan](#) submitted in accordance with this section, containing a synopsis of the relevant facts contained in and related to the site plan, together with the Zoning Administrator's proposed determination. At each regular meeting of the Planning Commission, the Zoning Administrator shall make a presentation of said reports with respect to those site plans to be acted upon prior to the

next regularly scheduled Planning Commission meeting. Upon request of a majority of the members of the Planning Commission present, any site plan shall be fully reviewed, and a recommendation made thereon by the Planning Commission.

SECTION 6.10 SITE CONDOMINIUM PROJECTS

- A. **General Purpose and Intent.** It is the intent of this section to regulate [condominium](#) projects in accordance with this Ordinance and any other applicable Township standards and regulations.
- B. **Approval Requirements.** Approval under this section shall be required as a condition to the right to construct, expand or convert a site condominium project in the Township. The approval process shall involve three (3) phases:
1. Conceptual [site plan](#) approval;
 2. Final site plan approval; and
 3. Final engineering plan approval.
- C. **Conceptual Site Plan Approval.** A developer of a [condominium](#) project shall initially submit an application for conceptual site plan approval, in accordance with the requirements set forth in [Section 6.05](#).
1. Following review and recommendation by appropriate consultants, the conceptual site plan shall be reviewed by the Planning Commission for conformance with all applicable laws and ordinances, including the design standards ordinance and the design requirements of the subdivision control ordinance.
 2. The Planning Commission shall also ascertain whether, based upon the submission it appears, based upon the initial information presented, the conceptual site plan will conform with requirements for site plan review.
 3. If the conceptual site plan conforms in all respects, conceptual site plan approval shall be granted by the Planning Commission. If the conceptual site plan fails to conform, the Planning Commission shall either deny the application or grant with conditions with a time limit for compliance with such conditions and resubmission, as deemed appropriate by the Planning Commission.
 4. Conceptual site plan approval shall confer upon the developer a commitment of approval for a period of one (1) year (with regard to the size, shape and layout of building sites) and street layout. Such conceptual site plan approval may be extended if applied for by the proprietor within the effective period and approved by the Planning Commission.

D. Final Site Plan Approval.

1. Following approval of the conceptual [site plan](#), if the developer desires to proceed with the project, an application for final site plan approval shall be submitted for review in accordance with the requirements of [Section 6.06](#), and this section. In addition to any information required to be submitted for site plan approval, the developer shall include with the application for final site plan approval, sufficient information for determination whether the project conforms with all applicable laws codes, ordinances, rules and regulations enforceable by the Township.
2. The application for [site plan](#) review shall also include a copy of the proposed master deed, bylaws and any additional documentation to be recorded with the register of deeds, for review and recommendation by the appropriate Township consultants. The master deed shall be reviewed by the Planning Commission, with the advice of the Township consultants as deemed appropriate by the Planning Commission, with respect to all matters subject to regulation by the Township, including without limitation, ongoing preservation and maintenance of drainage, retention, wetland and other natural areas and common areas, and maintenance of landscaping in common area, in the project.
3. If the [site plan](#) conforms in all respects, final site plan approval shall be granted by the Planning Commission. If the final site plan fails to conform the Planning Commission shall either deny the application, or grant with conditions (with a time limit for compliance and such conditions and resubmission) as deemed appropriate by the Planning Commission.
4. Final [site plan](#) approval shall be effective for a period of one (1) year. Such approval may be extended if applied for by the developer within the effective period and granted by the Planning Commission.

E. Submission of Application for Final Engineering Approval. Following the granting of [site plan](#) approval, if the developer desires to proceed with the projects, an application for final engineering approval shall be submitted which shall include plans and information in sufficient detail for the Township, and appropriate consultants, to determine compliance with all applicable laws, codes, ordinances, rules, and regulations for the construction of the project, including, without limitation, the design standards ordinance. A building permit for construction of a unit on a building site shall be issuable at such time as final engineering plans have been approved, all applicable permits and approvals have been secured from other governmental entities, and all improvements of the project have been constructed; provided, however, the Planning Commission may determine that certain improvement need not be constructed prior to issuance of building permits on the condition that the [applicant](#) has deposited a suitable performance guarantee, as set forth in [Section 6.07](#).

F. Additional Regulations Applicable to Site Condominium Projects.

1. Each building site shall meet the requirements for street access set forth in [Section 5.07](#), except that the Planning Commission may approve a private road designed and constructed

in accordance with the Township development design standards ordinance, codified as Chapter 12, Article VIII, streets, driveways, safety paths, and paving.

2. There shall be compliance with all requirements of the schedule of regulations, and other provisions of this section and other applicable ordinances, including, but not limited to, the development design standards ordinances, codified as Chapter 12 and the subdivision control ordinance, codified as Chapter 22, Article IV with the understanding that reference to “lot” in such regulations shall mean and refer to “building sites” defined in this Ordinance and reference to “building” (meaning principal building) or “structure” (meaning principal structure) shall mean and refer to “building envelope” as defined under this Ordinance. In the review of conceptual [site plans](#), site plans, and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to developments proposed under, for example, the land division act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were building proposed pursuant to the land division act (aside from procedure).
3. Prior to the issuance of building permits for units, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply and sewage disposal.
4. Prior to issuance of certificates of occupancy, the developer shall demonstrate approval by and other governmental entities having jurisdiction, and the director of building and planning shall determine that all improvements have been completed in accordance with approved plans. If the director determines that temporary certificate of occupancy may be issued prior to full completion, such a temporary certificate of occupancy may be granted for a specified period on the condition that a suitable performance guarantee, as set forth in [Section 3.07](#).
5. With respect to each building envelope, within sixty (60) days following final inspection of the improvement, the developer shall submit to the director an as-built survey, including dimensions between each improvement and the boundaries of the building site, and distance of each improvement from any wetland, floodplain and/or floodway. The corners of each building site shall be staked in the customary manner in connection with the survey performed for the project by a registered land surveyor or professional engineer.
6. The fees for all reviews shall be established by Ordinance and/or resolution adopted by the Township Board.
7. Any proposed amendment of a master deed which would involve any subject matter reviewed or reviewable under this section shall be reviewed and approved by the Planning Commission prior to recordation.

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ARTICLE 7

SPECIAL LAND USE PROCEDURES AND STANDARDS

SECTION 7.01 INTENT

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

SECTION 7.02 SUBMITTAL PROCEDURES

- A. **Applicant.** An [applicant](#) shall be the owner of the land, an agent of the owner, or a person having interest in the land for which the [special land use](#) approval is sought.
- B. **Application.** A [site plan](#) review application shall be applied for concurrently with the submittal of the special land use application. The site plan review application will be reviewed by the Planning Commission once the special land use is approved. All application forms shall be supplied by the Township.

The [applicant](#) shall submit the following to the Zoning Administrator:

1. Completed application, application checklist, and payment of required fees.
2. Written description of the proposed project or use.
3. A completed [site plan](#) shall include the required information in [Article 6](#).
4. Any additional information necessary for the Township to complete the review. Additional information the Zoning Administrator or Planning Commission finds necessary and may include but is not limited to: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities and traffic.

SECTION 7.03 REVIEW PROCEDURES

- A. **Technical Review.** The [special land use](#) application shall be reviewed by the Zoning Administrator and consultants for completeness and compliance with the appropriate sections of this Ordinance. Technical reviews shall be submitted to the Planning Commission.

- B. **Planning Commission Review and Public Hearing.** The Zoning Administrator shall forward all [special land use](#) applications to the Planning Commission. The Planning Commission shall schedule the application for public hearing on the next available agenda with proper notice as stated in [Section 3.09](#).
- C. **Planning Commission Consideration.** At the public hearing, the Planning Commission subcommittee, staff and consultants will report findings to the Planning Commission and the public. After the public hearing, the Planning Commission shall make a determination on the proposed [special land use](#) based on the standards and requirements of this Ordinance.

The Planning Commission may table, approve, approve subject to conditions, or deny a proposed special land use as follows:

1. **Table.** The application may be tabled if it is determined to be incomplete, if the [applicant](#) has not fully responded to the deficiencies identified in the review or if the Planning Commission determines more time is needed to fully evaluate the special land use request. The application will be tentatively rescheduled for a future meeting date.
 2. **Approval.** The Planning Commission may approve the special land use if it is determined to be in compliance with the standards and requirements of [Section 7.03.H](#), Standards for Special Land Use, this Ordinance, and any specific standards set forth in [Article 8, Supplementary Use Regulations](#) that are applicable to the use.
 3. **Conditional Approval.** The Planning Commission may approve of the proposed special land use subject to conditions, as set forth in [Section 7.03.I](#).
 4. **Denial.** The Planning Commission shall deny an application if the special land use does not comply with the standards and requirements of this Ordinance or any provisions specific to the Zoning District that the proposed use is permitted by right.
- D. **Record.** Each action taken with reference to a [special land use](#) review shall be duly recorded in the minutes of the Planning Commission meetings. The findings supporting the Commission's and Board's actions shall be recorded in the minutes. After the minutes have been approved, one (1) copy of the [site plan](#), the final approved minutes, and two (2) copies of the special use permit shall be transmitted to the [applicant](#). In addition, the property owner will be required to sign two (2) copies of the special land use permit to be recorded at the Oakland County Register of Deeds at the expense of the applicant. One (1) signed original with a liber and page number stamped by the Register of Deeds must be retained by the Clerk.
 - E. **Expiration.** The [special land use](#) permit will expire one (1) year from the date of special use approval by the Planning Commission if the special land use is not established or the site work is not completed. The [applicant](#) may request a one (1) year extension from the Planning Commission, provided a written request is received before the expiration date, and that the special land use complies with the current requirements of the Zoning Ordinance, including any amendments, and the following conditions are satisfied:

1. The **applicant** is diligently pursuing site and construction plan approval.
 2. The applicant is diligently pursuing a certificate of zoning compliance through completion of site improvements.
 3. The applicant holds a valid building permit for the principal buildings associated with the approved use.
 4. The Planning Commission may grant not more than three (3) extensions on special approval for up to one (1) year per extension, provided that the same extension is granted approval in accordance with [Section 6.08.C](#).
- F. **New Application.** An application for a special use which has been previously denied by the Planning Commission on the same parcel will only be considered one (1) year after the date of the denial and will be considered a new application, and shall be required to reinitiate the full review process. If new evidence or conditions have sufficiently changed, then the Planning Commission may consider a new application for the same site within less than a year from the previous denial.
- G. **Standards for Special Land Use.** The Planning Commission shall review the proposed **special land use** in accordance with the following general standards, as well as any standards which have been established that are specific to the use:
1. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and the Master Plan for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with the surrounding uses and/or the orderly development of the surrounding neighborhood and/or vicinity in accordance with this Ordinance and the Master Plan.
 2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
 3. The proposed special land use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration, and further shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.

4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The proposed use shall relate harmoniously with the physical, historic, and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is in general agreement with the Master Plan designation for the area where the use is to be built.
7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
9. The proposed special land use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
10. The proposed special land use shall not unreasonably burden the capacity of public services and/or facilities.

H. *Conditions May be Attached to Special Land Use Approval.*

1. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by state law and this section that it deems necessary to fulfill the spirit and purpose of this section. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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 do all the following:
 - a. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
 - b. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity; and

- c. Be necessary to meet the intent and purpose of this section;
 - d. Be related to the standards established in this section for the land use or activity under consideration; and
 - e. Be necessary to ensure compliance with those standards.
2. The conditions imposed with respect to the approval of a land use or activity shall be written in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions of initial approval.

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ARTICLE 8

SUPPLEMENTAL REGULATIONS

SECTION 8.01 INTENT

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

SECTION 8.02 ADULT BUSINESS USES

- A. ***Intent and Purpose.*** The purpose and intent of this Section is to regulate the location and operation of certain adult businesses identified in this Section within the Township, and to minimize the negative secondary effects of such businesses. Based upon studies undertaken and reported by numerous other communities in Michigan and across the United States, which have been studied by the Township and found to have relevance and application to the Township, it is recognized that the adult businesses identified in this Section, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of such businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents.

The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this Section to legitimize activities that are prohibited by Township Ordinance or state or federal law. If any portion of this Section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- B. ***Definitions of Adult Business Uses.*** For the purposes of this Section, “adult business uses” are defined as and include the following:
1. Sexually oriented businesses, defined as and including the following:
 - a. Adult arcade, defined as a place to which the public is permitted or invited to view motion pictures, video or laser disc pictures, or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

- b. Adult book store, adult novelty store, or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”
 - c. Adult cabaret, defined as a night club, bar, restaurant, or similar commercial establishment which, as one of its principal purposes features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of “specified anatomical areas or by “specified sexual activities”; or, films, motion pictures, videos cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - d. Adult motion picture theater, defined as a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly and primarily shown which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - e. Adult theater, defined as a theater, concert hall, auditorium, or similar commercial establishment which regularly and primarily features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
 - f. Sexual encounter center, defined as a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.
- 2. Adult motels, defined as an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building and where rooms are advertised for rent for less than a twelve (12) hour period of time or where rooms are rented at hourly rates, or both.
 - 3. Massage parlors, defined as Turkish bath parlor, steam bath, sauna, magnetic healing institute, or any room, place, establishment, institution, or the like where treatment of any nature for the human body is given by means of massage, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given. Massage parlor does not include a massage school recognized by the State Board of Massage employing one or more competent licensed massagists as instructors and which has minimum requirements or a continuous course of study and training consisting of

study in physiology, anatomy, massage theory, hydrotherapy, hygiene, ethics and practical massage.

4. Pawnshops, as contemplated in Act No. 273 of the Public Acts of 1917, as amended and/or Act No. 231 of the Public Acts of 1945, as amended.

5. Tattoo shops.

C. **Other Definitions.** In addition to the definitions set forth in [Section 8.02.B](#), the following additional definitions are used in the regulation of adult businesses.

1. Nudity or a state of nudity means knowingly or intentionally displaying human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to feeding.

2. Principal/Primary Purpose or Primarily means the sale or display of regulated material that comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

3. Semi-nude or semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

4. Specified anatomical areas means: the human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

5. Specified sexual activities means any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

D. **Locational Requirements.** In addition to compliance with the other provisions of this Section, the following separation and distancing requirements apply to adult business uses:

1. No adult business use may be located within one thousand (1,000) feet from the property line of another adult business use. For purposes of this subsection, the distance between

any two (2) adult business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the business is located.

2. No adult business use may be located within five hundred (500) feet from the property line of any residential zoning district, lot or parcel in residential use, school property, church or other place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities. For the purpose of this subsection, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult business use is conducted, to the nearest property line of any lot or parcel in residential use, school property, church or place of worship, public park, child care facility, nursery school, preschool or other use which is primarily oriented to youth (less than 18 years of age) activities.
 3. No adult business use shall be located in any principal or accessory structure already containing an adult business use.
- E. **Existing Structures.** Existing structures and/or uses which are in violation of this Section shall be subject to the regulations set forth in [Article 13](#) of this Ordinance, governing non-conforming structures and uses.
- F. **Parking.** All off-street parking areas for any adult business use shall comply with [Section 10.02](#) of this Ordinance. Additionally, any adult business use shall be illuminated during all hours of operation, and until one (1) hour after the business close.
- G. **Other Requirements.**
1. The hours of operation of any adult business use shall be limited to 10:00 a.m. to 12:00 p.m. Monday through Saturday.
 2. No person operating an adult business use shall permit any person under the age of 18 years of age to be on the premises. Pawnshops and tattoo shops shall be exempt from this requirement when a person under 18 years of age is accompanied by a parent or legal guardian.
 3. Alcohol is prohibited on the premises of any adult business use.
 4. Entrances to a proposed adult business use must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises."

5. Adult business uses shall be permitted in the C-2 and C-3 zoning districts only, and shall be subject to in all respects the standards and use provisions applicable to the district in which it is located or proposed to be located.
6. Adult business uses shall comply with all other laws and ordinances applicable to the particular type of use, including without limitation, certification and licensing laws.

SECTION 8.03 BED AND BREAKFAST ESTABLISHMENTS

A. *Standards.*

1. It is the intent of this Section to establish standards for bed and breakfast establishments that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
2. All additions to the dwelling unit shall be compatible in style and design with the original structure and surrounding area.
3. All areas and structures on the lot used for the bed and breakfast establishment must be capable of being incorporated back into a use permitted by right in the district if the bed and breakfast establishment terminates in the future.
4. When combined with the owner's residence, the bed and breakfast establishment shall be clearly subordinate to the use of the building as the owner/operator's principal residence.

B. *Parking.*

1. All required off-street parking shall be located in the side or rear yards and designed to maintain the residential character of the principal use.
2. All required parking shall meet the standards set forth in [Section 10.02](#).

C. *Signage.* One (1) non-illuminated [sign](#) is permitted, stating only the name and address of the bed and breakfast establishment. The sign shall not exceed four (4) square feet and four (4) feet in height.

D. *Operations.*

1. The maximum length of stay of any guest(s) shall be fourteen (14) consecutive calendar days per year.
2. The [applicant](#) shall submit proof of the Oakland County Health Department's evaluation of the adequacy of the on-site sewage disposal system in relation to the number of guest rooms proposed in addition to the principal residential use.

3. All bed and breakfast establishments shall be inspected by the Township Zoning Administrator, Building Inspector, and Fire Chief. A report from each shall be submitted to the Planning Commission identifying all zoning, building, fire, and safety code issues.
4. No **accessory building** or garages are to be utilized for sleeping rooms.
5. Kitchen facilities shall be used for food preparation for consumption on the site by the owner, operator, residents, and overnight bed and breakfast guests only. No food shall be prepared which is taken off-site or which is served to persons other than residents and overnight guests. No cooking facilities are permitted for use by the guests.
6. The bed and breakfast establishment shall not be used as a banquet facility.

SECTION 8.04 DAY CARE FACILITIES

A. *General Standards.*

1. It is the intent of this section to establish standards for day care facilities that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
2. A state licensed family day care home shall be considered a residential use of property and a permitted use in all residential districts.

B. *Standards for Child Day Care Facilities.*

1. Child Group Day Care Homes.
 - a. A group day care home shall be located no closer than one thousand five hundred (1,500) feet to any of the following facilities:
 - (1) Another licensed group day care home;
 - (2) An adult foster care small or large group home licensed by the state;
 - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people that is licensed by the state; or
 - (4) A community correction center, resident home, halfway house or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
 - b. The subject parcel shall meet the minimum **lot area** requirements for the zoning district in which it is located;

- c. The property is maintained in a manner that is consistent with the character of the neighborhood;
- d. There is provision of an outdoor play area that is at least three thousand (3,000) square feet and which is not part of the front yard [setback](#). This requirement may be waived by the Planning Commission if a public open space is within five hundred (500) feet of the subject parcel;
- e. All outdoor play areas shall be enclosed by a fence in accordance with [Section 10.05](#) that is designed to discourage climbing, and is at least four feet in height, but no higher than six (6) feet;
- f. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period, with a limitation on activity between the hours of 10:00p.m. and 6:00a.m.;
- g. One (1) off-street [parking space](#) per employee not a member of the group day care home family shall be provided;
- h. Inspection for compliance with these standards shall be conducted by the Township prior to occupancy and once every twelve (12) months thereafter within ten (10) days of the anniversary of the certificate of occupancy;
- i. No exterior identification [sign](#) shall be permitted;
- j. Appropriate licenses with the state shall be maintained; and
- k. Subsequent establishment of any facilities listed in subsection [B.1.a.](#) of this section, within one thousand five hundred (1,500) feet of the licensed or registered group day care home will not affect any subsequent [special land use](#) permit renewal pertaining to the group day care home.

2. Child Day Care Centers.

- a. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway;
- b. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) children intended for maximum enrollment at the facility;
- c. There shall be a fenced, contiguous open space of at least five thousand (5,000) square feet provided within the boundaries of the subject parcel. Said open space shall not be located within a required front [setback](#) area. This requirement may be waived by the Planning Commission if public open space is available five hundred (500) feet from the subject parcel;

- d. All outdoor play areas shall be enclosed by a fence in accordance with [Section 10.05](#) that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet;
- e. In single-family residentially zoned districts, a day care center shall only be located on a country primary road or state trunkline; and
- f. Appropriate licenses with the state shall be maintained.

C. *Standards for Adult Day Care Facilities.*

- 1. Adult Family and Group Day Care Homes.
 - a. The subject parcel shall meet the minimum [lot area](#) requirements for the zoning district in which it is located;
 - b. The property is maintained in a manner that is consistent with the character of the neighborhood;
 - c. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period, with a limitation on activity between the hours of 10:00p.m. and 6:00a.m.; and
 - d. One (1) off-street [parking space](#) per employee not a member of the group day care home family shall be provided.
- 2. Adult Day Care Center.
 - a. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway; and
 - b. Off-street parking shall be provided at a rate of one (1) space per employee plus one (1) space for every five (5) adults intended for maximum enrollment at the facility.

SECTION 8.05 DOG KENNELS

A. *Area and Setbacks.*

- 1. A minimum [lot area](#) of not less than ten (10) acres, and a minimum [lot width](#) of not less than five hundred (500) feet, shall be required.

2. All buildings, pens and runways for housing or keeping of such animals shall not be less than one hundred and fifty (150) feet from any adjacent property line.

B. *Screening and Fencing.*

1. Pens and runways shall be screened from view from the road, either by the building or a [greenbelt](#) of plantings in accordance with [Section 10.06](#).
2. All yard space used for pen areas shall be fenced with woven wire or other approved fence material, and said fence shall not be less than five (5) feet in height. Such fence shall be maintained in good condition.

C. *Operations and Maintenance.*

1. An operation and maintenance plan shall be submitted that specifically addresses how noise will be attenuated and waste handled.

D. *Permit Requirements.*

1. Any permit requirement of County and State agencies shall be met.

SECTION 8.06 EQUESTRIAN FACILITIES

A. *General Standards.* All equestrian facilities shall comply with the Generally Accepted Agricultural Management Practices for the equine industry, as promulgated by the Michigan Department of Agriculture, and all applicable regulations of this Zoning Ordinance.

B. *Area and Setbacks.*

1. The minimum site area shall be ten (10) acres.
2. Outdoor pens, corrals, riding rings, and/or arenas shall be located no closer than fifty (50) feet from any property line, or at least one hundred (100) feet from existing schools, churches, or residentially zoned or used property.

C. *Lighting.* Permanent lighting shall meet the provisions of [Section 10.07](#). The use of additional event lighting shall be temporary. The use of temporary event lighting shall only be allowed between the hours of 8:00 am and 11:00 pm.

D. *Noise.* Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments, and recording devices, shall not be operated outdoors on the premises so as to be unreasonably loud or raucous, or so to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township. The use of sound producing equipment shall only be allowed between the hours of 8:00 am and 11:00 pm.

- E. **Outdoor Events.** Events held outdoors, in whole or in part, at such a facility that is open to participants beyond those who board or train at the facility are only allowed if specifically permitted by the Township.
- F. **Parking.** Off-street parking, loading, and unloading shall be provided in accordance with the standards set forth in [Section 10.02](#), except that the requirements for hard-surfacing may be waived by the Township.

SECTION 8.07 FARM MARKETS

A. General Standards.

- 1. All farm markets shall comply with the Generally Accepted Agricultural Management Practices for farm markets, as promulgated by the Michigan Department of Agriculture, and all applicable regulations of this Zoning Ordinance.
- 2. The premises shall be kept clean, orderly, and well-maintained.

B. Setbacks.

- 1. Outdoor display and sales of farm products may occupy required front and side yards, provided a twenty (20) foot buffer is provided between the right-of-way and all display areas.
- 2. Structures of a temporary nature such as tents, canopies, and sheds not attached to permanent foundations, or vehicles such as wagons used for display may be permitted within required front yard [setbacks](#), subject to the following:
 - a. Maximum size of structure is one hundred (100) square feet.
 - b. Structure shall not be placed within twenty (20) feet of right-of-way or in any clear vision area.
 - c. Structure shall be permitted for a period not to exceed ninety (90) days during a calendar year, and shall be removed from required yards during “off-season” periods when no daily sales activity is underway.

C. Parking. Off-street parking shall be provided as follows:

- 1. **Number of spaces.**
 - a. One (1) space per two hundred (200) square feet of interior retail space and “open air” retail space under cover such as canopy or tent; and

- b. One (1) space per one thousand (1,000) square feet of exterior sales and display space.
2. Parking areas may be provided on lawn, provided a defined and improved drive entrance is provided and all necessary permits are obtained. Appropriate barriers such as landscaping or decorative fences shall be provided to discourage patrons from entering or exiting the site in areas other than the approved drive location. The Planning Commission may require that a portion or all of a parking area be improved with gravel or paved surface where the anticipated use is greater than ninety (90) days per year.
3. No parking area shall be located within ten (10) feet of any right-of-way or property line.

SECTION 8.08 FUNCTIONAL EQUIVALENT FAMILY; ADDITIONAL PERSONS

- A. **General Standards.** The limit upon the number of persons who may reside as a functional equivalent of the domestic family may be increased or enlarged upon a demonstration by the applicant of all of the following:
 1. There are adequate provisions on the subject property for off-street parking for each adult proposed to reside on the premises, and adequate storage for each person proposed to reside on the premises;
 2. The extent of increase or enlargement of the limit upon the number of persons shall not, considered cumulatively with existing and reasonable projected population concentration in the area, place an unreasonable burden upon public services, facilities, and/or schools;
 3. There shall be a minimum of one hundred and twenty-five (125) square feet of useable floor space per person on the premises;
 4. If the property in question is not serviced with public water and/or sewer facilities, an approval under this section shall be conditioned upon approval by the county health department of the number of persons on the premises in relation to sanitary sewage and water facilities; and
- B. **Planning Commission Determination.** If the Planning Commission grants an application under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and any minimum parking or storage requirements to be maintained.

SECTION 8.09 MINERAL MINING

A. *General Purpose and Intent.*

1. It is the intent and purpose of this section to promote the underlying spirit and intent of this Ordinance, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to 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, to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the Township.
2. It is also the intent of this section to ensure that no very serious consequence would result from the extraction of valuable natural resources where they have been naturally deposited. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
3. A person challenging a zoning decision under this section has the initial burden of showing that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the person or in the market served by the person, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
4. In determining under this section whether very serious consequences would result from the extraction, by mining, of the natural resources.
5. In determining under this section whether very serious consequences would result from the extraction, by mining, or natural resources, the standards set forth in *Silva v. Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
 - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - f. The overall public interest in the extraction of the specific natural resources on the property.

- B. **Use Restriction.** The use of sand, gravel, stone and/or other mineral mining in the Township shall be prohibited unless first authorized by the granting of a [special land use](#) application by the Township Board, after recommendation of the Planning Commission in accordance with this section. In all events, such use shall be prohibited in R-1A, Single-Family Residential and REC, Recreation Districts.
- C. **Exemption.** Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this section.
- D. **Application and Procedure.**
1. An application shall be filed with the Zoning Administrator and a true copy thereof with the Township Clerk, and shall include the following:
 - a. Name, address and phone number of the [applicant](#), owners of the property, and any persons having possessory rights of the property;
 - b. Legal description of the property;
 - c. [Site plan](#), drawn to a scale of one (1) inch equals two hundred (200) feet, prepared by an engineer or surveyor licensed as such in the state, showing:
 - (1) The dimensions and areas of the property;
 - (2) The location, identification and dimensions of all proposed means of vehicular ingress and egress, proposed improvements, structures, extraction and processing equipment and/or machinery, and proposed stockpile areas;
 - (3) The location, dimensions and depth of temporary and permanent water areas.
 - d. Duration of proposed operation, and location, timing and any other relevant details with respect to the phasing and progression of work on the site;
 - e. Land use study/drawing, showing the existing land uses, with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
 - (1) Property within a radius of one (1) mile around the site; and
 - (2) The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks that will enter and leave the site.
 - f. Topographical map drawn to the same scale as the [site plan](#) referenced in subsection [D.1.c.](#) of this section, with minimum four (4) foot contour intervals, (and which may be a part of the site plan);

- g. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
 - (1) Level of water table through-out the proposed mining area;
 - (2) Opinion as to each and every effect on the water table and private wells and property owners within the reasonable anticipated area of impact during and subsequent to the operation;
 - (3) All qualitative and quantitative aspects of surface water, groundwater and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonable expected to be affected; and
 - (4) Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
 - h. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with the respect to each, the anticipated noise and vibration levels.
2. The Zoning Administrator shall retain the original of the application for the file, and forward the copies to the members of the Planning Commission, the Township Engineer, the Township Planner, and to the office of the entity charged with traffic safety.
 3. The Township Engineer and the Township Planner shall each file a report with the Zoning Administrator, together with any recommendation on the need for additional experts. The Zoning Administrator shall retain the original of these reports for the file, and forward copies to the Planning Commission.
 4. The Zoning Administrator shall also file a report. The original of this report shall be retained for the file, and copies thereof forwarded to the Planning Commission.
 5. The Zoning Administrator shall request a report from the office of the entity charged with traffic safety relevant to the application.
 6. The Township Board, if recommended by one (1) or more agents and/or experts of the Township, may, in its discretion, require the [applicant](#) to prepare and submit an environmental impact statement. In such event, the Township Board shall specify the information sought in such statement.
 7. After receiving all reports, including any additional reports of experts recommended by the Township Engineer and/or Planner, if deemed appropriate, the Planning Commission shall consider the application, and shall make a recommendation to the Township Board

to grant, deny or grant with conditions the [special land use](#) application submitted under this section.

8. After receiving the recommendation of the Planning Commission, the Township Board shall give notice of the receipt of the application for [special land use](#) approval and of the time, date and place of the public hearing that shall be conducted by the Township Board in connection with its consideration of the application, in accordance with [Section 3.09](#).
 9. Following the public hearing, and such other meetings or consideration the Board deems appropriate with respect to the application, the Township Board may grant, deny, or grant with conditions the [special land use](#) application submitted under this section.
 10. 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 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.
- E. ***Requirements and Standards.*** The determination on applications submitted under this section shall be based upon the following requirements and standards, as determined in the discretion of the Township Board, 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. Demonstration 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/or public trust therein;
 2. Demonstration 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 reasonable anticipated area of impact during and subsequent to the operation.
 3. Demonstration 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 in to consideration the duration and size of the operation, viewed within the context of the surrounding land uses in existences, 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 not less than one hundred twenty (120) feet and having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use;
 7. The proposed special land use shall not unreasonably impact 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 persons perceiving the operation in terms of aesthetics;
 8. All activities conducted in connection with the operation shall occur at least one hundred sixty (160) feet from the center of the nearest street, and at least one hundred (100) feet from the nearest property line; provided all processing and stockpiling shall be conducted at least two hundred 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 this special use in residential districts, and that this special 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 the 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 (or areas) being mined, and which has (or have) not been reclaimed, shall at no time exceed the lesser of seventy-five (75) acres and 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; and
 13. The proposed transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible, as determined in the discretion of the Township Board at the time of application, and thereafter.
- F. **Reclamation.** Reclamation of the site shall be in accordance with a reclamation plan approved by the Township Board as part of the application review process; provided, however, if the Township has in effect an ordinance requiring the submission and approval of a reclamation plan as a condition to the [applicant](#) undertaking operations, there shall be compliance with such other ordinance rather than this subsection. In all events, 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, the 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, in order to avoid erosion and washout, and, to the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed for the site, unless, following approval of the Township Zoning Board of Appeals the same are deemed consistent with the zoning district in which the site is situated.

- G. ***Nature of Grant of Relief.*** The proceedings under this section shall be deemed administrative; provided, however, if the Township Board determines, in its discretion, that the grant of a proposed mineral mining special use shall have the effect of materially altering the current land usage on the property and/or materially impacting surrounding property, and if the area of the property is one hundred sixty (160) acres, or more, the Township Board may treat the application process, in addition to the administrative proceedings as provided for hereunder, as a rezoning and amendment of this Ordinance and the zoning map, and mandate compliance with applicable Zoning Ordinance amendment procedure requirements. The applicant may, with the filing of the application, elect to require the Township Board to treat the application proceeding as such a rezoning from the outset of the procedure so as to ensure the most expeditious consideration of the application; provided, in such event, the procedural requirements mandated for rezoning shall be in addition to and not in lieu of the procedure provided for herein, however, the same may, to the extent lawfully and particularly feasible, be conducted concurrently.

SECTION 8.10 MOTOR VEHICLE SERVICE STATION AND COLLISION REPAIR

A. *Standards for Motor Vehicle Service Stations.*

1. Repair, lubrication, or washing facilities shall be wholly enclosed within the principal structure;
2. If the property to be used adjoins residentially used or zoned property, a solid wall or fence six (6) feet in height shall be constructed and maintained along all common boundaries to screen the view and impede noise. The wall or fence shall be constructed of brick, brick-faced masonry, or wood. In lieu of a wall or fence, if the property owner can demonstrate that a noise buffer shall not be needed, the Planning Commission may approve a landscape berm designed to achieve the screening objective;
3. All outside facilities used for garbage and/or trash disposal or storage shall be enclosed by a solid wall or fence six (6) feet in height constructed of brick, brick-faced masonry, or wood. The overall design, appearance and screening effect of the wall or fence and entrance gate shall be approved by the Planning Commission;

4. Off-street parking shall be provided in accordance with the requirements set forth in [Section 10.02](#). There shall be no outdoor overnight parking of unlicensed vehicles. Not more than two (2) licensed vehicles may be parked outdoors overnight on the premises, subject to the immediately following provision. Outdoor overnight parking of more than two (2) licensed vehicles, whether operative or inoperative, shall be restricted either to the enclosure of the principal structure or to an enclosed area located in the rear yard. The area within the rear yard designated for overnight parking of vehicles shall be enclosed by a solid wall or fence six (6) feet in height constructed of sufficient size to accommodate not more than two (2) vehicles for each service bay of the principal structure. The overall screening effect of the wall or fence and entrance gate shall be approved by the Planning Commission;
5. Fuel pump islands shall be placed and used only inside the [lot lines](#) and shall be set back not less than eighteen (18) feet from any street line to which the pump island is perpendicular and twelve (12) feet from any street line to which the pump island is parallel, and not less than ten (10) feet from any residential boundary line; no servicing shall be permitted on any vehicle while said vehicle is resting wholly or partially on a sidewalk or on a public street or highway;
6. On all [corner lots](#), all vehicular entrances to or exits from any curb opening shall be set back a minimum of ten (10) feet from the corner property lines extended. All curb openings, whether on a corner lot or not, shall not exceed thirty-five (35) feet in width at the curb line, and thirty (30) feet at the property line. There shall be a minimum of thirty (30) feet measured along the property line between any series of driveways. On corner lots, no driveway from a side street shall be less than twenty (20) feet from the rear property line as measured along the side street property line; and
7. Motor vehicle service stations shall be composed of the building housing the office of the facilities for servicing, greasing and/or washing, and the pumps for dispensing gasoline. Such facilities shall contain not more than five (5) pump islands. Any station designed for more than five (5) pump islands shall provide an additional land area of three thousand (3,000) square feet for each additional pump island.

B. *Standards for Motor Vehicle Collision Repair.*

1. All collision repair or bump shop equipment and operation shall be wholly enclosed within the principal structure;
2. Outdoor parking and storage of all operative or inoperative vehicles and vehicle components shall be restricted to an enclosed yard located in the rear yard. The area within the rear yard designated for overnight parking of vehicle shall be enclosed by a solid wall or fence, six (6) feet in height constructed of brick, brick-faced masonry, or wood. The overall screening effect of the wall or fence and entrance gate shall be approved by the Planning Commission. Such parking and storage of the same vehicle shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending repair, or transfer to a junk yard.

3. All outside facilities used for garbage and/or trash disposal or storage shall be enclosed by a solid wall or fence six (6) feet in height constructed of brick, brick-faced masonry, or wood; and
 4. The sale or rental of new or used cars, trucks trailers, and any other vehicles on the premises shall be prohibited.
- C. Motor Vehicle Fueling Stations that are incidental to a principal retail use located within a planned shopping center.
1. The portion of the site occupied by the fueling station shall not exceed five percent (5%) or one (1) acre, whichever is less, of the planned shopping center.
 2. A single building servicing the fuel islands that does not exceed one thousand (1,000) square feet in size shall be permitted.
 3. Access to the fueling station shall be provided solely from drives which are internal to the planned shopping center. Separate access to a public road shall be prohibited.
 4. Vehicular access to and circulation within the fueling station site shall control the flow of traffic and be arranged in a manner that will not create a hazard to motorists and pedestrians.
 5. Canopy and building design and materials shall be compatible with and visually complement the design of the planned shopping center. All sides of the building shall be of a consistent architectural style and constructed of similar materials.
 6. Exterior lighting shall comply with the standards set forth in [Section 10.07](#). Canopy lighting shall be recessed.
 7. In addition to meeting all applicable requirements of [Section 10.06](#), the perimeter boundary of the fueling station site shall be defined with curbing and landscaping.

SECTION 8.11 OUTDOOR CAFÉ SERVICE

A. *General Standards.*

1. Outdoor café service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the OS-2, C-1, C-2, C-3, and C-4 districts.
2. An outdoor café shall be allowed only during normal operating hours of the establishment;

3. The exterior of the premises shall be kept clean, orderly and maintained or the permit maybe revoked. All food preparation shall be inside of the premises;
 4. The Township shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk café operation; and
 5. All sidewalk cafés shall comply with applicable regulations of the county health department and the state.
- B. **Application.** An application depicting the location and layout of the café facility shall be submitted to the Zoning Administrator. Administrative [site plan](#) approval in accordance with [Section 6.08](#) shall be required. The Zoning Administrator may refer any application for outdoor café service to the Planning Commission. A permit shall remain in effect, unless there is a change in ownership or the operation of the café fails to meet the standards contained herein;
- C. **Design Standards.**
1. An outdoor café shall be located on the same property as the principal establishment. All required [setbacks](#) must be met;
 2. The outdoor café shall be located in a manner which does not obstruct pedestrian access. If an outdoor café is located on a sidewalk, not less than five (5) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Seating and service areas shall be enclosed with decorative fencing and/or landscaping;
 3. If additional seating is proposed as a result of outdoor café service, all off-street parking requirements shall be met;

SECTION 8.12 OUTDOOR STORAGE; OUTDOOR DISPLAY AND SALES; SEASONAL SALES

- A. **General Standards.** The outdoor storage of goods and materials in all districts shall be prohibited unless otherwise specifically permitted herein. For those uses where the outdoor storage of goods, materials, and equipment is permitted either by right or through a variance granted by the Zoning Board of Appeals, the following conditions shall apply:
1. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including a description of materials and the height and typical elevation of the enclosure, shall be provided as part of the [site plan](#) as set forth in [Article 6.0](#).
 2. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard;

3. Such storage shall not be located in any required parking, roads, drives, driveways, or loading space;
4. Such storage shall be strictly and clearly incidental to the principal use, and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use, shall be permitted for storage. Such storage shall not be permitted as a principal use of a lot; and
5. The area for such storage shall be screened from view on all sides in a manner as approved by the Planning Commission during the [site plan](#) review process.

B. *Outdoor Display and Sales.*

1. An outdoor display shall be considered as an [accessory use](#) to the principal use conducted on the premises solely within the C-1, C-2, C-3, and C-4 districts.
2. The exterior of the premises shall be kept clean, orderly and maintained.
3. The Township shall not be held liable or responsible for any type of damage, theft, or personal injury that may occur as a result of an outdoor display.
4. In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and approval where site conditions may create difficulty in adherence to the standards contained herein.
5. The location of the outdoor display shall meet all required [setbacks](#).
6. An outdoor display shall not occupy or obstruct the use of any fire lane, off-street parking or landscaped area required to meet the standards of this Ordinance.
7. Outdoor sale and display areas that abut residentially zoned or used property shall be screened in accordance with [Section 10.06](#).

C. *Seasonal Sales.* The outside sale of seasonal items such as Christmas trees, flowers and plants, pumpkins and other such seasonal items, and the sale of any other merchandise by persons other than the owner or tenant of the premises, shall require a permit from the zoning administrator subject to the following standards and conditions:

1. Seasonal sales may be located within any required side or rear yard and shall be no closer to a public road right-of-way than the required front yard [setback](#) or existing building, whichever is less. Where outdoor displays abut residentially zoned property, landscape screening in accordance with [Section 10.06](#) shall also be provided;
2. Seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking, or landscaped area required to meet the requirements of this Ordinance;

3. Ingress and egress shall be provided in a manner so as not to create a traffic hazard or nuisance;
4. Such sales shall be permitted for a period not to exceed thirty (30) days; and
5. Upon discontinuance of the seasonal use, any temporary structure shall be removed.

SECTION 8.13 PLACES OF WORSHIP

A. *General Standards.*

1. All activities shall primarily take place in a fully enclosed building. Areas designated for outdoor social, recreational, and/or worship activities shall be designated on the [site plan](#).
2. There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building, except for church bells, call to prayer, or other similar purposes.
3. Facilities incidental to religious institutions, when located in residential districts, must be used for worship or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. No buildings shall be used, leased, or rented for commercial purposes.

B. *Specific Standards.*

1. The minimum [lot width](#) shall be one hundred and fifty (150) feet;
2. The minimum site size shall be three (3) acres; and
3. All front, side and rear yard space shall be a minimum of fifty (50) feet each from adjoining [lot lines](#).

SECTION 8.14 PUBLIC AND PRIVATE SCHOOLS

- A. ***General Standards.*** It is the intent of this Section to establish standards for schools that will ensure compatibility with adjacent land uses and maintain the character of the neighborhood.
- B. ***Pre-Schools.*** All nursery, kindergarten, and pre-schools are subject to the same regulations as day care centers, as set forth in [Section 8.04.B.2](#).
- C. ***Elementary Schools.***

1. The minimum lot width shall be two hundred (200) feet.
2. The minimum site area shall be equal to three hundred (300) square feet per pupil.
3. All buildings shall be set back a minimum of fifty (50) feet from any perimeter property boundary.

D. *Middle and High Schools.*

1. The minimal lot width shall be four hundred (400) feet.
2. The minimum site area shall be equal to five hundred (500) square feet per pupil.
3. All buildings shall be set back a minimum of seventy-five (75) feet from any perimeter property boundary.

SECTION 8.15 WIRELESS COMMUNICATION FACILITIES

A. *General Purpose and Intent.*

1. 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 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, it is the further purpose and intent of this section to:
 - a. Facilitate adequate and efficient provision of sites for wireless communication facilities;
 - b. Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions;
 - c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. 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;

- d. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings;
 - e. 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;
 - f. Promote public health, safety, and welfare;
 - g. 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;
 - h. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner; and
 - i. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this Section.
2. The Township Board finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.
- B. **Definitions.** The definitions that shall apply in the interpretation and application of this section are set forth in [Article 2, Definitions](#).
- C. **Authorization.**
- 1. Subject to the standards and conditions set forth in subsection [D.1](#) of this section, wireless communication facilities shall be permitted uses in the following circumstances, and in the following overlay zones:
 - a. Circumstances created permitted use treatment. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use:

- (1) An existing structure, including public utility poles and structure, which will serve as an attached wireless communication facility where the existing structure is not, in the discretion of the Planning Commission, proposed to be either materially altered or materially changed in appearance, provided the accessory equipment building is either not visible from any residence or can be screened in accordance with the standards set forth in [Section 10.06](#).
 - (2) A proposed collocation upon an attached wireless communication facility that had been preapproved for such collocation as part of an earlier approval by the Township.
 - (3) A proposed collocation that will not do any of the following:
 - (a) Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is less.
 - (b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (c) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - (d) Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.
- b. **Permitted use in overlay zones.** A proposal to establish a new wireless communication facility shall be deemed a permitted use if proposed in a permitted use overlay zone, as shown on the overlay map made a part of this section.
2. If it is demonstrated by an [applicant](#) that there is no reasonable difference of opinion that a wireless communication facility may not reasonable be established as a permitted use under subsection [C.1.](#) of this Section, and is required in order to operate a wireless communication service, then, a wireless communication facility may be authorized as a [special land use](#) within a special land use overlay zone, as shown on the overlay map made a part of this Section, with the approval of the Planning Commission following a public hearing, considering the standards and conditions set forth in subsection [D.1](#) of this Section.
 3. If it is determined by an [applicant](#) that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established within a permitted use or [special land use](#) overlay zone, identified in subsection [C.1.](#) and [2.](#) of this Section, then, a wireless communication facility may be permitted elsewhere in the Township as a special land use, with the approval of the Planning Commission, following public hearing, subject to the criteria and standards of subsection [D.](#) of this section, and also subject to the following:

- a. At the time of the submittal, the application shall demonstrate that a location within a permitted use or special land use overlay zones cannot meet the need required for operation of a system;
- b. Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is the most compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission, taking into account any alternative designs submitted by the Applicant or identified during the review process; and
- c. In single-family residential neighborhoods, site locations outside of an overlay zone identified in subsection C.3.a. and b. of this section, shall be considered first on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 - (1) Municipally owned sites;
 - (2) Other governmentally owned sites;
 - (3) Religious or other institutional sites;
 - (4) Public parks and other large permanent open space areas when compatible;
 - (5) Public or private school sites; and
 - (6) Other location, if none of the above is available, and suitable as demonstrated in the application and determined by the Planning Commission.
- d. The applicant shall demonstrate the need for the proposed facility to be located as proposed, based upon the presence of one (1) or more of the following factors:
 - (1) Proximity to an interstate or major thoroughfare;
 - (2) Areas of population concentration;
 - (3) Concentration of commercial, industrial, and/or other business centers;
 - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions;
 - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate; and
 - (6) Other specifically identified reason creating facility need.

- e. 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.
 - f. 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 alternative is not feasible.
 - g. Any additional information necessary for the Township to complete the review. Additional information the Zoning Administrator or Planning Commission finds necessary and may include but is not limited to: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.
4. A collocation described in subsection [C.1.a.\(3\)](#) or other 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 D, 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 twenty (20) feet or ten percent (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 equipment compound enclosure to greater than 2,500 square feet.
5. Proposals to place or install wireless communications equipment on an existing wireless communications support structure or in an existing wireless communications equipment compound that involve increases in height, width, or area greater than those specified

in subsection C.4 above, or that do not comply with the terms or conditions of a prior zoning ordinance approval, are permitted subject to review and approval of a site plan or site plan amendment conforming to the standards in subsection D, and shall be subject to any prior special land use approval conditions for the wireless communications support structure or wireless communications equipment compound.

D. Standards and Conditions.

Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall comply and be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion.

1. Facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize attached wireless communication facilities.
2. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
3. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights. Structures that require or are proposed to have high intensity (strobe) lighting shall not be permitted.
4. The proposal shall be reviewed in conformity with the collocation requirements of this Section.
5. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for the accessory structures within the respective district;
6. The setback of a new or materially modified support structure from any residential district shall be at least the height of the highest point of any structure on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure;
7. Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or

principal buildings as provided in the schedule of regulation for the zoning district in which the support structure is located. (See subsection E.3. of this section);

8. There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as:
 - a. The location of adjacent thoroughfares and traffic and circulation within the site;
 - b. Utilities needed to service the tower and any attendant facilities;
 - c. The location of buildings and parking facilities;
 - d. Proximity to residential districts and minimizing disturbance to the natural landscape;
and
 - e. The type of equipment which will be needed to access the site.
9. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met;
10. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an [accessory building](#). If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard [setbacks](#). For collocation facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.
11. The design and appearance of the support structure and all [accessory buildings](#) shall 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;
12. The support system shall be designed to support, or be capable of supporting, the proposed equipment, and be constructed in accordance with all applicable state construction codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted;

13. 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 long-term, continuous maintenance to a reasonable prudent standard;
14. The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need;
15. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day period, final approval is granted to authorize a wireless communication facility within two (2) miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the [applicant](#) granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval; and
16. The antenna and other attachments on a wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments, and shall be designed and constructed to maximize aesthetic quality.

E. *Applications, Reviews, and Decisions.*

1. *Administrative Review.*

- a. All applications for wireless communication facilities shall be submitted to the Zoning Administrator. The Zoning Administrator shall review the application and required information and determine within fourteen (14) business days if the submission is complete. If the Zoning Administrator does not notify the [applicant](#) within fourteen (14) business days of any deficiencies in the submission, the application shall be considered administratively complete. Such review shall be on behalf of the Planning Commission for special land use and site plan approval applications.
- b. 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 3 below.
- c. If an application discloses 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. **Information Required for all Applications.**

- a. The **site plan** prepared in accordance with **Article 6.0** shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number and species of proposed landscaping. In the case of an existing structure, including public utility poles and structures, which will serve as an attached wireless communication facility, the director may waive the requirements for conceptual site plan approval and allow the **applicant** to submit a final site plan, provided all other applicable requirements are met.
- b. The **site plan** shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where developed areas will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, **accessory buildings** and enclosure.
- c. The application shall include a signed certification by a state licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in questions, in determining the appropriate **setback** to be required for the structure and other facilities.
- d. The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection **G.** of this section. In this regard, the security shall meet one (1) of the following:
 - (1) Cash;
 - (2) Surety bond;
 - (3) Letter of credit; or
 - (4) An agreement in a form approved by the Township Attorney and recordable at the office of the register of deeds, establishing a promise of the **applicant** and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the community in securing removal.
- e. The application shall include a map showing locations and heights of existing and known proposed wireless communication facilities within the Township and within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. On the same or a separate map, facilities the applicant is using or

has the right to use, and the heights at which its antennas are or may be installed, shall be disclosed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy (MCL 15.243(1)(g)). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

- f. The application shall include the name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- g. The application shall include the application fee, in the amount specified by Township Board resolution.
- h. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval shall be restricted as provided in subsection D of this section.
- i. Identification of the dates, nature, and conditions of any prior zoning approvals or permits for the property.
- j. 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 is 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.
- k. If modifications to a wireless communications support structure are identified in a structural analysis under subsection k 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.
- l. 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 to provide collocation.
- m. 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.

- n. 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.
- o. If the application is for a new wireless communications support structure outside a permitted use or special land use overlay zone, 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.
- p. Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.
- q. If the application is for a special land use or site plan 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.
- r. 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.

3. *Review and Decisions on Applications.*

- a. All complete submissions requiring [site plan](#) approval, shall be reviewed in accordance with the applicable procedures set forth in [Article 6, Site Plan Review](#).
- b. All complete submissions requiring both [special land use](#) and site plan approval shall be reviewed in accordance with the applicable procedures set forth in [Article 6, Site Plan Review](#) and [Article 7, Special Land Use Procedures and Standards](#).
- c. The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than ninety (90) days after it is administratively complete.
- d. 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 sixty (60) days after it is administratively complete.

4. *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 E.1.c.
- c. Payment of a reasonable zoning permit fee in an amount established by or in accordance with a Resolution of the Township Board.

F. **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. of this section. 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 on federal law and policy in and related to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated in subsection A. of this Section. 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 F. 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; and

- 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 intent and purpose of this section and the several standards contained in subsection D. of this Section.

3. **Requirements for Collocation.**

- a. A **special land use** permit for 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 Township is for collocation. Thus, if a party who owns or otherwise controls a wireless communication 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 **nonconforming structure** and use, and shall not be altered, expanded, or extended in any respect.
- d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed 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 for receiving approval for a new wireless communication support structure within the Township for a period of five (5) 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 (5) 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.

4. **Incentive.** Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection C.1.a. of this section shall be expedited by the Township.

G. **Removal.**

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence on one or more of the following events:

- a. When the facility has not been used for one hundred eighty (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; or
 - b. Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure that is lower and/or more compatible with the area.
2. The situations which removal of a facility is required, as set forth in subsection [G.1.](#) of this section, may be applied and limited to portions of a facility.
 3. Upon the occurrence of one or more of the events requiring removal, specified in subsection [G.1.](#) of this section, the property owner or persons who have 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 planning official.
 4. 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 at the time application was made for establishing the facility.
 5. The person who has used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

H. ***Effect and Approval.***

1. Subject to subsection [H.2.](#) of this section, final approval under this section shall be effective for a period of six (6) months.
2. If construction of a wireless communication facility is commenced within two (2) miles of the land on which a facility has been approved, but on which construction has not been commenced during the one (1) year period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the [applicant](#) granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocated on the facility that has been newly commenced.

SECTION 8.16 ELDERLY HOUSING, HOMES FOR THE AGED, ADULT FOSTER CARE LARGE GROUP HOME, AND ADULT FOSTER CARE CONGREGATE FACILITY STANDARDS

A. *Type of Dwelling and Density.*

1. Independent living for the elderly: Dwellings may be provided for as single-family detached, two-family, or multiple-family units. The minimum site area requirements for purposes of calculating density shall be as follows:

<i>Table 8.16-1 Independent Living for the Elderly Minimum Site Area Requirements</i>	
<i>Dwelling Unit Size</i>	<i>Site Area / Unit (Sq. Ft.)</i>
Efficiency / One bedroom	4,500
Two bedroom	5,000
Each additional bedroom	500

2. Assisted living for the elderly, homes for the aged, adult foster care large group home and adult foster care congregate facility: Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in [Section 8.16.A.1](#) shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be four thousand (4,000) square feet.

B. *Minimum Site Area.* The minimum site area shall be two (2) acres for all types of elderly housing developments.

C. *Building Length.* A building for elderly housing shall not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features, which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.

D. *Perimeter Setbacks.* The minimum yard [setbacks](#) from the perimeter property boundaries shall be no less than fifty (50) feet from all property lines.

E. *Internal Setbacks.*

1. A minimum [setback](#) requirement for single- and two-family dwellings located on individual lots shall be as follows:

Table 8.16-2 Minimum Setbacks for Single- and Two-Family Dwellings on Individual Lots	
<i>Yard</i>	<i>Setbacks per Dwelling Unit (in Feet)</i>
Front and rear:	
Front	25
Rear	35
Side:	
Least	7.5
Total of same lot	20
Total between abutting lots	20

2. Minimum setbacks for single- and two-family dwellings which are not located on individual lots and multiple-family dwellings shall be based on the spacing between buildings, in accordance with the following requirements:

Table 8.16-3 Minimum Setbacks and Distances Between Buildings (in Feet)		
<i>Setbacks/Districts</i>	<i>Multiple-family</i>	<i>Single- and Two-family</i>
Minimum setbacks*		
Internal drives/streets	25	25
Distance between buildings		
Side/side orientation	30	20
Side/front, side/rear orientation	30	35
Front/front, front/rear, rear/rear orientation	60	50

* Where the elderly housing development contains drives or streets without a recorded easement, setbacks shall be measured from the edge of pavement.

3. In the case of multiple-family dwellings, enclosed walkways connecting buildings may be permitted, provided applicable building and fire code and building spacing requirements are met.
- F. **Minimum Floor Area.** Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Table 8.16-4 Elderly Housing - Minimum Floor Area		
<i>Dwelling Unit Size</i>	<i>Floor Area/Unit (Sq. Ft.) Assisted Living Unit</i>	<i>Independent Living Unit</i>
Efficiency	250	500
One bedroom	400	650
Two bedroom	650	800
Each additional bedroom	150	150

- G. **Building Height.** The maximum building height shall be thirty-five (35) feet in height, or two (2) stories. The Planning Commission may at its discretion permit up to three (3) stories through special land use approval in accordance with [Article 7](#), provided the following conditions are met:
1. No increase in density shall be allowed.
 2. Approval by the Fire Department is required.
 3. An increased [setback](#) distance is established with respect to each required setback in the discretion of the Planning Commission, including front, rear, and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each setback measurement shall be established as part of the approval by the Planning Commission.
 4. In no event shall the maximum height of any such building exceed forty (40) feet, in the manner defined and calculated in accordance with the terms of this Ordinance.
- H. **Open Space/Recreation.** Open space and recreation shall be provided in accordance with the following requirements:
1. The total open space required shall be a minimum of fifteen percent (15%) of the site; and
 2. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
- I. **Resident Services.** Support services offered solely to residents may be permitted, provided such services are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support services may include congregate dining, health care, personal services, and social, recreational, and educational facilities and programs.
- J. **Security.** The [applicant](#) shall specify and install a security system designed to protect the safety and welfare of residents. Such system shall be certified by the project architect or engineer to be designed consistent with state of the art standards of the industry. Such certification shall be shown on the project plans reviewed by the Planning Commission.

SECTION 8.17 MANUFACTURED HOUSING PARK STANDARDS

A. **General Standards.**

1. It shall be unlawful for any individual, firm, trust, partnership, public or private corporation, to construct or operate a mobile home park without first having obtained a permit from

the Township building department, which permit shall be in lieu of any other permits required by this Ordinance.

2. Application for an initial mobile home park permit shall be filed with the Township Zoning Administrator. The application shall be in writing on forms prescribed by the Zoning Administrator, signed by the applicant, and shall include the items required for site plan review in accordance with Article 6.0, Site Plan.
3. The Planning Commission shall review the application in accordance with Article 6.0, Site Plan Review.
4. No mobile home space within the mobile home park shall be occupied for dwelling purposes until construction of all sewer, water, and electrical services, paving and street and parking area lighting have been completed and approved and the superintendent of the building department has approved the premises for partial or total occupancy.
5. In addition to meeting the above requirements, the mobile home park must meet the requirements of the Township's construction code ordinance and all applicable state and local statutes and regulations.

B. Mobile Home Park Density and Like Requirements.

1. There shall be no more than four (4) mobile homes per acre in a mobile home park. In computing this density, there shall be included the land used for internal roadways, parking, sidewalks and recreation areas; however, there shall be excluded the land used for office, administration, laundry, lavatory, service, or other buildings of like kind, and the land used for a buffer zone. All such land for the excluded uses shall be in addition to the land required to meet the four (4) unit per acre requirements.
2. Each mobile home coach site shall be occupied by only one (1) mobile home.
3. Each mobile home site shall be grass covered, covered with asphalt, or some dust-free material except for the space directly under the trailer coach, which shall be made of concrete of six (6) inch thickness, reinforced with six (6) inch by six (6) inch 11-gauge wire mesh, and shall be of such construction as to be of a permanent nature considering the weight and size of the trailer.
4. No temporary structures of any nature shall be attached to any mobile home, nor shall any such structure be located on any mobile home lot.
5. No mobile home shall be located within fifty (50) feet of any building in the park.
6. Recreation space shall be provided in a central location within the mobile home park and at a ratio of eight hundred (800) square feet per mobile home lot.

7. A minimum storage area of eight hundred (800) cubic feet shall be provided for each mobile home unit.

C. **Buffer Zone.** There shall be a fifty (50) foot wide **greenbelt** established around the entire perimeter of the mobile home park. No building, structure, mobile home, or other or like objects may be located on this greenbelt. Said greenbelt shall be occupied by greenery only, except that a **sign** in conformance with this Ordinance may be erected in said zone identifying the mobile home park only. No other signs shall be allowed on this greenbelt. Trees and shrubs must be planted and arranged so that they will attain such heights as to effectively screen the mobile home from the surrounding areas, and the Planning Commission may, where the public health, safety and welfare are insufficiently protected, require a berm. Said buffer zone shall be maintained at all times by the park management.

D. **Service Drives, Parking and Sidewalks.**

1. All vehicular arteries within the mobile home park which are not dedicated for public use shall be the private property of the park and shall be maintained by the management of the park; all such arteries shall be called, for the purpose of this section, service drives.

2. All mobile home lots shall abut a service drive.

3. All service drives which are not dedicated for public use shall be constructed in accordance with the standards set forth in the Michigan Manufactured Housing Commission Rules.

4. Mobile home parks shall provide an approved hard-surface entrance road not less than thirty-three (33) feet wide, and of sufficient length to properly disperse traffic, which design shall also be subject to the Township engineer's approval.

5. All home sites shall be provided with two (2) **parking spaces**.

6. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

a. The **parking spaces** may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided; and

b. A **parking space** shall be hard-surfaced.

7. If vehicle parking is provided off the home site, then the **parking spaces** shall be adjacent to the home site and shall be in compliance with the Michigan Manufactured Housing Commission Rules.

8. **Parking spaces** on service drives and in parking areas shall be clearly marked.
9. All service drives shall be provided with curbs and gutters and be properly drained.
10. The service drives must provide a system for convenient access to all mobile home sites and to all facilities in the mobile home park. The street system shall provide convenient circulation by means of minor streets and properly located collector and arterial streets. Closed ends of dead end streets shall be provided with a turning circle of not less than fifty (50) feet outside radius.
11. In addition, concrete sidewalks not less than thirty-six (36) inches wide and four (4) inches thick and set back at least thirty-six (36) inches from the edge of the roadway may be provided from the mobile home spaces to the service buildings and in front of the mobile home sites, and further, the sidewalks shall not be counted in any respect as a part of the public street, alley, or highway.
12. Except in a seasonal community, all vehicular and sidewalk systems within a community shall be illuminated as follows:
 - a. Access points shall be lighted. If the adjacent public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the thoroughfare;
 - b. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than 0.15 footcandles; and
 - c. Internal roads, parking bays, and sidewalks shall be illuminated at not less than 0.05 footcandles.
13. "No parking" **signs** shall be erected on all streets where parking is not permitted by the terms of this section.
14. All paving shall be in accordance with County Road Commission standards for the construction of roads in single-family residential subdivisions.

E. Utilities.

1. All electrical service conduits and other utilities shall be underground. Each mobile home lot shall be provided with underground electrical service. When separate meters are installed, each meter shall be located on a uniform post on the **lot line** of each mobile home space. Wiring shall comply with the recommended standards of the local utility and the state construction code.

2. All fuel oil and bottled gas tanks shall be located on each mobile home lot in a uniform manner. All fuel oil tanks shall be of an approved type to comply with the state construction code and shall be equipped with vent pipes and fused valves. All tanks shall be elevated on noncombustible stands and placed on a concrete base. As an alternative, a centrally located pump system may be used where said system meets state and local codes.

F. *Water and Sewage Facilities.*

1. The grounds of the mobile home park shall be graded to drain properly.
2. Prior to construction, all plans and specifications for water and sewage facilities shall have the approval of the Township, county health department, and the state department of environmental quality. A certificate of approval from each of those agencies must be on file with the Township building department before final inspection of the completed facilities.
3. An adequate supply of pure water for drinking purposes shall be supplied to meet the requirements of said mobile home park from the Township water supply system or from a central system within the park.
4. Fire hydrants of a size, type, and pressure as used by Township fire department shall be placed within said trailer park so that no trailer site shall be located more than five hundred (500) feet from a fire hydrant.

G. *Special Restrictions and Limitations.*

1. No business of any kind shall be conducted in any mobile home park, except that of a manager's office.
2. It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix said mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the mobile home into a building and subject to the requirements of this Ordinance and the building ordinance.
3. Nothing in this section shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not used for living or sleeping purposes, where said storage otherwise complies with the terms of this Ordinance and other applicable ordinances.

SECTION 8.18 SINGLE-FAMILY ATTACHED DWELLING

- A. **Density.** The maximum permissible density shall not exceed six (6) dwelling units per acre.
- B. **Building Length.** The maximum number of attached units in a building shall not exceed six (6). The Planning Commission may permit the attachment of a greater number of units when it can be demonstrated that architectural design and natural and topographical features ensure that the building is in scale with the site and surrounding areas.
- C. **Perimeter Setbacks.** The minimum yard setbacks from the perimeter property boundaries are set forth in Section 4.11, Table 4.11.
- D. **Internal Setbacks.** Minimum setbacks shall be based on the spacing between buildings in accordance with the following requirements:

Table 8.18-1 Single Family Attached - Minimum Setbacks and Distances Between Buildings (in Feet)	
<i>Minimum setbacks*</i>	
Internal drives/streets	25
<i>Distance between buildings</i>	
Side/side orientation	30
Side/front, side/rear orientation	30
Front/front, front/rear, rear/rear orientation	60

* Where the single-family attached development contains drives or streets without a recorded easement, setbacks shall be measured from the edge of pavement.

- E. **Minimum Floor Area.** Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Table 8.18-2 Single-Family Attached - Minimum Floor Area	
<i>Dwelling Unit Size</i>	<i>Floor Area/Unit (Sq. Ft.)</i>
Efficiency	500
One bedroom	650
Two bedroom	800
Each additional bedroom	150

- F. **Open Space/Recreation.** Open space and recreation shall be provided in accordance with the following requirements:
 1. The total open space required shall be a minimum of fifteen percent (15%) of the site; and
 2. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.

SECTION 8.19 SELF-STORAGE FACILITIES

A. *General Standards.*

1. All storage shall be contained within a building.
2. Other than the rental of storage units, no commercial, wholesale, retail, industrial, or business use shall be permitted on or operated from the premises.
3. The storage of any toxic, explosive, corrosive, or hazardous material shall be prohibited.
4. On-site management and/or controlled access shall be provided during hours of operation.

B. *Design Standards.*

1. Exterior walls of all storage units shall be of masonry construction.
2. All storage units shall be served by paved access drives between buildings. Access drives shall also provide for continuous traffic circulation around all storage buildings. The minimum width of access drives serving storage units shall be twenty-four (24) feet when storage units open onto one (1) side of the access drive and thirty-six (36) feet when storage units open onto both sides of the access drive.

SECTION 8.20 INDUSTRIAL OFFICE PARK

A. *General Standards.* Where property within the IOP industrial office park district is proposed for development as either a subdivision or site condominium, the tentative subdivision plat or preliminary site condominium plan shall contain the following elements:

1. A landscape plan prepared in accordance with the applicable provisions in [Section 10.06](#).
2. A street lighting plan providing for the illumination of internal access streets;
3. A comprehensive sign plan illustrating identification, directional, and traffic safety [signs](#); and
4. Proposed language to be approved by the Township Attorney included either in deed restrictions or condominium documents which specify minimum architectural standards for the development of individual lots within the subdivision or site condominium, and which adequately provide for the maintenance and preservation of the property and site improvements.

- B. **Outdoor Storage.** Outdoor storage shall not be permitted.
- C. **Access.** For those developments within subdivision or site condominiums, lot access shall only be provided from dedicated public roads.
- D. **Transition Strip.** Where the IOP industrial office park district abuts a residentially zoned or used property, the landscape buffer required by [Section 10.06](#) shall be established within a minimum fifty (50) foot transition strip which shall be in addition to any other required yard.
- E. **Loading Area.** Loading areas may be located in side or rear yards; however, side yard loading areas shall be screened from view from any dedicated road. Loading areas shall be designed so as not to interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.
- F. **Mechanical and Roof-Mounted Equipment.** All mechanical and roof-mounted equipment shall be screened in a manner to be reviewed and approved at [site plan](#) review.
- G. **Environmental.** For those properties on which hazardous and/or toxic substances and/or materials, and/or their byproducts, may be present for any purpose, including, without limitation, processing, storage and/or use, all requirements of applicable law and ordinance, including the standards set forth in [Sections 11.02](#) and [11.03](#), shall be strictly complied with, along with any other precautions reasonably determined to be necessary by the Planning Commission in the exercise of discretion as part of site plan review.

SECTION 8.21 RESEARCH OFFICE

A. General Standards.

1. The R-O research-office district is so structured as to permit along with any specific uses, 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. Taking into consideration the performance standards set forth in [Section 11.02](#), objectionable activities such as casting, multi-station machining, stamping, wave soldering, welding, and/or etching associated with a principal permitted or special use shall not be permitted in the R-O research-office district.
2. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, 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 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. To accomplish this balancing, the following criteria shall be applied:

- a. The availability of feasible and prudent alternative methods of accomplishing the development.
- b. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
- c. The size, quality and rarity of the natural resources or natural features that would be impaired or destroyed.

B. *Design Standards.*

1. To ensure a minimum of physical disruption to properties adjacent to the [site plan](#) area, a one hundred (100) foot perimeter [setback](#) area shall be maintained. If the setback area is wooded, said wooded area shall be maintained without removal of any significant material. Should the setback area not be wooded, it shall be landscaped as found necessary by the Planning Commission to maintain a natural appearing screen.
2. Loading areas may be located in side or rear yards; provided such loading areas shall be screened from view from any adjacent residential area or dedicated road. Loading areas shall be designed and located to not interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.
3. Outdoor storage shall not be permitted.
4. All mechanical and roof-mounted equipment shall be screened in a manner to be reviewed and approved at [site plan](#) review.
5. For those properties on which hazardous and/or toxic substances and/or materials, and/or their byproducts, may be present for any purpose, including, without limitation, processing, storage, and/or use, all requirements of applicable law and ordinances (e.g., [Section 11.02](#)), shall be strictly complied with, along with any other precautions reasonably determined to be necessary by the Planning Commission in the exercise of discretion as part of [special land use](#) approval and site plan review.
6. The building design, including [accessory buildings](#), shall be reviewed by the Planning Commission to ensure compatibility with the site and surrounding area.
7. The maximum [lot coverage](#) by all buildings shall not exceed twenty-five percent (25%) of the gross site area.

SECTION 8.22 CONVALESCENT OR NURSING HOME STANDARDS

- A. ***Density.*** The minimum site area per bed shall be two thousand (2,000) square feet.

- B. **Minimum Site Area.** The minimum site area shall be two (2) acres.
- C. **Perimeter Setbacks.** The minimum setback from perimeter property boundaries shall be fifty (50) feet.
- D. **Loading and Service Areas.** Delivery loading and service areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.02.
- E. **Façade.** The maximum length of an uninterrupted building façade facing public streets and residentially zoned or used property shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses), cornices, varying building materials, or pilasters shall be used to break up the mass of a single building.
- F. **Facilities.** Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 8.23 REGISTERED PRIMARY CAREGIVER REGULATIONS

- A. **Intent.** The purpose of this section is to implement land use regulations for all [Registered Primary Caregiver Operations](#) consistent with the provisions of the MMMA and MMFLA, so as to protect the public health, safety, and welfare of the residents and patients of the Township by setting forth the manner in which Registered Primary Caregiver Operations can be operated in the Township. Further, the purpose of this Article is to:
 1. Protect public health and safety through reasonable limitations on Primary Caregivers as they relate to noise, air, and water quality, neighborhood and patient safety, security for the facility and its personnel, and other health and safety concerns.
 2. Provide for the location/placement of Registered Primary Caregivers in locations determined suitable for lawful marihuana facilities and to minimize adverse impacts.
 3. To minimize adverse conditions, which have been known to result from the cultivation of marihuana within residential homes, including but not limited to the following: unsafe conditions resulting from electrical modifications; mold spore exposure; and exposure to pesticide residues from pesticides, trace elements found in fertilizers, and other volatile drug residues.
 4. Coordinate with the laws and regulations that are enacted by the State of Michigan.
- B. **Applicability.**
 1. The standards in this section shall apply in combination with the underlying zoning district

to impose regulations and standards that address specific land use issues associated with Registered Primary Caregiver Operations.

2. The standards in this section shall not apply to any [Registered Primary Caregiver](#) growing twelve (12) or less marihuana plants for personal use.
3. The provisions of this section do not apply to the personal use and/or possession of marihuana by a qualifying patient in accordance with the MMMA.
4. In the event of conflict between these regulations and the regulations of the underlying zoning district, the most restrictive regulations shall apply.

C. ***Registered Primary Caregivers, Generally.*** A person who, under and in accordance with the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26421, et seq. (“MMMA”) and the Michigan Department of Community Health’s (“MDCH”) General Rules adopted under the MMMA, is in possession of a valid registry identification card shall be permitted to assist a qualifying patient to whom he or she is connected through the MDCH’s registration process with the medical use of marihuana only in the following districts: ML, Limited Industrial and GI, General Industrial, subject to all of the following conditions:

1. The medical use of marihuana and the amount of marihuana and marihuana plants in the possession of the Registered Primary Caregiver shall comply at all times and in all circumstances with the MMMA and the General Rules of the MDCH, as they may be amended from time to time.
2. It shall be unlawful to operate or cause to be operated a [Registered Primary Caregiver Operation](#) within:
 - a. A one thousand (1,000)-foot radius from any school, nursery school, day nursery, daycare center, and State-licensed daycare home, to ensure community compliance with Federal “Drug Free School Zone” requirements.
 - b. Three hundred (300) feet of a public park.
 - c. A one thousand (1,000)-foot radius from a place of worship.
 - d. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure used in conjunction with the Registered Primary Caregiver Operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in sections (1) and (2) above. If the Registered Primary Caregiver Operation is located in a multi-tenant structure, the distance shall be measured from the closest part of the tenant space occupied by the Registered Primary Caregiver Operation to the closest point on a property boundary or right-of-way associated with any of the land use(s) identified in sections (1) and (2) above.

3. Not more than one (1) primary caregiver shall be permitted to service qualifying patients on a zoning lot or parcel.
4. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana within any given calendar week.
5. All medical marihuana shall be contained within a building in an enclosed, locked facility, inaccessible on all sides, including top and bottom, and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient.
6. All required building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing or harvesting of marihuana are located, and for any improvements to the structure relating to the use.
7. Visibility of Activities; Control of Emissions:
 - a. All activities of Registered Primary Caregiver Operations, including, without limitation, the cultivating, growing, processing, and storage of marihuana shall be conducted indoors and out of public view.
 - b. No marihuana or paraphernalia shall be displayed or kept in a business so as to be visible from outside the licensed Registered Primary Caregiver Operation.
 - c. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a Registered Primary Caregiver Operation must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a Registered Primary Caregiver Operation, the owner of the subject Registered Primary Caregiver Operation shall be liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Registered Primary Caregiver shall properly dispose of all such materials, items, and other substances in a safe, sanitary, and secure manner and in accordance with all applicable federal, State, and local laws and regulations.
8. Odor Control.
 - a. No Registered Primary Caregiver shall permit the emission of any odor from any source to result in detectable odors to leave the Registered Primary Caregiver Operation upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property.
 - b. Whether an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity.

- c. A Registered Primary Caregiver Operation shall install and maintain in operable condition at all times a system which precludes the emission of marihuana odor from the Registered Primary Caregiver Operation.
 - d. All operations must have a ventilation system or unit(s) to prevent the emission of odors from escaping beyond the property line of the facility or premises. Such system must comply with all relevant ordinance regulations and shall be subject to inspection and approval by the Township Building Director or his or her designee.
9. Maximum Noise Levels. It shall be unlawful for noise levels emanating from a Registered Primary Caregiver Operation to emit a continuous or substantially continuous noise after sundown and prior to 8:00 a.m. where the noise is clearly audible for more than 15 minutes at a distance more than 50 feet from the property line of the Registered Primary Caregiver Operation.
10. Sale of Marihuana. The marihuana offered for sale and distribution to a Registered Primary Caregiver must be packaged and labeled in accordance with State law.
11. Indoor Operation. All activities of Registered Primary Caregivers, including without limitation, distribution, growth, cultivation, and all other related activity permitted to be undertaken by Registered Primary Caregivers, must occur indoors. The facility or establishment's operation and design shall minimize any impact to adjacent uses, including the control of any odor, by maintaining and operating an air filtration system so that no odor is detectable outside the permitted Registered Primary Caregiver Operation.
12. Distribution. No person operating a facility or establishment shall provide or otherwise make available marihuana to any person who is not legally authorized to receive marihuana under State law.
13. Permits. All necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the permitted Registered Primary Caregiver Operation in which electrical, wiring, lighting or watering devices that support the cultivation, growing, and harvesting of marihuana are located.
14. Waste Disposal. The permit holder, owner, and operator of the facility or establishment shall use lawful methods in controlling waste or by-products from any activities allowed under the license or permit.
15. Inspection Consent. An authorized person shall consent to the entry into a Registered Primary Caregiver Operation by the Building Official and Zoning Inspector for the purpose of inspection to determine compliance with this section pursuant to a notice posted in a conspicuous place on the Registered Primary Caregiver Operation two (2) or more days before the date of the inspection or sent by first class mail to the address of the Registered Primary Caregiver Operation four (4) or more calendar days before the date of the inspection.

16. Exterior signage or advertising identifying the facility as a medical marihuana facility, or Registered Primary Caregiver Operation shall be and is hereby prohibited.
17. Registered Primary Caregivers may keep and cultivate up to twelve (12) marihuana plants for each registered qualifying patient with whom the Registered Primary Caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to twelve (12) additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
18. Nothing in this section is intended to grant, nor shall anything in this section be construed as granting immunity from or an affirmative defense against criminal or other prosecution under State laws or local ordinances, including without limitation this section, for the growing, sale, consumption, use, distribution or possession of marihuana not in strict compliance with the MMMA and the General Rules of the MDCH. Also, since federal law is not affected by the MMMA or the MDCH's General Rules, nothing in this section is intended to grant, nor shall anything in this section be construed as granting, immunity from or an affirmative defense against criminal prosecution under federal law. Moreover, nothing in this section shall be construed or interpreted as endorsing, aiding or abetting violations of federal or State laws. The MMMA and this zoning ordinance do not protect users, caregivers or the owners of properties on which the medical use, growing, possession or handling of marihuana occurs from federal prosecution, or from having property seized by federal or State authorities under the federal Controlled Substances Act or other federal laws. The use, possession, and growing of marihuana remains illegal; however, consistent with the MMMA and rulings of the Michigan Supreme Court, this section of the Code designates the specific districts of the Township in which Registered Primary Caregivers may assist one or more medical marihuana patients in the specific and limited circumstances and under the conditions set forth in this section. The possession, smoking or ingestion of medical marihuana by a qualifying patient who has been issued and possesses a valid registry identification card under the Michigan Medical Marihuana Act (being PA 2008, Initiated Law, at MCL 333.26421, et seq.) in any zoning district shall not be considered a use of land regulated under this section.
19. Inspection by Building Department Officials. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical limits and chemical storage occurs, are subject to inspection and approval by the zoning administrator or other authorized official:
 - a. The property, dwelling, and all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.
 - b. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use,

and maintenance of a dwelling shall be permitted.

- c. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
 - d. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
 - e. Related merchandise or products shall not be sold or distributed from the Registered Primary Caregiver Operation, apart from the permitted quantity of medical marihuana.
20. Inspection by Fire and Police Departments. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Independence Fire Department to ensure compliance with Independence Township's Fire Prevention and Protection Ordinance (Section 20). The Fire and Police Departments shall issue a report and guidance to the Planning Commission and the Township Board of Trustees regarding any material issues concerning the specific location of the facility and any impact of the health and safety of Township residents.
21. The operations of a Registered Primary Caregiver, in the ML, Limited Industrial or GI, General Industrial Districts shall be permitted only with the prior issuance of a Township permit.
22. The use shall be maintained in compliance with the requirements of this Ordinance, the MMMA, and the MDCH General Rules. Any departure shall be grounds to revoke or deny the permit and take other lawful action. If a permit is denied or revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
23. Information treated as confidential under the MMMA, including the Registered Primary Caregiver registry identification card and any information about qualifying patients associated with the Registered Primary Caregiver, which is received by the Township, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

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ARTICLE 9

PLANNED DISTRICTS, OVERLAY DISTRICTS, AND OTHER SPECIAL DEVELOPMENT REGULATIONS

SECTION 9.01 INTENT

The intent of this Article is to provide standards and regulations applicable to planned districts, overlay districts, and other special development regulations.

SECTION 9.02 PLANNED UNIT DEVELOPMENT

A. *Intent.*

1. The provisions of this division provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.
2. It is the intent of this division to authorize the use of planned unit development regulations for the purposes of:
 - a. Encouraging the use of land in accordance with its character and adaptability;
 - b. Conserving natural resources and energy;
 - c. Preserving historic resources;
 - d. Encouraging innovation in land use planning;
 - e. Providing enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township; and
 - f. Bringing about a greater compatibility of design and use.

B. *PUD Regulations.*

1. Planned unit development treatment may be applied in any zoning district.
2. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development.

3. The **applicant** for a planned unit development must demonstrate all of the following as a condition to being entitled to a planned unit development:
 - a. Grant of the planned unit development will result in one of the following:
 - (1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations;
 - (2) Long-term protection and/or preservation of natural resources and natural features or historic resources and historic features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; or
 - (3) A **nonconforming use** shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated;
 - b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;
 - c. The proposed development shall be consistent with the public health, safety and welfare of the Township;
 - d. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties; and
 - e. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this section.

C. *Project Design Standards.*

1. Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this division:
 - a. Three (3) units per gross acre in R-1A;
 - b. 1.5 units per gross acre in R-1B;
 - c. 0.75 units per gross acre in R-1C;
 - d. 0.4 units per gross acre in R-1R;

- e. Five (5) units per gross acre in R-2;
 - f. Eight (8) units per gross acre in R-3;
 - g. Four (4) units per gross acre in R-4; and
 - h. Four (4) units per gross acre in RMT.
2. Nonresidential uses shall be permitted as part of a common development with residential units to the extent the [applicant](#) demonstrates by expert analysis, and the Township Board finds, in its discretion, that the nonresidential uses shall principally serve the persons residing in the residential units in the project; provided the nonresidential uses, including, without limitation, parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
 3. For nonresidential uses, minimum [lot area](#) requirements of the district in which a use is a permitted principal use shall apply, subject to the provisions of subsection 4. of this section. All ambiguities shall be resolved by the Township Board.
 4. All regulations applicable to lot size, [lot width](#), [setback](#), parking and loading, general provisions, and to other requirements and facilities, shall be met in relation to each respective land use in the development based upon R-1A district regulations for single-family detached, R-2 district regulations for multifamily, R-3 district regulations for elderly housing, R-4 district regulations for single-family attached, O district regulations for office uses, OS-1 district regulations for office-service one uses, OS-2 district regulations for office-service two related uses, C-1 district regulations for the uses specified as permitted principal uses in [Section 4.17](#), C-2 district regulations for those uses expressly specified to be permitted principal uses in [Section 4.18](#), C-3 district regulations applicable for those uses expressly specified to be permitted principal uses in [Section 4.19](#), C-4 district regulations for those uses expressly specified to be permitted principal uses in [Section 4.20](#), MS district regulations for motor vehicle service stations as permitted principal uses in [Section 4.21](#), REC district regulations for those uses specified to be permitted principal uses in [Section 4.22](#), ML district regulations for those uses specified to be permitted principal uses in [Section 4.23](#), MH district regulations for those uses expressly specified to be permitted principal uses in [Section 4.24](#), and R-O district regulations for those uses expressly specified to be permitted in [Section 4.25](#). 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 subsection 3. of this section, 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 designed into the project plan for the purpose of achieving the objective intended to be accomplished with respect to each of the requirements or regulations from which a deviation is sought, i.e., where deviations in the Ordinance regulations are made, there shall be a resulting loss of legally required

devices for the promotion and/or protection of the public health, safety and welfare; and, in the case of each deviation, adequate alternative mechanisms designed into the project which replace or obviate the need for such legally required devices must be proposed.

5. Additional density of up to one (1) dwelling unit per acre for residential uses may be allowed in the discretion of the Township Board based upon a demonstration by the [applicant](#) of design excellence in the planned unit development resulting in a material benefit to all or a significant portion of ultimate residential users of the project, including, without limitation, development of innovative design producing significant energy efficiency, pedestrian or vehicular safety, or long-term aesthetic beauty. Such additional density authorization shall only be permitted if and to the extent that compliance with [Section 9.02.B.](#) can be maintained.
6. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and features as well as historic resources and features. In the interpretation of this provision, natural and/or historic resources or features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether 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 and historic resources or features where applicable. To accomplish this balancing, the following criteria shall be applied:
 - a. The availability of feasible and prudent alternative methods of accomplishing the development;
 - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity; and
 - c. The size, quality and rarity of the natural or historical resources or features that would be impaired or destroyed.
7. 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 planned unit development project includes nonresidential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Township Board, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
8. Thoroughfare, drainage and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
9. Where feasible, there shall be underground installation of utilities, including electricity and telephone.

10. In all cases where insulation 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 insulated from vehicular thoroughfares and ways.
11. 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 development or developments, and natural features of the area.
12. 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 Township Board, in its 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.

D. *Procedure for Review and Approval.*

1. The grant of a planned unit development application shall require a rezoning by way of an amendment of this Ordinance.
2. Prior to the submission of an application for planned unit development approval, the applicant, with appropriate experts, shall meet with the directors of the building, planning and DPW departments of the Township, together with any consultants such directors deem appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:
 - a. Total number of acres in the project;
 - b. A statement of the number of residential units, if any, the number and type of nonresidential units, and the number of acres to be occupied by each type of use;
 - c. The known deviations from Ordinance regulations to be sought;
 - d. The number of acres to be preserved as open or recreational space; and
 - e. All known natural resources and natural features and/or historic resources and historic features to be preserved.
3. Thereafter, copies of a preliminary plan conforming with [Section 9.02.E](#), may be submitted within ninety (90) days of the pre-application conference required in subsection 2. of this section. The number of copies shall be specified by the Zoning Administrator. Such submission shall be made to the Zoning Administrator, who shall present the same to the Planning Commission at a regular or special meeting.

4. The Planning Commission shall review the preliminary plan, and shall be entitled to make reasonable inquiries of and receive answers from the **applicant**. Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
5. Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the **applicant** shall submit to the Zoning Administrator copies of a final plan conforming with **Section 9.02.E**. The number of copies shall be specified by the Zoning Administrator. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, the county, and the Township Board, as and to the extent provided by law. With and in addition to the regular report submitted by the Planning Commission in connection with a rezoning application, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.

E. Applications.

1. Preliminary plans and final plans shall include the following:
 - a. All requirements of Sections **6.05** and **6.06**;
 - b. A plan showing the type, location and density of all uses;
 - c. All open spaces, including preserves, recreational areas, historic structures and the like, and each proposed for such areas;
 - d. A separately delineated specification of all deviations from this Ordinance, which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development division. This specification should include 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;
 - e. In the event the impact upon adjoining property and/or the community will, in the discretion of the Planning Commission and/or Township Board, be significantly greater than the impact that would result from development of the property in accordance with the zoning provisions otherwise applicable, or if the property on which the project is to be situated consists of twenty-five (25) acres or more, a **community impact statement** shall be submitted upon direction of the Planning Commission and/or Township Board, or as part of the application if the twenty-five (25) acre minimum applies;
 - f. A detailed landscaping plan;

- g. A specific schedule of the intended development and construction details, including phasing or timing, and 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;
- h. A specification of the exterior building materials with respect to the structures proposed in the project; and
- i. The signatures of all parties having an interest in the property.

F. **Conditions.** Reasonable conditions may be required with 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 services 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. 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, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

G. ***Phasing and Commencement of Construction.***

1. **Phasing.** 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, phasing shall contemplate that at least thirty-five percent (35%) of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least seventy-five percent (75%) of all proposed residential construction prior to the second phase of nonresidential construction; and completion of one hundred percent (100%) of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the Township Board after recommendation from the Planning Commission.
2. **Commencement and completion of construction.** Construction shall be commenced within one (1) year following final approval of a planned unit development, or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later; provided all other necessary approvals have been actively pursued. Each

phase of the project shall be commenced within one (1) year of the schedule established for same in the application submitted pursuant to [Section 9.02.E.1.g](#). 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 Township Board upon good cause shown if such request is made to the Board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Township shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as a PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

H. ***Effect of Approval.*** If and 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.

I. ***Amendment and Revision.***

1. An [applicant](#) may request a change in an approved final plan. A change which results in a major change, as defined in this Section, in the approved plan shall require an amendment to the approved plan. All amendments shall follow the procedures herein required for original submittal and review of a petition for PUD zoning. A change which results in a minor change, as defined in this Section, shall require revision to the approved final plan and approval by the Planning Commission.
2. A request for a change in an approved plan shall be made in writing to the Planning Commission, and shall clearly state the reasons therefor. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and request reasonable and valid, shall so notify the [applicant](#) in writing. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.
3. The following changes shall be considered major, for which amendment is required:
 - a. Change in concept of the development;
 - b. Change in use or character of the development;
 - c. Change in type of dwelling unit as identified on the approved area plan;
 - d. Increase in the number of dwelling units (density);
 - e. Increase in non-residential floor area of over five percent (5%);

- f. Rearrangement of lots, blocks, and building tracts;
 - g. Change in the character or function of any street;
 - h. Reduction in land area set aside for common open space, or the relocation of such area(s); and
 - i. Increase in building height.
4. An **applicant** may request approval of minor changes, as defined in this section, in an approved final plan. The Planning Commission shall notify the Township Board and other applicable agencies of its approval of the revisions of the final plan resulting from such minor changes.
5. Minor changes shall include the following:
- a. A change in residential floor area;
 - b. An increase in non-residential floor area of five percent (5%) or less;
 - c. Minor variations in layout which do not constitute major changes;
 - d. A change in phasing of development; and
6. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the **applicant** to show good cause for any requested change.

SECTION 9.03 PRD PLANNED RESIDENTIAL DEVELOPMENT

A. **Intent.** The provisions of this division provide enabling authority and standards for the submission, review, and approval of an application for a planned residential development, which, for purposes of this Ordinance, shall be a special form of planned unit development, distinct from the PUD authorized in [Section 9.02](#). Classification of property under this Article shall require a legislative enactment to amend the Zoning Ordinance so as to classify particular property planned residential district. It is the intent of this division to authorize the use of land, water and natural resources in a manner which encourages the reservation and preservation of large areas of open space, conserves natural resources, and promotes the development of housing enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

B. **PRD Qualification.**

1. To qualify for approval under this division, the **applicant** must make a clear demonstration of all of the following:

- a. The property shall be situated in a residential zoning district;
- b. The property shall be a contiguous parcel of land with a minimum of one hundred and sixty (160) acres in area;
- c. When completed, the development shall have twenty percent (20%) of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted for use for active and/or passive outdoor recreational purposes harmonious with peaceful, single-family residential uses in and surrounding the development. Such open space shall not consist of yard areas adjacent to buildings;
- d. The density of residential units in the overall development shall be a maximum of one (1) unit per gross acre;
- e. The development shall not result in an unreasonable burden upon public services and/or facilities in relation to the burden, which would be imposed if the land were developed and used for a use permitted as of right in the zoning district applicable at the time of making application for rezoning to PRD district;
- f. The development shall not impose an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations;
- g. The development shall not be likely to unreasonably impair or destroy the air, land, water, or other natural resources;
- h. The development shall be consistent with the public health, safety and general welfare;
- i. The development shall not have a materially adverse impact upon the Township Master Land Use Plan, as amended, and shall be consistent with the intent and spirit of this division; and
- j. The development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this division. This provision shall not prohibit a transfer of ownership and/or control upon due notice to the Zoning Administrator; provided, however, if such a transfer occurs prior to completion of the project, such transfer must be made to a single person or entity having responsibility for completing the project in conformity with this division.

C. Permitted Uses.

1. The principal permitted use in this district shall be for single-family residential dwellings, with a maximum density in the overall development of one (1) unit per gross acre. Such residential dwellings shall be detached units; provided single-family dwelling units attached by way of common wall shall be permitted, but shall constitute not more than twenty-five percent (25%) of the total number of dwelling units in the project. For purposes of regulations to govern such attached units, [Section 4.11, Single-Family Residential](#), shall apply, except that the Township Board may grant deviations to such regulations in the same manner as provided in [Section 9.03.D](#).
2. [Accessory uses](#) that are customarily associated with single-family residential uses shall be permitted, including attached garages.
3. In addition, accessory recreational use and/or open space shall be permitted, including passive open space and recreational usage, and including active recreational usage, such as golf club use, which does not result in off-site impact of noise, traffic or other impacts materially beyond the off-site impacts customarily expected in the surrounding area, taking into consideration land usage and zoning classification in such surrounding area.

D. Project Design Standards.

1. The Township Board shall review the proposed development, after recommendation of the Planning Commission, based upon the following design standards:
 - a. All regulations applicable to [lot width](#), [setback](#), parking, and the like, excepting lot size, shall be as set forth in [Section 4.08, R-1R](#) district regulations. The Township Board, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provisions of this subsection, deviations with respect to such regulations may be granted as part of the overall approval of the planned residential development; provided there are features or elements deemed adequate by the Township Board designed into the project plan for the purpose of achieving the objectives intended to be accomplished with respect to each of the requirements or regulations from which a deviation is sought, i.e., where deviations in the Ordinance regulations are made, there may be a resulting loss of legally required regulatory provisions designed for the promotion and/or protection of the public health, safety and welfare. In the case of each deviation, adequate alternative mechanisms designed into the project that replace or obviate the need for such legally required devices must be proposed;
 - b. The development shall be designed so as to promote preservation of natural resources and natural features as well as historic resources and historic features. In the interpretation of this provision, natural resources and natural features or historic resources and historic features may be impaired or destroyed only if it is in the public interest to do so. In determining whether action is in the public interest, the benefit

which would be reasonably 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 natural resources and natural features as well as historic resources and historic features, taking into account the provisions and standards of Public Act No. 451 of 1994 (MCL 324.101 et seq.), the Michigan Environmental Protection Act;

- c. There shall be 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. The dimension of the perimeter setback shall be established in the discretion of the Township Board, taking into consideration the use or uses, and zoning classifications, in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development;
- d. Development design shall meet or exceed all standards for single-family residential developments in the Township;
- e. Where feasible, there shall be underground installation of utilities, including electricity and telephone;
- f. 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 development or developments, and the natural features of the area; and
- g. Noise reduction and visual screening mechanisms, such as earthen and/or landscape berms and/or decorative walls, shall be employed where and as determined by the Township Board. The Township Board, in its discretion, shall review and approve of the design and location of such mechanisms in regard to maximizing, to a reasonable extent, the achievement of the screening objectives in those cases where the Township Board determines that such mechanisms would be appropriate in order to prevent greater impacts than would occur in connection with a use permitted as of right in the zoning district in which the property is situated prior to the reclassification under this district.

E. Procedure for Review and Approval.

1. **In general.** The procedure for review and approval of a PRD shall be a two (2) part process. The first part shall be application and approval of a concept development plan, which requires a legislative enactment amending this Ordinance so as to classify the property to planned residential district. Such action, if and when approved, shall confer upon the **applicant** concept approval for the length of time established by the Township Board in the amendatory ordinance granting the PRD designation for the property. The duration of the effectiveness of concept approval shall be determined in relation to the size of the

property and in relation to the anticipated time for development and marketing, all taking into consideration the probability of a change in law or ordinance which would bear upon approval of the concept development plan. Upon application prior to the expiration of the concept development plan, the Township Board may extend the effectiveness of the concept development plan on a year-to-year basis. The second part of the review and approval process shall be the application for and approval of a final development plan for the entire project, or for any one (1) or more phases of the project. Final development plan approval requires the grant of [special land use](#) and [site plan](#) approval, to be approved by the Township Board following the recommendation of the Planning Commission.

2. ***Concept development plan approval.***

- a. Prior to submission of an application for planned residential development approval, the [applicant](#) shall meet with the directors of the building and planning department and the department of public works of the Township, together with such consultants as deemed appropriate by the Township. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned residential development, as well as the following information:
 - (1) A legal description of the property in question;
 - (2) The total number of acres in the project;
 - (3) A statement of the approximate number of residential units;
 - (4) The known deviations from the Ordinance regulations to be sought;
 - (5) The number of acres to be preserved as open or recreational space and intended uses of such space; and
 - (6) All known natural resources and natural features, as well as historic resources and historic features to be preserved.
- b. Thereafter, copies of a concept development plan, including [site plan](#), conforming with the application provisions set forth in subsection e. of this section shall be submitted within ninety (90) days of the pre-application conference required in subsection a. of this section. The number of copies shall be specified by the Zoning Administrator. Such submission shall be made to the Zoning Administrator, who shall present the same to the Planning Commission for consideration at a regular or special meeting.
- c. The Planning Commission shall review the concept development plan for preliminary review, and shall be entitled to make reasonable inquiries of and receive answers from the [applicant](#). Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission. Such action on the part of the Planning Commission shall vest no rights

in the applicant inasmuch as the specific details of an ultimately approved project are at the very essence of a planned residential development.

- d. Following preliminary review by the Planning Commission action referenced in the subsection [c.](#) of this section, the [applicant](#) shall submit to the Zoning Administrator copies of a proposed concept development plan taking into consideration the comments of the Planning Commission during preliminary review, and conforming with the application provisions set forth in subsection [e.](#) of this section. The number of copies shall be specified by the Zoning Administrator. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, the county and the Township Board, in the manner provided by law for the amendment of this Ordinance.
- e. The application for concept development plan approval shall include the following information and materials:
 - (1) ***Development concept.*** A summary explanation of the development concept of the proposed planned residential development. The development concept shall describe the project and outline the basis for PRD qualification consistent with [Section 9.03.B.](#)
 - (2) ***Density.***
 - (a) Overall maximum.
 - (b) Maximum for each proposed phase.
 - (3) ***Road system.***
 - (a) General description of road system and circulation pattern.
 - (b) Location of roads.
 - (c) Location and layout of entrances/exits.
 - (d) Location and layout of pedestrian walkways.
 - (e) Statement whether roads are intended to be public or private.
 - (4) ***Utilities.***
 - (a) General description of proposed water, sanitary sewer and storm sewer systems.

- (b) Utility lines.
 - i. Specific location of main lines.
 - ii. General location of other lines.
- (c) General indication of size and location of stormwater detention and permanent retention ponds.

(5) ***Open space/common areas.***

- (a) General description of proposed open space and common areas.
- (b) Total area of open space, and open space in each proposed phase.
- (c) Proposed uses of open space and common area.

(6) ***Uses.***

- (a) List of all proposed uses.
- (b) Location, type and land area to be devoted to each use:
 - i. Overall.
 - ii. In each phase.
 - iii. Demonstration that all of the proposed uses, other than single-family detached residential, are permitted under this division.

(7) ***Development guidelines.***

- (a) Site organization.
- (b) Typical [setback](#) and lot dimensions.
- (c) Minimum lot size for each use.
- (d) Typical, minimum, and maximum building:
 - i. Height.
 - ii. Size.
- (e) Parking.

- (f) Fencing.
- (g) Lighting.
- (h) Berming.
- (i) Building materials.

(8) ***Landscaping.***

- (a) General landscaping plan.
- (b) Landscape plan for entrances.
- (c) Landscape plan for overall property perimeter.
- (d) Any theme/streetscape design.
- (e) Proposed irrigation.

(9) ***Natural resources and features.***

- (a) Floodway/floodplain locations and elevations.
- (b) Wetlands and watercourses.
 - i. Location.
 - ii. Description of each.
 - iii. Any proposed encroachments by roads and utilities.
- (c) Woodlands, location and area of tree stands.
- (d) Location and description of other natural resources.
- (e) Location and description of natural features.

(10) ***Historic resources and features.***

- (a) Location and description of historic resources and features as documents in the 1998 Independence Township Historic Survey.

(11) ***Phasing information.***

- (a) Approximate location, area and boundaries of each phase.
- (b) Proposed sequence of development, including:
 - i. Phasing areas.
 - ii. Improvements.
- (c) Projected timing for commencement and completion of each phase.

(12) ***Public services and facilities.***

- (a) Description of the anticipated demand to be generated by the development for:
 - i. Public sewer.
 - ii. Water.
 - iii. Off-site roads.
 - iv. Schools.
 - v. Solid waste disposal.
 - vi. Off-site drainage.
 - vii. Police.
 - viii. Fire.
- (b) Description of the sufficiency of each service and facility to accommodate such demand.
- (c) Anticipated means by which insufficient services and facilities shall be provided.

(13) ***Historical structures.***

- (a) Location and description.
- (b) Proposed preservation plan.

(14) ***Site topography.***

- (15) **Signage.**
- (a) Entrance.
 - (b) For road system.
 - (c) Other, if any.
- (16) **Amenities.**
- (17) **Zoning classifications.** Zoning classifications on and surrounding the site.
- (18) **Specification of deviations.** Specification of each deviation from regulations applicable to projects in R-1R districts which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.
- (19) **Community impact statement.** A **community impact statement**, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the community impact statement.
- (20) **Off-site utilities.** Demonstration, including map and text, showing the off-site utilities, which will provide services to the project.
- f. **Effect of approval.** If the Township Board adopts an amendatory ordinance granting the concept development plan, the zoning map shall be amended to designate the property planned residential development. Such designation shall confer upon the **applicant** concept approval for the concept development plan for a period to be established by the Township Board, applying the standards set forth in subsection 9.03.E.2. Such period of time shall be specified as part of the amendatory ordinance granting the planned residential development designation for the property. There shall be no use as of right in the PRD district. During the period of effectiveness of the concept development plan, as established by the Township Board, the property owner shall be permitted to submit one (1) (or more if the project is to be proposed in phases) **special land use** and **site plan** application, seeking final development plan approval in the manner provided in subsection 3. of this section. Upon application prior to the expiration of the concept development plan, the Township Board may extend the effectiveness of the concept development plan on a year-to-year basis. In determining whether to extend the effectiveness of the concept development plan, approval may be granted if the ordinances and laws applicable to the project have not changed in a manner that would affect the project as previously approved. In the event of an

expiration of the effectiveness of a concept development plan, the property owner may either make application for a new concept development plan or make application for some other zoning classification for the portion of the development for which a final development plan has not been approved.

3. *Final development plan approval.*

- a. Development of property classified as a PRD shall require the grant of [special land use](#) approval and [site plan](#) approval. Both of such approvals may be sought and obtained concurrently upon request of the property owner and approval by the Planning Commission. The grant of special land use approval and site plan approval shall be made by the Township Board, following recommendation of the Planning Commission.
- b. Special land use and site plan approval may be applied for and granted with respect to the entire development or in one or more phases. However, if the project is proposed in phases, the design 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 residential development and the residents of the surrounding area. In addition, where the density of a particular phase, taking into consideration all previously approved phases, has a density greater than one (1) residential unit per gross acre, the Township Board shall require the execution and recordation of appropriate covenants, open space agreement, or the like, for the purpose of ensuring that the maximum density permitted under this division shall not be exceeded in the event future phases are not approved and/or constructed. The Township Board shall specify the improvements required to be constructed outside of the phase or phases proposed in order to support and service such phase or phases. In addition, the Township Board may require, in addition to the documents referenced above, the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the property as proposed and/or to promote and/or protect the public health, safety and welfare in a specific manner consistent with the intent and spirit of this division.
- c. Subject to the specific provisions of this division, [special land use](#) approval and [site plan](#) approval shall be based upon the standards and procedures set forth in Articles [6](#) and [7](#), respectively. In addition to the information required in such sections, the [applicant](#) shall submit the following:
 - (1) A demonstration, including map and text, that the requirements of subsection [b.](#) of this section shall be met; and
 - (2) To the extent not provided by the information submitted in accordance with Articles [6](#) and [7](#), the following additional information and documentation shall be submitted:

- (a) Sufficient information to demonstrate compliance with the project design standards in this division;
 - (b) A [site plan](#) showing the type, location, and density of all structures and uses;
 - (c) A plan showing all open space, including preserves, recreational areas, historic resources, and the like, and the purpose proposed for each area;
 - (d) Expert opinion of independent consultant with regard to market need for the use or uses and economic feasibility of the project;
 - (e) A specification of all deviations proposed from the regulations that would apply if the land were zoned and classified under the R-1A district regulations. This specification shall state the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations that would otherwise apply to a traditional development under the R-1A district;
 - (f) Additional landscaping details required by the Planning Commission and/or Township Board in order to achieve a specific purpose consistent with the spirit of this division; and
 - (g) The general improvements to constitute a part of the phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, and utilities, and including the aesthetic qualities of the general improvements.
- (3) The Planning Commission shall conduct a public hearing and otherwise proceed with the review of a final development plan and [site plan](#) in the manner specified in Articles 6 and 7, respectively, with the authorization, if approved by the Planning Commission, for such reviews to be conducted simultaneously; provided, however, the final action to be taken by the Planning Commission shall be in the form of a recommendation to the Township Board. Such recommendation shall be with or without conditions.
- (4) Upon receipt of a recommendation on a final development plan from the Planning Commission, the Township Clerk shall place the matter on the agenda of the Township Board for review and action. The Township Board may adjourn the consideration from time-to-time if determined appropriate for the purpose of receiving further information or consultation on the proposed final development plan.
- (5) At the conclusion of the Township Board's deliberation, the Township Board shall either grant [special land use](#) and/or [site plan](#) approval, with or without conditions, or deny. If approval is denied, the minutes of the Township Board shall include the grounds for denial. If approval is granted with conditions, the minutes of the Township Board shall include a statement of the conditions.

- F. **Conditions.** Reasonable conditions may be required with the approval of a planned residential 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 services 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. 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, and the community as a whole. In addition, conditions imposed shall be reasonably related to the purposes affected by the planned residential development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed, shall be made a part of the minutes of the Township Board.
- G. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following the approval of the final development plan in accordance with [Section 9.03.E.](#), or within one (1) year of any other necessary governmental approval for construction of the project, whichever is later; provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, any approval of a final development plan shall expire and be null and void, provided an extension for a specified period of time may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the final development plan.
- H. **Effect of Approval.** If and when approved, a final development plan interpreted together with the concept development plan, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be undertaken accordingly. The [applicant](#) shall record an affidavit with the county register of deeds containing the legal description of the entire project, specifying the date of approval of the planned residential development, and declaring that all future development of the property has been authorized and required to be carried out in accordance with the approved concept development plan and final development plan unless the final development plan expires or unless an amendment is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferees and/or assigns.
- I. **Amendment and Revision.**
1. An [applicant](#) may request a change in an approved final plan. A change which results in a major change, as defined in this Section, in the approved plan shall require an amendment to the approved plan. All amendments shall follow the procedures herein required for original submittal and review of a petition for PPD zoning. A change which results in a minor change, as defined in this Section, shall require revision to the approved final [site plan](#) and approval by the Planning Commission.

2. A request for a change in an approved plan shall be made in writing to the Planning Commission, and shall clearly state the reasons therefor. Such reasons may be based upon considerations such as but not limited to changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, technical causes, site conditions, state or federal projects and installations, and statutory revisions. The Planning Commission, upon finding such reasons and request reasonable and valid, shall so notify the [applicant](#) in writing. Following payment of the required fee, the developer shall submit the required information to the Planning Commission for review. If the approved plan is to be amended, the Planning Commission shall immediately notify the Township Board.
3. The following changes shall be considered major, for which amendment is required:
 - a. Change in concept of the development.
 - b. Change in use or character of the development.
 - c. Change in type of dwelling unit as identified on the approved area plan.
 - d. Increase in the number of dwelling units (density).
 - e. Increase in non-residential floor area of over five percent (5%).
 - f. Rearrangement of lots, blocks, and building tracts.
 - g. Change in the character or function of any street.
 - h. Reduction in land area set aside for common open space, or the relocation of such area(s).
 - i. Increase in building height.
4. An [applicant](#) may request approval of minor changes, as defined in this Section, in an approved final [site plan](#). The Planning Commission shall notify the Township Board and other applicable agencies of its approval of such minor changes.
5. Minor changes shall include the following:
 - a. A change in residential floor area.
 - b. An increase in non-residential floor area of five percent (5%) or less.
 - c. Minor variations in layout which do not constitute major changes.
 - d. A change in phasing of development.

6. The Planning Commission shall have the authority to determine whether a requested change is major or minor, in accordance with this Section. The burden shall be on the [applicant](#) to show good cause for any requested change.

SECTION 9.04 SASHABAW TOWN CENTER OVERLAY DISTRICT

A. ***Intent and Purpose.*** The purpose of the Sashabaw Town Center Overlay District shall be to promote the development of the area in accordance with the Vision 2020 Strategic Plan, including the Sashabaw Corridor Vision 2020 Target Plan, which is part of the Township's Master Plan, and in such a manner that will: allow for a mixed use concept of new development that advances the creation of a town center; arrive at a development pattern which addresses both style and architecture appropriate for the area; develop a vehicular and pedestrian circulation pattern appropriate for a town center style of development while recognizing current community and lifestyle issues; and support the boulevard design for Sashabaw Road. Additionally, the provisions of this district are intended to establish a town center area which:

1. Is physically recognizable and limited in size;
2. Locates residences, shops, workplaces, and public spaces in close proximity to one another, thereby maximizing transportation choice and reducing the number and length of motor vehicle trips, and traffic congestion. Compatibility of buildings, uses, and other improvements is determined by their arrangement, scale, character, and landscaping to establish a livable, harmonious, and diverse environment;
3. Establishes a hierarchy of interconnected streets serving the needs of pedestrians, bicyclists, and motorists;
4. Places public spaces in prominent locations that act as landmarks, symbols, and focal points for community identity and provide places of assembly for informal social contact;
5. Links prominent uses and features with pedestrian paths and greenways to provide places for social contact and recreation;
6. Includes architecture and landscaping that are consistent with the unique character of the area; and
7. Provides a range of housing types and work places, allowing all age groups to integrate in the town center community.

B. ***Applicable Area and Requirements of the Town Center Overlay District.*** The "Sashabaw Town Center Overlay District" (sometimes also referred to in this section as the "town center" or "area") encompasses the area as illustrated in the Sashabaw Town Center District Overlay Map which is attached as an amendment to and made part of the official zoning map of the Township.

1. All developments within the Sashabaw Town Center Overlay District shall be submitted for approval in accordance with the standards and procedures set forth in this Ordinance; provided, however, that all development of property within the Sashabaw Town Center Overlay District shall comply with the standards and requirements of this section in addition to all other regulations under this Ordinance. The standards and requirements of this section are in addition to and supplement all other regulations under this Ordinance, which remain applicable to the extent that they do not expressly conflict with the provisions of this section. To the extent a Township official or body reviewing a plan or application under this Ordinance determines in its discretion that a conflict exists between the standards under this section and those of other sections of this Ordinance, the standards under this section shall apply.
 2. The following uses shall not be required to be treated as a planned unit development or [special land use](#), but shall otherwise be subject to the requirements of this section:
 - a. Uses located within the IOP industrial office park district; or
 - b. Uses existing at the time of adoption of this section for which there is an approved and effective [site plan](#).
 3. Unless submitted as a planned unit development under [Section 9.02](#), all development of property within the Sashabaw Town Center Overlay District, except as noted in subsection [2.b.](#) of this section, shall require the grant of [special land use](#) approval and [site plan](#) approval. Both of such approvals may be sought and obtained concurrently upon request of the property owner and approval of such request by the Planning Commission. Subject to the specific provisions of this section, special land use approval and site plan approval shall be based upon the standards and procedures set forth in Articles [6](#) and [7](#), respectively.
 4. With respect to the town center area, the standards and requirements of this section are in addition to and supplement all other regulations under this Ordinance, which remain applicable to the extent that they do not expressly conflict with the provisions of this section. To the extent the Planning Commission determines in its discretion that a conflict exists, the provisions of this section shall apply.
- C. ***Permitted Uses and Structures within the Town Center Overlay District.*** All uses within the Sashabaw Town Center Overlay District shall be restricted to those listed as either permitted principal uses and structures and [special land uses](#) in the underlying zoning districts or those listed under an approved planned unit development.
- D. ***Town Center Design Guidelines and Other General Design Principles and Standards within the Town Center Overlay District.***

1. In addition to complying with the design standards set forth in this section, all proposed development and construction within the town center shall comply with the town center design guidelines that have been adopted by the Township Board, which guidelines may be amended from time to time by resolution of the Township Board in a manner consistent with the intent and purposes stated in this section.
2. The proposed development shall promote the creation of a town center that exhibits the characteristics and design features of compact development that is consistent with the overall character of the Township. Consistent with the purposes and intent set forth in subsection A. of this section, the intent of the Sashabaw Town Center Overlay District is, in part, to provide a continuous development pattern, which flows between uses and developments. Therefore, applicants shall make every attempt to coordinate all elements of a development with existing adjacent developments to ensure a coordinated development pattern within the area.
3. Overall street design and layout shall be an integral component of site design providing for either an internal public street system to access and service the development of properties and/or private cross-access between individual properties. To that end, direct individual access from properties to Sashabaw Road shall be limited.
4. Building design shall contribute to the uniqueness of the town center 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 (1) building, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive place within the town center. In projects containing more than one (1) building, a distinct visual link shall be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscaping, and walkways to unify the project. A standardized prototype design shall be modified if necessary to meet the provisions of this section.
5. Building façades visibly exposed to a street or common open space shall be specially designed to respond to more visually prominent locations. Such buildings shall have special massing and/or other treatments on all exposed façades. All exposed façades shall be treated with the same architectural quality and detail. Buildings that are located at the termination of a view or vista shall be considered more significant structures requiring special architectural treatment.
6. Emphasis shall be placed on providing a pedestrian circulation system, which promotes safety and social interaction and connects neighborhoods with open space, recreational and community facilities and commercial, office, and mixed-use areas.
7. Transition shall be developed between projects with different uses and intensities on adjacent parcels to provide an effective visual and functional shift. Transition may be created through appropriate building setback, height and landscape buffers.

8. All open space shall serve a functional purpose as visual enhancement and providing for both passive and active recreational needs of the area. Open space shall be an integral component of the overall site design.

E. ***Specific Design Standards within the Town Center Overlay District.***

1. ***Relationship of buildings to streets, walkways, and parking.***

- a. Orientation to build-to lines for streetfront buildings. Build-to lines based on a consistent relationship of buildings to the street shall be established by development projects, in order to form visually continuous, pedestrian-oriented streetfronts with minimal vehicle use area between building faces and the street. This requirement shall not apply to projects located entirely within the IOP industrial office park district, where all otherwise applicable IOP district requirements shall apply.

- (1) To establish build-to lines, buildings shall be located and designed to align or approximately align with any previously established building/sidewalk relationships that are consistent with this standard.

- (2) Buildings shall be located no more than fifteen (15) feet from the right-of-way of a local street.

- (3) Buildings shall be located at least twenty-five (25) but no more than fifty (50) feet from the right-of-way of Sashabaw Road.

- (4) Exceptions to the build-to line standards shall be permitted in order to form an outdoor space such as a plaza, courtyard, patio, or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree canopy, and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort, and visual continuity.

2. ***Open space and community design feature.***

- a. ***Residential uses.*** An active and passive recreation/open space plan shall be submitted to the Planning Commission for consideration. The plan shall demonstrate that at least ten percent (10%) of the gross land area is maintained for recreation/open space amenities, which accurately reflects the intended demographics of the development.

- b. ***All nonresidential uses.*** Each nonresidential 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, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the sole discretion of the Township, is determined to

adequately enhance such community and public spaces.

3. **Site access, parking, and loading.** Site access, parking and loading shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service area, shall be subject to the following restrictions:
 - a. Provisions for circulation between developments on adjacent parcels shall be required through joint drives and cross-access connections;
 - b. Driveway placement must be such that loading and unloading activities will not hinder vehicle ingress or egress. All loading areas for nonresidential uses shall be located within rear yard areas, and/or screened from public view in accordance with the standards set forth in [Section 10.06.D.](#);
 - c. No more than one (1) direct access drive shall be provided from Sashabaw Road. Access to other portions of the site shall be provided via connection to the internal public street system, private roads approved by the Township, or to private drives approved by the Township for joint use; and
 - d. Off-street parking for nonresidential uses shall be located predominantly within the side or rear yard areas. Up to twenty percent (20%) of the off-street parking may be permitted within the front yards when abutting a public right-of-way.
4. **Pedestrian pathways and sidewalks.** 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.
5. **Signage.** All signs permitted within this town center shall be subject to the provisions of section [Article 12, Signs](#), unless a stricter provision is provided herein. In addition to the overall intent of this section, the intent of this subsection is to ensure that signs within the town center shall be uniform in size, design, appearance and material. Accordingly, all signs within the town center shall be subject to 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; and
 - b. A comprehensive sign plan shall be submitted with each development project.
6. **Lighting.** All lighting shall conform to the requirements of [Section 10.07](#), in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details.

- a. All street and parking lot lighting shall conform to the requirements of the town center design guidelines.
 - b. Pedestrian lighting shall be provided for pedestrian walkways, building entries and other areas where illumination is needed to permit safe pedestrian travel.
7. **Landscaping, greenbelts, buffers, and screening elements.** All landscape features of the site shall conform to the requirements detailed in [Section 10.06](#), and to the town center design guidelines, in order to ensure that the image of the town center is promoted by the organization, unification and character of the district.
8. **General site design and architectural guidelines for nonresidential uses.** Consistent with the intent and purposes of this section set forth above, it is the intent of the Sashabaw Town Center Overlay 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 large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the town center's streetscape.
- a. **Miscellaneous design criteria.**
 - (1) Building entries shall be readily identifiable and accessible, with at least one (1) main entrance facing and opening directly onto a connecting walkway with pedestrian frontage.
 - (2) Architecture will be evaluated based upon its compatibility and relationship to the landscape, and vice versa.
 - b. **Building massing and form.**
 - (1) No individual building shall exceed fifty thousand (50,000) square feet in size. Existing buildings in the Sashabaw Town Center Overlay District and new buildings within the IOP district shall be excluded from this requirement. However, buildings greater in size may be permitted, provided the following minimum criteria are satisfied:
 - (a) Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
 - (b) All buildings shall have variations in roof lines and roof treatment to reduce the massive scale of the structure and add visual interest. One (1) or more of the following measures shall be used: parapets of varied height, overhanging eaves, sloped or pitched roofs, front gable treatment, and/or cornice elements.
 - (c) The exterior of the building shall appear to have an abundance of individual uses through the inclusion of windows and varying architectural treatments, while the interior may consist of one individual use.

- (2) Architectural interest shall be provided through the use of repetitious patterns of color, texture, and material modules, at least one (1) of which shall repeat horizontally. Each module should repeat at intervals of no more than fifty (50) feet.
- (3) Building façades greater than one hundred (100) feet in length shall incorporate recesses, projections and or windows along at least twenty percent (20%) of the length of the façade. Windows, awnings, and arcades must total at least sixty percent (60%) of a façade length abutting a public street.
- (4) Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

c. ***Materials.***

- (1) Low maintenance shall be a major consideration.
- (2) Materials shall blend with those existing on adjacent properties.
- (3) One (1) dominant material shall be selected, with a preference towards masonry and stone.

d. ***Building roofs and roof-mounted mechanical equipment.***

- (1) In instances where roof vents, roof-mounted mechanical equipment, pipes, and other projections and equipment on the roof, can be viewed from above, they shall be grouped together painted to match roof color to reduce their appearance, and screened from view.
- (2) In instances where flat roof areas can be viewed from below, all roof vents, roof-mounted mechanical equipment, pipes, and other projections and equipment on the roof, shall be screened from view.
- (3) Reserved.
- (4) There shall be variations in rooflines to add visual interest.

e. ***Color and texture.***

- (1) Simple and uniform texture patterns are encouraged.
- (2) Variations in color shall be kept to a minimum.
- (3) Colors shall be subdued in tone, of a low reflectance, and of neutral or earth tone colors.

9. ***Screening of exterior electrical equipment and transformers.***

- a. Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable noncombustible enclosure that are unified and harmonious with the overall architectural theme.
- b. Exterior-mounted electrical equipment shall be mounted on the interior of a building wherever possible, or shall be located where it is substantially screened from public view. Such equipment shall never be located on the street side or primary exposure side of any building.

10. ***Utilities and communication devices.***

- a. All exterior on-site utilities, including, but not limited to, drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment, shall be installed and maintained underground whenever possible.
- b. On-site underground utilities shall be designed and installed to minimize disruption of off-site utilities, paving, and landscaping during construction and maintenance.

SECTION 9.05 DIXIE HIGHWAY OVERLAY DISTRICT

- A. ***Intent and Purpose.*** The purpose of the Dixie Highway Overlay District is to encourage the development and redevelopment of property in accordance with the Township Master Plan and the Dixie Highway Corridor Study completed in December 2009, and in a manner that will: encourage the combination, redevelopment, and reuse of certain properties which are no longer capable of properly serving their intended purpose; ensure development patterns that are compatible with adjacent residential uses; ensure safe vehicular and pedestrian circulation patterns; and control vehicular access to Dixie Highway.

The specific provisions of this district are intended to:

1. Allow a mixture of uses that are compatible with neighboring residential areas;
2. Improve the visual appearance of the corridor by coordinating design of buildings, site arrangement and landscaping, signs, and other elements;
3. Encourage redevelopment of property through the removal of or material modifications to existing structures, discontinuing the existing use(s) on the property, and establishing a new use consistent with the intent and provisions of the Overlay District; and
4. Manage access to existing and future development to improve safety.

- B. ***Applicable Area, Requirements, and Conflicts.*** The Dixie Highway Overlay District encompasses the area as illustrated in the Dixie Overlay Map which is attached as an amendment to and hereby made part of the official Zoning Map of Independence Township. The requirements

of this Section apply to all properties within the Dixie Highway Overlay District, in addition to all other regulations under this Ordinance, unless such other regulations of this Ordinance expressly conflict with the requirements of this Section. The standards and requirements of this Section are in addition to and supplement all other regulations under this Ordinance, which remain applicable to the extent that they do not expressly conflict with the provisions of this Section. To the extent a Township official or reviewing body determines in its discretion that a conflict exists between the standards under this Section and those of other sections of this Ordinance, the standards under this Section shall apply.

- C. **Permitted Uses and Structures.** All uses within the Dixie Highway Overlay District shall be restricted to those listed as both permitted principal uses and structures and [special land uses](#) in the underlying zoning districts, except for uses permitted under the Planned Development Option pursuant to subsection D., provided all standards of this section are met.
- D. **Planned Development Option.** The Planned Unit Development Option is intended to provide for various types of land uses planned in a manner which shall: encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, and improved traffic circulation; and bring about a greater compatibility of design and use. In furtherance of this intent, certain development projects within the Dixie Highway Overlay District may be permitted to deviate from the underlying zoning and/or redevelop or reuse otherwise non-conforming properties as planned developments pursuant to this subsection, and this subsection provides enabling authority and standards for the submission, review, and approval of applications for planned developments as an option within the Dixie Highway Overlay District, to be known as a Planned Development Option, according to the following:
1. A Planned Development Option may be applied for in any zoning district within the Dixie Highway Overlay District. The grant of a Planned Development Option application shall require a [special land use](#) upon the approval of the Planning Commission, in accordance with the procedure, requirements, and standards of [Article 7](#) and all applicable requirements and standards of this Section.
 2. Any land use authorized in this Ordinance may be included in a Planned Development Option, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development, and provided that if such land use is contrary to the uses designated for the subject property under the Township Master Plan, there must be a finding and determination by the Planning Commission in the course of its review that the proposed use would be a reasonable alternative to the Master Plan because it will promote land use policies of the Master Plan and will not conflict with present policies, would not have a negative impact on the policies of the Master Plan, or would further the objectives, goals, or policies of the Master Plan.
 3. The [applicant](#) shall demonstrate that through the use of the Planned Development Option, the development will accomplish all of the following objectives:

- a. Provide a recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations;
 - b. Provide a compatible mixture of open space, landscaped areas, and pedestrian amenities;
 - c. Provide appropriate land use transitions between the proposed development and surrounding properties;
 - d. Utilize innovative and creative site and building designs, solutions and materials;
 - e. Provide reasonable mitigation of the impacts to internal and external traffic circulation caused by the development and enhancement of non-motorized facilities and amenities;
 - f. Utilize innovative methods of stormwater management in the design and construction of the stormwater system that enhance water quality; and
 - g. Be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance.
4. The **applicant** shall also demonstrate that through the use of the Planned Development Option the development will accomplish those of the following objectives, if any, that are determined by the Planning Commission to be necessary or applicable based on the characteristics, intensity, and/or impact of the particular project or the existing conditions of the property under consideration:
- a. Provide a mixture of land uses that would otherwise not be permitted without the use of the Planned Development Option;
 - b. Utilize sustainable building and low impact design techniques;
 - c. Provide an appropriate assembly, use, redevelopment, replacement, and/or improvement of existing sites that are occupied by obsolete uses and/or structures; and
 - d. Reduce the impact of a non-conformity or remove an obsolete building or structure.
- E. **General Standards and Requirements.** All proposed projects within the Dixie Highway Overlay District shall comply with the following standards and requirements:
- 1. **Development Patterns.** The development shall contribute to a coordinated development pattern which provides a compatible transition between the subject site and neighboring uses. Such transition may be achieved through coordination of building styles, site design, landscaping, and compatible relationship between land uses.

2. **Site Access, Parking, and Loading.** Overall street and/or driveway design and layout shall be an integral component of site design and shall provide for both internal access to service the development properties and cross-access between the development and adjacent individual properties fronting on Dixie Highway.
3. **Pedestrian Pathways and Sidewalks.** There shall be a pedestrian circulation system that promotes safety and connects neighborhoods with open space, community facilities, and commercial, office, and mixed-use areas. Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. 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 determined by the Planning Commission to be feasible for purposes of achieving the standards and requirements of this section.
4. **General Site Design and Architecture.** The development shall provide an environment of high-quality building architecture and site design that is complementary to the Dixie Highway Overlay District, and in furtherance thereof:
 - a. Methods shall be utilized to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the streetscape;
 - b. Building design shall contribute to the uniqueness of the Dixie Highway Overlay District, with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context; and
 - c. In the case of projects that contain more than one (1) building, each individual building shall include the predominant characteristics shared by all buildings in the development so that the development forms a cohesive place. A standardized prototype design shall be modified if necessary to meet the provisions of this section.

SECTION 9.06 CLUSTER LOT DEVELOPMENT

- A. **Purpose.** The purpose of the cluster lot development authorization is to permit the development of single-family dwellings in a detached residential pattern that, through design innovation, will:
 1. Allow greater flexibility;
 2. Encourage a more creative approach to the development of single-family residential areas;
 3. Encourage a more efficient, aesthetic, and desirable use of the land;

4. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets;
5. Encourage the provision of open space so that benefits may accrue directly to the residents of the development; and
6. Provide greater minimum [setbacks](#) from major thoroughfares and/or freeways.

B. **Special Land Use Approval Required.** A cluster lot development may be permitted as a [special land use](#) in the R-2, R-1A, R-1B, R-1C, and R-1R districts, in accordance with the provisions of this section and [Article 7](#).

1. A special land use for a cluster lot development must be accompanied by a preliminary site condominium plan prepared in accordance with the provisions of [Section 6.09](#), or a tentative preliminary subdivision plat prepared in accordance with the Township subdivision ordinance.
2. In the review of a proposed development under this section, the Planning Commission shall make a finding under each standard set forth in [Section 7.03.H](#). In addition, the [applicant](#) must submit either in a narrative and/or graphic form materials that clearly demonstrate that the property qualifies for cluster lot development based upon the presence of one or more of the following characteristics:
 - a. The parcel contains significant natural resources that would be preserved through the use of cluster lot development. Such assets may include large stands of trees, land that serves as an important or needed natural habitat for wildlife, or other significant natural resources that, in the discretion of the Planning Commission, should be preserved;
 - b. The parcel contains major topographical conditions, such as slopes in excess of fifteen percent (15%), which would require extensive or mass grading if developed as a conventional subdivision or site condominium;
 - c. The parcel contains substantial areas of floodplain and wetlands. A map delineating the extent of the wetlands and floodplain area shall be submitted to the Township in order to support the proposal for the parcel's qualification for cluster lot development under this standard; or
 - d. The parcel is either too small or unusually shaped so that conventional lot layout would be difficult to achieve, and utilization of a cluster lot development would not result in any negative impact upon surrounding properties as clearly demonstrated by the materials submitted for qualification.

C. **Site Design Requirements.** All cluster lot developments submitted shall conform to the following site design requirements:

1. **Density.** The number of dwelling units permitted shall not exceed the number of dwelling units customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and all applicable ordinances and laws observed. In order to calculate density with a conventional subdivision or site condominium layout, the applicant shall submit a concept site plan of the property with a conventional layout. The plan shall indicate the topography of the site at two (2) foot contour intervals and the limits of all floodplains, water bodies, wetlands, easements, and other areas which would be set aside and preserved due to impracticality, economic unfeasibility, contractual prohibition, or based upon applicable law or ordinance. In addition, the concept plan with the conventional layout shall include the general street pattern and lot configurations. In general, the plan shall be drawn with sufficient detail to permit the Planning Commission to determine the density that would be achieved by conventional development.

2. **Open space.** When completed, the development shall have significant areas devoted to open space for the use and enjoyment of residents of the development. Designated open space areas shall remain in their natural state; alternatively provided that the Planning Commission determines and approves that use would be harmonious with peaceful, single-family residential uses in and surrounding the development, the open space areas may be used for specifically designated active and/or passive outdoor recreational purposes. Designated open space shall include area within any greenbelts required by subsection C.5. of this section, subject to the restriction that designated open space shall not be considered to include:
 - a. Rights-of-way or easements designated for road purposes;
 - b. Areas within the minimum setbacks of a dwelling unit; or
 - c. Land which is under water, e.g., lakes, streams, watercourses, and other similar bodies of water.

3. **Setbacks.** Minimum setback requirements shall be established in a manner that permits variation in the siting of individual dwelling units in order to encourage creativity in design and compatibility with natural resource features. The following minimum setback requirements for each dwelling unit shall be applied:

Table 9.06 C-1 Minimum Setbacks Per Dwelling Unit (In Feet)					
<i>Minimum Setbacks Per Dwelling Unit (In Feet)</i>					
<i>Setback/Districts</i>	<i>R-2</i>	<i>R-1A</i>	<i>R-1B</i>	<i>R-1C</i>	<i>R-1R</i>
Front and rear:					
Front	25	30	30	50	50
Rear	25	40	40	50	50
Total front and rear	60	90	90	125	150
Side:					
Least	7.5	7.5	7.5	12.5	25
Total of same lot	20	20	20	50	100
Total between abutting lots	20	20	20	50	100

4. **Required street frontage.** Any cluster lot contained within a cluster lot development shall comply with [Section 5.03](#). The extent of street frontage shall be determined by the Planning Commission, in its discretion, with greater deviations from minimum frontage requirements applicable in the district to be permitted in proportion to the extent and importance of natural resources, topographical conditions, floodplains and wetlands to be preserved on the property, and taking into consideration the size and shape of the development site, public safety factors, aesthetics and impact upon the surrounding developments.

5. **Greenbelt adjacent and parallel to county certified primary and local roads.**

- a. It is the intent of the Township that cluster lot developments shall not appear to be more intense developments than conventional developments as viewed from offsite. In addition to any required minimum [setback](#) specified in subsection [C.2.](#) of this section, a [greenbelt](#), having the minimum width as set forth in subsection [C.5.b.](#) of this section, shall be required along any adjacent county certified primary or local road. The greenbelt shall be measured from the future right-of-way line in accordance with the county right-of-way plan adopted by the Township Board on July 5, 1972, and as amended by the Township Board from time-to-time. The Planning Commission, at its discretion, may permit either minor reductions in width or variations in width of the greenbelt taking into consideration topographic and/or other natural resource conditions, density of existing vegetation to be preserved, and size and shape of the development site.
- b. The following minimum [greenbelt](#) from adjacent county certified primary and local roads shall be applied; provided, however, the Planning Commission shall be permitted to require a greater [setback](#) and/or extraordinary landscape screening of units which would appear to be massed together due to clustering as viewed from the public right-of-way:

Table 9.06 C-2 Minimum Greenbelt Width from Certified Primary and Local Roads	
<i>District</i>	<i>Minimum Width of Greenbelt from Adjacent County Certified Primary and Local Roads (in feet)</i>
R-2	25
R-1A	50
R-1B	50
R-1C	75
R-1R	100

6. Transition from adjacent parcels. In order to provide an orderly transition of density when a cluster development abuts a single-family residential district of equal or lower density, the Planning Commission, at its discretion, shall require designation of open space along the common boundaries; screening in accordance with the requirements of [Section 10.06.D.](#); and/or an area or row of lots of commensurate size as neighboring residential lots.

D. **Grant of Approval.** Upon the grant of [special land use](#) approval under this section, the Planning Commission shall stipulate as part of its approval, by reference to the approved plan, and otherwise, the general development concept and all discretionary decisions made under this section as part of the approval process, and all conditions imposed as part of the approval.

E. **Preservation and Maintenance.** The effectiveness of an approval of a cluster lot development under this section shall be conditioned upon recordation of appropriate conservation easements or other instruments for the purpose of providing for long-term maintenance and preservation of common areas, open space areas, wooded areas and/or other areas with natural resources or features to be preserved on the property. Such easement and/or other instrumentation shall be in a form and contain the content approved by the Township Attorney.

SECTION 9.07 CLUSTER LOT DEVELOPMENT WITH 50 PERCENT OF OPEN SPACE

A. **Intent and Purpose.** The intent of this section is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with section 506 of Public Act No. 110 of 2006 (MCL 125.3506).

B. **Eligibility Requirements.** This section shall be applicable to residential properties zoned R-1A, R-1B, R-1C, and R-1R, if such properties are served by municipal sewers, and to properties zoned R-1B, R-1C, and R-1R if the properties are not served by municipal sewers. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning districts in the event a developer or owner of property elects to submit its proposed development under the open space preservation option provided in this section.

C. ***Open Space Preservation Option.*** Property meeting the eligibility requirements of this section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this section.

D. ***Density Calculation.***

1. The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinances being observed.
2. A parallel plan shall be submitted to the approving body in order to establish the maximum permitted density. The parallel plan shall identify how a parcel could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this section), and the requirements of all other applicable state and municipal regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration the availability of sanitary sewers, sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or county review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.
3. The approving body shall make the determination that a parallel plan is acceptable once it meets all applicable Township Ordinance requirements and, based on the parallel plan, determine the number of units permitted under the open space preservation option provided in this section.

E. ***Design and Application Requirements.*** The following design and application requirements shall apply to a proposed open space development under this section. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed as a subdivision under the land division act, and otherwise incorporated into a [site plan](#) in accordance with the requirements of this section.

1. A minimum of fifty percent (50%) of the gross site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in subsection F. of this section.

2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features, including, but not limited to, the following; however, in an open space development under this section, an "undeveloped state" shall not include a golf course:
 - a. Wetlands, floodplains, and natural watercourses;
 - b. Woodlands;
 - c. Scenic views;
 - d. Historical structures;
 - e. Recreational pathways and other permitted recreational facilities;
 - f. Buffers from major thoroughfares and more intense land uses; and
 - g. Similar features acceptable to the approving body.
3. The **applicant** for an open space development shall be entitled to an approval under this section; provided, the following aspects of the proposed development plan shall be reviewed following a public hearing for discretionary approval by the approving body:
 - a. The area and width of the resulting individual lots and building **setback** requirements under the open space preservation option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum **lot width**, and maximum **lot coverage** for the particular zoning district. Final area, width and setback requirements under the open space preservation option plan shall be approved by the approving body, in the manner set forth in subsection **G.** of this section; and
 - b. Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope, in which a proposed residence may be constructed and used, including decks, patios and all other likely improvements to and for such residence, in conformance with the **setback** and other requirements established under this section.

4. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned safety paths, where feasible, as determined by the approving body.
6. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
7. The following restrictions shall apply to this section:
 - a. Nothing in this section shall allow the construction of multifamily residential units in a single-family residential district;
 - b. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property;
 - c. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities;
 - d. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations; and
 - e. Any development proposed utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Section 506 of Public Act No. 110 of 2006 (MCL 125.3506), comply with all zoning regulations and design standards applicable to the property.

F. *Open Space Maintenance and Preservation.*

1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the county register of deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the Township Attorney prior to acceptance by the approving body.
2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

G. *Review Process.*

1. All proposed open space preservation option developments shall be submitted and reviewed in accordance with the procedure applicable under this section to the type of development being proposed (i.e., subdivision, **condominium**, site condominiums, etc.) and in accordance with the development standards in this section and other applicable ordinances. The term “approving body,” as referenced in this section, means the body designated in this section as having the authority to grant final plan approval to the proposed development.
2. In addition to all other submittals and information required under this section, all open space preservation option plans submitted to the Township shall include a resource inventory that contains the following:
 - a. All floodplains, wetlands, and bodies of water;
 - b. A woodlands analysis identifying all regulated woodlands;
 - c. All wildlife habitat areas;
 - d. An analysis of on-site soils and topography to identify limitations to development; and
 - e. An analysis of the cultural features of the site, including, but not limited to, scenic views, historic structures, patterns of original farm fields, fences or stone walls, and recreational uses.
3. In addition to all other review considerations applicable under other sections of this Ordinance to the type of development being proposed (i.e., subdivision plat, **condominium**, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space preservation option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of subsections **A.** through **F.** of this section as part of the overall review process applicable to the particular development.

H. ***Definitions.*** The definitions set forth in section 506 of Public Act No. 110 of 2006 (MCL 125.3506) shall be incorporated, and considered a part of, this section.

SECTION 9.08 SITE SPECIFIC RELIEF AUTHORIZATION

A. *Intent and Purpose.*

1. It is the intent of this section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the legislative body that:
 - a. The applicant's property cannot be used for the purposes permitted in the zoning district;
 - b. The plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions;
 - c. The proposed development and use would not alter the essential character of the area; and
 - d. The applicant's problem has not been self-created.
2. If and when a property owner meets such four (4) part threshold burden of proof, it is not intended that any use may then be approved. Rather, this section is intended to authorize administrative relief, permitted under MCL 125.3603, to the minimum extent necessary to allow reasonable and appropriate use of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development.
3. In order to satisfy the finality requirement dictated by the state supreme court in Paragon Properties Company v. City of Novi, a property owner shall not be required to seek variance relief at the Zoning Board of Appeals if relief is sought and final action has been taken under this section.

B. *Application Requirements.*

1. An application for site specific relief authorization under this section shall include the name, address, and phone number of the owner of the property, as well as the applicant, a description of the property, a plan drawn to scale detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
 - a. The applicant's property cannot be used for the purposes permitted in the zoning district;
 - b. The applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions;
 - c. The applicant's suggested use would not alter the essential character of the area; and
 - d. The applicant's problem has not been self-created.
2. At the end of each statement with regards to subsections B.1.a. through d. of this section, the applicant shall identify all persons who will appear at the hearing with respect to each

of the facts, and, separately, identify all persons who will appear at the hearing relative to each respective conclusion and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise.

C. *Pre-Hearing Conference.*

1. Prior to the scheduling of a hearing, the **applicant** shall contact the Township Supervisor for the purpose of scheduling a pre-hearing conference.
2. The purposes of the pre-hearing conference shall be to:
 - a. Review the procedure for the hearing and identify all persons who will appear, directly or through affidavit and the evidence to be offered on behalf of the **applicant**;
 - b. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing;
 - c. Explore a means of providing relief to the **applicant** by way of nonuse variance from the Zoning Board of Appeals; and
 - d. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.
3. The Township Supervisor shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the **applicant** or the applicant's representative.
4. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the **applicant**. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference, stated in subsection **C.3.** of this section.

D. *Hearing Procedure.*

1. The **applicant** shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four (4) factors set forth in subsections **B.1.a.** through **d.** of this section.
2. The manner of presentation at the Township Board shall be as follows:
 - a. The Township Board shall conduct a public hearing, utilizing the procedures in subsection **D.2.b.** through **g.** of this section;
 - b. Township representatives shall present an overview of the zoning regulations involved.

This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits, however, the chairperson of the Township Board may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Township Board may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Township Board to ask questions of such witnesses;

- c. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided in subsection D.2.b. of this section for the applicant;
- d. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the Township in the same manner, and subject to requiring the presence and questioning of witnesses, as provided in subsection D.2.b. of this section for the applicant. The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the Township Board for consideration as it relates to the specific application presented;
- e. If testimony or evidence has been offered by or on behalf of interested persons and/or the Township, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and Township representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided in subsection D.2.b. of this section for the applicant's principal presentation;
- f. At the hearing, the Township Board may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the Township, or other rules found to be necessary or appropriate by the Township Board. When questions of procedure arise during the hearing, the Township Supervisor may solicit the recommendation of the representatives of both the applicant and the Township; and
- g. If a hearing is not completed at a given meeting within the time period allowed by the Township Board, the Township Board shall adjourn the hearing to a date certain for continuation.

E. ***Decision of the Township Board.***

1. The Township Board may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
2. At the conclusion of the hearing, the Township Board may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
3. If the Township Board determines to grant site specific relief under this section, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.
4. If the Township Board adopts a motion to grant site specific relief under this section, such motion may be made as a tentative grant of relief, subject to review and recommendation by the Planning Commission, planning director/consultant, engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Township Board, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.
5. If the Township Board adopts a motion to grant site specific relief under this section, the relief granted shall be in the form of a site specific plan and use, subject to all specifications, terms and conditions included on the plan and in the decision.
6. The effect of approval shall be as follows:
 - a. Approval of site specific relief under this section shall apply only to the specific plan and use granted, and shall be subject to all specifications, terms, and conditions included on the plan and in the decision granting the approval. An approval under this section shall not be final until such time as the applicant records an affidavit at the office of the register of deeds in connection with the property. Such affidavit shall be in a form approved by the Township Attorney.
 - b. An approval under this section shall be effective for a period of one (1) year, and shall thereafter be void unless actual structural improvements have been commenced on the property pursuant to a building permit.
 - c. If the Township Board approves an application, the planning department shall place a notation on the zoning map providing notice that site specific relief has been approved on the property.

SECTION 9.09 SPECIAL ACCOMMODATION USE

- A. **Intent.** This section is intended to authorize the grant of relief from the strict terms of this Ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state or federal law, e.g., The Federal Fair Housing Amendments Act of 1988, requires the Township to make reasonable accommodation for a particular proposed user of property, the Township Board, following public hearing before and recommendation of the Township Supervisor, under the authority of MCL 125.3503, may administratively approve a special accommodation use, subject to and in accordance with this section.
- B. **Condition of Approval.** As a condition to approval of a special accommodation use, the [applicant](#) must comply with all of the terms of this section, and must demonstrate all of the following:
1. The ultimate residential user or users of the property shall be persons for whom state or federal law mandates the Township to make reasonable accommodations in connection with proposed uses of land;
 2. Taking into consideration the needs, facts, and circumstances which exist throughout the community, and within the population to be served by the use, including financial and other conditions, making the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity to the proposed use and enjoyment within the community;
 3. Approval of the proposed housing shall not require or will not likely result in a fundamental alteration in the nature of the land use district and neighborhood in which the property is situated, considering cumulative impact of one (1) or more other uses and activities in, or likely to be in, the area, and shall not impose undue financial and administrative burden. The interests of the community shall be balanced against the need for accommodation on a case-by-case basis; and
 4. No other specific Ordinance provision exists and is available to provide the relief sought.
- C. **Application Provisions.** The application for a special accommodation use shall include the following:
1. A plan drawn to scale showing the proposed use and development;
 2. A separate document providing a summary of the basis on which the [applicant](#) asserts entitlement to approval of a special accommodation use, covering each of the requirements of subsections [B.1.-C.](#) of this section. This summary shall include the documentation on which the [applicant](#) relies, as well as the name, address and a summary of all statements

with regard to each person whose statements shall be relied upon by the applicant (and, if such persons are relied upon for their expertise, a resume of their backgrounds shall be included); and

3. The information required for **site plan** review; provided, upon a showing by the **applicant** that the inclusion of specified information generally required for site plan review would be irrelevant, the Township Supervisor may waive the requirement to include such material in the application. If, during review, the Township Board determines that information waived by the Supervisor is needed for decision making, the Board may require the submission of such information.

D. **Standards and Regulations.** In order to be entitled to the approval of a special accommodation use, the following must be demonstrated by the **applicant** to the Township Board, following public hearing before, and recommendation of the Township Supervisor:

1. All of the requirements for entitlement to approval under subsections **B.1.-C.** of this section, will be met;
2. If the proposed housing does not constitute a permitted use in the zoning district in which the property is situated, the intensity of the use (e.g., number of residents in the residential facility) shall be the minimum required in order to achieve feasibility of the use; and
3. The use, and all improvements on the property shall be designed and constructed to meet the following standards and conditions:
 - a. Taking into consideration the size, location and character of the proposed use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall be established in such a manner to be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principles, with:
 - (1) The surrounding uses; and/or
 - (2) The orderly development of the surrounding neighborhood and/or vicinity.
 - b. The proposed use shall be designed to ensure that vehicular and pedestrian traffic shall be no more hazardous than is normal for the district involved, taking into consideration turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provision for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing;
 - c. The proposed use shall be designed and operated so as not to unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon persons perceiving the use in terms of aesthetics;

- d. The proposed use shall be such that the location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings and will not have a detrimental effect upon their value;
 - e. The proposed use shall be designed, located, planned and operated in such a manner that the public health, safety and welfare will be protected; and
 - f. The proposed use shall be designed and operated so as not to cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- E. ***Design Standards.*** All regulations and standards for buildings, structures and site improvements within the district in which the property is situated shall apply, subject to the right of the Township Board, following recommendation of the Township Supervisor, to alter and supplement such standards and regulations the Board finds to be needed given the facts and circumstances attendant to a particular case; provided, in all events, the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done, and, moreover, standards and regulations shall be enforced so that the essential character of the neighborhood and/or district is not altered.
- F. ***Conditions.*** In connection with the approval of a special accommodation use, the Township Board may impose such conditions as are authorized by law.
- G. ***Effect of Approval.***
- 1. Approval of a special accommodation use shall be solely for the benefit of the particular class of users who were the basis of requiring the Township to make a reasonable accommodation under applicable state and/or federal law, and not for the benefit of any other persons. Accordingly, the effect of an approval under this section shall be for the exclusive benefit and occupancy of such class of persons. If a change in such use occurs such that it is occupied by others, all of the regulations applicable within the district in which the property is situated shall thereupon immediately and fully apply. An approval under this section shall not be final until such time as the applicant records an affidavit at the office of the register of deeds in connection with the property, in a form approved by the Township Attorney, providing notice of the terms of this provision.
 - 2. An approval under this section shall be effective for a period of one (1) year, and shall thereafter be void unless there is an occurrence of actual occupancy by persons for whom the special accommodation has been made in granting approval.
 - 3. If the Township Board approves an application, the planning department shall place a notation on the zoning map reflecting that the subject property is the subject of a PUD approval.

SECTION 9.10 SASHABAW NORTH OVERLAY DISTRICT

- A. ***Intent and Purpose.*** The purpose of the Sashabaw North Overlay District shall be to promote the development of the area in accordance with the Township's Master Plan, and in such a manner that will: allow for a new development that provides for an appropriate relationship with the Sashabaw Town Center Overlay District; allow for a development pattern which is compatible with neighboring land; incorporate design standards which define a distinctive character for the area; and, manage access to and between sites.
- B. ***Applicable Area and Requirements of the Sashabaw North Overlay District.***
1. The "Sashabaw North Overlay District" encompasses the area as illustrated in the Sashabaw North District Overlay Map which is attached as an amendment to and made part of the official zoning map of the Township.
 2. All developments within the Sashabaw North Overlay District shall be submitted for approval in accordance with the standards and procedures set forth in this Ordinance. The standards and requirements of this section are in addition to and supplement all other regulations under this Ordinance, which remain applicable to the extent that they do not expressly conflict with the provisions of this section. To the extent a Township official or body reviewing a plan or application under this Ordinance determines in its discretion that a conflict exists between the standards under this section and those of other sections of this Ordinance, the standards under this section shall apply.
- C. ***Permitted Uses and Structures within the Sashabaw North Overlay District.*** All uses within the Sashabaw North Overlay District shall be restricted to those listed as either permitted principal uses and structures and special land uses in the underlying zoning districts or those listed under an approved planned unit development.
- D. ***General Design Principles and Standards within the Sashabaw North Overlay District.***
1. In addition to complying with the design standards set forth in this section, all proposed development and construction within the Sashabaw North Overlay District shall comply with the Town Center Design Guidelines that have been adopted by the Township Board, which guidelines may be amended from time to time by resolution of the Township Board in a manner consistent with the intent and purposes stated in this section.
 2. Consistent with the purposes and intent set forth in subsection A. of this section, the intent of the Sashabaw North Overlay District is, in part, to provide a continuous development pattern, which flows between uses and developments. Therefore, applicants shall make every attempt to coordinate all elements of a development with existing adjacent developments to ensure a coordinated development pattern within the area.
 3. Overall street design and layout shall be an integral component of site design providing for

either an internal public street system to access and service the development of properties and/or private cross-access between individual properties. To that end, direct individual access from properties to Sashabaw Road shall be limited.

4. Building design shall contribute to the uniqueness of the Overlay District 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 (1) building, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive place within the Overlay District. In projects containing more than one (1) building, a distinct visual link shall be established among various buildings by using architectural or site design elements such as courtyards, plazas, landscaping, and walkways to unify the project. A standardized prototype design shall be modified if necessary to meet the provisions of this section.
5. Building façades visibly exposed to a street or common open space shall be specially designed to respond to more visually prominent locations. Such buildings shall have special massing and/or other treatments on all exposed façades. All exposed façades shall be treated with the same architectural quality and detail. Buildings that are located at the termination of a view or vista shall be considered more significant structures requiring special architectural treatment.
6. Emphasis shall be placed on providing a non-motorized circulation system, which promotes safety and social interaction and connects neighborhoods with open space, recreational and community facilities and commercial, office, and mixed-use areas.
7. Transition shall be developed between projects with different uses and intensities on adjacent parcels to provide an effective visual and functional shift. Transition may be created through appropriate building setback, height and landscape buffers.
8. All open space shall serve a functional purpose as visual enhancement and providing for both passive and active recreational needs of the area. Open space shall be an integral component of the overall site design.

E. ***Specific Design Standards within the Sashabaw North Overlay District.***

1. ***Relationship of buildings to streets.*** – All buildings shall meet the setback requirements of the underlying zoning district.
2. ***Open space and community design feature.***
 - a. ***Residential uses.*** An active and passive recreation/open space plan shall be submitted to the Planning Commission for consideration. The plan shall demonstrate that at least ten percent (10%) of the gross land area is maintained for recreation/open space amenities, which accurately reflects the intended demographics of the development.

- b. **All nonresidential uses.** Each nonresidential 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, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that, in the sole discretion of the Township, is determined to adequately enhance such community and public spaces.
3. **Site access, parking, and loading.** Site access, parking and loading shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service area, shall be subject to the following restrictions:
 - a. Provisions for circulation between developments on adjacent parcels shall be required through joint drives and cross-access connections;
 - b. Driveway placement must be such that loading and unloading activities will not hinder vehicle ingress or egress. All loading areas for nonresidential uses shall be located within rear yard areas, and/or screened from public view in accordance with the standards set forth in Section 10.06.D.;
 - c. No more than one (1) direct access drive shall be provided from Sashabaw Road. Access to other portions of the site shall be provided via connection to the internal public street system, private roads approved by the Township, or to private drives approved by the Township for joint use; and
4. **Pedestrian pathways and sidewalks.** 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.
5. **Signage.** All signs permitted within this overlay district shall be subject to the provisions of section Article 12, Signs, unless a stricter provision is provided herein. In addition to the overall intent of this section, the intent of this subsection is to ensure that signs within this overlay district shall be uniform in size, design, appearance and material. Accordingly, all signs within this overlay district shall be subject to 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; and
 - b. A comprehensive sign plan shall be submitted with each development project.

6. **Lighting.** All lighting shall conform to the requirements of Section 10.07, in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details.
 - a. All street and parking lot lighting shall conform to the requirements of the town center design guidelines.
 - b. On-site pedestrian lighting shall be provided for pedestrian walkways, building entries and other areas where illumination is needed to permit safe pedestrian travel.
7. **Landscaping, greenbelts, buffers, and screening elements.** All landscape features of the site shall conform to the requirements detailed in Section 10.06, and to the Design Guidelines, in order to ensure that the image of this overlay district is promoted by the organization, unification and character of the district.
8. **General site design and architectural guidelines for nonresidential uses.** Consistent with the intent and purposes of this section set forth above, it is the intent of the Sashabaw North Overlay 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 large-scale visual impact of buildings, to encourage tasteful, imaginative design for individual buildings, and to create a compatible complex of buildings.
 - a. **Miscellaneous design criteria.**
 - (1) Building entries shall be readily identifiable and accessible, with at least one (1) main entrance facing and opening directly onto a connecting walkway with pedestrian frontage.
 - (2) Architecture will be evaluated based upon its compatibility and relationship to the landscape, and vice versa.
 - b. **Building massing and form.**
 - (1) All buildings shall meet the following minimum criteria:
 - (a) Horizontal masses shall not exceed a height: width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
 - (b) All buildings shall have variations in roof lines and roof treatment to reduce the massive scale of the structure and add visual interest. One (1) or more of the following measures shall be used: parapets of varied height, overhanging eaves, sloped or pitched roofs, front gable treatment, and/or cornice elements.
 - (c) The exterior of the building shall appear to have an abundance of individual

uses through the inclusion of windows and varying architectural treatments, while the interior may consist of one individual use.

- (2) Architectural interest shall be provided through the use of repetitious patterns of color, texture, and material modules, at least one (1) of which shall repeat horizontally. Each module should repeat at intervals of no more than fifty (50) feet.
- (3) Building façades greater than one hundred (100) feet in length shall incorporate recesses, projections and or windows along at least twenty percent (20%) of the length of the façade. Windows, awnings, and arcades must total at least sixty percent (60%) of a façade length abutting a public street.
- (4) Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

c. **Materials.**

- (1) Durable building materials, are required. Fifty percent (50%) of walls visible from public streets, shall be constructed of brick, glass, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Vinyl or aluminum siding shall only be used for accents.
- (2) Materials shall be selected for suitability to the type of buildings and the architectural design in which they are used.
- (3) Material selection shall be consistent with architectural style in terms of color, shades, and texture, however monotony shall be avoided.
- (4) Materials shall blend with those existing on adjacent properties.

d. **Building roofs and roof-mounted mechanical equipment.**

- (1) In instances where roof vents, roof-mounted mechanical equipment, pipes, and other projections and equipment on the roof, can be viewed from above, they shall be grouped together painted to match roof color to reduce their appearance, and screened from view.
- (2) In instances where flat roof areas can be viewed from below, all roof vents, roof-mounted mechanical equipment, pipes, and other projections and equipment on the roof, shall be screened from view.
- (3) There shall be variations in rooflines to add visual interest.

e. **Color and texture.**

- (1) Simple and uniform texture patterns are encouraged.
- (2) Variations in color shall be kept to a minimum.
- (3) Colors shall be subdued in tone, of a low reflectance, and of neutral or earth tone colors.

9. *Screening of exterior electrical equipment and transformers.*

- a. Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable noncombustible enclosure that are unified and harmonious with the overall architectural theme.
- b. Exterior-mounted electrical equipment shall be mounted on the interior of a building wherever possible, or shall be located where it is substantially screened from public view. Such equipment shall never be located on the street side or primary exposure side of any building.

10. *Utilities and communication devices.*

- a. All exterior on-site utilities, including, but not limited to, drainage systems, sewers, gas lines, water lines, and electrical, telephone, and communications wires and equipment, shall be installed and maintained underground whenever possible.
- b. On-site underground utilities shall be designed and installed to minimize disruption of off-site utilities, paving, and landscaping during construction and maintenance.

(Ord. #2014-02, July 22, 2014)

ARTICLE 10

SITE DESIGN STANDARDS

SECTION 10.01 INTENT

The intent of this Article is to promote public health, safety, and welfare, and improve site design and visual appearance of the Township by requiring consistent standards for such site elements as landscaping, lighting, parking, loading, and access.

SECTION 10.02 PARKING REQUIREMENTS

- A. **General Standards.** 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 hereafter erected, altered or extended after the effective date of the Ordinance from which this section is derived, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this article.
1. **Area for parking space.** For the purpose of this article, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle.
 2. **Fractional requirements.** When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded, and fractions over one-half ($\frac{1}{2}$) require one (1) parking space.
 3. **Location of parking space for one- and two-family dwellings.** The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
 4. **Location of parking space for other land uses.** The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking, such distance 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.
 5. **Seating capacity of seats.** As used in this article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat.

6. **Similar uses and requirements.** In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use, which is so mentioned, and which said use is similar, shall apply.
7. **Existing off-street parking at effective date of Ordinance.** Off-street parking existing at the effective date of the Ordinance from which this section is derived, which serves an existing building or use, shall not be reduced in size less than that required under the terms of this article.
8. **Collective provisions.** Nothing in this article shall be construed to prevent collective provisions 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 10.02.C](#).
9. **General use conditions.** In nonresidential districts, and 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 off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or [parking space](#) is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide the storage or parking on such open land of wrecked or junked cars, or for creating a junkyard or a nuisance in such area.
10. **Restriction on parking on private property.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as [parking space](#), without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.
11. **Joint use.** [Parking spaces](#) already provided to meet off-street parking requirements for theater, stadiums, auditoriums and other places of public assembly, stores, office buildings, and industrial establishments, lying within three hundred (300) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty percent (50%) of the off-street parking requirements of a church.
12. **Disabled parking requirements.** On each site proposed for use, addition, and/or conversion for which a [site plan](#) is required to be submitted, there shall be provided on the same site a minimum of one (1) off-street [parking space](#) designed pursuant to the State of Michigan Disabled Parking Standards. Such space shall be a minimum of twelve (12) feet wide and twenty (20) feet in depth clearly depicted upon the site plan and clearly indicated by designation of a [sign](#) illustrating the disabled space location. For each parking lot area containing up to twenty-five (25) off-street spaces, at least one (1) such space shall be designated for disabled only. Should the parking lot contain more than twenty-five (25)

spaces, one (1) additional disabled space shall be designated for each additional twenty-five (25) spaces and/or fraction thereof. All disabled parking spaces shall be within one hundred (100) feet of the main entrance door to the structure, which the spaces are designed to serve. Access from the parking lot to the principal use and all [accessory uses](#) shall be by means of ramping consisting of asphalt and/or concrete materials constructed to the engineering specifications and standards of the Township.

B. Flexibility in Application.

1. The Township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in [Section 10.02.C](#) may result in development with inadequate parking or parking in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and the hardsurfacing of space, which would be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations from the requirements of Section 10.02.C. and may require more or allow less parking upon a finding that such deviations are likely to provide a sufficient number of [parking spaces](#) to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the [applicant](#), and such other information the Planning Commission shall determine relevant:
 - a. **Nature of use.** The nature of the particular use or combination of uses (as the case may be), relying upon accepted planning principles with regard to the anticipation of parking demand.
 - b. **Allocation of square footage.** The allocation of square footage to and among uses, including the anticipation of long-term parking (e.g., grocery or movie theater uses), short-term parking (e.g., dry cleaner use), and/or the absence of parking for some portion of the use (e.g., drive-through use).
 - c. **Impact.**
 - (1) The reasonably anticipated circumstance in the event there is excess parking demand where the number of [parking spaces](#) is reduced, e.g., consideration should be given to alternate parking spaces available and/or the likelihood that parking would occur on major thoroughfares or within residential neighborhoods.
 - (2) The need for and benefit of additional open space or landscaped area on the area, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all of such spaces, taking into consideration accepted planning principles.

d. **Specific reasons.** Other specific reasons which are identified in the official minutes of the Planning Commission.

2. The Planning Commission may attach conditions to the approval of a deviation from the requirements of [Section 10.02.C](#) that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions, which ensure that adequate reserve area is set aside for future parking, if needed.

C. **Off-Street Parking Requirements.** The amount of required off-street [parking space](#) for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit:

Table 10.02 C-1		
Off-Street Parking Requirements		
<i>Use</i>		<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
1.	Residential:	
	a. Residential, one-family and two-family	Two for each dwelling unit.
	b. Residential, multiple-family.	Two for each dwelling unit plus one for each ten dwelling units.
	c. Housing for the elderly.	
	Independent living for the elderly.	One for each one dwelling unit plus one per employee.
	Assisted living for the elderly.	One per each two dwelling units plus one per employee.
	d. Manufactured housing park.	Two for each mobile home site and one for each employee of the mobile home court.
	e. Bed and breakfast.	One for each sleeping room.
2.	Institutional:	
	a. Places of worship.	One for each three seats or six lineal feet of pew in the main unit of worship.
	b. Hospitals.	One for each one bed and one for each employee.
	c. Homes for the aged and convalescent homes.	One for each two beds.
	d. Elementary and junior high schools.	One for each one teacher and administrator in addition to the requirements of the auditorium.
	e. Senior high school.	One for each one teacher, administrator and one for each five students, in addition to the requirements of the auditorium.
	f. Private clubs or lodge halls.	One for each three persons allowed within the maximum occupancy load as established by county or state fire or health codes plus one for each employee.

	g.	Private golf clubs, swimming pool clubs, tennis clubs, athletic clubs, saunas and physical exercise clubs, and similar uses.	One for each two-member families or individuals plus one for each employee.
	h.	Golf courses open to the general public.	Six for each one golf hole and one for each one employee
	j.	Day care center and nursery schools.	One for each employee plus one for every five pupils intended for maximum enrollment.
	k.	Stadium, sports arena, or similar place of outdoor assembly.	One for each three seats or six feet of benches
	l.	Theaters and auditoriums.	One for each four seats plus one for each two employees.
	m.	Colleges and vocational schools.	One for each student at a peak enrollment plus one for each employee.
	n.	Sanitarium.	One for each two beds plus one for each employee
	o.	Libraries and museums.	One for each 200 square feet of usable floor area plus one for each employee.
3.	Business and commercial:		
	a.	Beauty parlor or barbershop.	Three spaces for each of the first two beauty or barber chairs, and 1½ for each additional chair.
	b.	Bowling alleys, racquetball establishments, handball courts, squash courts, and similar uses.	Five for each lane, court or similar use area plus one for each 60 square feet of any use area designated by retail sales of goods, merchandise, food, beverages, or refreshments.
	c.	Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats.	One for each three persons allowed as established by applicable fire, building or health codes.
	d.	Restaurant, fast food.	One space for each 60 square feet of gross floor area.
		Restaurant, standard.	One space for each two seats, plus one space for every ten seats, based on maximum seating capacity as determined by state construction code adopted by the Township.
		Bar/lounge.	One space for each two seats, based on maximum seating capacity established by fire and/or state construction codes.
	e.	Furniture and appliance, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses.	One for each 800 square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
	f.	Automobile service stations, including self-service gasoline stations.	Two for each lubrication stall, rack, or pit; and one for each employee (excluding service vehicle parking). In addition for self-service stations, two for each gasoline pump on each island.

	g.	Laundromats and coin-operated dry cleaners.	One for each two washing machines.
	h.	Miniature or "Par 3" golf course.	Three for each one hole plus one for each one employee.
	i.	Mortuary establishments.	One for each 50 square feet of usable floor space.
	j.	Motel, hotel, or other commercial lodging establishments.	One for each one occupancy unit plus one for each one employee, plus one for each 60 square feet of usable floor space in each dining room, ballroom and meeting room.
	k.	Motor vehicle sales and service establishments.	One for each 200 square feet of usable floor space of sales room and one for each auto service stall in the service room (exclusive of inventory parking).
	l.	Retail stores except as otherwise specified herein.	One for each 100 square feet of gross floor space.
	m.	Ambulance service.	One for each vehicle operated plus one for each employee.
	n.	Automatic car wash, car laundries and similar uses.	One for each employee plus a parking area equivalent to an area five times the maximum capacity of the auto wash building obtained by dividing the length of the building by 20 feet.
	o.	Auto repair including buffing, polishing and collision work.	One for each employee plus one for each 300 square feet of usable floor area.
	p.	Planned shopping center.	One for each 100 square feet of usable floor area for the first 15,000 square feet. One for each 150 square feet of usable floor area in excess of 15,000 square feet.
4.	Offices:		
	a.	Banks, including banks with drive-up self-service terminals.	One for each 150 square feet of usable floor space. Where only drive-up self-service terminals are provided, the site shall also contain a minimum of five additional employee parking spaces.
	b.	Business offices or professional offices except as indicated in the following item c.	One for each 200 square feet of gross floor space.
	c.	Professional offices of doctors, dentists, or similar professions.	One for each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
5.	Industrial:		
	a.	Industrial or research establishments.	Five plus one for every 1 ½ employees in the largest working shift, or one for every 550 square feet of usable floor space, whichever is greater.
	b.	Wholesale establishments.	Five plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.
	c.	Self-storage facility.	One parking space for every 100 storage units plus one for each employee, with a minimum of five parking spaces. Required parking spaces shall be located in order to serve the management office.

D. **Off-Street Parking Space Layout, Standards, Construction, and Maintenance.** Wherever the off-street parking requirements in this section require the building of an off-street parking facility, such [off-street parking lots](#) shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. The construction of any parking lot shall be in accordance with the requirements and provisions of this section and such construction shall be completed and approved by the building inspector before actual use of the property as a parking lot commences. Plans for the development of any parking lot must be submitted to the building inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and the layout of the proposed parking lot. The building inspector shall transmit the development plans to the Township engineer for review. The plans are to be prepared by a registered engineer, licensed planner, registered surveyor or licensed architect;
2. All such parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water, which might accumulate within or upon such area and shall be constructed in accordance with all other applicable ordinances and statutes. No surface water from such parking area shall be permitted to drain onto adjoining property, except through public drain;
3. For regulations relating to the illumination of parking areas, see [Section 10.07](#);
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles. Drives shall be at least fourteen (14) feet wide;
5. Wheel stops shall be provided, so located as to prevent any vehicle from projecting over the [lot line](#). A suitable barrier must be provided between any nonparallel [parking space](#) where said space abuts a sidewalk or building; and

6. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<i>Table 10.02 D-1</i>			
<i>Off-Street Parking Layout</i>			
<i>Parking Pattern</i>	<i>Maneuvering Lane Width</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>
0° (parallel parking)	12 feet	9.0 feet	24 feet
30° to 53°	15 feet	9.0 feet	24 feet
54° to 74°	18 feet	9.0 feet	20 feet
75° to 90°	24 feet	9.5 feet	20 feet

Figure 10.02-1 Parallel Off-Street Parking

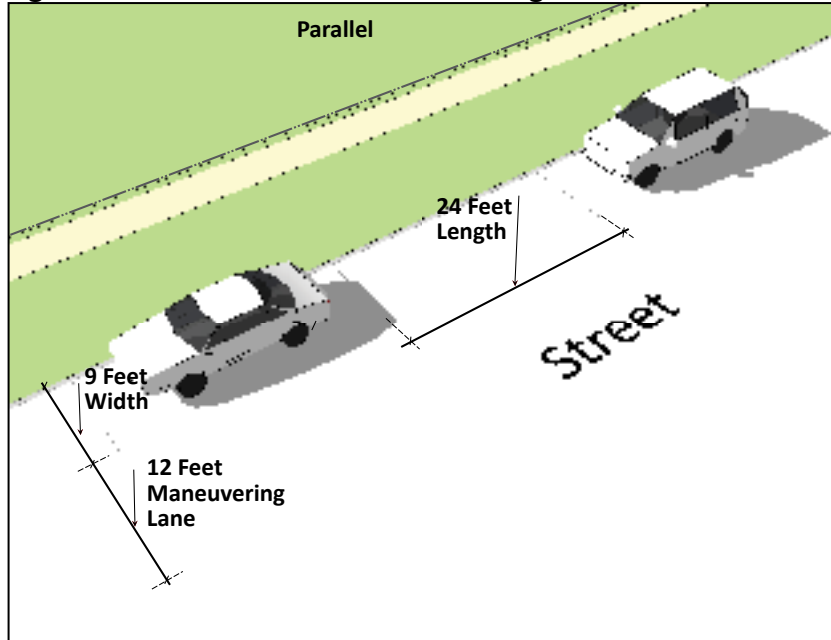


Figure 10.02-2 30° - 53° Angled Off-Street Parking

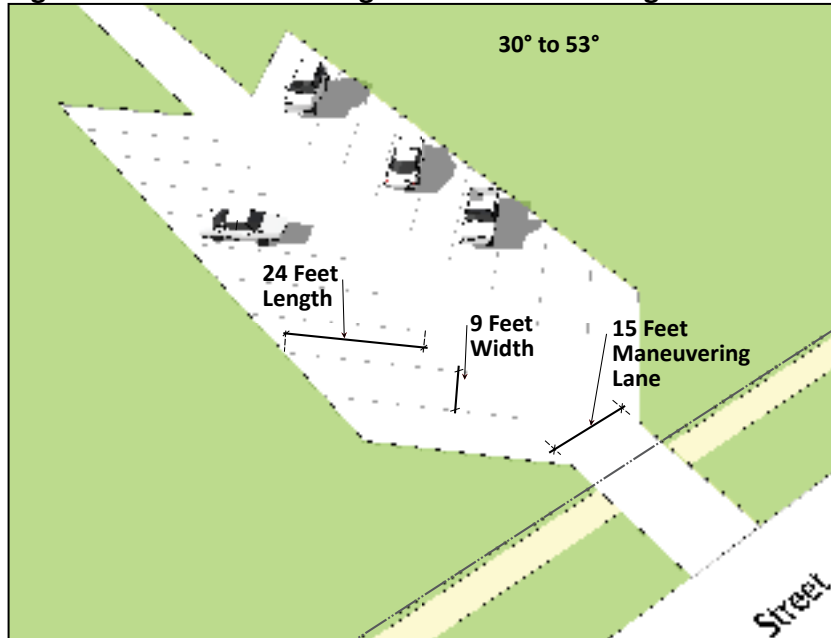


Figure 10.02-3 54° - 74° Angled Off-Street Parking

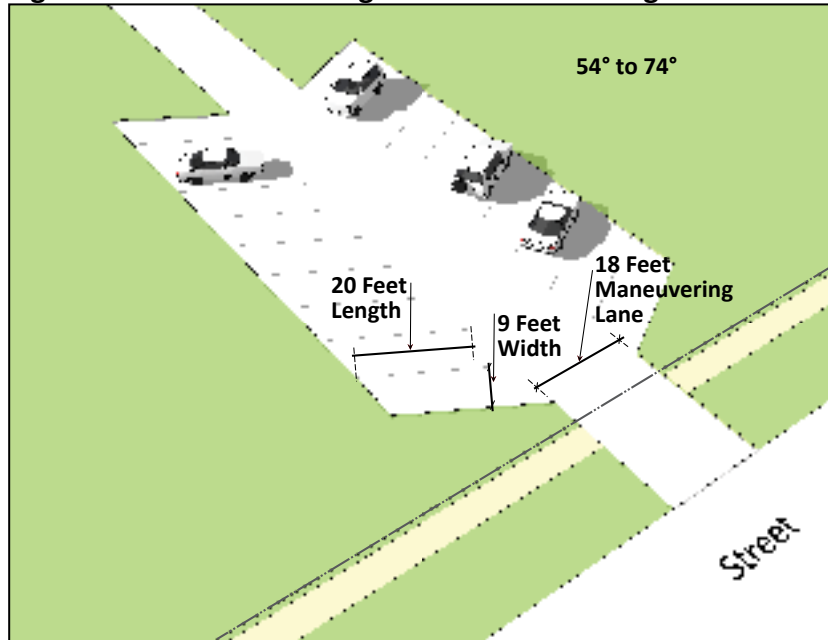
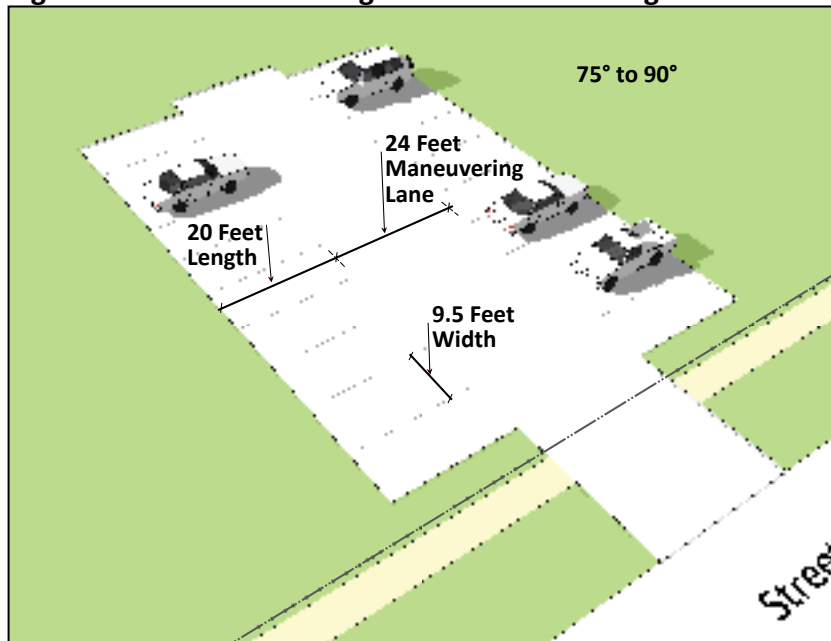


Figure 10.02-4 75° - 90° Angled Off-Street Parking



E. **Drive-Through Facilities.** In addition to meeting off-street parking requirements, all uses which provide drive-through facilities for serving customers within their automobile shall meet the following requirements:

1. No more than one (1) drive-through servicing a pickup window shall be permitted for each individual building, regardless of the number of uses. Dual ordering stations associated with drive-through food service shall be permitted upon the approval of the Planning Commission;

2. Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner, which promotes pedestrian and vehicular safety. Where necessary, protective fencing and/or landscaping shall be used to separate vehicular and pedestrian traffic. Exits from drive-throughs shall be designed to ensure clear visibility of other vehicular traffic;
3. Any speaker at drive-throughs shall not be audible from adjacent residential uses;
4. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements;
5. Each drive-through facility shall provide adequate stacking space meeting the following standards:
 - a. Each stacking lane shall be one (1) way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length;
 - b. Each drive-through facility shall have an escape lane a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served;
 - c. For car wash uses, a sufficient additional lane shall be provided for the active or passive drying of the vehicle after the wash. Where the drying process is to be passive, greater lane space shall be required in the discretion of the Planning Commission, applying accepted principles; and
 - d. The number of stacking spaces per service lane shall be provided for the uses limited below. Each stacking space shall be computed on the basis of twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined in the discretion of the Planning Commission, shall apply.

Table 10.03 A-1	
Drive-Through Stacking Requirements	
<i>Use</i>	<i>Stacking Space Per Service Lane</i>
Banks, Pharmacy, Photo service, and Dry cleaning	4
Restaurants with drive-through	10
Auto washes (self service)	
Entry	4
Exit	1 ½
Auto washes (automatic)	
Entry	10
Exit	2 ½

- F. **Off-Street Waiting Space.** Uses such as day cares, schools, hospitals, nursing homes, and churches shall provide safe and efficient means for passengers to be dropped off and picked up. Such off-street waiting spaces shall be clearly delineated so as to ensure the safety of pedestrians and motorists.

SECTION 10.04 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building, structure, or part thereof, erected and occupied with uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking area.
- B. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by sixty (60) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

<i>Table 10.04 B-1</i>	
<i>Off-Street Loading Requirements</i>	
<i>Gross Floor Area (Sq. Ft.)</i>	<i>Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area</i>
0 - 2,000	None
2,000 - 20,000	1 space
10,000 - 100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000 - 500,000	5 spaces plus 1 space for each 40,000 square feet in excess of 500,000 square feet

SECTION 10.05 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

- A. **General Standards.**
1. The erection, construction, or alteration of any fence, wall or other type of protective barrier shall be approved by the building inspector wherever required by the section.
 2. No fence, wall, structure or planting shall be erected, established or maintained on any **corner lot** which will obstruct the view of a driver of a vehicle approaching the intersection; excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty-six (36) inches or less in height.

B. Residential, All Single-Family and Multi-Family Districts.

1. Fences constructed within a side or rear yard shall not be higher than six (6) feet except as provided herein. No fence, wall or hedge shall rise over forty-eight (48) inches in height on any required front yard.
2. Fences on lots of record shall not contain electric current or charge of electricity and barbed wire. In the R-1R district only, electric fences and barbed wire are permitted.

C. Non-Residential Districts.

1. Fences shall be permitted in the rear or side yard of non-residential districts, and shall not extend in front of the principal building.
2. Height shall not exceed eight (8) feet in height.
3. Fences or other screening structures shall consist of materials commonly used in conventional construction, including but not limited to wood, metal, vinyl, masonry brick, or natural stone. If, because of the design or construction, one side of the fence or other screening structure has a more finished appearance than the other, the side of the fence or other screening structure with the more finished appearance shall face the exterior of the lot.
4. Fences or other screening structures shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed.

SECTION 10.06 LANDSCAPING

A. **Intent.** The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which [site plan](#) and subdivision plat review is required. It is further the intent of this section to achieve the following:

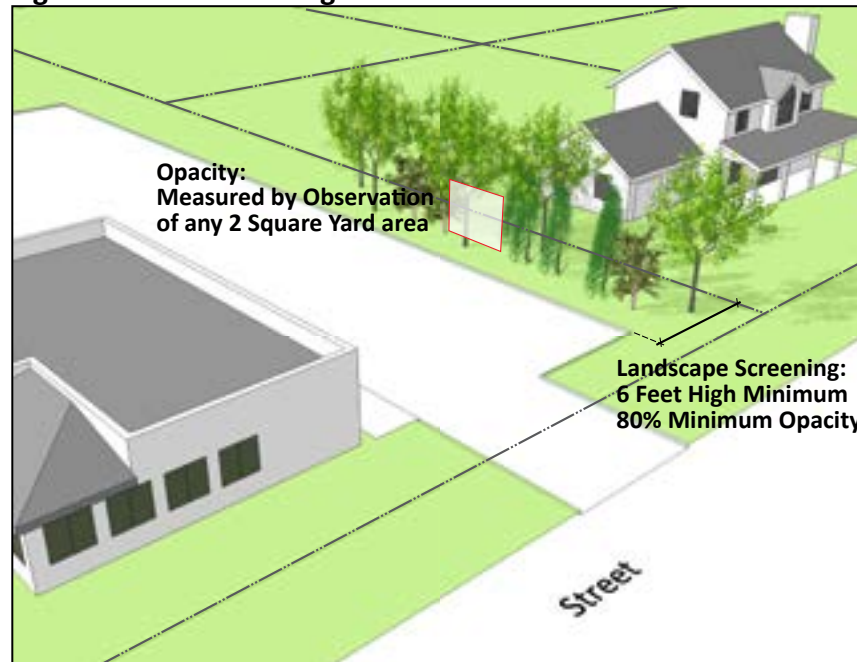
1. Minimize noise, air, and visual pollution;
2. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within [off-street parking lots](#) and other vehicular use areas;
3. Require buffering of residential areas from more intense land uses and public road rights-of-way;
4. Prevent soil erosion depletion and promote subsurface water retention;

5. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design;
 6. Promote the integration of existing woodlands in landscape plans; and
 7. Protect and preserve the appearance, character, and value of the community.
- B. **Application of Requirements.** These requirements shall apply to all uses for which [site plan](#) review is required in [Article 6](#) and subdivision plat review as required under the subdivision control ordinance. No site plan or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.
- C. **Landscape Plan Requirements.** A separate detailed landscape plan shall be required to be submitted to the Planning Commission as part of the [site plan](#) review and tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:
1. On parcels of five (5) acres or more, the professional seal of the registered landscape architect who prepared the plan;
 2. The location, spacing, size, and root type (bare root (BR) or balled and burlapped (BB)) and descriptions for each plant type proposed for use within the required landscape area;
 3. A minimum scale of one 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) acres or more;
 4. On parcels of more than one (1) acre, existing and proposed contours on site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet;
 5. Typical straight cross section including slope, height, and width of berms and type of [ground cover](#), or height and type of construction of walls, including footings;
 6. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
 7. Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials;
 8. Identification of existing trees and vegetative cover to be preserved;
 9. Identification of grass and other [ground cover](#) and method of planting; and
 10. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

D. Screening between Land Uses.

1. Upon any improvement for which a [site plan](#) is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting nonresidential or conflicting residential land use and residentially zoned or used property. A landscape buffer may consist of berms and/or living materials so as to maintain a minimum opacity of at least eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

Figure 10.06-1 Screening Between Land Uses

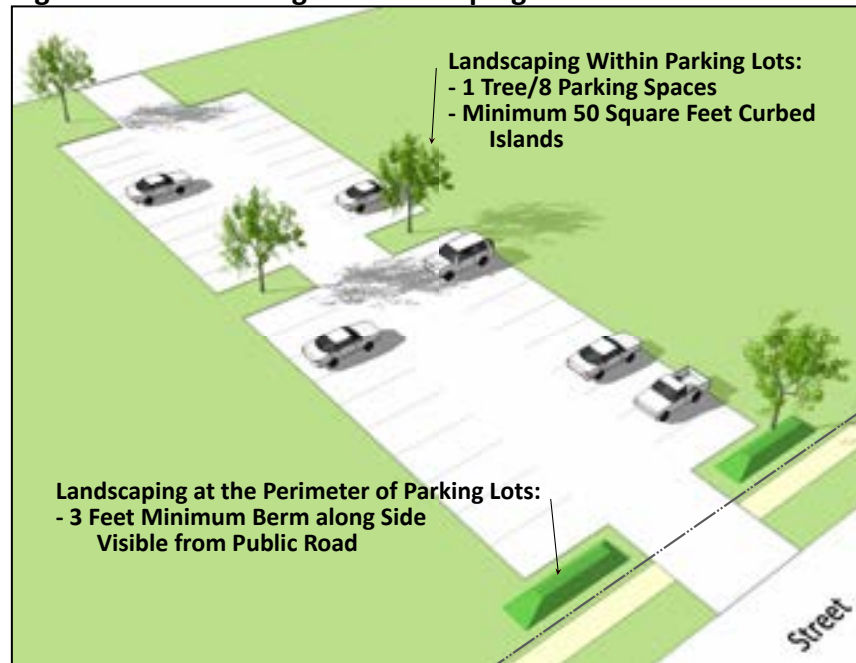


2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade. A required wall shall be located on the [lot line](#) except where underground utilities interfere and except in instances where conformity with front yard [setback](#) is required. Upon review of the landscape plan, the Planning Commission may approve an alternate location of a wall. The Planning Commission and the building department shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone, or wood.

E. ***Parking Lot Landscaping.***

1. ***Required landscaping within parking lots.*** Separate landscape areas shall be provided within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro-climate which results from additional pavement. The following requirements shall be met:
 - a. There shall be a minimum of one (1) tree for every eight (8) [parking spaces](#);
 - b. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than fifty (50) square feet in area;
 - c. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided; and
 - d. The Planning Commission, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
2. ***Required landscaping at the perimeter of parking lots.*** Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements:
 - a. Parking lots that are considered to be a conflicting land use as defined by this section shall meet the screening requirements set forth in [Section 10.06.D.](#); and
 - b. Parking lots shall be screened from view with a landscaped berm at least three (3) feet in height along the perimeter of those sides that are visible from a public road. The Planning Commission, at its discretion, may approve alternative landscape plantings or a solid wall in lieu of a landscape berm.

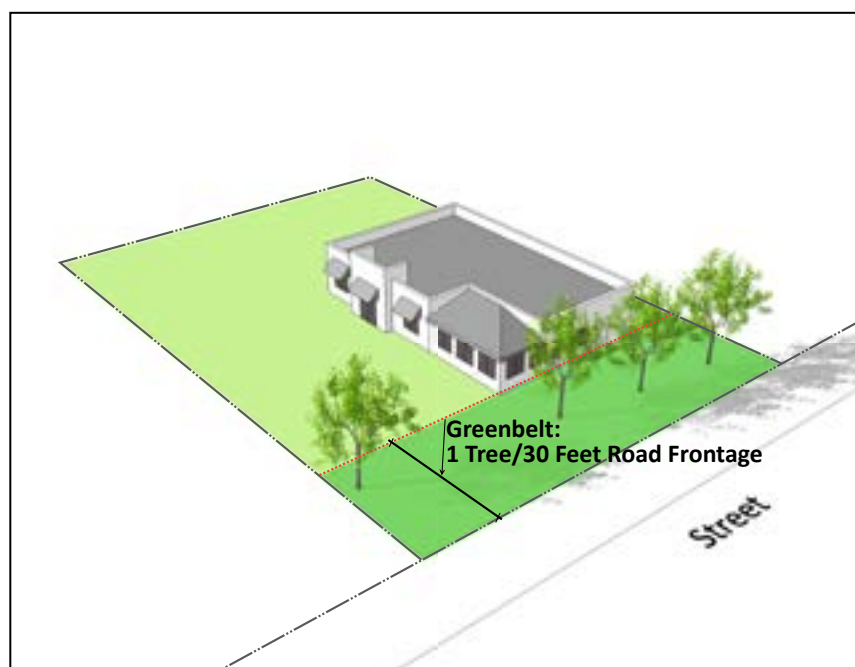
Figure 10.06-2 Parking Lot Landscaping



F. **Greenbelts.** A **greenbelt**, as defined in this section, shall be provided in accordance with the following requirements:

1. The **greenbelt** shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of three (3) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of eight (8) feet.

Figure 10.06-3 Greenbelt Landscaping



2. If ornamental deciduous trees are substituted for either nonornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a **greenbelt** shall be a minimum caliper of two (2) inches or greater;
3. In addition to the required trees within the **greenbelt**, the remainder of the greenbelt shall be landscaped in grass, **ground cover**, shrubs, and other natural landscape materials; and
4. Access drives from public rights-of-way through required **greenbelts** shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.

G. **Site Landscaping.** In addition to any landscape, **greenbelt** and/or parking lot landscaping required by this section, twelve to fifteen percent (12% to 15%) of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas. The determination with regard to the precise amount of landscaping within the range of twelve to fifteen percent (12% to 15%) of the site area shall be made in the discretion of the planning commission, taking into consideration the following standards:

1. The extent of landscaping required in order to promote compatibility, and preserve the character of the site, in relation to the immediately surrounding area and in relation to the general area in which the property is situated;
2. The size of the property;
3. The particular features of the property, including those matters which would constrain and those matters which would lend themselves to landscaping in excess of twelve percent (12%);
4. The particular needs and desires of the property owner with regard to utilization of the land area, which would otherwise be devoted to landscaping in excess of twelve percent (12%);
5. The need for landscaping in excess of twelve percent (12%) for screening and/or other relationship purposes with adjoining property;
6. The concentration of landscaping in specified areas of the property resulting in the lack of uniform disbursement of landscaping on the site; and

7. Other factors considered and applied by the Planning Commission for the purpose of protecting and/or promoting the public health, safety and welfare and particularly delineated in the minutes of the Planning Commission.

H. ***Subdivision and Site Condominium Landscaping.*** Landscaping for single-family residential subdivisions and site condominiums shall be provided in accordance with the following requirements:

1. ***Street trees.*** The frontage of all internal public or private streets shall be landscaped with the equivalent of one (1) tree for every fifty (50) lineal feet, or fraction thereof. Such street trees shall meet the minimum size and spacing requirements set forth in [Section 10.06.K.](#) and shall be an appropriate species for a street environment. The Planning Commission may determine that existing trees which are preserved will meet all or part of the street tree requirement.
2. ***Screening between land uses.*** Where a subdivision or site condominium contains uses which are defined as conflicting land uses by this section, the screening requirements set forth in [Section 10.06.D.](#) shall be met.
3. ***Screening from public roads.*** Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in [Section 10.06.D.](#) shall be met.
4. ***Other site improvements.*** A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement that would be enhanced through the addition of landscaping.

I. ***Screening of Trash Containers.***

1. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development. The Planning Commission, at its discretion, may approve alternative methods of screening.
2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
3. Containers and enclosures shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) thirty (30) gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
6. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
7. Screening and gates shall be of a durable construction.

J. **Landscape Elements.** The following minimum standards shall apply:

1. **Quality.** Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to this county, conform to the current minimum standards of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
2. **Composition.** A mixture of plant material, such as evergreen and deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. **Berms.** Berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural [ground cover](#).
4. **Coordination with utilities.** Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
5. **Existing trees.** The preservation and incorporation of existing trees in a landscape plan is encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
 - a. Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved;
 - b. If existing plant material is labeled "To Remain" on [site plans](#) by the [applicant](#) or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used; provided such techniques are approved by the Township; and

c. In the event that healthy trees which are used to meet the minimum requirements of this section or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the contractor shall replace them with trees which meet Ordinance requirements.

6. **Stormwater retention and detention ponds.** The integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural, rather than square or rectangular, design and appearance shall be encouraged.

7. **Installation, maintenance, and completion.**

a. All landscaping required by this section shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash, letter of credit, and/or certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

c. Landscaping required by this section shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

K. **Minimum Size and Spacing Requirements.** Where landscaping is required, the following minimum size and spacing requirements for representative landscape materials shall be applicable, unless otherwise specified in this section:

Table 10.06 K-1								
Minimum Size and Spacing Requirements								
	<i>Minimum Size Allowable</i>				<i>Recommended On-Center Spacing (in feet)</i>			
	<i>Height/Caliper</i>							
<i>Trees</i>	<i>6'</i>	<i>3' - 4'</i>	<i>2"</i>	<i>2.5"</i>	<i>30</i>	<i>25</i>	<i>15</i>	<i>10</i>
Evergreen Trees, such as Fir, Spruce, Pine & Hemlock	.						.	
Narrow Evergreen Trees, such as Red Cedar, Arborvitae, and Juniper (selected varieties)		.						.
Large Deciduous Trees, such as Oak, Maple, Beech, Linden, Ginko (male only), Honeylocust (seedless & thomless), Birch, and Sycamore				.	.			
Small Ornamental Deciduous Trees, such as Flowering Dogwood, Cherry, Plum, Pear, Crabapple, Hawthorn, Redbud, Magnolia, and Hornbeam			.				.	

	Minimum Size Allowable				Recommended On-Center Spacing (in feet)				
	Height/Caliper								
Shrubs	6'	3' - 4'	24" - 36"	18" - 24"	10	6	5	4	3
Large Evergreen Shrubs (upright), such as Pyramidal or Hicks Yew, Alberta Spruce, Chinese Juniper, Savin Juniper, and Mugho Pine		•					•		
Large Evergreen Shrubs (spreading), such as Spreading Yews or Junipers			•				•		
Small Evergreen Shrubs (upright), such as Brown's or Ward's, or Yews, and Boxwood				•			•		
Small Evergreen Shrubs (spreading), such as horizontal Juniper varieties or spreading Euonymous varieties				•			•		
Large Deciduous Shrubs, such as Lilac, Sumac, Weigela, Dogwood (Red Osier and Grey), and Viburnum varieties			•			•			
Small Deciduous Shrubs, such as Spirea, Fragrant Sumac, Japanese Quince, Cotoneaster, and Potentilla				•					•

SECTION 10.07 EXTERIOR LIGHTING AND GLARE

A. **Intent.** The purpose and intent of this section is to provide reasonable regulations to direct the location, design, illumination level, and use of outdoor lighting from both direct and indirect sources to minimize its undesirable effects. Lighting standards recognize that parking areas, walkways, driveways, building entryways, off-street parking and loading areas, other outdoor pedestrian ways, and building complexes with common areas need to be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas. Lighting standards set forth herein are also intended to:

1. Provide for and control lighting in outdoor public places where public health, safety, and welfare are potential concerns;
2. Protect drivers and pedestrians from the glare of non-vehicular light sources;
3. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained, or shielded light sources;
4. Promote energy efficient lighting design and operation; and
5. Protect and retain the visual character of the Township.

- B. **Applicability.** All outdoor lighting installed after the effective date of the amendment to the Zoning Ordinance shall comply with the requirements of Section 10.07. This includes, but is not limited to, new lighting equipment, light fixtures, replacement lighting, or any other outdoor lighting whether it is attached to structures, poles, buildings, or any other location.
- C. **Light from Direct Sources.** Lighting from direct source shall be subject to the following standards:
1. **Shielding and Light Trespass.** Lighting shall be placed, directed and shielded so as to direct the light onto the site and away from adjoining properties through the use of full-cutoff luminaires. Lighting shall be shielded so that it does not cause glare for vehicles, bicycles, and pedestrians. Directional luminaires such as floodlights and wall mounted luminaires shall be shielded and aimed so they do not create glare when viewed from neighboring property. The use of floodlights and wall-mounted luminaires to light parking areas shall be prohibited, unless there is a finding by the Planning Commission that no other acceptable means of lighting is possible. Lighting under canopies shall be recessed or full cutoff luminaires aimed straight down;
 2. **Maximum Illumination Levels.** Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceed 0.5 footcandles at ground level along common property lines. Lighting for uses adjacent to nonresidential properties shall be designed and maintained such that illumination levels do not exceed 1.0 footcandles at ground level along common property lines. Maximum light levels shall not exceed 20.0 footcandles in any given area measured at ground level;
 3. **Maximum Height.** Except as noted above, lighting fixtures shall not exceed a height of twenty-five (25) feet, including the base. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of eighteen (18) feet, including the base, and shall be located so as to result in the minimum interference with residential users;
 4. **Light Color Standard.** Correlated color temperature of any outdoor light source shall not exceed 3500 Kelvin unless introduced as part of a façade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features;
 5. **Lighting Plans.** All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety.
The lighting plan shall include a photometric plan which plots illuminance in footcandles on a 10' by 10' horizontal grid over the entire site up to and including all property boundaries. The lighting plan shall include a layout of all proposed and existing luminaires, and a photometric analysis plotted in a manner that demonstrates that Ordinance requirements are met. The lighting plan shall also include luminaire details, glare reduction devices, mounting heights, and pole and pole foundation details.
Lighting plans shall be coordinated with landscape plans to minimize conflict between landscaping and intended light distribution; and

6. **Reduction in Nighttime Lighting.** All outdoor lighting shall be reduced to at least fifty percent (50%) of the light level at full illumination one (1) hour after closing. Lighting reductions shall not be required under the following circumstances:

- a. Where a business operates twenty-four (24) hours;
- b. Where lighting is intended to reduce real or perceived risk; and,
- c. Where lighting is intended to discourage intruders, vandals or burglars, and to protect merchandise and property.

D. **Light from Indirect Sources.** Lighting from indirect sources shall be subject to the following standards:

1. 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;
2. The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, including residential property; and
3. Exterior doors shall be located, operated and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses.

E. **Exemptions.** The following types of lighting are exempt from this Ordinance:

1. Luminaires used for public roadway illumination;
2. All temporary emergency lighting needed by the police, fire, or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance;
3. All hazard warning luminaires required by federal regulatory agencies are exempt from the requirements of this article, except that all such luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task;
4. Luminaires used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating;
5. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from the requirements of this Ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties; and

6. Installations existing prior to the enactment of this Ordinance are exempt from its requirements. However, any changes to an existing lighting system, fixture replacements, or any grandfathered lighting system that is moved must meet these standards.

F. ***Prohibited Lighting***. The following types of outdoor lighting are specifically prohibited:

1. Lighting that could be confused for a traffic control device;
2. Lighting that is oriented upward, except as otherwise provided for in this Ordinance;
3. Searchlights, beacons, and laser source light fixtures;
4. Lights that blink, flash, move, revolve, flicker, change intensity, or change color;
5. Any lamp or bulb when not within a luminaire and which is visible from the property boundary line of the parcel on which it is located, except for landscape ornamental lighting;
6. Lighting inside of an awning when the awning material is translucent; and
7. Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.

SECTION 10.08 TRASH CONTAINERS

Outside trash disposal containers shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development. Gates that 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 dumpster or other trash container shall be located in a manner that is accessible to the disposal vehicles, does not interfere with vehicular circulation or parking, and does not create an adverse impact to neighboring properties. The Township 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 are served.

ARTICLE 11

ENVIRONMENTAL STANDARDS

SECTION 11.01 GENERAL INTENT AND PURPOSE

Environmental standards are established in order to preserve the short-term and long-term environmental health, safety, and quality of the Township. No use, otherwise allowed, shall be permitted within any district that does not conform to the following standards of use, occupancy and operation. These standards are established as minimum requirements to be maintained.

SECTION 11.02 PERFORMANCE STANDARDS

A. *Airborne Emissions.*

1. ***Smoke and air contaminants.*** It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health or safety of persons or which cause injury or damage to business or property.
2. ***Odors.*** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.
3. ***Gases.*** The escape or emission of any gas that is injurious, destructive, or harmful to persons or property or explosive shall be unlawful and shall be abated.

B. *Noise.*

1. ***General Requirements.*** No use, operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in [Table 11.02 B-1](#) as measured at any point on property adjacent or in close proximity to the lot, parcel or other property on which the operation or activity is located.
2. ***Methods and Units of Measurement.*** The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

Because sound waves having the same decibel (Db) level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.

3. **Table of Maximum Noise Levels.** Except as otherwise provided in this section, noise levels shall not exceed the limits set forth in the following [Table 11.02 B-1](#):

Table 11.02 B-1		
Noise Level Standards		
<i>Use</i>	<i>Time</i>	<i>Sound Level (A-Weighted) Decibels – Db(A)</i>
Residential and Nonresidential Uses (in REC, R-1A, R-1B, R-1C, R-1R, R-2, R-3, R-4, RMT, PUD, PRD districts)	7:00am to 7:00pm	60
	7:00pm to 10:00pm	55
	10:00pm to 7:00am	50
Commercial, Business, Office Uses (in O, OS-1, OS-2, C-1, C-2, C-3, C-4, MS districts)	7:00am to 7:00pm	65
	7:00pm to 7:00am	50
Industrial, Office and Research Office (uses in ML, GI, IOP, R-O districts)	Anytime	65

4. **Background Noise.** Where existing background noise exceeds the maximum permitted levels specified in [Table 11.02 B-1](#), the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

5. **Intermittent or Other Unreasonable Sounds.** Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level in [Table 11.02 B-1](#). Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:

- a. The proximity of the sound to sleeping facilities;
- b. The nature of the use from which the sound emanates and the area where it is received or perceived;
- c. The time (day or night) the sound occurs; and

d. The duration of the sound.

6. **Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:

a. Construction activity between the hours of 7:00am and sunset, Monday through Saturday and between the hours of 10:00am and 6:00pm on Sunday, unless otherwise modified by the provisions of Ch. 18, Article 2, Sec. 18-19 (2) of the General Code of Ordinances.

b. Performance of emergency work, including snow removal;

c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns;

d. Lawn care and yard maintenance that occurs between 8:00am and 9:00pm;

e. Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;

f. The operation or use of any organ, bell, chimes or other similar means of announcing religious services at a place of religious worship between the hours of 8:00am and 9:00pm, no more than five (5) times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 80Db(A) at the property line of the religious facility;

g. An un-amplified human voice; and

h. Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

C. **Vibration.**

1. No use shall generate any ground-transmitted vibration in excess of the limits set forth in [Table 11.02 C-1](#). Vibration shall be measured at the nearest adjacent [lot line](#).

2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

3. The vibration maximums set forth in [Table 11.02 C-1](#) are stated in terms of particle velocity,

which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

4. The following is the table of maximum ground-transmitted vibration:

Table 11.02 C-1	
Vibration Standards	
<i>Particle Velocity (Inches-Per-Second)</i>	
<i>Along Nonresidential District Boundaries</i>	<i>Along Residential District Boundaries</i>
0.10	0.02
0.20	0.02

5. The values stated in [Table 11.02 C-1](#) may be multiplied by two (2) for impact vibrations, i.e., non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
6. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

D. Use, Storage, and Handling of Hazardous Substance; Storage and Disposal of Solid, Liquid, and Sanitary Wastes.

1. It shall be unlawful for any person, firm, corporation, or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
2. Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances or sanitary wastes shall obtain the appropriate permits or approval from the DNRE, state fire marshal division, or other designated enforcing agencies.
3. Any person, firm, corporation, or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a hazardous chemicals survey on a form supplied by the Township in conjunction with the following:
 - a. Upon submission of a [site plan](#);

- b. Upon any change of use or occupancy of a structure or premises; and
 - c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
 - d. The transportation of any hazardous substance in trucks, trailers, tankers, or rail cars shall be exempt from the provisions of this Ordinance provided the hazardous substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed twenty-four (24) hours.
 - e. Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
 - f. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without applicable permits and approvals.
 - g. Bulk storage of pesticides shall be in accordance with Regulation No. 640, Commercial Pesticide Bulk Storage, of Act 171 of the Public Acts of 1976, as amended, being section 286.569 of the Michigan Compiled Laws.
4. All businesses and facilities, private and public, which use, store or generate hazardous substances that require a manufacturer's material safety data sheet shall familiarize themselves with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance. If hazardous substances are used, stored, or generated in quantities greater than one hundred (100) kilograms per month (equal to about twenty-five (25) gallons or two hundred and twenty (220) pounds) shall comply with the standards established in items "a" through "f" herein.
- a. ***Aboveground storage and use areas for hazardous substances.***
 - (1) Primary containment of hazardous substances shall be product-tight.
 - (2) Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers of ten (10) gallons or less packaged for retail use shall be exempt from this requirement.
 - (3) Outdoor storage of hazardous substances is prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of

precipitation.

- (4) At a minimum, state and federal agency requirements for storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met.
- (5) Out buildings, storage rooms, sheds, and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer systems, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable requirements of Act 451, Natural Resource and Environmental Protection Act of 1994, as amended.
- (6) Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.

b. *Underground storage.*

- (1) Existing and new underground storage tanks shall be registered with the State of Michigan in accordance with applicable requirements of the U.S. Environmental Protection Agency.
- (2) Installation, operation, maintenance, closure, and removal of underground tanks shall be in accordance with applicable requirements of the Township fire department and the State of Michigan.
- (3) Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the Township fire department and the State of Michigan.
- (4) At a minimum, state and federal agency requirements for corrosion protection, overfill protection, storage, leak detection, recordkeeping, spill prevention, emergency response, transport, and disposal shall be met. Records of monthly monitoring or inventory control must be retained and available for review by Township officials for five (5) years.

c. *Well abandonment.* Out of service water wells shall be sealed and abandoned in accordance with applicable requirements of the Township, Oakland County, and the State of Michigan.

d. *Site with contaminated soils and/or groundwater.* [Site plans](#) shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and the environment.

e. **Construction standards.**

- (1) Storage of hazardous substances at a construction site during the construction process shall be prohibited unless the provisions for storage and handling outlined in this Ordinance have been met.
- (2) If the contractor will be storing or handling hazardous substances that require a manufacturer's material safety data sheet, the contractor shall be familiar with the sheet, and shall be familiar with procedures required to contain and clear up any releases of the hazardous substance.
- (3) Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility, shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or reused in a proper manner as prescribed by applicable State and Federal regulations.

f. **Maintenance.** In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil, groundwater, and surface waters. Cracks and holes in floors, foundations, and walls must be repaired in areas where chemicals are handled or stored.

5. All [site plans](#) for businesses or facilities that use, store, or generate hazardous substances shall be reviewed by the Township fire department, the Township's engineer and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

E. **Outdoor Storage.** Outdoor storage of goods, materials and equipment shall be prohibited unless otherwise specifically permitted in this section. For those uses where the outdoor storage of goods, materials and equipment is permitted either by right or through a variance granted by the Zoning Board of Appeals, the following conditions shall apply:

1. The location and size of areas for such storage, nature of items to be stored therein, and details of the enclosure, including a description of materials and the height and typical elevation of the enclosure shall be provided as part of the information submitted under [Article 7](#);
2. Such storage shall not be located within the area between the front face of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard;
3. Such storage shall not be located in any required parking, roads, drives, driveways or loading space;

4. Such storage shall be strictly and clearly incidental to the principal use and only products and materials owned or produced by the principal business, and equipment owned and operated by the principal use shall be permitted for storage. Such storage shall not be permitted as a principal use of a lot; and
5. The area for such storage shall be screened from view on all sides in a manner as approved by the Planning Commission during the [site plan](#) review process.

F. ***Electrical Disturbance, Electromagnetic or Radio Frequency Interference.*** No use shall:

1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
2. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

SECTION 11.03 WELLHEAD PROTECTION OVERLAY DISTRICT

- A. ***Intent and Purpose.*** The purpose of the Independence Township Wellhead Protection Overlay District (WPOD) is to safeguard the health, safety, and welfare of persons served and to be served by the Township's Public Water Supply System (PWSS) by protecting groundwater that serves as drinking water.
- B. ***Responsibility for Administration.*** The Township's Department of Public Works ("Department") shall administer, implement, and enforce the provisions of this Section. Any powers granted or duties imposed upon the Department may be delegated in writing by the Director of Public Works.
- C. ***Extent and Designations.*** The areas served by the Township's PWSS and the time-of-travel (TOT) capture zones included within the WPOD are delineated on the Township map entitled "Wellhead Protection Overlay District Map," which is attached as an amendment to and made part of the official zoning map of the Township. Copies of the Township zoning map will be on file in the office of the Township Zoning Administrator and with the Department of Public Works Director. Further, the following TOT capture zones are established within the WPOD as follows and are established and delineated on the Wellhead Protection Overlay District Map:
 1. ***One (1) Year Time-of-Travel (TOT) Capture Zone.*** The One (1) Year TOT Capture Zone is that area of land which is within the boundaries of the Five (5) and Ten (10) Year TOT Capture Zones and through which water travels below the surface and reaches a Township well or well field within a one (1) year time period.
 2. ***Five (5) Year Time-of-Travel (TOT) Capture Zone.*** The Five (5) Year TOT Capture Zone is that area of land located outside the One (1) Year TOT Capture Zone but within the Ten (10) Year TOT Capture Zone and through which water travels below the surface and reaches a Township well or well field within a five (5) year time period.

3. **Ten (10) Year Time-of-Travel (TOT) Capture Zone.** The Ten (10) Year TOT Capture Zone is that area of land located outside the One (1) and Five (5) Year TOT Capture Zones but within the boundaries of the Ten (10) Year TOT Capture Zone and through which water travels below the surface and reaches a Township well or well field within a ten (10) year time period.

D. **Capture Zone Boundaries.** In determining the capture zone in which a property is located for regulatory purposes, the following rules shall apply:

1. Properties located in more than one (1) TOT capture zone shall be governed by the restrictions applicable to each specific zone, and as further set forth in the use regulations hereof.
2. Where a TOT capture zone line that delineates the boundary of one (1) or more TOT capture zones passes through a property, the entire parcel shall be subject to the restrictions that apply to the more restrictive TOT zone.
3. The Zoning Board of Appeals shall have the authority to interpret the Wellhead Protection Overlay Zone Map and determine where the boundaries of the different TOT capture zones fall, if in dispute.
4. The Wellhead Protection Overlay District Map may be modified from time to time based on the recommendation of the Director of the Department of Public Works. Modifications shall be based on revisions to the WPOD and the One (1) Year, Five (5) Year, and Ten (10) Year TOT Capture Zones. The Planning Commission shall recommend and the Township Board shall approve any changes to the Wellhead Protection Overlay District Map.
5. Nothing contained in this Ordinance shall be construed so as to interfere with any existing or future lawful requirement that may be, or heretofore was, imposed by any other public body authorized to enact sanitary, health, or water pollution abatement restrictions so long as such requirements are consistent with, or more stringent than, the stated purpose of this Ordinance.
6. Nothing contained in this Ordinance shall be construed so as to interfere with the duties and powers of the Township or its agents.

E. **Use Regulations.**

1. **Purpose.** The requirements of this Wellhead Protection Overlay District are in addition to the requirements of the underlying zoning regulations otherwise applicable within each TOT capture zone. This approach recognizes:
 - a. The different levels of potential risk associated with the location of a site relative to a well and/or wellfield;

- b. The various types of potentially hazardous or contaminating materials and substances and their storage;
- c. The specific land uses and their association with known contaminants; and
- d. The vulnerability of the groundwater supplies (natural geologic and hydrogeologic protection factors).

2. ***Prohibited uses.***

- a. ***Prohibited uses in the One (1) Year TOT Capture Zone.*** The establishment of the following new activities or land uses are prohibited in the One (1) Year TOT Capture Zone as of the effective date of this Ordinance:

- (1) Commercial establishments, including vehicle repair, and/or body repair where storage, handling, or use of a hazardous substance exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
- (2) Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceed fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
- (3) Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
- (4) Dry cleaning facilities with on-site dry cleaning service where storage or use of a hazardous substance(s) exceed fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights;
- (5) Engaging in any activity or use prohibited in the Five (5)- and Ten (10)- Year TOT Capture Zones.

- b. ***Prohibited uses in the Five (5) Year TOT Capture Zone.*** The establishment of the following new activities or land uses is prohibited in the Five (5) Year TOT Capture Zone as of the effective date of this Ordinance:

- (1) Junk, salvage, scrap, or recycling yards;
- (2) Manufacturing, processing, or recycling establishments, where storage, handling, or use of a hazardous substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights;

- (3) Permanent storage of hazardous substances in trucks, trailers, tankers, or rail cars where storage, handling, or use of a hazardous substance exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred forty (440) pounds aggregate for dry weights; or
 - (4) Engaging in any activity or use prohibited in the Ten (10)-Year TOT Capture Zone.
- c. ***Prohibited uses in the Ten (10) Year TOT Capture Zone.*** The establishment of the following new activities or land uses is prohibited in the Ten (10) Year TOT Capture Zone as of the effective date of this Ordinance:
- (1) Permanent storage of hazardous substances in trucks, trailers, tankers, or rail cars where storage, handling, or use of a hazardous substance exceeds one thousand (1,000) gallons aggregate for liquid materials or eight thousand (8,000) pounds aggregate for dry weights;
 - (2) Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
 - (3) Installation of underground storage tanks except as permitted by the Township;
 - (4) When public water is reasonably available, the installation of water wells for the purpose of drinking water, irrigation, or any other purpose other than the monitoring and/or sampling of monitoring or test wells in association with the DNRE recognized groundwater contamination studies or approved by the Township;
 - (5) Releasing or allowing the release of a Regulated Substance, alone or in combination with other materials (such as fill) in such a manner that the substance gains access to the ground, to a storm sewer or surface water, or in any other way such that the substance might enter the groundwater if so doing creates a reasonable likelihood of an adverse impact upon the groundwater;
 - (6) Operating a sanitary/solid waste landfill;
 - (7) Excavating, extracting, or mining of sand, gravel, bedrock or any other type of earth where a permit or [site plan](#) review is required, unless the property owner establishes to the Township's satisfaction that the activity will not cause an adverse impact to the public water supply;
 - (8) Drilling for natural gas or petroleum, whether for exploration, production or otherwise; or
 - (9) Allowing the presence of an abandoned well, which is defined as any well which has either been discontinued for more than one (1) year, is in such disrepair that its continued use for obtaining groundwater is impractical, has been left uncompleted,

is a threat to groundwater resources, or is a health or safety hazard. A well shall not be considered abandoned if it has been properly plugged pursuant to the Groundwater Quality Control Act, Part 127, 1978 PA 368, as amended.

3. ***Continuation of existing non-conforming facilities and land uses.***

- a. Any non-conforming use of land, building, or hazardous substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within the WPOD capture zone is permitted to continue operation as a non-conforming existing land use, building, or hazardous substance storage unit provided it remains otherwise lawful and complies with [Article 13](#) of the Zoning Ordinance.
- b. In addition, the facility must meet the requirements of the Township's performance standards as included within [Sections 11.02.D.](#), Use, storage and handling of hazardous substance, and shall prepare a spill contingency plan within two (2) years from the adoption date of this Ordinance or one (1) year from the date of contact from the Township regarding recognition of non-conforming status, whichever occurs first. The Township reserves the right to approve/determine which option(s) is to be implemented for the specific circumstance.
- c. In the event such non-conforming use shall pose a direct hazard to the wellhead, the Township may take any action permitted by law to abate the hazard.
- d. In any event, all uses that pose a direct or potential hazard to the wellhead must meet all state and federal requirements, in accordance with [Section 11.02.D.](#) of the Zoning Ordinance.

4. ***Exemptions.*** The activities, substances, and storage units set forth below are exempt from regulation under this Section when located within a WPOD capture zone, provided however, these provisions do not exempt the activities, substances, or storage units from applicable release notification and reporting requirements otherwise applicable and required by law:

- a. Indoor storage/use of hazardous substance(s) in an area capable of fully containing a total release of the hazardous substance(s) within the facility or draining the release to a wastewater treatment system capable of treating the released substance(s). Septic tank systems do not qualify as a wastewater treatment system under this exemption;
- b. Sale/storage of hazardous substances packaged as consumer products in original containers when storage is less than five (500) hundred gallons aggregate for liquid materials or four thousand (4,000) pounds of aggregate for dry weights;
- c. Current hazardous waste storage areas at RCRA permitted facilities;

- d. Radioactive materials regulated by the U.S. Nuclear Regulatory Commission or the State of Michigan;
- e. Underground oil and water separators;
- f. Laboratory activities, consistent with all federal, state, and local regulations;
- g. Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
- h. Household use of hazardous substances packaged for consumer use in original pre-packaged containers;
- i. Office and maintenance/janitorial use of hazardous substances packaged as consumer products. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
- j. Oils and fluids within electrical utility transformers/switches;
- k. Materials present as a solid inside of a manufactured item;
- l. Transport of hazardous substances in trucks, trailers, tankers, or rail cars to facilities through the Wellhead Protection Overlay District, provided the hazardous substances are fueling the transporting vehicle, or the transporting vehicle is in continuous transit, making a delivery, or is stopped for a period of time not to exceed twenty-four (24) hours; and
- m. The application of wastewater biosolids done in accordance with the Wastewater Management Plan approved by the applicable State and Federal agency.

F. *Requirements Regarding Release of Regulated Substance.*

1. Upon discovery of a release within a capture zone, the owner and person in control of the property on which a release occurred, as well as the person responsible for the release, shall take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approval obtained from, the Director of the Department of Public Works.
2. All releases shall be documented in writing and mailed to the Township within ten (10) business days of said incident. Initial release notification shall include, at a minimum, the following:

- a. Location of the release (name, address, and phone);
 - b. Reporting party's name, address, and phone (if different from above);
 - c. Emergency contact and phone;
 - d. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released;
 - e. Map showing exact release location, and relevant site features (i.e. paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - f. All measures taken to clean up the release; and
 - g. All measures proposed to be taken to reduce and prevent any future release.
3. The Director of Public Works shall use the Regulated Substance Release Report to determine if and where any additional investigative work needs to be completed to assess the potential impact of the release. The owner or operator shall retain a copy of the written notice for at least three (3) years.

G. ***Inactive Operations.*** This section applies to any business or other operation ("operation") that is inactive, is within a capture zone, and at which there are regulated substances. For purposes of this section, "inactive" is defined to include those businesses/operations that are unoccupied and have no activity for at least thirty (30) days. Those who own or control such an inactive operation shall do the following:

1. Within seven (7) days of the operation becoming inactive, take such steps as necessary to secure the site such that vandals and all other persons cannot gain access to the regulated substances;
2. Within thirty (30) days of the operation becoming inactive, provide to the Director of Public Works a document that identifies the site, the date of inactivity, the regulated substances that exist on site, and the name, address and telephone number of both the owner and the person in control of the site; and
3. Within six (6) months of the operation becoming inactive, remove all regulated substances from the site; this does not include those substances used for heating, cooling, or electrical lighting.

H. ***Enforcement.***

1. Whenever the Township determines that a person has violated a provision of this Ordinance, the Director of Public Works is hereby authorized to order compliance by issuing a written Notice of Violation to the responsible person/facility.

2. If the Township 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.

I. ***Abatement / Remedial Activities by the Township.***

1. The Township is authorized 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 correct the violation in a timely manner, or when no known responsible party exists. The responsible party shall reimburse the Township for all reasonable expenses thus incurred by the Township.
2. If the Township desires the responsible party to reimburse it for reasonable abatement activity expenses, the Township shall, within ninety (90) days of the completion of said activities, mail to that person a Notice of Claim outlining the expenses incurred, including reasonable administrative costs, and the amounts thereof. The person billed shall pay said sum in full within thirty (30) days of receipt of the claim. If the person billed 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 so stating. The Director of Public Works shall, within thirty (30) days of its receipt of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the Township determines that some or the entire amount originally billed is appropriate, the person shall pay said sum within thirty (30) days of receipt of that determination. If the amount due is not paid in a timely manner, 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.

SECTION 11.04 STORMWATER MANAGEMENT, WATERCOURSE PROTECTION, AND SOIL EROSION CONTROL

A. ***Stormwater Management.*** All developments and earth changes subject to review under the requirements of this section shall be designed, constructed and maintained to prevent flooding and protect water quality. The particular facilities and measures required on site shall reflect the natural features, wetlands and watercourses on the site; the potential for on-site and off-site flooding, water pollution and erosion; and the size of the site. Stormwater management shall comply with the following standards:

1. The design of storm sewers, retention facilities and other stormwater management facilities shall comply with the standards of the Township's engineering design and standards ordinance;

2. Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development;
 3. The use of swales and vegetated buffer strips is encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of stormwater conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle and to remove pollutants;
 4. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners;
 5. Discharge of runoff from any site that may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the state department of environmental quality and the Township, based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the building and planning director, with consultation of appropriate experts;
 6. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives; and
 7. Subject to applicable Federal, State, and Township wetland regulations, wetlands may be used for stormwater detention if the following conditions are met:
 - a. Stormwater runoff discharged to wetlands must be diffused to non-erosive velocities before it reaches the wetland;
 - b. The wetland does not have significant wildlife habitat or ecological values that would likely be impaired or destroyed;
 - c. The wetland has sufficient holding capacity for stormwater, based upon calculations prepared by the proprietor and reviewed and approved by the Township engineer;
 - d. Adequate on-site soil erosion control is provided to protect the natural functioning of the wetland; and
 - e. Adequate private restrictions approved as to form by the Township Attorney are established so as to ensure that the wetland is not disturbed or impaired in the future relative to the needed storage capacity.
- B. ***Watercourse Protection and Soil Erosion Control.*** All developments and earth changes subject to review under the requirements of this section shall be designed, constructed and maintained to protect Township watercourses in accordance with the Township's wetlands and watercourse protection ordinance, any other applicable Federal and State laws or regulations and the following additional standards:

1. In conjunction with development or earth change activities, soil erosion control measures shall be installed between the disturbed area and any watercourses (including rivers, streams, creeks, lakes, ponds and other watercourses), wetlands, or roadways on or near the site;
2. Cutting, filling, dredging, removal, and grinding shall be minimized and the natural topography of the site shall be preserved to the maximum feasible extent, except where specific findings demonstrate that major alterations will still meet the purposes and requirements of this section;
3. All development and other earth changes shall be designed, constructed, and completed in such a manner that the exposed area of any disturbed land is limited to the shortest possible period of time;
4. Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development or earth change;
5. Temporary and permanent soil erosion control measures designed and constructed for the conveyance of water around, through or from the development or earth change area shall be designed to limit the water flow to a non-erosive velocity;
6. Temporary soil erosion control measures shall be removed after permanent soil erosion control measures have been implemented. All developments and earth change areas shall be graded and stabilized with permanent soil erosion control measures;
7. If lakes, ponds, rivers, creeks, streams, or other watercourses and wetlands are located on or near the site, erosion control measures which trap sediment shall be provided. Straw bale berms may be used as temporary stormwater diversion structures but will not be considered sufficient by themselves for trapping sediment on site. The use of sediment basins, sediment traps, filter fabric and rock filters in lieu of straw bale berms shall be strongly encouraged. Other measures may be required if reasonably determined to be necessary to protect a watercourse or wetland;
8. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within thirty (30) calendar days;
9. Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area shall be completed within fifteen (15) calendar days after final grading or the earth change has been completed, or sooner if the Planning Commission or building director finds that control measures must be implemented on an expedited basis in order to protect the environment and/or any impacted property. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented; and

10. Vegetated buffer strips shall be created or retained along the edges of all lakes, ponds, creeks, streams, other watercourses and wetlands, when reasonably determined to be necessary to protect the watercourse.

SECTION 11.05 COMMUNITY WASTEWATER SYSTEMS

- A. Community wastewater utility systems shall require a special use permit from the Planning Commission in accordance with the procedures and standards set forth in [Article 7.0](#), special land uses, of this Ordinance, community wastewater utility systems shall be strictly prohibited in areas of the Township that are located outside of the water and sewer district.
- B. In addition to the requirements established by the state and/or the county, the following site development and use requirements shall apply to community wastewater utility systems:
 1. Required standards and findings set forth in [Article 7.0](#) shall be met.
 2. All operations and structures shall be surrounded on all sides by [setbacks](#) as follows:
 - a. Twenty-five (25) feet from the nearest property boundary for subsurface disposal systems of less than ten thousand (10,000) gallons/day.
 - b. Fifty (50) feet from the nearest property boundary for subsurface disposal systems of between ten thousand (10,000) gallons/day and less than twenty thousand (20,000) gallons/day.
 - c. One hundred (100) feet from the nearest property boundary for subsurface disposal systems of twenty thousand (20,000) gallons/day or greater.
 - d. One hundred (100) feet from the nearest property boundary for a lagoon, irrigation, or other above ground system.
 3. Landscape buffering in accordance with [Section 10.06.D](#) shall be placed to minimize the appearance of the installation and to help confine the odors therein.
 4. The point of discharge of a community wastewater utility system shall be located a minimum of:
 - a. Five hundred (500) feet from another approved community wastewater utility system.
 - b. Two thousand (2,000) feet from the one (1) year capture zone of a public well head protection area and five hundred (500) feet from the five (5) year capture zone of a public well head protection area.

- c. Two hundred (200) feet from a wetland, unless said wetland is constructed and approved as an integral treatment component of the community wastewater utility system.
- C. Community wastewater utility systems shall also be subject to Chapter 48, Article V of the Township Code of Ordinances. Therefore, a **special land use** approval by the Planning Commission for a community wastewater utility system shall be conditioned upon and subject to Township Board approval under said community wastewater utility systems Code provisions.

SECTION 11.06 SETBACKS FROM BODIES OF WATER

- A. **General Purpose and Intent.** The placement of structures on lots or parcels which abut a lake, stream, pond, or river shall be regulated in order to promote: proper use and protection of land; preservation of wetlands and the adjacent upland forming an inseparable part of the wetland; protection of water and natural resources; proper on-site disposal of wastewater; minimization of erosion and sedimentation into adjacent bodies of water; and protection of the economic value of adjacent land uses.
- B. **Setback Requirements.** In any district where lots or parcels abut a lake, stream, pond, or river, the minimum **setback** of any principal or attached accessory structure from the **ordinary high-water mark** shall be fifty (50) feet.

SECTION 11.07 NATURAL FEATURE SETBACK

- A. **General Purpose and Intent.**
1. It is the intent of this section to require a minimum **setback** from natural features, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the state zoning enabling act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
 2. It is the purpose of this section to establish and preserve minimum **setback** from natural features in order to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area in terms of: spatial relationship; interdependency in terms of physical location, plant species, animal species and an encouragement of diversity and richness of plant and animal species; overland and subsurface hydrology; water table; water quality and erosion of sediment deposition.

3. If a greater setback or prohibition is required by other ordinances, or other provisions of this section, such greater setback or prohibition shall apply.
- B. **Regulation.** A natural feature setback shall be maintained in relation to all areas defined in this section as being a “natural feature,” unless, and to the extent, it is determined to be in the public interest not to maintain such setback.
- C. **Authorization and Prohibition.**
1. The natural feature setback shall be an area or feature with boundaries and limitations determined in accordance with the standards and provisions in this section in relation to respective types of natural features.
 2. In conjunction with the review of plans submitted for authorization to develop property or otherwise undertake an operation in or on, or adjacent to, a natural feature, applicable natural feature setbacks shall be determined, and authorizations and prohibitions established, by the body of officials undertaking the plan review. In the event an activity is proposed within a setback area as designated under subsection F.1. or 2. of this section, but such activity is not proposed in conjunction with an activity within the natural feature itself, review under this section shall be conducted by the Township body or official reviewing the proposed activity, or, if no other review is required, review shall be undertaken by the planning department. The body or official undertaking the review shall, if determined necessary or appropriate by such body or official, utilize the services of a wetland consultant, and, in such case, the applicant shall establish an escrow and shall be responsible for the fees of such consultant.
 3. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body undertaking the plan review, there shall be no construction, removal or deposit of any structures or soils, including dredging, filling or land balancing. This prohibition shall not apply with regard to those activities exempted from this prohibition, in subsection D. of this section.
 4. In determining whether proposed construction or operations are 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 construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
 - a. The relative extent of the public and private need for the proposed activity;

- b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity;
 - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides;
 - d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural feature to be protected;
 - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife, and the public health;
 - f. The size and quantity of the natural feature setback being considered;
 - g. The amount and quantity of the remaining natural feature setback;
 - h. Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the nature of the natural feature to be protected;
 - i. Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted; and
 - j. The necessity for the proposed construction and/or operation.
- D. **Exemptions.** If and to the extent the Township is prohibited by its ordinances and/or law from regulating proposed activity in or on the respective natural feature, regulation under this section shall be exempted. In addition, the following activities shall be exempted; provided it is not the intent of this subsection to exempt regulation by other ordinance provisions relative to the natural feature itself:
- 1. Installation of a fence within a setback area;
 - 2. Maintenance of previously established lawn areas;
 - 3. Grading and filling necessary in order to conform with express requirements imposed by the Township engineer;
 - 4. Installation of seasonal recreational structures for watercourse use; and
 - 5. Planting of trees and other vegetation, but not the use of fertilization.
- E. **Application Form.** Application shall be made under this section on the form approved by the

Township Board and provided by the department of building and planning.

F. **Setback Standards.** Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:

1. A twenty-five (25) foot setback from the boundary or edge of a wetland, as defined and regulated in the Township wetland ordinance; and
2. A setback from the [ordinary high-water mark](#) of a watercourse which complies with [Section 11.06, Setbacks from a Body of Water](#).

G. **Appeals.**

1. An interested person who is aggrieved by the determination under this section may request an appeal to the Township Board.
2. A request for appeal must be filed within ten (10) days following decision. If an appeal is requested during such ten (10) day period, the effectiveness of the permit shall be suspended pending the outcome of the appeal.
3. The Township Board shall determine whether to consider the appeal based upon the minutes of the body making the initial decision (if minutes are kept), or based upon an entirely new hearing. If a new hearing shall be conducted, notice of the time, date, and place of the hearing shall be mailed to the owners of property, based upon Township records, within three hundred (300) feet of the property; and also mailed to all persons, subdivision associations and lake associations registered with the Township to receive such notices.
4. If the Township Board determines to consider the appeal based upon the minutes of the person or body being reviewed, the [applicant](#) and other interested parties as allowed by the Township Board shall be entitled to be heard by way of argument and citation of authorities prior to the Board's determination.
5. The Township Board, based upon its appellate review, may reverse, affirm, or modify the determination and/or permit issued.

SECTION 11.08 LAKE ACCESS REGULATIONS

A. **General Purpose and Intent.** The overarching purpose and intent of the Township is to promote harmony on watercourses, protect natural resources, stabilize property values, and generally protect the public health, safety, and welfare. This section seeks in particular to prevent the harms that arise when riparian properties are used as boat docking and mooring sites for back lot owners. Local governments are authorized to enhance quality of life and balance various competing interests and factors by enacting use restrictions or controls, making policy judgments, and exercising discretion. Subject to the regulations and standards provided in this section, the use of riparian properties for the docking and mooring of boats

by owners of back lots which do not directly adjoin or abut the shore or bank of a watercourse is generally restricted but may receive discretionary approval as a special land use in certain instances in which the protection and conservation objectives of this section can be met. Special land use approval is not required for property for the sole purpose of swimming and/or day usage.

B. **Definitions Applicable to this Section.** The following definitions apply in the interpretation of this section.

1. "Back lots" means non-riparian property which has been designated as, or divided into, one or more parcels or lots for present or future possession and occupancy.
2. "Boat" means a watercraft, including, but not limited to, any of the following if it is motor-powered or engine-powered: A boat, rowboat, motorboat, raft, dinghy, pontoon boat, or similar vessels, and also including a personal watercraft, which includes a vessel that uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion and is designed to be operated by one or more persons positioned on, rather than within, the confines of the hull (sometimes referred to as a jet ski).
3. "Docking and mooring" means connecting or joining a boat on or above the surface of a watercourse to a dock, docking station, or similar structure, at the shore or bank by any method, and also means the anchoring of a boat within usable proximity to the shore or bank or to the bed of a watercourse.
4. "multi-family use" means a use of residential riparian property, including adjacent waters, for docking or mooring of a boat by more than one family, as defined in this ordinance, meaning that it exceeds single family use.
5. "Non-riparian property" means land which does not directly adjoin or abut the shore of a watercourse and thus is not riparian property with regard to the watercourse under consideration.
6. "Riparian property" means land which directly adjoins or abuts the shore or bank of the watercourse under consideration.
7. "Single-family use" of riparian property means use of the property, and adjacent waters, exclusively by one family for purposes permitted under this zoning ordinance as a principal permitted use in a single-family residential zoning district.

C. **General Prohibition.** The following uses shall be prohibited.

1. In a single-family zoning district, multi-family use of an occupied riparian property, including adjacent waters, shall not be permitted. While it might seem that allowing a non-owner or non-occupant to dock or moor a boat on a watercourse would have a

minimal impact, the cumulative effect of such permission granted across many properties on a watercourse is likely to have an adverse impact on riparian rights, natural resources, and the public's health, safety, and welfare.

2. In any zoning district, riparian property, including adjacent waters, shall not be used to permit boat docking or mooring for the benefit of one or more owners or occupants of back lots except to the limited extent approved as a special land use in accordance with subsection D of this section. It is not the intent of this subsection to prohibit or restrict existing uses that were previously authorized by the Township as lawful nonconforming uses or granted affirmative approval by the Planning Commission, Zoning Board of Appeals, or Township Board.

D. ***Special Land Use Authorization.*** As an exception to the general prohibition stated in paragraph C.2, above, the Planning Commission shall consider an application for special land use approval to permit the use of riparian property, and adjacent waters, for boat docking or mooring by or for the benefit of back lots if the application meets the requirements of this section. For purposes of decision making, the Planning Commission must consider impacts from the proposed special land use in the context of the few busiest days of the boating season.

1. In order to be entitled to file an application for special land use approval under this subsection, the riparian property shall not have a dwelling or accessory structure situated on it and must not be proposed for or improved as a residential lot, and no commercial or business use may be conducted upon it.
2. In any zoning district, the use of riparian property to permit boat docking or mooring for the benefit of one or more owners or occupants of back lots shall require an application to, and discretionary approval from, the Planning Commission as a special land use under this subsection and Article 7 of this zoning ordinance. The application must include the following information for the Planning Commission to review for purposes of determining the impact on riparian rights, natural resources of the watercourse, and the public health, safety, and welfare:
 - a. The details specified in Article 7 and subsection 6.05 of this zoning ordinance.
 - b. The gross size of the watercourse in acres and fractions of acres, together with a map showing the shape of the lake and any sandbars or other shallow areas that impede boat use and a reasonably measured depth chart of the watercourse, if available, showing contours of the watercourse at its bottom. A lake that is rounder in shape and freer of obstructions will have a greater carrying capacity, which is relevant in determining whether the application should be approved, and whether and what types of conditions should be imposed.
 - c. The measured length of shoreline, in feet, of the riparian property proposed for boat docking and mooring use, with such measurement to be made in long straight lines rather than following meanders of the shore. The application shall also state the proposed number, location and type of each boat dock and mooring, and a detailed explanation of the nature of each boat dock and mooring, such as floating dock, shore

station, anchored mooring, and the like. The number of boats docked and moored shall not exceed the following: The presumed limitation shall be one boat per 100 lineal feet of riparian shoreline, however, such presumption can be modified by the Planning Commission, in its discretion, as follows:

- (1) An applicant may propose up to two boats per 100 lineal feet of riparian shoreline with the understanding that the applicant shall have the burden of demonstrating the reasonableness of any authorization in excess of one boat per 100 feet of riparian shoreline; and,
 - (2) If there is public access or private easement access, depending on the degree to which such access is utilized by public and private beneficiaries, the number of boats may be reduced below one boat per 100 feet of riparian shoreline.
- d. The specific location, number of lots and parcels, and zoning classification of all existing and potential back lots intended to benefit by the special land use if granted, whether currently developed or not. This information may be relevant to determining the potential impact of the proposed special land use on the carrying capacity of the watercourse.
 - e. To the extent of available information, the location, number and type of boats, and length of shoreline of all other riparian properties situated on the watercourse. This information is relevant for purposes of determining the impact of the proposed special land use on riparian rights and natural resources of the watercourse.
 - f. Whether the watercourse is usable for “all sports” purposes or limited in its use, such as “slow no wake” usage.
 - g. The location in which boats will be stored during the off-season. This factor is relevant to determining the impact on surrounding property owners.
3. The Planning Commission, in deliberating whether to approve the application for special land use, and the nature and extent of conditions that should be imposed, if any, shall consider the following additional standards, along with the standards and intent stated elsewhere in this section.
 - a. An approval shall, at minimum, specify the number and type of boats permitted to be docked and moored to access the watercourse from the riparian property, and any restrictions and conditions found to be reasonably necessary or appropriate to carry out the intent of this section.
 - b. The location of the docking and mooring on and adjacent to the shore or bank shall be established toward the center of the watercourse frontage in order to minimize the adverse impact on adjoining riparian properties.

- c. The proposed use shall not result in conditions unreasonably limiting the recreational use rights of existing riparian owners on the lake, considering present conditions as well as the potential for increased usage on vacant and otherwise underused property.
 - d. The proposed use must result in substantial justice to the applicant as well as all riparians on the watercourse and other neighboring properties.
 - e. The proposed use shall not result in an impairment of natural resources in the lake. For example, if the lake is used for “all sports” purposes and there are areas with shallow water, an excessive number of boats on the lake at once will tend to displace some boats onto the shallows, damaging habitat and other resources.
 - f. The proposed use shall not create unreasonable parking impacts, traffic congestion, or other unsafe traffic conditions in the surrounding neighborhood.
- 4. If a special land use under this section is approved, a special land use agreement specifying the details and conditions of the approval in a form approved by the township attorney shall be recorded at the office of the register of deeds to provide notice to future owners.
 - 5. A special land use issued under this section does not authorize any injury to public or private property or invasion of public or private property rights, nor does it waive the necessity of seeking and complying with all applicable state law, including state law administered by the Department of Environment, Great Lakes, and Energy (or any successor of that Department), and it is the burden of the special land use applicant to investigate whether a permit is required under state law.”
- E. ***Property Which is Part of a Residential Development.*** If the boat docking and mooring special land use authorization is proposed as part of a residential development project consisting of more than one housing unit, the owner(s) of the riparian property must record the terms of the approval granted under this section, including all limitations and conditions, in a binding statement: as a subdivision deed restriction, a condominium bylaw, or restrictive covenants in the deeds conveying each residential unit.

ARTICLE 12

SIGNS

SECTION 12.01 GENERAL PURPOSE AND INTENT

- A. The intent of this article is to regulate the location, size, construction, and manner of display of signs in order to minimize their harmful effects on the public health, safety and welfare. While this article recognizes that signs are necessary to satisfy the needs of sign users for adequate identification and communication, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the Township, conflicts between different types of land use, reduction in traffic safety to pedestrians and motorists, and other impacts that are contrary to the purposes, intent, and interests identified in this section.
- B. The following municipal interests are considered by the Township to be compelling government interests. Each interest is intended to be achieved under this Article in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events is intended to promote an important government interest that would not be effectively achieved absent the regulations in this Article. Regulating the location, size, construction, and manner of display of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding unsafe and nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; property identification for emergency response and wayfinding purposes; and unique character of areas of the Township.
1. **Public Safety.** Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the Township, with particular emphasis on the safety of pedestrians. The safety path and sidewalk network provides facilities for pedestrians situated between vehicular roads and private properties throughout the Township in areas of the Township without sidewalks or safety paths, pedestrians typically travel along the edge of the roadways.

Since most signage on the private properties is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions that can jeopardize traffic and pedestrian safety, this ordinance is intended to regulate signs so as to reduce such distractions and, in turn, reduce the risk of crashes, property damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in the districts identified in this article.

This Ordinance is also intended to protect public safety by requiring signs that are poorly maintained and/or structurally unsafe to be repaired or removed to protect against fallen

signs or deteriorating sign debris from entering improved roadways, sidewalks and safety paths and causing dangerous conditions for vehicular traffic and pedestrians.

- a. The Township encourages signage that will inform motorists and pedestrians of their desired destinations without conflicting with other structures and improvements. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks, and specifying minimum-sized characters for efficient perception by motorists and pedestrians, while minimizing distractions that could put pedestrians at risk.
 - b. 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 commercial/business thoroughfares.
 - c. 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.
 - d. Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.
2. ***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 needed to provide and finance quality public services and facilities within the Township. This article 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 contribute to the visual clutter, contribute to the potential conflict between vehicular and pedestrian traffic, and distract from scenic resources and views, will be prohibited in efforts to preserve the character, aesthetic qualities and unique experience within the Township. It is also the intent of this ordinance that signs will reflect the character of unique districts as may be established by the Township's Master Plan, other adopted plans, or this article and other parts of the zoning ordinance.
3. ***Economic Development and Property Values.*** The establishment of the restrictions in this article has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promoting business success. The application of the restrictions in this article allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visual assets, including (without limitation) landscaping and architecture, all of which contribute to economic development and property value enhancement.

4. ***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. 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 important and 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 all police power values.
 - a. 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, establishing setbacks from property lines, and requiring reasonable spacing between signs are compelling interests that can be directed with minimum regulation.
 - b. Signs that are too large can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes can be the subject of clear and effective regulations that address this compelling and important interest.
 - c. Requiring 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.
 - d. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. The selection of proper fixture type(s) 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.
5. ***Property Identification for Emergency Response and Wayfinding Purposes.*** Locating a business or residence by 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. Sign specifications for such wayfinding can be coordinated with property identification for such emergency and other purposes.
6. ***Maintaining Unique Character of Areas of the Township.*** Acknowledge the unique character of certain areas and districts, and establish special time, place and manner regulations that reflect the unique aesthetic, historical, and/or cultural characteristics of these areas/districts.

7. ***Protection of the Right to Receive and Convey Messages.*** The important governmental interests and regulations contained in this article are not intended to target the content of messages to be displayed on signs, but instead seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message. Nothing in this article is intended to prohibit the right to convey and receive messages, specifically noncommercial messages such as religious, political, economic, social, philosophical or other types of speech protected by the First Amendment of the United States Constitution.

SECTION 12.02 GENERAL PROVISIONS

- A. ***Applicability.*** The regulations set forth herein shall apply to all signs that are erected within the Township, whether or not a permit is required.

- B. ***Measurement of Surface Area of Sign.*** The surface area of a sign shall be the sum total of all exterior surfaces of the sign computed in square feet. The total surface area of the sign shall be computed by measuring the sign at its highest point and at its widest point. In every instance where this article contains a square footage requirement concerning signs, and said square footage requirement shall be deemed to include the total sign, unless otherwise stated, and should said total sign have two (2) or more faces or surfaces, the square footage requirement shall be divided by the number of faces or surfaces exposed and no surface area shall be larger than its prorated share of the total as reflected by said division.
 1. ***Area of a rectangular or triangular sign.*** For the purpose of determining a rectangle or triangle within which the entire sign area may be contained, and then multiplying said height and width dimensions with the resultant product being the total surface area where the rectangle is used for computation, and the said resultant product multiplied by one-half being the total surface area where the triangle is used for computation.
 2. ***Area of a circular sign.*** The total surface area of a circular sign shall be computed by measuring the diameter of a circle within which the entire sign area may be contained, and then multiplying said diameter by 3.14, with the resultant product being the total surface area of said sign.
 3. In the case of a broken sign (a sign with open spaces between the letters figures, numbers, or symbols) the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two (2) furthestmost letters.

- C. ***Safety.***
 1. All signs shall be erected and maintained in compliance with all applicable state construction codes, and other applicable ordinances governing construction within the Township. In the event of conflict between this section and other laws, the most restrictive shall govern.

2. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk or safety path. Signs located on the corner of two intersecting streets, or an intersecting street or driveway, shall maintain a clear vision triangle, measured at the back of the curb of the intersecting streets or driveways, and a line connecting them at twenty (20) feet from the intersection, or meet the applicable standards of the Michigan Department of Transportation or the Road Commission for Oakland County.
3. No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window, or fire escape.
4. Within all non-residential zoning districts, the street address shall be displayed either on the building or premises in a manner that is observable to public safety services from the street or road to which the address refers. Up to four (4) square feet of the area devoted to the street address shall not be included in allowable sign area.

D. *Signs Prohibited in All Districts.*

1. Any sign that is not specifically permitted by this Ordinance.
2. Signs containing flashing, intermittent or moving lights or with moving or revolving parts, except as otherwise permitted by this Ordinance. Sign illumination standards are set forth in Section 12.08.
3. Signs affixed to trees, rocks, or similar natural features, except historic site markers installed by a public body.
4. Signs that imitate traffic signals, traffic direction signs, or other traffic control devices;
5. Unlawful motor vehicle signs. It shall be unlawful to park, place, or store a vehicle or trailer on which there is a motor vehicle sign on private property where an on-premises ground or wall sign is located if:
 - a. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;
 - b. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;
 - c. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
 - d. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined by this Ordinance,

that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or

e. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.

f. The foregoing prohibition shall not apply if:

(1) The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;

(2) The activities in subsection 5.f.(1), above, are being actively undertaken during the period of such parking;

(3) The activities in subsection 5.f.(1), above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and

(4) The activities in subsection 5.f.(1), above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

6. Signs located within or overhanging the public right-of-way or on public property unless erected by a public agency;

7. Signs which make use of words such as "Stop," "Look," "Danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic;

8. Any sign containing any obscene, indecent or immoral matter;

9. Any sign unlawfully installed, erected or maintained; and

10. Any sign not expressly permitted by this Article.

E. *Signs Permitted in All Districts Without a Permit.*

1. Temporary signs that are less than twelve (12) square feet in area or less. When additional sign area is permitted during the time frame and conditions specified in Section 12.07, no temporary sign shall require a permit.

2. Signs mounted to a wall, mailbox or lamppost not exceeding two (2) square feet in size located solely on single family residential structures;
 3. Directional signs that are erected for the sole and express purpose of directing traffic flow on private property. Directional signs shall not exceed four (4) square feet in area and four (4) feet in height. Directional signs may be illuminated subject to the requirements set forth in Section 12.08;
 4. Signs erected in public rights-of-way by public road agencies; and
 5. Non-illuminated interior window signs, subject to the provisions of Section 12.06A.
- F. **Substitution.** Noncommercial messages shall be permitted on any sign constructed or erected in compliance with this Article.
- G. **Severability.** If any word, sentence, section or any other provision or portion of this Article or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

SECTION 12.03 SD SIGN OVERLAY DISTRICTS

- A. **Purpose and Intent.** In addition to and furtherance of the purpose of intentions stated in Section 12.01, the purpose and intent of the sign districts under this section are to facilitate the preservation or creation of a unique quality, theme or character that have a distinctive identity within the Township. The distinct identity may be as a result of the location of the property in proximity to a roadway corridor that exhibits a similar width, number of lanes and/or design speed. The identity may also be as a result of a particular design theme or objective that the Township has adopted for a given area. The standards and requirements of this section are in addition to and supplement all other regulations under this Article, which remain applicable to the extent that they do not expressly conflict with the provisions of this section. To the extent a Township official or body reviewing a plan or application under this Article determines in its discretion that a conflict exists between the standards under this section and those of other sections of this Article, the standards under this section shall apply.
- B. **Districts Established.** The following sign overlay districts are established for the sole purpose of regulating signage. The SD-Sign Overlay Districts encompasses the areas as illustrated in the SD-Sign Overlay District Map, which is attached as an amendment to and made part of the official zoning map of the Township.
1. SD-1 North Dixie Highway. This district encompasses the area along Dixie Highway from the intersection of White Lake Road north to the boundary with Springfield Township. Dixie Highway in this location has a five (5) lane cross-section and a 55 mile per hour posted speed.

2. SD-2 South Dixie Highway. This district encompasses the area along Dixie Highway from the intersection of White Lake Road to the boundary with Waterford Township. Dixie Highway in this location has a five (5) lane cross-section and a 45 mile per hour posted speed.
3. SD-3 White Lake Road. This District encompasses the area along White lake Road from Clement Road to Andersonville Road. This portion of white Lake Road is a three (3) lane cross-section with a posted speed of 45 miles per hour. Land use is a mixture of older industrial uses, located generally on larger parcels.
4. SD-4 South and Central M-15. This district encompasses the area along M-15 from the City of the Village of Clarkston north to the I-75 interchange. M-15 in this location is a four (4) lane cross section with a posted speed of 40 miles per hour. This district also encompasses the area along M-15 from City of the Village of Clarkston boundary south to Dixie Highway. M-15 in this location is a three (3) lane cross- section with a posted speed of 40 miles per hour.
5. SD-5 North M-15. This district encompasses the area along M-15 from the I-75 interchange north to Cranberry Lake Road. M-15 in this location transitions from a four (4) lane cross-section near the interchange to a five (5) lane cross-section.
6. SD-6 Central Sashabaw Road. This district encompasses the area along Sashabaw Road from Maybee Road north to the I-75 interchange. Sashabaw Road in this area is generally a four (4) lane boulevard along with a five (5) lane cross-section flanking the boulevard to the north and south. The posted speed limit is 50 miles per hour.
7. SD-7 North Sashabaw Road. This district encompasses the area along Sashabaw Road from the I-75 interchange north to Clarkston Road. Sashabaw Road in the area is a five (5) lane cross-section with a posted speed limit of 50 miles per hour.
8. SD-8 Small Commercial Nodes. This district encompasses small commercial nodes which exist on Clarkston Road, Sashabaw Road and M-15 not within the other sign districts. These nodes are located on two-lane roads with varying posted speed limits.
9. SD-9 Residential Areas. This district encompasses the remainder of the Township which is zoned for residential use. SD-9 (a) includes all single-family dwellings within SD-9. SD-9(b) includes all other uses within SD-9.

SECTION 12.04 PERMITTED GROUND SIGNS

A. *General Requirements.*

1. All ground signs shall be permanent installations, except as permitted in Section 12.07.
2. Within all Sign Overlay districts, only one (1) ground sign shall be permitted per premise, except as noted in Sections 12.04 A.3 and A.4.

3. Within all Sign Overlay districts, only one (1) ground sign that does not exceed thirty-two (32) square feet per side and four (4) feet in height shall be permitted at the primary entrance of a subdivision site, condominium, multiple-family development, or mobile home park. One (1) additional ground sign that does not exceed fifty (50) percent of the permissible sign area may be permitted at a secondary entrance if it is not located on the same street as the primary entrance.
 4. Within all Sign Overlay Districts, one (1) ground sign shall be permitted along the principal frontage of a non-residential use. One (1) additional ground sign that does not exceed fifty (50) percent of the permissible sign area may be permitted along the frontage of the site where a secondary entrance is located.
 5. The ratio of the width to height of the face of a ground sign at the widest and highest points shall not exceed three to one (3:1).
 6. Ground signs shall not exceed the height set forth in Table 12.04 B-1 measured from the average finished grade at the base of the sign. For ground signs constructed on a landscaped berm, the berm shall not exceed a height of three (3) feet above the average finished grade within a fifteen (15) foot radius of the location of the sign; provided such berm is landscaped based on a plan submitted in conformance with Article 6.0.
 7. The support structure for a ground sign shall not exceed twenty-five percent (25%) of the maximum permissible area of the sign measured by viewing the elevation of the sign perpendicular to the sign face.
 8. Ground signs shall not be permitted to be located within a clear vision area described as follows:
 - a. The triangular area formed at the intersection of any two street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty (20) feet from their point of intersection.
 - b. The triangular area formed at the intersection of a street right-of-way line and a driveway by a straight line drawn between said right-of-way line and the edge of the driveway pavement at a distance along each line of twenty (20) feet from their point of intersection.
- B. **Height, Setback, Spacing, Letter Size, and Area Requirements.** In addition to the general requirements of this Section 12.04, the maximum height, setback, spacing, letter size and area requirements for ground signs shall be applied within each sign overlay district according to the standards set forth in Table 12.04 B-1.

Table 12.04 B-1					
Setback, Height, Area, Letter Size, Spacing Requirement for Ground Signs Per Premise					
Sign Zone	Minimum Setback (ft)^a	Maximum Height (ft)	Maximum Area (sq. ft.) Per Side/Total	Minimum Spacing Between Signs (ft)^b	Minimum Letter height (inches)
SD-1	15'	6'	50/100	50'	6"
SD-2	5'	6'	50/100	25'	6"
SD-3	15'	6'	50/100	50'	6"
SD-4	5'	6'	50/100	25'	4.5"
SD-5	15'	6'	50/100	50'	6"
SD-6	15'	6'	50/100	50'	6"
SD-7	15'	6'	50/100	50'	6"
SD-8	5'	6'	50/100	50'	4.5"
SD-9 (a)					
SD-9 (b)	15'	6'	32/64	100'	4.5"

^a – Front yard

^b – Either on same or adjacent properties

SECTION 12.05 PERMITTED WALL SIGNS

A. General Requirements.

1. Within all Sign Overlay districts, one (1) wall sign shall be permitted per premises for single-tenant buildings. In the case of planned shopping centers or multi-tenant buildings, one (1) wall sign shall be permitted per tenant. Additional wall signs up to a maximum of three (3) per premises or tenant may be permitted upon the approval of the Planning Commission, provided that total allowable area is not exceeded. Such approval may be sought either at the time of site plan approval or at the time a sign application is submitted.
2. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
3. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, straps of wood or nails.

- B. Maximum Area Requirements.** Maximum area requirements for wall signs shall be applied within each Sign Overlay district according to the standards set forth in Table 12.05 B-1.

Table 12.05 B-1				
Maximum Area, Height, and Letter Size Requirements for Wall Signs				
Sign Zone	Area (sq. ft.) per one foot of building frontage	Total Maximum Area (sq. ft.)	Maximum Height to Length Ratio	Minimum Letter Height (inches)
SD-1	1	100	1:4	6"
SD-2	1	100	1:4	6"
SD-3	1	100	1:4	6"
SD-4	1	100	1:4	4.5"
SD-5	1	100	1:4	6"
SD-6	1	100	1:4	6"
SD-7	1	100	1:4	6"
SD-8	1	100	1:4	4.5"
SD-9 (a) ^a	N/A	N/A	N/A	N/A
SD-9 (b)	1	100	1:4	4.5"

^a See Section 12.02 F.1.

SECTION 12.06 MISCELLANEOUS SIGNS

A. Permitted Interior Window Signs.

Interior window signs shall be permitted in Sign Overlay Districts 1-8 unless there is an electronic message sign on the premises. Interior window signs shall be permitted on the ground floor level and shall not exceed ten percent (10%) of the window area on the ground floor level. Illuminated window signs shall be counted toward the total maximum allowable square feet of wall signs, as set forth in Section 12.05 of this Article.

B. Permitted Projecting Signs.

Projecting signs shall be permitted in Sign Overlay Districts 1-8 subject to the regulations in this section.

1. Projecting signs shall not exceed four (4) square feet per side in area and shall be counted towards the total maximum allowable square feet of wall signs, as set forth in Section 12.05 B. of this Article.
2. Projecting signs shall be installed at right angles to a building or wall at a height not less than eight (8) feet nor more than twelve (12) feet above the ground.
3. A projecting sign shall not extend beyond the building or wall to which it is attached more than five (5) feet.

C. Business, Office, and Industrial Park Signs.

Business park internal identification signs. For business, office and industrial parks, an internal ground sign per park shall be permitted in addition to other signs permitted under the following regulations.

1. Only one (1) internal identification sign per park shall be permitted.
2. The sign shall not exceed twenty-four (24) square feet in area or six (6) feet in height from finished grade.
3. The sign shall be located no closer than fifty (50) feet to any property line and shall be located in a manner which is observable to users once they have entered the premises.

D. **Manual Changeable Copy Signs.** Manual changeable copy signs shall be permitted in Sign Overlay Districts 1-8 and 9 (b) when incorporated into a permitted wall or ground sign subject to the following:

1. The area devoted to changeable copy must not exceed twenty-five percent (25%) of the permissible sign area; and
2. Lettering used on manual changeable copy signs shall comply with the minimum letter height in the Sign Overlay District in which the premise is located.

E. **Electronic Message Signs.** Electronic message signs shall be permitted in Sign Overlay Districts 1-8 subject to the following standards and requirements:

1. General Standards.
 - a. Electronic message signs shall only be permitted to be incorporated in a ground sign;
 - b. The area devoted to an electronic message sign (EMS) shall not exceed twenty-five percent (25%) of the permissible ground sign area in Sign Overlay Districts 1-7, and sixteen percent (16%) in Sign Overlay District 8;
 - c. The ground sign in which the EMS is incorporated shall be in complete conformity with the ground sign requirements of the Sign Overlay district in which the premise is located. All other signs shall conform to the requirements of the Sign Overlay district in which the premise is located;
 - d. There shall be no window sign permitted, maintained or installed on a premise with an EMS; and
 - e. The EMS must comply with all sign display and illumination standards in Section 12.10.
2. Message Display and Communication Requirements:

- a. The display time of an EMS shall not be less than two (2) minutes per message display;
- b. The transition or change of message shall appear instantaneous without the use of special effects such as dissolve or fade;
- c. An EMS shall not exhibit any characteristics of movement or flashing and shall not use techniques defined as dynamic frame effect, scroll, or travel;
- d. No EMS message display shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light or have the brilliance or intensity that will interfere with any official traffic sign, device or signal; and
- e. An EMS shall not include any audio message.

3. Miscellaneous Requirements.

- a. No EMS shall be permitted to operate unless it is certified as follows and equipped with all of the following mechanisms, programming and equipment in proper working order at all times:
 - (1) A default mechanism that will cause the EMS to revert immediately to a default static display to zero lumens if the EMS or any component thereof malfunctions;
 - (2) A non-glare panel covering the electronic changeable copy display or other equivalent method approved by the Township to substantially reduce glare;
 - (3) A sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions; and
 - (4) A written certification from a sign manufacturer or other approved testing agency that the light intensity has been preset to conform to the brightness, illumination, and display standards established in this article and that the preset levels are protected from end user manipulation by password protected software or other method with certification shall be provided to the Township.
- b. The owner or controller must either turn off or adjust the sign to meet the brightness and illumination standards set forth in Section 12.07. The adjustment must be made within twelve (12) hours of a notice of non-compliance from the Township.

F. ***Motor Vehicle Service Stations.***

- 1. Canopy Sign.

- a. Location and number. An automobile service station may have one (1) additional sign to be located on the canopy for each public street frontage.
 - b. Size. Said sign shall not exceed one-half (1/2) square foot of sign area for each one (1) linear foot of canopy face length adjacent to facing public street frontage.
2. Pump Signage.
 - a. Location and number. One (1) per fuel pump face.
 - b. Size. Maximum of one (1) square foot.

G. *Billboards.*

The following regulations shall apply to billboards:

1. Billboards shall be permitted only in Sign District 3 in areas zoned GI – General Industrial;
2. The height of a billboard shall not exceed twenty (20) feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) streets or roads having different levels, the height of the billboard shall be measured from the higher street or road;
3. Billboards shall be limited to a single face and shall not have a surface or face area exceeding two hundred (200) square feet, and the measurement thereof shall be in accordance with the manner in which ground signs are measured;
4. Billboards shall be set back from any highway, street, road or other public way, a minimum of fifty (50) feet;
5. Billboards shall be set back a minimum of two hundred and fifty (250) feet from any residential zoning; and
6. Billboard illumination shall meet the standard set forth for glare and exterior lighting in Section 12.10.

H. *Drive-Through Accessory Signs.*

1. Accessory signs for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations;
2. Such signs shall not exceed a total of seventy-two (72) square feet in area or six (6) feet in height from finished grade, provided no single sign shall exceed forty-eight (48) square feet in area. Signs serving dual ordering stations shall not exceed seventy-two (72) square

feet in area per station and six (6) feet in height from finish grade, provided no single sign shall exceed forty-eight (48) square feet in area;

3. Such signs shall not be visible from a public road right-of-way; and
4. Illumination standards set forth in Section 12.08 shall be met.

SECTION 12.07 PERMITTED TEMPORARY SIGNS

- A. **Permits Required.** All permitted temporary signs, that are greater than twelve (12) square feet or greater, except those signs where additional sign area is permitted during the time frame and conditions specified in this Section 12.06 C shall require a permit from the zoning administrator. Banners meeting the requirements of this section shall be considered temporary signs.
- B. **Temporary Ground Signs.** The setback height and area of temporary ground signs are set forth in Table 12.07 B-1.

<i>Table 12.07 B-1</i>				
<i>Setback, Height and Area for Temporary Ground Signs Per Premise</i>				
<i>Sign Zone</i>	<i>Minimum Setback (ft) ^a</i>	<i>Maximum Height (ft)</i>	<i>Maximum Area (sq. ft.)</i>	<i>Maximum Area of Individual Sign ^b</i>
SD-1	15'	6'	32	16
SD-2	5'	6'	32	16
SD-3	15'	6'	32	16
SD-4	5'	6'	32	16
SD-5	15'	6'	32	16
SD-6	15'	8'	32	16
SD-7	15'	6'	32	16
SD-8	5'	6'	32	16
SD-9 (a)	15'	4'	12	4
SD-9 (b)	15'	6'	32	16

- ^a. Front yard
- ^b. Either on same or adjacent properties

- C. **Temporary Wall Signs.** The maximum area of temporary wall signs is set forth in Table 12.07

Table 12.07 B-2		
Maximum Area for Temporary Wall Signs Per Premise		
Sign Zone	Total Maximum Area (sq. ft.)	Maximum Area of Individual Sign
SD-1	16	8
SD-2	16	8
SD-3	16	8
SD-4	16	8
SD-5	16	8
SD-6	16	8
SD-7	16	8
SD-8	16	8
SD-9 (a) ^a	8	4
SD-9 (b)	16	8

^a. See Section 12.02 F.1.

D. Standards for All Temporary Signs.

1. Temporary signs shall be constructed of durable, all-weather materials and designed to remain in place and in good repair so long as they remain on display.
2. The maximum display time of temporary signs is 30 days unless additional time is granted under subsection 3 or 4 below. After this time expires, the sign shall be removed. Once the temporary sign is removed, there shall be a gap of at least thirty (30) days between display of a temporary sign on the same property.
3. In recognition that there is a need for additional expression of speech prior to a scheduled election, the following applies to temporary signs within the Township for a period of up to forty-five (45) days prior to and three (3) days following a local, state, or national election on which there is at least one ballot item: the maximum allowable area of temporary signs shall be increased to sixty-four (64) square feet per premise in all districts. The maximum area of an individual sign remains as stated in the table above during this period.
4. When all or a portion of a building or land area is listed for lease, the maximum display time of freestanding temporary signs and temporary signs mounted on buildings shall be ninety (90) days. When all or a portion of a building or land area is listed for sale, the maximum display time of freestanding temporary signs for all uses and temporary signs mounted on buildings for all uses except residential uses shall be the duration the building, building unit or land is listed for sale. In all cases, the sign area limits in Table 12.07 B-2 apply.

5. Display of temporary banners and temporary signs mounted on building walls (temporary wall signs) shall be limited to a total of twenty-eight (28) days per calendar year. Such signs shall not be displayed for any continuous period greater than fourteen (14) days.

SECTION 12.08 SIGN ILLUMINATION

A. *General Standards.*

1. No sign shall be illuminated by other than electrical means.
2. The source of illumination may be internal or external. The source of the illumination shall not be exposed except for lighting that is integral for the use of electronic message signs, which are regulated in this Article.
3. All external lighting fixtures used to illuminate a sign shall be shielded to direct light towards the sign.
4. No sign, whether externally or internally illuminated, shall display a brightness of such intensity or brilliance that impairs the vision or endangers the safety and welfare of any pedestrian, cyclist or operator of a motor vehicle or negatively impacts an adjacent property.
5. All electronic message signs (EMS) shall be limited to white lettering or imaging on a black background. Operation of a full color EMS is prohibited, and any full color-capable EMS shall only be operated in white on black single-color mode.

- B. *Sign Illumination Standards.*** The illumination of all signs, including EMS, shall not exceed 0.3 foot candles above ambient light levels based upon illumination measurement criteria set forth in Table 12.08 B-1 and Section 12.08 C.

<i>Table 12.08 B-1</i>	
<i>Sign Area Versus Measurement Distance</i>	
<i>Area of Sign Sq. ft.</i>	<i>Measurement Distance (ft.)</i>
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71

*For signs with an area in square feet other than those specifically listed in this table (e.g., 12 sq. ft., 400 sq. ft., etc.), the measurement distance may be calculated with the following formula: Measurement Distance= $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$

- C. **EMS Illumination Measurement Criteria.** The illuminance of a sign shall be measured with an illuminance meter set to measure foot candles accurate to at least two decimals. Illuminance of an EMS shall be measured with the EMS off, and again with the EMS displaying a white image for a full color-capable EMS, or a solid message for a single-color EMS. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the sign as set forth in Table 12.08 B-1 Sign Area of a Sign versus Measurement Distance.

SECTION 12.09 ADMINISTRATION

- A. **Administration.** This article shall be administered by the Zoning Administrator.

1. **Site Plan Review.** A final site plan pursuant to Article 6.0 Site Plan Review shall include a comprehensive sign plan including ground, wall and directional sign locations and details. Any sign, other than temporary and directional signs, not included in the comprehensive sign plan at the time of final site plan approval shall be subject to Planning Commission approval.
2. **Planned Unit Development.** A person or developer who has been granted approval for a Planned Unit Development (PUD) under Section 9.02 shall only erect signs that are consistent with the approved PUD Agreement. If a sign is erected in violation of the PUD agreement, in such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the PUD agreement, the Township may withhold, or, following notice and an opportunity to be heard pursuant to Section 3.09 of this Ordinance, revoke permits and certificates issued by the Township, in addition to or in lieu of such other lawful action to achieve compliance.
 - a. Prior to the erection of a sign as part of an approved PUD agreement, the developer shall schedule a pre-construction site investigation allowing the Township to ensure compliance with the PUD agreement and all provisions of this Ordinance.
 - b. The Township shall have the authority to inspect the construction site of a PUD development at any stage of the development to ensure compliance with this section.

- B. **Permits Required.**

1. A person shall not erect or maintain, or permit the erection or maintenance, of any sign which does not comply with the provisions of this ordinance on any premises owned or controlled by them. Furthermore, it shall be unlawful to display, erect, relocate, or make a structural or dimensional alteration to any sign without obtaining a sign permit.

2. The Township Administration shall prepare and provide appropriate permit applications and guarantees for review, approval, and enforcement of this Ordinance, which shall be approved and signed by the applicant.
3. A permit shall be issued by the Zoning Administrator only if the proposed sign meets all the requirements of this ordinance; provided, if a proposed alteration is limited to the information to be communicated on the sign, structural modification shall not be required.
4. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his or her authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant.
5. The application for a sign permit shall be accompanied by the following plans and other information:
 - a. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
 - b. The location by street address of the proposed sign structure;
 - c. Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application;
 - d. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used;
 - e. A separate application for an electrical permit for all electrical signs if the sign contractor is to make the electrical connection; and
 - f. A statement of valuation.
6. No sign shall be constructed, operated or used inconsistent with the approved sign permit or any regulation or standard set forth in this or any other applicable Township Ordinance. The Zoning Administrator shall have the authority to investigate and determine a violation of this ordinance or the sign permit. All sign permittees or applicants shall cooperate with the investigation of a sign application or violation; including, providing access onto the property, producing documents or drawings, and allowing Township Officials to inspect, measure or test the permitted sign for purposes of determining compliance. The Zoning Administer, with or without a warning, may issue the Property Owner, Tenant and/ or Sign Permittee a civil infraction, an order to immediately cease and desist from the construction, operation or use of the sign, or take other action deemed necessary to bring the sign into compliance with the approved permit and Township Ordinances, or any

combination thereof. Upon a finding of a violation of this ordinance and/or the permit, at the sole expense of the violating Property Owner, Tenant or Permittee, the sign shall be immediately brought into compliance or removed, along with any other Court ordered relief; including, any and all awarded fines, costs, fees or damages.

7. Any sign owner or permittee who on separate occasions has two (2) or more violations of this Ordinance for the same property within a twelve (12) month period, regardless of whether the violation(s) or notice of violation(s) has been corrected, shall appear before the Township Planning Commission within forty-five (45) days to explain the violation(s), corrective action taken and to request approval of the sign permit. By majority vote of the present Planning Commission, the Planning Commission may re-approve, deny, or impose reasonable conditions on the sign permit so as to meet the intent and requirements of this Ordinance. Nothing herein is intended to provide the Planning Commission the authority to grant a permanent waiver or variance from this Ordinance, rather, the Planning Commission may impose reasonable conditions and extension of time to allow the permittee to come into Ordinance compliance.

SECTION 12.10 NON-CONFORMING AND ABANDONED SIGNS

A. *Non-Conforming Signs.*

1. Unless otherwise provided in this Article or other applicable law, nonconforming signs may be used, maintained, or repaired in the same form and type as they existed at the time they became nonconforming.
2. No nonconforming sign:
 - a. Shall be changed to another nonconforming sign;
 - b. Shall have any change made in the message displayed on the sign unless the sign is specifically designed for periodic change of message;
 - c. Shall have any change made in the structure, shape, size, type, design, or mechanical or electrical equipment of the sign unless the change brings the sign into compliance with this chapter; however the Building Official may order repair of a nonconforming sign for safety;
 - d. Shall be reestablished or maintained after the activity, business or usage to which it relates has been discontinued for 120 days or longer;
 - e. Shall be repaired or erected after being damaged if the repair or erection of the sign would cost more than 50% of the cost of an identical new sign;
 - f. Shall have any change that would result in different type of or greater illumination of the sign or change a non-luminescent sign to a luminescent sign;

- g. Shall have any change made to add mechanical or electronic features, except ambient light monitors to regulate brightness in accordance with this Code.
3. 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 a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this chapter.

B. *Abandoned Signs.*

1. Any sign located on property in the Township that has been vacant for more than one hundred and twenty (120) days, and any sign that pertains to a use or activity that no longer exists on property in the Township, shall be presumed to have been abandoned.
2. At such time as the director shall become aware of the sign that is presumed to have been abandoned under subsection A. of this section, a notice of sign abandonment, declaring that the sign is deemed abandoned and directing the removal of the sign, shall be sent to the owner of the property.
3. If the owner of the property to whom such a notice has been sent claims that the sign has not been abandoned, such owner shall, within sixty (60) days from the date of the notice, file a written response to the director stating facts which rebut the presumption of abandonment and demonstrate the intent not to abandon the sign.
4. At the end of such sixty (60) day period, if a written response stating facts to rebut the presumption of abandonment has not been submitted to the director, the sign shall be deemed abandoned, and a notice to such effect shall be sent to the owner.
5. If a written response stating facts to rebut the presumption of abandonment has been submitted to the director, and if the response demonstrates in the discretion of the director that the sign has not been abandoned, the sign shall be permitted to remain until further evidence of abandonment appears, or some other basis for removal arises. If the director determines that the response fails to demonstrate that the sign has not been abandoned, the notice of sign abandonment and the response from the owner shall be placed upon the agenda of a meeting of the Zoning Board of Appeals, and notice of the time, place and date of the meeting shall be sent to the owner. After a review of the notice and response, and after affording an opportunity to be heard by the owner and the director, together with any and all other information and argument deemed appropriate by the Zoning Board of Appeals, the Zoning Board of Appeals shall make a final determination with respect to whether the sign has been abandoned.
6. Any sign deemed abandoned under subsection B.4 or found by the Zoning Board of Appeals to be abandoned under subsection B.5, shall be removed within ten (10) days of such determination, and a failure to do so shall constitute a violation of this section.

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ARTICLE 13

NONCONFORMING LOTS, USES, AND STRUCTURES

SECTION 13.01 GENERAL PURPOSE AND INTENT

- A. Within the districts established by this Ordinance there exist: lots; structures; uses of land and structures; and characteristics of use which were lawful prior to adoption of the Ordinance from which this section is derived or any amendment thereto. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival.
- B. It is further the intent of this Article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. **Nonconforming uses** are declared by this Article to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of the Ordinance from which this section 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, the nature of which would be prohibited in the district involved.

SECTION 13.02 NONCONFORMING STRUCTURES

- A. Where a lawful structure exists at the effective date of adoption of the Ordinance from which this section is derived or any amendment thereto that could not be built under the terms of this Ordinance by reason of restrictions on area, **lot coverage**, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the conditions set forth in this section.
- B. No such **nonconforming structure** may be enlarged or altered in a way that increases its nonconformity;
- C. Should such **nonconforming structure** or nonconforming portion of a structure be destroyed by any means to an extent of more than one hundred percent (100%) of the state equalized valuation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article; and
- D. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 13.03 NONCONFORMING USES OF LAND

- A. Where at the time of passage of the Ordinance from which this section is derived or amendments thereto, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance or such amendment, and where such use involves no individual structure with a state equalized valuation exceeding five hundred dollars (\$500.00), the use may be continued so long as it remains otherwise lawful, subject to the conditions set forth in this section.
- B. No such **nonconforming use** shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Ordinance from which this section is derived;
- C. No such **nonconforming use** shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the Ordinance from which this section is derived;
- D. If any such **nonconforming use** of land ceases for any reason for a period of more than one year, thereafter such land shall conform to the regulations specified by this Article for the district in which such land is located; and
- E. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such **nonconforming use** of land.

SECTION 13.04 NONCONFORMING USES OF STRUCTURES

- A. If lawful use involving individual structures with a state equalized valuation of five hundred dollars (\$500.00) or more or of structure and premises in combination exists at the effective date of adoption of the Ordinance from which this section is derived or amendment thereto that would not be allowed in the district under the terms of this Ordinance or such amendment, the lawful use may be continued so long as it remains otherwise lawful, subject to the conditions set forth in this section.
- B. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- C. Any **nonconforming use** may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance from which this section is derived, but no such use shall be extended to occupy any land outside such building;

- D. If no structural alterations are made, any **nonconforming use** of a structure, or structure and premises, may be changed to another nonconforming use; provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a permitted use in a district of greater restriction, it shall not thereafter be changed to a nonconforming use;
- E. Any nonconforming detached single-family residential structure may be expanded or increased in floor area up to fifty percent (50%) of the size of the structure at the time of adoption of the Ordinance from which this section is derived, or amendment thereto;
- F. When a **nonconforming use** of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
- G. 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. Destruction for the purpose of this section is defined as damage to an extent of more than one hundred (100%) percent of the state equalized valuation at the time of destruction.

SECTION 13.05 NONCONFORMING LOTS OF RECORD

- A. This section applies to those districts in which single-family residential is the principal permitted use and is intended to provide relief for the owners of nonconforming lots of record where said lot or lots in combination do not meet the minimum standards of this Ordinance. It is not intended that this section be used to permit construction of a dwelling on all nonconforming lots of record; it is recognized that some such lots are simply too small to permit the construction of an adequate dwelling, the storage of family automobiles, (in recognition of the fact that on street parking is not desirable) the maintenance of sufficient open space to permit fire protection and reasonable light and air, as well as room and views to permit and encourage property maintenance.
- B. All nonconforming lots of record shall have required side yard setbacks of at least one (1) side of five (5) feet, and a total on two (2) sides of fifteen (15) feet.
- C. No permit shall issue hereunder, except as provided in subsection **D.** of this section, except with approval of the Board of Appeals after public hearing in accordance with **Article 14**. The application to the Board of Appeals shall simply state, "Nonconforming Lot of Record," and the Board of Appeals shall permit the use of such **nonconforming lot** or lots if it finds that the following standards have been met:

1. Permits shall not issue hereunder unless the construction that will result from the issuance of said permits will be in keeping with the general character of the neighborhood in which the construction will take place;
 2. The proposed use will not have an adverse effect on adjoining and nearby property owners;
 3. Subject to the above, where the owner of a nonconforming lot of record cannot reasonably acquire sufficient land to enable him or her to conform to the requirements of this Ordinance relating to [lot area](#), [lot width](#), or both, such nonconforming lot of record may be used by such owner as a building site; provided that such owner meet such conditions as required by the Board of Appeals; and
 4. The nonconforming lot of record shall meet all other requirements of this Ordinance, which requirements for the purpose of this section shall be deemed to include reasonable provisions for automobile parking.
- D. For the purpose of maintaining building sites in compliance or near compliance with this Ordinance in those instances where the same owner has adjoining nonconforming lots of record, the following regulations shall apply:
1. Where two (2) abutting lots of record or portions thereof are held under one (1) ownership and where one or both of these lots or portions thereof are nonconforming, they together shall be considered as a single [lot of record](#) and are subject to the provisions of subsection D. of this section, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with [lot width](#) and area requirements established by this article; and
 2. Where three (3) or more abutting lots of record are held under one (1) ownership, and where one (1) or more of these lots are nonconforming, the lots shall be held and maintained in such a manner as to comply with the area and width provisions of this Article, and the provisions of this Ordinance relating to [lot area](#) and [lot width](#) shall not be avoided by the sale or conveyance of or any portion of such lots of record.
- E. Notwithstanding the provisions as contained in subsection B. of this section, the building department may issue a building permit in those instances where an isolated [nonconforming lot](#) or combination of lots of record meets eighty percent (80%) of the minimum frontage or area requirements of this article upon a determination that said eighty percent (80%) is in conformance with the general standards of the neighborhood. This subsection is intended to provide relief for those owners of isolated parcels that have more than eighty percent (80%) but less than one hundred percent (100%) of the frontage or area required in [Article 4, District Regulations](#), and it is not intended to provide for the division or creation of parcels. In no event may this subsection be applied so as to accomplish a division or creation of any lot or combination of lots of record to reduce said frontage or area requirements to anything less than those standards set forth in Article 4, District Regulations.

SECTION 13.06 REPAIRS AND MAINTENANCE

- A. On any **nonconforming structure** or portion of a structure containing a **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 state equalized valuation of the nonconforming structure or nonconforming portion of the structure as the case may be; provided that the cubic content existing when it became nonconforming shall not be increased.
- B. If a **nonconforming structure** or portion of a structure containing a **nonconforming use** becomes physically unsafe or unlawful due to lack of repairs and maintenance, and it is declared by the building inspector to be unsafe or unlawful by reason of physical condition, it may be enlarged or structurally altered to make it comply with the health and safety laws or ordinances; provided, further, that the cost of such work does not exceed fifty percent (50%) of the state equalized valuation of such building or structure at the time such work is done.

SECTION 13.07 NONCONFORMING VALIDATION CERTIFICATE

- A. At any time after the adoption of the Ordinance from which this section is derived should the Township building inspector become aware of a **nonconforming use**, the owner of said nonconforming use shall be notified by the building inspector of the provisions of this section that his property constitutes a nonconforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a validation certificate for the nonconforming use. The application of such certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the validation certificate.
- B. If the building inspector shall find, upon reviewing the application for a validation certificate, that the existing use is illegal or in violation of any other ordinance or law or if he or she finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the state construction code or this Ordinance in effect at the time of construction or alteration, he or she shall not issue the validation certificate but shall declare such use in violation of this article.
- C. After the adoption of the Ordinance from which this section is derived, or any amendments thereto, the building inspector shall prepare a record of all known **nonconforming uses** and occupations of land, buildings and structures, including tents and trailer coaches, existing at the time of such adoption or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Clerk. However, any failure to prepare such record, or any failure on the part of any official to list any land, building, structure or use on any such record, shall in no way mitigate against the application of the rules and regulations controlling and eliminating said nonconforming buildings, structures, lands or uses as contained in

this article, said record being intended for use by the Township officials only, and not being intended as notice to any owner or person that has any such building, structure, property, or use within the Township.

ARTICLE 14

ZONING BOARD OF APPEALS

SECTION 14.01 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in this Article and by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done.

SECTION 14.02 MEMBERSHIP

- A. The Zoning Board of Appeals shall consist of five (5) members appointed by the Township Board as follows:
1. The first member shall be a member of the Planning Commission;
 2. The second member may be a member of the Township Board; and
 3. The remaining members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township.
 4. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals.
- B. The total amount allowed the Board of Appeals in any one (1) year as per diem or expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board;
- C. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing;
- D. A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he or she has a conflict of interest shall constitute misconduct in office; and
- E. The term of each member, other than the Planning Commission member and any Township Board member, shall be for three (3) years, except that of the members first appointed, shall

be staggered such that not more than two (2) such members terms expire in the same year. The terms of the Planning Commission member and any Township Board member shall run concurrent with their respective current term on the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

SECTION 14.03 RULES GOVERNING THE BOARD OF APPEALS

- A. **Rules.** The Zoning Board of Appeals shall adopt rules of procedures to govern its procedures. The Zoning Board of Appeals shall elect a Chairperson, and Vice-Chairperson from its membership in accordance with adopted rules of procedure.
- B. **Votes.** A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision related to administrative review, interpretation and variances other than use variances. Use variances shall require an affirmative vote of two-thirds (2/3) of the members for approval. A current member of the Zoning Board of Appeals who is also a current member of the Planning Commission shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission.
- C. **Representation.** Any applicant may appear on their own behalf at a hearing or may be represented by an agent or attorney.
- D. **Time Limit.** The Zoning Board of Appeals shall hear and decide upon all matters properly before it within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.
- E. **Meetings and Record of Proceedings.** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as the Board in its rules and regulations might specify. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present. The Board shall maintain a record of its proceedings, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting, which shall be filed in the office of the Township Clerk.
- F. **Public Hearing and Notification.** The Zoning Board of Appeals shall hold a public hearing on all appeals, interpretations, and variance requests. Public hearing and notification requirements are set forth in [Section 3.09](#).

SECTION 14.04 POWERS AND DUTIES OF ZONING BOARD OF APPEALS

- A. **General.** The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.
- B. **Delegated Duties.** The Zoning Board of Appeals shall hear and decide upon the following:
1. Appeals of administrative decisions.
 2. Requests for interpretation of the Zoning Ordinance or Zoning Map.
 3. Requests for dimensional and other non-use variances.
 4. Requests for use variances.
 5. All matters upon which it is required to pass under this Ordinance.
- C. **Appeals of Administrative Decisions.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Ordinance.
1. Appeals shall be filed in writing within thirty (30) days of the written decision in question with the Zoning Administrator. The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.
 2. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of the Township or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.
 3. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
 4. An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals shall have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:

- a. The administrative decision was arbitrary or capricious.
- b. The administrative decision was based on an erroneous finding of material fact.
- c. The administrative decision constituted an abuse of discretion; or
- d. The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.

D. *Interpretation.*

1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation set forth in [Section 4.03](#), Interpretation of District Boundaries. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.
2. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.

E. *Dimensional and Other Non-Use Variances.*

1. Where a literal enforcement of the provisions of this Ordinance would involve practical difficulties within the meaning of this Article, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Article and so that public safety and welfare be secured and substantial justice done.
2. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:
 - a. Exceptional characteristics of property for which the variance is sought make compliance with dimensional requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation, and other similar characteristics.
 - b. The characteristics which make compliance with dimensional requirements difficult must be related to the premises for which the variance is sought, not some other location.

- c. The characteristics which make compliance with the dimensional requirements shall not be of a personal nature.
 - d. The characteristics which make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
 - e. The proposed variance will not be harmful or alter the essential character of the area in which the property is located, 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 value within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township.
3. The Zoning Board of Appeals shall not find that any of the above criteria have been met without substantial evidence provided by the **applicant** to that effect.
 4. The proposed variance will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.

F. ***Use Variances.***

1. ***Use Variance Standards for Review.*** A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:
 - a. The **applicant** has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from professionals or certified experts to substantiate this finding.
 - b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone district. The **applicant** must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. Such unique conditions or situations include:
 - (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of the Ordinance.
 - (2) Exceptional topographic conditions or other extraordinary situation on the land, building or structure.

- (3) The use or development of the property immediately adjoining the property in question.
- (4) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
- c. The use variance will not alter the essential character of the neighborhood or the intent of the Master Plan, or be a detriment to adjacent properties.
- d. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
- e. The immediate practical difficulty causing the need for variance request was not self-created by the [applicant](#).

G. ***Dimensional Variance in Special Use Approval and Planned Unit Developments.*** The Zoning Board of Appeals may grant dimensional or other [site plan](#) related variances (e.g. lot dimensions, [setbacks](#), building height, [lot coverage](#), parking, etc.) for special approval uses. The Zoning Board of Appeals shall not have the power to reverse or modify the Planning Commission’s decision to approve or deny a special use permit, nor grant variances to any conditions placed on special use approval.

The Zoning Board of Appeals shall not have the authority to grant variances to any regulations or any requirement placed upon a project approved as a Planned Unit Development or conditional rezoning. However, the Zoning Board of Appeals shall have the authority to decide appeal requests by individual lot or unit owners for variances from other sections of the Zoning Ordinance following final approval of a Planned Unit Development, provided such variances do not affect the terms or conditions of the original approval.

SECTION 14.05 RULES AND PROCEDURES FOR VARIANCES

A. *General.*

1. An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner’s behalf, with the Zoning Administrator. The [applicant](#) shall provide such information as is required by the Zoning Board of Appeals by way of completed application form, fee, and additional information.
2. After a public hearing and upon findings of fact based upon the applicable standards set forth in this Article, the Zoning Board of Appeals may approve the variance(s) as requested, approve variance(s) that better complies with the Ordinance than that requested, or deny the request.

3. The Zoning Board of Appeals may impose conditions with an affirmative decision. The conditions may include those necessary to promote the public health, safety and welfare, ensure compatibility with surrounding land uses, and protect and preserve natural features. Any conditions imposed by the Zoning Board of Appeals must be related to a valid exercise of the police power, and purposes which are affected by the proposed use or activity.
4. Any variance approved by the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period set forth in Section 14.08.
5. A variance which is legally utilized and maintained runs with the property and any subsequent owners may legally continue the variance under its original or amended terms.
6. 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 denial, except on grounds of new evidence not previously discovered at the time the variance was denied or changed conditions found by the Zoning Board of Appeals to be valid.

B. Use Variances.

1. **Application.** In addition to the information required for other variance requests, an application for a use variance shall include a sketch plan with the required information as set forth in [Section 6.05.B.](#) detailing the specific use and improvements proposed by the [applicant](#), and a summary of the facts which support each of the following conclusions:
 - a. [Applicant's](#) property cannot be used for the purposes permitted in the zoning district.
 - b. [Applicant's](#) plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
 - c. [Applicant's](#) suggested use would not alter the essential character of the area.
 - d. [Applicant's](#) problem has not been self-created.
 - e. Unavailability of administrative relief which may afford reasonable use of [applicant's](#) property.

The [applicant](#) shall identify all persons who will testify at the hearing with respect to each of the facts and respective conclusions. If any person is to be offered as an expert witness, the application shall include a resume which shows the education and experience of such person within the particular area of expertise.

2. *Pre-Hearing Conference for Use Variances.*

- a. Prior to the scheduling of a hearing, the **applicant** shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
- b. The purposes of the pre-hearing conference shall be to:
 - (1) Review the procedure for the hearing and identify all persons who will testify either directly or through affidavit and the evidence to be offered on behalf of the **applicant**;
 - (2) Attempt to secure a statement of agreed-upon facts to be used to narrow the matters of dispute and shorten the hearing;
 - (3) Explore a means of providing relief to the **applicant** by way of non-use variance from the Zoning Board of Appeals, or other relief which may require action by persons or bodies other than the Zoning Board of Appeals which will afford an adequate remedy for the applicant;
 - (4) Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.
- c. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the **applicant** or the applicant's representative.
- d. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the **applicant**. Sufficient time shall be taken, however, to achieve the purposes of the pre-hearing conference stated above. The Zoning Administrator may waive the requirement for a pre-hearing conference if such a waiver is requested by the applicant.

3. *Hearing Procedure for Use Variances.*

- a. In order to be entitled to relief, the burden shall be upon the **applicant** to demonstrate each of the five (5) factors in subsection **B.1.** of this section.
- b. ***Manner of Presentation.***
 - (1) The Zoning Administrator shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the zoning district, and any planning, engineering, financial, environmental, or other considerations which are generally relevant within the zoning district and/or in the general area of the property at issue.

- (2) The **applicant** may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits; however, the chairperson of the Zoning Board of Appeals may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Zoning Board of Appeals may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Zoning Board of Appeals to ask questions of such witnesses.
- (3) At the conclusion of the **applicant's** presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
- (4) When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the **applicant**. The purpose of such presentation shall be to ensure that all relevant information is before the Zoning Board of Appeals for consideration as it relates to the specific application presented.
- (5) If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the **applicant** shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal case.
- (6) At the hearing, the Zoning Board of Appeals may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the Board. When questions of procedure arise during the hearing, the chairperson of the Zoning Board of Appeals may solicit the recommendation of the representatives of the **applicant** and the community and/or the City Administration.
- (7) If a hearing is not completed at a given meeting within the time period allowed by the Zoning Board of Appeals, the Board shall adjourn the hearing to a date certain for continuation.

4. ***Decision of the Zoning Board of Appeals.***

- a. The Zoning Board of Appeals may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
- b. At the conclusion of the hearing, the Zoning Board of Appeals may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision. The Zoning Board of Appeals may also request the Zoning Administrator to prepare findings and conclusions.
- c. If the Zoning Board of Appeals determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one (1) or more non-use variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.

C. ***Public Hearings and Notification.*** The Zoning Board of Appeals shall hold a public hearing on all appeals, interpretations, and requests for variances. Public hearing and notification requirements are set forth in [Section 3.09, Public Notice Requirements](#).

SECTION 14.06 SITE PLAN REQUIREMENTS

If an application to the Board of Zoning Appeals requires [site plan](#) approval by the Planning Commission pursuant to the provisions of [Article 6](#), the [applicant](#) shall first apply for site plan approval as set forth in Article 6. The Planning Commission shall review the site plan, including site layout and other design features, but shall not grant Preliminary Site Plan Approval nor make a recommendation on the variance. The Planning Commission shall then transmit the site plan and the minutes related to said site plan to the Board of Zoning Appeals. The Board of Zoning Appeals shall transmit its decision related to the application to the Planning Commission. The Planning Commission shall then take action on the site plan.

SECTION 14.07 BOARD OF APPEALS APPROVAL

The Board of Appeals may require the [applicant](#) to submit all necessary surveys, plans, or other information necessary for the Board of Appeals to investigate thoroughly the matter before it. The Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

SECTION 14.08 APPROVAL PERIODS

- A. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

- B. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

- C. In all cases where site plan approval is required in accordance with [Article 7](#), any variance shall be valid for a period of one (1) year from the date of final site plan approval subject to the requirements set forth in Section 14.08, subsection A and B.

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ARTICLE 15

TEXT AMENDMENTS AND REZONINGS

SECTION 15.01 INITIATING AMENDMENTS

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries of the official zoning map or the provisions and regulations of this Ordinance. Amendments to the official zoning map which constitute a change in zoning classification may also be referred to as rezonings. Amendments may be initiated by the Township Board, the Township Planning Commission, by petition of one (1) or more property owners of Independence Township, or by one (1) or more persons acting on behalf of a property owner(s) of Independence Township. All proposed amendments shall be referred to the Township Planning Commission for review, public hearing, and recommendation before action may be taken thereon by the Township Board.

SECTION 15.02 AMENDMENT PROCEDURE

The procedure for amending this Ordinance, including the official zoning map, shall be in accordance with the Michigan Zoning Enabling Act (MCL 12.5 3101 et. seq.)

Application for amendment shall be made by submitting the application, along with required information and the required fee, to the Zoning Administrator. After receipt of filing, the Zoning Administrator shall transmit copies of the application and required information to the Planning Commission. The Planning Commission shall establish a date for a public hearing on the application and the Township shall give proper notice of the hearing, including notice to property owners and occupants in the vicinity, as provided in the Michigan Zoning Enabling Act.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall apply to amendments initiated by the Township Board, the Township Planning Commission and by any other governmental agency or body.

SECTION 15.03 PLANNED REZONING OVERLAY (PRO)

A. **Intent.** The Planning Commission and Township Board have recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Therefore, it is the intent of this section to provide an election to petitioners seeking a rezoning of land that would establish a site-specific use authorization under MCL 125.3503, so as to accomplish, among

other things, the objectives of this Ordinance through a land development project review process based upon the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

B. *Authorization and Eligibility.*

1. A **petitioner** shall have the option of making an election under this subsection 2, in connection with a submission of a petition seeking a rezoning. Such election may be made at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning. The election shall be made by filing an application conforming with this section for approval of a planned rezoning overlay that would establish a site-specific use authorization if the petition for rezoning is granted. Such election shall be to seek a rezoning with planned rezoning overlay pursuant to MCL 125.3503, which would represent a legislative amendment of this Ordinance.
2. In order to be eligible for the proposal and review of a rezoning with planned rezoning overlay, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a PRO **site plan** and in a PRO agreement) which are, in material respects, more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, including such regulations as set forth in the definition of “planned rezoning overlay conditions” in subsection C. of this section.

C. *Approval of Rezoning with Planned Rezoning Overlay.*

1. Pursuant to MCL 125.3503, the Township Board, following public hearing at and recommendation by the Planning Commission, may approve a petition for a rezoning with a planned rezoning overlay.
 - a. As an integral part of the planned rezoning overlay, the following shall be reviewed and may be approved:
 - (1) A PRO **site plan**, with such detail and inclusions proposed by the **applicant** and approved by the Township in accordance with this section. The PRO site plan shall not replace the requirement under this section for conceptual and final site plan review and approval, or subdivision or site condominium approval, as the case may be;
 - (2) Planned rezoning overlay conditions, as defined for purposes of this section. Planned rezoning overlay conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO agreement); and
 - (3) A PRO agreement, approved by the Township Attorney and attorney for the **applicant**, shall incorporate the PRO **site plan**, and set for the planned rezoning

overlay conditions and conditions imposed pursuant to MCL 125.3504, together with any other terms mutually agreed upon by the parties (including the minimum provisions specified in the definition of PRO agreement, above).

- b. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to “PRO, planned rezoning overlay.” The zoning map shall specify the new zoning district plus a reference to “PRO,” e.g. the district classification for the property might be “R-2, multiple-family residential with PRO, planned rezoning overlay,” with a zoning map designation of “R-2/PRO.” Development and use of the property so classified and approved shall be restricted to the permission granted in the PRO agreement, and no other development or use shall be permitted.
 - c. The use of the property in question shall be subject to all regulations in this Ordinance applicable to the zoning district to which the property has been rezoned; provided, however, development and use of the property shall be subject to all of the following:
 - (1) The more restrictive requirements shown and/or contained in the PRO [site plan](#);
 - (2) All planned rezoning overlay conditions imposed;
 - (3) All other conditions and provisions set forth in the PRO agreement; and
 - (4) Such PRO [site plan](#) and conditions shall overlay and supersede all inconsistent regulations otherwise applicable under this Ordinance.
2. The [applicant](#) shall have the burden of demonstrating, and the Township Board shall judge and review an application based upon the following requirements and standards:
- a. Approval of the application shall accomplish, among other things, as determined in the discretion of the Township Board, the integration of the proposed land development project with the characteristics of the project area and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a planned rezoning overlay;
 - b. Sufficient conditions shall be included on and in the PRO [site plan](#) and PRO agreement on the basis of which the Township Board concludes, in its discretion, that, as compared to the existing zoning and considering the site-specific land use proposed by the [applicant](#), it would be in the public interest to grant the rezoning with planned rezoning overlay; provided, in determining whether approval of a proposed application would be in the public interest, the benefits that would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably

accepted planning, engineering, environmental, and other principals, as presented to the Township Board, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the Township by the Township Board and Planning Commission; and

- c. In the discretion of the Township Board, it shall be determined that there is compliance with the general requirements for [special land use](#) approval, as enumerated in [Article 6](#).
3. The rezoning with planned rezoning overlay shall expire following a period of two (2) years from the effective date of the rezoning unless approved bona fide development of the property pursuant to permits issued by the Township commences within such two (2) year period and proceeds in due course to completion.
 - a. In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning and planned rezoning overlay shall be void and of no effect.
 - b. If the development and/or actions are undertaken on or with respect to the property in violation of the PRO agreement, such development and/or actions shall constitute a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the PRO agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.
 4. If the rezoning with planned rezoning overlay becomes void in the manner provided in subsection [C.3.a.](#) of this section, either or both of the following actions may be taken:
 - c. The property owner may seek a new rezoning of the property; and/or
 - d. The Township may initiate a new rezoning of the property to a reasonable district classification in accordance with the procedure provided by law for rezonings in townships.

Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

D. *Procedure for Application, Review, and Approval.*

1. At the time of making application for amendment of this Ordinance seeking a rezoning of property, or at a later time during the process of Township consideration of such rezoning, a property owner may submit an application for approval of a planned rezoning overlay to apply in conjunction with the rezoning. The application may include some or all of the following information:

- a. The location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, and other features shown on the PRO site plan;
 - b. Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum useable floor area, hours of operation, and the like;
 - c. Preservation of natural resources and/or features;
 - d. Facilities to address water supply, wastewater disposal, and stormwater management;
 - e. Facilities to address traffic issues;
 - f. Preservation of open space;
 - g. A written understanding for permanent maintenance of natural resources, features, and/or facilities to address water supply, wastewater disposal, stormwater management, traffic, open space and/or other features and improvements, and provision for authorization and finance of maintenance by or on behalf of the Township in the event the property owner fails to timely perform;
 - h. Other provisions proposed by the applicant and approved by the Township;
 - i. Signage, lighting, landscaping, building materials for the exterior of some or all structures; and
 - j. Permissible uses of the property.
2. The application, which may be amended during the process of consideration, shall include a PRO site plan proposed by the applicant and shall specify the planned rezoning overlay conditions proposed by the applicant, recognizing that planned rezoning overlay conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.
 3. The proposed rezoning with planned rezoning overlay, together, shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment of this Ordinance, pursuant to MCL 125.3503.
 4. Following the public hearing and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the Township Board on the proposed rezoning with planned rezoning overlay.

5. Upon receipt of the recommendation of the Planning Commission, the Township Board shall commence deliberations on the proposed rezoning with planned rezoning overlay. If the Township Board determines that it may approve the rezoning with planned rezoning overlay, the Township Board shall specify tentative conditions under MCL 125.3504, and direct the Township Attorney to work with the [applicant](#) in the development of a proposed PRO agreement. The PRO agreement may include the following mutually agreeable terms:
 - a. Agreement and acknowledgement that the rezoning with planned rezoning overlay was proposed by the [applicant](#) to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the PRO agreement;
 - b. Agreement and acknowledgement that the conditions and PRO agreement are authorized by all applicable state and federal law and constitutions;
 - c. Agreement and acknowledgement that the PRO agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township;
 - d. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the PRO [site plan](#) and PRO agreement;
 - e. Agreement and understanding that the approval and PRO agreement shall be binding upon and inure to the benefit of the property owner and Township, and their respective heirs, successors, assigns, and transferees;
 - f. Agreement and understanding that, if a rezoning with planned rezoning overlay becomes void in the manner provided in subsection [C.3.a.](#) or [b.](#) of this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established; and
 - g. Agreement and understanding that each of the requirements and conditions in the PRO agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with planned rezoning overlay, taking into consideration the changed zoning district classification and the specific use authorization granted.
 6. Upon completion of the PRO agreement, the Township Board shall make a final determination to approve, approve with conditions, or deny the rezoning with planned rezoning overlay.
- E. ***Amendment of PRO Agreement.*** Amendment of a PRO agreement shall be proposed, reviewed, and approved in the same manner as a new rezoning with planned rezoning overlay.

- F. **Recordation of PRO Agreement.** A rezoning with planned rezoning overlay shall become effective following publication in the manner provided by applicable laws and ordinance and after recordation of the PRO agreement, whichever is later.

SECTION 15.04 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published.

SECTION 15.05 PUBLICATION

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published as required by applicable state law.

SECTION 15.06 REFERENDUM

Within seven (7) days after publication of a Zoning Ordinance under this Article, a registered elector residing in the portion of the Township outside the limits of the cities and villages, may file with the Township Clerk a notice of intent to file a petition under this Section. If a notice of intent is filed, then within thirty (30) days following the publication of the Zoning Ordinance, a petition signed by a number of registered electors residing in the portion of the Township outside the limits of cities and villages equal to not less than fifteen percent (15%) of the total vote cast for all candidates for governor, at the last preceding general election, at which a governor was elected in the Township may be filed with the Township Clerk requesting the submission of an ordinance or part of an ordinance to the electors residing in the portion of the Township outside the limits of cities or villages for their approval.

Upon the filing of a notice of intent, the Ordinance or part of the Ordinance adopted by the Township Board shall not take effect until one (1) of the following occurs:

- A. The expiration of thirty (30) days after publication of the Ordinance, if a petition is not filed within that time.
- B. If a petition is filed within thirty (30) days after publication of the Ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the Ordinance, the Township Clerk determines that the petition is adequate and the Ordinance or part of the Ordinance is approved by a majority of the registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an Ordinance or part of an Ordinance to the electors for their approval or rejection, and determining the result of the election.

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