



# Charter Township of Bloomfield Zoning Ordinance

Amended through April 27, 2025

*clearzoning*

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# How to Use This Ordinance

## 1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

**Article Tabs** link to the first page of each Article. Red tab indicates the Article in which the current page is located.

**User Notes** provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

**Sections and Subsections** contain the Ordinance regulations in a hierarchical manner.

**Blue bold font** links to standards in other sections of the Ordinance.

**Graphics, figures, and tables** illustrate concepts or clarify regulations.

Link to How to Use This Ordinance.

Link to Zoning Map.

Notes provide relevant district information recommended for review.

Link to Table of Contents.

Selected References list other sections or Ordinances that may pertain to a development in the district.

Pages are numbered sequentially within each Article.



# How to Use This Ordinance

## 2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.
-  notes a reference to Michigan Compiled Laws (MCL). Links to the Michigan Legislature website and specific State Laws are found as footnotes at the bottom of the page.
-  indicates additional information is available. Links to additional information and resources are found as footnotes at the bottom of the page.



# How to Use This Ordinance

## 3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, Township Board or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
  - AND indicates that all connected items, conditions, provisions or events shall apply.
  - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
  - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 42-2.1, Construction of Language](#).



## Digital User Note:

### What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.



If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

### What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



**Article tabs** located on the side of each page are linked to the Contents page of each Article.



**Icons** located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



**Use Matrix district headings** are linked to the corresponding district regulations page in Article 3.

### How do I calculate height?

**‘How do I calculate height’ button** located on each district regulations page is linked to the definition of building height in Article 2.

Zoning Designations	
R-1	ONE FAMILY RESIDENTIAL DISTRICT
R-2	ONE FAMILY RESIDENTIAL DISTRICT
R-3	ONE FAMILY RESIDENTIAL DISTRICT
R.M	MULTIPLE FAMILY RESIDENTIAL DISTRICT

**Zoning Map Legend headings** are linked to the corresponding district regulations page in Article 3.



# How to Use This Ordinance

## 4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 42-3.1](#) as certain conditions and standards may apply. Refer to Section 42-4.41 for uses not otherwise included within a specific use district. If there are any conflicts between this table and the uses listed in Section 42-3.1, the latter will control.

- P = Principal Permitted Use
- S = Special Land Use
- \* = Special Approval Process



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

R-1	R-2	R-3	RM	B-1	B-2	B-3	B-4	MX	O-1	OR-1	RP	ML
-----	-----	-----	----	-----	-----	-----	-----	----	-----	------	----	----

	R-1	R-2	R-3	RM	B-1	B-2	B-3	B-4	MX	O-1	OR-1	RP	ML
Amusement device arcade							S						P
Assembly/concert hall (fully enclosed)							S						P
Auto laundry (completely enclosed)							P						P
Automobile service station							S						P
Bank/credit union								P			P		
Banquet hall								S					
Bus passenger station							P						P
Child care centers/preschools				S				S					
Cinema with Class C and/or tavern license						S	S						
Clinic							P	P		P	P	P	P
Club/lodge hall											S		
College/university (public and private)	S	S	S										
Compounding use													P
Country club	S	S	S										
Dance/exercise use									S			S	
Drive-in/open front store							S						P
Education/research/training use											P	P	
Farm	P	P	P	P				P					
Funeral home							P						P
Golf course	S	S	S										
Governmental office/use							P	P		P	P		P
Health/fitness club								S					
Home occupation	P	P	P	P									
Hospital (general)				S				S				P	
Hotel								S					
Industrial operations (fully enclosed)												S	
Library (public)	P	P	P	P				P		P	P		
Manufacturing use													P
Motel							S						P
Multiple-family dwellings				P				P					
Municipal building/use	P	P	P	P				P		P	P		
New car sales agency												S	
Office (medical)								P	S	P	P	S	
Office (professional)					P			P		P	P	P	
Office/showroom/workshop of an electrician, decorator, tailor, baker, upholsterer, etc.						P	P						P
One-family detached dwelling	P	P	P	P				P					

Continued on next page



# How to Use This Ordinance

## 4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 42-3.1](#) as certain conditions and standards may apply. Refer to Section 42-4.41 for uses not otherwise included within a specific use district. If there are any conflicts between this table and the uses listed in Section 42-3.1, the latter will control.

- P = Principal Permitted Use
- S = Special Land Use
- \* = Special Approval Process



### Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

R-1	R-2	R-3	RM	B-1	B-2	B-3	B-4	MX	O-1	OR-1	RP	ML
-----	-----	-----	----	-----	-----	-----	-----	----	-----	------	----	----

	R-1	R-2	R-3	RM	B-1	B-2	B-3	B-4	MX	O-1	OR-1	RP	ML
Open air use							S						P
Park/parkway (public)	P	P	P	P				P					
Personal service establishment					P	P	P		P		S		P
Place of worship	S	S	S							S		P	
Private recreation area (not for profit)	S	S	S										
Private stable	S	S	S										
Reception antenna/satellite dish (accessory only)	S	S	S	S	S	S	S	S	S	S	S	S	S
Recreational facility (public)	P	P	P	P				P					
Recreational facility/use							S					S	P
Rent or rental unit	P	P	P	P									
Repair use													P
Research/design/product development use												P	
Residential elder care				*			P	*				P	P
Restaurant					S	P	P	P	S		S	S	P
Restaurant for sale of beer, wine, spirits						S	S	P					P
Restaurant, fast food						S	S						P
Restaurant, indoor recreational (Tavern license)						S	S						
Retail business					P	P	P		P		S		P
Retail package outlets						S	P						P
Retail wine shop (Tavern license)						S	P						
School, business or private (for profit)							P						P
School, elementary, intermediate, and high (public, private, parochial)	P	P	P	P				P					
Special accommodation use	*	*	*										
Swimming pool club	S	S	S										
Theater (fully enclosed)							S	S					P
Two-family dwellings				P				P					
Upper story commercial/office/residential									P				
Used auto/mobile home sales							S						P
Utility/public service facility (without storage yards)	S	S	S		S	S	P	P		P	P		P
Vehicle dealership							S						P
Veterinary hospital/clinic							S						P
Warehousing use													P
Water/sewage pumping station					S								
Wind energy system	S	S	S										S



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult Article 3, District Standards, for additional requirements and exceptions to the information below, as well as standards for the P-1 Vehicular Parking district, PRD Planned Residential Development district, BPUD Business Planned Unit Development Overlay district, and the MX Mixed Use Overlay district.

District Summary Table					
District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
R-1 One Family Residential	16,000 (with sewer) 22,000 (without sewer)	100 (with sewer) 150 (without sewer)	40	16	35
R-2 One Family Residential	20,000 (with sewer) 22,000 (without sewer)	120 (with sewer) 150 (without sewer)	40	16	35
R-3 One Family Residential	22,000 (with sewer) 30,000 (without sewer)	130 (with sewer) 150 (without sewer)	40	16	35
RM Multiple Family Residential	Not specified	Not specified	40	40	40
B-1 Local Business	Not specified	Not specified	25	0	20
B-2 Community Business	Not specified	Not specified	75	0	20
B-3 General Business	Not specified	Not specified	25	0	20
B-4 Planned Business	Not specified	Not specified	75	0	20
O-1 Office Building	Not specified	Not specified	25	10	20
OR-1 Office-Retail	Not specified	Not specified	30	30	30
RP Research Park	Not specified	Not specified	75	40	50
ML Light Manufacturing	Not specified	Not specified	75	40	50



# How to Use This Ordinance

## 6. ADDITIONAL RESOURCES

Below are links to additional planning and zoning resources.

[Charter Township of Bloomfield Master Plan](#)

[Planning Division Forms](#)

[Wetland Inventory Map](#)

[Wetland Permit Form](#)

[Township Floodplain Information](#)

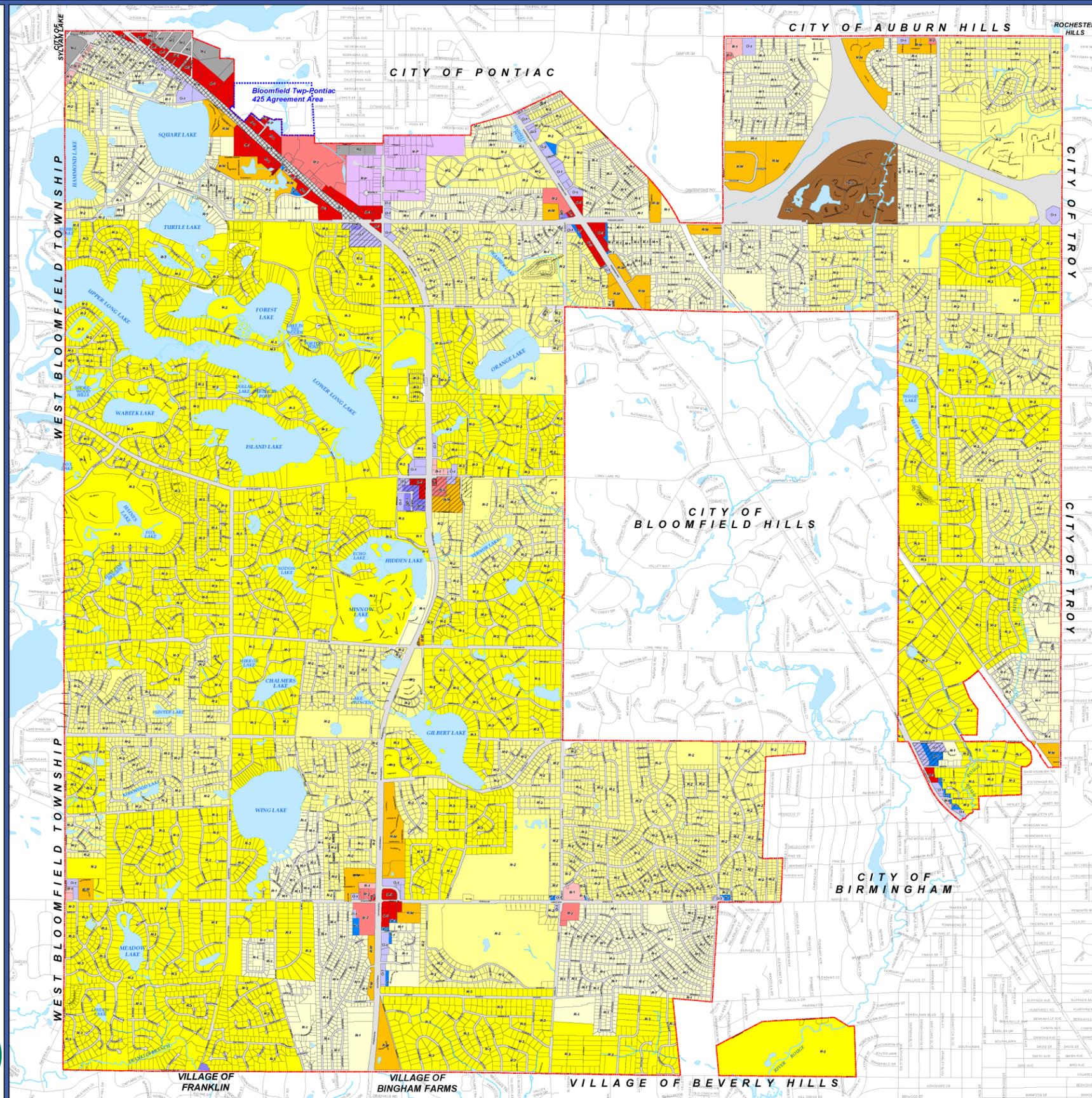


# How to Use This Ordinance

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## Bloomfield Township - Zoning Map



### LEGEND

#### Zoning Designations

Zoning Designations	Acres	Percent of Total:
R-1 ONE FAMILY RESIDENTIAL DISTRICT	2,013	14.5 %
R-2 ONE FAMILY RESIDENTIAL DISTRICT	3,846	27.8 %
R-3 ONE FAMILY RESIDENTIAL DISTRICT	6,799	49.2 %
R-M MULTIPLE FAMILY RESIDENTIAL DISTRICT	343	2.5 %
PRD PLANNED RESIDENTIAL DEV DISTRICT	170	1.2 %
B-1 LOCAL BUSINESS DISTRICT	27	0.2 %
B-2 COMMUNITY BUSINESS DISTRICT	103	0.7 %
B-3 GENERAL BUSINESS DISTRICT	156	1.1 %
B-4 PLANNED BUSINESS DISTRICT*	NA	NA %
O-1 OFFICE BUILDING DISTRICT	127	0.9 %
OR-1 OFFICE RETAIL DISTRICT	15	0.1 %
M-X MIXED USE OVERLAY DISTRICT	NA	NA %
R-P RESEARCH PARK DISTRICT	117	0.8 %
P-1 VEHICULAR PARKING DISTRICT	83	0.6 %
M-L LIGHT MANUFACTURING DISTRICT	55	0.4 %
<b>Total</b>	<b>13,854</b>	<b>100%</b>

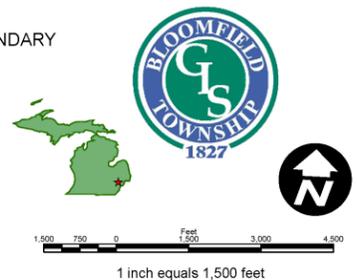
\* PLANNED BUSINESS DISTRICT (B-4) - Properties located along the corridor of Telegraph Road (US 24), North of Square Lake Road, with frontage or direct access to Telegraph Road. See Zoning Ordinance Section 42-3.1.16.

- PARCEL BOUNDARY
- RIGHT-OF-WAY
- LAKE OR POND
- STREAM OR RIVER
- SWAMP OR MARSH
- STREAM OR RIVERS
- PONTIAC 425 AGREEMENT BOUNDARY
- TOWNSHIP BOUNDARY

April 22, 2025

Sources:  
 Bloomfield Township GIS  
 Bloomfield Township Planning  
 Oakland County GIS Utility

Prepared by:  
 Bloomfield Township GIS



The information provided here is intended for reference purposes only. It was compiled from a variety of available sources with varying degrees of accuracy. It is not a legally recorded map or survey and is not intended to be used as one. Bloomfield Township assumes no responsibility for errors that arise from the use of the data.

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**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# CHAPTER 42

## Article 1.0

# Purpose and Introduction



# Chapter 42

## Article 1.0 Purpose and Introduction

42-1.1 Citing of Ordinance

42-1.2 Vested Right

42-1.3 Conflicting Regulations

42-1.4 Scope



# 42-1.0 Purpose and Introduction

## 42-1.1 CITING OF ORDINANCE

This Chapter shall be known and may be cited as the Township of Bloomfield Zoning Ordinance.

## 42-1.2 VESTED RIGHT

It is hereby expressly declared that nothing in this Chapter shall be held or construed to give or grant to any person any vested right, license, privilege or permit.

## 42-1.3 CONFLICTING REGULATIONS

Wherever any provision of this Chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Chapter, then the provisions of such law or ordinance shall govern.

## 42-1.4 SCOPE

No building or structure, or part thereof, shall hereafter be erected, constructed 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 in conformity with the provisions of this Chapter.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

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# CHAPTER 42

## Article 2.0 Definitions

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



# Chapter 42

## Article 2.0 Definitions

### 42-2.1 Construction of Language

### 42-2.2 Definitions

- |   |                                |  |
|---|--------------------------------|--|
| 1. Accessory Use / Accessory            | 38. Hotel                      | 78. Stable, Private                    |
| 2. Alley                                | 39. Kennel, Commercial         | 79. Stable, Public                     |
| 3. Alterations                          | 40. Landbanking                | 80. Story                              |
| 4. Amusement Device                     | 41. Loading Space              | 81. Story, Half                        |
| 5. Amusement Device Arcade              | 42. Lot*                       | 82. Street                             |
| 6. Apartments*                          | 43. Lot Area                   | 83. Strip Center                       |
| 7. Auto Repair Center                   | 44. Lot Coverage               | 84. Structure                          |
| 8. Auto Service Station                 | 45. Lot Depth                  | 85. Temporary Use or Building          |
| 9. Banquet Hall                         | 46. Lot Lines*                 | 86. Trailer Coach / Mobile Home        |
| 10. Basement                            | 47. Lot Width                  | 87. Trailer Court / Mobile Home Park   |
| 11. Benefit, Recognizable / Substantial | 48. Main or Principal Building | 88. Tree Preservation*                 |
| 12. Building                            | 49. Main or Principal Use      | 89. Underlying Zoning                  |
| 13. Building Envelope                   | 50. Major Thoroughfare         | 90. Use                                |
| 14. Building Height                     | 51. Master Plan                | 91. Wind Energy System*                |
| 15. Building Line                       | 52. Medical Marijuana Usage    | 92. Wireless Communication Facilities* |
| 16. Clinic                              | 53. Mezzanine                  | 93. Yards*                             |
| 17. Club                                | 54. Motel                      | 94. Zoning Exceptions and Variances*   |
| 18. Community Impact Statement          | 55. Natural Features           |  |
| 19. Convalescent or Nursing Home        | 56. Nonconforming Building     |  |
| 20. Design Review*                      | 57. Nonconforming Use          |  |
| 21. District                            | 58. Nuisance Factors           |  |
| 22. Drive-in                            | 59. Off Street Parking Lot     |  |
| 23. Dwelling Unit                       | 60. Open Front Store           |  |
| 24. Dwelling, One-Family                | 61. Open Storage               |  |
| 25. Dwelling, Multiple Family           | 62. Parking Space              |  |
| 26. Dwelling, Two Family                | 63. Pergola                    |  |
| 27. Erected                             | 64. Planned Shopping Center    |  |
| 28. Essential Services                  | 65. Planned Unit Development   |  |
| 29. Excavation                          | 66. Principal Building         |  |
| 30. Family                              | 67. Principal Use              |  |
| 31. Farm                                | 68. Public Utility             |  |
| 32. Floor Area                          | 69. Regulated Uses*            |  |
| 33. Floor Area, Gross                   | 70. Rent or Rental Unit        |  |
| 34. Gasoline Station                    | 71. Restaurant*                |  |
| 35. Grade                               | 72. Retail Wine Shop           |  |
| 36. Home Occupation                     | 73. Retaining Wall             |  |
| 37. Hospital, General                   | 74. Room                       |  |
|   | 75. Setback                    |  |
|   | 76. Sign*                      |  |
|   | 77. Special Event*             |  |



# 42-2.0 Definitions

## 42-2.1 CONSTRUCTION OF LANGUAGE

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Chapter and any caption or illustration, the text shall control.
3. The term "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The term "building" includes the word "structure." A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. The term "dwelling" includes the word "residence," and the word "lot" includes the words "plat" or "parcel."
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - A. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - B. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - C. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
10. Terms not herein defined shall have the meaning customarily assigned to them.

## 42-2.2 DEFINITIONS

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

1. **Accessory use** and **accessory** mean a use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related.
  - A. When "accessory" is used in the text, it shall have the same meaning as accessory use.
  - B. An accessory use includes, but is not limited to, the following:
    - i. Residential accommodations for servants and/or caretakers.
    - ii. Swimming pools, tennis courts or similar recreation facilities for the use of the occupants of a residence, or their guests.
    - iii. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structures.
    - iv. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
    - v. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
    - vi. Storage on the premises of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
    - vii. Accessory off-street parking spaces, open or enclosed subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
    - viii. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
    - ix. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
    - x. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

1 Purpose and Introduction

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6 Development Procedures

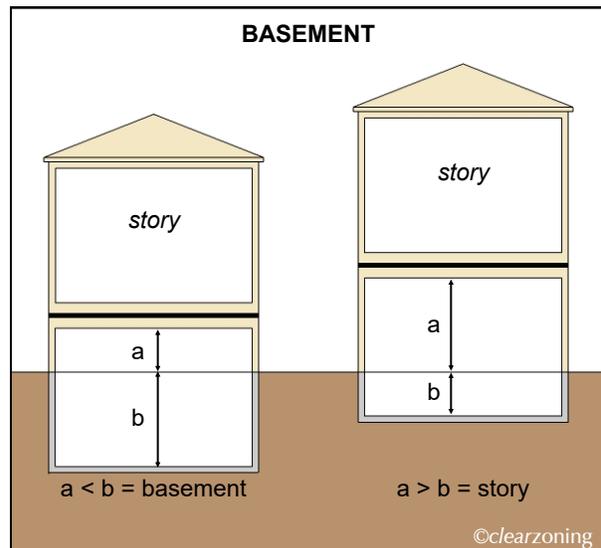
7 Admin and Enforcement



2. **Alley** means a dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.
3. **Alterations** means any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
4. **Amusement device** means any machine, device or contrivance which, upon the insertion of a coin, token or similar object, or which requires payment for its use, may be operated by the public for use as a game, entertainment or amusement, whether operated by hand, electricity, or any other power.
5. **Amusement device arcade** means any establishment open to the public wherein one or more amusement devices are operated for profit.
6. **Apartments** means a suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit. The dwelling units in a multiple dwelling are defined as:
  - A. **One-bedroom unit** means a dwelling unit containing a minimum net floor area of at least six hundred (600) square feet per unit, consisting of not more than three (3) rooms, in addition to kitchen and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three-room unit.
  - B. **Two-bedroom unit** means a dwelling unit containing a minimum net floor area of at least eight hundred (800) square feet per unit, consisting of not more than four (4) rooms, in addition to kitchen and necessary sanitary facilities, and for the purpose of computing density shall be considered as a four-room unit.
  - C. **Three or more bedroom unit** means a dwelling unit wherein for each room in addition to the four (4) rooms permitted in a two-bedroom unit, there shall be provided an additional area of one hundred fifty (150) square feet to the minimum net floor area of eight hundred (800) square feet. For the purpose of computing density, said three-bedroom unit shall be considered a five-room unit and each

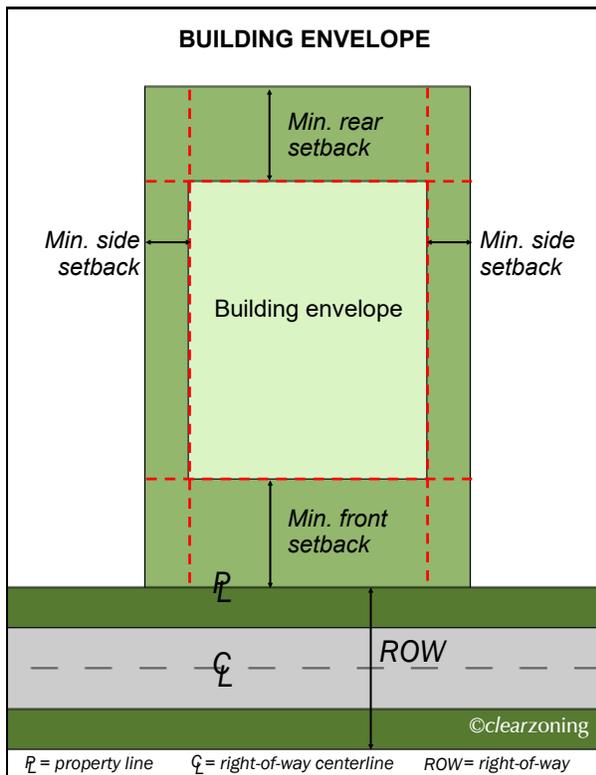
increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the five (5).

7. **Auto repair center** means a place where, along with the sale of engine fuels, the following services may be carried out, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.
8. **Auto service station** means a space, building or structure designed or used for the retail sales or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities in or on such vehicles, and for minor repair, but not including space or facilities for open storage, engine overhaul, and major body repair, refinishing or other service thereof.
9. **Banquet hall** means a use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises. For the purpose of this Chapter the licensed sale of beer, wine and/or spirits shall only be permitted in connection with and incidental to those scheduled functions carried out on the premises during such period when a full food service is extended.
10. **Basement** means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the

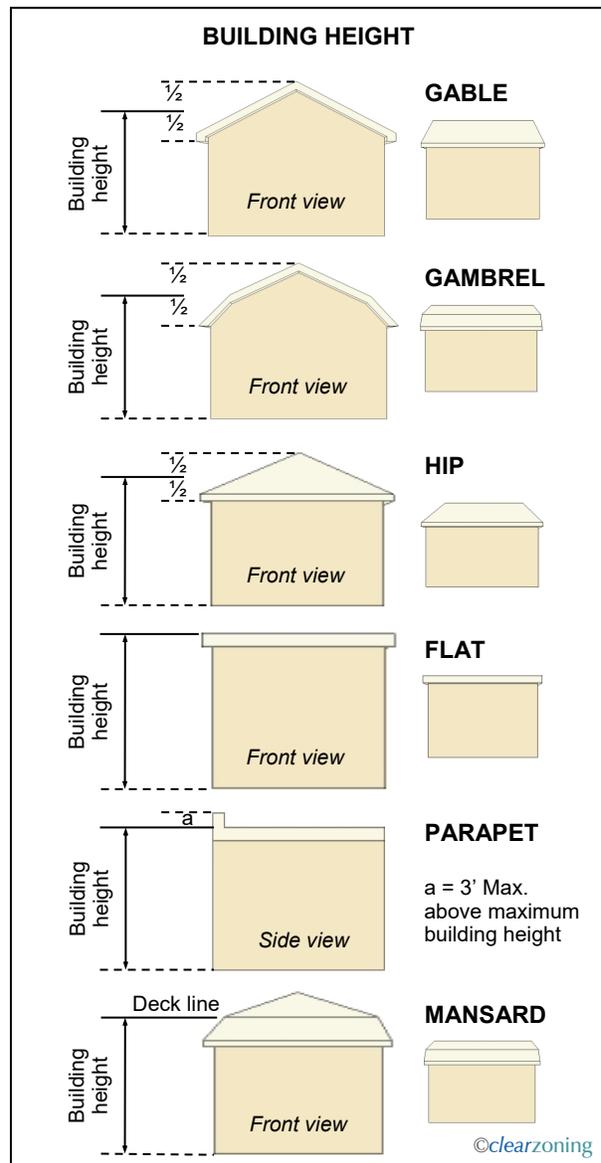


average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. ❏

11. **Benefit, recognizable and substantial**, means a clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use; including, without limitation: long term protection and preservation of natural resources, natural features, historical and architectural features of a significant quantity and quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
12. **Building** means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for the purpose of a building.



13. **Building envelope** means the ground area of a lot which is defined by the minimum setback requirements within which construction of a principal building and any attached accessory structures is permitted by this ordinance. ❏
14. **Building height** means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. On a structure having a flat roof, the parapet, if provided, may exceed the maximum building height by three feet. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. ❏



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**2** Definitions

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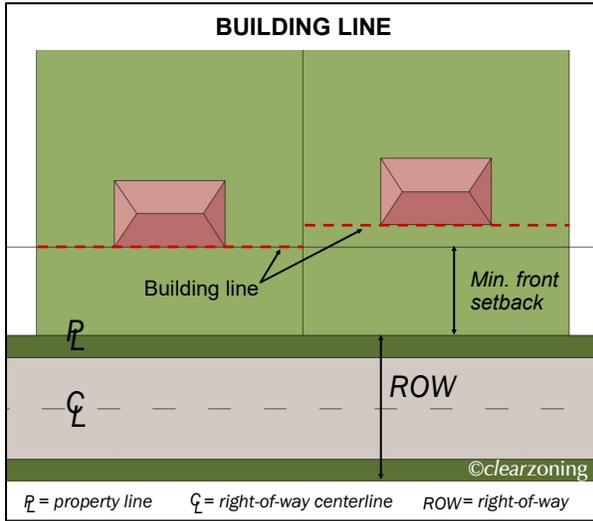
**5** Site Standards

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15. **Building line** means a line formed by the face of the building, and for the purpose of this Chapter, a minimum building line is the same as a front setback line. ☞



16. **Clinic** means 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.

17. **Club** means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

18. **Community impact statement** means an 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.

19. **Convalescent or nursing home** means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

20. **Design review.** The following words, terms and phrases, when used in Section 42-6.4, shall have the meanings as defined herein, except where the context clearly indicates a different meaning:

- A. **Appearance** means the outward aspect visible to the public.
- B. **Appropriate** means sympathetic, or fitting, to the context of the site and the whole community.

C. **Appurtenances** means the visible, functional objects accessory to and part of buildings.

D. **Architectural concept** means the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, which produces the architectural character.

E. **Architectural feature** means a prominent or significant part or element of a building, structure, or site.

F. **Architectural style** means the characteristic form and detail, as of buildings of a particular historic period.

G. **Berm** means an area with raised earthen materials, designed to provide screening or to improve aesthetic character.

H. **Character** means the combination of traits which, when considered together, distinguish specified land and/or development from other specified land and/or development. In assessing character, the following may be considered, along with any other expressly identified factors:

- i. Percentage of a lot covered by structures and other impervious improvements.
- ii. Type or style of structure.
- iii. Type, extent, location and use of natural landscape.
- iv. Topography and soil.
- v. Traffic flow and pattern, and the relationship of traffic to pedestrian and vehicular thoroughfares.
- vi. Density of land uses.
- vii. Intensity of uses.
- viii. Type and location of utilities and other infrastructure improvement.
- ix. Natural areas.
- x. Natural features.

I. **External design feature** means the general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color, and texture of the materials of such portion and the types of roof, windows, doors, lights, attached or ground signs or other fixtures appurtenant to such portions, as will be open to public view from any street, place or way.



- J. **Graphic element** means a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
- K. **Joint Development Council** means that body created by the agreement for conditional transfer of property between the Township and the City of Pontiac. 
- 21. **District** means a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Chapter.
- 22. **Drive-in** means a business establishment where food, frozen desserts, or beverages are sold to the customer in a ready-to-consume state and where the customer consumes these foods, desserts, or beverages in an automobile parked upon the premises or at other facilities provided for the use of the customer for the purpose of consumption and which are located outside the building.
- 23. **Dwelling unit** means a building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.
- 24. **Dwelling, one-family**, means a building designed exclusively for and occupied exclusively by one (1) family.
- 25. **Dwelling, multiple-family**, means a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families, living independently of each other.
- 26. **Dwelling, two-family**, means a building designed exclusively for occupancy by two (2) families, living independently of each other.
- 27. **Erected** means and includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for a building or structure. Excavation, fill, drainage, sewers, painting, plastering and the like shall also be considered a part of the term "erected."
- 28. **Essential services** means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call

 [Map of Bloomfield-Pontiac 425 Agreement Area](#)

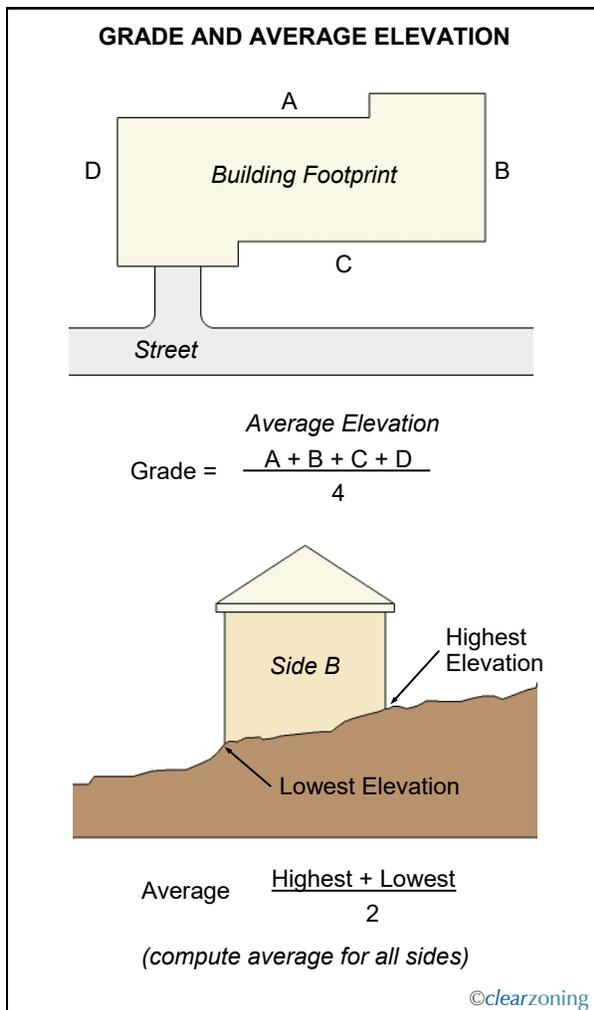
boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such facilities or governmental departments for the general health, safety, or welfare. Radio broadcasting and receiving towers and equipment structures used in cellular telephone systems are specifically excluded from the definition of essential services.

- 29. **Excavation** means any breaking of ground, except common household gardening and ground care.
- 30. **Family** means one (1) or two(2) persons, with their direct lineal ascendants and descendants and adopted or legally cared for children, and including the domestic employees thereof, together with not more than two (2) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.
- 31. **Farm** means all of the unplatted contiguous or neighboring land which is directly farmed by one (1) farmer, by his own labor or with the assistance of members of his household, or hired employees. Provided, however, land to be considered a farm hereunder shall include a continuous, unplatted parcel of not less than forty (40) acres in extent; provided further, farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, apiaries; but establishments keeping or operating fur bearing animals, game, fish hatcheries, stock yards, recreational parks, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land.
- 32. **Floor area** (for the purpose of computing the minimum allowable floor area in a residential dwelling unit) means the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas, and accessory structures.
- 33. **Floor area, gross** (for the purpose of computing parking), means the sum in square feet of the area of each floor level in a building as measured from exterior walls. Cellars,



basements, mezzanines, penthouses, corridors and lobbies that are within the principal outside faces of exterior walls are included, except architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six (6) feet six (6) inches minimum) regardless of their use, excluding unroofed areas, and unenclosed roofed over spaces, except those contained within the principal outside faces of the exterior walls. For purposes of computing parking, the predominant use will prevail in determining the total number of parking spaces required per building.

- 34. **Gasoline Station** means an automobile service station as defined without minor vehicle repair accommodations and/or activities, and subject to the same accessory use limitations as contained in Section 42-4.23.
- 35. **Grade** means a ground elevation established for the purpose of regulating the number of stories and the height of the building. 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 determining the average elevation of the ground for each face of the building. ✍

- 36. **Home occupation** means any use customarily conducted entirely within a dwelling and carried on by the resident occupants, which use is clearly incidental and secondary to the use of the dwelling for dwelling proposes and does not change the character of the dwelling.
- 37. **Hospital, general,** means an installation providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.
- 38. **Hotel** means a facility offering transient lodging accommodations to the general public, which shall provide additional services, including restaurants, meeting rooms, recreational facilities, and may also provide other customary accessory uses.
- 39. **Kenel, commercial,** means any lot or premises on which three (3) or more dogs are either permanently or temporarily boarded.
- 40. **Landbanking** means the method of designating landscape area for future additional parking to allow for flexibility in meeting changing parking needs.
- 41. **Loading space** means an off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- 42. **Lot** means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Chapter. A lot may or may not be specifically designated as such on public records.
  - A. **Lot, corner,** means a lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purpose of this Chapter, if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the

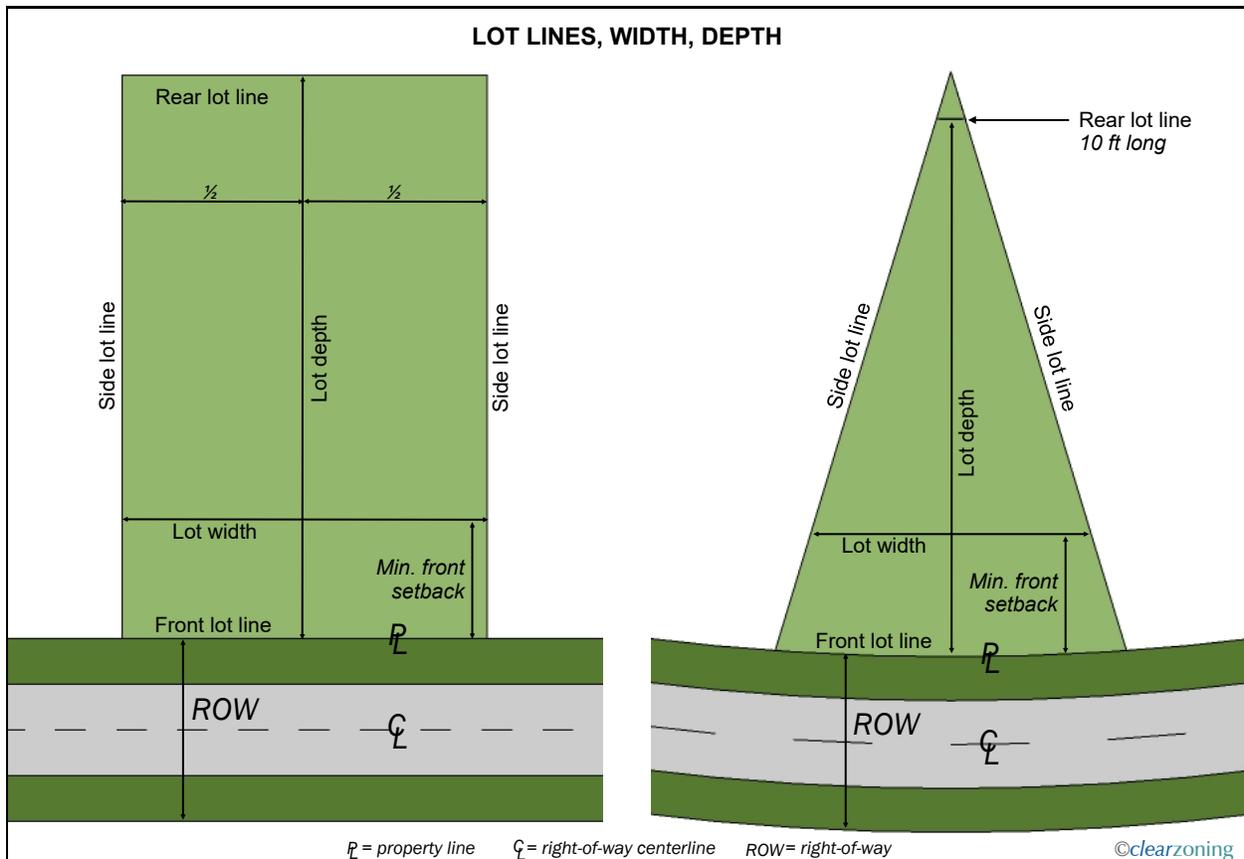
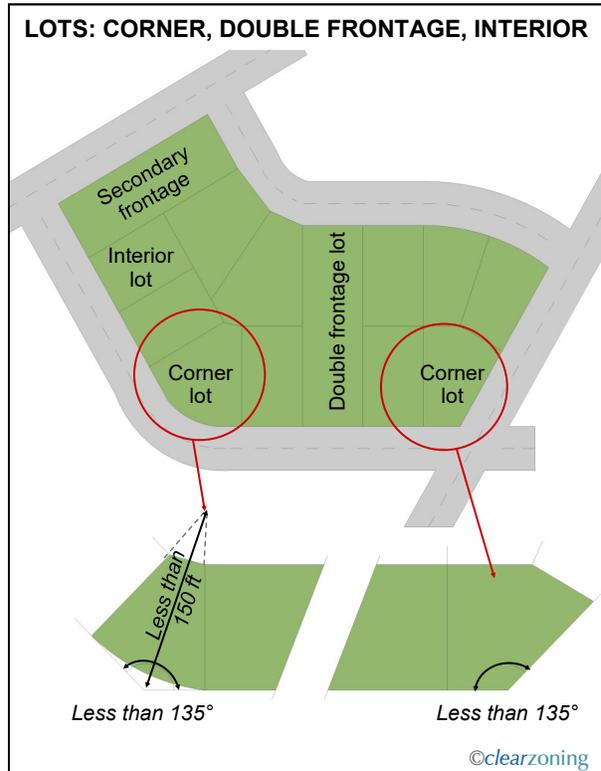


curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees. ✍

- B. **Lot, double frontage**, means any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. ✍
- C. **Lot, interior**, means any lot other than a corner lot. ✍
- D. **Lot, secondary frontage**, means a lot with frontage on more than one street, including a corner lot or a double frontage lot. ✍

- 43. **Lot area** means the total horizontal ground area within the lot lines of the lot. That portion of a lot which is part of a natural or manmade lake or lagoon shall not be used in computing the minimum lot size per unit as required in this Chapter.
- 44. **Lot coverage** means the part or percent of the lot occupied by buildings including accessory buildings.

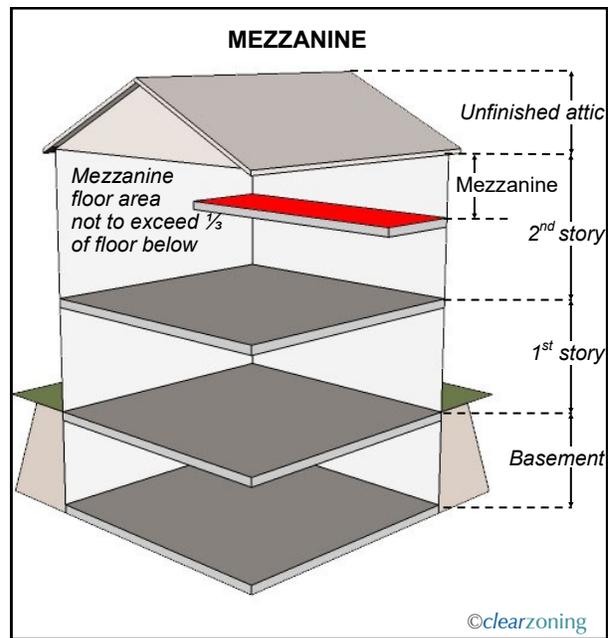
45. **Lot depth** means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. ✍



46. **Lot lines** means the lines bounding a lot as defined herein:
- A. **Front lot line** means in the case of an interior lot, is that line separating said lot from the street. In the case of corner lot, or double frontage lot, is that line separating said lot from either street. ✍
  - B. **Rear lot line** means that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot lines and wholly within the lot. ✍
  - C. **Side lot line** means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. ✍
47. **Lot width** means the horizontal distance between the side lot lines, measured at the two (2) points where the required minimum front yard setback line intersects the side lot line. Said front lot line shall in every instance abut a public or private street being contiguous with the public street right-of-way line or private street easement line. ✍
48. **Main or principal building** means a building in which is conducted the principal use of the lot upon which it is situated.
49. **Main or principal use** means the principal use to which the premises are devoted and the principal purpose for which the premises exist.
50. **Major thoroughfare** means an arterial street which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the Township major thoroughfare plan. Any street with a width, existing or proposed, of at least one hundred twenty (120) feet shall be considered a major thoroughfare. A "proposed width" means a planned right-of-way in the Township major thoroughfare plan.
51. **Master plan** means the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such

plan may or may not be adopted by the Planning Commission and/or the Township Board. 📁

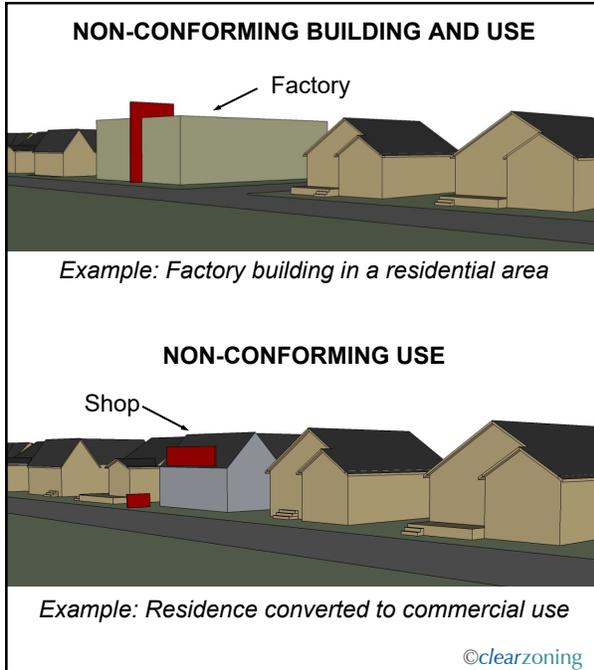
52. **Medical marijuana usage** means any action engaged in the medical use of marijuana where the household patient is legally registered by the Michigan Department of Community Health (MDCH) in accordance with the Michigan Medical Marijuana Act (MMMA), as amended, and who legally registers their address with the Charter Township of Bloomfield. The cultivation and/or distribution of medical marijuana is strictly prohibited.
53. **Mezzanine** means an intermediate floor in any story it is occupying, is not to exceed one-third of the floor area of such story. ✍



54. **Motel** means a series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle, and it may contain a general kitchen and public dining room for the use of the occupants and other passersby.
55. **Natural features** means and includes soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geologic formations.
56. **Nonconforming building** means a building or portion thereof lawfully existing at the effective date of the ordinance from which this Chapter is derived, or amendments thereto and that does not conform to the provisions of this Chapter in the district in which it is located. ✍



57. **Nonconforming use** means a use which lawfully occupied a building or land at the effective date of the ordinance from which this Chapter is derived, or amendments thereto, and that does not conform to the use regulations of the district in which it is located. *z*



58. **Nuisance factors** means an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as:

- A. Noise.
- B. Dust.
- C. Smoke.
- D. Odor.
- E. Glare.
- F. Fumes.
- G. Flashes.
- H. Vibration.
- I. Shock waves.
- J. Heat.
- K. Electronic or atomic radiation.
- L. Objectionable effluent.
- M. Noise of the congestion of people, particularly at night.

- N. Passenger traffic.
- O. Invasion of nonabutting street frontage by traffic.

59. **Off-street parking lot** means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

60. **Open front store** means a business establishment so developed that service to the patrons may be extended beyond the walls of the structure, not requiring the patron to enter the structure. This term "open front store" shall not include automobile repair stations or automobile service stations or the drive-in windows of banks.

61. **Open storage** means the keeping in the open, any material which is manmade or man-assembled, fabricated or treated in any manner and which is not anchored to the ground so as to meet Township approval. In residential areas, materials used in the landscape improvement of the specific property on which it is used, firewood or lawn furniture shall not be considered as being stored in the open.

62. **Parking space** means an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

63. **Pergola** means an open sided, trellis style structure that includes columns and open horizontal roof beams, and not a solid roofed structure like a canopy or gazebo.  
*(Amended by Ord. No. 675)*

64. **Planned Shopping Center** means a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property with on-site parking.

65. **Planned unit development** means and may include such concepts as cluster development, planned development, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Chapter through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the surrounding area.

66. **Principal building** means a building or structure in which is conducted the principal use of the lot upon which it is situated.

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67. **Principal use** means the principal use to which the premises are devoted and the principal purpose for which the premises exist.
68. **Public utility** means a person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.
69. **Regulated uses:**
- A. **Adult arcade** means 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** means 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** means a night club, bar, restaurant, or similar commercial establishment which regularly 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, video cassettes or discs, 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** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- E. **Adult theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or seminudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- F. **Massage parlors** means a 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 massage activity undertaken as part of a health club, gym, fitness center, hair salon or like facility in which massage is offered incidental to other customarily related uses, and, massage parlor does not include a massage school recognized by the state board of massage employing one (1) 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.
- G. **Motels** means as an establishment for temporary lodging where each individual room has a main entry door on the exterior of the building or where the rooms are advertised for rent for less than a twelve (12) hour period of time, or both.
- H. **Secondhand dealers** means any person, corporation, partnership, firm or other entity, a substantial portion of whose business is that of purchasing, storing, exchanging and receiving secondhand property of any kind or description, excepting businesses whose primary products are bona fide antiques.
- I. **Smoke shops and tobacco stores** means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, or tobacco paraphernalia with the prohibition of onsite smoking and/or lounge; provided, however, that any grocery store, supermarket, convenience store or



similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this Chapter.

- i. Alternative nicotine product means noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.
  - ii. Nicotine product means a product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.
  - iii. Tobacco product means a product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.
  - iv. Vapor product means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means regardless of shape or size that can be used to produce vapor from nicotine in a solution or other form. Vapor products include, but are not limited to, an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.
- J. **Body Art Facilities** means any establishment regulated and licensed pursuant to the Body Art Facilities Act, Part 131 of the Public Health Code, Public Act 368 of 1978-12-131, found at MCL 333.13101 et seq. involving the following activities:

- i. Body art means the practice of physical body adornment by licensed establishments and permitted practitioners utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. It does not include practices or procedures which are considered to be medical procedures by the state medical board, such as hair or skin implants, or plastic surgery.
  - ii. Branding means a permanent mark made on human tissue by burning with a hot iron or other instrument.
  - iii. Body piercing means any method of piercing human tissue, except the ear, in order to place any object, including but limited to, rings, studs, bars, or other forms of jewelry or ornamentation, through the human tissue.
  - iv. Tattooing means any method of placing ink or other pigment into or under human tissue by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin. This includes all forms of cosmetic tattooing.
- K. The following words, terms and phrases, when used with regard to regulated uses, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:
- i. **Nudity or state of nudity** means the showing of the 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 discernible turgid state.
  - ii. **Seminude or seminude 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.

- iii. **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.
- iv. **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.

69. **Rent or Rental Unit** means to provide for, or offer possession or occupancy of a dwelling for thirty (30) days or more in which the Owner does not reside for a period of time to a person who is not the legal owner of record, pursuant to a written or oral agreement. Rent or a rental unit for a term less than thirty (30) days, also known as a short term rental, is considered a commercial use and shall be expressly prohibited. The definition does not include group homes such as nursing homes, and adult foster care homes, or other health-care related facilities within the home.

70. **Restaurant** means when used herein, shall not be deemed one that is eligible for a class C liquor license and/or tavern license unless the Chapter specifically sets them forth as a permitted use in a zoning district.

- A. **Restaurant, fast food**, means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

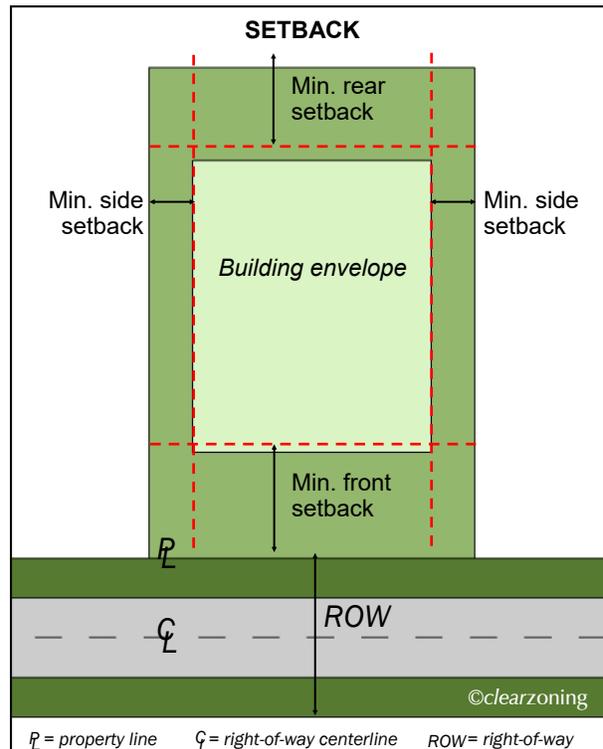
- B. **Restaurant, full service**, means an establishment providing full table service with food ordered from a menu with service by waiter or waitress to the customer seated in the restaurant. Food served is consumed on the premises. Such facility does not provide drive-through window or carry out food or beverage service.

71. **Retaining Wall** means a wall built to retain a mass of earth, and designed to resist lateral soil loads and surcharge loads. Landscape materials installed for the purpose of defining landscape-planting beds are excluded.

72. **Retail Wine Shop** means a retail establishment with a majority of its inventory and sales from wine products.

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

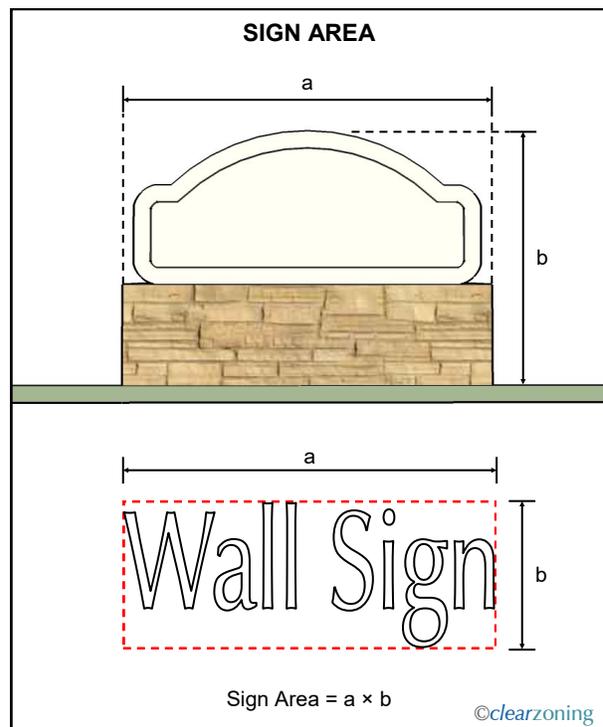
74. **Setback** means the distance required to obtain front, side or rear yard open space provisions of this Chapter. ☞



75. **Sign** means any announcement, declaration, display, billboard, illustrative wall painting and insignia when designed and placed so as to attract general public attention. A "sign" shall include any banner, bulbs or other lighting devices, streamer, pennant, balloon propeller, flag, other than the official flag of the nation or state, and any similar device of any type or kind whether bearing lettering or not.

- A. **Ground sign** means a display sign, less than five (5) feet high, supported by one (1) or more columns, uprights or braces in the ground surface or constructed flush with the ground, not a pylon sign.
- B. **Pylon sign** means a sign supported by a pole or poles with not less than ten (10) feet between the bottom face of the sign and the grade (intended to be eliminated in the Township).
- C. **Temporary sign** means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. Signs utilized during periods of construction, real estate development signs, and real estate signs advertising property for sale, rent or lease, shall be considered temporary signs.
- D. **Wall sign** means a display sign which is attached directly to the building wall.
- E. **Window sign** means a sign affixed to a window or within ten (10) feet of the window so as to be observable from the opposite side of the window to which such sign is affixed.

F. **Sign area** means the gross surface area within a single continuous perimeter enclosing the extreme limits of a sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall include any framing elements. Such shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggest a single unit, notwithstanding any physical separation between parts. For computing the area of any wall sign which consists of letters mounted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all the letters and descriptive matter. ✍

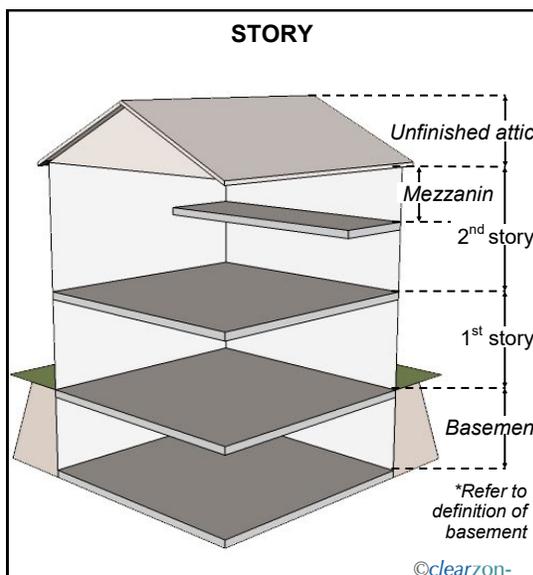


- G. **Erect** means to build, construct, attach, hang, place, suspend, affix or paint.
- H. **Noncombustible material** means any material which will not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.
- I. **Sign, accessory**, means a sign which pertains to the principal use of the premises.
- J. **Sign, nonaccessory**, means a sign which is not pertaining to the principal use of the premises.

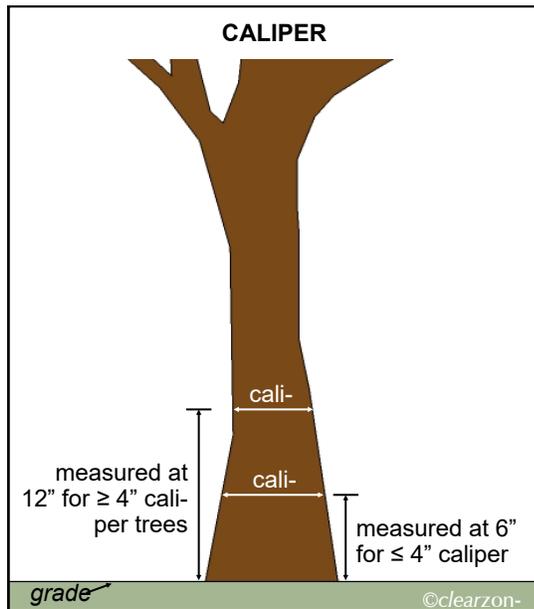


- K. **Political sign** means a sign relating to the election of a person to public office or relating to a political party, or a matter to be voted upon at an election called by a public body or any other political issue.
- 76. **Special event** means a temporary event that is sponsored and/or conducted by a person, entity, corporation and/or organization.
  - A. **Major event** means a special event that significantly impacts the community due to one (1) or more of the following conditions: duration of event, attendance, number and type of temporary structures, impairment to vehicular or pedestrian traffic and/or parking, or hindrances in the public way.
  - B. **Minor event** means a special event that compared to a major event has less impact on the neighbors and adjacent public ways and which may include temporary structures and parking considerations.
- 77. **Stable, private,** means a stable or building for the keeping of horses for the noncommercial use of the residents of the principal use and shall not include the keeping of horses for other or for commercial boarding of horses.
- 78. **Stable, public,** means a stable other than a private stable with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than forty (40) acres.
- 79. **Story** means that part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. 

- 80. **Story, half,** means an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below it, and not used or designed, arranged or intended to be used in whole or in part, as an independent housekeeping unit or dwelling.
- 81. **Street** means a public dedicated right-of-way, other than an alley which affords the principal means of access to abutting property.
- 82. **Strip center** means a commercial, retail or office development one (1) store deep, that fronts or, in some cases, sides on a street.
- 83. **Structure** means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- 84. **Temporary use or temporary building** means a use or building permitted by the Zoning Board of Appeals to exist under specific stipulations of this Chapter during periods of construction of the main building or use, or for special events.
- 85. **Trailer coach (mobile home)** means any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons.
- 86. **Trailer court (mobile home park)** means any plot of ground upon which two (2) or more trailer coaches, occupied for dwelling or sleeping purposes are located.
- 87. **Tree Preservation:**
  - A. **Arborist** means a professional person skilled and trained in the art and sciences of municipal arboriculture, who shall hold a college degree or its equivalent in arboriculture, horticulture, forestry, landscape architecture or other closely related fields.



- B. **Building footprint** means the ground area of a lot or parcel of land enclosed or to be enclosed by the exterior walls or perimeter of principal and accessory buildings and associated improvements, including but not limited to pools, decks, patios, walks, tennis courts, driveways, and utility services.
- C. **Caliper** refers to the diameter of a tree. In nursery-landscape practice, caliper is measured at six (6) inches above ground level for trees four (4) inches caliper or less and at twelve (12) inches above ground level for all trees greater than four (4) inches caliper. ☞



- D. **Clear-cutting** means the removal of a significant amount of trees and vegetation from an area such that the activity negatively affects the overall character of the lot.

Landmark Trees		
Botanical Name (Genus species)	Common Name	DBH
	All trees	24"
<i>Abies spp.</i>	Fir	18"
<i>Acer spp.</i>	Maple (excluding <i>Acer negundo</i> )	18"
<i>Aesculus carnea</i>	Horse Chestnut	18"
<i>Aesculus glabra</i>	Buckeye	18"
<i>Amelanchier spp.</i>	Serviceberry	8"
<i>Betula spp.</i>	Birch	18"
<i>Carya spp.</i>	Hickory	18"
<i>Castanea spp.</i>	Chestnut	10"
<i>Cercis canadensis</i>	Redbud	8"
<i>Cornus florida</i>	Flowering Dogwood	8"
<i>Crataegus spp.</i>	Hawthorn	12"
<i>Fagus grandifolia</i>	American Beech	18"
<i>Ginkgo biloba</i>	Ginkgo	18"
<i>Gleditsia triacanthos</i>	Honeylocust	18"
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree	18"
<i>Hamamelis virginiana</i>	Witch Hazel	8"
<i>Juglans nigra, J. cinerea</i>	Black and White Walnut	20"
<i>Juniperus spp.</i>	Eastern Red Cedar	18"
<i>Larix laricina</i>	Larch/Tamarack	12"
<i>Liquidambar styraciflua</i>	Sweetgum	16"
<i>Liriodendrom tulipifera</i>	Tulip Tree	18"
<i>Malus spp.</i>	Crabapple	12"
<i>Ostrya virginiana</i>	American Hornbeam	8"
<i>Picea spp.</i>	Spruce	18"
<i>Pinus spp.</i>	Pine	18"
<i>Platanus spp.</i>	London Planetree/Sycamore	18"
<i>Pseudotsuga menziesii</i>	Douglas Fir	18"
<i>Quercus spp.</i>	Oak	16"
<i>Sassafras albidum</i>	Sassafras	15"
<i>Thuja occidentalis</i>	Arborvitae	18"
<i>Tilia americana</i>	American Basswood/Linden	18"
<i>Tsuga canadensis</i>	Eastern Hemlock	12"

1 Purpose and Introduction

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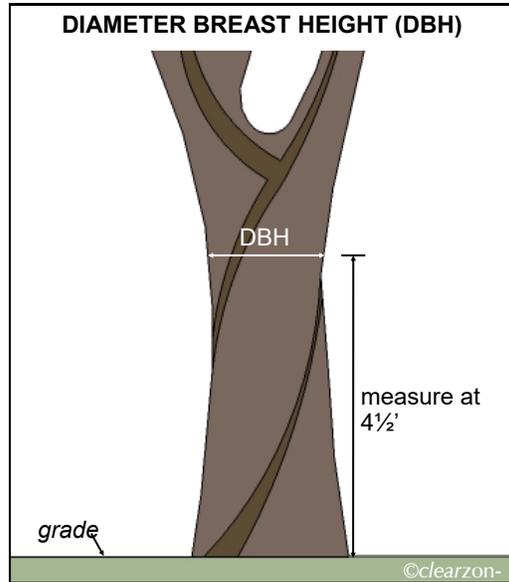
5 Site Standards

6 Development Procedures

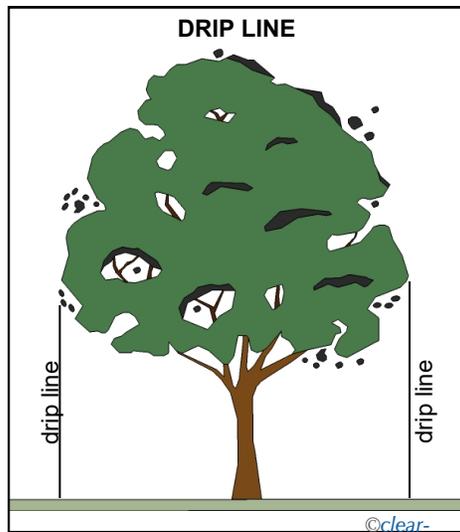
7 Admin and Enforcement



- E. **Diameter Breast Height (BDH)** means the diameter in inches of a tree measured at four and one-half (4½) feet above the existing grade. On multi-stem trees, the largest diameter stem shall be measured.



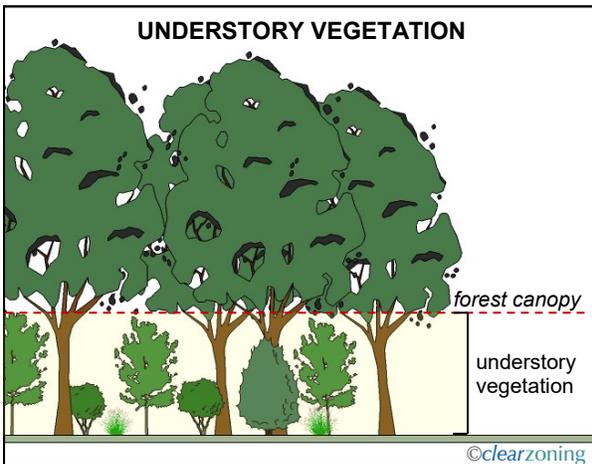
- F. **Drip line** means an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.



- G. **Grubbing** means the effective removal of under canopy vegetation from a site. This shall not include the removal of any trees.
- H. **Invasive species** mean non-native or non-indigenous plant species that adversely affect the habitats they invade economically, environmentally or ecologically.

- I. **Landmark tree** means a tree of the botanical name and diameter identified in the list below, as well as any tree that is twenty four (24) inches DBH or greater. The following table lists landmark trees, the listed DBH represents the minimum size protected for each species.
- J. **Material** refers to soil, sand, gravel, clay, peat, mud, debris, refuse or any other organic or inorganic material.
- K. **Nuisance species.** See invasive species definition.
- L. **Nursery** means a licensed plant or tree nursery whose trees are planted and grown for sale to the general public in the ordinary course of the licensee's business.
- M. **Protected tree** includes all trees eight (8) inches DBH or greater provided they are not classified as landmark trees.
- N. **Remove or removal** means the act of removing a tree by digging up or cutting down (including the removal of the tree stump), or the effective removal through damage to the tree or its root system.
- O. **Routine yard maintenance** means the necessary trimming and pruning of vegetation (e.g. trees, bushes and shrubbery) required to maintain compliance with the Township Property Maintenance Ordinance.
- P. **Township** refers to the Planning, Building, and Ordinance Department of the Township.
- Q. **Tree** means a woody plant with an erect perennial trunk(s), which at maturity is thirteen (13) feet or more in height and has a more or less definite crown or foliage.
- R. **Tree survey** means a drawing, prepared by an Arborist, which illustrates the location of all protected trees plotted by accurate techniques, which includes the DBH, common and botanical name, and health/condition score of the trees affected.

- S. **Understory vegetation** means the vegetative layer, including trees and shrubs, between the forest canopy and the ground cover. ✍



- T. **Vegetation** refers to plant life in general, such as shrubs and ground cover, within protected woodland areas.
- U. **Woodlands area** means one (1) or more trees, and including a grouping of trees.
88. **Underlying zoning** means the zoning classifications and regulations applicable to the property immediately preceding the grant of an application to designate the property as a business planned unit development.
89. **Use** means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.
90. **Wind energy system** means a wind energy conversion system that converts wind energy into electricity through the use of wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. For purposes of this Chapter, the term wind energy system shall include an anemometer tower or wind turbine generator tower.
- A. **Anemometer** means a device to measure wind speed.
- B. **Blade** means the aerodynamic surface that catches the wind.
- C. **Height, wind energy system,** means the distance between the ground at the base of the wind energy system and the highest point of the wind energy system with the blade in the uppermost vertical position.

- D. **Rotor** means the rotating part of a wind turbine, either the blades and blade assembly, or the rotating portion of a generator.
- E. **Shadow flicker** means the alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

91. **Wireless communication facilities** means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; shortwave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and, micro wireless facilities as defined by the Small Cell Wireless Communication Facilities Ordinance; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

- A. **Attached wireless communications facilities** means 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.
- B. **Collocation** means 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.
- C. **Planning official** means the Supervisor or the Supervisor's designee.
- D. **Wireless communication support structures** means 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.

(Amended by Ord. No. 667)

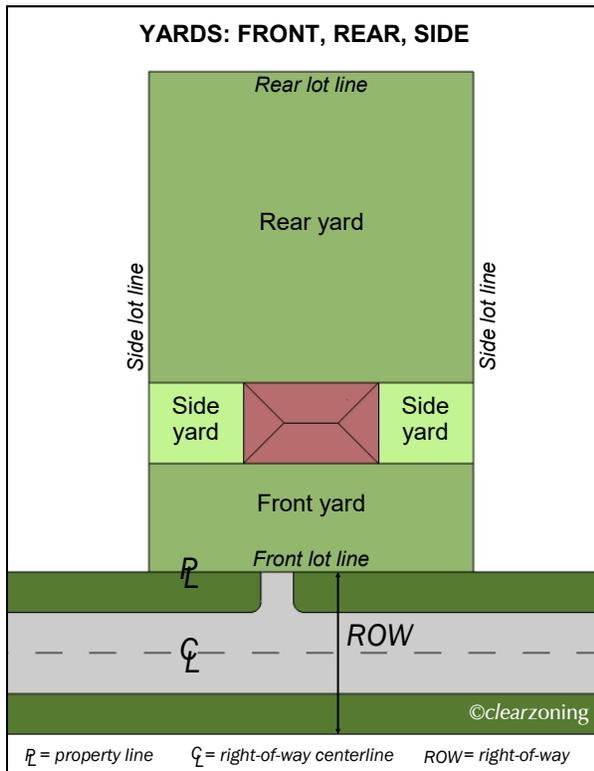
92. **Yards** means the open space on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter, and as defined herein:

- A. **Front yard** means an open space extending the full width of the lot, depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. ✂
- B. **Rear yard** means an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage. ✂

- C. **Side yard** means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. ✂

93. **Zoning exceptions and variances:**

- A. **Zoning exceptions** means a use permitted only after review of an application by the Zoning Board of Appeals, such review being necessary because the provisions of this Chapter covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Chapter.
- B. **Zoning variance** means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to the property. A variance is not justified unless all three (3) elements are present in the case.
- C. The "exception" differs from the "variance" in several respects. An exception does not require "undue hardship" in order to be allowable. The exceptions that are found in this Chapter appear as "special approval" by Planning Commission, legislative body, or Zoning Board of Appeals. These land uses could not be conveniently allocated to one (1) zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one (1) or more of the following:
  - i. They require large areas.
  - ii. They are infrequent.
  - iii. They sometimes create an unusual amount of traffic.
  - iv. They are sometimes obnoxious or hazardous.
  - v. They are required for public safety and convenience.



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

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# CHAPTER 42

## Article 3.0 Zoning Districts



# Chapter 42

## Article 3.0 Zoning Districts

- 42-3.1 Districts Established
- 42-3.2 Zoning Maps
- 42-3.3 District Boundaries Interpreted
- 42-3.4 Zoning of Vacated Areas
- 42-3.5 District Requirements
- 42-3.6 Notes to District Standards
- 42-3.7 Planned Unit Development Option
- 42-3.8 One-Family Residential Cluster Option
- 42-3.9 Open Space Preservation Option
- 42-3.10 General Exceptions
- 42-3.11 District Regulations



# 42-3.0 Zoning Districts

## 42-3.1 DISTRICTS ESTABLISHED

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

1. R-1 One-Family Residential District
2. R-2 One-Family Residential District
3. R-3 One-Family Residential District
4. RM Multiple-Family Residential District
5. B-1 Local Business District
6. B-2 Community Business District
7. B-3 General Business District
8. B-4 Planned Business District
9. O-1 Office Building District
10. OR-1 Office-Retail District
11. RP Research Park District
12. ML Light Manufacturing District
13. P-1 Vehicular Parking District
14. PRD Planned Residential Development District
15. MX Mixed Use Overlay District
16. BPUD Business Planned Unit Development Overlay District

 **Digital User Note:**  
Click on a district heading to go directly to the corresponding district regulations.

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Purpose and  
Introduction

**2**  
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## 42-3.1.1

## R-1 One-Family Residential

## A. PURPOSE AND INTENT

The R-1 through R-3 One-Family Residential Districts as herein established are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density, one-family dwellings along with other residentially related facilities that serve the residents in the district. The preservation of existing natural features and the standards under which development has taken place is reflected in the controls set forth in this Article.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. Farms<sup>☞</sup>
- iii. **Publicly owned and operated libraries, parks, parkways, and recreational facilities**
- iv. **Municipal buildings and uses**
- v. **Public, parochial and private elementary, intermediate, and high schools** offering courses in general education, and not operated for profit
- vi. Accessory uses<sup>☞</sup> and accessory structures<sup>☞</sup> customarily incidental to any of the above permitted uses
- vii. **Home occupations**<sup>☞</sup>
- viii. **Medical marijuana usage** by a registered patient subject to Section 42-4.45<sup>☞</sup>
- ix. Rent or rental unit<sup>☞</sup>

## C. SPECIAL LAND USES

- i. Utility and public service facilities and uses, without storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity
- ii. **Places of worship**
- iii. **Colleges, universities and other such institutions of higher learning, public and private**, offering courses in general education and not operated for profit
- iv. **Golf courses, country clubs, private recreational areas, and institutional recreation centers** when not operated for profit
- v. **Swimming pool clubs** when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with specified limitation of members, either by subdivision, or other specified area for the exclusive use of members and their guests
- vi. **Private stable**<sup>☞</sup>
- vii. **Wind energy system**<sup>☞</sup>
- viii. **Accessory reception antenna and satellite dishes**
- ix. Accessory uses<sup>☞</sup> and accessory structures<sup>☞</sup> customarily incidental to any of the above permitted uses

## D. SPECIAL ACCOMMODATION USE

**Special Accommodation Uses** may be permitted subject to the requirements of Section 42-4.38



# R-1 One-Family Residential

42-3.1.1

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	
With sewer:	16,000 sq ft
Without sewer:	22,000 sq ft
Minimum lot width <sup>☐</sup> :	
With sewer:	100 ft
Without sewer:	150 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	30%
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### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	16 ft

### Building Height<sup>☐</sup>

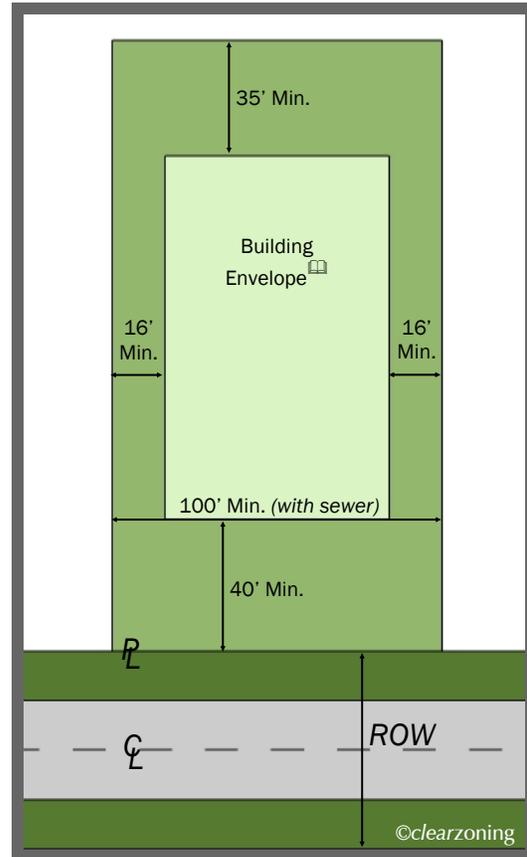
Maximum building height:	30 feet or 2½ stories, whichever is less
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### Floor Area<sup>☐</sup>

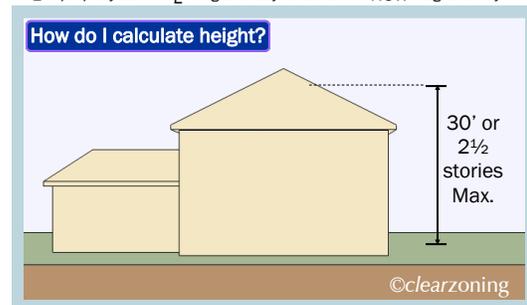
Minimum floor area per dwelling unit:	
1 story:	1,650 sq ft
1½ story:	1,250 sq ft (first story)
1½ story:	570 sq ft (second story)
2 story:	1,000 sq ft (first story)
2 story:	1,000 sq ft (second story)

### NOTES

- For additions to the above requirements, refer to **Section 42-3.6.2 Notes to District Standards: A, C, M, O**
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required
- Subdivisions must meet the standards of the Subdivisions and Engineering Design regulations (see *Suggested References* below)



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Unit Development Option
- One-Family Residential Cluster Option
- Open Space Preservation Option
- Planned Residential Development District
- General Exceptions

### 4. Use Standards

- Wireless Communication Facilities<sup>☐</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Residential Fences/Retaining Walls
- Signs
- Residential Entranceway
- Floodplain Controls
- Natural Features Setback
- Tree Preservation

### 6. Development Procedures

- Site Plan Review
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- Special Events

### Other Ordinances

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## 42-3.1.2

## R-2 One-Family Residential

## A. PURPOSE AND INTENT

The R-1 through R-3 One-Family Residential Districts as herein established are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density, one-family dwellings along with other residentially related facilities that serve the residents in the district. The preservation of existing natural features and the standards under which development has taken place is reflected in the controls set forth in this Article.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. Farms<sup>☐</sup>
- iii. **Publicly owned and operated libraries, parks, parkways, and recreational facilities**
- iv. **Municipal buildings and uses**
- v. **Public, parochial and private elementary, intermediate, and high schools** offering courses in general education, and not operated for profit
- vi. Accessory uses<sup>☐</sup> and accessory structures<sup>☐</sup> customarily incidental to any of the above permitted uses
- vii. **Home occupations**<sup>☐</sup>
- viii. **Medical marijuana usage** by a registered patient subject to Section 42-4.45<sup>☐</sup>
- ix. Rent or rental unit<sup>☐</sup>

## C. SPECIAL LAND USES

- i. Utility and public service facilities and uses, without storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity.
- ii. **Places of worship**
- iii. **Colleges, universities and other such institutions of higher learning, public and private**, offering courses in general education and not operated for profit
- iv. **Golf courses, country clubs, private recreational areas, and institutional recreation centers** when not operated for profit
- v. **Swimming pool clubs** when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with specified limitation of members, either by subdivision, or other specified area for the exclusive use of members and their guests
- vi. **Private stable**<sup>☐</sup>
- vii. **Wind energy system**<sup>☐</sup>
- viii. **Accessory reception antenna and satellite dishes**
- ix. Accessory uses<sup>☐</sup> and accessory structures<sup>☐</sup> customarily incidental to any of the above permitted uses

## D. SPECIAL ACCOMMODATION USE

**Special Accommodation Uses** may be permitted subject to the requirements of Section 42-4.38



# R-2 One-Family Residential

42-3.1.2

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	
With sewer:	20,000 sq ft
Without sewer:	22,000 sq ft
Minimum lot width <sup>☐</sup> :	
With sewer:	120 ft
Without sewer:	150 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	30%
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### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	16 ft

### Building Height<sup>☐</sup>

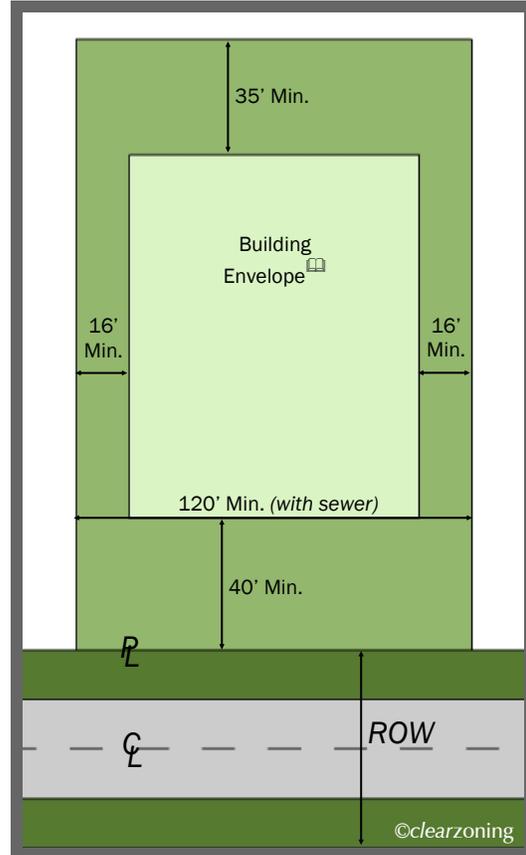
Maximum building height:	30 feet or 2½ stories, whichever is less
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### Floor Area<sup>☐</sup>

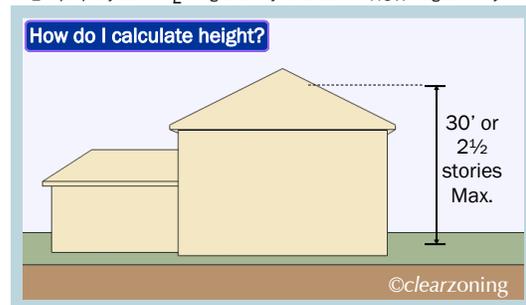
Minimum floor area per dwelling unit:	
1 story:	1,650 sq ft
1½ story:	1,250 sq ft (first story)
1½ story:	570 sq ft (second story)
2 story:	1,000 sq ft (first story)
2 story:	1,000 sq ft (second story)

### NOTES

- For additions to the above requirements, refer to **Section 42-3.6.2 Notes to District Standards: A, C, M, O**
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required
- Subdivisions must meet the standards of the Subdivisions and Engineering Design regulations (see *Suggested References* below)



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Planned Unit Development Option
- One-Family Residential Cluster Option
- Open Space Preservation Option
- Planned Residential Development District
- General Exceptions

### 4. Use Standards

- Wireless Communication Facilities<sup>☐</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Residential Fences/Retaining Walls
- Signs
- Residential Entranceway
- Floodplain Controls
- Natural Features Setback
- Tree Preservation

### 6. Development Procedures

- Site Plan Review
- Special Land Uses
- Design Review
- Special Events

### Other Ordinances

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- Waterways

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## A. PURPOSE AND INTENT

The R-1 through R-3 One-Family Residential Districts as herein established are intended to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low density, one-family dwellings along with other residentially related facilities that serve the residents in the district. The preservation of existing natural features and the standards under which development has taken place is reflected in the controls set forth in this Article.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. One-family detached dwellings
- ii. Farms<sup>☞</sup>
- iii. **Publicly owned and operated libraries, parks, parkways, and recreational facilities**
- iv. **Municipal buildings and uses**
- v. **Public, parochial and private elementary, intermediate, and high schools** offering courses in general education, and not operated for profit
- vi. Accessory uses<sup>☞</sup> and accessory structures<sup>☞</sup> customarily incidental to any of the above permitted uses
- vii. **Home occupations**<sup>☞</sup>
- viii. **Medical marijuana usage** by a registered patient subject to Section 42-4.45<sup>☞</sup>
- ix. Rent or rental unit<sup>☞</sup>

## C. SPECIAL LAND USES

- i. Utility and public service facilities and uses, without storage yards, when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity
- ii. **Places of worship**
- iii. **Colleges, universities and other such institutions of higher learning, public and private**, offering courses in general education and not operated for profit
- iv. **Golf courses, country clubs, private recreational areas, and institutional recreation centers** when not operated for profit
- v. **Swimming pool clubs** when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with specified limitation of members, either by subdivision, or other specified area for the exclusive use of members and their guests
- vi. **Private stable**<sup>☞</sup>
- vii. **Wind energy system**<sup>☞</sup>
- viii. **Accessory reception antenna and satellite dishes**
- ix. Accessory uses<sup>☞</sup> and accessory structures<sup>☞</sup> customarily incidental to any of the above permitted uses

## D. SPECIAL ACCOMMODATION USE

**Special Accommodation Uses** may be permitted subject to the requirements of Section 42-4.38



## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	
With sewer:	22,000 sq ft
Without sewer:	30,000 sq ft
Minimum lot width <sup>☐</sup> :	
With sewer:	130 ft
Without sewer:	150 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	30%
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### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	35 ft
Minimum side yard setback:	16 ft

### Building Height<sup>☐</sup>

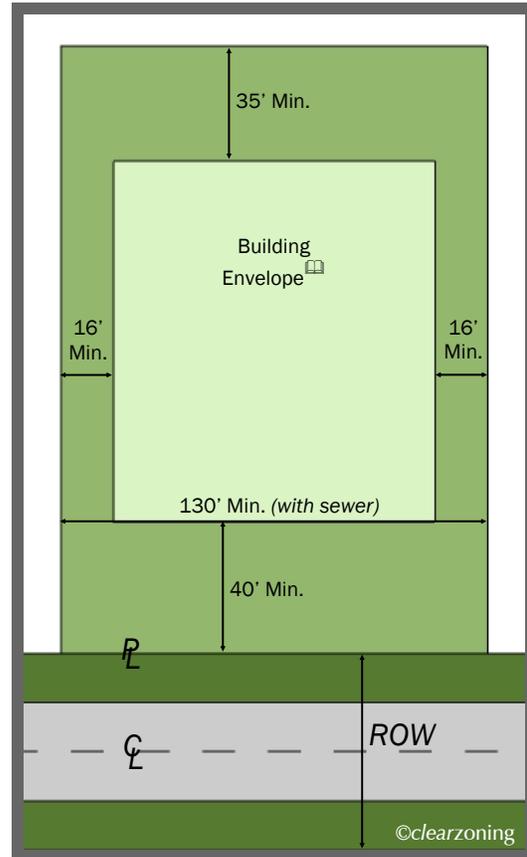
Maximum building height:	30 feet or 2½ stories, whichever is less
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### Floor Area<sup>☐</sup>

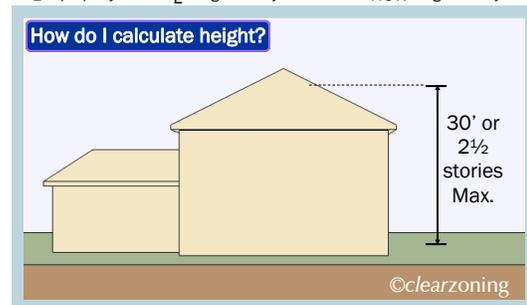
Minimum floor area per dwelling unit:	
1 story:	1,850 sq ft
1½ story:	1,400 sq ft (first story)
1½ story:	675 sq ft (second story)
2 story:	1,100 sq ft (first story)
2 story:	1,100 sq ft (second story)

### NOTES

- For additions to the above requirements, refer to **Section 42-3.6.2 Notes to District Standards: A, C, M, O**
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required
- Subdivisions must meet the standards of the Subdivisions and Engineering Design regulations (see *Suggested References* below)



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

### SELECTED REFERENCES

#### 3. Zoning Districts

- Planned Unit Development Option
- One-Family Residential Cluster Option
- Open Space Preservation Option
- Planned Residential Development District
- General Exceptions

#### 4. Use Standards

- Wireless Communication Facilities<sup>☐</sup>

#### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
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- Performance Standards & Soil Fill
- Residential Fences/Retaining Walls
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- Residential Entranceway
- Floodplain Controls
- Natural Features Setback
- Tree Preservation

#### 6. Development Procedures

- Site Plan Review
- Special Land Uses
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#### Other Ordinances

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## A. PURPOSE AND INTENT

The RM Multiple-Family Residential Districts as herein established are intended to provide sites for multiple-family dwelling structures which will generally serve as zones of transition between business districts and one-family residential districts, and between major thoroughfares having rights-of-way of one hundred fifty (150) feet or greater and one-family residential districts. The multiple-family residential district is further provided to serve the limited needs of the apartment type unit in an otherwise low density, one-family residential community.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. All principal permitted uses in R-1 through R-3 One-Family Residential Districts with the lot area, yards, and floor area requirements equal to at least the requirements of the immediately adjacent One-Family Residential District
- ii. Two-family dwellings<sup>ⓘ</sup>
- iii. Multiple-family dwellings<sup>ⓘ</sup>
- iv. Accessory uses<sup>ⓘ</sup> and accessory structures<sup>ⓘ</sup> customarily incidental to any of the above permitted uses
- v. **Home occupations**<sup>ⓘ</sup>
- vi. **Medical marijuana usage** by a registered patient subject to Section 42-4.45<sup>ⓘ</sup>
- vii. Rent or rental unit<sup>ⓘ</sup>

## C. SPECIAL LAND USES

- i. **General hospitals**<sup>ⓘ</sup>
- ii. **Preschools, nursery schools, day nurseries and child care centers**
- iii. **Accessory reception antenna and satellite dishes**
- iv. Accessory uses<sup>ⓘ</sup> and accessory structures<sup>ⓘ</sup> customarily incidental to any of the above permitted uses

## D. RESIDENTIAL ELDER CARE DEVELOPMENT

**Residential Elder Care Development** may be permitted subject to the requirements of Section 42-4.15

## E. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☒</sup> :	Not specified
Minimum lot width <sup>☒</sup> :	Not specified
Maximum units per acre:	Varies (refer to <a href="#">Section 42-3.6.2.G</a> )

### Lot Coverage<sup>☒</sup>

Maximum lot coverage:	40%
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### Setbacks<sup>☒</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	40 ft
Minimum side yard setback:	40 ft
Minimum distance between buildings:	Varies (refer to <a href="#">Section 42-3.6.2.G</a> )

### Building Height<sup>☒</sup>

Maximum building height:	25 feet or 2 stories, whichever is less
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### Parking Setbacks

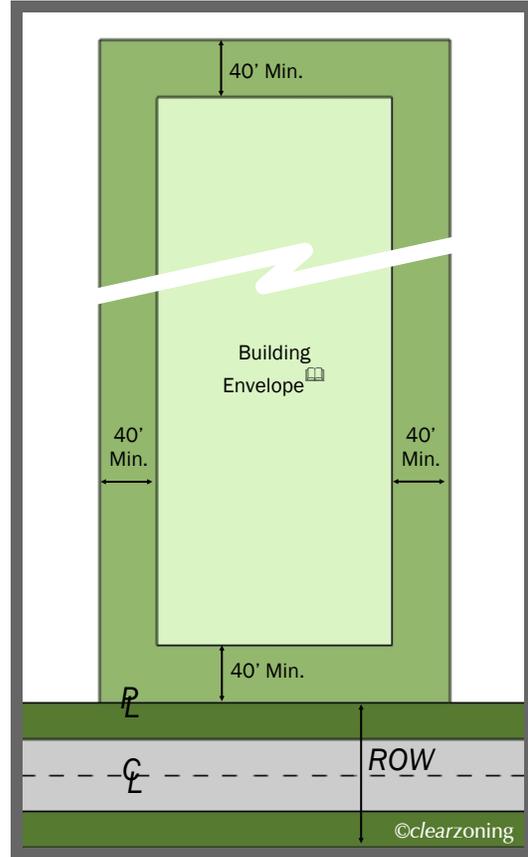
Minimum front yard setback:	40 ft
Minimum rear yard setback:	20 ft
Minimum side yard setback:	20 ft

### Floor Area<sup>☒</sup>

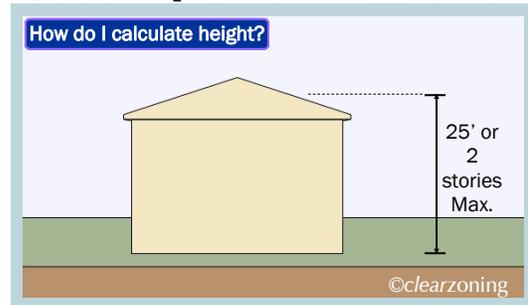
Minimum floor area per multiple-family dwelling <sup>☒</sup> :	
1 bedroom unit:	600 sq ft
2 bedroom unit:	800 sq ft
3+ bedroom unit:	800 sq ft + 150 sq ft per each additional room over 4

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: D, E, G, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Planned Residential Development District](#)
- [Mixed Use Overlay District](#)
- [General Exceptions](#)

### 4. Use Standards

- [Wireless Communication Facilities](#)<sup>☒</sup>

### 5. Site Standards

- [Accessory Structures](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards & Soil Fill](#)
- [Residential Fences/Retaining Walls](#)
- [Signs](#)
- [Residential Entranceway](#)
- [Floodplain Controls](#)
- [Natural Features Setback](#)
- [Tree Preservation](#)

### 6. Development Procedures

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- [Design Review](#)
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- [Waterways](#)

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## A. PURPOSE AND INTENT

The B-1 Local Business Districts as herein established are intended solely for the convenience of shopping for persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the community business center.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. **Any generally recognized retail business** which supplies commodities on the premises, for persons residing in adjacent residential areas, such as: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware
- ii. **Any personal service establishment** that performs services on the premises, for persons residing in adjacent residential areas
- iii. **Professional offices** such as, but not limited to: doctors, dentists, chiropractors, osteopaths and lawyers
- iv. **Other uses similar to the above uses**
- v. Accessory garages used exclusively for the storage of commercial and/or passenger motor vehicles used in connection with a permitted business
- vi. Accessory uses<sup>□</sup> and accessory structures<sup>□</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. Publicly owned buildings, public utility<sup>□</sup> buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations
- ii. **Restaurants<sup>□</sup> in planned shopping centers**
- iii. Any use with hours of operation beginning earlier than 7:00 a.m. or ending later than 9:00 p.m.
- iv. Any use with more than 35,000 gross square feet of ground floor area
- v. **Accessory reception antenna and satellite dishes**



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 0 ft

### Building Height<sup>☒</sup>

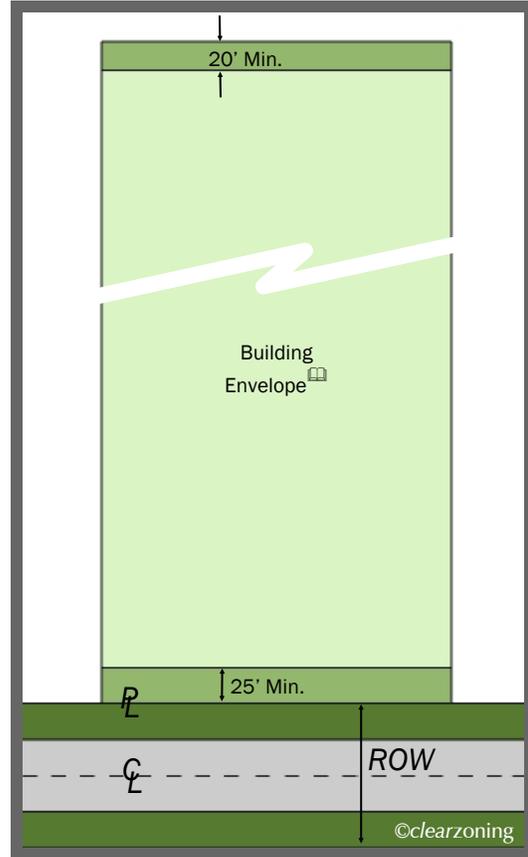
Maximum building height: 24 feet

### Parking Setbacks

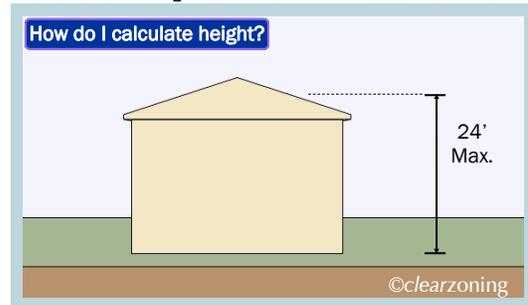
Minimum front yard setback: 15 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 10 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: F, H, J, K, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☒</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☒</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Walls
- Signs
- Floodplain Controls
- Natural Features Setback
- Tree Preservation

### 6. Development Procedures

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### Other Ordinances

- Land Divisions, Subdivisions, and Engineering Design
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## A. PURPOSE AND INTENT

The B-2 Community Business Districts are designed to cater to the needs of a larger consumer population than served by the restricted Local Business District and so are mapped typically in major shopping center locations characterized by large establishments generating large volumes of vehicular and pedestrian traffic.

? **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. **Any retail business or service establishment permitted in B-1 districts** as a principal permitted use, subject to the applicable use standards of the B-1 district
- ii. **Any retail business** whose principal activity is the sale of merchandise in an enclosed building
- iii. **Any service establishment** of an office, showroom, or workshop, nature of an electrician, decorator, dressmaker, tailor, baker, printer, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct
- iv. **Private clubs** or lodge halls
- v. **Restaurants** or other places serving food or beverage except those having the character of a drive-in
- vi. **Other uses similar to the above uses**
- vii. Accessory garages used exclusively for the storage of commercial and/or passenger motor vehicles used in connection with a permitted business
- viii. Accessory uses and accessory structures customarily incidental to any of the above permitted uses
- ix. Accessory uses and accessory structures permitted in RM districts when such uses are for the convenience of the multiple family residents in the abutting RM district, subject to the applicable standards of the RM district.

(Amended by Ord. No. 693)

## C. SPECIAL LAND USES

- i. **Restaurants** possessing a **Class C and/or Tavern License for the sale of beer, wine and/or spirits for consumption on the premises**
- ii. **Retail package outlets**
- iii. Fast food restaurants
- iv. Any use with hours of operation beginning earlier than 7:00 a.m. or ending later than 9:00 p.m.
- v. Any use with more than 35,000 gross square feet of ground floor area
- vi. **Accessory reception antenna and satellite dishes**
- vii. **Retail wine shop**
- viii. **Cinema with a Class C and/or Tavern License**
- ix. **Indoor Recreational Restaurant Uses with a Class C and/or Tavern License**

(Amended by Ord. No. 691)



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 0 ft

### Building Height<sup>☒</sup>

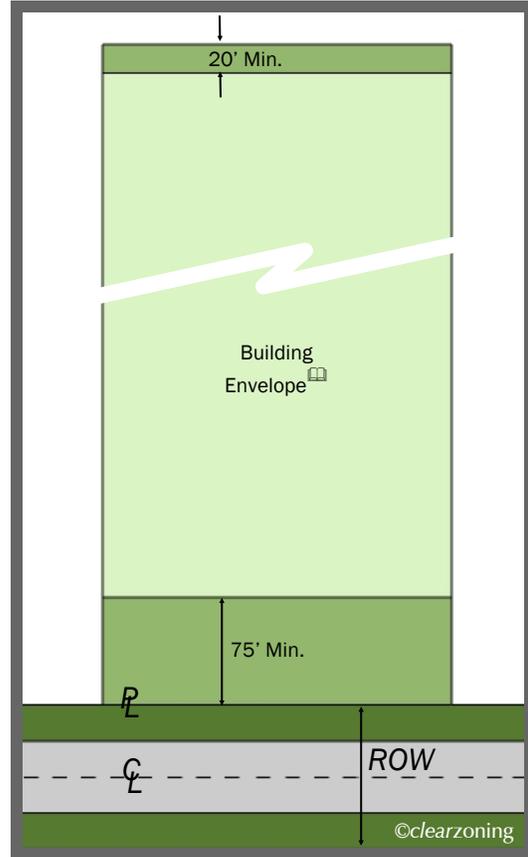
Maximum building height: 32 feet

### Parking Setbacks

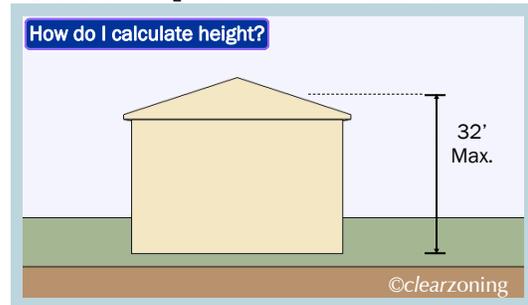
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 10 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: H, I, J, K, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☒</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☒</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Walls
- Signs
- Floodplain Controls
- Natural Features Setback
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### 6. Development Procedures

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## A. PURPOSE AND INTENT

The B-3 General Business Districts as herein established are intended to furnish areas served typically by the Community Business Districts with a variety of automobile services and goods incompatible with the uses in such Community Business District, and not permitted therein. The General Business Districts are characterized by more diversified business types and are often located so as to serve the passerby traffic.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. **Any retail business or service establishment permitted in B-2 districts** as a principal permitted use or special land use, subject to the applicable use standards of the B-2 district
- ii. Business schools or private schools operated for profit
- iii. Funeral homes
- iv. Auto laundries when completely enclosed within the building
- v. Bus passenger stations
- vi. Governmental office or other governmental use
- vii. Public utilities<sup>☐</sup> offices, exchanges, transformer stations, pump stations, and service yards but not including outdoor storage
- viii. Clinics<sup>☐</sup>
- ix. **Residential elder care facilities**
- x. Other uses similar to the above uses
- xi. Accessory uses<sup>☐</sup> and accessory structures<sup>☐</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. **Outdoor sales space for exclusive sale of secondhand automobiles, or mobile homes**
- ii. **Motel**<sup>☐</sup>
- iii. **Business in the character of a drive-in**<sup>☐</sup> or so called **open front store**<sup>☐</sup>
- iv. **Automobile service stations**<sup>☐</sup>
- v. **Veterinary hospitals or clinics and related kennels**
- vi. **Open air uses**
- vii. **Recreational uses**
- viii. Theaters, assembly halls, concert halls or similar places of assembly when conducted within fully enclosed buildings
- ix. **Restaurants**<sup>☐</sup> **possessing a Class C and/or Tavern License for the sale of beer, wine and/or spirits for consumption on the premises**
- x. **Cinemas with Class C and/or tavern license**
- xi. **Amusement device arcade**<sup>☐</sup>
- xii. Vehicle dealership
- xiii. Fast food restaurant<sup>☐</sup>
- xiv. Any use with hours of operation beginning earlier than 7:00 a.m. or ending later than 9:00 p.m.
- xv. Any use with more than 35,000 gross square feet of ground floor area
- xvi. **Accessory reception antenna and satellite dishes**



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 0 ft

### Building Height<sup>☒</sup>

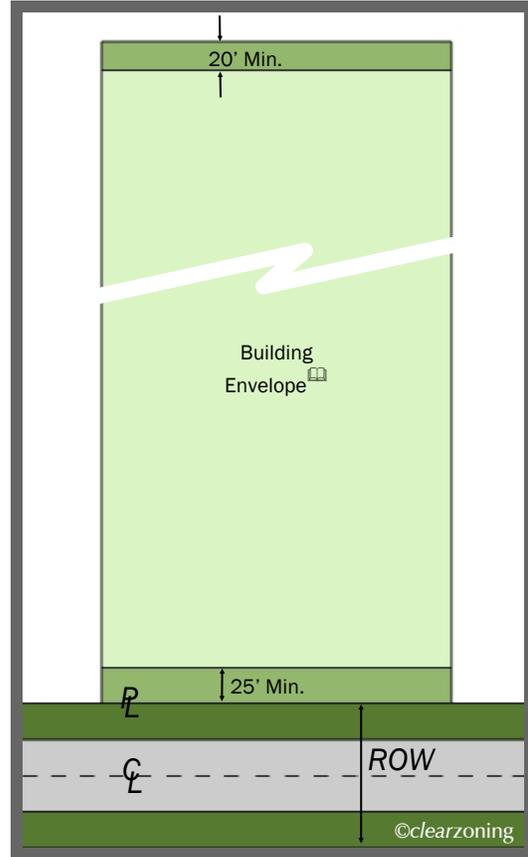
Maximum building height: 32 feet

### Parking Setbacks

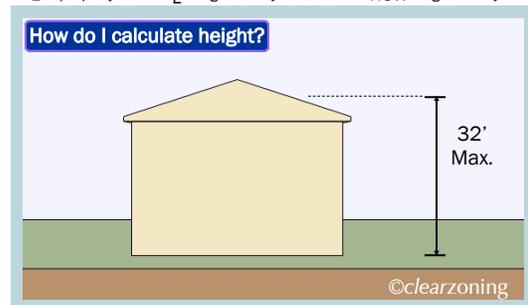
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 10 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: F, H, I, J, K, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☒</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☒</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Walls
- Signs
- Floodplain Controls
- Natural Features Setback
- Tree Preservation

### 6. Development Procedures

- Site Plan Review
- Special Land Uses
- Design Review
- Special Events

### Other Ordinances

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# B-4 Planned Business

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## A. PURPOSE AND INTENT

The B-4 Planned Business Districts are intended to provide specified permitted uses, both principal uses permitted as well as special land uses, and also provide for broad and flexible authority for planned unit developments. In this regard, the B-4 districts are intended to provide broader authority than permitted in any other business district in the Township, with the view of encouraging the use of land in accordance with its character and adaptability, and encouraging innovation in land use planning to achieve a compatibility of design and use on property to be developed, and in relation to neighboring properties. These districts are intended to provide development authorization for appropriate properties located on the corridor of Telegraph Road (US 24), north of Square Lake Road, with frontage, or direct access to Telegraph Road; such corridor is deemed by the Township to be an important focus of development and redevelopment, distinct from any other area within the Township. In determining whether to classify a property under this B-4 district, weight shall be given to those properties having sufficient size to take advantage of the potential flexibility provided by the planned unit development authority conferred herein, with the view toward encouraging planned development on this corridor.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. Any use permitted and as controlled in the RM district
- ii. Any use permitted and as controlled in the O -1 district
- iii. Banks and credit unions
- iv. Full service restaurants<sup>ⓘ</sup>
- v. Publicly owned buildings
- vi. Accessory uses<sup>ⓘ</sup> and accessory structures<sup>ⓘ</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. **Theaters**
- ii. **Banquet Halls<sup>ⓘ</sup>**
- iii. **Health / fitness clubs**
- iv. **Hotels<sup>ⓘ</sup>**
- v. **Accessory reception antenna and satellite dishes**



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 0 ft

### Building Height<sup>☒</sup>

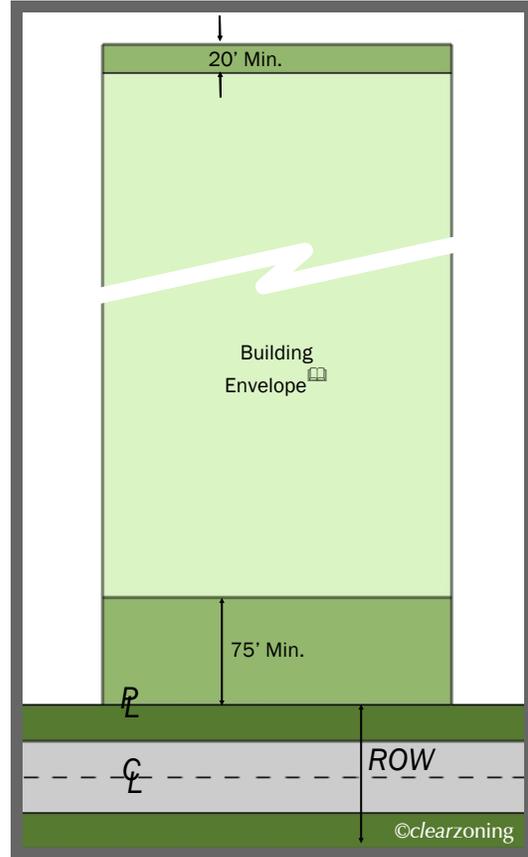
Maximum building height: 35 feet

### Parking Setbacks

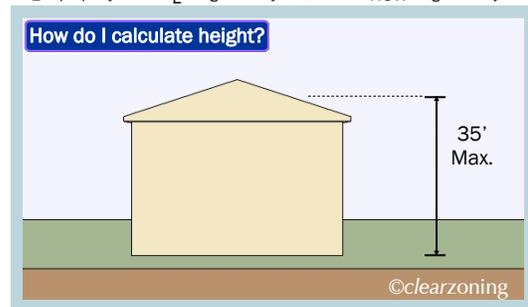
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 10 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: B, H, J, P, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Business Planned Unit Development Overlay District
- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☒</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☒</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
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- Signs
- Floodplain Controls
- Natural Features Setback
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### 6. Development Procedures

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# O-1 Office Building

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## A. PURPOSE AND INTENT

The O-1 Office Building Districts as herein established are intended to accommodate office uses, office sales uses and basic personal services. This district is further intended to serve the function of land use transition between commercial districts, major thoroughfares having rights-of-way of one hundred fifty (150) feet or greater, and adjacent one-family residential districts.

**i** **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. **Office buildings** for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales
- ii. **Medical offices, including clinics** <sup>ⓘ</sup>
- iii. **Publicly owned buildings, and public utility offices**, but not including storage yards, transformer stations, exchanges, substations
- iv. **Other uses similar to the above uses**
- v. Accessory uses <sup>ⓘ</sup> and accessory structures <sup>ⓘ</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. **Accessory reception antenna and satellite dishes**
- ii. **Places of worship**



# O-1 Office Building

42-3.1.9

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: Not specified  
 Minimum lot width<sup>☐</sup>: Not specified

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☐</sup>

Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 20 ft  
 Minimum side yard setback: 10 ft

### Building Height<sup>☐</sup>

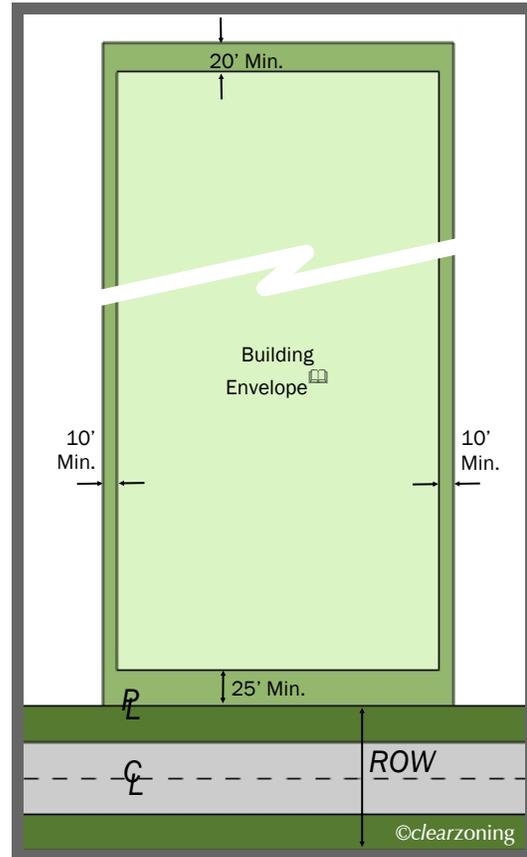
Maximum building height: 24 feet

### Parking Setbacks

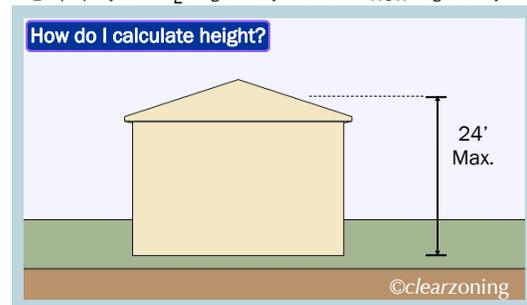
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 10 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: F, H, J, K, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☐</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☐</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Walls
- Signs
- Floodplain Controls
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### 6. Development Procedures

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## A. PURPOSE AND INTENT

The OR-1 Office-Retail Districts as herein established are intended to accommodate large office buildings, restricted retail, research and educational facilities which serve large numbers of people. A major purpose of this district is to provide attractive settings so that these areas of the Township will basically create an office environment and permit related uses similar in development to the office character. This facility should be located adjacent to other business uses and is specifically not intended to serve as a zone of transition between one-family residential districts and nonresidential districts or major thoroughfares.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. **Any use permitted in O-1 districts** as a principal permitted use subject to the applicable use standards of the O-1 district
- ii. **Uses charged with the principal function of education, research, or technical training**
- iii. **Banks, credit unions, savings and loan associations**
- iv. **Other uses similar to the above uses**
- v. Accessory uses<sup>☒</sup> and accessory structures<sup>☒</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. **Clubs<sup>☒</sup> and their ancillary uses** when conducted in an enclosed building and whose activity is not carried on as a business
- ii. **Restaurants<sup>☒</sup>** except those having the character of an "open front" store, "drive-in," or "takeout" restaurant
- iii. **Retail and personal service uses**
- iv. **Accessory reception antenna and satellite dishes**



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 30 ft  
 Minimum side yard setback: 30 ft

### Building Height<sup>☒</sup>

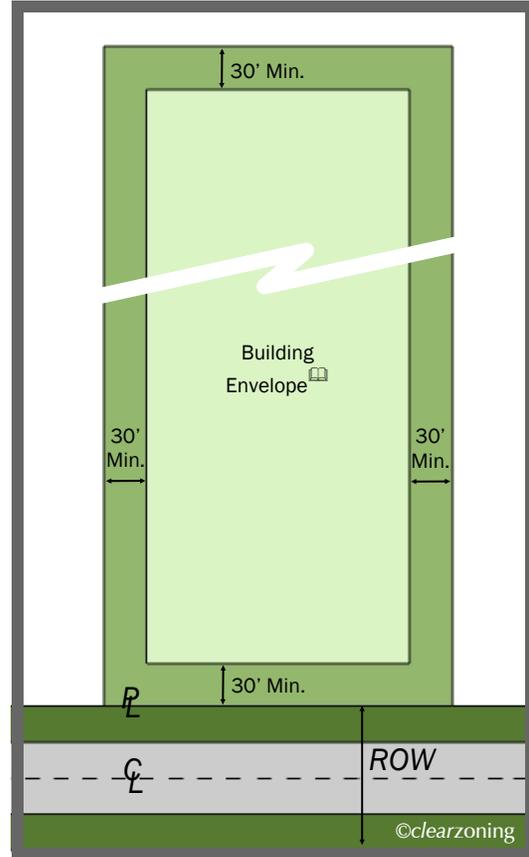
Maximum building height: 35 feet

### Parking Setbacks

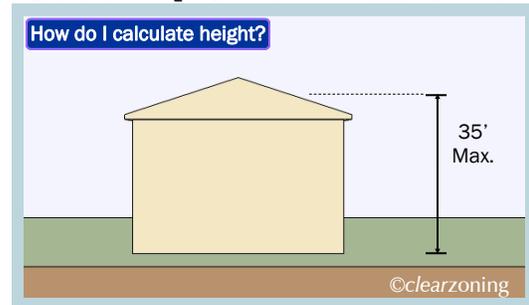
Minimum front yard setback: 25 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 10 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: H, I, J, K, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☒</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☒</sup>

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Walls
- Signs
- Floodplain Controls
- Natural Features Setback
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## A. PURPOSE AND INTENT

The RP Research Park Districts as herein established are intended to provide for a community of research, technical, office, service, training uses and related facilities and to exclude therefrom incongruous uses. This area is further designed to ensure the compatibility between the research operations therein and the existing activities and character of the community in which the park is located. The district is specifically intended to prohibit commercial establishments of a retail nature or other activities, which require constant short-term parking and traffic from the general public, which could reasonably be located in designated commercial areas elsewhere in the community, such as banks or real estate offices or other similar uses.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. Uses charged with the principal function of basic research, design, and pilot or experimental product development
- ii. Uses charged with the principal function of technical training
- iii. Accessory<sup>☐</sup> sales
- iv. Office buildings for any of the following type uses: executive, administrative, accounting, data processing and computer centers, clerical, graphic, drafting or sales, and other general service/office uses, such as insurance, or other similar uses
- v. Hospital<sup>☐</sup> and clinics<sup>☐</sup>
- vi. **Places of worship**
- vii. **Residential elder care facilities**
- viii. Accessory uses<sup>☐</sup> and accessory structures<sup>☐</sup> customarily incidental to any of the above permitted uses, such as wholesale activities, warehouses, and light industrial operations

## C. SPECIAL LAND USES

- i. Restaurants<sup>☐</sup> or other places serving food and/or beverages, except those having the character of an open front store or a drive-in
- ii. **New car sales agencies**
- iii. **Fully enclosed industrial operations** involving the manufacturing, processing, assembling or packaging of finished or semi-finished products from previously prepared material
- iv. Medical office, therapy or health facility
- v. Recreation uses, including but not limited to sports facilities, clubs, recreational and community center buildings, and dance and exercise studios
- vi. **Accessory reception antenna and satellite dishes**



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 50 ft  
 Minimum side yard setback: 40 ft

### Building Height<sup>☒</sup>

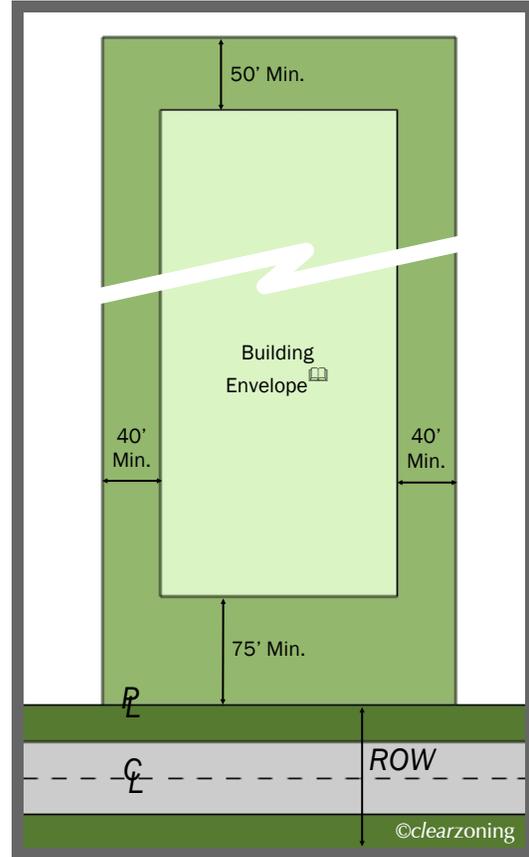
Maximum building height: 35 feet

### Parking Setbacks

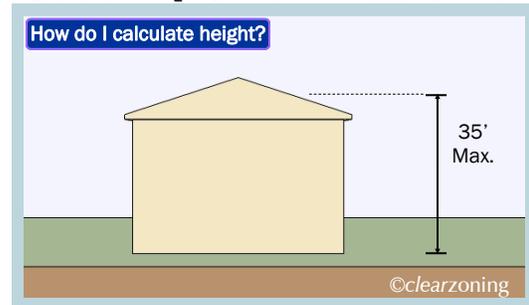
Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 20 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: H, J, K, L, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- Mixed Use Overlay District
- General Exceptions

### 4. Use Standards

- Regulated Uses<sup>☒</sup>
- Uses Not Otherwise Included Within a Specific Use District
- Wireless Communication Facilities<sup>☒</sup>

### 5. Site Standards

- Accessory Structures
- Parking
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- Plant Materials
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## A. PURPOSE AND INTENT

The ML Light Manufacturing District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. Uses permitted in B-3 districts when such uses are for the convenience of persons in the ML district, subject to the applicable use standards of the B-3 district
- ii. **The following warehousing, compounding, manufacturing, and repair uses:**
  - a. Warehousing and wholesale establishments, and trucking facilities
  - b. Manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, and machine shops
  - c. Manufacture, compounding, assembling, or treatment of articles of merchandise from the following previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, sheet metal, excluding large stamping such as automobile fenders or bodies, shell, textiles, tobacco, wax, wire, wood, excluding saw and planing mills, and yarns
  - d. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas
  - e. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs
  - g. Laboratories; experimental, film, or testing

## B. PRINCIPAL PERMITTED USES (Cont.)

- h. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like
- i. Warehouse, storage and transfer of electric, communication, and gas service buildings and yards, excluding gas treatment and gas pumping stations; water supply and sewage disposal plants; water and gas tanks and holders
- j. Auto repair center<sup>☐</sup>
  - i. Other uses similar to the above uses
  - ii. Accessory uses<sup>☐</sup> and accessory structures<sup>☐</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. **Wind energy system<sup>☐</sup>**
- ii. **Accessory reception antenna and satellite dishes**



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☒</sup>: Not specified  
 Minimum lot width<sup>☒</sup>: Not specified

### Lot Coverage<sup>☒</sup>

Maximum lot coverage: Not specified

### Setbacks<sup>☒</sup>

Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 50 ft  
 Minimum side yard setback: 40 ft

### Building Height<sup>☒</sup>

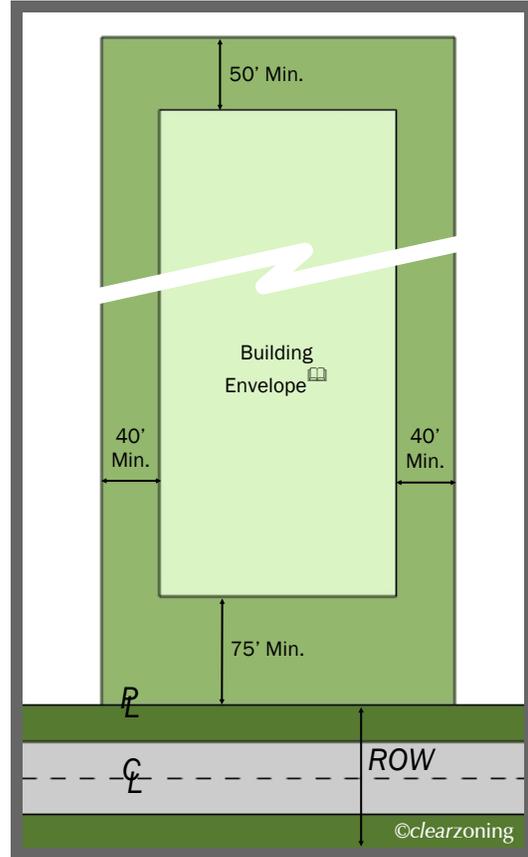
Maximum building height: 35 feet

### Parking Setbacks

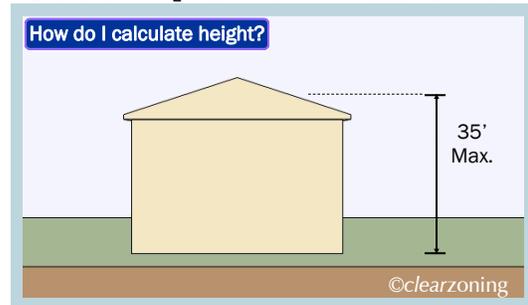
Minimum front yard setback: 30 ft  
 Minimum rear yard setback: 0 ft  
 Minimum side yard setback: 20 ft

### NOTES

- For additions to the above requirements, refer to [Section 42-3.6.2 Notes to District Standards: H, J, K, L, N, O](#)
- See *Selected References* below for applicability
- A maximum lot width/depth ratio of 1:4 is required



P = property line C = right-of-way centerline ROW = right-of-way



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- [Mixed Use Overlay District](#)
- [General Exceptions](#)

### 4. Use Standards

- [Regulated Uses](#)<sup>☒</sup>
- [Uses Not Otherwise Included Within a Specific Use District](#)
- [Wireless Communication Facilities](#)<sup>☒</sup>

### 5. Site Standards

- [Accessory Structures](#)
- [Parking](#)
- [Loading/Unloading](#)
- [Plant Materials](#)
- [Performance Standards & Soil Fill](#)
- [Walls](#)
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- [Natural Features Setback](#)
- [Tree Preservation](#)

### 6. Development Procedures

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### Other Ordinances

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**A. PURPOSE AND INTENT**

The P-1 Vehicular Parking Districts as herein established are intended to accommodate the off-street parking for those nonresidential uses which are not able to provide adequate space within their own district boundaries.

**B. OFF-STREET VEHICULAR PARKING AREA**

Premises in such district shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

**C. LIMITATION OF USES**

- i. The parking area shall be accessory to, and for use in connection with one (1) or more business, research or industrial establishments, or in connection with one (1) or more existing professional or institutional office buildings or institutions.
- ii. The parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day.
- iii. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- iv. No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed fifteen (15) feet in height.
- v. Such parking lots shall be situated on premises that have an area of not less than six thousand (6,000) square feet and shall be contiguous to a B-1, B-2, B-3, O-1, OR-1, RP, or ML district. Parking areas may be approved when adjacent to B-1, B-3, O-1, or OR-1 districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 district and such B-1, B-2, B-3, O-1, OR-1, RP, or ML districts.
- vi. Applications for P-1 district use shall be made to the Township Planning Commission by submitting a layout of the area requested showing the intended parking plan.

**D. PARKING LAYOUT, ENTRANCE AND EXIT**

P-1 vehicular parking districts shall be developed and maintained in accordance with the requirements of Section 42-5.3, off-street parking space layout, standards, construction and maintenance.

**E. MINIMUM DISTANCE AND SETBACKS**

Where the P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty five (25) feet, or whichever is the greater. The required wall shall be located on this minimum setback line.

**F. SCREENING AND LANDSCAPING**

The parking area shall be provided with a continuous and completely obscuring masonry wall as set forth in Section 42-5.8. This wall shall be provided on all sides where the next zoning district is designated as a residential district. Whenever such wall is required, all land between said wall and boundaries of the P-1 district shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. Ornamental trees shall be planted at thirty (30) foot intervals, six (6) feet from the wall. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

**G. SURFACE OF PARKING AREA**

- i. The entire parking area, including parking spaces and maneuvering lanes, required under this Section, shall have asphalt or concrete surfacing in accordance with specifications approved by the Township engineer. Such facilities shall be drained so as to dispose of all surface water accumulated in the parking area.
- ii. The Zoning Board of Appeals may extend the period between occupancy of a building and/or use, and the surfacing of the parking area wherein excessive fill was required by granting a temporary certificate of occupancy for a period not to exceed six (6) months.



## H. LIGHTING

All lighting used to illuminate any P-1 district off-street parking area shall not exceed twenty (20) feet in overall height above ground level and shall be so installed as to be confined within and directed on the parking area only.

## H. APPROVAL AND MODIFICATIONS

- i. The Zoning Board of Appeals, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances no good purpose would be served by compliance with the requirements of this Section.
- ii. In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- iii. In addition to the requirements in this Section, such parking area shall comply with such further requirements or conditions as may be prescribed by the Zoning Board of Appeals for the protection of the residence district abutting such parcel or parcels in which the parking area is to be located.

## SELECTED REFERENCES

### 5. Site Standards

- **Parking Layout, Standards, Construction and Maintenance**
- **Walls**
- **Performance Standards & Soil Fill**
- **Floodplain Controls**
- **Natural Features Setback**
- **Tree Preservation**

### 6. Development Procedures

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# 42-3.1.14 PRD Planned Residential Development

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## A. PURPOSE AND INTENT

The PRD Planned Residential Development District is intended to permit the development of land areas which abut freeways to best utilize such lands as a planned development which will minimize the impact such freeways have on abutting development and to further provide a development substantially in accord with the goals and objectives of the Master Plan for future land use for the Township. The land use pattern of the area involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. Such planned residential development districts may embrace a mixture of one (1) or more attached and detached residential dwelling types and may include recreation and site facilities such as golf courses, swimming pools, clubhouses and similar features in support of the residential development.

## B. STANDARDS FOR QUALIFICATION

As a condition for qualification under this Section, the following standards shall be met:

- i. The property to be developed shall be a minimum of one hundred (100) acres in area.
- ii. The property shall have at least one thousand (1,000) feet of boundary immediately adjoining an interstate freeway.
- iii. The proposed development shall be determined, in the discretion of the Township Board, to be consistent with the goals and objectives of the Master Plan for future land use for the Township. 

## C. PERMITTED USES

The following uses shall be permitted as part of a planned residential development subject to compliance with all of the provisions of this Section:

- i. Single-family residential detached cluster.
- ii. Single-family residential attached cluster.
- iii. Multiple-family residential, subject to the conditions set forth in this Section.
- iv. Recreational uses incidental to the development.

- v. **Medical marijuana usage** by a registered patient subject to Section 42-4.44 
- vi. Rent or rental unit 

## D. PROCEDURE FOR APPLICATION

Application shall be made to the Township Board for consideration under this district. The person applying shall be required to make a submittal of the following material for review and recommendation by the Planning Commission:

- i. A property area survey of the exact area being requested (scale: one (1) inch equals one hundred (100) feet).
- ii. A proof of ownership of land being requested for rezoning.
- iii. A topography map of the entire area at a contour interval showing two (2) foot changes in elevation. This map shall indicate all natural and manmade features (scale: one (1) inch equals one hundred (100) feet).
- iv. A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the densities being proposed where applicable, the system of collector streets, and off-street parking system.
- v. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the resultant traffic generated and parking demands created; and providing supporting documentation including but not limited to market studies supporting land use request, and the intended scheduling of development.

## E. BASIC LAND AND DENSITY CONDITIONS

- i. The dwelling unit density shall not exceed the density allowed for an R-1 one-family district provided areas qualifying for cluster options may utilize the dwelling unit density requirements applicable to those areas so qualifying.
- ii. One-bedroom or efficiency-type apartments shall not be permitted.
- iii. The overall density of the PRD shall be averaged for the entire area included within the development plan. Open space such as golf courses and park sites may be included in



computing the area of the parcel and, therefore the related density. The horizontal surface of all bodies of water shall be computed as being within the area of the parcel for purposes of density whenever such water body is accessible to residents of the planned residential development.

- iv. As part of the grant of approval of the PRD, the Township Board may permit the developer to make future modifications of housing types from multiple units, stacked or flats, to single-family attached or detached cluster, subject only to site plan review.

## F. DESIGN AND LAYOUT CONDITIONS

- i. In order to protect abutting land on the periphery of the PRD project, the following rules shall control:
  - a. Where abutting land with a common property line is platted, with or without development, as single-family, the PRD land will provide for detached housing development or park land to a depth of three hundred fifty (350) feet along said boundary.
  - b. Subject to subsection F.i.a of this Section where the adjacent land is zoned as single-family and the PRD land abuts a major thoroughfare, the PRD land may be developed with multiple-family dwelling units.
- ii. Private open spaces shall be provided on the basis of at least fifteen (15) percent of the total acreage of the planned residential development. Yard requirement for either single-family or multiple-family units shall not count as part of this open space requirement. Golf courses may be included as a part of the private open space.

## G. AREA, HEIGHT AND BULK CONDITIONS

- i. All height and floor area requirements shall comply with requirements of Section 42-3.8 one-family residential clustering option, provided that floor area requirements for detached cluster units shall have a floor area of not less than one thousand six hundred fifty (1,650) square feet per dwelling unit along those sides abutting any existing single-family subdivision, for a depth of five hundred (500) feet into the site along such abutting side. Setback, lot area and lot coverage requirements shall be based upon density

control factors and all other requirements of this subsection and shall further be based upon an approved site plan for the property in question.

- ii. All height and minimum floor area requirements for multiple-family developments shall be in conformance with the standards for RM multiple-family residential districts (Section 42-3.1.4). Setback, lot area and lot coverage requirements shall be based upon density control factors and all other requirements of this subsection and shall further be based upon an approved site plan for the property in question.

## H. GENERAL REGULATIONS

All regulations not expressly provided for in this Section shall be governed by the following provisions:

- i. All regulations applicable to the single-family residential component of the development shall be in accordance with the regulations applicable in the R-1 one-family district, except as provided in subsection H.ii of this Section.
- ii. The development of a multiple-family residential component shall be governed by the regulations applicable to the RM multiple-family residential district.

## I. STAGE I: ACCEPTANCE OF PRELIMINARY SITE PLAN AND REZONING

Acceptance of the preliminary plan by the Township shall be effective for a period of two (2) years. In reviewing and approving the plan, the following procedures and conditions shall be followed:

- ii. The preliminary plan shall be reviewed and a recommendation shall be made by the Planning Commission relative to the plan's meeting the intent and the requirements of the Master Plan of future land use.
- iii. Approval shall be given only after public hearing, and shall be accomplished by rezoning the area to the PRD district. Rezoning procedures under this Section will rely upon the plan submitted and the supporting documentation and the plan, therefore, is basis to the rezoning.
- iv. The zoning ordinance amendment which effectuates the rezoning to the PRD district

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- shall refer to and incorporate by reference the stage I site plan.
- v. Once an area has been rezoned to the PRD district, no development shall take place therein nor use made of any part thereof except in accordance with the general plan as originally approved, or in accordance with an approved amendment thereto.
  - vi. Approval of the preliminary plan by the Township Board shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
  - vii. A site plan for the entire area being requested under this PRD district shall be submitted. This plan shall be of sufficient detail showing specific uses, building location, off-street parking, street alignments, open spaces and other physical details as proposed.
  - viii. Upon adoption of the Township Board of the zoning ordinance amendment, the site plan, building elevations and other development proposals, including the proposed uses, shall become an integral part of the zoning amendment to the PRD district and for purposes of recordation, shall be referred to as "Planned Development No. 393," which number shall correspond to the number of the amending ordinance. All approved plans shall be filed with the Township Clerk.

**J. STAGE II: FINAL SITE PLAN SUBMITTAL**

A presentation of the final site plan shall be made to the Planning Commission for review and recommendation to the Township Board of the following:

- i. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan.
- ii. Standards for building bulk, except as modified herein, and off-street parking shall be equal to at least the minimum standards set forth for like uses and off-street parking requirements of this Chapter.

**K. STAGE II: APPROVAL OF FINAL SITE PLAN**

Approval of the final site plan shall be effective for a period of three (3) years. If development is not completed in this period, the Planning Commission shall review progress to date and make a

recommendation to the Township Board as to action relative to permitting continuation under original approval. In reviewing and approving the final plan, the following conditions shall be set forth:

- i. A stage II certificate of compliance shall be granted by the Township Board after review and recommendation is made by the Planning Commission. A public hearing shall not be required on the stage II site plan, but a resolution of the Township Board determining that such later stage II site plan is in compliance with the planned development representations made at the time of the rezoning, and also the requirements set forth in Section 42-3.1.14.L.
- ii. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- iii. In residential areas, any prorated open space shall be irrevocably retained as open space for park, recreation and related uses. All documents relating to the retention of open space shall meet the requirements of the Township Board.

**L. REQUIRED CONDITIONS**

Before approving the plan in either the stage I preliminary site plan or stage II final site plan submittal, the Planning Commission and the Township Board shall determine that:

- i. Provisions, satisfactory to the Township Board have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.
- ii. The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.
- iii. The final site plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall terminate approval of the overall plan until such changes or amendments have been reviewed and approved or denied as in the instance of the first submittal, it being the intent of this Section that no other administrative or Zoning



Board of Appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by Township Board of any requested changes or amendments shall not void the originally approved plan.

- iv. Proceeding with a planned residential development district shall only be permitted if it is mutually agreeable to the Township Board and the developer.

## M. FEES

Fees for legal, engineering and planning review of the site plans shall be established by the Township Board.

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## A. PURPOSE AND INTENT

The MX Mixed Use Overlay District is intended to accommodate a mixture of uses that help support adjacent commercial uses, add new neighborhood commercial opportunities, and serve as a transitional use to the nearby single-family residential neighborhoods. Retail uses are encouraged along street frontages. Residential uses are to be combined with shopping, restaurant, and office uses to create compact, pedestrian-friendly developments which integrate well with adjacent properties. Applicants may elect to develop under the MX Mixed Use Overlay District when additional floors, construction of a new building, or additions which affect the building frontage are proposed within the boundaries of the MX Mixed Use Overlay District. The construction activity within the MX Mixed Use Overlay District shall be required to follow the site plan standards contained in Section 42-6.1.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards.

## B. PRINCIPAL PERMITTED USES

- i. Retail uses, with frontages encouraged at the first floor level
- ii. Specialty foods, such as ice-cream parlors, bakeries, and coffee shops
- iii. Personal service uses, such as barber and beauty salons, cleaners and tailors
- iv. **Upper story commercial, office or residential uses**
- v. Other uses similar to the above uses
- vi. Accessory uses<sup>☐</sup> and accessory structures<sup>☐</sup> customarily incidental to any of the above permitted uses

## C. SPECIAL LAND USES

- i. Restaurants<sup>☐</sup>
- ii. Dance and exercise studios
- iii. Medical office, therapy or health facility
- iv. **Accessory reception antenna and satellite dishes**
- v. **Restaurants<sup>☐</sup> possessing a Class C and/or Tavern License for the sale of beer, wine and/or spirits for consumption on the premises**



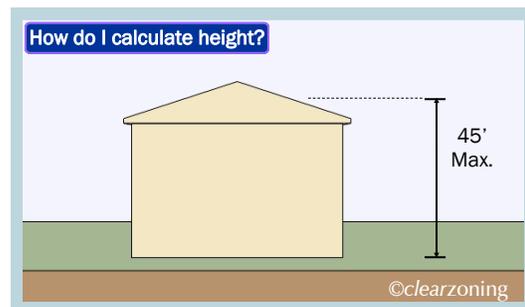
## D. REQUIRED CONDITIONS

- i. The maximum overall height shall be no more than forty five (45) feet.
- ii. Buildings shall comply with the underlying setback provisions, except the Planning Commission may:
  - a. Adjust the required front setback to match the front setback of an abutting building.
  - b. Allow the rear setback reduced or eliminated.
- iii. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street.
- iv. The orientation of the building shall parallel the street with a pedestrian entrance provided on the principal frontage of the building.
- v. Parking requirements shall be determined by a shared parking plan that incorporates the appropriate parking ratios for the development as approval by the Township traffic engineer.
- vi. Signage standards.
  - a. Signage in the MX Mixed Use Overlay District shall be integrally designed with the building.
  - b. A retail use with frontage on two (2) streets may have a sign on each street elevation subject to the combined sign area for both signs does not exceed the total allowed by Section 42-5.9, signs.

- vii. No dwelling units shall occupy any portion of a commercial or office building at ground level or below ground level.
- viii. A use, once established, shall not require Planning Commission review when a change of occupancy occurs, provided that the same or similar type of use is continued with the change of occupancy.

## E. AREA AND BULK REQUIREMENTS

- i. The design of buildings and sites shall be regulated by the provisions of this Section.
- ii. The provisions of the overlay zoning district, when in conflict with other articles of the zoning ordinance, shall take precedence.
- iii. The provisions of this Section shall specifically supersede the regulations of the underlying zoning.
- iv. The provisions of the building regulations in Chapter 10 of the Bloomfield Township Code, when in conflict with the MX Mixed Use Overlay District, shall take precedence.



The above drawing is not to scale.

## SELECTED REFERENCES

### 5. Site Standards

- Accessory Structures
- Parking
- Loading/Unloading
- Plant Materials
- Performance Standards & Soil Fill
- Walls
- Signs
- Floodplain Controls
- Natural Features Setback
- Tree Preservation

### 6. Development Procedures

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### Other Ordinances

- Land Divisions, Subdivisions, and Engineering Design
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**A. INTENT AND GENERAL APPLICATION**

The provisions of this Section are to provide enabling authority and standards for the submission, review and approval of applications for planned unit developments. It is the intent of this Section to authorize the use of planned unit development regulations in B-4 Districts for the purpose of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources and natural features; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of this Township; and bringing about a greater compatibility of design and use between neighboring properties. The provisions of this Section are not intended as a device for ignoring the zoning ordinance or the planning upon which it has been based. To that end, provisions of this Section are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to ensure appropriate, fair and consistent decision making. A BPUD rezoning may be applied for in any B-4 District. The granting of a planned unit development application shall require rezoning by way of an amendment of this Section based upon a recommendation of the Planning Commission and approval of the Township Board.

**B. REGULATIONS**

- i. A planned unit development may be approved in any B-4 District, subject to review and approval as provided for in this Section.
- ii. Subject to review and approval under this Section, any residential, office or commercial land use authorized in this Chapter may be included in a planned unit development, as a principal or accessory use, subject to:
  - a. Adequate public health, safety and welfare protection mechanisms being designed into the development as provided in this Section.
  - b. A prohibition upon fast food restaurant, vehicle dealership, auto parts and/or auto repair.
  - c. A prohibition upon any use with hours of operation beginning earlier than 7:00

a.m., or ending later than 9:00 p.m., or with hours of operation in excess of twelve (12) hours in any one (1) day, unless expressly approved as part of the BPUD approval.

- iii. The applicant for a planned unit development must demonstrate as a condition to being entitled to planned unit development approval that:
  - a. Grant of the planned unit development will result in a recognizable and substantial benefit<sup>(b)</sup> to the ultimate users of the project and to the local community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
  - b. In relation to the underlying zoning<sup>(b)</sup>, the proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, 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. Based upon the proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the planned unit development will result in a material enhancement, including, without limitation, aesthetic enhancement, to the area of the Township in which it is situated.
  - d. The proposed development, including the proposed uses, shall not have an unreasonable impact upon the Master Plan of the Township, as determined by the Township Board, and shall be consistent with the intent and spirit of this Section. 
  - e. In relation to the underlying zoning, the proposed development, including the proposed uses, shall not result in an unreasonable negative economic impact upon surrounding properties.
  - f. 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. This



provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Township Clerk, provided that the transfer is to a single person, as required in the first instance.

- g. The proposed development shall consist of freestanding buildings, rather than a "strip center," unless it is demonstrated by the applicant that there are open space, screening, design and landscaping features which are an integral part of the development that would clearly outweigh the requirement for all freestanding buildings.

### C. PROJECT DESIGN STANDARDS

- i. Residential design standards. Subject to conformance with the provisions of subsection C.ii of this Section, the density for residential uses in a planned unit development shall be determined in the discretion of the Township Board consistent with the Master Plan, the standards contained in this Section, and the impact such density would have upon open space, the impact upon adjoining property, water and sewer services, stormwater drainage, road capacity, traffic, fire and police services, schools, the character of the area, and any planned public and private improvements in the area. In addition, the following standards shall be considered in the discretion of the Township Board as part of the process of determining whether to approve an application:
  - a. Consistency with the Master Plan.
  - b. Innovative planning and design excellence.
  - c. Relationship to adjacent land uses.
  - d. Pedestrian and/or vehicular safety provisions, including any special traffic amelioration measures found to be appropriate.
  - e. Design considerations, in accordance with Section 42-3.1.1 of this Chapter making provision for design review.
  - f. Provisions for the users of the project.
- ii. Nonresidential design standards.
  - a. Nonresidential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses, based upon a layout

and integrated plan approved as part of the final plan.

- b. The nonresidential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- c. The design standards for nonresidential uses shall be based upon the regulations in this Section applicable to the corresponding uses, provided, modified design standards may be approved by the Township Board, following recommendation from the Planning Commission, based upon a demonstration by the applicant of the following, and findings in the discretion of the Township Board in accordance with subsection D.ii of this Section:
  - (1) Consistency with the Master Plan.
  - (2) Innovative planning and design excellence.
  - (3) Relationship to adjacent land uses.
  - (4) Pedestrian and/or vehicular safety provisions, including any special traffic amelioration measures found to be appropriate.
  - (5) Design considerations, in accordance with Section 42-3.1.1 of this Chapter making provision for design review.
  - (6) Provisions for the users of the project.
- d. There shall be no use or building with more than thirty five thousand (35,000) gross square feet on the ground floor.

### D. APPLICABLE REGULATIONS

- i. Subject to all specific regulations and conditions in this Section, and in accordance with subsection D.ii of this Section, all regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions, and to other requirements and facilities, shall be as follows:
  - a. Single-family detached residential uses shall meet the regulations applicable in the R-1 district.
  - b. Single-family attached residential uses shall meet the regulations applicable in Section 42-3.8.

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- c. Multiple-family residential uses shall meet the regulations applicable in the RM district.
  - d. Commercial uses shall meet the regulations applicable in the B-2 district.
  - e. Office uses shall meet the regulations applicable in the O-1 district.
  - f. Research uses shall meet the regulations applicable in the RP district.
  - g. Mixed uses shall meet the regulations applicable to the most dominant use in the mix, with the determination relative to which use constitutes the "dominant use" being determined in the discretion of the Township Board, with the Township Board being authorized to establish reasonable conditions as determined in the reasonable exercise of its discretion, taking into consideration the standards and intent of this Section.
- ii. Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations otherwise applicable may be granted in the discretion of the Township Board as part of the approval of a planned unit development. Such departures may be authorized on the condition that there are features or planning mechanisms deemed adequate by the Township Board designed into the project for the purpose of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought. In all events, however, a deviation in the height of buildings and structures may not be granted.

#### E. PRESERVATION OF NATURAL RESOURCES AND NATURAL FEATURES

The development shall be designed so as to promote preservation of natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or altered if it is 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 by the Township Board 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, and taking into account the provisions and standards of the Michigan Natural Resources Environmental Protection Act.

#### F. BOARD TO MAKE REQUIREMENTS

The Township Board shall, in its discretion, considering the recommendation from the Planning Commission, review and establish requirements for each of the following aspects of the planned unit development, as the same may be relevant to a particular project, taking into consideration for decision-making purposes all related applicable regulations, the achievement of compatibility and harmony in the area, the enhancement of the project without creating undue burden, and all of the other standards contained in Section 42-6.2: perimeter setback and berming; thoroughfare, drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where nonresidential uses adjoin off-site residentially zoned property.

#### G. GENERAL DESIGN STANDARDS

- i. Deviations from the applicable setbacks, parking and loading, general provisions, and other requirements may be granted as part of the overall approval of the BPUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board upon the recommendation of the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.
- ii. There shall be a perimeter setback and berming, as found to be necessary by the Township, for the purpose of buffering the development in relation to surrounding properties. Such perimeter setback shall be established at the discretion of the Township Board, following recommendation of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not necessarily be uniform at all points on the perimeter of the development.

- iii. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- iv. There shall be underground installation of utilities, including electricity and telecommunications facilities, as found necessary or appropriate by the Township.
- v. Pedestrian walkways shall be separated from vehicular circulation, as found necessary or appropriate by the Township.
- vi. 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.
- vii. 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, in its discretion, shall review and approve the design and location of such mechanisms.
- viii. The Township Board, considering the recommendation from the Planning Commission, shall resolve all ambiguities as to applicable regulations using the zoning ordinance, Master Plan, and other Township standards or policies as a guide.

## H. PROCEDURE FOR REVIEW AND APPROVAL

- i. The grant of a planned unit development application shall require a rezoning, i.e., an amendment of the zoning map constituting a part of this Chapter so as to designate the property which is the subject of the application for the business planned unit development. Further, an approval granted under this Section, including all aspects of the final plan, and conditions imposed, shall constitute an inseparable part of the zoning amendment.
- ii. Prior to the submission of an application for planned unit development approval, the applicant shall meet with the three (3) Township officers, together with such consultants as such officers deem

appropriate. The applicant shall present at such conference, or conferences, at least a preliminary plan of the proposed planned unit development, as well as the following information: a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units, if any, the approximate number and type of nonresidential units, compliance with parking requirements and the approximate number of acres to be occupied by each type of use; the known deviations from the ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved. A preliminary traffic impact analysis may be required if the three (3) Township officers determine that traffic may be a relevant issue under the particular facts and circumstances.

- iii. Thereafter, a preliminary plan, including preliminary site plan, conforming with Section 42-6.1, site plan review, shall be submitted within ninety (90) days of the pre-application conference required in subsection H.ii of this Section. Such submission shall be made to the Township Clerk, who shall present the same for consideration at a regular or special meeting of the Planning Commission.
- iv. The Planning Commission shall review the preliminary plan, and shall be entitled to make reasonable inquires of and receive answers from the applicant. Following review, the Planning Commission shall provide written comments as part of the official minutes of the Planning Commission.
- v. The Planning Commission shall forward the preliminary plan, together with its written comments, to the Clerk of the Township, who shall notice the preliminary plan for public hearing before the Township Board, as provided by law. Within a reasonable time following the public hearing, the Township Board shall approve, approve with conditions, or deny the preliminary plan. The effect of the approval, or approval with conditions, shall be to authorize the concept embodied in the preliminary plan, subject to submission, review and approval of the final plan as provided in this Section. In reviewing the preliminary plan, the Township Board shall make a finding and determination with respect to compliance with the BPUD

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regulations, set forth in subsection B of this Section, and generally review and determine whether the basic concept of the proposal is consistent with the intent and spirit of this Section. Inasmuch as the specific details of a project plan are at the very essence of the concept of planned unit development, approval of the preliminary plan shall not constitute a final approval, and preliminary plan approval shall be subject to review and approval of the final plan as provided for in this Section.

- vi. Within six (6) months following receipt of preliminary plan approval, the applicant shall submit to the Township Clerk ten (10) copies of a final plan, including a final site plan, conforming with Section 42-6.1, site plan review. This plan shall constitute an application to amend this zoning 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, as and to the extent provided by law for the amendment of the zoning ordinance. If the final plan has not been submitted within such period, the preliminary plan approval shall lapse, and the applicant must recommence the review process, provided, the Township may extend the time for submission of the final plan upon a showing by the applicant that no material change of circumstance has occurred.
- vii. Prior to approval of a final plan, the Township Board shall require all standards and conditions of approval to be incorporated in a development agreement. The agreement shall be prepared by the Township attorney, approved by the Township Board, and signed by both the Township and the applicant. The development agreement shall include provisions specifying the rights and obligations of the parties relative to the project, in the form and with the substance reasonably determined to be appropriate by the Township attorney.

#### I. APPLICATIONS

- i. Preliminary plans, including a preliminary site plan, shall include the following:
  - a. Applicant's name and address.
  - b. The name of the proposed development.
  - c. Common description of property and complete legal description.
  - d. Dimensions of land, width, length, acreage and frontage.
  - e. Existing zoning on all adjacent properties.
  - f. Statement of intent of proposed use of land and any phasing of the project.
  - g. Name, address, city and phone number of: firm and individual who prepared the plan; owner of the property; and applicant, if other than owner.
  - h. Existing and proposed right-of-way width of all adjoining and internal roads, and layout of all internal roads. A traffic study, prepared by a traffic engineer in accordance with parameters established by the three Township officers, taking into consideration the relevant circumstances, shall be submitted, unless such requirement is waived by the Supervisor during preapplication conference.
  - i. Proposed acceleration, deceleration, and passing lanes.
  - j. Location of existing drainage courses, floodplains, lakes, streams and wetlands.
  - k. Intentions with respect to water and sewer.
  - l. All parking areas and number of spaces by size.
  - m. The number and location of areas to be preserved as open or recreational space.
  - n. All known natural resources and natural features to be preserved.
  - o. Density calculations, number and types of units (if applicable), and floor area per habitable space for each use proposed.
  - p. Fair representation of the development concept, including each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, typical layout and elevation for each type of use.
  - q. Specification of each deviation from the applicable ordinance regulations 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.

- r. The Planning Commission and/or Township Board may require a topographical map if the size of the project and/or nature of the topography indicate that such document would be meaningful to the review.
  - s. Evidence of market need for the use and the economic feasibility of the project. This shall include a market analysis for the proposed uses, together with an indication of the sources of finance for the project.
  - t. In the event 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 as part of the application.
- ii. Final site plans shall include the following:
- a. All requirements for a preliminary plan, and for site plan review under this Section.
  - b. A dimensioned site plan in accordance with Section 42-6.1, site plan review, showing the type, location and density of all uses.
  - c. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.
  - d. A separately delineated specification of all deviations from the B-4 district which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development Section. This specification shall include ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.
  - e. A detailed landscaping plan, showing, among other things, plant material species, size and spacing.
  - f. All proposed signage.
  - g. All proposed traffic-related improvements, along with supporting reports.
  - h. A specific schedule of the intended development and construction details,

including phasing or timing, and the improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.

### J. PERFORMANCE GUARANTEES

The Township Board, after recommendation from the Planning Commission, may require reasonable performance guarantees for site improvements, as defined and authorized under the zoning enabling act to insure completion of improvements. A performance guarantee shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of one hundred twenty five (125) percent of the estimated cost of the improvements for which the guarantee is required, as determined by the Township. If the amount is not reasonably ascertainable by the Township, the applicant may be required by the department administering the performance guarantee to submit a signed and sealed certification of the amount of the estimated cost by applicant's licensed engineer or architect, or, alternatively, a bona fide contract for the work to be performed, including a provision authorizing enforcement of the contract by the Township in the event of a default by the applicant. At the time the performance guarantee is deposited with the Township, and prior to the issuance of permits or temporary certificates of occupancy, the applicant shall enter into an agreement executed by the applicant and the Township relative to the terms and provisions applicable to the use of the performance guarantee, including use of the performance guarantee by the Township and performance of the respective work on the property.

### K. 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

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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 Section and the B-4 district, and be related to the objective of ensuring compliance with the standards of this Section and the B-4 district. All conditions imposed shall be made a part of the record of the approved planned unit development.

#### M. PHASING AND COMMENCEMENT OF CONSTRUCTION

- i. 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.
- ii. Commencement and completion of construction. Construction shall be commenced within one (1) year following final approval of a planned development, or within one 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 for the planned unit development. If construction is not commenced within such time, any approval of the final plan for 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 Township Board prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Township Board shall be authorized to rezone the property in any reasonable manner, and if the property remains classified as planned unit development, a new application shall be required, and shall be reviewed in light of the

then existing and applicable law and ordinance provisions.

#### M. EFFECT OF APPROVAL AND RECORDATION OF AFFIDAVIT

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. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferees and/or assigns.

#### N. FEES

There shall be an advance payment of fees at the following stages of review, as contemplated under subsection H of this Section prior to the preapplication conference; prior to filing of the preliminary plan; and, prior to filing of the final plan. The amount of such fees shall be established by the Township Board by ordinance or resolution.

### 42-3.2 ZONING MAPS

Each area shall be set forth on maps containing such information as may be acceptable to the Township Board and showing by appropriate means the various districts into which the area is divided, which maps shall be entitled Zoning District Map of Bloomfield Township and shall bear the date adopted or amended and it shall be the duty of the Township Clerk to authenticate such records by placing his official signature thereon. Such maps with all explanatory matter thereon, are hereby made a part of this Chapter and shall be as much a part of this Chapter as if the matter and information set forth thereon were all fully described herein.

### 42-3.3 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of any of the districts established in this Article as shown on the zoning district maps, the following rules shall be applied:

1. Where district boundaries are indicated as approximately following the centerline of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be said district boundary line.
5. Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying this Chapter, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

### 42-3.4 ZONING OF VACATED AREAS

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

### 42-3.5 DISTRICT REQUIREMENTS

All buildings and uses in any district shall be subject to the requirements of Section 42-3.10, general exceptions.

### 42-3.6 NOTES TO DISTRICT STANDARDS

1. Applicability. The notes contained in Section 42-3.6.2 are additions, exceptions, and clarifications to the district standards contained in Section 3.1. The applicability of the individual notes to each district is provided in the table on the following page.
2. Notes to district standards.
  - A. See Section 42-3.7 planned unit development regarding exceptions as to lot area and density controls.
  - B. No building shall be closer than eighty (80) feet to the property line abutting a residential district or residentially used property.
  - C. The side yard abutting upon a street shall not be less than twenty five (25) feet when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, or when said side yard abuts on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district.
  - D. Where development is exclusively of a two-family residential type structure, these shall be provided a minimum area of at least six thousand (6,000) square feet of gross lot area for each unit, or twelve thousand (12,000) square feet per two-family structure.
  - E. The total number of rooms, other than kitchen and sanitary facilities, shall not be more than the area of the parcel, in square feet, divided by one thousand seven hundred (1,700). All units shall have at least one (1) living room and one (1) bedroom. Subaqueous or submerged

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Applicability of Notes to District Standards												
Notes to District Standards	Districts											
	R-1	R-2	R-3	RM	B-1	B-2	B-3	B-4	O-1	OR-1	RP	ML
A	✓	✓	✓									
B								✓				
C	✓	✓	✓									
D				✓								
E				✓								
F					✓		✓		✓			
G				✓								
H					✓	✓	✓	✓	✓	✓	✓	✓
I						✓	✓			✓		
J					✓	✓	✓	✓	✓	✓	✓	✓
K					✓	✓	✓		✓	✓	✓	✓
L											✓	✓
M	✓	✓	✓									
N												✓
O	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

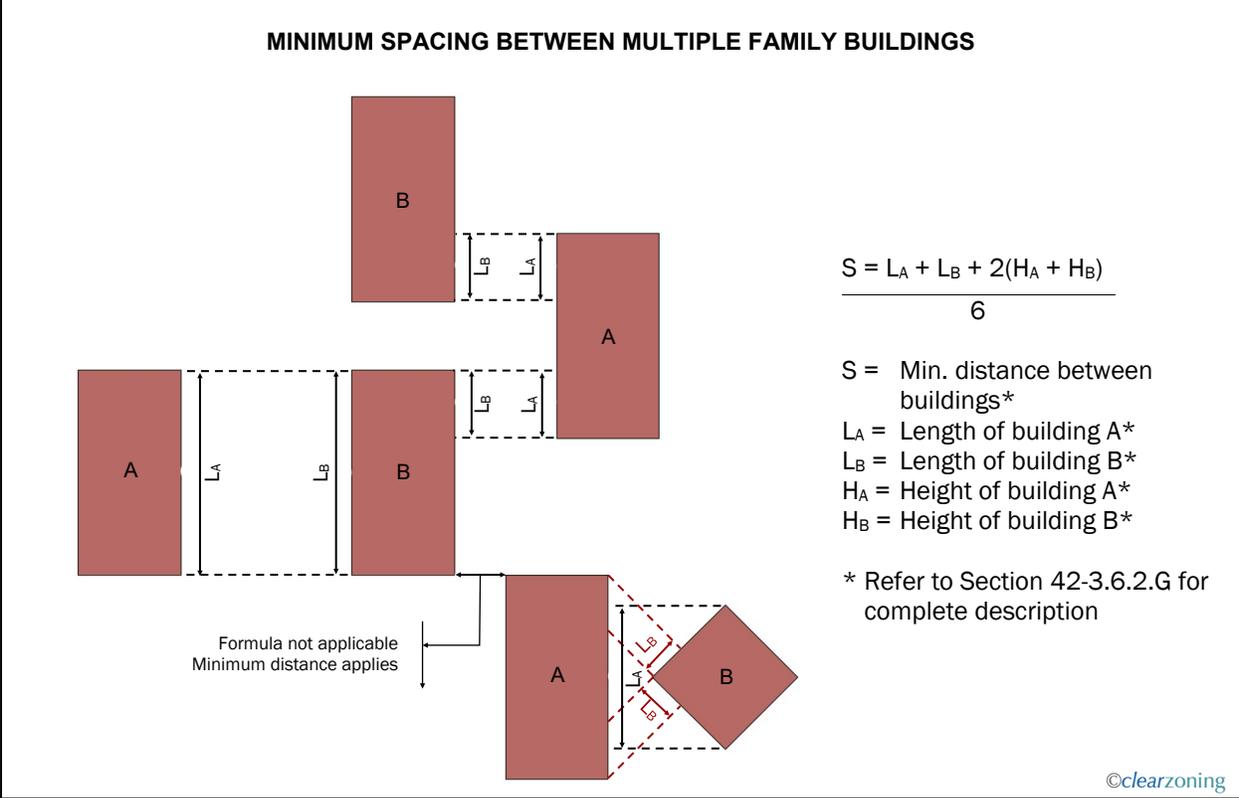
bottom land of lakes or streams shall be excluded in computing the area of a parcel. The purpose of the density provision herein is to afford open space and related uses solely to the occupants of the premises involved and the lands used to arrive at such density shall not be used for any purpose by persons other than the occupants residing on the parcel used to compute density hereunder. The owner of such development shall file in writing an affidavit in recordable form showing in detail the area of the parcel and the required density. Subaqueous, swampy or submerged bottomland or lakes or streams shall be excluded in computing the area of a parcel and related density.

F. No side yards are required along the interior side lot lines, except as otherwise specified in the building code. If walls of structures, facing such interior side lot lines, contain windows or other openings,

side yards of not less than ten (10) feet shall be provided. On the exterior side yard which abuts a residential district side yard in a common line, there shall be provided a side yard equal to the minimum side yard required in said residential district. In the instance of a corner lot abutting two (2) public thoroughfares, both frontages shall be considered requiring the minimum front yard specified in said district. Parking shall not be permitted in that front yard which immediately abuts onto a street having residences facing onto said street.

G. In all RM Multiple Family Residential Districts, the minimum distance between any two (2) buildings shall be regulated according to the length and height of such buildings and in no instance shall this distance be less than fifty (50) feet. All exterior yards shall be equal to at least forty (40) feet. Parking shall not cover more than thirty (30) percent of any required





yard, or any minimum distance between buildings. No building shall exceed one hundred twenty five (125) feet in length. The formula regulating the required minimum distance between two (2) buildings in all RM districts is as follows:

$$S = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A. The total length of building A is the length of that portion of a wall of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B. The total length of building B is the length of that portion of a wall of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.

HA = Height of building A. The height of building A at any given level is the

height above natural grade level of any portion of a wall along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

HB = Height of building B. The height of building B at any given level is the height above natural grade level of any portion of a wall along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

- H. Off-street parking shall be permitted to occupy a front or side yard in excess of the minimum parking setback after approval of the parking plan layout and points of access by the Zoning Board of Appeals. The setback shall be measured from the nearest side of the existing or proposed right-of-way line, whichever is greater. The minimum parking setback shall be landscaped in trees and lawn and shall be maintained in a healthy condition.
- I. No building shall be closer than fifty (50) feet to the outer perimeter, property line, of



such district when said property line abuts any residential district. In the B-3 and OR-1 districts the fifty (50) foot requirement may be reduced by five (5) feet for every five (5) feet of reduction of building height below the allowable maximum of thirty two (32) feet. In no instance, however, shall it be less than forty (40) feet.

- J. A six (6) foot obscuring wall, measured from the surface of the ground, or a twenty (20) foot greenbelt shall be provided on those sides of the property abutting land zoned for residential use. The greenbelt planting plan shall be reviewed and approved by the Design Review Board and/or Planning Commission. A six (6) foot obscuring masonry wall shall be provided on those sides of all ML light manufacturing property abutting land zoned for residential use. The Design Review Board and/or Planning Commission, upon application by the property owner of the parcel to be developed, or by request of abutting property owners, may modify the height requirements, where in unusual circumstances no good purposes would be served by compliance with the requirements of a six (6) foot wall or fence. In no instance shall a wall be permitted to be less than four (4) feet in height, measured from the surface of the ground.
- K. Parking shall be permitted on the side yard after approval of the parking plan layout and points of access by the Design Review Board and/or Planning Commission.
- L. All storage shall be in the rear yard and shall be completely screened with an obscuring wall not less than six (6) feet high, or with a chain link fence and a greenbelt planting so as to obscure all view from any adjacent district or public street.
- M. The minimum floor area of tri-levels shall be computed using the total square footage of the two (2) uppermost levels. Bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for the tri-levels and bi-levels shall be equal to at least the minimum square foot requirements for one (1) floor residences in their respective districts.
- N. In a ML Light Manufacturing District, in the instance of a "planned industrial park"

consisting of at least twenty (20) acres and being platted and developed in at least five (5) individual sites having an internal service road system, the following setback standards shall be considered minimum:

Yard	Minimum Setback (in feet)
Front (abutting internal street)	50
Front (abutting major thoroughfare)	75
Side (abutting internal street)	40
Side (abutting major thoroughfare)	75
Side (internal, between buildings)	20

- O. In those instances where waterfront properties have been developed with waterfront setbacks of greater than fifty (50) feet, new construction or remodeling of a principal building shall be set back from the waterfront the average of the setback of the principal buildings on the nearest improved waterfront lots within five hundred (500) feet of each side of the lot in question. In no instance shall a setback in excess of one hundred (100) feet be required or a setback of less than fifty (50) be permitted.

**42-3.7 PLANNED UNIT DEVELOPMENT OPTION**

The intent of this Section is to permit one-family residential subdivisions to be planned in a comprehensive unit allowing, therefore, certain modifications to the standards as outlined in the schedule of regulations to be made in R-1, R-2 and R-3 one-family residential districts, wherever sewer and water is available and when the following conditions are met:

- 1. The parcel being proposed for subdivision may be developed on the basis of density so as to have no more than 1.7 dwelling units per acre, including road rights-of-way.

■ [MCL 125.3503](#)



2. In designing the subdivision, the lots shall be so laid out as to provide yards equal to at least the following dimensions:

Yard	Minimum Setback
Front	40'
Side (each)	16'
Rear*	60'
* Rear yard on corner lots may be reduced by thirty (30) percent to permit attached garages.	

3. A common open space equal to at least ten (10) percent of the total area of the parcel, and in no instance less than two (2) acres, shall be dedicated. The dedication shall be either rights in fee or easement in the discretion of the Township Board. The lands dedicated shall be retained as open space for park and recreation use only solely for the use and benefit of the owners and occupants of the parcel being developed. All lands dedicated in fee or easement shall meet the requirements of the Township Board.
4. The common open space shall be in a location and shape approved by the Planning Commission in their review of the proposed subdivision. Said land areas shall not include bodies of water, swamps, or excessive grades making the land unsuitable for recreation, as part of the two (2) acres; and shall be graded and developed as to have natural drainage.
5. In approving the application of the "planned unit development" technique, the Planning Commission shall be cognizant of the following objectives and standards:
  - A. To continue the character of the surrounding developed one-family development but recognizing unsubdivided parcels would be impractical to develop at the large lot size with utilities now available.
  - B. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, lakes, hills and similar natural assets.
  - C. To encourage developers to use a more creative approach in the development of residential areas.
  - D. To encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development

costs, and by allowing the developer to bypass natural obstacles in the site.

6. This plan for reduced lot sizes shall only be permitted if it is mutually agreeable to the Township Board and the subdivider or developer.
7. Under this planned unit approach, the developer or subdivider shall dedicate the total park area, see subsection 4 of this Section at the time of filing of the final plat on all or any portion of the parcel, such dedication to run to the prospective owners of the parcel or their property owner's association. The Planning Commission may require the developer to place in escrow with the Township such sums of money as are necessary to ensure that said dedicated lands comply with the requirements of the ordinances and resolutions of the Township.

#### 42-3.8 ONE-FAMILY RESIDENTIAL CLUSTERING OPTION<sup>§</sup>

The intent of this Section is to permit the development of one-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be restrictive. To accomplish this, the following modifications to the one-family residential standards as outlined in the schedule of regulations shall be permitted subject to the conditions herein imposed:

1. In all one-family residential districts, one-family residential clustering shall be permitted for those areas generally parallel to, and not to exceed three hundred sixty (360) feet in depth, on those parcels of land having frontage on an existing or proposed major thoroughfare of at least one hundred fifty (150) feet of width so as to provide transition between said major thoroughfare and adjacent one-family detached housing. The density may equal 4.5 dwelling units per acre, including all residential roads. The depths may be increased beyond three hundred sixty (360) feet at the request of the sponsor when the following conditions exist:
  - A. The site can be so developed as to either cause exterior yards of a cluster development to be related to the rear yards of one-family development, or have an existing condition of a one-family rear yard relationship about the parcel in question.

<sup>§</sup> MCL 125.3503



- B. Have the principal ingress and egress to the cluster development provided from the major thoroughfare. A secondary entrance through a one-family residential subdivision may be provided only as a convenience access, and not as part of a continuous residential street.
  - C. The total site, including the three hundred sixty (360) feet of depth, shall not exceed ten (10) acres in area.
  - D. Subaqueous or submerged bottom land or lakes or streams shall be excluded in computing the area of the parcel and related density.
  - E. The density on that area increased beyond the initial three hundred sixty (360) feet shall not exceed 1.7 dwelling units per acre.
2. The attaching of one-family homes shall be permitted when said homes are attached through a common party wall which does not have over thirty (30) percent of its area in common with an abutting dwelling wall; by means of an architectural wall detail which does not form interior room space; or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit. The maximum number of units attached in the above described manner shall not exceed four (4) in a cluster.
3. Yard requirements, shall be provided as follows:
- A. Front yards, on that side of the cluster adjacent to a dedicated street shall be equal to at least forty (40) feet. Exterior yards of any cluster project shall be equal to at least forty (40) feet.
  - B. That side of a cluster adjacent to a service drive or private lane or road shall not be nearer to said drive, lane or road than thirty (30) feet.
  - C. Spacing between groupings of clusters shall be equal to at least thirty five (35) feet measured between the nearest point of the two (2) groupings.
  - D. One (1) yard of the cluster may be provided in the form of common open space.
  - E. A cluster development, when abutting a front yard of an existing recorded subdivision, which is not a part of the comprehensive site plan submitted under

this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat said side of the cluster as a front yard. This front yard shall be equal to at least the minimum front yard required in the residential district which it fronts onto.

- F. In all clustering developments a plan shall be submitted identifying all stands of trees with an indication as to how such stand of trees shall be protected during construction. Such protection shall be instituted before any ground is broken, and any construction is started.
4. The minimum floor area for all units constructed on any portion of a site under this option shall be equal to at least the following minimum requirements:

Unit Type	Floor	Minimum Floor Area
1 Story		1,450 sq ft
1½ Story	First	1,100 sq ft
	Second	500 sq ft
2 Story	First	825 sq ft
	Second	825 sq ft

- 5. The height of all units in a cluster shall in no instance exceed two and one-half (2½) stories or thirty (30) feet, except that the height of any individual dwelling unit in a cluster on a slope in excess of fifteen (15) percent, when the unit is constructed on stilts need not compute the first ten (10) feet of height in the stilts. Application of the definition of "building height" shall apply to the unit over and above this ten (10) feet of stilt height. Where there is a six (6) foot change in ground elevation through the length or width of an individual unit, and where the total floor area exceeds two thousand (2,000) square feet, three (3) stories of living space shall be permitted provided that the floor area nearest in elevation to the elevation of the road serving the individual dwelling shall equal at least eight hundred twenty five (825) square feet. Under this approach, not more than two (2) stories shall exist above the grade elevation nearest to that of the public or private road serving the unit. The overall height of the individual unit shall not exceed thirty (30) feet.
- 6. In reviewing the plans and approving the application of this Section to a particular site, the Planning Commission shall require the following:



- A. A landscape berm, at least five (5) feet high, shall be provided along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The Planning Commission shall find that the slopes on said berms are gentle enough as not to erode when planted in grass; and they shall review the design of the berm as it relates to street intersections, finding that the horizontal view of oncoming traffic is not obscured.
  - B. Street ingress and egress shall be directly onto a major thoroughfare, and shall not be permitted through adjacent subdivision streets unless the Planning Commission shall find such major thoroughfare access impassable or impractical due to physical or traffic safety conditions.
  - C. All improvements including private roads and utilities shall meet the standards set forth by the Township Board.
7. The sponsor in submitting a proposed layout under this Section for review by the Planning Commission shall include all information and data specified herein, that information and data required by the Planning Commission in its rules for site plan review and in addition, typical building elevations and floor plans, topography drawn at two (2) foot contour intervals, main floor grade elevations relative to the existing topography, if the parcel is located abutting a major thoroughfare and such other detail as the sponsor deems necessary to assist in review of proposed plan by the Planning Commission.
  8. Approval of a site plan under this Section shall be effective for a period of three (3) years. If the development of roads and utilities is not completed in this period and the construction of residences is not continued with a regularity in each building season and completed in five (5) years, the development shall be considered as abandoned and authorization thereafter shall be reviewed and approved by the Planning Commission. Any proposed change in site plan, after approval, shall require review and approval by the Planning Commission prior to effecting said change. Building plan changes that do not affect the site plan may be approved by the building inspector.
  9. Further, site plan review by the Planning Commission in Section 42-6.1 shall be provided insofar as such review is not

inconsistent with the provisions herein provided.

10. The purpose of the density provision herein set forth is to afford the creation of open space and related uses solely to the occupants of the overall development area, and the lands once used to arrive at such density shall not for the duration of any portion of the overall development be put to any use other than that use initially approved in the site plan by the Planning Commission. The owner of such development shall file in writing an affidavit in recordable form showing in detail the specific boundaries of the parcel placed in open space and related uses, and it shall be clearly designated the manner in which densities are assigned.

**42-3.9 OPEN SPACE PRESERVATION OPTION**

1. 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).
2. Eligibility requirements. This Section shall be applicable to residential properties zoned R-1 through R-3, one-family residential. The provisions in this Section shall supplement the existing regulations applicable within the referenced zoning districts in the event a developer or owner of the property elects to submit its proposed development under the open space preservation option provided in subsection 3 of this Section.
3. Open space preservation option. Property meeting the eligibility requirements of subsection 2 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.
4. Density calculation. The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, if developed with a conventional layout and with all applicable laws and ordinances being observed.

**MCL 125.3506**

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- A. 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 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 laws and ordinances. 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.
- B. 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 subsection 3 of this Section.
- 5. 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.
  - A. A minimum of fifty (50) percent of the gross site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in subsection 6 of this Section.
  - B. 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:
    - i. Wetlands, floodplains, and natural watercourses.
    - ii. Woodlands.
    - iii. Scenic views.
    - iv. Historic structures.
    - v. Recreational pathways and other permitted recreational facilities.
    - vi. Buffers from major thoroughfares and more intense land uses.
    - vii. Similar features acceptable to the approving body.
  - C. 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:
    - i. 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 4 of this Section.



- ii. 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 noncluster 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 all likely improvements, without the necessity of the grant of a variance by the Zoning Board of Appeals.
- D. 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.
  - E. 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.
  - F. 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.
  - G. Restrictions.
    - i. Nothing in this Section shall allow the construction of multifamily residential units in a single-family residential district.
    - ii. 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.
    - iii. 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.
- iv. 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.
  - v. Any development proposed utilizing the open space preservation option provided in subsection 3 of this Section shall, to the greatest extent feasible while remaining consistent with the requirement 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.
- 6. Open space maintenance and preservation; recorded conservation easement.
    - A. 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.
    - B. Nothing in this Section shall be construed to require the property owner to convey fee title ownership of the open space to the public.
  - 7. Review process.
    - A. All proposed open space preservation option developments shall be submitted and reviewed in accordance with the procedure applicable under this Chapter to the type of development being proposed (e.g., subdivision, condominium, site condominiums, etc.) and in accordance with the development standards in this Section and other applicable ordinances. The "approving body", as referenced in this Section, shall mean the Township Board designated in this Chapter as having the authority to grant final plan approval to the proposed development.
    - B. In addition to all other submittals and information required under this Chapter, all open space preservation option plans

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submitted to the Township shall include a resource inventory that contains the following:

- i. All floodplains, wetlands, and bodies of water.
  - ii. A woodlands analysis identifying all regulated woodlands.
  - iii. All wildlife habitat areas.
  - iv. An analysis of on-site soils and topography to identify limitations to development.
  - v. 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.
8. 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.

**42-3.10 GENERAL EXCEPTIONS**

The regulations in this Chapter shall be subject to the following interpretations and exceptions:

1. Essential services. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township; it being the intention hereof to exempt such essential services from the application of this Chapter.
2. Voting place. The provisions of this Chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
3. Height limit. The height limitations of this Chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however that the Zoning Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special land use or under Section 42-4.41; provided further, that no structure in any district shall be constructed or altered to such a height as will constitute an aircraft safety hazard in the judgment of the Zoning Board of Appeals.

4. Lots adjoining alleys. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Chapter, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
5. Yard regulations. When yard regulations cannot be complied with, as in the case of a planned development in the multifamily district, or where their application cannot be determined on lots existing and of record at the time the ordinance from which this Chapter is derived became effective, and on lots of peculiar shape, topography, or due to architectural or site arrangement, such regulations may be modified or determined by the Zoning Board of Appeals.
6. Multiple dwelling side yard. For the purpose of side yard regulations, a two-family, a terrace, a row house, or a multiple dwelling shall be considered as one building occupying one lot.
7. Terrace or patio immediately adjacent to the residence. An open, unenclosed paved terrace or patio immediately adjacent to the residence may project into a required front, rear and secondary front yard setback for a distance not exceeding ten (10) feet or no more than twenty five (25) percent of the front, secondary front, or rear yard but it shall not be interpreted to include or permit fixed canopies. Patios and terraces immediately adjacent to the principal residence may incorporate landscape walls and/or piers not to exceed four (4) ft. in height and setback at least sixteen (16) ft. from the side lot line.
  - A. Illumination. Piers and landscape walls may be illuminated with the overall height, including light fixtures, not to exceed four (4) ft. Landscape lighting should provide the user with illumination appropriate for the designed activity (i.e. parking, walking, outdoor dining space, etc.). Illumination shall be confined through the use of shields, vegetative screening, or other methods to eliminate glare onto adjacent properties.



**B. Permitted Structures.**

- i. When incorporated within a patio and located in a rear or secondary front yard, gas fire pits and masonry kitchenettes, barbeques, and seat walls are allowed subject to the required setbacks.
- ii. When incorporated on a patio and located in a rear or secondary front yard, pergolas adjacent to the residence not exceeding fourteen (14) feet in height, are allowed subject to the required setbacks and screened from view by evergreen plant material for screening twelve (12) months of the year. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.

- iii. When incorporated on a patio and located in a rear or secondary front yard, fountains or water features not exceeding four (4) feet in height are allowed subject to the required setbacks and screened from view by evergreen plant material for screening twelve (12) months of the year. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant material shall be replaced with healthy materials of like size and kind.
- iv. This provision excludes fireplaces and other accessory structures pursuant to Section 42-5.1. Accessory Structures.

**TERRACE PROJECTION INTO REAR SETBACK**



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### TERRACE PROJECTION INTO FRONT SETBACK



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### TERRACE PROJECTION INTO SECONDARY FRONT SETBACK



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8. Projections into yards. Architectural features, 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. Architectural features shall not include those details which are normally demountable.
9. Multiple dwelling building lengths. The maximum length of one hundred twenty five (125) feet set forth for a multiple-family dwelling in Section 42-3.6.2.G may be modified by the Planning Commission when it shall be found that the character of the proposed development is in keeping with the surrounding area and when all the requirements of Section 42-6.1, site plan review have been met.
10. Height exceptions, roof top equipment. Penthouse or rooftop structures for the housing of elevators, stairways, tanks, heating and air conditioning equipment, and other similar apparatus may be erected above the height limits of the zoning district in which located after the Planning Commission upon review of the plans, finds that the plans meet the following conditions:
  - A. All rooftop equipment and apparatus shall be housed in a penthouse or structure constructed of the same type of building material used in the principal structure.
  - B. Penthouses and structures shall be set back from the outermost vertical walls or parapet of the principal structure a distance equal to at least two (2) times the height of such penthouse or structure. The height of such penthouse or structure shall in no instance exceed fifteen (15) feet.
  - C. Such penthouse or structure shall not have a total floor area greater than fifteen (15) percent of the total roof area of the building.

(Amended by Ord. No. 675)

#### 42-3.11 DISTRICT REGULATIONS

Each district, as created in this article, shall be subject to the regulations contained in this ordinance. Other than as set forth in this Ordinance, uses for enterprises, activities, conduct, venture or other purposes that are contrary to federal, state or local laws are prohibited.

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# CHAPTER 42

## Article 4.0 Use Standards

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# Chapter 42

## Article 4.0 Use Standards

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# 42-4.0 Use Standards

## 42-4.1 PRINCIPAL PERMITTED USES IN THE B-1 DISTRICT

Principal permitted uses in the B-1 District are subject to the following restrictions:

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. All goods produced on the premises shall be sold at retail on premises where produced.
3. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
4. Existing residential structures shall not qualify for any permitted use in the B-1 District. Uses are permitted only in structures so designed as to serve such uses specifically.

## 42-4.2 PRINCIPAL PERMITTED USES IN THE B-2 DISTRICT

Principal permitted uses in the B-2 District are subject to the following restrictions:

1. All business establishments shall be retail or service establishments dealing directly with consumers.
2. All goods produced on the premises shall be sold at retail on premises where produced.
3. All business, servicing, or processing; except for off-street parking, loading, unloading and those open-air uses permissible on special approval, shall be conducted within completely enclosed buildings.

## 42-4.3 PRINCIPAL PERMITTED USES IN THE O-1 DISTRICT

Principal permitted uses in the O-1 District are subject to the following restrictions:

1. No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty five (25) percent of the usable floor area of either the first or second story, or in the basement.
2. The outdoor storage of goods or materials shall be prohibited irrespective of whether or not they are for sale.

3. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above permitted uses, shall be prohibited.
4. Existing residential structures shall not qualify for any permitted use in the O-1 District. Uses are permitted only in structures so designed as to serve such uses specifically.

## 42-4.4 PRINCIPAL PERMITTED USES AND SPECIAL LAND USES IN THE OR-1 DISTRICT

Principal permitted uses and special land uses in the OR-1 District are subject to the following restrictions:

1. All uses permitted in this district shall be fully enclosed. Outdoor storage or display shall be prohibited.
2. Existing residential structures shall not qualify for any permitted personal service or retail use in the OR-1 District. Personal service and retail uses are permitted only in structures so designed as to serve such uses specifically.
3. Building permits shall not be issued separately for any of the special land uses permitted in the OR-1 District. It is the intent of this district that these special land uses be included in the office use structure and not be permitted as freestanding structures.

## 42-4.5 LIBRARIES, PARKS, PARKWAYS AND RECREATION FACILITIES, PUBLICLY OWNED AND OPERATED

In the R-1 through R-3 Districts, publicly owned and operated libraries, parks, parkways and recreation facilities shall be located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty six (86) feet in width.

## 42-4.6 MUNICIPAL BUILDINGS AND USES

In the R-1 through R-3 Districts, municipal buildings and uses shall be located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty six (86) feet in width.

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**42-4.7 SCHOOLS, PUBLIC, PAROCHIAL AND PRIVATE**

In the R-1 through R-3 Districts, public, parochial and private elementary, intermediate, and high schools are subject to the following:

1. The site shall be located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty six (86) feet in width.
2. A minimum site size of ten (10) acres shall be required for public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit.

**42-4.8 PLACES OF WORSHIP**

Places of worship shall be subject to the following:

1. The site shall be located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way of at least eighty-six (86) feet in width.
2. Wherever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring wall or fence, four (4) feet in height, or a heavily planted greenbelt, ten (10) feet in width, shall be provided along that entire side of the parking area.
3. In the R-1, R-2 and R-3 one family residential districts, front and side yards shall be equal to at least one and one-half (1 1/2) times the height of the structure. The height limitations of the district shall not apply to places of worship. Accessory structures shall, however, be limited by the height regulations of the district, and the accessory structures shall provide yards equal to at least those required of the place of worship.
4. In R-1, R-2 and R-3 one family residential districts, parking shall not be permitted in the front yard or in the required side yard. A landscape greenbelt twenty (20) feet in width shall be provided on those sides abutting one-family residential districts so as to serve as a physical transition.
5. In the RP District, the site shall have a common boundary with a residential district and serve as a further transition with the abutting residential district.

6. In the O-1 office building district, a place of worship shall locate within an existing or new building, and shall comply with the requirements of subsections 1 and 2 of this Section.
7. In the O-1 office building district, a place of worship shall provide the floor plans to determine the maximum occupancy for purposes of establishing the required parking per Section 42-5.2.

**42-4.9 COLLEGES, UNIVERSITIES AND OTHER SUCH INSTITUTIONS OF HIGHER LEARNING, PUBLIC AND PRIVATE**

Colleges, universities and other such institutions of higher learning, public and private, offering courses in general education and not operated for profit, are subject to the following:

1. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
2. All ingress to and egress from said site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least one hundred twenty (120) feet in width.
3. No building shall be closer than one hundred fifty (150) feet to any property line with the exception of a structure for residential purposes, in which instance there shall be a setback of at least seventy five (75) feet from any property line.

**42-4.10 GOLF COURSES, COUNTRY CLUBS, PRIVATE RECREATIONAL AREAS, AND INSTITUTIONAL RECREATION CENTERS**

Such uses may be permitted when not operated for profit, and are subject to the following:

1. Any use developed herein and requiring a structure shall have said structure so located on the site as not to be closer than two hundred (200) feet from the lot line of any adjacent residential land.
2. All ingress and egress from said site shall be directly onto a major thoroughfare having an existing or planned right-of-way of at least one hundred (120) feet of width.



- The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission, who may impose any reasonable restrictions or requirements so as to ensure that contiguous residential areas will be adequately protected.

#### 42-4.11 SWIMMING POOL CLUBS

A swimming pool club may be permitted when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with, specified limitation of members, either by subdivision, or other specified area for the exclusive use of members and their guests, and are subject to the following:

- As a condition to the original granting of such permit and the operation of such nonprofit swimming pool club, as a part of said application the applicant shall obtain from one hundred (100) percent of the free holders residing or owning property, within one hundred fifty (150) foot radius, immediately adjoining any property line of the site herein proposed for development, a written statement or waiver addressed to the Township Board recommending that such approval be granted. Also, approval from fifty one (51) percent of the homeowners within one thousand (1,000) feet.
- Front, side and rear yards shall be at least eighty (80) feet wide, except on those sides adjacent to business districts. There shall be no parking or structures permitted in these yards, except for required entrance drive and those walls and/or fences used to obscure the use from abutting residential districts. The yards herein required shall be landscaped and planted in grass.
- Buildings erected on the premises shall not exceed one (1) story in height, except where due to topography, a lower level shall be permitted when said lower level is entirely below the grade of the thoroughfare abutting the parcel in question.
- Off-street parking shall be provided in the ratio of one (1) parking space for at least one-half (½) of the total member families, or individual members, living outside a radius of one thousand (1,000) feet from the club property.
- Whenever the parking plan is so laid out as to beam automobile headlights toward any residential land, an obscuring masonry wall as set forth in Section 42-5.8, at least four (4) feet in height, shall be provided along the entire side of the parking area.

- All parking shall be surfaced as required in Section 42-3.8.
- Whenever a swimming pool is constructed under this Chapter, said pool area shall be provided with a protective fence six (6) feet in height, and an entry shall be provided by means of a controlled gate.
- All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from all residential districts and confined to parking area and swim area only.
- Where storm sewers are nonexistent or capacity is not ample, adequate or on-site takeoff facilities shall be provided, and shall be reviewed and approved by the Township sanitation department as being adequate.

#### 42-4.12 PRIVATE STABLES<sup>□</sup>

Such uses shall be subject to the following:

- When permitted by the Zoning Board of Appeals for not more than one (1) horse on a lot where said lot or parcel is not less than two (2) acres in area;
- Provided further, that for each additional horse, stabled thereon, one (1) additional contiguous acre of land shall be provided.
- All confinement areas and/or stables shall be located in the rear yard.
- In no instance shall a horse be confined nearer than seventy five (75) feet to any property line.
- No horse shall be allowed to run at large.

#### 42-4.13 GENERAL HOSPITALS<sup>□</sup>

Such uses shall be subject to the following:

- Such uses shall not include those hospitals for criminals and those solely for the treatment of persons who are mentally ill or have contagious disease.
- Such uses shall not exceed four (4) stories.
- All such hospitals shall be developed only on sites consisting of at least five (5) acres in area, and shall not be permitted on a lot of record.
- The proposed site shall have at least one (1) property line abutting a major thoroughfare, a thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.



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5. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear, and side yards for all two (2) story structures. For every story above two (2) the minimum yard distance shall be increased by at least twenty (20) feet.
6. Ambulance and delivery areas shall be obscured from all residential view with an obscuring masonry wall six (6) feet in height as set forth in Section 42-5.8. Ingress and egress to the site shall be directly from a major thoroughfare, a thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
7. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facility, shall be directly from a major thoroughfare.

**42-4.14 PRESCHOOLS, NURSERY SCHOOLS, DAY NURSERIES AND CHILD CARE CENTERS**

Such uses shall be subject to the following:

1. Such uses shall not include dormitories.
2. There shall be provided and maintained, for each child cared for, a minimum of at least one hundred (100) square feet of outdoor playground area.
3. The overall play area shall have a total area of at least two thousand (2,000) square feet.
4. The play area shall be fenced and shall be screened from adjoining land with plantings.
5. Any use permitted herein shall be permitted in the interior of a multiple-family district and shall not abut any one-family residential nor nonresidential district.

**42-4.15 RESIDENTIAL ELDER CARE DEVELOPMENT**

1. Intent and general application. The intent of residential elder care development is to provide for residential and care facilities predominately for the elderly, along with other types of residential and residential-related uses to be fully compatible with adjacent land uses, including single-family residential uses. Residential elder care development shall include uses commonly referred to as nursing homes, congregate care, assisted living, memory care, continued care, or other similar uses.

2. Standards for qualification. In areas where the residential elder care development would serve as a transition between areas planned for nonresidential use and adjacent low-density residential areas, the residential elder care development can relate well to the low-density residential areas while still being conveniently located in relation to necessary support and service areas.
  - A. The proposed site shall have at least one (1) property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way width.
  - B. All vehicular ingress and egress shall be directly from a major thoroughfare.
  - C. The proposed site shall have at least one (1) property line, apart from its thoroughfare frontage, in common with land which is developed, zoned, or otherwise committed for use other than for the construction of one-family residential dwellings, or shall be at a major thoroughfare intersection location where land directly across the thoroughfare(s) is zoned for nonresidential purposes.
  - D. In the RP District, the site shall have a common boundary with a residential district and serve as a further transition with the abutting residential district.
3. Permitted uses. In residential elder care developments, no building or land, except as otherwise provided in this Chapter, shall be erected or used except for one (1) or more of the following uses:
  - A. Accessory buildings and uses customarily incidental to the above permitted uses.
  - B. 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, exercise, and recreation facilities, or other similar uses.
4. Project design standards.
  - A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the zoning district in which it is situated, and shall not be detrimental to the orderly development, environment or use of adjacent land and/or districts.



- B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.
- C. Residential elder care development shall be developed in accordance with the provisions of the RM district, with the following exceptions:
  - i. All such facilities shall be developed on sites having a minimum area of four (4) acres, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or for each person cared for in the facility.
  - ii. All units shall have at least one (1) bedroom and living area which may include kitchen and bath facilities to total a minimum of three hundred (300) square feet per unit.
  - iii. One (1) parking space shall be provided for every two (2) units plus one (1) space per employee.
  - iv. The building height for all buildings shall not exceed thirty two (32) feet with a three (3) foot parapet.
  - v. The rear yard setback abutting property zoned for residential shall be a minimum of forty (40) feet with landscape buffering or screening as described in subsection 6 below.
  - vi. In the B-3 district, all such facilities shall meet the front setback and front parking setback provisions of the B-3 district.
- 5. Procedure for application. All site plans for residential elderly care development, with the exception of plans for the construction of one-family dwellings, shall be subject to the review and approval of the Planning Commission. Persons seeking site plan approval for the development of property governed by this Section shall conform to the requirements of Section 42-6.1, site plan review, unless otherwise specified in this Section.
- 6. Design and site layout conditions.
  - A. Required yards abutting public street rights-of-way shall be kept free of parking spaces and shall be landscaped, except driveways and drive isles are permitted.
  - B. Any yard abutting land developed for, or potentially developable for, one-family residential purposes, shall contain a four

(4) foot, six (6) inch high landscaped earth berm with the top of the berm landscaped with a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens (pine or spruce species), as approved by the Planning Commission, eight (8) to ten (10) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. In lieu of such a berm, the Planning Commission may permit a brick-faced masonry wall six (6) feet in height.

- C. Delivery areas and parking areas shall be screened from abutting residential areas with an earth berm or screenwall as described above.
- D. Such facilities shall be so designed architecturally as to reflect the predominant architectural character of adjacent residential areas.
- E. The maximum length of any one (1) building shall not exceed three hundred twenty five (325) feet measured along any single front, side, rear or other exterior elevation. Within this limit, the following wall or building offsets shall be provided:
  - i. The maximum length of any continuous wall line shall not exceed sixty (60) feet without interruption by a horizontal offset of a minimum of six (6) feet in depth as measured from the outer surfaces of the walls.
  - ii. No building element (including roofs) shall exceed sixty (60) feet in length without interruption by horizontal offsets or architectural features.
- F. The minimum distance between any two (2) buildings on the same site or parcel shall be a minimum of forty (40) feet.

#### 42-4.16 RESTAURANTS<sup>CM</sup> IN PLANNED SHOPPING CENTERS

A restaurant may be permitted as part of a planned shopping center, subject to the following:

- 1. The total site shall consist of at least five (5) acres developed as a planned shopping center.
- 2. The off-street parking shall be computed separately from the remainder of the center, to meet the standards set forth in Section 42-5.2.11.C.vi.

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#### 42-4.17 RESTAURANTS POSSESSING A CLASS C AND/OR TAVERN LICENSE FOR THE SALE OF BEER, WINE AND/OR SPIRITS FOR CONSUMPTION ON THE PREMISES

Such uses are subject to the following:

1. Class C and/or tavern licensed restaurants must be developed in connection with and incidental to a bona fide restaurant operation or banquet hall offering a full and complete menu for food which is served within the confines of the structure. This shall be construed to exclude fast food service types of restaurants. Should a question arise as to the degree of incidentalness of the sale of beer, wine and/or spirits, the Township shall require an affidavit from the licensee stating the percentage of gross income during the prior twelve (12) month period from the sale of food and alcoholic liquors. In no case shall the sale of beer, wine and/or spirits exceed more than fifty (50) percent of the total gross sales.
2. Frontage of the structure housing the place of business shall be on a major thoroughfare. For purposes of this section, major thoroughfares shall be defined as Woodward Avenue, Telegraph Road, Square Lake Road, and Maple Road.
3. Off-street parking when said use is located in a shopping center shall be computed separately of the required off-street parking required by the balance of the center.
4. Restaurants serving liquor and/or beer and wine shall be located at least two hundred fifty (250) feet from each other. This provision shall not apply to restaurants in any commercial strip center in existence as of 2005.
5. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Class C or Tavern License, or transfer a Class C or Tavern license, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

#### 42-4.18 CINEMAS WITH CLASS C AND/OR TAVERN LICENSE

1. A cinema with a Class C and/or tavern license may be permitted as an integral use within a mixed-use development center authorized under a Development Agreement, subject to the following:
  - A. Class C and/or tavern licensed cinemas shall be for the sale of beer, wine and/or spirits for consumption on the premises as incidental to the principal cinema use activity. Should a question arise as to the degree of incidentalness of the sale of beer, wine and/or spirits, the Township shall require an affidavit from the licensee stating the percentage of gross income during the prior (12) month period from the sale of nonalcoholic beverages, food and nonfood items, and alcoholic beverages. In no case shall the sale of beer, wine and/or spirits exceed more than fifty (50) percent of the total gross sales.
  - B. Off-street parking shall be computed as part of the shared parking study for the mixed-use development center approved by the Township.
  - C. For purposes of this Section, mixed-use development centers may include residential, retail, office, entertainment, and/or restaurants uses.
  - D. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Class C or Tavern License, or transfer a Class C or Tavern license, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.
2. A cinema with a Class C and /or Tavern License may be permitted as an integral use within a planned shopping center, subject to the following:

■ [MCL 436.1533](#)



- A. Class C and/or tavern licensed cinemas shall be for the sale of beer, wine and/or spirits for consumption on the premises as incidental to the principal cinema use activity. Should a question arise as to the degree of incidentalness of the sale of beer, wine and/or spirits, the Township shall require an affidavit from the licensee stating the percentage of gross income during the prior (12) month period from the sale of nonalcoholic beverages, food and nonfood items, and alcoholic beverages. In no case shall the sale of beer, wine and/or spirits exceed more than fifty (50) percent of the total gross sales.
- B. Off-street parking shall be computed as part of a shared parking study for the planned shopping center approved by the Township.
- C. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Class C or tavern license, or transfer a Class C or Tavern License, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

#### 42-4.19 RETAIL PACKAGE OUTLETS

Such uses are subject to the following:

1. No retail package outlet shall be established in a new structure, or opened upon existing premises closer than seven hundred and fifty (750) feet from any public or parochial elementary, intermediate and/or high school offering courses in general education. Such distance shall be measured following the shortest route of travel along a public thoroughfare, from the main entrance of said place of business to any entrance to the school.
2. A SDD license shall not exceed one (1) for each three thousand (3,000) population or fraction thereof.<sup>1</sup>

#### 42-4.20 OUTDOOR SALES OF SECONDHAND AUTOMOBILES OR MOBILE HOMES

Such uses are subject to the following:

1. The outdoor sales space shall be used exclusively for the sale of secondhand automobiles, or mobile homes.
2. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
3. No major repair or major refinishing shall be done on the lot.

#### 42-4.21 MOTELS<sup>1</sup>

Such uses are subject to the following:

1. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.
2. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
3. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

#### 42-4.22 BUSINESSES IN THE CHARACTER OF A DRIVE-IN<sup>1</sup>, SO CALLED, OR SO CALLED OPEN FRONT STORES<sup>1</sup>

Such uses are subject to the following:

1. A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
2. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.

#### 42-4.23 AUTOMOBILE SERVICE STATIONS<sup>1</sup>

Such uses are subject to the following:

1. The service station may provide for the sale of fuels and lubricants and minor automotive related convenience products and accessories, such as windshield washer fluid, motor oil, wipers and window scrapers, and retail sales of non-automotive related products including:
  - A. Sundries such as gum, candy, cigarettes, newspapers, magazines and other individually packaged convenience items.
  - B. Basic convenience grocery items such as milk and bread.

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- C. Prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department, and
- D. The sale of beer, wine, liquor and other beverages containing alcohol are specifically prohibited as part of the permitted principal use or as an accessory use, unless the appropriate license has been issued by the Liquor Control Commission and all of the following standards are met:
  - i. The site of payment and selection of alcoholic liquor is not less than fifty (50) feet from that point where motor vehicle fuel is dispensed.
  - ii. No drive-through operation is conducted within the same building as the sale of beer, wine, liquor or other beverages containing alcohol.
  - iii. The minimum building area where beer, wine, liquor or other beverages containing alcohol are sold is at least four thousand (4,000) sq. ft. of gross square feet including one (1) parking space for every two hundred (200) sq. ft. of gross building floor area provided on-site.
  - iv. Frontage on a major thoroughfare exists for ingress and egress.
  - v. No commercial vehicle service operations take place for which customers would wait on the premises for service or repair to take place.
  - vi. The property is not adjacent to residential zoned property.
  - vii. The property has a minimum lot size of one (1.0) acre for a single user.
  - viii. Either of the following conditions exist: (i) The applicant or licensee is located in a neighborhood shopping center composed of one (1) or more commercial establishment, or (ii) The applicant or licensee maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than two hundred fifty thousand (\$250,000) dollars at cost, of those goods and serves customarily marketed by approved types of business.

- 2. No repair work may be done, other than incidental service, but not including steam cleaning or undercoating.
- 3. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
- 4. Entrances shall be no less than twenty five (25) feet from street intersections, measured from the road right-of-way, or from adjacent residential districts.
- 5. The minimum lot area shall be twenty two thousand five hundred (22,500) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.

**42-4.24 VETERINARY HOSPITALS OR CLINICS AND RELATED KENNELS**

Such uses are subject to the following:

- 1. Provided all activities are conducted within a totally enclosed main building.
- 2. Provided further that all buildings are set back at least two hundred (200) feet from any abutting residential districts.

**42-4.25 OPEN AIR USES**

Such uses are subject to the following:

- 1. Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment, and other garden supplies, when not located at the intersection of two (2) section line roads (major thoroughfares). There shall be no outdoor storage of manmade materials, and there shall be no outdoor storage or sales of any material on those spaces designated as off-street parking or required front yard setbacks. All outdoor storage of other than plant material shall be screened from view.
- 2. Recreational space providing children's amusement park, shuffleboard, miniature golf, and other similar recreation, when part of a planned shopping center complex, and when located at the exterior end of a B-3 district, but not located at the intersection of two (2) section line roads (major thoroughfares). All such recreation shall be adequately fenced on all sides with a four (4) foot fence.



#### 42-4.26 RECREATIONAL USES

Such uses are subject to the following:

1. Such uses shall be contained within a fully enclosed building.
2. Such uses shall be located at least one hundred (100) feet from any property or district line of any residential district.

#### 42-4.27 AMUSEMENT DEVICE ARCADES<sup>1</sup>

Such uses are subject to the following:

1. All such establishments shall be conducted within a freestanding fully enclosed building.
2. All such establishments shall be provided as a principal use and shall not be accessory to another principal use, except that in the instance of a class C or tavern licensed restaurant, such amusement devices may be provided as accessory to the principal use.
3. The structure housing such use shall be located at least one hundred (100) feet from any property line or district line of any residential district permitted in this Chapter and shall be located at least three hundred (300) feet from any road providing access to a single-family residential subdivision.
4. The structure housing such use shall be so insulated as to prevent light, noise or other offensive factors from penetrating into any adjacent areas.
5. The use shall have its parking physically separated from adjacent business and offices and such parking shall be so located as to be between the structure housing such use and the major thoroughfare providing access to such use.

#### 42-4.28 THEATERS

Such uses are subject to the following:

1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.

3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall six (6) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.
4. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
5. All exterior lighting shall be directed along exterior building walls and away from residential property.
6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
7. Adequate measures shall be taken to provide ingress and egress so designed to minimize traffic congestion on public streets. There shall be no ingress or egress from or to a local residential street.

#### 42-4.29 BANQUET HALLS<sup>1</sup>

Such uses are subject to the following:

1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.
3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall six (6) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.
4. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
5. All exterior lighting shall be directed along exterior building walls and away from residential property.
6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.

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- 7. Adequate measures shall be taken to provide ingress and egress so designed to minimize traffic congestion on public streets. There shall be no ingress or egress from or to a local residential street.
- 8. Trash receptacles shall be located indoors, or there shall be a trash compactor that complies with all applicable noise regulations.

42-4.30 HEALTH / FITNESS CLUBS

Such uses are subject to the following:

- 1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
- 2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.
- 3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall six (6) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.
- 4. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
- 5. All exterior lighting shall be directed along exterior building walls and away from residential property.
- 6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
- 7. Adequate measures shall be taken to provide ingress and egress so designed to minimize traffic congestion on public streets. There shall be no ingress or egress from or to a local residential street.
- 8. All activities shall be conducted within the confines of a building.

42-4.31 HOTELS

Such uses are subject to the following:

- 1. Compatibility with adjacent existing or proposed residential properties shall be a primary concern.
- 2. Rear and side building setbacks of not less than eighty (80) feet from any residential district or residentially used property shall be provided.

- 3. Screening of residential uses to restrict view from residential property shall be provided by a solid masonry wall six (6) feet in height, or a solid strip of evergreen plantings pursuant to a plan approved as part of the development, within an area of at least twenty (20) feet in width, with approved trees eight (8) to ten (10) feet in height at planting.
- 4. All exterior doors on the sides of buildings adjacent to residential property shall be for emergency exit only.
- 5. All exterior lighting shall be directed along exterior building walls and away from residential property.
- 6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
- 7. Adequate measures shall be taken to provide ingress and egress so designed to minimize traffic congestion on public streets. There shall be no ingress or egress from or to a local residential street.
- 8. Outdoor trash receptacles shall not be located on the side of a property adjacent to a resident or residential district.

42-4.32 RETAIL AND PERSONAL SERVICE USES

In the OR-1 District, such uses are subject to the following:

- 1. Such uses shall be permitted on the first floor of a multiple story office building.
- 2. Permitted retail uses are limited to the following nature of uses:
  - A. Personal service establishments which perform services on the premises including: barbershops, beauty parlors, tailor shops and photographic studios, or an establishment whose activity is, in the opinion of the Planning Commission, similar;
  - B. Retail businesses which supply commodities on the premises including: millinery shops, clothing shops, drugs, interior decorating shops, shoe shops, flower shops, notions, gift shops, or a business whose activity is, in the opinion of the Planning Commission, similar.
- 3. Such uses shall be fully enclosed. Outdoor storage or display shall be prohibited.



4. Existing residential structures shall not qualify for any permitted personal service or retail use. Personal service and retail uses are permitted only in structures so designed as to serve such uses specifically.
5. Building permits shall not be issued separately for such uses. It is the intent of this district that these special land uses be included in the office use structure and not be permitted as freestanding structures.

**42-4.33 UPPER STORY COMMERCIAL, OFFICE OR RESIDENTIAL USES**

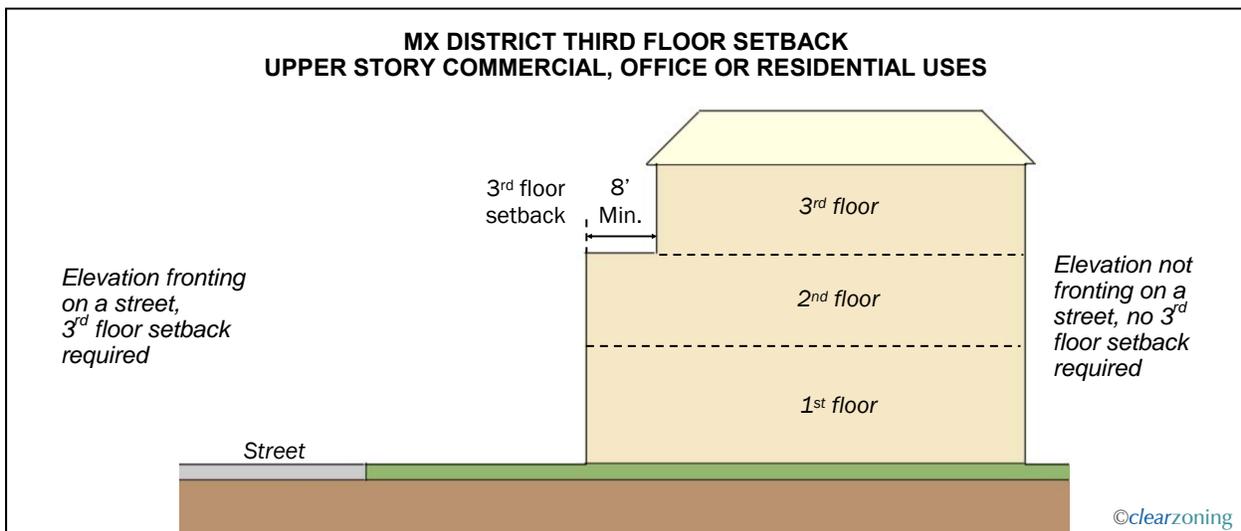
In the **MX District**, such uses are subject to the following:

1. No commercial or office use shall be located on a story above a residential use.
2. A minimum of fifty (50) percent of the gross square footage of a third floor shall be dedicated to residential use.
3. The third floor shall be setback a minimum of eight (8) feet from the exterior wall of the second floor for all building elevations fronting on a street. ↻
4. In those instances where a residential use is proposed to occupy the same floor as an office business, the Planning Commission shall determine the compatibility of the residential use and the office business. Such findings may include:
  - A. Compatibility of hours of operation.
  - B. Noise of the operation that would be detrimental to either use, and excessive foot traffic.

**42-4.34 NEW CAR SALES AGENCIES**

Such uses are subject to the following:

1. Such agencies shall be developed as a planned center or complex specializing in new car sales and consisting of more than two (2) individual franchised new car agencies.
2. The minimum lot area shall be ten (10) acres and so arranged that ample space is available for motor vehicles, which are required to wait or be stored or parked.
3. Uses normally accessory to new car sales establishments such as major engine repair or rebuilding, body repair, painting, and undercoating shall be permitted, provided such uses are clearly subordinate and incidental to the principal use and provide further that such uses shall be conducted within a completely enclosed building.
4. Outdoor sales space for used motor vehicles shall be permitted as an accessory use to the principal uses of new car sales subject to the requirements of subsection 42-4.19. Establishments principally or solely for the sale of used vehicles shall be prohibited.



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42-4.35 FULLY ENCLOSED INDUSTRIAL OPERATIONS

Such uses involving the manufacturing, processing, assembling or packaging of finished or semi-finished products from previously prepared material are subject to the following conditions:

- 1. Industrial developments shall be permitted only as part of a "planned industrial park," consisting of at least fifteen (15) acres and being platted and developed in at least five (5) individual sites having an internal service road system with the following setback considered as minimum:

Yard	Minimum Setback (in feet)
Front or Side yard (abutting internal street or major thoroughfare)	40 (See Section 3.6.2.K)
Side Yard (internal between buildings)	Equal to building height (See Section 3.6.2.K)
Rear Yard (external abutting residence)	50 (See Section 3.6.2.L)

- 2. The industrial operation shall not include any stamping or grinding in the preparation of the product unless it is incidental to the primary use.
- 3. The processing of material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.
- 4. Open storage shall not be permitted.
- 5. A twenty (20) foot greenbelt shall be provided on those sides of the property abutting land zoned for residential use and shall be set aside as a dedicated easement for greenbelt purposes. The greenbelt shall be reviewed and approved by the Planning Commission in conformity with the requirements of Section 42-5.6.
- 6. Accessory structures and uses customarily incidental to the above permitted uses may be permitted.

42-4.36 WAREHOUSING, MANUFACTURING, COMPOUNDING, AND REPAIR USES

Such uses are subject to the following:

- 1. Uses shall be conducted wholly within a completely enclosed building, or within a designated area enclosed on all sides with a six (6) foot fence or solid wall. Said wall or fence shall be completely obscuring on those sides where abutting or adjacent to districts zoned for residential, business or research park uses.
- 2. For auto repair centers, all motor vehicles repaired and waiting to be repaired shall be stored in a building or obscured from view with a six (6) foot obscuring masonry wall. The open storage of junk or auto parts shall be prohibited.

42-4.37 WIND ENERGY SYSTEMS

- 1. In the R-1, R-2 and R-3 Districts, such uses are subject to the following:
  - A. One residential wind energy system shall be permitted for the primary purpose of serving the residential lot.
  - B. The commercial sale of surplus energy is prohibited.
  - C. The minimum site area for a residential wind energy system shall be five (5) acres.
  - D. The maximum residential wind energy system shall be the minimum height necessary or reasonable to serve its intended function or no more than one hundred (100) feet, whichever is less.
  - E. A residential wind energy system shall be set back from any property line a minimum distance equal of six (6) times the height of the wind energy system.
  - F. A residential wind energy system shall comply with all of the conditions as set forth in Section 42-4.37.2 as applicable, unless otherwise noted in this Section.
- 2. In the ML District, such uses are subject to the following:
  - A. There shall be a limitation of one (1) residential wind energy system, intended to primarily serve the needs of the site, unless otherwise provided.



- B. Sufficient wind resources. The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind energy system provided, however, this standard shall not apply to an anemometer tower. No wind energy system shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one (1) year. Said study shall indicate the long-term commercial economic viability of the project. The commercial sale of surplus energy is prohibited. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for a special use permit.
- C. Minimum site area. The minimum site area for a wind energy system shall be a minimum of five (5) acres, subject to meeting the required setbacks and any other applicable standards of this Section.
- D. Setbacks. Each proposed wind energy system shall meet the following applicable setback requirements:
  - i. Each wind energy system shall, in all cases, be set back from property lines, public or private road right-of-way, or easement, a minimum distance of six (6) times the height of the wind energy system, or greater if data provided by the applicant and prepared by a qualified professional demonstrates any potential blade and ice throw may cross the property line. The data shall also demonstrate sound levels will not exceed sixty five (65) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
  - ii. Adjacent wind energy system locations must be spaced at least one-half (½) mile apart.
- E. Maximum height.
  - i. The maximum wind energy system height shall be one hundred fifty (150) feet.
    - ii. The Planning Commission may approve an increased height for a wind energy system, not to exceed two hundred (200) feet, if the increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
    - iii. The increased height will not result in increased intensity of lighting on the tower due to FAA (Federal Aviation Association) requirements.
- F. Minimum rotor wind vane or blade clearance. The lowest point of the arc created by a rotating wind vane or blade on a wind energy system shall be no less than twenty (20) feet. The Planning Commission may require additional clearance if potential safety concerns are identified.
- G. Maximum noise levels. Any proposed wind energy system shall produce sound levels that are no more than sixty five (65) decibels as measured on the dB(A) scale at the property lines of the site in question. A noise report shall be submitted with any application for a wind energy system. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum:
  - i. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.
  - ii. A description and map of the noise sensitive environment, including any sensitive noise receptors, i.e. residences, hospitals, elder care developments, libraries, schools, places of worship, parks, areas with outdoor workers and other facilities where quiet is important or where noise could be a nuisance within two (2) miles of the proposed facility.
  - iii. A survey and report prepared by a qualified engineer that analyzes the preexisting ambient noise (including seasonal variation) and the affected sensitive receptors located within two (2) miles of the proposed project site. Potential sensitive receptors at relatively less windy or quieter locations than the project shall be emphasized and any problem areas identified.



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- iv. A description and map of the cumulative noise impacts with any problem areas identified.
- v. A description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.
- H. Maximum vibrations. Any proposed wind energy system shall not produce vibrations humanly perceptible beyond the property on which it is located.
- I. Transmission lines. The on-site electrical transmission lines connecting the wind energy system to the public utility electricity distribution system shall be located underground.
- J. Interference with residential reception. Any wind energy systems shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
- K. Landscaping. Each proposed wind energy system shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind energy system would be minimal.
  - i. For any wind energy system, a landscaping strip shall be provided along the property perimeters adjacent to roadways. Such landscaping shall be designed to obscure year-round the view of the wind energy system from the roadway. Where deemed appropriate by the Planning Commission, additional landscaping along the property perimeter shall be provided to screen the wind energy system from existing or future residential land uses. Existing natural vegetation may fulfill this requirement in whole or in part upon Planning Commission approval.
  - ii. Existing natural land forms on the site which effectively screen the wind energy system from adjacent residential property used for residential purposes shall be preserved to the maximum extent possible.
- iii. To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind energy system.
- L. State or federal requirements. Any proposed wind energy system shall meet or exceed any standards and regulations of the FAA (Federal Aviation Association), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate a wind energy system or other tall structures in effect at the time the special use permit is approved.
- M. Soil conditions. A proposal for any wind energy system shall be accompanied by a report of the soils present on the site based on soil boring, and a description of the proposed foundation size, materials, and depth. Such foundation shall be installed below plow depth to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed. Stormwater runoff and soil erosion measures shall be installed in conformance with the Township Code.
- N. Aesthetics and lighting. Any proposed wind energy system shall meet the following requirements:
  - i. Each wind energy system shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - ii. Each wind energy system, including turbine generator and all accessory structures, shall, to the extent possible, use materials and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind energy system; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.



- iii. Each wind energy system shall not be artificially lighted, unless required by the FAA or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
  - a. Shall be the lowest intensity allowable under FAA regulations.
  - b. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA.
  - c. May be a red top light that does not pulsate or blink. All tower lighting required by the FAA shall be shielded to the extent possible and acceptable to the FAA to reduce glare and visibility from the ground.
  - d. Where acceptable to the FAA, the Township will approve white lights over red lights, and steady lights over strobed or intermittent lights.
  - e. Each wind energy system shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources. A visual simulation model is required to assess the visual impacts. Each wind energy system shall be a monopole or monotube-style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- iv. The Planning Commission may require design changes in order to lessen the visual clutter associated with the siting of a wind energy system.
  - O. Sign. A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquiries shall be posted at the wind energy system erected prior to a wind turbine generator. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours, on weekends or holidays. No wind energy systems or site shall include any advertising sign.
  - P. Shadow flicker. The applicant shall provide a shadow flicker model for any proposed wind energy systems. The model shall:
    - i. Map and describe within a one (1) mile radius of the proposed project site the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speeds.
    - ii. Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations.
    - iii. Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems, including, but not limited to, a change in siting of the facility, a change in the operation of the facility, or grading or landscaping mitigation measures.
    - iv. The facility shall be designed such that shadow flicker will not fall on, or in, any existing dwelling. Shadow flicker expected to fall on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:
      - a. The flicker will not exceed thirty (30) hours per year; and the flicker will fall more than one hundred (100) feet from an existing residence.



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- b. The traffic volumes are less than five hundred (500) vehicles per day on the roadway.
- Q. Hazard planning. An application for a wind energy system shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
  - i. Certification that the electrical wiring between the wind energy system and the utility right-of-way does not pose a fire hazard.
  - ii. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the wind energy system; such preventative measures may address the types and location of vegetation below the wind energy system and on the site.
  - iii. The following shall be submitted with the application for a special use permit for a wind energy system:
    - a. A listing of any hazardous fluids that may be used on site shall be provided.
    - b. Certification that the turbine has been designed to contain any hazardous fluids shall be provided. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
    - c. A hazardous materials waste plan shall be provided.
- R. Removal of abandoned or unsafe wind energy system. Any wind energy system that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Any tower found to be unsafe or not in compliance with the special land use conditions related to noise or shadow flicker placed upon it by the Planning Commission, shall be found to be in violation of the special land use permit. The owner of any wind energy system that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment or violation. In addition to removing the wind energy system, the owner shall restore the site of the wind energy system to its original condition prior to location of the wind energy system, subject to reasonable wear and tear. Any foundation

associated with a wind energy system shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind energy system within the ninety (90) day period provided in this subsection shall be grounds for the Township to remove the wind energy system at the owner's expense. Any expenses incurred by the Township including costs and reasonable attorneys' fees shall be reimbursed at the owner's expense. The Planning Commission shall require the applicant to file a bond equal to the reasonable cost of removing the wind energy system and attendant accessory structures as a condition of a special use permit given pursuant to this Section.

- S. New technology. These regulations pertaining to wind energy systems are intended to respond to equipment available at the time of adoption. The Township recognizes that this is an emerging technology and that new means of collecting wind energy are under development. The Township, therefore, reserves the right to withhold approval on any wind energy system utilizing technology and equipment not widely in use as of October 8, 2007, and not addressed in this Section, pending appropriate study and, if necessary, alteration of these regulations pursuant to Section 42-7.6.

**42-4.38 SPECIAL ACCOMMODATIONS USES**

- 1. Purpose. This Section is intended to authorize the grant of relief from the strict terms of this Chapter 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 125.3502, may administratively approve a special accommodation use, subject to and in accordance with this Section.



2. Applicant to comply with terms and conditions. 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:
  - A. 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; and
  - B. 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; and
  - C. 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 the 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.
  - D. No other specific ordinance provision exists and is available to provide the relief sought.
3. Application for special accommodation. The application for a special accommodation use shall include the following:
  - A. A site plan drawn to scale showing the proposed use, including a floor plan of each building drawn to scale.
  - B. 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 2 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.
4. 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:
  - A. All of the requirements for entitlement to approval under subsections 2 of this Section, will be met.
  - B. 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.
  - C. The use, and all improvements on the property shall be designed and constructed to meet the following standards and conditions:
    - i. 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:
      - a. The surrounding uses; and/or
      - b. The orderly development of the surrounding neighborhood and/or vicinity.
5. 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.

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- ii. 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.
  - iii. 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.
  - iv. 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.
  - v. The proposed use shall be designed, located, planned and operated in such a manner that the public health, safety and welfare will be protected.
  - vi. 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.
5. 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 the Chapter 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.
- 6. Conditions. In connection with the approval of a special accommodation use, the Township Board may impose such conditions as are authorized by law.
  - 7. Effect of approval. 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.
  - 8. Application fee. The Township Board shall establish an application fee by resolution.

**42-4.39 REGULATED USES**

- 1. Intent and purpose. In the development and execution of this Section, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Township Board has concluded that special regulation of these uses is necessary to ensure that these adverse affects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.
- 2. Regulated uses enumerated. The following uses are considered regulated uses for the purposes of this Section:



- A. Adult uses, including the following:
    - i. Adult arcade
    - ii. Adult book store, adult novelty store or adult video store
    - iii. Adult cabaret
    - iv. Adult motion picture theater
    - v. Adult theater
  - B. Motels
  - C. Massage parlors
  - D. Pawnshops, as contemplated in Public Act No. 273 of 1917 (MCL 446.201 et seq.) and/or Public Act No. 231 of 1945 (MCL 445.471 et seq.)
  - E. Pool and billiard halls
  - F. Precious metal and gem dealers, as contemplated under Public Act No. 95 of 1981 (MCL 445.481 et seq.)
  - G. Secondhand dealers
  - H. Smoke Shops and Tobacco Shops
  - I. Body Art Facility
3. Dispersal requirement. In addition to compliance with the other provisions of this Article, the following apply to regulated uses:
- A. No regulated use may be located within one thousand (1,000) feet of another regulated use; and
  - B. No regulated use may be located within seven hundred fifty (750) feet of any residential zoning district, school property, place of worship, public park or other use which is primarily oriented to youth (less than eighteen (18) years of age) activities.
4. Existing structures. Existing structures or uses which are in violation of this Section shall be subject to the regulations set forth in Section 42-7.12, governing nonconforming structures and uses.

#### 42-4.40 RECEPTION ANTENNA FACILITIES AND SATELLITE DISHES

In all zoning districts, the installation or use of a reception antenna facility shall be considered to be a special land use and shall be permitted only as an accessory use and only as authorized in the following provisions of this Section. Application for approval of this special land use shall be filed by the applicant with the Township Planning Director who shall place the application on the agenda of the Township Zoning Board of Appeals. Notice of the time and place of the Zoning Board of Appeals' consideration of the application shall be given in the manner provided for Zoning Board of Appeals hearings pursuant to Section 42-7.6. Upon review of the application, the Zoning Board of Appeals shall grant approval if it is found that the plans comply in all respects with this Section and Chapter.

1. Objectives. It is the intent and purpose of this Section to provide reasonable regulations for the mounting of reception antenna facilities. The objectives of these regulations are:
  - A. To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities which become dislodged in whole or in part and fall from building or structural mountings due to wind load, snow load or other factors or instrumentalities which may reasonably be expected to impact upon such facilities when so mounted.
  - B. To promote utilization of ground mounting for antenna facilities where reasonably feasible.
  - C. To require the screening of ground-mounted facilities and the minimizing of visibility with respect to roof or structure mounted facilities in the interest of maintaining high architectural and aesthetic quality of property improvements and in the interest of maintaining and preserving property values.
  - D. To conditionally exclude from the operation of this Section conventional VHF and UHF television antennas based upon the following findings: there is relatively small concern for wind and snow load issues; there has been a long demonstrated safety record; there has been a historical acceptance of such facilities from architectural and aesthetic standpoints; and the cost of complying with the procedure for application and review would be great in relation to the cost of purchasing and installing the facility.

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- E. To balance and minimize the regulation of the place and manner for reception antenna installation based upon the right and duty of the Township to promote and protect the public health, safety and welfare by the exercise of its police powers in relation to the right of the public to construct and use reception antennas to receive signals without unreasonable restriction.
- 2. Ground-mounted facilities. Ground-mounted reception antenna facilities shall be subject to the following conditions:
  - A. The maximum height of any part of the facility shall be fourteen (14) feet;
  - B. The antenna facility shall be located only in the rear yard area but shall not be located in a required yard setback area;
  - C. The antenna facility shall be obscured from view from adjacent properties by a screening wall or fence, berm, evergreen plantings or a combination of such means, provided, if there is no conforming location on the property where the facility may be so obscured from view, screening shall be accomplished to the extent reasonably feasible, as proposed by the applicant and approved in the discretion of the Zoning Board of Appeals by the aforementioned means.
- 3. Roof-mounted and structure-mounted facilities in single-family residential districts. In single-family residential districts, reception antenna facilities mounted on a roof of a building or on a structure more than three (3) feet in height shall be subject to the following regulations:
  - A. The antenna facility itself shall not be larger than ten (10) feet in height or width. Moreover, the facility shall be of perforated mesh, or rod or pole construction and shall not be of solid sheet or panel construction.
  - B. A roof-mounted antenna facility shall be located on that portion of the roof adjacent to the rear yard on the property and a structure-mounted facility shall be located in the rear yard area but shall not be located in a required yard setback area. The applicant may, however, propose in the application to situate the antenna facility in an alternative location provided the applicant shall set forth in the application an explanation as to why:
    - i. The alternative location is as safe or safer; and
    - ii. Visibility of the antenna facility from adjacent properties and by pedestrian and vehicular passers by, is reduced or unaltered in relation to the rear yard orientation/location.
- C. No part of the antenna facility shall extend higher than:
  - i. Three (3) feet above the ridge and/or peak of the roof but in no event higher than the maximum height limitation in the zoning district, in the case of a building mounted facility; and/or
  - ii. Seventeen (17) feet above grade in the case of a structure-mounted facility.
- D. If it clearly appears to the Zoning Board of Appeals in the review of an application that the location of the antenna facility results in less than maximum safety or minimum visibility:
  - i. In the case of a roof-mounted facility, the Zoning Board of Appeals shall conditionally approve of the special use upon the facility being situated in a specified location including a ground-mounted location and/or upon the applicant proposing and the Zoning Board of Appeals approving a satisfactory screening device; or
  - ii. In the case of a roof-mounted or structure-mounted facility, the Zoning Board of Appeals shall conditionally approve upon the facility being situated in a specific location and/or the facility being further screened by wall, fence, berm, evergreen plantings or a combination of such means.
- 4. Roof-mounted and structure-mounted facilities not situated in single-family residential districts:
  - A. Reception antenna facilities mounted on the roof of a building in districts other than a single-family residential district shall be subject to the requirements of Section 42-3.10.10 and such requirements shall apply whether or not the facility would exceed the height limits of the zoning district.
  - B. Reception antenna facilities mounted on a structure other than the roof of a building in districts other than single-family residential shall be subject to the regulations contained in subsection 3 of this Section.



5. Interpretation guidelines. The provisions of this Section shall be interpreted to carry out the stated objectives of this Section and shall not be interpreted so as to impose costs on the applicant which are excessive in light of the purchase and installation cost of the antenna facility and accessory equipment.
6. Conditional exemption. Conventional VHF or UHF television antennas which have width and height dimensions of not more than one hundred thirty five (135) inches and ten (10) feet, respectively, which are situated on that portion of the roof adjacent to the rear yard on the property and which do not extend higher than eight (8) feet above the ridge or peak of the roof or the maximum height limitation in the zoning district, shall be exempted from the requirement of applying for and receiving approval under this Section.

#### 42-4.41 WIRELESS COMMUNICATION FACILITIES

1. Purpose and intent. It is the purpose and intent of the Township to regulate wireless communication facilities 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, the Township is mindful that regulations may not unreasonably discriminate among providers, or prohibit the provision of wireless communications services. 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. Provide for the administration of this Section so as to preclude the necessity of having new, freestanding tower or pole structures in the Township, and so as to preclude the establishment of wireless communication facilities in residential neighborhoods or on or near public elementary or middle school properties in residential neighborhoods.
  - B. Facilitate adequate and efficient provision of sites for wireless communication facilities.
  - C. Establish predetermined districts of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

- D. In the event an applicant proves that there is no reasonable difference of opinion that the provision of wireless communication service will be prohibited if the location of a wireless communication facility is restricted to the areas predetermined by the Township, as shown on the map located at the end of this Section, the Township may then consider approving a location outside of a predetermined area which is found by the Township to be the least intrusive to neighborhoods and to the Township as a whole.
- E. Ensure that wireless communication facilities are situated in appropriate locations in relationship to other land uses, structures and buildings.
- F. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon the existing population, transportation systems, and other public services and facility needs.
- G. Promote the public health, safety and welfare.
- H. 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.
- I. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused or unnecessary facilities in a timely manner.
- J. 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 new freestanding structures.

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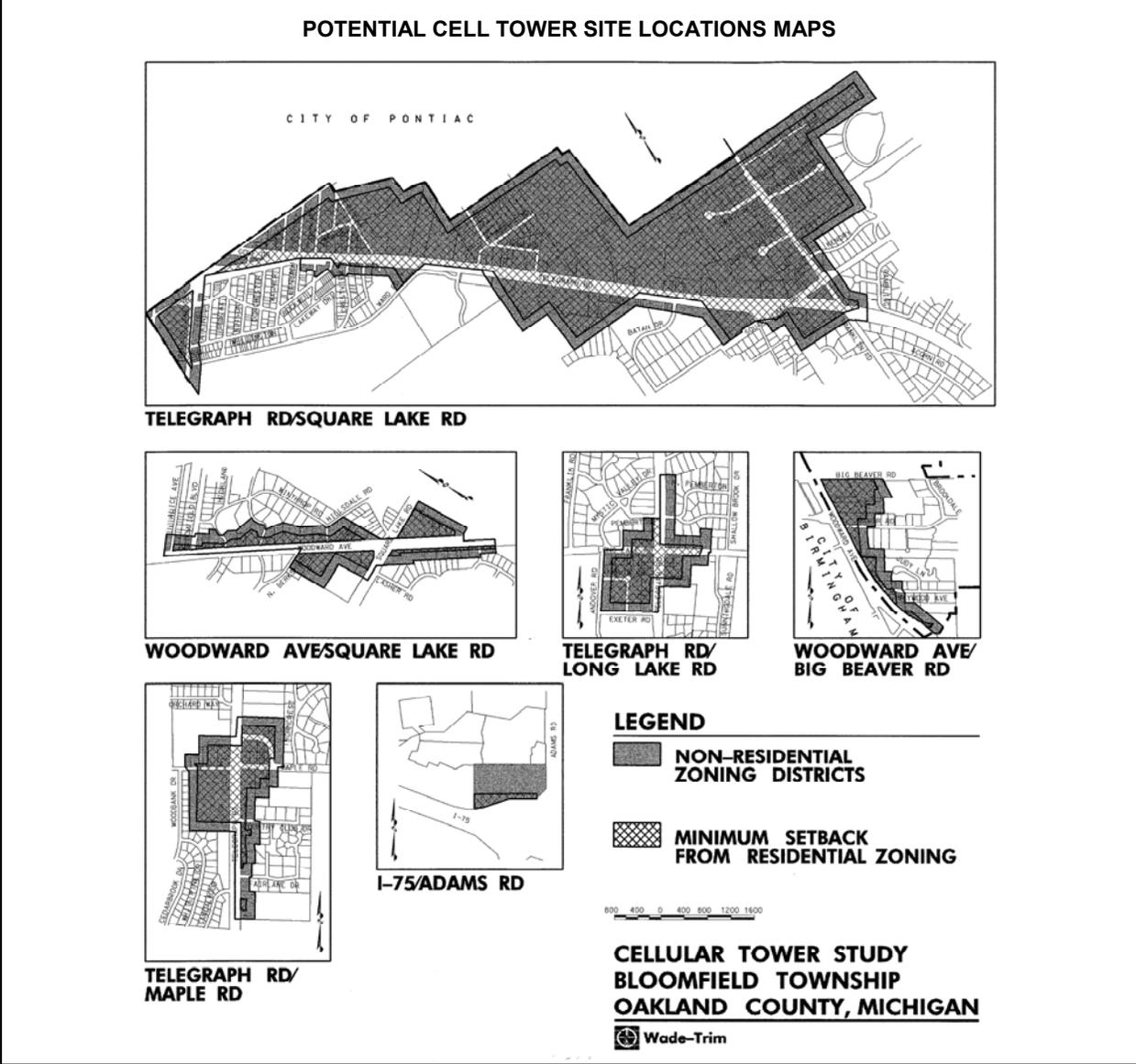
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- K. The legislative body of the community finds that the presence of tower or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous relatively tall tower 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.
  - L. Land within road rights-of-way shall be subject to regulation under this Section.
- 2. Authorization. Subject to the standards and conditions set forth in subsection 3 of this Section, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts specified in subsection 2.B of this Section.
  - A. Circumstances creating permitted use treatment. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted use:
    - i. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the planning official, proposed to be either materially altered or materially changed in appearance.
    - ii. A proposed collocation upon an attached wireless communication facility which had been preapproved for such collocation as part of an earlier approval by the Township.
  - B. Permitted uses in RP and ML districts. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use in subsection 2.A 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 district on the Potential Cell Tower Site Locations Maps, with the approval of the planning official, following a public hearing and recommendation of the Planning Commission, considering the standards and conditions set forth in subsection 3 of this Section. ✍
  - C. In the event an applicant proves that there is no reasonable difference of opinion that the provision of wireless communication service will be prohibited if the location of a wireless communication facility is restricted to the areas predetermined by the Township, as permitted under subsections 2.A and 2.B of this Section, and provided that the applicant further demonstrates entitlement to a special land use under the criteria and standards of subsections 3 and 5 of this Section, then the planning official, following a public hearing and recommendation of the Planning Commission, may consider the approval of a location for a wireless communication facility elsewhere in the Township. It shall be the further burden of an applicant proceeding under this provision to demonstrate to the planning official that there is no reasonable difference of opinion that the ultimate location selected will result in the least adverse impact upon neighborhoods and upon the Township as a whole.
- 3. Standards and conditions applicable to all permitted and special land use facilities. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the planning official in the planning official's discretion:





- A. Facilities shall be located and designed to be harmonious with the surrounding areas. 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 communications facilities.
- B. 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 certification of compliance by the applicant's licensed engineer.
- C. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Lattice structures, guyed structures or structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted.
- D. The following additional standards shall be met:
  - i. 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



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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 accessory structures within the respective district.

- ii. The setback of the support structure from any adjacent residential property shall be no less than the height of the highest point of any structure on the premises, or the minimum distance established by other provisions of this Section, whichever is greater.
- iii. Where the proposed new or modified support structure is in or 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 for the zoning district in which the support structure is located. (See subsection 4.C of this Section.)
- iv. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- v. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- vi. 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 shall be a single, architecturally uniform accessory building for all providers.

- vii. The planning official shall, in the planning official's discretion, with respect to the design and appearance of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings. The planning official shall not have authority to approve a lattice or guyed structure. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- viii. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in this 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.
- ix. 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 reasonably prudent standard.
- x. 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.



- xi. 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 tentative approval 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.
  - xii. 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, and shall be designed and constructed to maximize aesthetic quality.
4. Application requirements.
- A. A site plan prepared in accordance with Section 42-6.1 shall be submitted, showing the location, size, screening and design of all buildings and structures, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
  - 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 a developed area 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 question, 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 7 of this Section. In this regard, the security shall, at the election of the applicant, be in the form of: cash, surety bond, letter of credit or, an agreement in a form approved by the attorney for the community 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 existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities 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. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any such information which is a trade secret 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 ordinance 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.



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- F. 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 fee, in the amount specified by the Township Board by 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 on the facility does not sign the application, approval shall be restricted as provided in subsection 3 of this Section.
5. Special requirements for facilities outside approved districts. For facilities which are not permitted uses under subsection 2.A of this Section and are proposed to be located outside of a district identified in subsection 2.B of this Section, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in subsection 3 of this Section:
- A. At the time of the submittal, the applicant shall demonstrate that a location within an area identified under subsections 2.A and 2.B of this Section, cannot reasonably meet the coverage or capacity needs of the applicant.
  - B. Wireless communication facilities shall be of a design such as, without limitation, a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the planning official.
  - C. Site locations outside of an approved district identified in subsections 2.A and 2.B of this Section, shall be considered on the following sites (not stated in any order of priority), subject to application of all other standards contained in this Section:
    - i. Municipal owned or governmentally owned sites (excluding any public elementary or middle school or school playground or other property within fifty (50) yards of a public elementary or middle school or school playground).
    - ii. Religious or other institutional sites.
- iii. Large permanent open space areas when compatible.
  - iv. Other locations if the applicant proves that there is no reasonable difference of opinion that the provision of wireless communication service will be prohibited if the location of a wireless communication facility is restricted to the areas predetermined by the Township, as permitted under subsections 2.A, 2.B, and 5.C.i through 5.C.iii of this Section.
6. Collocation.
- A. 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 1 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 of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purpose and intent of this Section, as stated herein, and as stated in subsection 1 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 are designed to carry out and encourage conformity with the policy of the Township.



B. Feasibility of collocation. Collocation shall be deemed to be feasible for purposes of this Section where all of the following are met:

- i. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- ii. The site on which collocation is being considered, taking into consideration reasonable modification or the replacement of a facility, is able to provide structural support.
- iii. The collocation being considered is technologically reasonable, i.e., the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas, and the like.
- iv. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in subsections 3 and 5 of this Section.

C. Requirements for collocation.

- i. 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.
- ii. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- iii. The policy of the community 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 and subject to removal as a nonconforming structure.

- iv. 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 to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for new wireless communication support structures 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 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.

D. Incentive. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection 2.A of this Section, shall be expedited by the Township.

7. Removal.

- A. 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 of one (1) or more of the following events:
  - i. 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 or reception of radio signals) shall be considered as the beginning of a period of nonuse.



- ii. Six (6) months after new technology is available at reasonable cost as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or less compatible with the area.
- B. The situations in which removal of a facility is required, as set forth in subsection 7.A of this Section, may be applied and limited to portions of a facility.
- C. Upon the occurrence of one (1) or more of the events requiring removal, specified in subsection 7.A of this Section, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the planning official.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- E. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.
- 8. Effect of approval.
  - A. Subject to Section 42-4.41.8.B, final approval under this Section shall be effective for a period of six (6) months.

- B. 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 collocate on the facility that has been newly commenced.

42-4.42 RETAIL WINE SHOP WITH TAVERN LICENSE

- 1. A retail wine shop with a Tavern license may be permitted when sample wine tasting is provided as an incidental use.
- 2. Fee. It shall be unlawful in the Township for any person, company, corporation or other legal entity to seek a Tavern License, or transfer a Tavern license, unless a permit shall first have been obtained from the Township, and an application fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.

42.4.43 HOME OCCUPATIONS

Home occupations shall be conducted entirely within the dwelling, and carried on by the resident occupants in their residence, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof and in conformance with which:

- 1. There shall be no signage, advertising device, or other items displayed on the inside of the dwelling so as to be visible through a window or glass area, or located on the exterior of the dwelling structure, or on a vehicle, or within any yard area, which such sign, device, or items suggests or implies the existence of a home occupation.
- 2. There shall be no outside storage of any kind related to the home occupation.
- 3. Any parking generated by the conduct of a home occupation shall be met off the street and on an established driveway.



4. Any home occupation that creates a nuisance, such as noise, vibration, fumes, odor, dust, litter, electrical interference, or other similar actions, shall be prohibited.
5. Traffic and delivery of goods created by the home occupation shall not be in greater volume or consist of larger vehicle types than would normally be expected in a residential neighborhood.
6. No employees, other than the residents of the dwelling unit, shall be employed at or be located on the premises.
7. The total square footage of all buildings used for the home occupation, including areas used for the storage of materials and supplies, shall not exceed an amount that is equal to fifteen (15) percent of the total building footprint.
8. Operating a business, or carrying on a business activity, in excess of the limitations of the home occupation as defined and allowed in this Ordinance in a residential district is prohibited.

**42.4.44 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT**

1. Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they shall be permitted by the Zoning Board of Appeals under the conditions specified, and after public hearing. In every case, the uses hereinafter referred to shall be specifically prohibited from any R-1, R-2, R-3, or RM districts.
2. These uses require special consideration since they service an area larger than the Township and require sizable land areas, creating problems of control with reference to abutting use districts. Reference to those uses falling specifically within the intent of this Section is as follows:
  - A. Outdoor theaters. Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in RP districts only when the site in question abuts a B-2 or ML district. Outdoor theaters shall further be subject to the following conditions:

- i. The proposed internal design shall receive approval from the building inspector and Township engineer as to adequacy of drainage, lighting and other technical aspects.
  - ii. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares, one hundred twenty (120) foot right-of-way or greater, and shall not be available from any residential street.
  - iii. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- B. Commercial television and radio towers, public utility microwaves, public utility radio broadcasting and receiving towers, and public utility and TV transmitting towers. Radio and television towers, public utility microwaves and public utility TV transmitting towers, public utility radio broadcasting and receiving towers used in cellular telephone systems, and their attendant facilities shall be permitted in RP districts, provided said use shall be located centrally on a continuous parcel of not less than one and one-half (1½) times the height of the tower measured from the base of said tower to all points on each property line.
- C. Trailer courts (mobile home parks). Trailer courts may be permitted in B-3 general business districts by the Zoning Board of Appeals, after having received the recommendation of the Planning Commission, and after it finds the use as not being contrary to the spirit and purpose of this Chapter, and subject further to the following requirements and conditions:
- i. The land parcel being proposed for trailer courts shall be of such land area as to provide for a minimum of at least fifty (50) trailer coach sites and shall not exceed a maximum of seventy five (75) trailer coach sites.

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- ii. Eighty (80) percent of the trailer coach sites shall contain a minimum area of at least three thousand (3,000) square feet, and twenty (20) percent shall contain a minimum area of at least two thousand four hundred (2,400) square feet. All such trailer site areas shall be computed exclusive of service drives, facilities, and recreation space.
- iii. All trailer courts shall have access to major thoroughfares of at least a two hundred four (204) foot right-of-way within the Township by directly abutting thereon. Frontage on said highway shall be equal to at least four hundred (400) feet in width.
- iv. A completely obscuring wall or fence, four (4) feet in height shall be provided on all sides of the trailer court, with the exception of that portion providing ingress and egress to the site.
- v. All trailer court development shall further comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- vi. The parking of a trailer or coach, except for the purpose of unloading and loading such, on land not approved for trailer courts or trailer sales is prohibited, except that the building inspector may grant a temporary permit allowing the parking of a trailer coach in a rear yard for a period not to exceed two (2) weeks, provided, such trailer coach shall not be occupied. Open storage of a trailer coach on land not approved for trailer courts or trailer sales is prohibited, and any trailer coach stored on land not approved for trailer courts or trailer sales shall be stored within a completely enclosed accessory structure or attached garage and shall not be occupied or connected to sanitary facilities. Any trailer coach located on land not approved for trailer courts or trailer sales for a period exceeding twenty four (24) hours without a permit having been obtained from the building inspector to park same thereon as provided herein, shall be deemed to be stored thereon.

#### 42-4.45 MEDICAL MARIJUANA USAGE

In the R-1 One-Family, R-2 One-Family, R-3 One-Family or RM Multiple Family Districts, only two (2) registered patients are permitted per single-family household or multiple family unit, subject to the following criteria:

1. Every registered patient shall register his or her name and address with the Township subject to Sec. 22-503. The Police Department shall maintain a confidential list of the persons to whom the Township has registered. Individual names and other identifying information such as the address are confidential and exempt from disclosure pursuant to the intent of the Michigan Marijuana Act, initiated Law 1 of 2008, Section 333.26426 Sec. 6. (b)(2).
2. Registration. It shall be unlawful in the Township for any person, company, corporation or other legal entity to engage in medical marijuana usage, unless registration shall first have been completed with the Township.



# CHAPTER 42

## Article 5.0 Site Standards

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# Chapter 42

## Article 5.0 Site Standards

- 42-5.1 Accessory Structures
- 42-5.2 Parking Requirements
- 42-5.3 Off-Street Parking Layout; Standards; Construction and Maintenance
- 42-5.4 Off-Street Loading and Unloading
- 42-5.5 Performance Standards
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- 42-5.7 Residential Fence and Retaining Wall Regulations
- 42-5.8 Walls
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- 42-5.10 Residential Entranceway
- 42-5.11 Access Drives Through Yards
- 42-5.12 Floodplain Controls
- 42-5.13 Natural Features Setback
- 42-5.14 Tree Preservation
- 42-5.15 Basketball Apparatus
- 42-5.16 Play Structures
- 42-5.17 Ground Mounted Mechanicals
- 42-5.18 Wall Mounted Mechanicals



# 42-5.0 Site Standards

## 42-5.1 ACCESSORY STRUCTURES

The regulations in this Chapter shall be subject to the following interpretations and exceptions:

1. Where the accessory structure is structurally attached to a main structure, it shall be subject to, and must conform to, all regulations of this Chapter, applicable to main structures.
2. Accessory structures shall not be erected in any required yard, except a rear yard. All accessory structures proposed to be added to a lot containing an already existing principal building or use shall be subject to the review and approval of the Zoning Board of Appeals.
3. An accessory structure not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty five (25) percent of a required rear yard, plus twenty (20) percent of any nonrequired rear yard, provided that in no instance shall the accessory structure exceed one-half ( $\frac{1}{2}$ ) of the ground floor area of the main building.
4. No detached accessory structure shall be located closer than sixteen (16) feet to any side or rear lot line.
5. No detached accessory structure in a R-1, R-2, R-3, or RM district shall exceed one (1) story or fourteen (14) feet in height. Accessory structures in all other districts may be constructed to equal the maximum height of the district subject to the Zoning Board of Appeals review and approval.
6. Any structure, when erected so as to have any portion of their sides above the existing grade of the rear yard, shall be subject to the review and approval of the Zoning Board of Appeals. In reviewing said structure, the Zoning Board of Appeals shall find that the requirements of Section 42-7.6.6 are met.
7. Where uncertainty exists as to the intent of this Section of the Chapter, the Zoning Board of Appeals shall establish a standard which in their opinion fulfills the intent. In no instance, however, shall the Zoning Board of Appeals permit an accessory structure to be located any nearer than sixteen (16) feet to a side or rear lot line excepting on those lots that are substandard as to lot area.

8. All accessory structures which are in excess of nine (9) inches above the grade on which placed and which are used for other than the housing of motor vehicles or boats shall be screened from adjacent residences with evergreen and deciduous material which the Zoning Board of Appeals shall find will obscure the view twelve (12) months of the year.

*(Amended by Ord. No. 635, Ord. No. 676)*

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## 42-5.2 PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
2. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of Section 42-5.1, accessory structures.
3. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere subject to Planning Commission review and recommendations for approval.
4. Off-street parking existing at the effective date of the ordinance from which this Chapter is derived, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
5. Two (2) or more buildings or users may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual users computed separately.
6. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Zoning Board of Appeals may grant an exception.
7. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
8. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type.
9. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space.
10. For the purpose of computing the number of parking spaces required, the definition of gross floor area in Article 2 shall govern.
11. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. Upon submission of a parking study, approved by the Township traffic engineer, the total number of required parking spaces may be reduced by the Planning Commission in the site plan review process.



Use	Minimum Number of Parking Spaces per Unit of Measure	
<b>A. Residential</b>		
i.	Residential, one-family, two-family	Two (2) for each dwelling and unit
ii.	Residential, multiple-family	Two (2) for each dwelling unit
iii.	Housing for the elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit and shall be provided
iv.	Trailer court (mobile home park)	One (1) for each trailer site and one (1) for each employee of the trailer court
<b>B. Institutional</b>		
i.	Places of worship	One (1) for each three (3) people permitted by the adopted Fire Code plus parking for accessory uses, if determined necessary by the Township
ii.	Hospitals	Two and one-half (2½) for each bed plus parking for related uses
iii.	Homes for the aged and convalescent homes	One (1) for each six (6) beds plus one (1) for each two (2) employees and/or members of the staff
iv.	Elementary and middle schools	One (1) for each one (1) teacher, employee or administrator in addition to the requirements of the auditorium
vi.	Senior high schools	One (1) for each one (1) teacher, employee, or administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium
vii.	Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes
viii.	Private golf clubs, swimming clubs, tennis clubs, or similar uses	One (1) for each two (2) member families or other individual members
ix.	Golf courses open to the general public, except miniature or "par-3" courses	Six (6) for each one (1) golf hole and one (1) for each employee
x.	Fraternity or sorority	One (1) for each five (5) persons allowed within the maximum occupancy load
xii.	Stadium, sports arena, similar place of outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches
xiii.	Theaters and auditoriums	One (1) for each three (3) seats

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Use	Minimum Number of Parking Spaces per Unit of Measure	
<b>C. Business and Commercial</b>		
i.	Retail center (For any retail center including uses such as restaurants, cinemas, entertainment, or recreation uses with a combined gross floor area exceeding twenty (20) percent of the total gross floor area of the retail center, a shared parking study shall be submitted to determine the appropriate parking ratio by the Township.)	
	a. Less than 50,000 gross square feet	One (1) space for each two hundred (200) square feet gross floor area
	b. 50,000–200,000 gross square feet	One (1) space for each two hundred twenty five (225) square feet gross floor area
	c. Over 200,000 gross square feet	One (1) space for each two hundred fifty (250) square feet gross floor area
ii.	Auto wash	One (1) for each one (1) employee. Stacking spaces must be equal to five (5) times the maximum capacity of the auto wash
iii.	Beauty parlor, nail salon, tanning salon or barber shop	Three (3) spaces for each of the first two (2) chairs and one and one-half (1½) spaces for each additional chair. The first such use in a retail center shall be calculated at one (1) for each two hundred (200) square feet of gross floor area
iv.	Bowling alleys	Five (5) for each one bowling lane
v.	Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats	One (1) for each three (3) people allowed within the maximum occupancy load or one (1) for each one hundred twenty five (125) square feet of gross floor area
vi.	Restaurants	One (1) space for each seventy five (75) square feet of gross floor area
	a. With drive-up service	One (1) space for each seventy (70) square feet of gross floor area to include three (3) stacking spaces for each drive-up lane in total parking provided
	b. Specialty beverage, food, or refreshments, such as coffee shops, bakeries, ice cream parlors, and other similar uses	One (1) space for each two hundred (200) square feet of gross floor area
vii.	Furniture store or showroom	One (1) for each one thousand (1,000) square feet of gross floor area
viii.	Fuel stations that may include service bays and retail areas	One (1) for each three hundred (300) square feet of gross floor area
ix.	Laundromats and coin operated dry cleaners	One (1) for each two (2) machines
x.	Miniature or "par-3" golf courses	Three (3) for each one (1) hole



Use	Minimum Number of Parking Spaces per Unit of Measure	
<b>C. Business and Commercial (continued)</b>		
xi.	Funeral homes	One (1) for each sixty (60) square feet of gross floor area
xii.	Motel, hotel, or other commercial lodging establishments	One (1) for each rental unit plus one (1) for each twenty five (25) units plus parking for accessory uses
xiii.	Motor vehicle sales and service establishments	One (1) for each three hundred (300) square feet of gross floor space of sales room plus one (1) for each auto service stall
xiv.	Retail stores except as and otherwise specified herein	One for each two hundred (200) square feet of gross floor area
xv.	Wholesale retail stores	One (1) for each three hundred (300) square feet of gross floor space
xvi.	Health clubs	One (1) for each one hundred seventy five (175) square feet of gross floor space plus spaces for food and beverage service
xvii.	Self-storage facilities	Five (5) spaces for the office. Access to individual storage units shall provide for loading and unloading of vehicles adjacent to units without impeding traffic flow
xviii.	Commercial daycare centers	One (1) for each three hundred (300) square feet of gross floor area
<b>D. Offices</b>		
i.	Banks	One (1) for each two hundred twenty five (225) square feet of gross floor area, plus three (3) stacking spaces for each drive-up lane
ii.	Business offices or professional offices except as indicated in the following item (iii)	One for each two hundred seventy five (275) square feet of gross floor area
iii.	Professional offices of doctors, dentists, veterinarians, or similar professions	One for each one hundred seventy five (175) square feet of gross floor area
<b>E. Industrial</b>		
i.	Industrial or research	One (1) for each seven hundred (700) square feet of gross floor area
ii.	Wholesale establishments, distribution and warehouse	One (1) for each two thousand (2,000) square feet of gross floor area

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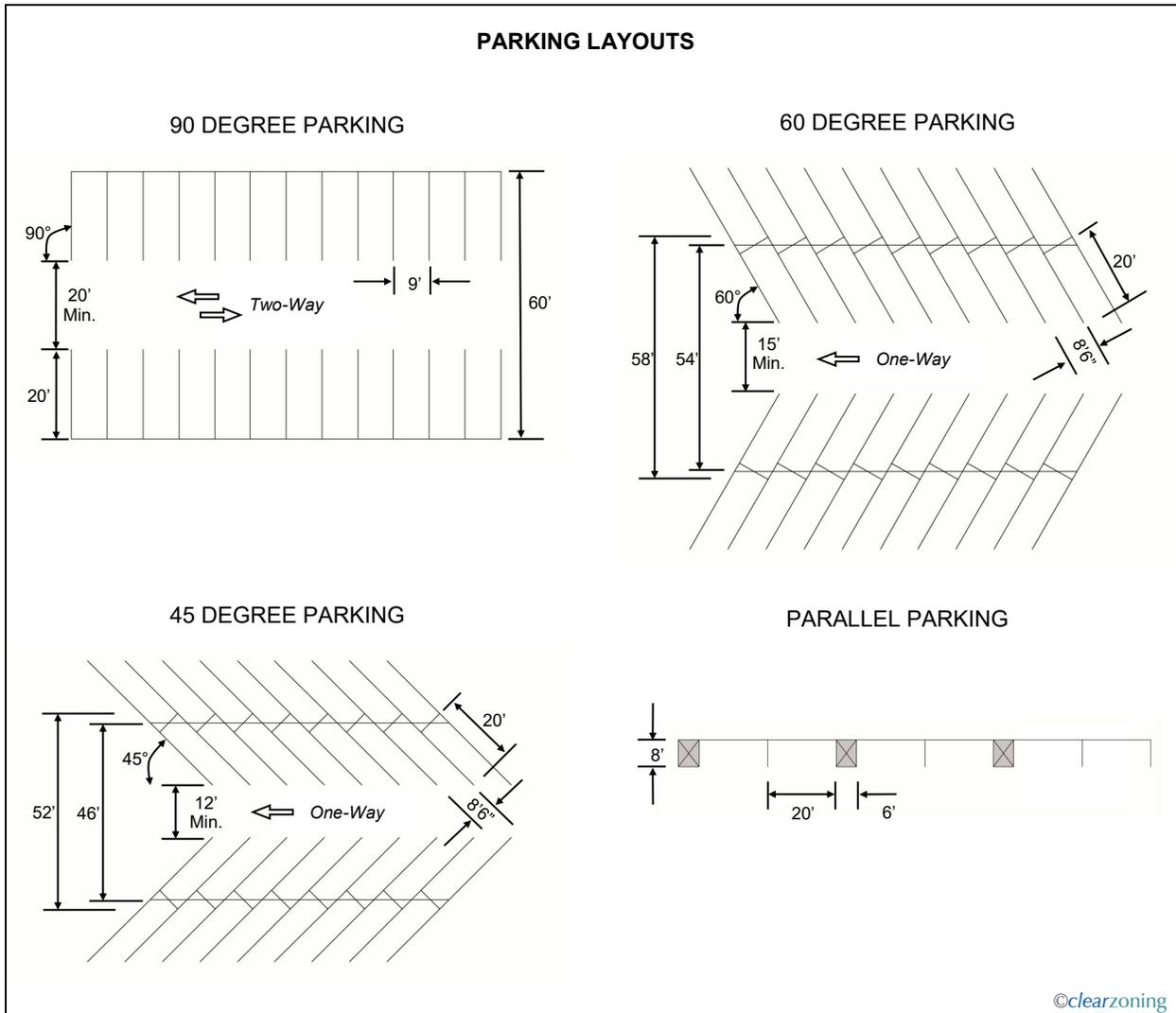


42-5.3 OFF-STREET PARKING LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 42-5.2 require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces Plus Maneuvering Lane	Total Width of 2 Tiers of Spaces Plus Maneuvering Lane
0° Parallel	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

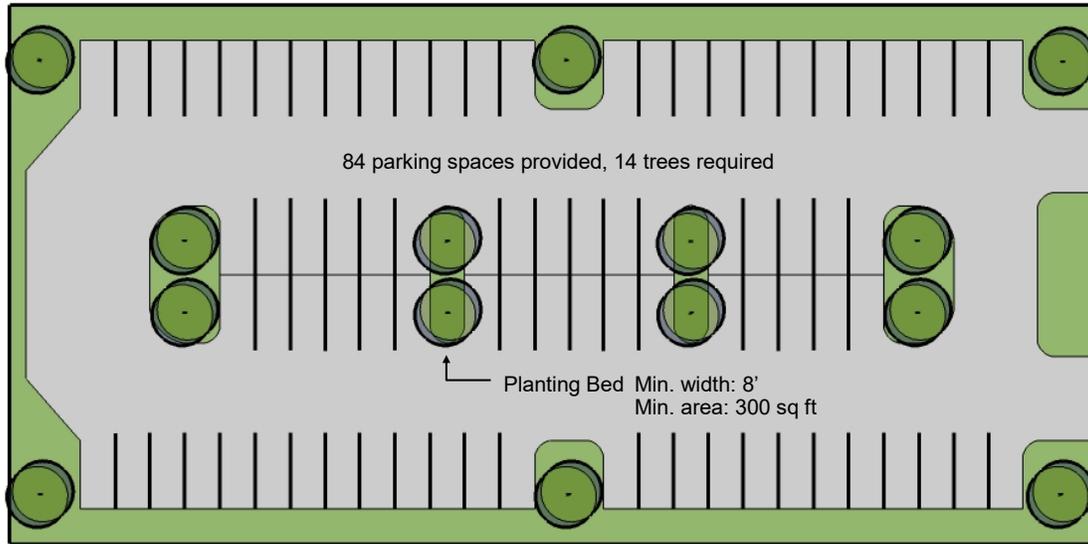


2. No parking lot shall be constructed unless and until a permit therefor is issued by the building inspector. Applications for a permit shall be submitted to the building inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
5. All maneuvering lane widths required in subsection 1 of this Section shall only permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty (20) feet distant from any adjacent property located in any single-family residential district.
7. When a front yard parking setback is required, all land within said setback shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
8. The entire parking area, including parking spaces and maneuvering lanes, required under this Section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the resolution of the Township Board. The parking area shall be surfaced within one (1) year of the date the permit is issued. Time extensions due to earth settlement problems may be approved by the Zoning Board of Appeals. Off-street parking area shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
9. The parking area shall be so designed to include tree plantings as required in this subsection. A plan for the proposed tree planting shall include native plants and be submitted to the Planning Commission showing the following intended layout:
  - A. A landscape and tree planting plan showing an even distribution of trees throughout the parking area. Trees of three (3) inch caliper or greater, as suggested in Section 42-5.6.2.E, shall be planted at the rate of one (1) tree for each six (6) vehicles to be provided for. These trees shall be maintained in a healthy growing condition.



### PARKING LOT TREE PLANTING REQUIREMENTS

EXAMPLE: EVEN DISTRIBUTION PLANTING  
(1 tree required per 6 parking spaces provided)



©clearzoning

- B. A tree planting plan showing a pattern of trees throughout the parking area. Trees of three (3) inch caliper or greater, as suggested in Section 42-5.6.2.E, shall be planted at the rate of one (1) tree for each six (6) vehicles to be provided for. These trees shall be maintained in a healthy growing condition. Under this arrangement the trees shall not be considered a part of any required greenbelt, it being the intent of this subsection to provide a canopy throughout the parking area.
- C. Each planting bed shall be a continuous earth-planting bed at least eight (8) feet wide and a minimum of three hundred (300) square feet in area. Landscape materials shall be planted no closer than four (4) feet to the property line.
- D. Trees planted within land designated as landbanked parking spaces shall not count toward the total number of trees required per parking spaces as specified in this Section.
- 10. In all cases where a wall extends to an alley which is a means of ingress or egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
- 11. The Zoning Board of Appeals, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by the compliance with the requirements of this Section.

**42-5.4 OFF-STREET LOADING AND UNLOADING**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. All spaces in B-1, B-2, B-3, B-4, O-1 and OR-1 districts shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of O-1 districts loading space shall be provided in the ratio of five (5) square feet per front foot of building. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.
2. All spaces in an RP and ML district shall be laid out in the dimension of at least ten (10) by fifty (50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces shall be provided in the following ratio of space to usable floor area:

Gross floor area (in square feet)	Loading & unloading space required in terms of square feet of usable floor area
0-1,400	None
1,401-20,000	1 space
20,001-100,000	1 space plus 1 space for each 20,000 sq. ft. in excess of 20,001 sq. ft.
100,001 and over	5 spaces

**42-5.5 PERFORMANCE STANDARDS**

No use otherwise allowed shall be permitted within any use district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

1. Smoke; methods of measurement.
  - A. It shall be unlawful for any person to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted; smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period, aggregating four (4) minutes in any thirty (30) minutes.
  - B. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States as the standard. However, the Umbrascope readings of smoke densities may be used when correlated with the Ringlemann Chart.
2. Dust, dirt and fly ash; method of measurement.
  - A. No person shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device recognized and approved equipment, means, methods, device, or contrivance to reduce the quantity of gasborne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
  - B. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to, when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the ASME. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.
3. Open storage on residential lots or parcels. The open storage of any manmade material and

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parking and/or open storage of any conveyance for use on the land, in the air or on the water, other than licensed private passenger cars, shall be specifically prohibited on all residential lots or parcels of land except as otherwise permitted by the Zoning Board of Appeals. In granting temporary permits to except parking and/or storage from the above regulations, the Zoning Board of Appeals shall require the following minimum standards and conditions are met:

- A. All such conveyances and/or manmade materials shall be stored only on a lot or parcel on which an inhabited dwelling unit serves as the principal use and is occupied by the owner of the material being stored. Licensed private passenger vehicles shall include only those vehicles used by the family occupying the principal use and shall not include antique vehicles, racing vehicles or other similar vehicles. The term "licensed private cars" shall also not include conveyances or vehicles equipped for living or camping purposes, not conveyances or vehicles capable of transporting more than ten (10) passengers.
  - B. All such conveyances and/or manmade materials shall be stored in the rear yard subject to at least the minimum requirements placed on accessory buildings/structures as prescribed in Section 42-5.1.
  - C. The specific location on the lot or parcel for these stored conveyances and/or manmade materials shall be by indication on a plot plan of the lot or parcel, and shall be approved by the Zoning Board of Appeals.
  - D. The conveyance and/or manmade material shall not exceed six (6) feet in height and shall be totally obscured from abutting property with an architectural wall, fence or greenbelt equal in height to the article being stored.
  - E. Trailers, or any other conveyance, shall not be connected to sanitary facilities, nor be occupied while being stored. The Zoning Board of Appeals shall require proof from the petitioner that all parties immediately abutting any property upon which storage, under the provisions of this Section, is being contemplated shall have been notified of the intended plan.
  - F. In granting temporary permits for open storage of any conveyance and/or manmade materials the Zoning Board of Appeals shall establish a specific period of time, not to exceed one (1) month, during which time the storage is permitted and shall find that storage within an accessory structure is impractical.
4. Open storage on nonresidential lots or parcels. The open storage of any equipment, vehicles, boats, airplanes and all other natural and manmade material shall be permitted in the side yard and rear yards of all nonresidential districts (B-1, B-2, B-3, O-1, OR-1, RP and ML districts) after the Zoning Board of Appeals reviews the proposal for open storage and finds:
    - A. All such open storage shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of an obscuring masonry wall six (6) feet in height all in keeping with the requirements set forth in Section 42-5.8. The Zoning Board of Appeals may vary the masonry wall requirement when the storage use proposed abuts a nonresidential area developed in open storage use. In varying this standard the Zoning Board of Appeals shall find these use areas as being identical in either use or function.
    - B. The Zoning Board of Appeals may vary the wall requirement along side and rear yard lines where due to topography the erection of a wall would not obscure the open storage, or where a wall is not needed to obscure the view.
    - C. All open storage adjacent to a residential district (R-1, R-2, R-3 and RM districts) shall be provided with a masonry wall six (6) feet in height, all in keeping with the requirements set forth in Section 42-5.8.
  5. Glare and radioactive materials. Glare from any process, such as or similar to arc welding or acetylene torch cutting, which emits harmful rays shall be performed in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.



6. Fire and explosive hazards.
- A. The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township fire chief, is permitted, subject to compliance with all other performance standards in this Section.
  - B. The storage, utilization or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the fire chief is permitted subject to compliance with all other yard requirements and performance standards in this Section, and providing that the following conditions are met:
    - i. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code of the Township.
    - ii. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
    - iii. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).
7. Noise; methods of measurement.
- A. The intensity level of sounds being emitted from any operation within a B-1, B-2, B-3, O-1, OR-1, RP or ML district, shall not exceed the decibel level emitted by their adjacent use. Objectionable noises due to intermittence, high frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

Adjacent Use	Where Measured
Abutting street or thoroughfare	Right-of-way line
Residential district	Common property line
Other uses	Common property line

- B. The sound level, in decibels, measured at the points adjacent to the various use districts shall meet the levels emitted by the adjacent use districts ninety (90) percent of the time, and shall at no time exceed this sound level by more than ten (10) percent. The sound levels shall be measured by a standard approved by the U.S. Bureau of Standards.
8. Application required for stripping soil, sand, clay, gravel or similar materials; filling.
- A. Application required for stripping topsoil, sand, clay, gravel or similar material. From and after the effective date of the ordinance from which this Chapter is derived, it shall be unlawful for any person to strip any top soil, sand, clay, gravel or similar material, or to use lands for filling within the unincorporated area of the Township without first submitting an application as prescribed to the Township Board, and procuring a permit therefore from the building inspector.
  - B. Exceptions. No permits will be required for the following: excavations for building construction purposes pursuant to a duly issued building permit under the state construction code.
  - C. Application. Before approving and authorizing a permit, the Township Board may conduct a public hearing concerning such application. A separate permit shall be required for each separate site. Each application for a permit shall be made in writing to the Township Clerk and shall contain the following information as a condition precedent to the obligation to consider such request:
    - i. Names and addresses of parties of interest in said premises setting forth their legal interest in said premises.
    - ii. Full legal description of the premises wherein operations are proposed.
    - iii. Detailed proposal as to method of operation, what type of machinery or equipment will be used and estimated period of time that such operation will cover.
    - iv. Detailed statement as to exactly what type of deposit is proposed to be extracted or deposited.
    - v. Proposed method of filling excavation.



- vi. Topographical survey map showing existing grades and final grades after material removal, to be prepared by a registered civil engineer, and drawing shall be submitted for review by the Township Board.
  - vii. Such other information as may be reasonably required by the Township Board to base an opinion as to whether a permit should be issued or not.
- D. Permits. After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township Board, said Board shall determine whether or not a permit shall be issued. The permit shall be issued in the event the Township Board shall determine that the requirements under subsection 8.F of this Section can be met.
- E. Fees. In removal or filling operations, a fee to cover building department review and inspection shall be paid to the Township Clerk at the time of filing any application according to the schedule as established from time to time by resolution of the Township Board. Where engineering review is required, a fee to cover review of plans and inspection of the site by the engineer shall be paid to the Township Clerk prior to the issuance of a permit. Said fee shall be established by resolution of the Township Board. A receipt shall be issued to the applicant showing the payment of said fee. Upon the issuance of any permit, the fee, therefore, shall be paid into the general fund of the Township, said sum is to be used to defray the administrative expenses occasioned by processing such application.
- F. Requirements. The following requirements and regulations for stripping and removal operations shall be met:
- i. No soil, sand, gravel, clay or similar materials shall be removed below a point twelve (12) inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the county road commission, except as required for the installation of utilities and pavements, provided further that where approved county drain ditches exist and/or are adjacent to the property under permit, that the grade and slope of removal will meet all requirements and approval of the county drain commission.
  - ii. Any roads used for the purpose of ingress or egress to said excavation site which are located within three hundred (300) feet of occupied residences shall be kept dust free by hardtopping with cement, bituminous substance or chemical treatment.
  - iii. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health or safety. The premises shall at all times be graded so that surface water drainage is not interfered with.
  - iv. Wherever top soil exists, suitable for growing turf or for other land use, at the time of the operations if there is a sufficient quantity of top soil it shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of top soil and the replacement of such top soil shall be made immediately following the termination of the stripping or removal operation. In the event, however, that such stripping or removal operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored top soil over the stripped areas as he or she progresses. Such replacement shall be in a manner suitable for growing turf or for other land uses.
  - v. The Township Board may require further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.
- G. Regulations for special conditions filling operations.
- i. The filling of land with garbage or any other burnable waste matter shall be prohibited in the Township.
  - ii. The filling of land with unburnable rubbish or wastes may be permitted by the Township Board, provided that in no case shall any said permit be issued for filling within any residential district or within five hundred (500)



- feet of any residence unless written consent is obtained from all landowners and residents to waive this prohibition, and provided further that the following conditions shall be met:
- a. Only natural low spots, not located in floodplain areas, shall be brought to a grade established by the Township engineer.
  - b. New excavations shall not be filled with any form of unburnable rubbish or waste.
- iii. No rubbish shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation.
  - iv. The Township Board may require a temporary fence to be erected to prevent the scattering of rubbish, and other waste material.
  - v. All rubbish fill when deposited must be thoroughly compacted with heavy equipment weighing not less than ten (10) tons.
  - vi. All rubbish fill, within twenty four (24) hours of depositing in the place or places authorized in the permit, shall be covered by a layer of soil matter eighteen (18) inches thick of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district: provided that under certain acceptable circumstances applying the standards of public health, sanitation and welfare of the Township and the county, the Township Board may extend the above twenty four (24) hour period to a longer period that is satisfactory under the circumstances.
  - vii. Any rubbish that is dropped in transit shall be recovered by the carrier operator and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the street or public highways by the trucking of the vehicles shall be immediately removed by the carrier operator and the affected area restored to its prior condition.

- H. Regulations for filling with soil, sand, gravel, clay or similar material. The filling of land with soil, sand, gravel, clay or similar material shall only be permitted when all of the following conditions are met:
  - i. The request for permission to fill shall only be considered at such time as the owner submits a site plan for an improvement to the Township and such plan is reviewed and recommended for approval by the Planning Commission, or at such time as a building permit is applied for in the instance of a one-family residence and the plan for off-site fill is approved by the Township Board.
  - ii. Only natural low spots, not located in any watercourse or wetland as defined in Section 42-5.13, or any floodplain, as defined in Section 42-5.12, or any floodplain established by the plat of any land may be filled to a grade established by the Township Board.
  - iii. The fill shall not in any way affect abutting or adjacent properties in terms of surface runoff.
  - iv. Where the grade on a site is in any way proposed to be increased above the existing grade, the owner of the property shall, upon application for a building permit in the instance of a one-family residence, or upon application for a site plan approval for all other uses permitted under this Chapter, submit a certification signed and sealed by a registered civil engineer licensed to practice in the state, setting forth the existing and proposed grades, and further stating that the conditions established in subsection 8.H.ii and 8.h.iii of this Section are met.
  - v. Following an approval from the Township Board and prior to moving any fill onto the site, the landowner shall submit a schedule for the intended filling operation so as to permit inspection by the Township.
- I. Surety bond requirement. The Township Board shall, to ensure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit either for top soil and any other material stripping and removal or filling operations, require the permittee to furnish



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a surety bond executed by a reputable surety company authorized to do business in the state in an amount determined by the Township Board to be reasonably necessary to ensure compliance hereunder: provided, however, that in no case will the sum of the surety bond be less than five hundred (500.00) dollars for each acre or fraction thereof of land as shown on original application. In fixing the amount of such surety bond the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

9. Lighting.
  - A. All outdoor lighting in all use districts shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts and/or adjacent residences. The light and supporting standards shall not exceed a height of twenty (20) feet measured from grade.
  - B. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns and parking lots.
  - C. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be so placed and shielded so as not to interfere with the vision of persons on the adjacent highway or adjacent property owners.
  - D. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highway or adjacent property owners.
  - E. All illumination of signs and any other outdoor feature shall not be a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
10. Residential waterfront use.
  - A. The use of waters shall be restricted to that right of user enjoyed by virtue of riparian rights and shall be confined to reasonable use by the owner or occupant of a riparian

parcel which is contiguous to the water as of the effective date of the ordinance from which this Chapter is derived; provided, however, that if a riparian parcel is proposed to be used by persons other than the owner residing thereon or occupant residing thereon, for a park, beach, picnic area or similar area for outdoor recreation, then in such event said use may be made of said riparian parcel only when permitted by the Zoning Board of Appeals; provided such use does not impair the natural appearance of said land or overcrowd the parcel or lake surface or tend to produce unreasonable noise or annoyance to surrounding properties; and provided that no use shall be made of any land or water for boat liveries or public or commercial beaches or recreational use operated for profit.

- B. Where a plan for subdividing a parcel of land contiguous to a body of water is granted tentative approval by the Township, a recreational park bordering on said body of water may be dedicated for such purpose, the privileges of which and riparian rights of user incident thereto, are to be reasonably enjoyed by the owners and occupants of lots included in any plat or plats recorded within said parcel and only such owners and occupants, provided that said recreational park is dedicated at the time of recording the first plat in said parcel; and provided that where such a recreational park is dedicated for the use of owners and occupants of lots contained in such a recorded plat or plats, at least twenty (20) linear feet of water frontage and fifty (50) feet in depth to waters edge as platted shall be reserved in upland for the rights of each lot of the size required by this Chapter and which it is intended shall enjoy water rights; and provided further that in no event shall any plat not in conformity with the provisions of this Chapter create any riparian rights in parcels of land so platted and such a nonconforming plat will not be approved for recording.

**42-5.6 PLANT MATERIALS**

Wherever in this Chapter a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably



maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

1. Plant material spacing.
  - A. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
  - B. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
  - C. Evergreen trees shall be planted not more than thirty (30) feet on centers.
  - D. Narrow evergreens shall be planted not more than three (3) feet on centers.
  - E. Deciduous trees shall be planted not more than thirty (30) feet on centers.
  - F. Tree-like shrubs shall be planted not more than ten (10) feet on centers.
  - G. Large deciduous shrubs shall be planted not more than four (4) feet on centers.
2. Suggested plant materials.
  - A. Evergreen Trees (minimum of five (5) feet in height):
    - i. Juniper.
    - ii. Red Cedar.
    - iii. White Cedar.
    - iv. Pines.
  - B. Narrow Evergreens (minimum of three (3) feet in height):
    - i. Pyramidal Arbor-Vitea.
    - ii. Columnar Juniper.
    - iii. Irish Juniper.
  - C. Tree-like Shrubs (minimum of four (4) feet in height):
    - i. Flowering Crabs.
    - ii. Russian Olives.
    - iii. Mountain Ash.
    - iv. Dogwood.
    - v. Redbud.
    - vi. Rose of Sharon.
  - D. Large Deciduous Shrubs (minimum of six (6) feet in height):
    - i. Honey Suckle.
    - ii. Viburnum.
    - iii. Mock-Orange.

- iv. Forsythia.
    - v. Lilacs.
    - vi. Ninebark.
  - E. Large Deciduous Trees (minimum of eight (8) feet in height):
    - i. Oaks.
    - ii. Hard Maples.
    - iii. Ash.
    - iv. Hackberry.
    - v. Sycamore.
3. Trees not permitted.
  - A. Box Elder.
  - B. Soft Maples.
  - C. Elms.
  - D. Poplars.
  - E. Ailanthus (Tree of Heaven).

#### 42-5.7 RESIDENTIAL FENCE AND RETAINING WALL REGULATIONS

Fences and retaining walls are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed four (4) feet in height, measured from the surface of the ground, and shall not extend to the front of the lot nearer than the front of the house. Those side yards that have a common street line with front yards on the same block shall be treated as front yards and shall not have a fence constructed within the minimum setback of forty (40) feet.
2. Fences on all lots of record in all residential districts which serve as architectural or decorative landscaping, and are not used to enclose property, may be erected in any rear yard and in those areas of a front or side yard which exceed the minimum setback requirements of the district, subject to approval of the Zoning Board of Appeals.
3. Architectural fences shall be attached to the principal use structure and shall, when placed in the side or front yard be of the same material which makes up the major portion of that facade to which attached.
4. Decorative landscaping fences may be freestanding and may be used to obscure a private area from view from beyond the lot line. If used in this manner they shall not be

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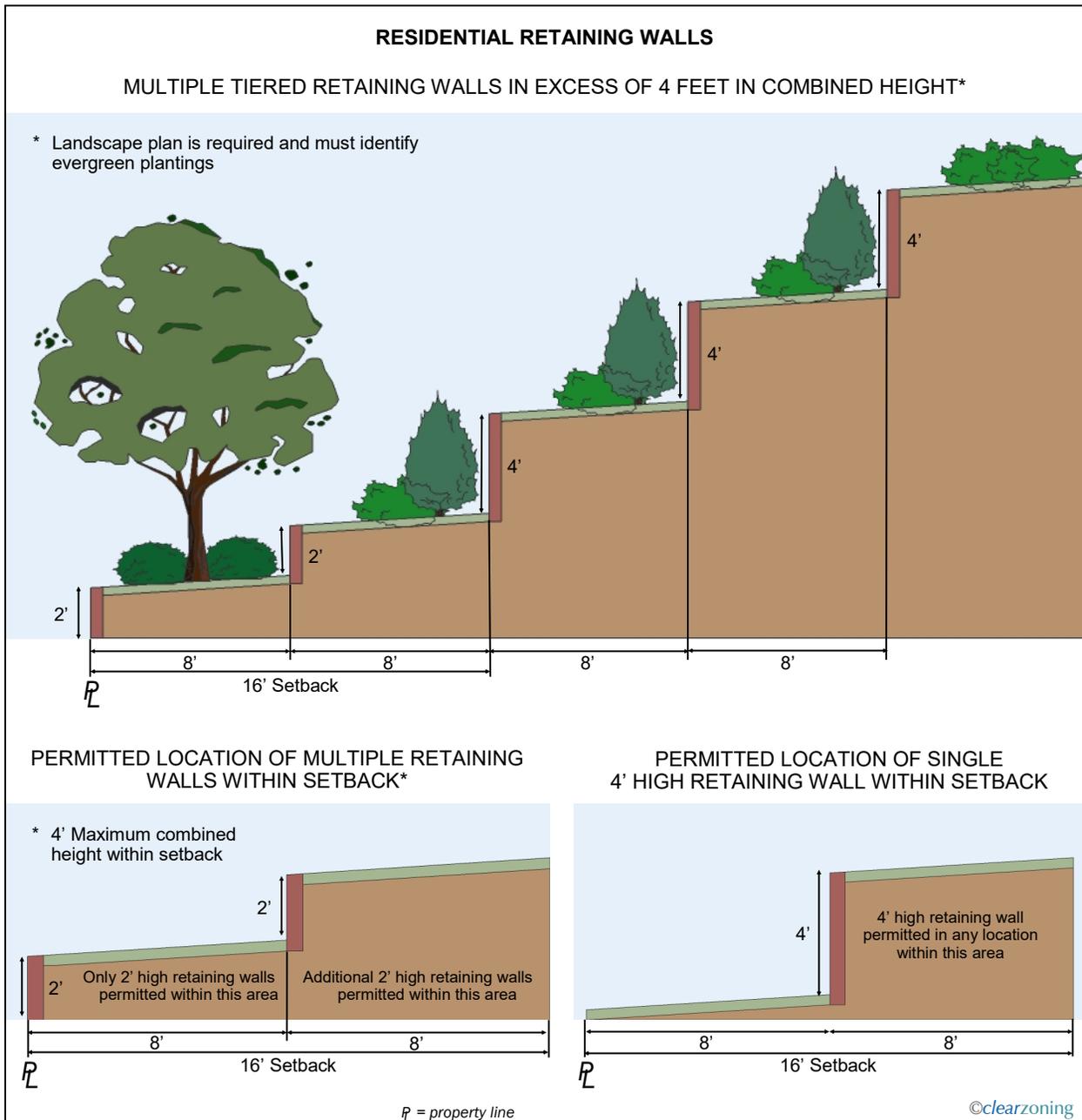
continuous so as to enclose more than fifty (50) percent of the lineal length of any yard. The height of said fence shall not exceed four (4) feet, measured from the surface of the ground.

5. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
6. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty five (25) percent of their total area.
7. The Zoning Board of Appeals may, upon application by the property owner, modify the height of the fence which is intended to enclose property, and is within a required yard, subject to the following conditions, to-wit:
  - A. The height shall in no instance exceed six (6) feet, measured from the surface of the ground.
  - B. The modification shall not obstruct the light and air of any neighboring residence.
  - C. The modified fence shall not be built in any side yard.
  - D. The modified fence shall be required to offer privacy for a patio, terrace or similar private areas, and act as a protective barrier for a swimming pool as required in Section 10-228.
8. The Zoning Board of Appeals shall be furnished with photographs clearly portraying the area to be fenced, as well as the abutting properties affected.
9. In those instances wherein a one-family residential lot has a front, side or rear yard relationship with a major thoroughfare, the Zoning Board of Appeals may permit the construction of a wall along the major thoroughfare when the following conditions are met:
  - A. The wall shall be located along the common line formed by the lot line and the major thoroughfare right-of-way as defined on the county major thoroughfare plan.
  - B. The wall height shall be established by the Zoning Board of Appeals and in no instance shall it be greater than six (6) feet in height, as measured from the adjacent centerline elevation of the road.
- C. The wall shall be constructed of a permanent material similar to that used on the exterior wall of the house it obscures from the road, and shall be compatible with adjacent houses, in both material used and in color.
- D. The wall shall be designed so as to enable convenient extension and continuity along the road right-of-way and lot lines of adjacent residences.
- E. The wall shall not penetrate a front or side yard setback line created by a street intersecting said major thoroughfare. This line shall be determined by extending it parallel to the street to the point of intersection with the major thoroughfare right-of-way.
- F. Complete working drawings of the proposed wall as to location, height, material and color shall be submitted to the Zoning Board of Appeals for final approval prior to the seeking of a building permit.
- G. The Zoning Board of Appeals shall further make the determination that a wall will not create any hazards with reference to the obscuring of vision between residential driveways and the intersecting thoroughfare.
10. Retaining walls are permitted in residential districts subject to the following:
  - A. The retaining walls shall not adversely impact drainage conditions onto adjacent properties.
  - B. Retaining walls are prohibited in a designated drainage course, easement, wetland or floodplain.
  - C. Retaining walls shall be designed in accordance with the current edition of the Building Code. Based on the scope of the project, sealed grading and/or site plans by a licensed design professional may be required as determined by the Building Official. If required, in addition to wall locations, the plan shall contain a typical section detail consisting of top and bottom of wall elevations, the type of construction material being used, the locations of drainage patterns, and the type and locations for erosion control measures. A soil fill permit may be required if the proposed retaining wall is not part of a building permit application.



- D. A landscape plan shall be submitted that identifies the size and species of plantings to screen the retaining walls. Retaining walls shall be screened with landscape plantings to consist of at least seventy five (75) percent evergreen plantings. A landscape plan is required identifying evergreen plantings for multiple tiered retaining walls in excess of four (4) feet in combined height.
- E. The location of retaining walls shall conform with the following: *☞*

- i. If located less than eight (8) feet from a property line, the wall shall not exceed two (2) feet in height above the lowest adjacent grade level.
- ii. If located more than eight (8) feet from a property line, the wall shall not exceed four (4) feet in height above the lowest adjacent grade level.
- iii. Tiered walls having a horizontal separation of less than eight (8) feet shall be reviewed as one (1) wall, and shall not exceed four (4) feet in combined height.



- iv. Tiered walls having a horizontal separation of eight (8) feet or more are permitted but may not exceed four (4) feet in height individually.
  - v. The distance from each retaining wall is measured from face of retaining wall to the face of the next retaining wall.
- F. Any retaining walls that are only visible from the interior of the lot are excluded from these provisions.
11. Fences for swimming pools shall be in compliance with the provisions as specified in Section 10-228.

**42-5.8 WALLS**

1. For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring masonry wall as required below:

Use	Requirements
P-1 Vehicular Parking Districts	6'-0"
Off-street parking areas (other than P-1 Districts)	6'-0"
B-1, B-2, B-3, O-1, and OR-1 districts	6'-0"
RP and ML districts - open storage areas, loading or unloading areas, service areas	6'-0" to 8'-0"
Hospital - ambulance and delivery areas	6'-0"
Utility buildings, stations and/or substations	6'-0"
RM Multiple-family residential	6'-0"

2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Chapter requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Zoning Board of Appeals, be located on the opposite side of an alley from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Zoning Board of Appeals in reviewing such request.

- 3. Such walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Chapter and except such openings as may be approved by the Zoning Board of Appeals. All walls herein required shall be constructed of masonry materials or other materials approved by the Zoning Board of Appeals to be durable, weather resistant, rust proof and easily maintained, and in harmony to the materials used in the contiguous residential areas. Wood and wood products and corrugated metal shall be specifically excluded.
- 4. All walls shall be faced on all sides with brick or stone and may be constructed with architectural openings more than thirty two (32) inches above the grade, provided such openings are not larger than sixty four (64) square inches each and do not comprise more than one-third of the total area of that part of the wall located more than thirty two (32) inches above grade.
- 5. The Zoning Board of Appeals may modify the height requirement where due to unusual circumstances, no good purpose would be served by compliance with the requirement of the specified wall height. In modifying the height requirements the Zoning Board of Appeals may set further requirements of conditions for the protection of the residential district abutting said districts. In no instance shall a wall be permitted to be less than four (4) feet in height.
- 6. In consideration of requests to waive wall requirements between nonresidential and residential districts, the Zoning Board of Appeals shall refer the request to the Planning Commission for a recommendation.
- 7. In such cases as the Planning Commission through its land use plan determines the residential district to be a future nonresidential area, the Zoning Board of Appeals may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent extensions shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Board.

**42-5.9 SIGNS**

The purpose of this Section is to regulate outdoor advertising and outdoor signs of all types in all zoning districts. The regulation of outdoor advertising and all signs is further intended to



enhance the physical appearance of the Township, preserve scenic and natural beauty of designated areas, make the Township a more enjoyable and pleasing community, and to create a more attractive economic and business climate. It is intended by the provisions of this Chapter to: reduce signs or advertising distractions thereby reducing traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over the public rights-of-way; eliminate unnecessary poles and pylon signs that create clutter and undermine the purposes of this Section; and avoid the "canceling out" effect of conflicting adjacent signs.

1. General requirements for all signs.

- A. Permits. No sign shall be erected or installed unless and until a permit has been issued for such sign except for the following:
  - i. Real estate signs used for advertising land or buildings for rent, lease or sale.
  - ii. Certain temporary signs as specified herein.
  - iii. Political signs.
- B. Illumination. Illumination of signs shall be directed or shaded downward to prevent interference with the vision of persons on the adjacent highway or in buildings on adjacent property. Signs shall not be permitted to have flashing or intermittent illumination, nor shall they be permitted to have any moving parts. Signs illuminated by exposed neon tube lighting shall be prohibited.
- C. Signs not to constitute a traffic hazard. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of words "stop," "look," "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. At street intersections, no signs other than municipal traffic control signs shall be located within eight (8) feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of twenty five (25) feet each way from the intersection of the right-of-way lines at the corner lot.

- D. Removal of certain signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product, or entertainment, service or commodity offered or sold on the lot, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found within fourteen (14) days after written notice from the building inspector.
- E. Public right-of-way. No sign shall be erected or placed in the public right-of-way.
- F. Accessory signs; all districts. In all districts, only one (1) accessory sign per building shall be permitted unless otherwise provided for in this Chapter.
- G. Wall mounted signs. Signs mounted on a building shall not project more than twelve (12) inches horizontally beyond the wall of a building. Signs shall not be permitted to be painted directly on the wall of a building.
- H. Sign height. Signs mounted on a building shall not project above the highest point used to measure the height of the building.

2. Permitted signs by zoning district.

Sign types Permitted by Zoning District				
Use/ District	Ground*	Temporary	Wall	Non Accessory
Residential one-family	✓	✓		
Residential subdivision	✓	✓		
Multifamily complex	✓	✓		
Churches, schools, nonprofits	✓	✓		
Office districts	✓	✓	✓	
B-1	✓	✓	✓	
B-2	✓	✓	✓	
B-3	✓	✓	✓	
RP	✓	✓	✓	
ML	✓	✓	✓	✓

\* Unless otherwise specified herein a setback on the street sides of 15 feet shall be provided.

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- A. Residential districts sign types allowed. Ground and temporary signs, as defined in this Chapter, provided such signs shall not be illuminated unless otherwise provided for in this Chapter and subject to the following conditions by sign type:
  - i. Ground signs.
    - a. Signs advertising the lots and/or buildings erected in any subdivision or multiple-family development. It shall be permissible for a real estate broker or builder to erect one (1) sign not to exceed a total surface area of sixty (60) square feet nor an overall height of five (5) feet, the lower edge of which shall not be less than eighteen (18) inches above the surrounding ground level, to advertise the lots and/or buildings erected in any one (1) subdivision, provided that said real estate broker or builder owns, has listed for sale or has the owner's permission to sell a minimum of ten (10) lots in said subdivision. No such sign shall be erected or maintained within one hundred (100) feet of any occupied residence unless the written consent of the owner and occupant of such residence is first obtained. Not more than one (1) such sign shall be permitted for any one (1) development and shall only be permitted after review and approval by the Zoning Board of Appeals.
    - b. Multiple-family residential complex. Any person owning or operating any multiple-family residential complex may erect at the principal entrance a sign bearing the name of the residential complex. No such sign shall exceed thirty two (32) square feet in area and shall not exceed an overall height of six (6) feet above the ground level. Such sign may be lighted during the hours of darkness and shall contain no advertising or information other than the name of the residential unit and status of occupancy. Sign shall only be permitted after review and approval by the Zoning Board of Appeals.
  - ii. Temporary signs.
    - a. Construction signs. For building or remodeling of nonresidential buildings, such as, but not limited to, churches and schools, not more than one (1) sign shall be allowed and shall not exceed thirty two (32) square feet in total surface area and shall be located on the premises being utilized for such construction.
    - b. Property for sale signs. One (1) sign advertising the sale of property having a total surface area of not more than eight (8) square feet shall be allowed. Single faced signs shall not exceed four (4) square feet.
- B. Permitted signs accessory to churches, schools or nonprofit institutions; sign type allowed (all districts). Churches, colleges, schools, buildings housing governmental functions and utilities of the Township, county or state or any subdivision thereof, are permitted to erect a sign. Such signs, when of a permanent nature, shall be constructed of noncombustible material and shall meet all the requirements of this Chapter, except as provided hereafter and may include ground and temporary signs as defined in this Chapter and subject to the following conditions:
  - i. Ground signs.
    - a. One (1) ground sign shall be allowed.
    - b. Such signs shall be set back from the lot line at least one-third of the distance from the lot line to the nearest building, but need not be set back more than one hundred (100) feet from the property line.
    - c. The maximum size of all surfaces shall not exceed forty (40) square feet in area unless the sign is located more than fifty (50) feet behind the property line, then said sign may be increased by five (5) additional square feet for each additional ten (10) feet of setback, but in no event shall such sign exceed fifty (50) square feet in



- total area nor an overall height of five (5) feet.
- d. Illumination of signs shall be permitted.
  - ii. Temporary signs. Not more than one (1) construction sign for building or remodeling of buildings shall be allowed not to exceed thirty two (32) square feet in total surface area and shall be located on the premises being utilized for such construction.
- C. In nonresidential districts (O-1, OR-1, B-1, B-2, B-3, RP, and ML). Ground, wall, temporary, and nonaccessory signs are permitted subject to the following conditions by sign type:
- i. Ground sign.
    - a. General Provisions for all of the above nonresidential districts:
      - (1) No ground sign shall be erected to a height greater than five (5) feet.
      - (2) Ground signs shall be utilized only for identification of the business or use allowed in the zoning district and/or its occupants and shall not be utilized to advertise products for sale.
      - (3) Ground signs may be illuminated.
    - b. In the O-1 and OR-1 districts. One (1) ground sign shall be allowed in a front yard and may be provided to identify a building, group of buildings and/or tenants of such building or group of buildings. Such sign shall have not more than two (2) faces. Each sign side shall not exceed thirty two (32) square feet.
    - c. In the B-1, B-2 and B-3 districts.
      - (1) One (1) ground sign having an area of not more than thirty two (32) square feet of area per sign face, or sixty four (64) square feet of total area shall be permitted.
      - (2) Not more than one (1) ground sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties,

- tenants or uses contained on the property.
  - (3) No ground sign shall be located nearer than twenty five (25) feet to any existing or proposed right-of-way line.
  - (4) In the B-3 district. Gas stations may place one (1) price of fuel sign not exceeding ten (10) square feet in area on a ground sign.
- d. In the RP and ML districts.
    - (1) One (1) ground sign having an area of not more than seventy (70) square feet of total sign area shall be permitted.
    - (2) Not more than one (1) ground sign may be erected accessory to any one (1) development regardless of the number of buildings, separate parties, tenants or uses contained on the property.
    - (3) No ground sign shall be located nearer than twenty five (25) feet to any existing or proposed right-of-way line.
  - ii. Wall signs.
    - a. In the O-1 and OR-1 districts.
      - (1) One (1) wall sign having a sign area not to exceed six (6) percent of the total area of the street side facade, including the area of all fenestration, and in no instance shall the wall sign exceed sixty four (64) square feet in area.
      - (2) In those instances where a ground sign is utilized a wall sign not to exceed ten (10) square feet in area may also be utilized.
      - (3) Wall signs shall be placed on the building so as not to exceed the height of the building.
      - (4) Wall signs shall be utilized only for identification of the office or uses allowed in the zoning district and/or its occupants and shall not be utilized to advertise products for sale.



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- (5) Wall signs may be illuminated.
- b. In the B-1, B-2 and B-3 districts.
  - (1) One (1) wall sign having a sign area not to exceed six (6) percent of the total area of the street side facade, including the area of all fenestration, and in no instance shall the wall sign exceed one hundred twenty (120) square feet in area in the B-1 and B-3 districts and one hundred fifty (150) square feet in area in the B-2 district.
  - (2) Wall signs shall be placed on the building so as not to exceed the height of the building.
  - (3) Wall signs shall be authorized to contain numbers and letters in their customary form and in addition shall be entitled to contain figures (illustrations) provided that all figures shall not constitute more than five (5) percent of the total sign area.
  - (4) In the B-3 district. Gas stations utilizing a ground sign shall be permitted a wall sign not to exceed ten (10) square feet.
- c. In the RP and ML districts.
  - (1) The maximum size of a wall sign shall not exceed three (3) square feet.
  - (2) Wall signs shall be authorized to contain numbers and letters in their customary form and in addition shall be entitled to contain figures (illustrations) provided that all figures shall not constitute more than five (5) percent of the total sign area.
- iii. Temporary signs.
  - a. General Provisions for all of the above nonresidential districts.
    - (1) One (1) sign advertising buildings under construction may be erected for the period of construction and shall not exceed thirty two (32) square feet of total sign area. Such sign shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor or builder.
    - (2) One sign advertising the available rental, sale or lease of property having a total surface area of not more than sixteen (16) square feet of total sign area shall be allowed.
  - b. In the B-1, B-2 and B-3 districts.
    - (1) Temporary sign (without permit required) means a business sign placed on the interior of a building with or without letters and numerals, such as window signs in business and industrial districts, of lightweight cardboard, cloth, plastic or paper materials and intended to be displayed for special events, sales and notices. Temporary signs shall be displayed from the inside of the building only. Such signs shall not exceed ten (10) percent of the total window area of front facade and shall not be displayed for more than fourteen (14) days. Permits for the erection of this nature of sign shall not be required.
    - (2) Temporary signs (with permits required) shall not be permitted for a period greater than twelve (12) months, and shall only be permitted after review and approval by the Zoning Board of Appeals.
- iv. Nonaccessory signs.
  - a. Nonaccessory signs (billboard) are allowed in ML districts.
  - b. A nonaccessory sign (billboard) not exceeding two hundred (200) square feet in area is permitted provided the location of such sign meets the following minimum spacing from another legal



billboard on the same side of the street:

Minimum Spacing on the Same Side of the Street	
Along freeways	1,000 feet apart
Along major thoroughfares	600 feet apart

- D. Political signs. Political signs shall be permitted in all zoning districts in the Township subject to the following conditions:
- i. The face of the sign shall not be more than four (4) square feet in area, per face, with a maximum of two (2) faces.
  - ii. The sign that is displayed shall not be more than five (5) feet in height measured from grade or surface of surrounding ground level.
  - iii. All political signs relating to the election of a person to public office or relating to a political party, or a matter to be voted upon at an election called by a public body, shall be removed within three (3) business days after the date of the election for which the sign pertains.
  - iv. Except as otherwise provided in this Section, all signs shall be located a minimum distance of fifteen (15) feet from all property lines. In no instance shall a sign be located in the public right-of-way.
  - v. There shall be no illumination of political signs.
  - vi. In addition to the other sign setback requirements contained herein, all political signs shall be subject to the requirements of subsection 1.C. of this Section in order to provide adequate sight lines for motorists and pedestrians.
  - vii. For parcels of three (3) acres or more in area, one (1) sign of up to thirty two (32) square feet in area per face, with a maximum of two (2) faces may be displayed. Such signs, with no exception, shall be set back at least fifteen (15) feet from the road right-of-way.
3. Sign permits required. It shall be unlawful for any person to erect, repair, paint, alter or relocate any sign within the Township as defined in this Chapter without first obtaining a

permit from the building inspector with the exception of the following:

- A. Exceptions.
- i. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or aluminum not to exceed three (3) square feet in area;
  - ii. Traffic or other municipal signs, legal notices, danger and such temporary emergency or nonadvertising signs as may be approved by the Township;
  - iii. Sign advertising the rental, sale or lease of the property upon which it is located;
  - iv. Window signs; and
  - v. Political signs.
- B. Application for sign permit; procedure. Applications for permits shall be made upon forms provided by the building inspector and shall contain or have attached thereto the following information:
- i. Name, address and telephone number of the applicant.
  - ii. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  - iii. Position of the sign or other advertising structure in relation to nearby buildings or structures.
  - iv. Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.
  - v. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the Township. Provided, further, that where the building inspector deems it advisable, he or she may require the approval of the structural design by a registered architect or engineer.
  - vi. Name of person, firm, corporation or association erecting structure.
  - vii. In all cases where wiring is to be used in connection with the structure, it shall comply with the National Electrical Code. The electrical

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inspector shall approve and affix his signature to said permit.

- viii. Insurance policy or bond as required by Section 42-5.9.5.
  - ix. Such other information as the building inspector shall require to show full compliance with this and all other ordinances of the Township.
- C. Sign permit issued if application is in order. It shall be the duty of the building inspector, upon the filing of an application for an erection permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of the Township, he shall then issue the erection permit. In the case of illuminated signs, both an electrical permit and an erection permit must be issued.
- D. Fee. It shall be unlawful in the Township for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the building inspector for such erection or alteration, and a permit fee paid to the Township according to the schedule as shall be established from time to time by resolution of the Township Board.
- E. Sign permit revocable at any time. All rights and privileges accrued under the provisions of this Chapter or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within four (4) months after date of issuance, the said permit shall become null and void.
4. Elimination of nonconforming signs.
- A. It is the intent of this Chapter that the continued use of nonconforming signs shall not be encouraged.
  - B. All nonconforming signs shall be removed by the owner of the sign or the owner of the premises as part of any site or building improvements requiring site plan approval, or when the nonconforming sign loses its nonconforming designation, or a change in property ownership.
- C. A nonconforming sign shall immediately lose its nonconforming designation if:
- i. The structure of the sign is altered in any way, which tends to or makes the sign less in compliance with the requirements of this Chapter than it was before the alteration.
  - ii. The sign is relocated to a position making it less in compliance with the requirements of this Chapter.
  - iii. The sign is replaced or modified in any way with the exception of changes to the design content or display as approved by the Design Review Board.
  - iv. On the occurrence of any one (1) of subsections 4.C. i through 4.C. iii of this Section, the sign shall be immediately brought into compliance with this Chapter with a new permit secured or the sign shall be removed by the owner.
- D. Nothing in this Section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this Chapter regarding safety, maintenance and repair of signs.
- E. Except as otherwise provided in this Section, any sign that is located on property which becomes vacant or on which a building that is unoccupied for a period of ninety (90) days or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one hundred eighty (180) days or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises.
5. Enforcement. This Chapter shall be enforced by the building inspector. In the event of a violation, the proprietor shall be notified in writing to remove or eliminate the violation within twenty four (24) hours after service of the notice upon him or as otherwise provided in a specific Section. Additional time may be granted by the building inspector where bona fide efforts are in progress to remove, repair or



eliminate the violations. Such notice shall not be required in repeated cases of the same violations by the same proprietor.

6. Unsafe, damaged and unlawful signs.
  - A. Unsafe signs. When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Chapter, the owner or lessee shall, upon receipt of a written notice from the building inspector, forthwith in the case of immediate danger, and in any case not more than twenty four (24) hours, make such sign conform to the provisions of this Chapter or shall cause it to be removed. If the order is not complied with within twenty four (24) hours, the building inspector may remove such sign at the expense of the owner or lessee. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property.
  - B. Damaged signs. Any sign or advertising structure or supporting structure which is torn, damaged, defaced or destroyed shall be repaired, replaced or removed within ten (10) days of the damage. If a sign or structure is torn, damaged, defaced or destroyed and not repaired or replaced within ten (10) days of said casualty, the building inspector shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement or removal within twenty (20) days. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the building inspector is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed.
7. Sign maintenance. The building inspector may order the removal of any sign that is not maintained in accordance with the provisions of this Chapter.
  - A. Maintenance. All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion-resistant,

noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising sign materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.

- B. Housekeeping. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
8. Flags. A flag pole for the primary purpose of display of the United States flag, other country flags, the state flag, school flags and municipal flags are permitted as follows:
    - A. The flags are displayed in accordance with the standards of the United States and the state.
    - B. The flag pole does not exceed thirty (30) feet in height and is set back from the property line a distance equal to the flag fly (length).
    - C. The flag hoist (height) does not exceed twenty (20) percent of flag pole height and flag fly (length) does not exceed twenty five (25) percent of flag pole height.
    - D. Municipally owned flags are exempt.

#### 42-5.10 RESIDENTIAL ENTRANCEWAY

In all R districts, so-called entranceway structures, including but not limited to walls, columns, and gates marked entranceways to single-family subdivisions or multiple-family housing projects may be permitted and may be located in a required yard, provided that such entranceway shall comply with all codes and ordinances of the Township, and to ensure said compliance with all codes and ordinances, the building inspector will first certify to such compliance and issue permit for such. When said entranceways include any sign as part of the structure, the Zoning Board of Appeals shall review, in accordance with the standards set forth in Section 42-7.6.6, such entranceway prior to the granting of approval by the building inspector. The Zoning Board of Appeals shall require that any numerals, letters or graphics included as part of the structure shall refer only to the subdivision or project upon which it is located, and shall find that



such sign shall represent a minor portion of the structure.

42-5.11 ACCESS DRIVES THROUGH YARDS

For the purpose of this Section, access drives may be placed in the required front or side yards, so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violation in front and side yards. Further, any walk, terrace, or other pavement serving a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Section, not be considered a structure and shall be permitted in any required yard.

42-5.12 FLOODPLAIN CONTROLS (ALL DISTRICTS)

1. The term "floodplain," as used herein, shall mean the area designated and described in the report the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Flood Insurance Study, Oakland County, Michigan, and Incorporated Areas" and dated September 29, 2006. The floodplain constitutes all land lying within a line delineating and designated as the 100-year flood, which is all of the land designated within a flood hazard area or special flood hazard area contained in the Flood Insurance Rate Maps (FIRMS) panel numbers of 26125C0502F, 26125C0504F, 26125C0506F, 26125C0507F, 26125C0508F, 26125C0509F, 26125C0512F, 26125C0514F, 26125C0516F, 26125C0517F, 26125C0518F, 26125C0519F, 26125C0526F, 26125C0527F, 26125C0528F, 26125C0529F, 26125C0536F, 26125C0537F, and 26125C0538F and dated September 29, 2006, which are an integral part of the above-named "Flood Insurance Study".
2. No building or land shall be used within a floodplain except for such uses as are specified as special land uses for the applicable zoning district within which such floodplain is located.
3. All construction, filling, excavation, and improvements within a floodplain shall be subject to the provisions of the Township in Article III of Chapter 10, Floodplain Development.

MCL 324.9301 et seq.  
MCL 324.3108  
MCL 560.138  
MCL 560.194

42-5.13 NATURAL FEATURES SETBACK

1. Intent and purpose. 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 police power, for the protection of the public health, safety and welfare, including the authority granted in the zoning enabling act. 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; over land and subsurface hydrology; water table; water quality; erosion of sediment deposition. If a greater setback or prohibition is required by other ordinance, or other provision of this Chapter, such greater setback or prohibition shall apply.
2. Regulation. A natural feature setback shall be maintained in relation to all areas defined in this Chapter as being a "natural feature," unless, and to the extent, it is determined to be in the public interest not to maintain such setback.
3. Definition of natural feature. The term "natural feature" means a wetland, as defined in Article V, Chapter 14, and shall mean a watercourse, including a lake, pond, river, stream, or creek.
4. Authorization and prohibition.
  - A. 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.
  - B. 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 undertaking the plan review. In the event an activity is proposed within a setback area as designated under subsection G 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 Township Supervisor, or the Supervisor's designee.

- C. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body or official undertaking 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 E of this Section.
- D. 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:
  - i. The relative extent of the public and private need for the proposed activity;
  - ii. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity;
  - iii. 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 or natural feature setback provides;
- iv. The probable impact of the proposed construction or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural feature to be protected;
- v. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife and the public health;
- vi. The size and quantity of the natural feature setback being considered;
- vii. The amount and quantity of the remaining natural feature setback;
- viii. Proximity of the proposed construction 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;
- ix. Economic value, both public and private, of the proposed construction or operation, and economic value, both public and private, if the proposed construction or operation were not permitted;
- x. The necessity for the proposed construction or operation.
- E. Exemptions. If and to the extent the Township is prohibited by its ordinances and/or law from regulating the 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 provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
  - i. Installation of a fence within a setback area;
  - ii. Maintenance of established lawn areas;
  - iii. Grading and filling necessary in order to conform with express requirements imposed by the Township engineer.
- F. Application form. Application shall be made under this Section on the form approved by the Township Board and provided by the Township Clerk.
- G. Setback standards. Unless otherwise determined by the body or official

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undertaking the plan review, the following setbacks shall apply:

- i. A twenty five (25) foot setback from the boundary or edge of a wetland, as defined and regulated in Article V, Chapter 14.
  - ii. A twenty five (25) foot setback from the ordinary high-water mark of a watercourse.
- H. Appeals. An interested person who is aggrieved by the determination under this Section may request relief in the circuit court.

#### 42-5.14 TREE PRESERVATION<sup>□</sup>

1. Intent. The Township finds that trees and woodlands are an important asset to the natural ecosystem, beneficially contribute to the character of the community and positively influence the quality of life in the Township. Furthermore, the Township finds conventional development without specific regulations to protect natural resources frequently encroaches upon, damages or eliminates important trees, other forms of vegetation and natural resources. These trees, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to residents of the Township, visitors, businesses and the general public. The standards contained herein are further intended to:

- A. Provide for the protection, preservation, replacement, and proper maintenance of trees and woodlands.
- B. Protect the integrity of woodland areas as a whole, in recognition that woodlands serve as part of an ecosystem and to place priority on the preservation of woodlands, trees, similar woody vegetation and related natural resources over development when other on-site location alternatives exist.
- C. Maintain areas for wildlife, flora and fauna habitat.
- D. Provide paramount public concern for these natural resources in the interest of health, safety and general welfare for the residents.
- E. Provide the minimum regulation necessary to ensure these important resources are preserved wherever possible while accommodating the landowners' property rights to make reasonable use of their

property through compliance with other standards of this and other applicable Township ordinances.

2. Tree permit required.
  - A. Any clear-cutting activity on any property in Bloomfield Township requires a tree permit.
  - B. On any property in Bloomfield Township undergoing new construction or redevelopment a tree permit is required for any person to clear-cut, remove, cause to be removed, transplant or destroy any protected tree or landmark tree.
3. Activities not requiring a tree permit.
  - A. Routine yard maintenance. A tree permit shall not be required for legal lots of record that seek to perform routine yard maintenance and/or alteration to property that is not subject to site plan review and approval for building permit. Clear-cutting is not included in this exemption.
  - B. Invasive species/nuisance species. The following trees may be considered for exemption, provided that they are not landmark trees, they do not comprise the predominant species within the woodland or vegetated area, they do not contribute to the overall vigor of the woodland or have significant value for watershed or erosion control or are considered an invasive species/nuisance species. Singular trees in good condition are not automatically exempt unless otherwise approved by the Township.
    - i. *Acer negundo* (Box Elder)
    - ii. *Acer saccharinum* (Silver Maple)
    - iii. *Ailanthus altissima* (Ailanthus/Tree-of-Heaven)
    - iv. *Catalpa speciosa* (Catalpa)
    - v. *Elaeagnus umbellata* (Autumn-olive)
    - vi. *Frangula alnus* (Glossy Buckthorn)
    - vii. *Fraxinus spp.* (Ash)
    - viii. *Populus spp.* (Poplar)
    - ix. *Rhamnus cathartica* (Common Buckthorn)
    - x. *Salix spp.* (Willow, except horticultural varieties)
    - xi. *Ulmus spp.* (Elm, except American Elm)
  - C. Emergencies. A tree permit shall not be required for actions made necessary to expedite the removal of damaged,



destroyed or dead trees in the interest of public safety, health, and general welfare following high winds, storms, tornadoes, floods, freezes, fire or other natural or man-made disasters.

D. Governmental agencies and public utilities. A tree permit shall not be required to perform maintenance or repair of lawfully located roads, sewers, structures, and/or facilities used in the service of the public to provide transportation, electricity, gas, water, telephone, telecommunication, or other services, provided that such roads, sewers, structures, or facilities are not materially changed or enlarged, and provided that the work is conducted using best management practices to ensure that the woodlands areas are not adversely impacted. A permit shall not be required for the trimming or cutting of trees associated with the repair or maintenance work performed by public utilities.

A. Dead or damaged trees. A tree permit shall not be required for removal or trimming of dead, diseased or damaged trees. Determination of the health/condition of the tree(s) is determined by utilizing the scoring criteria contained in Section 42-5.14.4. If a tree is determined by Bloomfield Township to be dead, diseased or damaged as to cause an immediate threat to public health, safety and welfare of the users of the property and/or adjacent properties, said tree shall be removed and a tree permit shall not be required.

4. Tree health/condition scoring criteria.

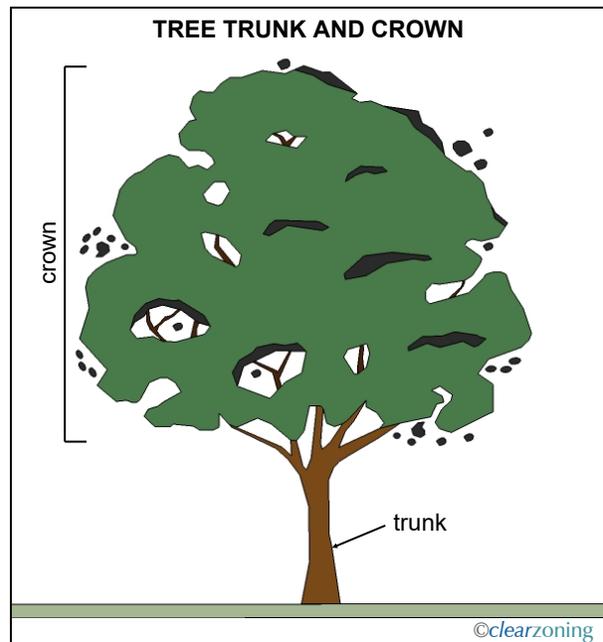
A. Health/condition scoring must be clearly indicated on the tree survey. A tree with a

score of ten (10) or greater qualifies as a protected tree and a tree with a score of nine (9) or less could be eligible as non-protected.

B. All protected trees and landmark trees shall be replaced as required by the provisions of this article. However, if the health/condition of the tree is such that it should not be counted, tree replacement shall not be required.

C. In requesting that a tree not be counted toward replacement, the applicant shall indicate the health/condition of the trees, as determined by an arborist or other qualified professional, utilizing the criteria contained herein.

D. Any tree with a score of ten (10) or greater is protected under this Section.



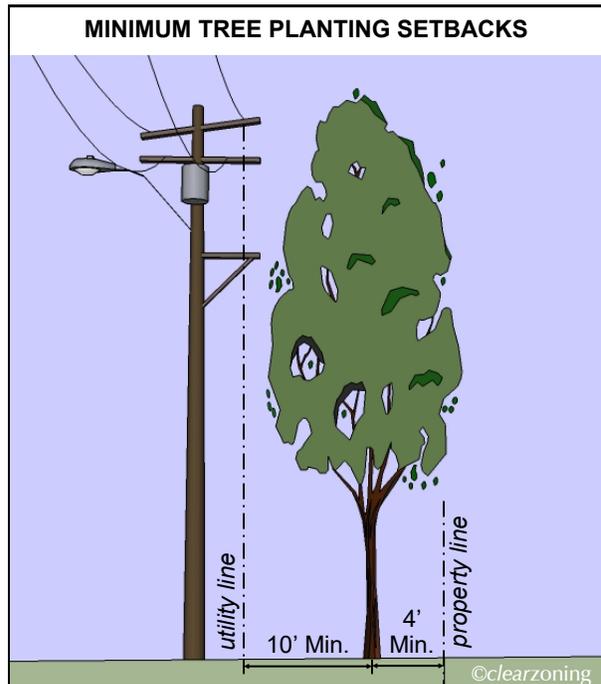
Tree Health/Condition Scoring			
Factor	3	2	1
Trunk <del>☞</del>	Sound or solid	Sections of bark missing	Extensive damage or hollow
Growth rate	More than 6" twig elongation	2" to 6" twig elongation	Less than 2" twig elongation
Structure	Sound	1major or several minor limbs dead	2 or more major limbs dead
Disease	No disease or infestation present	1 disease or infestation present	2 or more diseases and/or infestation present
Crown/development <del>☞</del>	Full and balanced	Full but unbalanced	Unbalanced and lacking full crown
Life expectancy	Over 30 years	15 to 20 years	Less than 5 years



5. Tree permit application requirements. A person seeking a tree permit shall submit an application on forms supplied by the Township along with a tree survey, prepared by an Arborist, to the Planning, Building & Ordinance Department, and pay the application and permit fee as established by resolution of the Township Board. The application shall be approved or rejected in the sole discretion of the Planning, Building and Ordinance Department.
6. Tree replacement requirements. As a condition of granting a tree permit, the applicant shall be required to replace all protected and/or landmark trees being removed having eight (8) inches or more DBH subject to the following conditions:
  - A. Required replacement calculations. The replacement calculations shall indicate the total caliper inch at DBH of protected and landmark trees being removed, as well as any trees being considered for exemption. The total number of replacement trees and caliper inches shall be provided and graphically illustrated on a plan.
    - i. Replacement trees shall be at least three (3) inches caliper and eight (8) feet in height for evergreens. Trees will be measured at six (6) inches above finished grade for replacement trees four (4) inches caliper or less and at twelve (12) inches above finished grade for all trees greater than four (4) inches caliper.
    - ii. Larger evergreen trees may be used to fulfill replacement requirements at the equivalent rate of one (1) inch for each 2.8 feet in height.
    - iii. Consideration may be given to allow smaller caliper trees if they are part of a replacement plan that specifies a mixture of sizes and intended to simulate as natural woodland habitat.
  - B. Replacement rate for protected trees. Protected trees, other than landmark trees, must be replaced at a rate of fifty (50) percent of the total DBH removed. Each protected tree(s) must be replaced with a tree that is a minimum of three (3) inch caliper or eight (8) feet in height for evergreens
  - C. Replacement rate for landmark trees. Landmark trees must be replaced at a rate of one hundred (100) of the total DBH

removed. Each landmark tree(s) must be replaced with a tree that is a minimum of three (3) inch caliper or eight (8) feet in height for evergreens.

- D. In instances where all of the trees being removed are entirely deciduous or entirely evergreen, the Township may approve substituting up to thirty (30) percent evergreen for deciduous or deciduous for evergreen. Diversity of tree species shall be maintained where essential to preserving a wooded area.
- E. The location of transplanted trees and required woodland replacement trees must be provided on the landscape plan. Transplanted and replacement trees shall be clearly distinguished from required landscape elements.
- F. Trees required to be planted in accordance with this Section shall be in place and properly supported prior to the issuance of a final certificate of occupancy. The center of said trees shall not be located closer than four (4) feet to any property line or ten (10) feet to any utility line. ✍



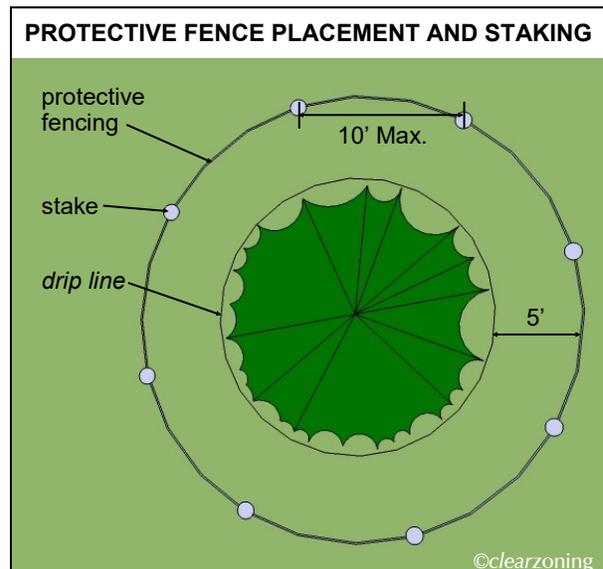
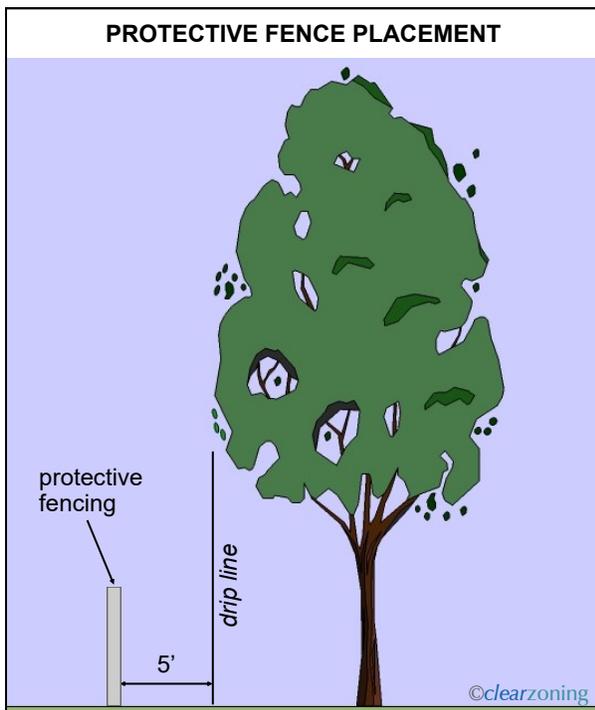
- G. All purchased replacement trees shall satisfy American Association of Nurseryman standards, including:
  - i. Nursery grown.
  - ii. State Department of Agriculture inspected.

- a. Tree spade transplanted while in the dormant state, or if not in the dormant state, having been balled and burlapped with a solid well-laced root ball when in the dormant state.
  - b. No.1 grade, with straight unscarred trunk and a well-developed uniform crown. Park grade trees are not acceptable.
  - c. Staked, watered and mulched in accordance with standard planting practices.
- H. Replacement trees shall be guaranteed for a minimum of one year, including labor. After one year, dead or diseased trees must be replaced prior to final Township approval.
- I. Where it is not reasonable or desirable to relocate or replace trees on site, relocation or replacement may be made at another approved location within the Township.
- J. Where the Township finds it is not reasonable, practical and desirable to relocate or replace trees on site or at another approved location within the Township, the Township may direct the applicant to pay into the Township's Woodlands Trust Fund an amount of money equal to the value of the replacement trees, including installation, that would otherwise be required.
- i. The cost estimate shall be calculated at two times the wholesale cost from an established local nursery catalog with a current publish date, submitted by the applicant and approved by the Township.
  - ii. Use of the Woodland Trust Funds for various Township-wide beautification and/or tree preservation efforts including, but not limited to, gypsy moth management program, diplodia spraying and similar preservation efforts will be at the sole discretion of the Township Board.
7. Review standards.
- A. The wooded area shall be evaluated for the quality, based upon the following information supplied by the applicant:
- i. Soil quality as it relates to potential tree disruption.
  - ii. Habitat quality.
  - iii. Tree species, including diversity of tree species.
  - iv. Tree size and density.
  - v. Health and vigor of tree stand.
  - vi. Under story species and quality.
  - vii. Other factors such as the value of the wooded area as an aesthetic asset, wind block, noise and/or visual buffer, environment asset and the value of landmark trees within the woodlands area.
- B. The preservation of woodland areas, individual trees, similar woody vegetation and related natural resources, shall have priority over development when there are other functional on-site location/design alternatives. The applicant shall be responsible for demonstrating that no feasible and prudent alternative locations exist without causing undue hardship. The Township may impose conditions on the method and extent of the proposed activity/use as necessary to ensure it will be conducted in a manner that will minimize damage, encroachment or interference with the natural resources and/or natural processes within areas containing protected and/or landmark trees.
- C. Because natural systems do not occur in isolation, the location of woodlands with respect to topography, water features and other significant natural features shall be viewed as having a high priority in terms of preservation value.
- D. The removal or relocation of trees or shrubs within wooded areas, or of protected and/or landmark trees outside of the wooded areas, shall be limited to the following:
- i. When necessary for the location of a structure or site improvement and when no feasible and prudent alternative location can be had without causing undue hardship.
  - ii. When the tree is dead, diseased, injured or in danger of falling too close to proposed or existing structures, interferes with existing utility service, interferes with safe vision clearances or conflicts with other ordinances or regulations.



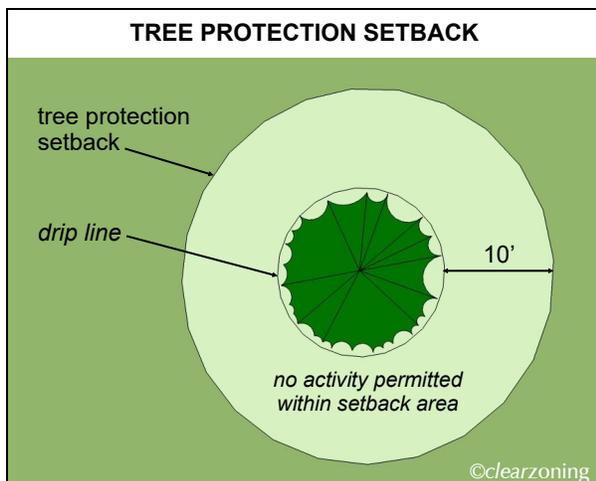
- iii. When a landmark or protected tree does not meet the health/condition standards contained herein.
  - E. The integrity of wooded areas shall be maintained irrespective of whether such woodlands cross property lines.
  - F. All existing trees, wooded area and under story vegetation shall be preserved within the required roadway greenbelt or buffers.
  - G. Where woodland densities permit, tree relocation or replacement shall be within the same wooded area as the removed plants. Where tree relocation or replacement is not feasible within the wooded area, the relocation or replacement on the site may be elsewhere on the subject property.
  - H. A detail or narrative indicating the method of tree protection including protective barriers, tree walls, tunnels or retaining walls shall be provided.
  - I. If haul roads or vehicle access points used during construction are different from proposed roads or access, their location must be identified on the woodland and/or landscape plan.
8. Tree transplanting.
- A. Transplanted trees may be counted toward replacement trees, provided such trees meet the minimum size and quality requirements.

- B. For deciduous trees over eight (8) caliper inches and evergreens greater than twenty five (25) feet tall, a statement regarding the method of transplanting shall be included. The individual performing the transplanting of trees as noted above shall have a demonstrated experience and success in transplanting trees of this size.
9. Tree protection procedures.
- A. Prior to construction, land clearing, filling and/or land alteration, the applicant shall do the following:
    - i. All trees for which application is being made for removal shall be so identified on-site by fluorescent orange spray paint (chalk based) or by fluorescent orange flagging tape prior to field inspection by the Township. Trees selected for transplanting shall be flagged with a separate distinguishing color.
    - ii. Protective fencing shall be erected which restricts access to protected areas.
      - a. Fencing shall be installed five (5) feet outside the tree drip line or tree groupings, unless it can be demonstrated that this is not practical. ✍
      - b. Stakes for fencing shall be staked into the ground, with stakes spaced at a maximum of ten (10) feet. ✍
      - c. The protective fencing shall be maintained and all construction



materials, supplies and equipment shall be kept outside of the protective areas.

- d. Fencing material shall be a minimum of forty eight (48) inches high. Acceptable materials include: green or orange snow fence and galvanized or vinyl-coated chain link.
- B. Tree protection shall remain in its approved location until such time removal is authorized by the Township. During construction, no attachments or wires shall be attached to any trees which are protected. Wood, metal or other substantial material shall be utilized in the construction of barriers.
- C. No activity shall be conducted within ten (10) feet of the tree drip line, including but not limited to placing of any solvents, material, construction machinery, vehicles or soil. ✍



- D. The location of fencing may be adjusted, as administratively approved, in the field to accommodate site-specific conditions or constraints.
- E. The developer and/or the builder shall be responsible to inform all subcontractors, suppliers and tradesmen that they are to help maintain the trees and will be held responsible for any unauthorized damage to trees and woodlands. As indicated under Section 42-5.14.12, the tree removal permit shall be displayed at all times.
- F. Prior to issuance of a temporary certificate of occupancy or certificate of occupancy, all required replacement trees shall be

planted in accordance with the approved plans, or cash deposit in the amount of the estimated tree replacement and transplant costs to be refunded in full at time of completion.

- 10. Replacement of trees damaged during construction. The developer or builder shall be required to replace trees originally intended to be preserved when such trees are damaged during construction. The replacement requirements for such damaged trees shall be one (1) caliper inch for each one (1) caliper inch DBH of the damaged trees.
- 11. Tree maintenance and replacement. If any of the trees required to be retained or trees planted as part of the landscaping plan should die within a period of twelve (12) months after completion of the activities associated with the tree removal permit, the owner of the property shall replace the trees within six (6) months at a ratio of one-to-one with an approved tree having a minimum of three (3) inch caliper or eight (8) feet in height for evergreens. Shrubbery or other plantings that die within twelve (12) months of completion of the activities shall be replaced in kind within six (6) months.
- 12. Display of tree permit. The tree permit grantee shall conspicuously display the permit on-site. The grantee shall display the tree permit conspicuously while trees are being removed or replaced or while activities authorized under the permit are performed. The tree permit grantee shall allow Township representatives to enter and inspect the premises at any reasonable time. Failure to allow inspection shall constitute a violation of this section.
- 13. Variances. Pursuant to Section 42-7.6, an appeal may be made to the Zoning Board of Appeals if a practical difficulty makes strict compliance with this article impractical. In determining the existence of a practical difficulty, the Zoning Board of Appeals shall consider:
  - A. The intent and purpose of the article.
  - B. The character and community value of the protected trees affected; and
  - C. The presence of unique circumstances which makes compliance with the article physically impractical.

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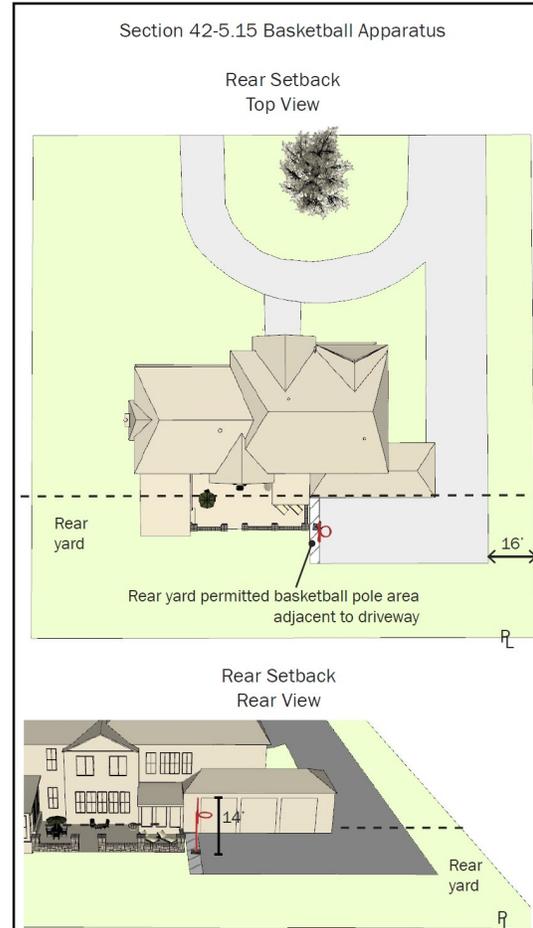
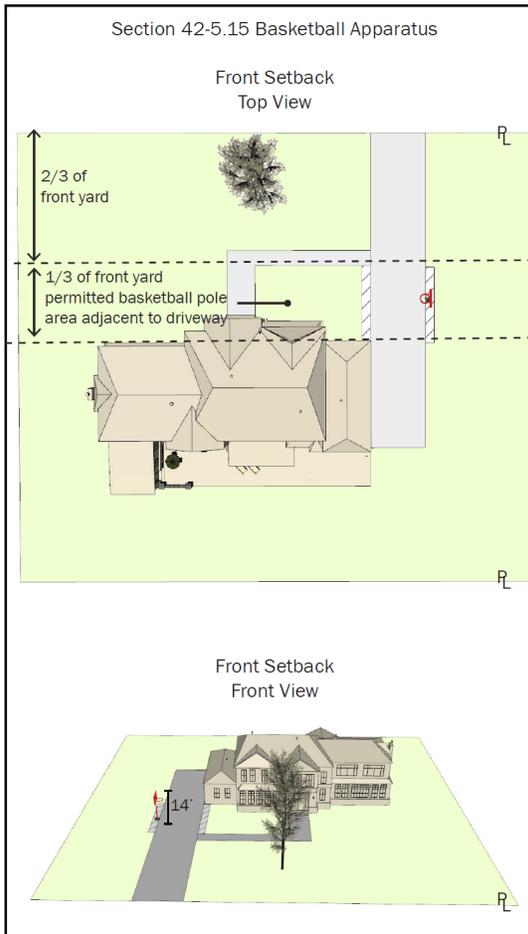
14. Penalties for violations. Any person who violates the provisions of this article, as amended, shall be responsible for a municipal civil infraction, subject to civil fine, court order enforcement, and any remedies mandated by the Court pursuant to Section 42-7.7 Penalties for violations.

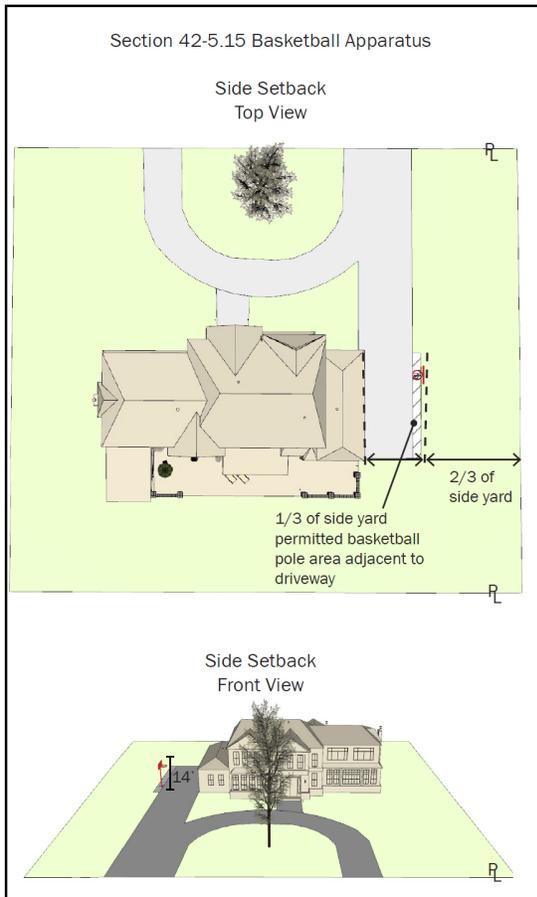
42-5.15 BASKETBALL APPARATUS

Basketball apparatus, including building or pole-mounted basketball backboards or hoops, may be located within a front, side or rear yard on a one-family lot, subject to the following conditions:

- 1. No more than one such backboard or hoop, either garage or pole mounted, may be located on a lot.
- 2. A pole mounted backboard or hoop shall not exceed fourteen (14) feet in height.
- 3. A pole mounted backboard and hoop may be located only within the one-third (1/3) of the front yard nearest the dwelling and contiguous to the driveway, or only within the one-third (1/3) of the side yard nearest the dwelling and contiguous to the driveway.

- 4. Basketball apparatus may be located in the rear yard provided they are contiguous to the driveway and setback sixteen (16) feet from the side or rear lot line.
- 5. Sports courts are excluded from these provisions and are subject to Section 42-5.1 Accessory Structures.



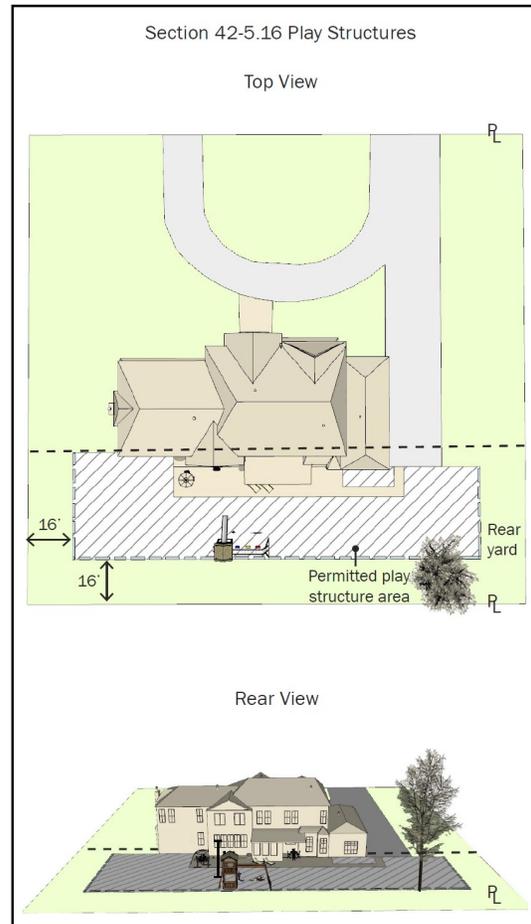


(Amended by Ord. No. 665)

## 42- 5.16 PLAY STRUCTURES

Play structures may be located within a rear yard on a one-family lot, subject to the following conditions:

1. Play structures shall not exceed fourteen (14) feet in height.
2. Play structures shall be setback a minimum of sixteen (16) feet from the side or rear lot line.
3. Shade canopies of play structures shall be comprised of neutral earth tone colors.



(Amended by Ord. No. 665)

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#### 42-5.17 GROUND MOUNTED MECHANICALS

Ground mounted mechanical equipment may be placed on the site or lot as noted below. The terms “ground mounted mechanical equipment” means air conditioner units, generators, transformers, pool equipment or other related equipment. For purposes of this Section, ground mounted mechanicals shall not be considered an accessory use nor be subject to Section 42-5.1 Accessory Structures. Ground mounted mechanical equipment shall be located immediately adjacent to the residential or nonresidential building and have a clearance of no more than 5 ft. from the building intended to be served.

1. One-family residential districts. Ground mounted mechanical equipment shall be permitted in a rear yard when placed immediately adjacent to the residential building. Said equipment may be permitted in any side yard or secondary frontage subject to all of the following:
  - A. For placement of said equipment in a side yard:
    - i. The equipment shall be placed immediately adjacent to the residential building.
    - ii. The equipment may project up to six (6) feet into the required sixteen (16) foot side yard setback as measured from the residential building.
    - iii. Said equipment in side yards shall be screened from view through the use of evergreen plant material at least the height of the unit at the point of placement of the equipment, or by a screen wall consisting of materials compatible with those used on the main building and shall be no closer than ten (10) feet to the side lot line.
  - B. For placement of said equipment in a secondary frontage:
    - i. The equipment shall be placed immediately adjacent to the residential building.
    - ii. The equipment may project ten (10) feet into the required secondary front yard setback as measured from the residential building.
    - iii. Said equipment in secondary front yards shall be screened from public view through the use of evergreen plant material at least the height of the unit at the point of placement of the equipment, or by a screen wall consisting of materials compatible with

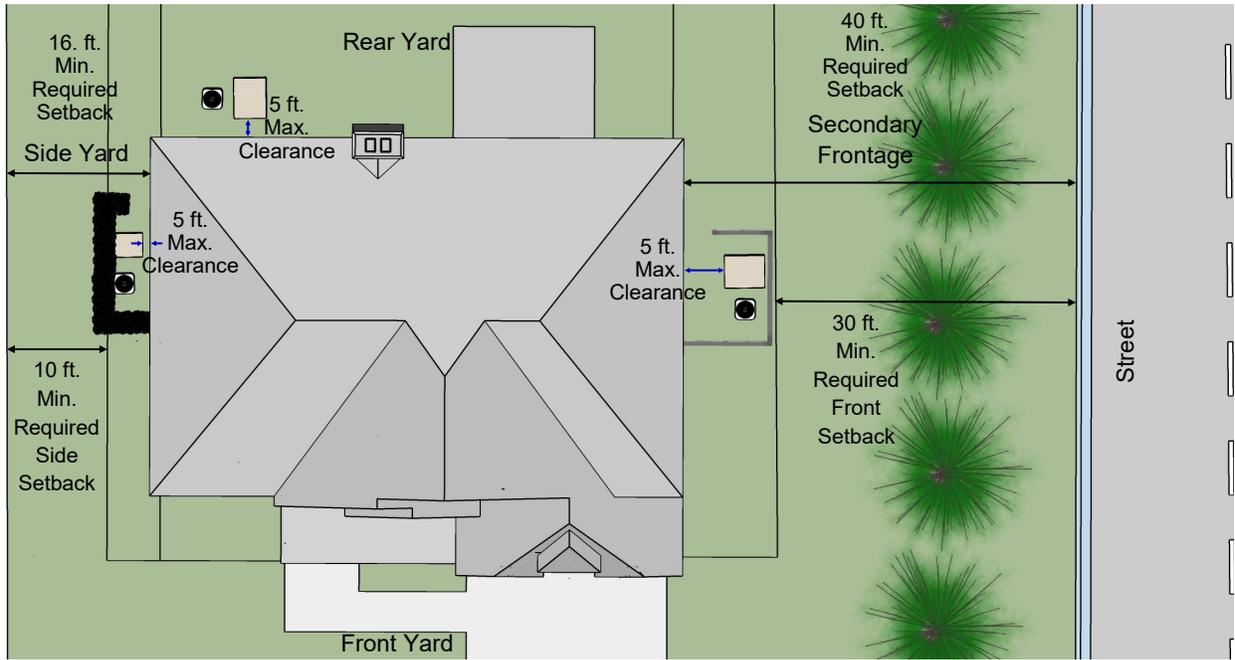
those used on the main building and shall be no more than ten (10) feet as measured from the residential building.

- C. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.
2. One-family cluster, planned unit developments and multiple-family residential districts.
    - A. Ground mounted mechanical equipment shall be permitted in any side yard, rear yard or secondary frontage when placed immediately adjacent to the residential building.
    - B. Ground mounted mechanical equipment shall be screened from an adjacent public or private street. Said equipment shall be obscured from public view through the use of evergreen plant material at least height of the equipment and located at the point of placement, or by a screen wall at least the height of the equipment and consisting of materials compatible with those used on the main building they are to serve.
    - C. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.

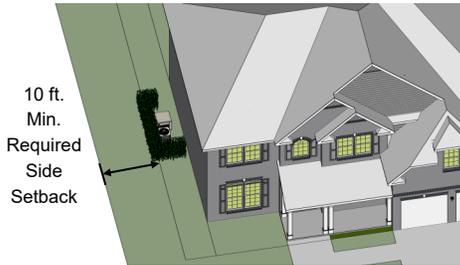


**GROUND MOUNTED MECHANICAL OR ELECTRICAL EQUIPMENT SCREENING**

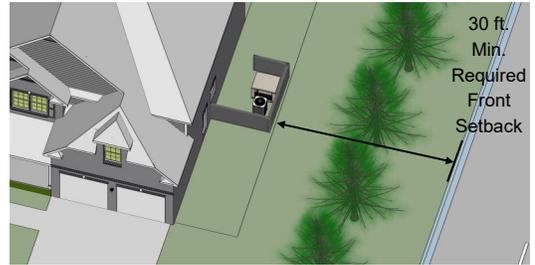
**PLAN VIEW**



**EVERGREEN SCREENING**



**MATCHED MATERIAL SCREENING**



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- 3. Nonresidential districts. Ground mounted mechanical equipment shall be located immediately adjacent to the main building intended to be served and in all instances be placed in a rear yard when side yards are less than twenty (20) feet in width. When placed in side yards of greater than twenty (20) feet in width, they shall be placed immediately adjacent to the building intended to be served. They shall be screened from view through the use of materials identical to those used in the building at least the height of the equipment and at the point of placement of the equipment, or obscured from public view by evergreen plant material at least the height of the equipment and located at the point of placement.
- 4. When placed on the roof of the structure, they shall be fully obscured from public view meeting all the requirements of height, bulk, setback and materials as set forth in Section 42-3.10.10.
- 5. Ground mounted mechanical equipment shall comply with the decibel requirements of not exceeding seventy (70) dB(a) in compliance with Chapter 14 Environment, Sections 14-22 and 14-23.
- 6. Ground mounted mechanical equipment may be located inside an accessory structure that complies with the requirements of Section 42-5.1 Accessory Structures.

(Amended by Ord. No. 676, Ord. No. 678)

42-5.18 WALL MOUNTED MECHANICALS

Wall mounted mechanical equipment may be placed on the site or lot as noted below. The terms "wall mounted mechanical equipment" means air conditioner units, generators, transformers, pool equipment or other related equipment. For purposes of this Section, wall mounted mechanical equipment shall not be considered an accessory use nor be subject to Section 42-5.1 Accessory Structures.

- 1. One-family residential districts including one family cluster, planned unit developments, and multiple family residential districts. When mounted on the wall, mechanical equipment may be placed on the side, rear or secondary frontage wall of the residence and shall be fully obscured from public view through the use of evergreen plant material at least the height of the equipment and located at the point of placement.
  - A. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.
- 2. Nonresidential districts. When mounted on the wall, mechanical equipment may be placed on the rear wall of the building and shall be fully obscured from public view through the use of evergreen plant material at least the height of the equipment and located at the point of placement.
  - A. Evergreen plant material utilized in vegetative screen walls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.
- 2. Wall mounted mechanical equipment shall comply with the decibel requirements of not exceeding seventy (70) dB(a) in compliance with Chapter 14 Environment, Sections 14-22 and 14-23.

(Amended by Ord. No. 676)



# CHAPTER 42

## Article 6.0 Development Procedures

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# Chapter 42

## Article 6.0 Development Procedures

- 42-6.1 Site Plan Review
- 42-6.2 Interpretation and Standards for Reviewing Special Land Uses
- 42-6.3 Special Events
- 42-6.4 Design Review



# 42-6.0 Development Procedures

## 42-6.1 SITE PLAN REVIEW (ALL DISTRICTS)

1. A site plan shall be submitted to the Planning Commission for approval of:
  - A. Any use or development for which the submission of a site plan is required by any provision of this Chapter.
  - B. Any development except single-family residential, for which off-street parking areas are provided as required in Section 42-5.2, parking requirements.
  - C. Any use in an RM, B-1, B-2, B-3, B-4, MX, O-1, OR-1, RP or ML district lying contiguous to or across a street from, a single-family residential district, and all uses permitted under Section 42-3.8, clustering option.
  - D. Any use which lies contiguous to a major thoroughfare.
  - E. All residentially related uses permitted in single-family districts such as, but not limited to: churches, schools and public facilities.
  - F. Any proposed use or occupancy of existing buildings by a different owner or tenant, when, in the opinion of the building inspector, such use departs from the intent of the Chapter.
2. Each site plan submitted to the Planning Commission in accordance with the requirements of this Chapter, shall contain such information and be in such form as the Planning Commission may prescribe in its adopted rules for site plan submission. No site plan shall be recommended for approval by the Planning Commission until same has been reviewed, where applicable, by the Township Departments for compliance with the standards of the respective departments. Fees for review of site plans shall be established by resolution of the Township Board. 
3. In the process of reviewing the site plan the Planning Commission shall also consider:
  - A. Single-family development on the basis of a subdivision.
  - B. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.

 [MCL 125.3501](#)

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- C. The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matters as will ensure:
    - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
    - ii. Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - D. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
  - E. In recommending approval of the site plan to the Township Board, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the Township Clerk.
  - F. The Planning Commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.
4. Site plan review and approval as set forth in this Section is required prior to the issuance of a building permit.

## 42-6.2 INTERPRETATION AND STANDARDS FOR REVIEWING SPECIAL LAND USES

1. Interpretation. In the interpretation and application, the provisions of this Section shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Section to

 [MCL 125.3502](#)

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repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described zoning ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Section imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Section shall control.

2. Review. In the consideration of applications for the review of special land uses, following a public hearing before, and recommendation from, the Planning Commission, the Township Board shall review each case individually based upon the standards set forth in this Section and, in addition, such uses, if approved, shall be subject to conditions, restrictions, and safeguards as are authorized by law and deemed to be necessary by the Township Board:
  - A. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and land use planning 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:
    - i. The surrounding uses; and/or
    - ii. The orderly development of the surrounding neighborhood and/or vicinity.
  - B. 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.
  - C. The proposed use shall not 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 a person 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.

- D. The proposed use shall be such that the proposed location and height of buildings or structures and the proposed 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.
- E. The proposed use shall relate harmoniously with the physical 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.
- F. The proposed use is so designed, located, planned and to be operated so that the public health, safety and welfare will be protected.
- G. 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.
- H. The proposed use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- I. The proposed use shall not unreasonably burden the capacity of public services and/or facilities.
- J. The proposed use shall have appropriate physical, visual and spatial characteristics based upon compatible design and architectural elements that relate harmoniously to the design characteristics of area development, taking into consideration the design criteria set forth in Section 42-6.4.

**42-6.3 SPECIAL EVENTS**

1. Intent and purpose. This Section is intended to safeguard all participating residents and visitors during special events located within all zoning districts in the Township. The Township has deemed it necessary to regulate temporary



uses and structures on private and public property during special events. The Township Board shall establish by resolution regulations for allowing temporary uses and structures as may be amended from time to time.

2. Standards. Approvals for special events shall be granted if the following criteria are met:
  - A. Verification that adequate provisions have been made by the applicant or others for the protection of public and private health, safety, welfare and property.
  - B. The location, times and dates of the activity, event or use will not unreasonably affect the use or enjoyment of private or public property and will not cause unreasonable traffic hazards or delays.
  - C. The activity, event or use, its duration, its repetition or its location, will not adversely impact upon the value of private property in its vicinity.
  - D. The requirements specified in the adopted special event policy are fully met.
  - E. The applicant currently meets and has not in the past failed to meet all of the requirements of all Township ordinances.
  - F. The activity, event or use will not constitute a public nuisance.
  - G. Unless waived by resolution of the Township Board, the applicant has agreed to reimburse the Township all reasonable actual costs incurred by the Township as a result of the activity, event or use.
  - H. The activity, event or use does not exceed ten (10) days in duration in any calendar year.
  - I. The applicant and all past applications of the applicant are true, accurate and complete.
3. Review. No person, entity, corporation and/or organization shall hold and/or conduct a major event within the Township without first obtaining approval from the Design Review Board. Special event inquiries shall be made to the code and ordinance department in accordance with the adopted special event policy of the Township Board and as set forth in Article III, Chapter 46. When applicable, application forms shall be submitted that contain such information and be in such form as the Township Board may prescribe in its adopted special event policy. 

4. Fee. The Township may charge an application fee for applications filed pursuant to the provisions in Article III, Chapter 46, as established from time to time by the Township Board. The fee shall not be refundable in the event a permit is not used.
5. Regulation.
  - A. No special event shall be permitted until it has been reviewed, when applicable, by the Township departments for compliance with all state laws, such as the Michigan Vehicle Code and Michigan Liquor Control Commission, Township ordinances, and adopted policies and procedures, including but not limited to the following ordinances as amended:
    - i. Parking ([Chapters 36](#) and [42](#)).
    - ii. Selling ([Chapter 26 Article II](#) and [Section 22-225](#)).
    - iii. Litter ([Chapter 14 Article III](#) and [Chapter 30 Article II](#)).
    - iv. Large gatherings ([Chapter 24 Article II](#)).
    - v. Signs ([Section 42-5.9](#)).
    - vi. Trespassing ([Section 22-139](#)).
    - vii. Noise ([Chapter 14 Article II](#)).
    - viii. Property maintenance ([Chapter 10 Article V](#)).
    - ix. Fire safety ([Chapter 16 Article II](#)).
    - x. Building permits and inspections ([Chapter 42](#)).
    - xi. Zoning ([Chapter 42](#)).
  - B. For purposes of this Section, accessory structures, regulated by this Chapter, which meet the requirements of the special event policy, will not require review by the Zoning Board of Appeals when such structures are an integral part of the special event.
  - C. During the term of the approved special event, an applicant shall comply with all reasonable requests made by the Township to protect the public health, safety, welfare or conveniences and to protect public or private property.
  - D. For purposes of this Section, the Design Review Board may, in its discretion, allow for deviations from the applicable setbacks, parking and loading, general provisions, and other requirements provided that the applicant clearly demonstrates that the full intent and

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purpose of the standards noted in subsection 2 of this Section are fully met.

- E. Failure to comply with the requirements of this Section or the adopted special event policy may result in the termination of the special event permit.

#### 42-6.4 DESIGN REVIEW

1. Purpose and policy. The purpose of this Section and the policy of the Township is to provide for the orderly development of the Township, to maintain and enhance property values, to promote the economic and general prosperity of the Township and protect the general health, safety and welfare of the community by facilitating development where the physical, visual and spatial characteristics are established and reinforced through design; to encourage creativity in the development and redevelopment of property in the Township; and to ensure the standards and guidelines established by this Section are administered so as to encourage the disposition of development proposals without undue delay or cost to the development community property owners or the Township. The Township's Design Review Board shall be charged with the application of this Section. (Refer to [Section 42-7.13](#))
2. Exception. This Section shall not apply to one-family detached dwellings.
3. Administration.
  - A. Requirement for approved design; nature of review. Except for one-family detached dwellings, no permit required under this ordinance of the Township for a sign or for the erection, construction, alteration or repair of any building or structure which involves an exterior design feature shall be issued by the Township unless and until the Design Review Board grants an approval design as provided in this Section or as otherwise provided in subsection 4.C of this Section. The Design Review Board may determine that no exterior design feature is involved in the work for which the approval is sought, in which case the Design Review Board may so specify.
  - B. Application. As a separate and distinct part of site plan review, drawings and plans shall be submitted to the Township planning department at a scale of not smaller than one inch equals twenty (20) feet and in sufficient detail to illustrate clearly the design for which approval is

sought. Such plans shall show the following:

- i. Existing conditions, topography, trees (both public and private) and natural features, all structures and uses, improvements, public streets, rights-of-way, sidewalks, zoning, public and private easements and restrictions, and the official grade of public rights-of-way, as established by the Township civil engineer or the county road commission, for the subject site and all property within two hundred (200) feet of the site.
- ii. Site plan in accordance with the requirements of the Township zoning ordinance containing the information as prescribed by the rules of the Planning Commission.
- iii. Architectural elevations of all exterior building elevations, colors of exterior walls, trims and roofs, lighting materials, ornamental, pictorial or decorative material to be used in or about the exterior of the structure. Samples of building materials and colors shall be submitted.
- iv. Such other information as may be required by the Design Review Board to permit reasonable consideration of the application.
- v. Design Review Administration. The Design Review Board shall meet on the first and third Wednesday of every month at 2:00 p.m. unless otherwise designated in writing by the Supervisor. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Supervisor shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting. The Design Review Board meetings shall be posted in compliance to the Open Meetings Act.
- vi. Design Review Board Action.
  - A. The Design Review Board shall not act unless a quorum of at least two (2) members are present at a duly scheduled Design Review Board meeting.

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- B. The Design Review Board shall approve, conditionally approve, or disapprove the application by a majority of its membership. Such action shall then require the signature of at least two (2) of the members of the Design Review Board present at the meeting to constitute approval, conditional approval or disapproval. Such action shall not be in lieu of site plan review by the Planning Commission.
  - C. In the event a quorum cannot be assembled at a duly scheduled Design Review Board meeting then the Township planner's recommendations and opinions relative to the applications and submittals shall be made known to the Design Review Board member present. That present Design Review Board member shall make comments and recommendations on the pending items which shall then be presented to the Township Planning Commission at its next meeting for action of approval, conditional approval or disapproval in lieu of and in place of Design Review Board action pursuant to subsection 3.A of this Section.
  - D. An applicant may appeal a decision of the Design Review Board by making application to the Planning Commission for review and consideration whether to uphold the decision in whole or in part or whether to reverse the decision in whole or in part.
5. Design Review Board to review all applications. The Design Review Board shall convene at the call of the Supervisor to review any and all applications filed with the Joint Development Council. The Design Review Board shall review and discuss said applications and render an advisory opinion to the Joint Development Council to aid in that body's deliberations.
  6. Enforcement. Upon the granting of an approved design or amendments thereto and following site plan review by the Planning Commission, the exterior drawings, sketches, landscape and site plans, renderings and materials upon which an approved design or amendment was granted shall be turned over to the Township planning and building departments, whose responsibility it shall be to determine, from time-to-time as the project is in progress and finally upon its completion, that there have been no deviations therefrom.
- A. It shall be the duty of the person to whom an approved design has been granted to comply therewith, and to obtain such inspections as may be necessary in order to ensure compliance. The Township planning and/or building department may notify such person of any deficiencies found to exist. Failure to comply with an approved design will constitute a violation of this Section.
  - B. Before any use may be made of improvements constructed under these provisions of design review, a final inspection of the premises must be obtained from the Township building and planning departments. An occupancy permit will not be issued unless such an inspection has been made and the completed work found to be in compliance with plans approved by the Design Review Board.
7. Design criteria.
    - A. Criteria. The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the Township environment. Pertinent to appearance is the design of the site, buildings and structures, planting, signs, street hardware, and miscellaneous other objects which are observed by the public. These criteria are not intended to restrict imagination, innovation, or variety, but rather to provide a guide for decision making and assist in focusing on design principles which can result in creative solutions that will continue to develop and enhance a satisfactory visual appearance within the Township.
    - B. Relationship of building to site.
      - i. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to largely screen parking areas from view from public ways.
      - ii. The height and scale of each building shall be compatible with its site and adjoining buildings.
      - iii. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
    - C. Relationship of building and site to adjoining area.



- i. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks, and materials.
  - ii. Attractive landscape transition to adjoining properties shall be provided.
  - iii. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
  - iv. To the extent reasonably feasible, the building and site shall not be inconsistent with the character, as defined in this Section, of the area.
- D. Landscape and site treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.
- i. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
  - ii. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important relationships, and provide shade. Spectacular effects shall be reserved for special locations only.
  - iii. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
  - iv. To the extent reasonably feasible, the landscape and site treatment shall not be inconsistent with the character, as defined in this Section, of the area.
- E. Building design.
- i. Architectural style is not restricted. Evaluation of appearance of a project shall be based on the quality of its design and relationship to surroundings.
  - ii. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
  - iii. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
  - iv. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
  - v. Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.
  - vi. Materials shall be of durable quality.
  - vii. In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.
  - viii. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationship to one another.
  - ix. Colors shall be harmonious, and not used to draw attention, i.e., serving as a sign.
  - x. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways.
  - xi. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
  - xii. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
  - xiii. Monotony of design in single or multiple building projects shall be avoided. Variation of detail form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.



- xiv. The provisions of this Chapter in regard to area bulk regulations and standards, and portions of the building code which directly affect appearance, shall be part of the criteria of this subsection 7.
  - xv. To the extent reasonably feasible, the building design shall not be inconsistent with the character, as defined in this Section, of the area.
8. Signs.
- A. Wall signs shall be part of the architectural concept. Size, color, lettering, location, and arrangement shall be harmonious with the building design, and shall be compatible with signs on adjoining buildings. Signs shall have good proportions.
  - B. Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.
  - C. Identification signs of a prototype design shall conform to the criteria for building and ground signs.
  - D. Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.
  - E. Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.
  - F. Colors shall be used harmoniously. Brilliant colors shall be avoided. Lighting shall be harmonious with the design. If external spot or ground lighting is used, it shall be arranged so that the light source is shielded from view.
  - G. The provisions of this Chapter in regard to signs shall be part of the criteria of this subsection 8.
9. Miscellaneous structures and street hardware.
- i. Miscellaneous structures include any structures, other than buildings, visible to view from any public way. Street hardware includes all objects not commonly referred to as structures and located in streets and public ways and outside of buildings.
  - ii. Miscellaneous structures and street hardware located on private property shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
  - iii. Miscellaneous structures and street hardware located in public ways and other public property shall be harmonious with design of adjacent buildings and other structures and landscape.
  - iv. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to the site, the landscape, the buildings, and the signs.
  - v. The provisions of this Chapter in regard to area and bulk regulations and standards, and of those portions of the building code which directly affect appearance, shall be part of the criteria of this subsection 9.
10. Maintenance; planning and design factors.
- i. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
  - ii. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage and abuse.
  - iii. Provision for the washing and cleaning of buildings and structures, and the control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt and rubbish shall be avoided.
11. Fees and performance guarantee.
- A. Fees. Fees, as established by Township ordinance and/or resolution, shall be paid to the Township Treasurer at the time the application for an approved design is made.



B. Performance guarantees. Where in this Section there is delegated to the Design Review Board the function of establishing certain physical site improvements as a contingency to securing a permit, the Design Review Board may, to ensure strict compliance with any regulation, contained or required as a condition of the issuance of a permit, require the permittee to furnish a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the Township Treasurer in an amount determined by the Design Review Board to be reasonably necessary to ensure compliance hereunder provided, however, that in fixing the amount of such cash deposit, certified check, irrevocable bank letter of credit, or surety bond, the Design Review Board shall take into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses including legal fees to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee before the date of which the Township is prepared to issue the permit. The Township shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as the work progresses. This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Public Act No. 288of 1967 (MCL 560.101 et seq.).



# CHAPTER 42

## Article 7.0 Administration, Appeals and Enforcement

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# Chapter 42

## Article 7.0 Administration, Appeals and Enforcement

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# 42-7.0 Administration, Appeals and Enforcement

## 42-7.1 ESTABLISHMENT OF BUILDING INSPECTOR, POWERS

Except where herein otherwise stated, the provisions of this Chapter shall be administered by the building inspector or such other official or officials as may be designated by the Township Board. The building inspector shall have the power to:

1. Issue building permits.
2. Grant certificates of occupancy permits.
3. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Chapter.
4. Perform such other further functions necessary and proper to enforce and administer the provisions of this Chapter.

## 42-7.2 BUILDING PERMIT APPLICATION

1. No building or structure within the Township shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, or raze until a building permit shall have been obtained from the Township building inspector nor shall any change be made in the use of any building or land without a building permit having been obtained from the building inspector, except that no building permit shall be required for nonstructural alterations costing less than fifty dollars (\$50.00). No such building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this Chapter and all amendments hereto.

Unless construction is started within six (6) months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The building inspector may reinstate a building permit that has become void for failure to commence construction without payment of further fees at his discretion. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Chapter shall be collected by the building inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board.

2. The building inspector shall record all nonconforming uses existing at the date of the ordinance from which this Chapter is derived

for the purposes of carrying out the provisions of Section 42-7.12.

3. The building inspector shall not refuse to issue a permit when conditions imposed by this Chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of such permit.
4. The building inspector shall require that all applications for building permits be accompanied by plans and specifications including a plot plan, in triplicate, which shall agree with the site plan approved by the Planning Commission, when required, under Section 42-6.1. The plot plan shall be prepared, signed, and sealed by a registered professional civil engineer or a registered professional land surveyor, and shall show the following:
  - A. Legal description of the property and 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. North point and scale of not less than one (1) inch equals one hundred (100) feet.
  - C. Exact dimensions of the property including bearings and distances as described in the legal description.
  - D. Proper relationship of subject property with all abutting property lines.
  - E. Two (2) foot contours or pegged grade elevations at fifty (50) feet on center for the entire property and for a distance not less than fifty (50) feet outside the entire perimeter of the property.
  - F. The existing finish grade elevations of all existing buildings or structures on or within fifty (50) feet of the property.
  - G. The location of all existing and/or proposed drives and parking areas.
  - H. The location of all existing or proposed underground utilities.
  - I. Proposed finished grade of all buildings, the site itself, and the entire perimeter of the property including property corners.
  - J. The location and widths of all existing and/or proposed rights-of-way and/or easements and all abutting streets and alleys.
  - K. The point, area, ditch, or enclosure to which stormwater is to drain.

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- L. The location of the existing and/or proposed buildings on the property shall be clearly shown and shall include tie dimensions to front, side, and rear property lines and ties from the proposed building to any adjoining building on or within fifty (50) feet of the proposed building.
  - M. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Chapter are being observed.
  - N. Prior to pouring concrete for any footings, the builder shall demonstrate to the building inspector that the footing forms are properly located on the lot and that the footing grade is set to the proper elevation, both according to the dimensions and elevation as indicated on the plot plan.
  - O. One copy of the plans shall be returned to the applicant by the building inspector, after he shall have marked such copy either as approved or disapproved. The remaining copy shall be retained in the office of the building inspector.
5. Upon the completion of the work authorized by a building permit, the holder thereof shall seek final inspection thereof by notifying the building inspector. The building inspector shall make such final inspection promptly.
  6. Wherever the building, land and uses thereof as set forth on the application are in conformity with the provisions of this Chapter, it shall be the duty of the building inspector to issue within five (5) days after the receipt of said application a building permit, and when such permit is refused, to state such refusal in writing with the reasons therefor.
  7. Whenever the application for a building permit involves an addition or alteration to an existing building or structure, the building inspector may waive the requirements herein of the furnishing of a plot plan, when he or she determines that the public health, safety and welfare will not be adversely affected by doing so.

**42-7.3 CERTIFICATE OF OCCUPANCY**

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

1. Certificates not to be issued. No certificates of occupancy pursuant to the building code of the Township of Bloomfield shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Section.
2. Certificate required.
  - A. No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be occupied or used, unless and until a certificate has been issued and the following requirements complied with and approved by the building inspector:
    - i. Prior to the issuance of a certificate of occupancy, a grading certificate prepared, signed, and sealed by a registered professional civil engineer or a registered professional land surveyor shall be submitted to the building inspector. The grading certificate shall be submitted in duplicate, attesting to the fact that the site has been constructed and graded in accordance with the approved grading plan. The grading certificate shall also state that the permanent irons at each lot corner are in evidence, and that the drainage pattern is in accordance with the grading plan as approved at the time of issuance of the building permit.
    - ii. If, at the completion of the building project, and if for reasons beyond the control of the applicant, such as when weather conditions make finish grading unfeasible to be completed, the applicant shall, in lieu of a grading certificate, post a financial guarantee with the Township in the form of a cash bond. This alternative may be used at the discretion of the building inspector, and the bond shall be in an amount set by the building inspector to ensure completion of the finish grading and the submission of such certificate within nine (9) months, or at the next opportunity. In such case, a temporary certificate of occupancy may be issued and the date for completion of grading shall be indicated on the temporary certificate of occupancy or its related documents.
    - iii. Permanent lawn grass ground cover is installed by seeding or sodding,

pursuant to written specifications of seed, sod, soil and time of planting approved by the building inspector. Permanent ground cover other than lawn grass may be substituted in rear yards, subject to approval by the building inspector.

- iv. If the above-prescribed final grading is not completed, and the above-prescribed ground cover is not established and thriving at the time of application for the certificate of occupancy, the applicant shall post a financial guarantee with the Township in the form of a cash bond in an amount estimated by the building inspector necessary to ensure completion thereof within nine (9) months. All temporary erosion control measures must remain in place until such time that the ground cover is established.

- B. A certificate of occupancy shall also be required for the change of any existing principal use or tenancy of a building or land to another principal use or tenancy, excepting residential tenancy.

42-7.4 ZONING COMMISSION

The Township Planning Commission is hereby designated as the commission specified in Section 11 of Public Act No. 196 of 1959 (MCL 125.331), and shall perform the duties of said commission as provided in the statute in connection with the amendment of this Chapter.

42-7.5 CHANGES AND AMENDMENTS

The Township Board may, from time to time, on recommendation from the Township Planning Commission, or on its own motion, or on petition, amend, supplement, modify or change this Chapter in accordance with the authority of Public Act No. 110 of 2006 (MCL 125.3101 et seq.). Upon presentation to the Township Planning Commission of a petition for amendment of said Chapter by an owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be used to defray the expense of publishing the required notices and the expense of said Planning Commission.

MCL 125.3401 et seq. Planning Division Application Forms

42-7.6 ZONING BOARD OF APPEALS

- 1. Creation and membership. There is hereby established a Zoning Board of Appeals, hereinafter sometimes called "Board," which shall perform its duties and exercise its powers as provided in Public Act No. 110 of the Public Acts of 2006 (MCL 125.271 et seq.), as amended, and in such a way that the objectives of this Chapter shall be observed, public safety and welfare secured and substantial justice done. The Board shall be appointed by the Township Supervisor with the approval of the Township Board. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. The Board shall be composed of the seven (7) following members:

- A. The first member shall be a member of the Township Planning Commission;
- B. The second member shall be a member of the Township Board;
- C. The remaining five (5) members shall be selected from the electorate of the Township.

- 2. The terms for the Board members shall be for three (3) years, except for the members serving because of their membership on the Planning Commission and the Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively. The new appointments shall be as follows: one (1) new member shall be appointed for a period of one (1) year; one (1) new member shall be appointed for a period of two (2) years; and three (3) new members may be appointed to hold office for the full three (3) year term. Each new appointment shall coincide with the appointment dates for the remaining members of the Board and thereafter shall be reappointed for three (3) year terms. Any vacancies in the Board shall be filled by the Township Supervisor with the approval of the Township Board not more than one (1) month after the terms of the preceding member has expired for the remainder of the unexpired

MCL 125.3601 et seq.



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term. An elected officer of the Township or a member of the Township Board shall not serve as chairperson of the Board, and no employee or contractor of the Township Board may serve as a member of the Board. The Township Supervisor with the approval of the Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

3. Procedures. Meetings of the Board shall be heard at the call of the chairman and at such other times as the Board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record. The fees to be charged for appeals shall be set by resolution of the Township Board. In those instances wherein lot area and yard requirements in lots existing of record cannot be complied with and must therefore be reviewed by the Board, the required fees for appeal, in whole or in part, may be refunded to the petitioner at the discretion of the Board.
4. Appeals. An appeal to the Board based in whole or in part on the provisions of this Chapter may be taken by any person aggrieved or by any government officer, department, Board, or bureau affected by the decision of the building inspector. Such appeal shall be taken by filing a notice of appeal with the Board on appropriate forms provided by the building inspector, payment of the required fee, and shall specify the grounds for such appeal. The building inspector shall transmit all papers constituting the records of such appeal to the Board. The Board may require the applicant to furnish such surveys, plans or other information as may be reasonably required to said Board

for the proper consideration of the matter. Upon a hearing before the Board any person or party may appear in person, or by agent, or by attorney. The Zoning Board of Appeals shall give a written notice of the time and place of such hearing as required by MCL 125.3604. Upon the hearing, any person may appear in person, by agent, or by attorney. The Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of the majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant any matter upon which they are required to under this Chapter or to effect any variation in this Chapter. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Board after notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Board or by the circuit court on application, on notice of the building inspector and on due cause shown. 

5. Powers. The Zoning Board of Appeals shall not have the power to alter or change the zone district classification of any property, nor to make any change in the terms of this Chapter, but does have power to act on those matters where this Chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this Section and laws of the state. Said powers include:
  - A. Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provisions of this Chapter.
  - B. Special exceptions. To hear and decide in accordance with the provisions of this Chapter, request for special exceptions, for interpretation of the zoning map, and for decisions on special approval situations on

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 [Planning Division Application Forms](#)



which this Chapter specifically authorizes the Board to pass. Any special exception or special approval permit shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this Chapter.

- C. Variance. To authorize, upon an appeal, a variance from the strict applications of the provisions of this Chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of ordinance from which this Section is derived or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or upon the owner of such property, provided such relief may be granted without substantially impairing the intent and purpose of this Chapter. In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the imposed uses as it may deem reasonable in furtherance of the purpose of this Chapter. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.
- D. Temporary permits.
  - i. Research park. Permit the following character of use in a research park district or light manufacturing district for periods not to exceed ten (10) years, with the granting of two (2) year renewal extensions being permissible: commercial recreation, when said use requires substantial land area but does not require large capital investment in structures, provided only that if any such permission is granted for a period exceeding five (5) years, then and in that event it shall be necessary for the Township Planning Commission to approve such use by a majority vote of its members elect.
  - ii. Temporary buildings. In other cases the Zoning Board of Appeals may grant a permit for temporary buildings or uses for periods not to exceed two (2) years.

iii. Conditions for permits. The granting of permits under subsections 5.D.i and 5.D.ii of this Section shall be done under the following conditions:

- a. The granting of a temporary permit shall in no way constitute a change in the basic zoning district and principal uses permitted therein.
  - b. The granting of the temporary permit shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
  - c. All setback, land coverage, off-street parking, lighting and other necessary requirements to be considered in protecting the public health, safety, and general welfare of the people of the Township shall be made at the discretion of the Zoning Board of Appeals or Township Planning Commission as the case may be.
- E. Carnivals. Permit a carnival, outdoor circus or migratory amusement enterprise in a B-3 district provided that attached to the application for a permit shall be a letter of consent from the owner of the property to be used for such purpose; also an affidavit that such is located a minimum distance of one thousand five hundred (1,500) feet from any existing residence, building, school, church or hospital and a distance of fifty (50) feet from any street or road right-of-way. The use shall be for a period not to exceed three (3) weeks and shall be subject to a fee that will reimburse the Township for any expense it may incur pursuant to such use.
  - F. Public utility buildings. Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefor to the height and bulk requirements herein established which said Board considers necessary for the public safety and welfare.
  - G. The moving of buildings. No building or structure in whole or in Section shall be moved into or within the Township except that the Zoning Board of Appeals, after review of plans for such, may permit the



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moving of a building or structure provided such building or structure complies with the requirements of the zoning ordinance, the building code and all other ordinances and resolutions applicable to buildings and structures within the Township. In approving the moving of such building or structure into or within the Township, the Zoning Board of Appeals shall, to ensure compliance with the zoning ordinance, the building code and all other ordinances and resolutions applicable to buildings and structures, including the restoration of site from which said building or structure is removed if within the Township, and the preparation of and completion of site work including finished grading of proposed site, require a cash bond executed by a reputable surety company authorized to do business in this state in an amount determined to be reasonably necessary to ensure compliance hereunder; provided, however, that in no case shall the sum of the surety bond be less than five thousand dollars (\$5,000.00) or shall the Zoning Board of Appeals permit the length of time to ensure compliance hereunder to exceed one hundred twenty (120) days from the date of issuance of permit.

6. Standards. Each case before the Zoning Board of Appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. All uses as listed in any district requiring Board approval for a permit shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. The Board shall give consideration to the following:
  - A. The location and size of the use.
  - B. The nature and intensity of the operations involved in or conducted in connection with it.
  - C. Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.
  - D. The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood.

- E. Taking into account amount other things, convenient routes of pedestrian traffic, particularly of children.
  - F. Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.
  - G. The location and height of buildings: the location, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
  - H. The nature, location, size and site layout of the uses shall be such that it will be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic.
  - I. The location, size, intensity and site layout of the use shall be such that the operations will not be objectionable to nearby dwellings, by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, will not interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.
7. Miscellaneous. No order of the Zoning Board of Appeals permitting the erection or alteration of buildings 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 commenced and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning 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 the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use erection or alteration is obtained within such period and such erections or alterations are commenced and proceed in accordance with the terms of such permit.



#### 42-7.7 PENALTIES FOR VIOLATIONS

1. Any person violating any of the provisions of this Chapter shall be responsible for a municipal civil infraction, subject to the following penalties:
  - A. Fines. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance:
    - i. First offense. The civil fine for a first offense violation shall be in an amount of one hundred dollars (\$100.00), plus costs and other sanctions, for each offense.
    - ii. Repeat offense. The civil fine for any offense which is a repeat offense shall be in an amount of two hundred dollars (\$200.00), plus costs and other sanctions for each offense.
  - B. Enforcement. 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 Chapter.
  - 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 by this Chapter, any equitable or other remedies available may be sought.
2. The judge or magistrate shall be authorized to impose costs, damages and expenses as provided by law.
3. 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.

#### 42-7.8 PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of the ordinance from which this Chapter is derived and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

#### 42-7.9 FINES, IMPRISONMENT, ETC.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and any person who has assisted knowingly in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

#### 42-7.10 EACH DAY A SEPARATE OFFENSE

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

#### 42-7.11 RIGHTS AND REMEDIES ARE CUMULATIVE

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

#### 42-7.12 NONCONFORMING LOTS, LAND USE, STRUCTURES, USE OF STRUCTURES AND PREMISES

1. Intent. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. 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.
2. Existing lots, structures, and land use. Within the districts established by this Chapter or amendments that may later be adopted, there exists lots, structures, and uses of land and structures which were lawful before the ordinance from which this Chapter is derived was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Chapter or future amendments.
3. Nonconforming uses not to be extended or enlarged. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Chapter by attachment on a building or premises of additional signs

■ [MCL 125.3208 et seq.](#)



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intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

4. Work in progress prior to effective date of ordinance. To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this Chapter is derived and upon which actual building construction has been diligently carried on. The term "actual construction" is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be actual construction, provided that work shall be diligently carried on until completion of the building involved.
5. Nonconforming lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record or any single lot situated in a plat which has received approval of the Planning Commission and Township Board at the effective date of adoption or amendment of the ordinance from which this Chapter is derived. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained through action of the Zoning Board of Appeals.
  - A. This provision shall not apply to a lot that when combined with another lot(s) to thereafter conform to the regulations for the district in which such lots are located, and the nonconforming lots may not thereafter be recreated.
  - B. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming lot provided there is no change in the nature or character of such nonconforming lot.
6. Nonconforming uses of land. Where, at the effective date of adoption or amendment of the ordinance from which this Chapter is derived, lawful use of land exists that is made no longer permissible under the terms of this Chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
  - A. 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 Chapter is derived.
  - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance from which this Chapter is derived.
  - C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located.
7. Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this Chapter is derived that could not be built under the terms of this Chapter by reason of restrictions of area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - A. No such structures may be enlarged or altered in a way which increases its nonconformity.
  - B. Should such a structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
  - C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
8. Nonconforming uses of structures and premises. If a lawful use of a structure, or of structure and premises in combination exists at the effective date of adoption or amendment of



the ordinance from which this Chapter is derived, that would not be allowed in the district under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. 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 Chapter is derived, but no such use shall be extended to occupy any land outside such building.
- C. 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 Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Chapter.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses are excepted from this provision.

F. 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.

- 9. Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of the ordinance from which this Chapter is derived shall not be increased. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- 10. Use under exception provisions not deemed nonconforming use. Any uses for which a special exception is permitted as provided in this Chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.
- 11. Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature of character of such nonconforming uses.
- 12. Special class of nonconforming use; reservation of use rights.
  - A. As contemplated in MCL 125.3208(2), in connection with the adoption of an amendment of the text or zoning map of this Chapter that has the effect of creating a nonconforming use on one (1) or more properties, the Township Board, as part of such amendment, or as a separate amendment, may designate all or a part of such properties to have the rights provided for in this subsection.
  - B. Property so designated may continue to be used in the same manner as provided above in this Section, and, in addition, may be upgraded, repaired, replaced in the event of destruction, may be expanded or extended, and shall be afforded all rights as if the amendment creating the

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- 5** Site Standards
- 6** Development Procedures
- 7** Admin and Enforcement



nonconforming use had not been adopted, provided, the use of the property may not be changed to any other use except in strict conformance with this Chapter, as it has been amended.

- C. The Township Board may condition such designation upon the continued use of the land in conjunction with adjacent land held in common ownership, where the designated land provides for parking or other accessory use for the adjacent land, with the view that, if the existing principal use on the adjacent land ceases, the designation under this provision shall likewise cease.

42-7.13 DESIGN REVIEW BOARD

1. Creation. The Design Review Board is hereby created and established for the charter Township for the purposes of assisting the Township Planning Commission and Township Board to preserve, protect and enhance the aesthetic appeal of the Township, protect property values through the application of good design principles, and promote the general health, safety and welfare of the community.
2. Membership. The Design Review Board shall consist of three (3) regular members, the Township Supervisor, Township Clerk, and the Township Treasurer. Two (2) members of the Township Board of trustees shall be appointed by the Board of trustees to serve as alternate members of the Design Review Board to be called upon to serve in the case of absence of regular Design Review Board members.
3. The Township planner shall present the applications and submittals to the Design Review Board along with recommendations or opinions relative thereto. The Design Review Board, as it determines necessary or appropriate, shall utilize the assistance of planning, architectural and other consultants. The Design Review Board shall seek the assistance of relevant experts in an effort to achieve accord in those instances in which the applicant objects to the decision of the Design Review Board.
4. The Design Review Board shall follow the standards and application process provided for in [Section 42-6.4](#).



# Appendix A - Schedule of Amendments

## Ordinances to Amend Chapter 42 of the Code of Ordinances of the Charter Township of Bloomfield

**Ordinance 667** Adopted January 11, 2021 | Effective January 31, 2021

Section 2.2 Definition—Wireless communication facilities (amended)

**Ordinance 675** Adopted April 24, 2023 | Effective April 30, 2023

Section 2.2 Definition—Pergola (added)

Section 3.10 General Exceptions (amended)

**Ordinance 676** Adopted April 24, 2023 | Effective April 30, 2023

Section 5.1 Accessory Structures (amended)

Section 5.17 Ground Mounted Mechanicals (added, new section)

Section 5.18 Wall Mounted Mechanicals (added, new section)

**Ordinance 678** Adopted May 28, 2024 | Effective June 2, 2024

Section 5.17 Ground Mounted Mechanicals (amended)

**Ordinance 691** Adopted October 14, 2024 | Effective October 20, 2024

Section 3.1.6.C B-2 Community Business District, Special Land Uses—Indoor Recreational Restaurant Uses with a Class C and/or Tavern License (added)

Section 3.1.7.C B-3 General Business District, Special Land Uses—Indoor Recreational Restaurant Uses with a Class C and/or Tavern License (added)

Section 4.19.5 Indoor Recreational Restaurant Use with a Class C and/or Tavern License (added)

**Ordinance 690** Adopted November 11, 2024 | Effective November 24, 2024

Section 4.23 Automobile Service Stations (amended)

**Ordinance 692** Adopted November 11, 2024 | Effective November 24, 2024

Section 4.19 Retail Package Outlets (amended)

**Ordinance 693** Adopted April 14, 2025 | Effective April 27, 2025

Section 3.1.6.B B-2 Community Business District, Principal Permitted Uses—Accessory uses and accessory structures permitted in RM districts when such uses are for the convenience of the multiple family residents in the abutting RM district, subject to the applicable standards of the RM district (added)



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