

## Chapter 285

### ZONING

**[HISTORY: Adopted by the Township Board of the Township of Grosse Ile as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 40.

Certificates of occupancy — See Ch. 59.

Condominium projects — See Ch. 71.

Downtown Development Authority — See Ch. 84.

Environmental assessment — See Ch. 98.

Fences and walls — See Ch. 103.

Flood control — See Ch. 116.

Grading — See Ch. 124.

Land use hearing notices — See Ch. 139.

Macomb Street landscaping — See Ch. 150.

Subdivision control — See Ch. 238.

Wetlands and drainageways — See Ch. 275.

Woodland and tree preservation — See Ch. 282.

#### PREAMBLE

Pursuant to the authority conferred by Michigan Public Act 184 of 1943, as amended, drafted and adopted for the purpose of meeting the needs of the state's citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; ensuring that use of land shall be situated in appropriate locations and relationships; limiting the inappropriate overcrowding of land and congestion of

population, transportation systems, and other public facilities; facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; and promoting public health, safety and welfare, now therefore, the Township Board of Grosse Ile, Wayne County, Michigan, hereby ordains:

#### ORDINANCE TITLE

An ordinance enacted under Michigan Public Act 184 of 1943, as amended, governing the unincorporated portions of the Township of Grosse Ile, Wayne County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residential use, and for public and semipublic or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards,

courts, and open spaces; to regulate and limit the density of population and, for said purposes, to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a Zoning Board of Appeals; and to impose penalties for violation of this ordinance.



ARTICLE 1  
**Rules of Construction and Definitions**  
**[Ord. No. 239, effective 8-31-1997]**

**285-1.1. Short title.**

This chapter shall be known and may be cited as the "Township of Grosse Ile Zoning Ordinance." Within the following text it may be referred to as the "chapter."

**285-1.2. Rules of construction.**

A. 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) Words used in a singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (4) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, Township Board, or Board of Zoning Appeals, as indicated.
- (5) The masculine gender includes the feminine and neuter.
- (6) All measurements shall be to the nearest integral number, except density and lot measurements.
- (7) The phrase "used for" includes "arranged for," "designed for," "intended for" and "maintained for."
- (8) The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct."
- (9) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other entity recognizable as a "person" under the laws of Michigan.
- (10) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.

B. Usage of conjunctions. 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," or "either/or," the conjunction shall be interpreted as follows:

- (1) "And" indicates that all the connected items, conditions, provisions, or events shall apply;
- (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or");

- (3) "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

### **285-1.3. Definitions.**

Whenever used in this chapter, the following words and phrases shall have the following meaning ascribed to them:

ACCESSORY BUILDING — See "building, accessory."

ACCESSORY USE — See "use, accessory."

ADULT CARE FACILITY — Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 116 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

A. ADULT FOSTER CARE FACILITY — A residential structure that is licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four types of adult foster care homes are provided for by these rules:

- (1) ADULT FOSTER CARE FAMILY HOME — A residence for six or fewer adults to be provided with room, board and supervised care. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license. **[Amended 7-22-2002]**
- (2) ADULT FOSTER CARE SMALL GROUP HOME — Residence for 12 or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven or more residents will live in the house.
- (3) ADULT FOSTER CARE LARGE GROUP HOME — Residence for 13 to 20 adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- (4) CONGREGATE FACILITY — Residence for more than 20 adults.

ALTERATION — Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders.

ANIMAL, DOMESTICATED (PET) — An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings and which is not likely to bite without provocation or cause death, maiming or illness to human beings, including, by way of example, bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (nonpoisonous), and dog. Wild, vicious, or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.

ANIMAL, NONDOMESTICATED, VICIOUS OR EXOTIC — Any animal that

attacks, bites, or injures human beings or domesticated animals without adequate provocation or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals, or an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.

APARTMENT — See "dwelling, multiple-family."

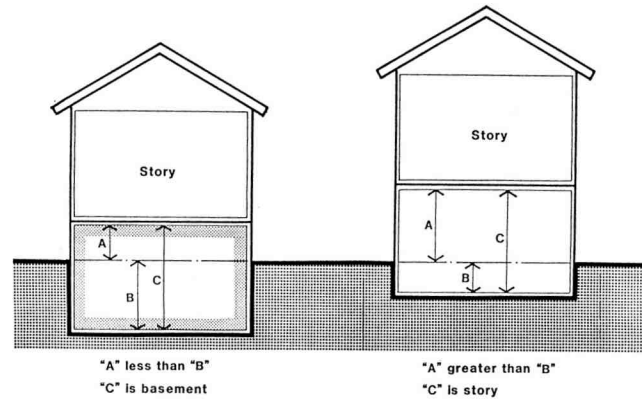
AUTOMOBILE, BOAT OR RECREATIONAL VEHICLE SALES (NEW AND USED) — A building or premises used primarily for the sale of new and used automobiles, boats, recreational vehicles and other motor vehicles.

AUTOMOBILE OR VEHICLE REPAIR GARAGE — An enclosed building where the following services may be carried out: general repairs, engine rebuilding, and reconditioning of motor vehicles; collision services, such as frame or fender straightening and repair; painting and undercoating of automobiles; and similar vehicle repair activities.

AUTOMOBILE OR VEHICLE SERVICE STATION — A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purpose of operation of motor vehicles, including the sale of minor parts and accessories, and snack food items commonly consumed by travelers (such as pop, candy, packaged snacks and similar foods typically dispensed through a vending machine). Service stations may also include incidental servicing of and minor repair of motor vehicles within an enclosed building, such as tuneups, lubrication, tire repair and replacement, and similar repair work involving a minimum of noise, odors, or production of material wastes.

**BASEMENT** — That portion of a building which is partially or totally below grade but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered holes. (See Figure 1.)

**Figure 1**



**BED-AND-BREAKFAST INN** — Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest. A bed-and-breakfast is distinguished from a motel in that a bed-and-breakfast establishment shall meet the location, design and operation standards of Article 19.

**BEDROOM** — A room designed or used in whole or in part for sleeping purposes.

**BLOCK** — The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating; or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

**BOARDING HOME** — A residential building that is single-family residential in character, which has been adapted to provide boarding rooms with or without meals for compensation. A home utilized for the boarding and care of persons with disabilities or requiring specialized care shall not be considered a boarding home; such facility shall be considered an adult care facility, which shall be licensed by the State of Michigan and subject to the requirements applicable to that use. **[Added by Ord. No. 302, effective 11-21-2001]**

**BOARD OF APPEALS** — The Township Zoning Board of Appeals, created pursuant to the provisions of Michigan Public Act 184 of 1943, as amended.

**BOAT** — A watercraft (including but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat) which is any one of the following:

- A. Greater than 16 feet in length;
- B. Has a motor or engine of more than five horsepower;
- C. Used for rental or other commercial purposes; or
- D. Registered or required to be registered with the Michigan Department of State or

documented by the United States Coast Guard.

**BOAT CLUB/MARINA** — A facility which extends into or over the Detroit River, canal or waterways in the Township and provides docking for four or more boats, or offers service to the public or members of the marina for docking, storing and loading of boats. A boat club shall include a common lot within a subdivision, a common area within a condominium or any other parcel of land held in common by a subdivision, association, similar agency or group of individuals which provides docking, storing and loading for four or more recreational watercraft.

**BOAT DOCK/WELL** — The water area in which a boat lies when it is made fast to shore installations.

**BOATHOUSE** — Any enclosed structure designed for the storage of boats and marine equipment.

**BOAT LIFT** — A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo.

**BOAT/PERSONAL WATERCRAFT** — A vessel that meets all of the following requirements:

- A. Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion;
- B. Is designed without an open load carrying area that would retain water; and
- C. Is designed to be operated by one or more persons positioned on, rather than within, the confines of the hull.

**BOAT PIER** — See "pier."

**BOAT PORT** — Any covered structure open on all sides designed for the storage of boats and marine equipment.

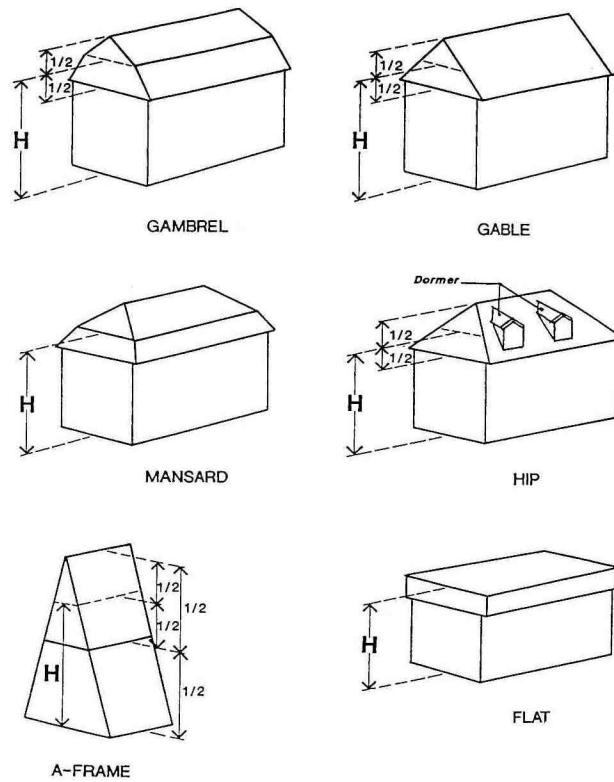
**BUILDABLE** — Land which possesses physical conditions suitable for construction, or which may be improved to make it suitable for construction, subject to the restrictions of all applicable federal, state, county and Township regulations.

**BUILDING** — Any structure which is affixed to the land, has one or more floors and a roof, is bounded by either open area or the lot lines of a zoning lot, and is used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING, ACCESSORY** — A building on the same lot with the principal building or use, but the use of which is clearly incidental to that of the principal building or use.

**BUILDING ENVELOPE** — The area of a lot which is defined by the minimum setback and spacing requirements within which building construction is permitted by this chapter.

**BUILDING HEIGHT** — The vertical distance from the average grade around the perimeter of the building to the highest point of the roof surface on a flat roof, to the decline for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. (See Figure 2.)

**Figure 2**

**BUILDING LINE** — A line formed by the face of the building, and, for the purposes of this chapter, the building line shall be the same as the front setback line as determined by the neighborhood setback line, but no less than the required minimum setback in the zoning district. (See Figures 3 and 4.)

Figure 3

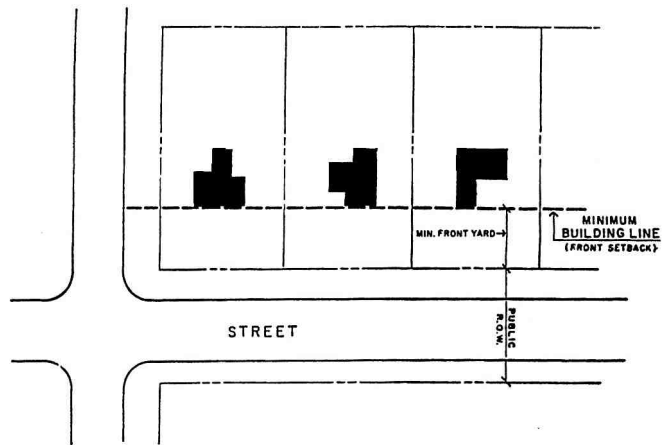
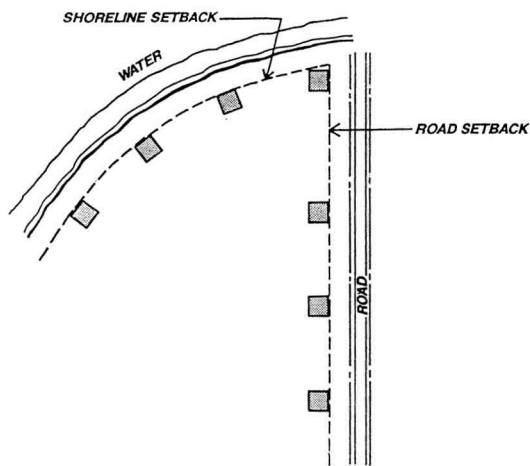
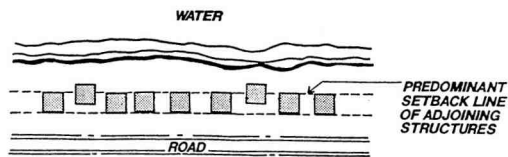


Figure 4



**BUILDING, PRINCIPAL** — A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the principal use of the parcel.

**BUILDING/STRUCTURE, TEMPORARY** — A building or structure which is not permanently affixed to the property and is permitted to exist for a specific reason for

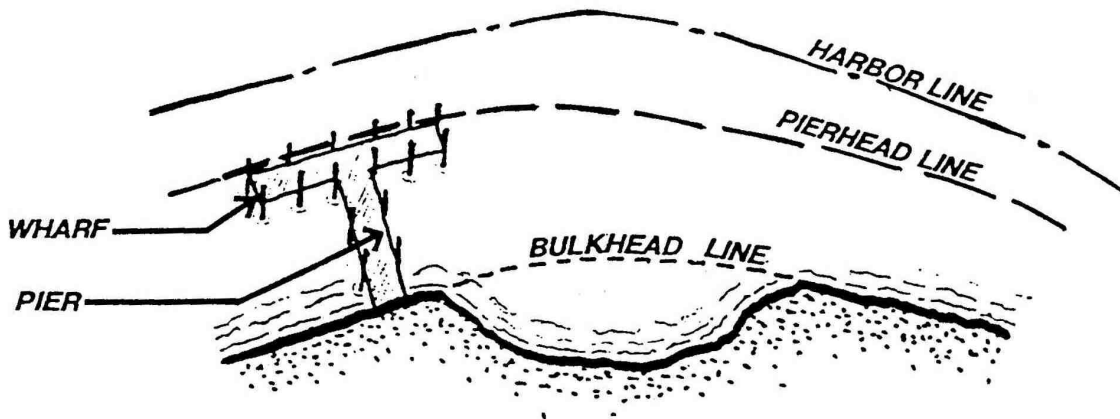
a specific period of time. An example of a temporary building is a trailer used on a construction site or a tent.

**BULK** — The term used to indicate the size and setbacks of buildings and structures and the location of the same with respect to one another, including standards for:

- A. The height and area of buildings;
- B. The location of exterior walls in relation to lot lines, streets, and other buildings;
- C. Gross floor area of buildings in relation to lot area;
- D. Open space; and
- E. The amount of lot area required for each dwelling unit.

**BULKHEAD LINE** — A line established by the Michigan Department of Environmental Quality with the concurrence of the Township of Grosse Ile, pursuant to Michigan Public Act 346 of 1972, the Inland Lakes and Streams Act, which line terminates the jurisdiction of the Township of Grosse Ile waterward from the shoreline with regards to filling, dredging and construction. (See Figure 5.)

**Figure 5**



**CEMETERY** — Land used or intended to be used for burial of deceased human beings and dedicated for such purposes. Columbariums, crematories and mausoleums are excluded.

**CHILD-CARE ORGANIZATION, STATE-LICENSED** — A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Definitions for various care organizations are listed below:

- A. **CHILD-CARE CENTER** or **DAY-CARE CENTER** — A facility other than a private residence, receiving more than six preschool or school age children for

group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child-care center" or "day-care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. CHILD CARING INSTITUTION — A child-care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four-hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.
- C. FOSTER FAMILY HOME — A private home in which at least one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- D. FOSTER FAMILY GROUP HOME — A private home in which more than four but fewer than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- E. FAMILY DAY-CARE HOME — A private home in which at least one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year. **[Amended 7-22-2002]**
- F. GROUP DAY-CARE HOME — A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCH OR TEMPLE — Any structure wherein persons regularly assemble for religious activity.

CLINIC, MEDICAL — See "medical clinic/center."

CLUB — An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities but not operated for profit.

COMMERCIAL COMMUNICATION ANTENNAS AND TOWERS — Commercial radio and television, microwave, mobile phone, pager, public utility, and other transmitting or relay antennas and towers operated for the purposes of generating revenue.

COMMERCIAL SCHOOL — See "school, commercial."

COMMERCIAL USE — The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services and the maintenance or operation of offices.

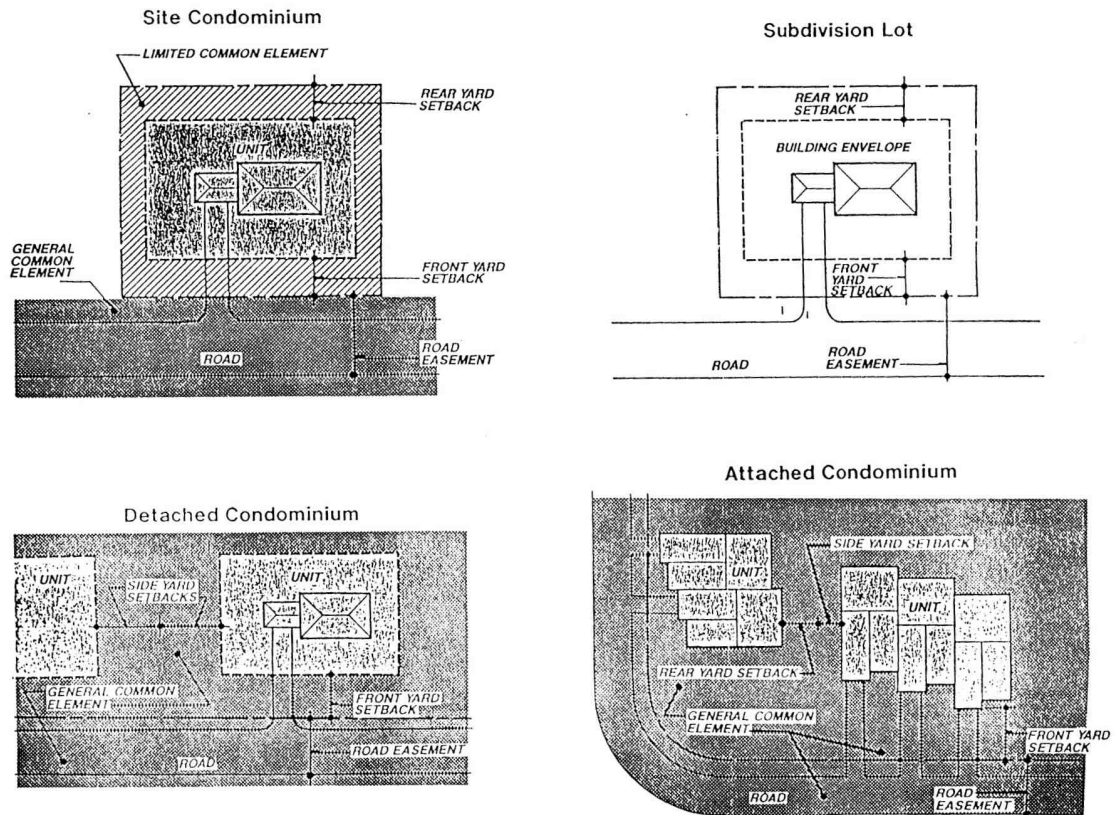
COMMERCIAL VEHICLE — Any vehicle possessing commercial license plates and which falls into one or more of the categories listed below:

- A. Truck tractor;
- B. Semitrailer, which shall include flatbeds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- C. Vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks;
- D. Tow trucks;
- E. Commercial hauling trucks;
- F. Vehicle repair service trucks;
- G. Service trucks such as pickup trucks or vans that are used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business;
- H. Snowplowing trucks;
- I. Any vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

COMMUNICATION ANTENNA — Accessory noncommercial radio wave transmitting, relay or reception device, including radio, television, satellite dishes and other accessory noncommercial antennas. The definition of "communication antenna" shall include antennas that are accessory to a commercial use where such antennas are not an essential part of that commercial activity (e.g., television, satellite dish at a restaurant). (Also see "commercial communication antennas and towers.")

CONDOMINIUM — A system of separate ownership of individual units and/or multiunit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners, such as yards, foundations, basements, floors, walls, hallways, stairways, boat basins, elevators and all other related common elements. (See Figure 6.)

Figure 6



CONDOMINIUM ACT — Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM, CONTRACTIBLE — A condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with the Grosse Ile Township Code of Ordinances and the Condominium Act.

CONDOMINIUM, CONVERSION — A condominium project containing units some or all of which were occupied before the establishment of the condominium project.

CONDOMINIUM, CONVERTIBLE AREA — A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this chapter and the Condominium Act.

CONDOMINIUM, GENERAL COMMON ELEMENT — The common elements other than the limited common elements intended for the common use of all co-owners. (See Figure 6.)

CONDOMINIUM, LIMITED COMMON ELEMENT — A portion of the common elements reserved in the master deed for the exclusive use of fewer than all of the co-owners. (See Figure 6.)

CONDOMINIUM SETBACKS — Condominium setbacks shall be measured as

described below (see Figure 6):

- A. **FRONT YARD SETBACK** — The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be measured from 15 feet from the nearest pavement edge to the foundation of the unit.
- B. **SIDE YARD SETBACK** — The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.
- C. **REAR YARD SETBACK** — The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or, where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.

**CONDOMINIUM, SITE CONDOMINIUM PROJECT** — A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this chapter. (See Figure 6.)

**CONDOMINIUM UNIT** — The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

**CONDOMINIUM UNIT SITE (I.E. SITE CONDOMINIUM LOT)** — The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. General common element shall not be considered part of the site condominium lot. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. (See Figure 6.)

**CONVENIENCE STORE** — A retail store that is designed and primarily stocked to sell food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). **[Amended 1-22-2007 by Ord. No. 07-01]**

**CURB CUT** — The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

**DECK** — An unroofed platform, commonly constructed of wood, which is typically attached to a house and which is typically used for outdoor leisure activities. (Also see "porch.")

**DENSITY** — The number of dwelling units situated on or to be developed per net or gross acres of land. For purposes of calculating maximum density, only 25% of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland

Protection Act, Public Act 203 of 1979, and/or the Township of Grosse Ile shall be calculated toward the total site acreage. All open bodies of water, land within the one-hundred-year floodplain, public rights-of-way and areas within overhead utility line easements are excluded from calculation. For individual lots, see "lot area."

**DISTRICT** — A portion of the Township of Grosse Ile within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

**DOCK (BOAT WELL)** — See "boat dock/well."

**DRIVE-IN** — A business establishment so designed that its operation involves providing a service or a product to patrons while they are in a parked car, rather than within a building.

**DRIVE-THROUGH** — A business establishment whose method of operation involves the delivery of a service or product directly to a patron inside a vehicle, typically through a service window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.

**DWELLING, MULTIPLE-FAMILY** — A building designed for and occupied by two or more families, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings include dwellings commonly known as "apartments," "terrace dwellings," and "townhouses," which are defined as follows:

- A. **TOWNHOUSE** — An attached dwelling unit with common walls, its own front door which opens to the outdoors, and, typically, with its own utility connections and front and rear yards. Townhouses are also commonly known as "terrace dwellings" or "row houses."
- B. **APARTMENT** — An attached dwelling unit with common walls contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as "garden apartments" or "flats."

**DWELLING, SINGLE-FAMILY** — An independent residential building designed for and occupied by one family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

**DWELLING UNIT** — Any building, or part thereof, containing one or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes, either continuously, permanently, temporarily, or transiently.

**EASEMENT** — A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.

**ERECTED** — Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of erection.

**ESSENTIAL SERVICES** — The erection, construction, alteration or maintenance by public or quasi-public franchised utilities or municipal departments of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. "Essential services" shall not include buildings, storage yards, cellular telephone towers, commercial antenna towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities.

**EXCAVATION** — The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

**EXCEPTION** — An exclusion from the normal rules and regulations of this chapter for the purpose of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions as may be approved by the Board of Zoning Appeals. A variance is not required for uses or structures which are permitted by an exception.

**FAMILY** — Either of the following:

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

**FENCE** — An unroofed structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure.

**FLOOR AREA, GROSS (I.E. TOTAL FLOOR AREA)** — Gross floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use.

**FLOOR AREA, USABLE NONRESIDENTIAL** — The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for or intended to be used for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for

the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable nonresidential floor area.

**FLOOR AREA, USABLE RESIDENTIAL** — The sum of the horizontal areas of each floor used for human occupancy as measured from the exterior faces of the exterior walls or from the center line of common walls separating two buildings. "Usable residential floor area" shall not include basements, cellars, unenclosed porches or attics not used for human occupancy, or any accessory floor space used for the vehicle parking or heating or ventilating equipment. **[Amended 8-30-2004 by Ord. No. 04-01]**

**FOSTER CARE HOME** — See "adult care facility."

**FOSTER CHILD** — A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

**GARAGE, PRIVATE** — A building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

**GARAGE, PUBLIC** — See "automobile or vehicle repair garage."

**GOLF COURSE OR COUNTRY CLUB** — The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

**GRADE** — The ground elevation established for the purpose of regulating the number of stories or height of a 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 averaging the elevation of the ground for each face of the building.

**GUEST HOUSE** — An accessory building intended for temporary or periodic use as an auxiliary sleeping facility but which does not have kitchen facilities and is not permitted to be used as a permanent residence.

**HEIGHT OF BUILDING** — See "building height."

**HOME OCCUPATION** — An occupation or profession conducted entirely within a dwelling by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence and meets the requirements of Article 19.

**HOTEL OR MOTEL** — A series of dwelling units located in one or more buildings and designed primarily for overnight lodging by transients. Each unit typically has a bedroom, bathroom, closet space, and a separate entrance.

**HOUSING FOR THE ELDERLY** — An installation other than a hospital, hotel, or nursing home, which provides room and board to nontransient persons primarily 60 years of age or older. "Housing for the elderly" may include the types of facilities listed below: **[Amended 1-22-2007 by Ord. No. 07-01]**

- A. **SENIOR APARTMENTS** — Multiple-family dwelling units occupied by persons 55 years of age or older.
- B. **ELDERLY HOUSING COMPLEX** — A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or

couples where either the husband or wife is 70 years of age or older.

- C. CONGREGATE HOUSING — A type of semi-independent housing facility for senior citizens containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- D. ASSISTED LIVING FACILITIES — A special combination of housing, supportive services, personalized assistance and health care designed to respond to the individual needs of senior citizens who need a wide range of health and support services, including personal nursing care. These facilities will have a central kitchen, dining, recreational, and other services with separate bedrooms or living quarters, and are also commonly referred to as “convalescent homes” or “nursing homes.”

IMPERVIOUS SURFACE — Man-made material which covers the surface of land and substantially reduces the infiltration of stormwater to a rate of 5% or less. "Impervious surface" shall include pavement, buildings, and structures.

JUNK — Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

JUNKYARD — An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

KENNEL — Any lot or premises on which four or more dogs, cats, or other domestic animals three months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets.

LANDSCAPING — See Article 13.

LOADING SPACE, OFF-STREET — An area that is safely and conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such delivery vehicles when required off-street parking spaces are filled.

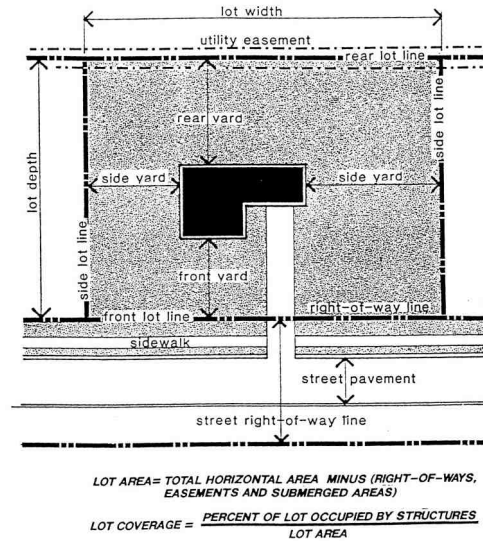
LOT (OR ZONING LOT OR PARCEL) — For the purposes of enforcing this chapter, a lot is defined as a piece of land to be used, developed or built upon as a unit under single ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. A lot shall have frontage on a dedicated roadway or, if permitted by the regulations set forth herein, on a private road. Where such a lot is divided by a public street or a private road, each part of such lot shall meet minimum area requirements for the zone in which it is located. A lot may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or portion thereof; or
- D. A piece of land described by metes and bounds.

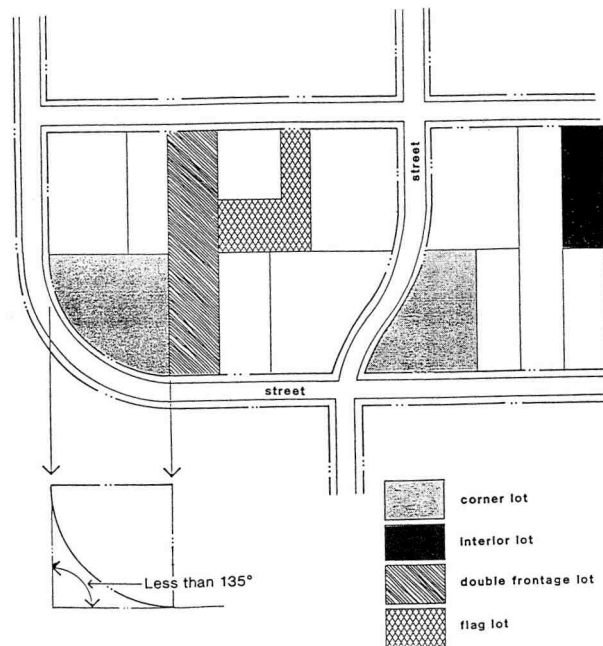
LOT AREA — The total horizontal area within the lot lines of the lot exclusive of any

abutting public street right-of-way or private road easements, or the submerged area of any canal, river or pond (below the shoreline or ordinary high water mark). The lot area shall be used in determining compliance with minimum lot area standards. (See Figure 7.)

**Figure 7**



**LOT, CORNER** — A lot of which at least two adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than 135°. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135°, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. For purposes of this chapter, a corner lot is considered a double frontage lot. (See Figure 8.)

**Figure 8**

**LOT COVERAGE** — The part or percent of the lot that is occupied by buildings or structures. (See Figure 7.)

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

**LOT, DOUBLE FRONTAGE** — A lot which extends from one street to another or from a street to the river or to a canal. (See Figure 8.)

**LOT, INTERIOR** — Any lot other than a corner lot. (See Figure 8.)

**LOT LINES** —

A. The lines bounding a lot as follows (see Figure 7):

- (1) **FRONT LOT LINE** — The line abutting a street. On a corner lot, the shorter street line shall be considered the front lot line. On a double frontage lot, the line that separates said lot from the street which is designated on the plat as the front shall be considered the front lot line. On a lot that abuts the river or canal, both the line abutting the street and the shoreline shall be considered front lot lines.
- (2) **REAR LOT LINE** — Ordinarily that lot line which is opposite and most distant from the front lot line. On a corner lot or a lot that abuts the river or canal and a street, the line opposite the shorter front lot line shall be considered the rear lot line. In the case of lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length, lying farthest from the front lot line and wholly within the lot.
- (3) **SIDE LOT LINE** — Any lot line other than the front or rear lot line.

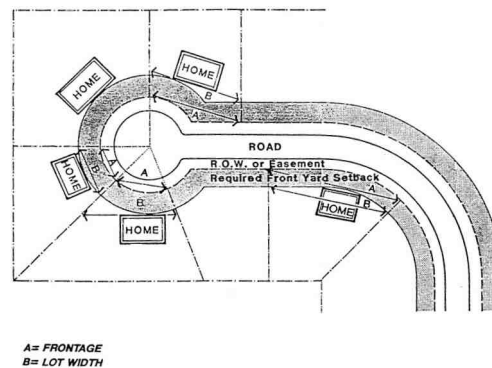
- B. In the case where the above definitions are not sufficient to designate lot lines, the Zoning Administrator shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

**LOT OF RECORD** — A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded and is considered as such for tax purposes.

**LOT SPLIT AND CONSOLIDATION** — The dividing or uniting of lots of record by virtue of changes in the deeds in the office of the County Register of Deeds.

**LOT WIDTH** — The straight line distance between the side lot lines, measured at the two points where the minimum building line, or setback line, intersects the side lot lines. (See Figure 9.)

**Figure 9**



**MANUFACTURED HOME** — A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

**MARINA** — See "boat club/marina."

**MASTER PLAN OR COMPREHENSIVE PLAN** — A document which is adopted under the guidance of the Planning Commission in accordance with the Michigan Township Planning Act (Public Act 168 of 1959, as amended) and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

**MEDICAL CLINIC/CENTER** — An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

**MEZZANINE** — An intermediate floor in any story occupying more than 1/3 of the floor area of such a story, but which extends over only part of the main floor. (Also see "story.")

**MINI-WAREHOUSE** — A building which consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis.

**MOBILE HOME** — A structure that is designed or used for residential occupancy, built

upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached to it or is jacked up or skirted.

**MOBILE HOME PARK** — Any plot of ground upon which two or more mobile homes, occupied for permanent residential purposes, are or may be located in compliance with the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

**MOTEL** — See "hotel."

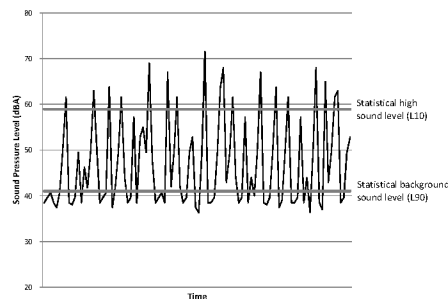
**MOTOR HOME** — See "recreational vehicle."

**NATURAL FEATURES** — Include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**NOISE** — [Added 6-28-2010 by Ord. No. 10-03]

A. **AMBIENT NOISE** — The amount of background noise at a given location prior to the installation of a facility regulated by this chapter. Ambient sound level is measured on the decibel [dB(A)] weighted scale. There shall be two measurements for ambient sound level:

- (1) The statistical background sound level (L90) shall be the sound pressure level that is exceeded 90% of the time by ambient background noise.
- (2) The statistical high sound level (L10) shall be the sound pressure level that is exceeded 10% of the time by ambient background noise.



B. **DECIBEL dB(A)** — The unit of measure used to express the magnitude of sound pressure and sound intensity. The sound pressure level in decibels measured on the A scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1.4-71.

**NUISANCE** — Any offensive, annoying, or disturbing practice or object which prevents the free use of one's property or which renders its ordinary use or physical occupation uncomfortable. "Nuisance" commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property or endanger life and health.

**NURSERY, DAY NURSERY, NURSERY SCHOOL OR CHILD DAY-CARE CENTER** — See "child-care organization."

**NURSERY, PLANT MATERIAL** — A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and

landscaping are propagated, stored or offered for sale on the premises.

NURSING HOME, CONVALESCENT HOME OR REST HOME — See "housing for the elderly."

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

- A. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture;
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- D. Outdoor display and sale of automobiles, recreational vehicles, garages, swimming pools, playground equipment, and similar goods.

OPEN SPACE — That part of a zoning lot, including but is not limited to lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and watercourses, courts or yards, which is open and unobstructed by any built features from its lowest level to the sky and is accessible to all residents upon the zoning lot. This area is intended to provide light and air and is designed for environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel. Refer to Article 10, O-1 Open Space District, for public open space.

OUTDOOR STORAGE — The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

OUTLOT — A parcel of land which is designated as an "outlot" on the recorded plat and which is usually not intended to be used for the same purposes as other lots in the plat.

PARCEL — See "lot."

PARKING LOT — An area which provides vehicular parking spaces for parking of more than two vehicles and includes drives and aisles for maneuvering so as to provide safe and convenient access for entrance and exit.

PARKING SPACE — An area of definite length and width designated for parking an automobile or other vehicle and which is fully accessible for such purposes.

PAWNSHOP — Any business that loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. **[Added 9-12-2011 by Ord. No. 11-03]**

PERSONAL WATERCRAFT — See "boat/personal watercraft."

PET — See "animal, domesticated."

**PIER** — A structure extending outward from the shoreline for use as a promenade or to secure and provide access to boats. (See Figure 5.) (Also see "wharf.")

**PILE, SPRING OR MOORING** — A column of timber steel or concrete driven into the ground below the water to tie off or otherwise moor a boat.

**PLANNED UNIT DEVELOPMENT (PUD)** — An existing development which was approved under the planned unit development regulations prior to discontinuance of the PUD regulations.

**PLANNING COMMISSION** — The Planning Commission of the Township of Grosse Ile, Wayne County, Michigan.

**PORCH** — A structure, attached to the ground, which serves as a covered entrance to a building, commonly enclosed in part and not heated or air conditioned. (Also see "deck.")

**PRINCIPAL USE** — See "use, principal."

**PUBLIC UTILITY** — Any person, firm, corporation, municipal department, or board duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communication services, transportation services, water, sewer service, or sewage treatment.

**RECOGNIZABLE AND SUBSTANTIAL BENEFIT** — 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 uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features, or elimination of or reduction in the degree of nonconformity of a nonconforming use or structure.

**RECREATIONAL VEHICLE** — Various types of recreational vehicles are defined below:

- A. **TRAVEL TRAILER** — A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreation, and vacation, which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.
- B. **PICKUP CAMPER** — A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreation, and vacation.
- C. **MOTOR HOME** — A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. **FOLDING TENT TRAILER** — A folding structure, mounted on wheels and designed for travel and vacation use.
- E. **BOATS and BOAT TRAILERS** — Include boats, floats, rafts, and canoes, plus the normal equipment to transport them on the highway. (Also see "boat.")
- F. **OTHER RECREATIONAL EQUIPMENT** — Includes snowmobiles, jet skis, all-

terrain or special-terrain vehicles, and utility trailers, plus the normal equipment used to transport them on the highway.

**RESALE AND CONSIGNMENT SHOP** — A business that accepts previously owned or used merchandise for purchase by others, not including a pawn shop. Such business shall not include those selling vehicles, auto parts, scrap or waste. Resale shall include the sale of goods directly acquired by the shop. Consignment shall include those instances where the shop will display goods for sale and provide agreed-upon payment to the original seller upon sale of that item(s) to another party. **[Added 9-12-2011 by Ord. No. 11-03]**

**RESTAURANT** — Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose method of operation is characteristic of a drive-in, drive-through, fast-food, or full-service restaurant, or combination thereof, as defined below.

- A. **RESTAURANT, DRIVE-IN** — See "drive-in."
- B. **RESTAURANT, DRIVE-THROUGH** — See "drive-through."
- C. **RESTAURANT, FAST-FOOD** — A restaurant whose method of operation involves minimum waiting for delivery of the prepared food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, but not in a motor vehicle at the site.
- D. **RESTAURANT, FULL-SERVICE** — A restaurant whose method of operation involves the delivery of the prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.

**RIGHT-OF-WAY** — The strip of land on which facilities such as roads, highways or utilities are built.

**ROAD** — See "street."

**ROADSIDE STAND** — A temporary or permanent building operated for the purpose of seasonally selling produce raised or produced on the same premises by the proprietor of the stand.

**SCHOOL** — A public, parochial, or private elementary, intermediate, and/or high school offering courses in general education.

**SCHOOL, COMMERCIAL** — A privately owned establishment offering specialized training for profit, such as art, dance, music, theater, ballet and martial arts.

**SCHOOL, NURSERY** — See "nursery, day nursery, nursery school or child day-care center."

**SERVICE TRUCK** — See "commercial vehicle."

**SETBACK** — The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. The minimum setback requirement is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required setback provisions of this chapter. (See Figure 7.)

**SHOPPING CENTER** — A grouping of two or more business establishments developed in accordance with an overall plan and designed and built as an interrelated project.

**SHORELINE, ORDINARY HIGH WATER MARK** — The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

**SIGN** — The use of any words, numerals, figures, devices, designs, trademarks, or combination thereof visible to the general public and designed to inform or attract the attention of persons not on the premises on which the sign is located. Various types of signs and sign-related terms are defined as follows:

- A. **ANIMATED SIGN** — A sign which uses lights, moving parts, or other means to depict a creature or being as living or having life.
- B. **BANNER SIGN** — A sign produced on cloth, paper, fabric or similar material, either with or without frames.
- C. **FESTOON SIGN** — A sign consisting of a wreath or garland of flowers, leaves, paper or other material hanging in a loop or curve.
- D. **FLAG** — See "banner sign."
- E. **FREESTANDING OR GROUND SIGN** — A sign which is erected upon or supported by the ground, including signs on poles or pylons that are anchored in the ground.
- F. **GASOLINE PRICE SIGN** — Any sign more than two square feet in area which is used to advertise the price of gasoline. In the event that the brand identification sign is attached to or a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.
- G. **MARQUEE** — A roof-like structure or awning projecting over an entrance, such as to a theater.
- H. **MONOLITH SIGN** — A three-dimensional, self-supporting, base-mounted, freestanding sign consisting of two or more sides extending up from the base and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.
- I. **OBSOLETE SIGN** — A sign that advertises a product that is no longer made, an event that has past, or a business that has closed.
- J. **OUTLINE TUBING SIGN** — A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.
- K. **PENNANT SIGN** — A sign or display consisting of long, narrow, usually triangular flags.
- L. **PORTABLE SIGN** — A sign which is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. Portable signs are capable of being readily moved from one location to another.

- M. PROJECTING SIGN — A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure from which it projects and unattached on the other end.
- N. REAL ESTATE SIGN — A sign used to indicate that a parcel of property or building is for sale, lease, or rent.
- O. ROOF SIGN — A sign erected upon and structurally supported by the roof of a building.
- P. SANDWICH SIGN — A sign consisting of two advertising boards laid back-to-back and at least partially supported by each other.
- Q. SPINNERS — A sign or display consisting of paper, plastic, or other parts that spin.
- R. TEMPORARY SIGN — A sign which is intended to be erected only a few days or weeks, including portable signs, trailer signs, banners, pennants, or any other sign which is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored on the ground.
- S. TRAILER SIGN — A sign that is mounted on a frame with wheels and is capable of being pulled by a vehicle or by hand. For the purposes of this chapter, trailer signs shall be considered portable signs.
- T. WALL SIGN — A sign which is attached to, affixed to, placed upon, or painted upon any exterior wall or surface of any building, building structure, or part thereof, provided that no part of any such sign extends more than 12 inches from the face of the exterior wall. For the purposes of this chapter, signs attached to the face of a mansard roof shall be considered wall signs.
- U. WINDOW SIGN — A sign located in or on a window and visible to the general public from the exterior.

SITE PLAN — A plan, prepared to scale, showing accurately and with complete dimensions the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land and conforming to the standards of this chapter. (See Article 21.)

SPECIAL LAND USE — A use, either public or private, which possesses unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land use may or may not be permitted by the Planning Commission, subject to the terms of this chapter. (See Article 22.)

STABLE, PRIVATE — An enclosed area intended for the keeping of horses for the noncommercial use of the residents of the principal residential use on the site.

STATE-LICENSED FACILITY — See "adult care facility."

STORAGE — Objects, materials, vehicles and boats which are kept in the same place for over 72 hours.

STORY — That portion of a building, other than a basement or mezzanine as defined herein, included between the surface of any floor and the floor next above it or, if there

is not a floor above, then the ceiling above. A mezzanine shall be deemed a full story when it covers more than 50% of the area of the story underneath said mezzanine or if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.

**STORY, HALF** — The uppermost story lying under a pitched roof, the usable floor area of which does not exceed 2/3 of the floor area of the uppermost full story. (See Figure 1.)

**STREET** — A public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined below.

- A. **ARTERIAL STREET OR ROADWAY** — A street or roadway which carries high volumes of traffic at relatively high speeds and serves as an avenue for circulation of traffic onto, off of, or around Grosse Ile Township. An arterial road may also be defined as a major thoroughfare, major arterial or minor arterial. Since the primary function of the arterial is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- B. **COLLECTOR STREET** — A street or road whose principal function is to carry traffic between minor and local roads and arterial roads but which may also provide direct access to abutting properties.
- C. **CUL-DE-SAC** — A street or road that terminates in a vehicular turnaround.
- D. **LOCAL OR MINOR STREET** — A street or road whose principal function is to provide access to abutting properties and which is designed to be used or is used to connect minor and local roads with collector or arterial roads. Local streets are designed for low volumes and speeds of 25 miles per hour or less, with numerous curb cuts and on-street parking permitted.
- E. **PRIVATE ROAD** — Any road which is to be privately maintained and has not been accepted for maintenance by Wayne County, the State of Michigan or the federal government but which meets the requirements of this chapter or has been approved as a private road by the Township under any prior ordinance.
- F. **PUBLIC STREET** — Any road or portion of a road which has been dedicated to and accepted for maintenance by the Township, Wayne County, State of Michigan or the federal government.
- G. **ALLEY** — A dedicated public way affording a secondary means of access to the side or rear of those properties whose principal frontage is on another street and not intended for general traffic circulation.

**STRUCTURE** — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, swimming pools, signs, waterfront structures, fences, decks, terraces, dog runs, and tennis and basketball courts.

**SUBDIVISION PLAT** — The division of land in accordance with the Subdivision Plat Act, Michigan Public Act 288 of 1967, as amended.

**SWIMMING POOL** — Any permanent, nonportable structure or container, located either above or below grade, designed to allow holding of water to a depth of greater than 24 inches, intended for swimming, bathing or relaxation. The definition of "swimming pool" includes spas, hot tubs and similar devices. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage. (See Chapter 241, Swimming Pools, of the Municipal Code.)

**TEMPORARY BUILDING** — See "building/structure, temporary."

**TEMPORARY USE** — See "use, temporary."

**TOWNSHIP** — The Township of Grosse Ile, Wayne County, Michigan.

**TOWNSHIP BOARD** — The Board of Trustees of the Township of Grosse Ile, Wayne County, Michigan.

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

**USE, ACCESSORY** — A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot as the principal use to which it is related.

**USE, PERMITTED** — A use which may be lawfully established in a particular district or districts provided it conforms to all requirements, regulations, and standards of such district.

**USE, PRINCIPAL** — 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.

**USE, SPECIAL LAND** — See "special land use."

**USE, TEMPORARY** — A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

**UTILITY TRAILER** — A small trailer that is designed to be pulled by an automobile, van, or pickup truck.

**VARIANCE** — A modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

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

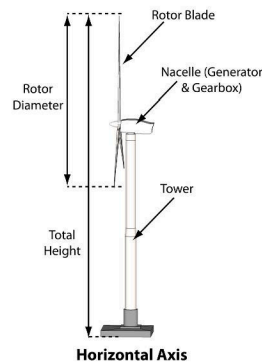
**WASTE RECEPTACLE (I.E. DUMPSTER)** — Any accessory exterior container used for the temporary storage of rubbish, pending collection, having a capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles.

**WATERCRAFT** — See "boat."

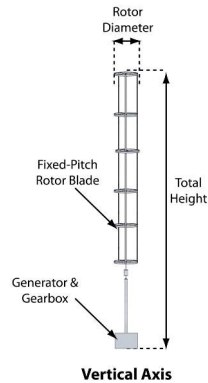
**WHARF** — A structure parallel to the shoreline. (See Figure 5.)

**WIND ENERGY CONVERSION SYSTEM (WECS)** — [Added 6-28-2010 by Ord. No. 10-03]

- A. **WIND ENERGY CONVERSION SYSTEM (WECS)** — A combination of:
- (1) A surface area, either variable or fixed, for utilizing the wind for electrical power; and
  - (2) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
  - (3) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  - (4) The tower upon which any, all, or some combination of the above are mounted.
  - (5) Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
  - (6) WECS include horizontal, and vertical axis wind turbines.
- B. **HORIZONTAL AXIS WECS** — A WECS which converts wind energy into electricity through the use of a wind turbine generator with a horizontal axis of rotation. This type of WECS is directional in that it achieves optimal energy production while pointed into or away from the direction of the wind.



- C. **VERTICAL AXIS WECS** — A WECS which converts wind energy into electricity through the use of a wind turbine generator with a vertical axis of rotation. This type of WECS is not directional in that it does not need to be pointed into or away from the direction of the wind in order to achieve optimal energy production.



- D. **WECS HEIGHT** — The distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position or the top of the pole, whichever is higher).
- E. **WECS SURVIVAL WIND SPEED** — The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

**YARD** — An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter. The measure of yard is the minimum horizontal distance between the lot line or water's edge and the building or structure. (See Figure 7.)

- A. **YARD, FRONT** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line or water's edge and the nearest line of the principal building.
- B. **YARD, REAR** — An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building.
- C. **YARD, SIDE** — An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.



## ARTICLE 2

**Zoning Districts and Zoning Map**

[Ord. No. 286, effective 4-16-2000; Ord. No. 292, effective 9-24-2000]

**285-2.1. Creation of districts; Zoning Map; interpretation of district boundaries.  
[Amended 4-19-2012 by Ord. No. 12-02]**

A. Creation of districts. For the purposes of this chapter, the Township of Grosse Ile is hereby divided into the following zoning districts which shall be known by the following names and symbols:

R-1-A	Single-Family Residential District
R-1-B	Single-Family Residential District
R-1-C	Single-Family Residential District
R-1-D	Single-Family Residential District
R-1-E	Single-Family Residential Overlay District
R-1-F	Hickory Island Single-Family Residential District
R-2	Low-Density Multiple-Family Residential District
R-3	Medium-Density Multiple-Family Residential District
R-4	Mobile Home Park District
C-1	Convenience Commercial District
MSD	Macomb Street District
SE	Special Environmental District
A-1	Airport and Light Industrial District
O-1	Open Space District
PRD	Public Recreation District

B. Adoption of Zoning Map. The boundaries of these districts, shown upon the map designated as the "Official Zoning Map" on file in the Township Clerk's office, are hereby established and are incorporated in this chapter by reference and made a part thereof, and the map and all notations referenced and other information shown on said map shall be as much a part of this chapter as if the matters and information set forth were fully contained herein.

C. Interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts shown on the Zoning Map, the following rules shall apply:

- (1) The boundaries of zoning districts are intended to follow center lines, streets or other rights-of-way, watercourses, and lot lines, or be parallel or perpendicular thereto, unless otherwise clearly indicated on the Zoning Map.
- (2) Boundaries indicated as approximately following the boundary lines of lots of record shall be construed as following such lot lines.
- (3) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as

moving with the actual shoreline.

- (4) Where, due to the scale, lack of details, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of 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, after recommendation by the Planning Commission.

- D. R-1-E Single-Family Overlay District. The R-1-E Single-Family Residential Overlay Zoning District shall apply to all land areas of the Township that are zoned R-1-A, R-1-B, R-1-C and R-1-D single-family residential. All land areas located within the Overlay Zoning District shall be subject to the provisions of this district as specified in Article 3, Single-Family Residential Districts.

#### **285-2.2. Zoning of vacated areas.**

Whenever any street, alley, or other public way is hereafter vacated, such street, alley, or public way shall automatically and without further action of the Township Board be classified in the same zoning district and be subject to the same zoning regulations as the property to which it adjoins and becomes attached.

#### **285-2.3. Conformity with district regulations required.**

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered or moved, except in conformity with the regulations specified herein for the zoning district in which the structure or land is located.

#### **285-2.4. Amendment of district boundaries.**

The Township Board may from time to time, on recommendation from the Planning Commission, amend or change the district boundaries, pursuant to the authority and procedures set forth in Michigan Public Act 184 of 1943, as amended, and the procedures and standards of Article 23, Variances and Amendments.

## ARTICLE 3

**Single-Family Residential Districts**

**[Ord. No. 209, effective 9-25-1994; amended by Ord. No. 225.5, effective 2-12-1996; Ord. No. 258, effective 4-18-1999; Ord. No. 271, effective 8-29-1999; Ord. No. 286, effective 7-16-2000; Ord. No. 292, effective 9-24-2000; 7-22-2002; 11-11-2002 by Ord. No. 02-07; 1-13-2003 by Ord. No. 03-01; 1-13-2003 by Ord. No. 03-01.5; 8-30-2004 by Ord. No. 04-01; 7-24-2006 by Ord. No. 06-06; 7-23-2007 by Ord. No. 07-02]]**

**285-3.1. Intent.**

The regulations concerning single-family residential districts provide for a residential environment consisting of predominantly low-density, single-family dwelling units, with a limited range of other uses that are considered necessary or appropriate to enhance the quality of life within Grosse Ile's residential neighborhoods. More specifically, the regulations set forth herein are intended to:

- A. Provide a high-quality residential living environment which encourages safety and enhancement of property values;
- B. Protect open areas, shorelines, woodlands, wetlands, and other distinctive natural features that contribute to the overall quality of life on Grosse Ile;
- C. Ensure development is in accordance with the availability of public utilities, facilities, and services;
- D. Prevent overcrowding by establishing standards for density, minimum lot sizes and minimum yard dimensions;
- E. Protect residential areas by promoting traffic volumes and speeds consistent with the neighborhood character based on a hierarchy of street functional classification;
- F. Discourage development which is inconsistent with the quality and design of existing residential neighborhoods;
- G. Accommodate care facilities that are single-family residential in character while avoiding an excessive concentration of these facilities within the single-family residential districts; and
- H. Ensure infill development is consistent with the character of established neighborhoods, is compatible with the size, scale, setback, and architectural character of surrounding homes, does not overbuild small lots, minimizes impacts to views, privacy, and access to sunlight and contributes to the distinct, cohesive character in the various neighborhoods, which are significant factors in the Township's quality of life.

**285-3.2. Residential districts established.**

In consideration of the above intent, six single-family residential districts have been established as follows:

- A. R-1-A Single-Family District: includes standards which recognize the unique

characteristics along the shoreline through requirements for larger lots and special measurements of setbacks to preserve views and open space, and accommodates the lowest density development on primarily waterfront property.

- B. R-1-B Single-Family District: includes standards which regulate development in most developed residential areas in the Township, including most existing single-family subdivisions.
- C. R-1-C Single-Family District: addresses special considerations in the existing small lot subdivisions within the Township. No additional R-1-C is considered appropriate on Grosse Ile due to overcrowding, demand on public services and the environmental impact which would result from additional development at this density.
- D. R-1-D Single-Family District: accommodates low-density development.
- E. R-1-E Single-Family Overlay District: is designed to permit maintenance of the existing smaller lots within the R-1-A, R-1-B, R-1-C and R-1-D Districts, while ensuring that newly created lots or buildable sites shall be developed at a larger lot size that is necessary to protect the public health safety and welfare that would be otherwise impacted by higher-density development. This overlay district is intended to allow further development while limiting density to a level that is within the capacity of the Township's roadways, schools, water, sewer, storm drainage, and other public services. It is further the intent of this district to limit the impact that new development will have on the natural features of the island.
- F. R-1-F Hickory Island Single-Family District: reflects the unique characteristics of the historic development of Lower Hickory Island. This island was platted in 1905 with smaller lots and predates the enactment of the first zoning ordinance. This island has been largely built-out in a pattern that is unique from most other areas of Grosse Ile.

### **285-3.3. Permitted uses.**

In the single-family residential districts, no building shall be erected and no building or land shall be used except for the following uses, unless otherwise permitted in this chapter, or by state or federal law, subject to the standards and requirements set forth herein:

- A. Principal uses.
  - (1) Single-family detached dwelling units meeting the residential design standards of § 285-3.4E. Single-family subdivisions and site condominium projects must also comply with Municipal Code requirements including Chapter 238, Subdivision Control, and Chapter 71, Condominium Projects, as appropriate.
  - (2) Essential services not including buildings or storage yards, when operating requirements necessitate their location within the district to serve the immediate vicinity as determined by the Planning Commission.
  - (3) Land designated as public parks public open space, bike paths and lands designated for preservation as part of the natural drainage system.

- (4) State-licensed adult foster care family home in a single-family residence (six or fewer adults).
  - (5) State-licensed adult foster care family home in a single-family residence (six or fewer adults; foster care five or more days per week).
  - (6) Family day care (one to six children, less than 24 hours' care).
  - (7) Foster family home (one to four children, 24 hours' care).
- B. Accessory uses, buildings and structures. The following accessory uses, buildings and structures customarily incidental to any of the principal uses, when located on the same parcel and not involving any business, profession, or trade, except as provided for herein, shall be permitted, subject to the provisions set forth in Article 19, General Provisions.
- (1) A garage designed and used for the storage of vehicles owned and customarily used as part of a residential lifestyle by the occupants. **[Amended 4-19-2012 by Ord. No. 12-02]**
  - (2) A private stable, subject to the conditions contained in Chapter 130, Horses, of the Municipal Code.
  - (3) A private swimming pool, subject to conditions contained in Chapter 241, Swimming Pools, of the Municipal Code.
  - (4) Off-street parking and storage shall be permitted on lots with a principal structure as follows:
    - (a) One recreational vehicle, small utility trailer or truck with a maximum capacity of one ton shall be permitted, subject to the following:
      - [1] Such vehicle shall be the property of the occupant, have a current year's license, and be stored within a garage or in the nonrequired side or nonrequired rear yards for accessory buildings (i.e., not within required accessory building setbacks) when not in use.
      - [2] There shall be no parking of recreational vehicles and commercial vehicles over one ton within a public street right-of-way or private road access easement for a period of time exceeding four hours in any given day, except as provided for in Subsection B(4)(a)[4] below.
      - [3] A stored, parked or placed recreational vehicle may only be occupied or used for living purposes for a total of one week during any one calendar year. Occupancy of a recreational vehicle may only be permitted if the occupant of the recreational vehicle is the occupant of such lot or permanent residence, or a relative of the occupant of such lot or permanent residence, and the recreational vehicle is parked in such a manner that it complies with all other parking ordinances and regulations in effect at that location. At no time shall any such recreational vehicle have connections to water, gas or a sanitary sewer.

- [4] Commercial vehicles over one ton parked on the site are permitted only in conjunction with a valid building permit.
- (b) Boats shall be permitted, provided that they are the property of the occupant with current license. Any such boat shall be stored in a garage or in the nonrequired side or rear yard (i.e.; not within the required setbacks) and on a trailer.
- (c) Operable passenger vehicles owned by the occupant and licensed for the current year shall be permitted.
- (5) Waterfront uses shall be permitted in accordance with the provisions set forth in Article 17, Waterfront Provisions.
- (6) Fences or walls shall be permitted, subject to conditions contained in Chapter 103, Fences and Walls of the Municipal Code.
- (7) Signs shall be permitted in accordance with the provisions set forth in Article 16, Signs.
- (8) Home occupations within a residential dwelling, where all employees reside in the residence, and in accordance with Article 19, General Provisions.
- (9) Reception antennas (including satellite dishes and shortwave radio antennas) for noncommercial use shall be permitted in the rear yards of single-family residential districts, provided that such antennas conform to the standards set forth in Article 19, General Provisions.

C. Special land uses.

- (1) In accordance with the following schedule, the uses identified shall be permitted as special land uses in the single-family residential districts, subject to the standards and requirements set forth herein and subject to the standards and approval requirements set forth in Article 22, Special Land Use Review. **[Amended 4-19-2012 by Ord. No. 12-02]**

Use	R-1-A	R-1-B	R-1-C	R-1-D	R-1-E	R-1-F
Schools	Yes	Yes	No	Yes	1	No
Churches	Yes	Yes	No	Yes	1	No
Child-care centers or day-care centers	Yes	Yes	No	Yes	1	No
Golf clubs	Yes	Yes	No	Yes	1	Yes
Boat clubs	Yes	Yes	No	Yes	1	Yes
Cemeteries	Yes	Yes	No	No	1	No
Public utility buildings	Yes	Yes	Yes	Yes	1	Yes
Adult foster care small group (7 to 12 adults)	Yes	Yes	Yes	Yes	1	Yes

Use	R-1-A	R-1-B	R-1-C	R-1-D	R-1-E	R-1-F
Group day care (7 to 12 unrelated children/ private residence)	Yes	Yes	Yes	Yes	1	Yes

## NOTES:

1. The special land uses allowed in the R-1-E Overlay Zoning District shall be the same as the underlying district.
- (2) Special land uses shall be subject to the following provisions:
- (a) Schools shall include public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education, and shall be subject to the following provisions:
    - [1] Minimum setback for principal and accessory structures shall be 40 feet.
    - [2] A continuous obscuring wall or landscaped screen shall be provided to screen off-street parking from any adjacent land used for residential purposes meeting the requirements of Article 13, Landscape, Screening and Walls.
    - [3] A school shall have direct access to a collector or arterial road.
  - (b) Churches shall be subject to the following provisions:
    - [1] Minimum setback for principal and accessory structures shall be 40 feet.
    - [2] A continuous obscuring wall or landscaped screen shall be provided to screen off-street parking from any adjacent land used for residential purposes meeting the requirements of Article 13, Landscape, Screening and Walls.
    - [3] Churches shall have direct access to a collector or arterial street.
    - [4] Day-care facilities and schools operated as part of a church, excluding child-care facilities during religious services, are subject to the specific standards and requirements for these uses.
  - (c) Child-care centers or day-care centers shall be subject to the following provisions:
    - [1] The minimum property size shall be one acre for each 40 children, or fraction thereof, that the facility is licensed to care for. The lot shall have a minimum road frontage of 150 feet.
    - [2] The site shall be on the perimeter of a single-family residential zoning district, abut an institutional use or a nonsingle-family zoning district, and have direct access to a paved public road.
    - [3] There shall be at least 150 square feet of outdoor play area per child

for whom care is being provided; but in no instance shall the total outdoor play area be less than 5,000 square feet in size. All required outdoor play areas shall be fenced in accordance with the regulations of this chapter, provided that no fence shall be located in a front yard (including both front yards on a corner lot).

- [4] There shall be at least 50 square feet of indoor classroom, crib or play area per child for whom care is provided.
  - [5] Parking lots and dropoff/pickup areas shall be set back at least 30 feet from any side or rear lot line abutting residentially zoned land that is vacant or includes a dwelling unit, and 10 feet from any side or rear lot line abutting nonresidential uses or zoning districts. Parking lots shall be located in the rear or side yard; the Planning Commission shall determine the appropriate location of the parking lot to minimize the impact on adjacent residential districts. A dropoff/pickup loop drive may be in the front yard, provided that the dropoff/pickup spaces are set back 40 feet from the front lot line and provided that on corner lots, the drive shall be in the front yard that minimizes impact on adjacent residential districts, as determined by the Planning Commission.
  - [6] Minimum setback for principal and accessory structures shall be 40 feet.
  - [7] Landscaping shall be provided in accordance with Article 13. The landscape buffer shall be a twenty-foot wide landscape buffer adjacent to a residential district and along the exterior of any fence that includes a minimum of one deciduous tree, one evergreen tree and four shrubs per each 30 linear feet along the property line, rounded upward. Parking lot screening shall be as described for a nonresidential use abutting a single-family residential zoning district, in accordance with Article 13.
  - [8] The building shall have an appearance which is nonintrusive and consistent in color, materials, roofline and architecture with the single-family residential district in which it is located, as determined by the Planning Commission.
  - [9] Where child care is the principal use, hours of operation shall be Monday through Friday and not begin before 6:30 a.m. or end later than 8:00 p.m.
  - [10] One sign shall be allowed as an institutional use under § 285-16.6.
  - [11] Any exterior lighting shall be limited to a maximum intensity of 0.1 footcandle at all property lines.
  - [12] The facility shall continually have on file with the Township documentation of a valid license as required by the state.
- (d) Cemeteries shall be subject to the following provisions:

- [1] Minimum property size shall be 20 acres.
  - [2] All grave sites, buildings and structures shall be set back at least 100 feet from all property lines.
  - [3] The Planning Commission shall determine that the cemetery will have a park-like setting through preservation or provision of woodlands, landscaping and open spaces.
  - [4] At least one property line of the site shall abut an arterial roadway which provides all vehicular access to the site;
  - [5] The perimeter of the site shall be enclosed by a decorative wall or decorative fence. The fence material shall be subject to approval by the Planning Commission in relation to surrounding area;
  - [6] A landscaped greenbelt at least 10 feet in width, meeting the requirements of Article 13, Landscaping, Screening and Walls, shall be provided along the entire perimeter of the site, except where ingress and egress drives are located.
  - [7] Uses such as crematoriums, mausoleums, casket sales and monument sales are not permitted as an accessory use, but require a separate special land use review. Setbacks shall be compatible with adjacent uses, as determined by the Planning Commission. If these uses are proposed, the applicant shall describe the use and storage of all potentially hazardous materials, secondary containment measures and provide a pollution incidence prevention plan (PIPP) for approval by the Planning Commission and the Fire Department.
- (e) Boat clubs shall provide a continuous obscuring wall or landscaped screen to screen off-street parking and boat dry-dock storage from any adjacent land used for residential purposes meeting the requirements of Article 13, Landscape, Screening and Walls.
- (f) Group day-care centers shall be subject to the following provisions:
- [1] Group day-care centers shall provide at least 150 square feet of outdoor play area per child for whom care is being provided; the total outdoor play area shall not be less than 5,000 square feet in size. All outdoor play areas shall be fenced.
  - [2] Three pickup parking spaces and one parking space for each employee shall be provided on the site.
  - [3] Group day-care centers shall be properly licensed as required by the state.
  - [4] Group day-care centers shall be separated at least 1,500 feet from any other state-licensed care facility (measured in any direction from the property line).
- (g) State-licensed adult foster care small and large group homes (seven to 12

adults) separated at least 1,500 feet from any other state-licensed care facility (measured in any direction from the property line).<sup>1</sup>

#### **285-3.4. Required conditions.**

- A. Off-street parking and loading requirements. Parking and loading shall be provided as required in Article 12, Parking and Loading Requirements.
- B. Grading requirements. Any grading, excavating, filling, land balancing, or similar activity shall require a grading permit and shall conform to the grading regulations set forth in Article 15, Grading Regulations, and Chapter 124, Grading, of the Municipal Code.
- C. Waterfront regulations. All development along the Detroit River and interior canals shall conform to the regulations set forth in Article 17, Waterfront Provisions.
- D. Lighting requirements. Outdoor lighting shall conform to the regulations set forth in Article 19, General Provisions.
- E. Residential design standards. All structures used as principal residences shall comply with the following standards, including any new dwellings or additions to any existing dwellings:
  - (1) Any residential structure shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted Building Code of the Township.<sup>2</sup> Any residential structure shall be securely anchored to its foundation in order to prevent displacement during windstorms.
  - (2) Residential structures shall be constructed in compliance with applicable state, federal, or local laws or ordinances. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
  - (3) If the dwelling unit is a manufactured home, the manufactured home must either be:
    - (a) New and certified by the manufacturer and/or appropriate inspection agency as meeting the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR 3280), as amended, or any similar successor or replacement standards which may be promulgated; or
    - (b) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection E(3)(a) above, and found, on inspection by the Zoning Administrator or designee, to be in excellent condition and safe and fit for residential occupancy.
  - (4) The exterior siding of a dwelling shall consist of materials that are generally

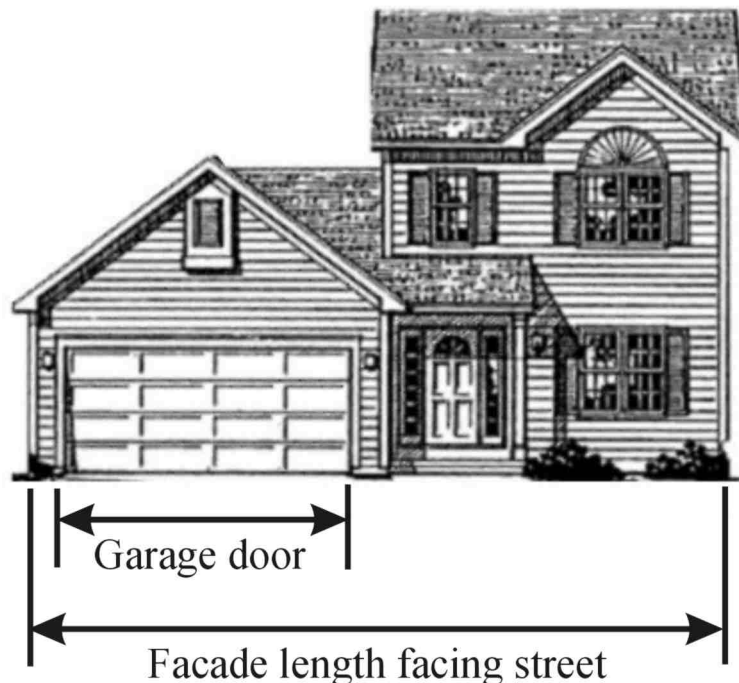
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1. Editor's Note: Former Subsection C(2)(h), regarding home occupations in residential dwellings employing no more than one outside employee, was repealed 4-19-2012 by Ord. No. 12-02.

2. Editor's Note: See Ch. 40, Building Construction.

acceptable for site-built housing, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction in Grosse Ile Township.

- (5) All dwelling units shall be located on the lot so that the minimum width of the front elevation is no less than 28 feet and the minimum dimension along any side or rear elevation is no less than 24 feet. Such dimensions shall be measured from the outer extremities and shall include additions to the main body of the dwelling, such as living or recreation rooms, garages, carports, utility rooms, and the like, the front portions of which are within 10 feet of the front of the main body of the dwelling.
- (6) All dwelling units shall have a minimum roof pitch of 4:12. The Planning Commission may approve a residential building with a roof pitch of less than 4:12 based upon a review of the proposed architecture under Subsection E(8)(d). All dwellings shall be designed with either a roof overhang of not less than six inches on all sides or with windowsills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.
- (7) The front facade of dwellings shall not be dominated by garage doors. Garage doors facing the street shall not consist of more than 50% of the linear facade length facing the street.



$$50\% \geq \frac{\text{Garage door length facing street}}{\text{Total facade length facing street}}$$

- (8) The floor area ratio and percent lot coverage ratio of any proposed single-family dwelling unit shall not exceed the following limits unless approved by the Planning Commission.

- (a) The floor area ratio (FAR) of any proposed single-family dwelling shall not exceed 22% except in the R-1-C and R-1-F Zoning Districts where the FAR shall not exceed 25%. In addition, the FAR of the proposed dwelling shall not exceed 150% of the average FAR of other surrounding single-family dwellings as described in Subsection E(8)(c) below. The FAR shall be calculated as the ratio of the usable floor area of the principal building to the net area of the lot, not including basements, garages and detached accessory structures.

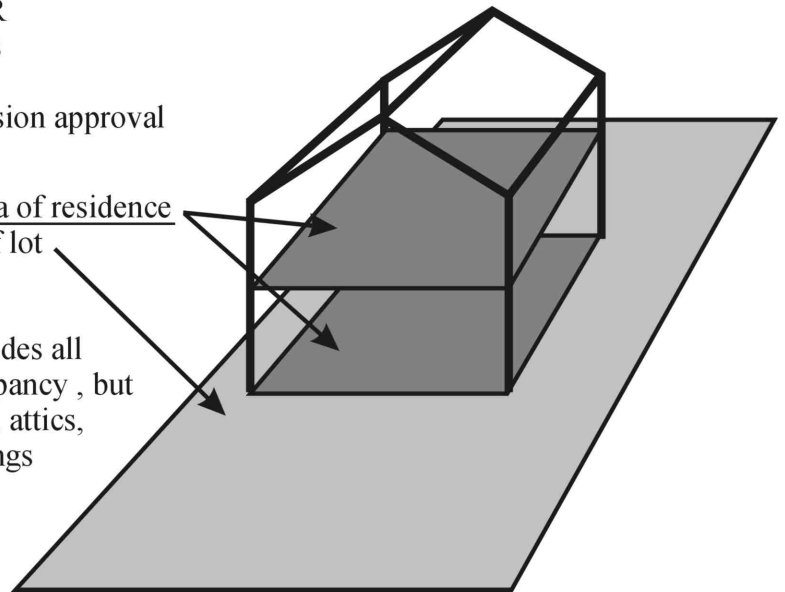
Floor Area Ratio (FAR) can not exceed:

- 22% for subject lot; and
- 150% of the average FAR of surrounding dwellings

without Planning Commission approval

$$\text{FAR} = \frac{\text{Total usable floor area of residence}}{\text{Net area of lot}}$$

Total usable floor area includes all floors used for human occupancy, but does not include basements, attics, garages or accessory buildings



- (b) The lot coverage ratio (LCR) of any proposed single-family dwelling, including attached and detached accessory structures, shall not exceed 20%, except in the R-1-F Zoning District where the LCR shall not exceed 25% and the R-1-C Zoning District where the LCR shall not exceed 35%. In addition, the LCR of the proposed dwelling shall not exceed 150% of the average LCR of other surrounding single-family dwellings as described in Subsection E(8)(c) below. The LCR shall be calculated as the ratio of the ground area covered by the principal building and all accessory structures to the net lot area.

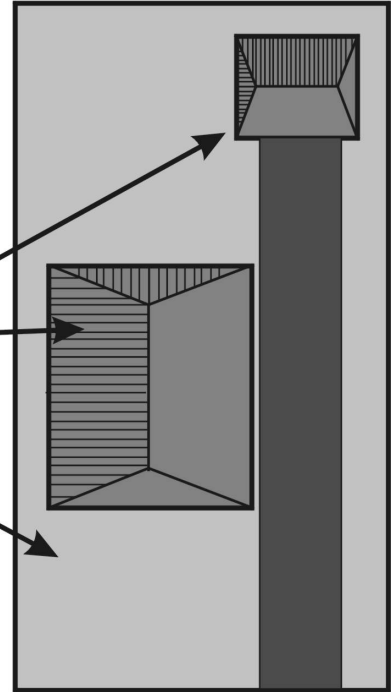
Lot Coverage Ratio (LCR) can not exceed:

- 20% for subject lot; and
- 150% of the average LCR of surrounding dwellings

without Planning Commission approval

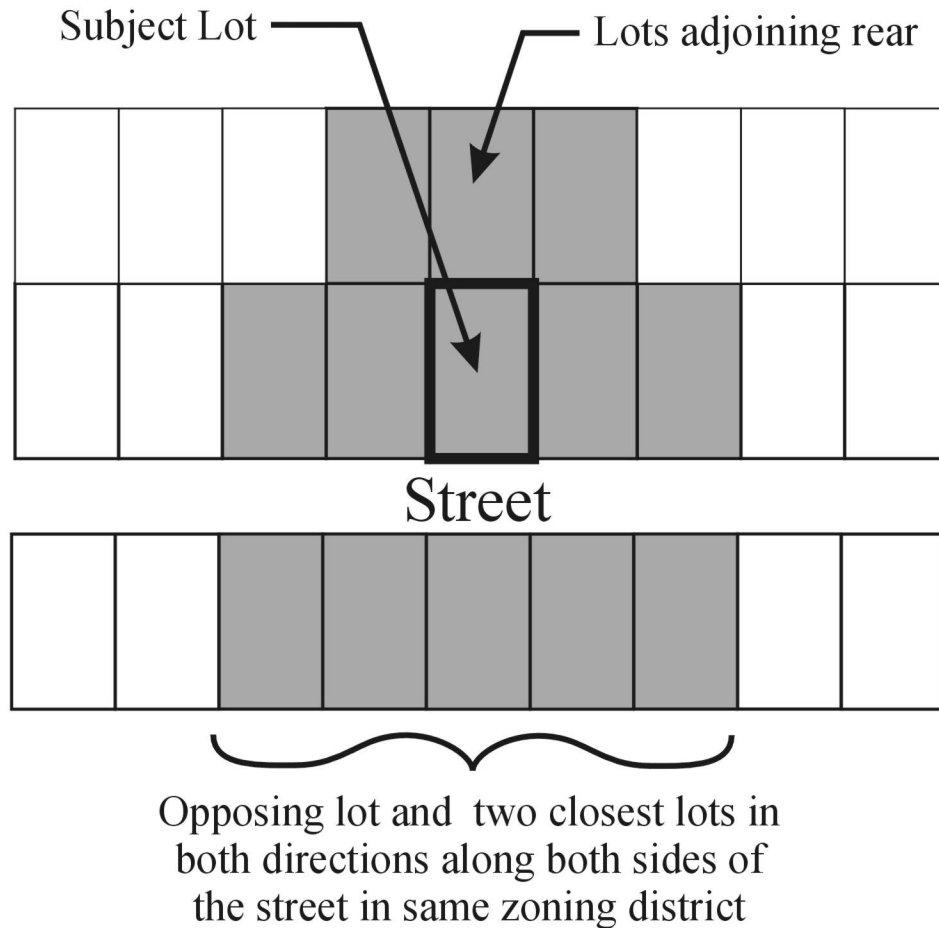
$$LCR = \frac{\text{Total ground area of all structures}}{\text{Net area of lot}}$$

Lot coverage shall include all buildings and other above ground structures including the principal building and accessory structures



- (c) The average FAR and LCR of other surrounding single-family dwellings shall be calculated as the opposing lot, two closest lots in each direction along both sides of the street that the subject lot fronts and all lots abutting the rear and side lot lines of the subject lot, except under the following conditions:

The floor area ratio and percent lot coverage ratio of any proposed single-family dwelling unit shall not exceed 150% of the average of surrounding dwellings without Planning Commission approval.



- [1] Only lots in the same zoning district as the subject lot shall be included.
- [2] Where there are not existing dwellings on all sides of the proposed dwelling, then the 10 closest dwellings, as determined by the Zoning Administrator, shall be utilized.
- [3] Where there are individual lots in the surrounding area that are significantly dissimilar from the other lots utilized in calculating the average FAR or LCR for surrounding dwellings by virtue of significantly larger lot area or smaller building size, the Zoning Administrator may eliminate up to two such dissimilar lots in the average FAR and LCR calculation and substitute the next two closest similar lots. "Significantly dissimilar" shall mean a lot that is

at least 100% larger than the subject lot or a lot that has a fifty-percent greater or smaller FAR or LCR than the other lots used in the calculation.

- [4] Where a lot is located at the boundary of a subdivision that is adjacent to a separate subdivision with significantly dissimilar lots, the Zoning Administrator may utilize the 10 closest lots within the same subdivision as the subject lot for the average FAR and LCR calculations.
  - [5] Where the average of other surrounding dwellings would limit the floor area of a proposed dwelling to less than 2,500 square feet, a dwelling of up to 2,500 square feet with up to 900 square feet of total detached, and attached accessory building floor area shall be permitted without Planning Commission approval.
- (d) The Planning Commission may grant approval to allow dwellings larger than the limits in Subsection E(8)(a) and (b) above based upon the following, provided that such increase shall not be greater than an additional 5% (i.e., increased from 20% to 25%).
- [1] A sketch plan, including building footprint with building size, setback dimensions and lot coverage calculations, elevations for all sides of the building and details on building materials shall be provided for Planning Commission approval. The Planning Commission may also require that the applicant provide additional information to demonstrate that the requested construction meets the standards of this section. Such information may include a photographic inventory of nearby homes, cross sections or plan views that illustrate the relationship to adjacent homes or a report by an architect.
  - [2] Notice of the Planning Commission hearing to consider the sketch plan shall be provided to the surrounding dwellings described in Subsection E(8)(c) above.
  - [3] The Planning Commission shall utilize the following standards in review and approval of dwellings larger than the limits in Subsection E(8)(a) and (b) above:
    - [a] The proposed building appearance shall be similar and compatible with the general character of the area and reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials, roof pitch, building massing, height, garage orientation and design themes of surrounding dwelling units.
    - [b] The proposed building shall be in accordance with the area and bulk regulations of § 285-3.5; however, if dimensional variances are requested, they shall be considered the minimum number and amount deemed reasonable by the Planning Commission and the ZBA.

[c] The building massing, height and orientation shall not unreasonably impact adjacent property privacy, views and access to light.

[4] For a new subdivision or site condominium, the Planning Commission may set the maximum lot coverage and floor area ratio that will be applicable to all dwellings to be constructed in such development. Items required under Subsection E(8)(d)[1] above shall be submitted for typical model floor plans with the final preliminary plat and reviewed by the Planning Commission based upon the standards of Subsection E(8)(d)[2] above.

### 285-3.5. Area and bulk regulations.

A. Any structure or use of the land in a single-family residential district shall be subject to the area and bulk regulations of the following Table 3.5 [subject to Subsection B(1) through (11)].

**Table 3.5**

**Area and Bulk Regulations For Single-Family Residential Districts<sup>3</sup>**

<b>Requirement</b>	<b>R-1-A<sup>(2)</sup></b>	<b>R-1-B<sup>(2)</sup></b>	<b>R-1-C<sup>(2)</sup></b>	<b>R-1-D<sup>(2)</sup></b>	<b>R-1-E<sup>(2)</sup></b>	<b>R-1-F<sup>(2),(11)</sup></b>
Minimum lot area per dwelling unit <sup>(1)</sup> (square feet)	30,000	16,000	6,500	20,000	30,000	10,000
Minimum lot width (feet)	80	80	40	100	125	40
On corner lots	100	100	75	100	125	40
Minimum setbacks (feet)						
Front yard <sup>(3)(4)</sup>	40 <sup>(5)</sup>	40	30	40	40	50
Side yard	6 <sup>(6)</sup>	6 <sup>(6)</sup>	5	12	12	5 <sup>(7)</sup>
Combination of both side yards	18	18	10	28	28	10 <sup>(7)</sup>
Rear yard <sup>(10)</sup>	40	40	30	40	40	30
For accessory buildings	6 <sup>(8)</sup>	6 <sup>(8)</sup>	6 <sup>(8)</sup>	12 <sup>(8)</sup>	12 <sup>(8)</sup>	3 <sup>(7)</sup>
Natural feature <sup>(9)</sup>	25	25	25	25	25	25
Minimum usable floor area per dwelling unit (square feet)	1,500	1,200	1,000	1,800	1,800	1,000
Maximum height (feet)	35	30	30	30	30	30

B. Notes pertaining to development regulations:

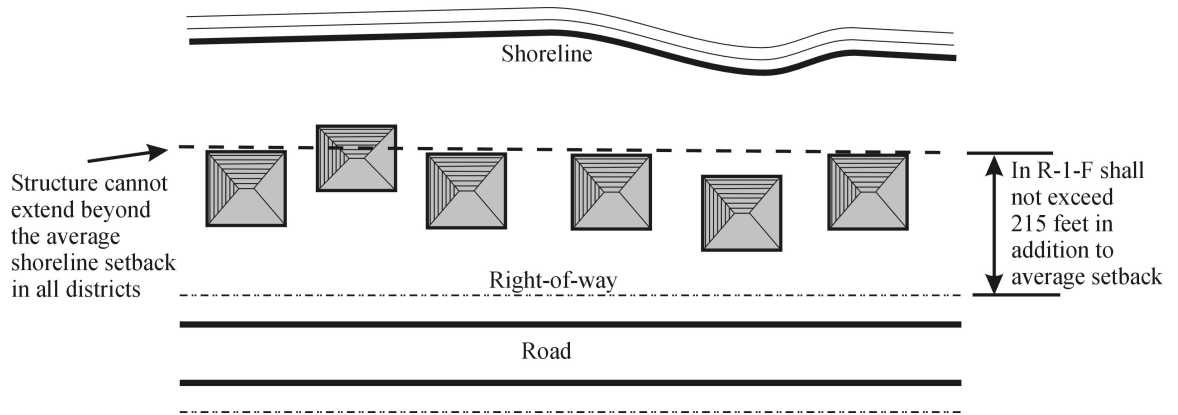
(1) The minimum net lot area shall be calculated exclusive of any submerged area or area occupied by a public street right-of-way or an access easement. Every newly created lot must have a sufficient building envelope, exclusive of any regulated wetlands, to meet required zoning district setbacks, greenbelt

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3. Editor's Note: Notes to this table are included as Subsection B.

buffers, off-street parking requirements and accessory uses as specified in the Zoning Ordinance.

- (2) The R-1-E Single-Family Residential Overlay Zoning District shall apply to all land areas of the Township that are zoned R-1-A, R-1-B, R-1-C, R-1-D and R-1-F, as follows:
  - (a) Existing lots of record: Any lot of record in the R-1-A, R-1-B, R-1-C, R-1-D or R-1-F Zoning Districts created prior to the establishment of the R-1-E Single-Family Residential Overlay Zoning District (July 16, 2000) shall equal or exceed the lot size indicated in Table 3.5 above for the respective R-1-A, R-1-B, R-1-C, R-1-D or R-1-F underlying zoning district. Any lot of record that fails to meet the R-1-A, R-1-B, R-1-C, R-1-D or R-1-F minimum lot area indicated in Table 3.5 above shall be subject to the nonconforming lot provisions of Article 18, Nonconforming Lots, Structures and Uses. The adjustment of a lot line between two adjoining lots of record where an additional buildable lot is not created (simultaneous split-combination) may be permitted, subject to the land division provisions of Article 19, General Provisions, provided that such resulting parcels equal or exceed the lot size indicated in Table 3.5 above or, in the case of nonconforming lots of record, such adjustment will decrease nonconformity with the minimum lot size requirement.
  - (b) Creation of new buildable lots: Any lot created in the R-1-A, R-1-B, R-1-C, R-1-D or R-1-F Zoning Districts after the establishment of the R-1-E Single-Family Residential Overlay Zoning District (July 16, 2000) by means of a land division, replat, subdivision or site condominium shall meet the standards of the R-1-E Single-Family Residential Overlay Zoning District. Within the R-1-E Overlay Zoning District a site may be developed as an open space development as provided for in Subsection B(11) below. All newly created lots shall have frontage on a public road meeting the requirements of Article 19, General Provisions.
- (3) Buildings on corner lots or through lots shall meet the front yard setback on all sides abutting a public street, private road or waterfront.
- (4) In the case of a lot which fronts on both a road and on a shoreline. The setbacks of any building subsequently erected shall not be less and need not be greater than the average road and shoreline setbacks. (See Figure 4, Article 1, Rules of Construction and Definitions.) The minimum required setback from the shoreline in the R-1-F District shall be the more restrictive between the average shoreline setback and a line that is parallel to the street at a distance of 215 feet from the street front lot line.



- (5) Except as permitted by the Waterfront Regulations set forth in Article 17, no dwelling unit, building, or structure shall be erected or constructed on land lying between East River Road and the bulkhead line of the Detroit River between Horsemill Road and Manchester Road, and on land lying between West River Road and the bulkhead line of the Detroit River between Horsemill Road and Groh Road.
- (6) Within the R-1-A and R-1-B Zoning Districts, principal and permitted uses on adjoining lots shall have a minimum spacing of 18 feet between principal structures, measured perpendicular to the common lot line.
- (7) Within the R-1-F District, the minimum spacing between principal dwellings units shall be 10 feet, provided that architectural features listed in § 285-19.6 shall not be permitted to project within five feet of the lot line. Any new principal dwellings or additions to existing principal structures shall provide a minimum spacing of 12 feet from adjacent dwellings.
- (8) For accessory buildings and structure standards, see Article 19, General Provisions.
- (9) Natural feature setback shall be maintained in relation to the ordinary high-water mark of any pond, river or channel, and to the edge of any drainageway or regulated wetland. Only waterfront structures and appurtenances, as permitted in Article 17, Waterfront Provisions, may be located within the natural feature setback. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:
  - (a) The relative extent of the public and private need for the proposed activity.
  - (b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available

properties.

- (c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - (d) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (f) The size and quality of the wetland.
  - (g) Proximity to any waterway.
  - (h) Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - (i) Economic value, both public and private, of the proposed land change to the general area.
  - (j) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (10) On a double frontage lot the required rear yard setback shall be provided from the greenbelt required by § 285-13.3B.
- (11) Within the R-1-E Single-Family Residential Overlay Zoning District a site may be developed as an open space development, subject to the following:
- (a) An open space development may be approved by the Township Board, based upon a recommendation by the Planning Commission following the review procedures and approval standards for special land uses contained in Article 22, Special Land Use, in addition to the review and approval procedures for subdivision plats contained in Chapter 238, of the Municipal Code, Subdivision Control, or site condominiums contained in Chapter 71, of the Municipal Code, Condominium Projects. The process followed in review of the plat or site condominium and the open space development shall be as follows:

<b>Step</b>	<b>Stage of Review</b>	<b>Item(s) Reviewed</b>	<b>Action</b>
1	Pre-preliminary review	R-1-E parallel plan and open space development plan	Planing Commission public hearing
2	Preliminary plat, tentative approval	R-1-E parallel plan	Planning Commission approval of parallel plan

<b>Step</b>	<b>Stage of Review</b>	<b>Item(s) Reviewed</b>	<b>Action</b>
3	Preliminary plat, tentative approval and special land use approval	Open space development plan	Planing Commission public hearing and recommendation to Township Board
4	Preliminary plat, tentative approval and special land use approval	Open space development plan	Township Board approval
5	Preliminary plat, final approval	Open space development plan	Planing Commission recommendation to Township Board
6	Preliminary plat, final approval	Open space development plan	Township Board approval
7	Final plat approval	Open space development plan	Township Board approval

(b) To be eligible for open space development consideration, the applicant must present a proposal for residential development that meets each of the following:

- [1] An open space development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this chapter, such as extensive landscaping, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares or waterways, buffering development from wetlands and shorelines, and provision of buffers from adjacent residential.
- [2] The site shall contain significant natural assets, such as woodlands, significant views, natural drainageways, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.
- [3] The proposed development shall be designed to create a cohesive neighborhood through a network of spaces such as parks and common open space areas for recreation and resident interaction. All open space areas shall be equally available to all residents of the development or the public.
- [4] The site must be large enough to provide a minimum of 15 lots on the parallel plan.
- [5] The site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient

documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

- [6] The proposed development shall be consistent with and further the implementation of the Township Master Plan.
  - [7] The Planning Commission shall find that the proposed open space development meets all of the approval standards for special land uses contained in Article 22, Special Land Use Review.
- (c) Residential density shall be determined by a parallel plan that illustrates how the site could be developed as a conventional R-1-E subdivision, meeting all applicable Township and county zoning and subdivision requirements. The parallel plan shall be submitted with the open space development at each stage of review and shall contain all information required for a preliminary plat. The Township shall review the design and determine the number of lots that could be feasibly constructed. This number shall be the maximum number of dwelling units allowable for the open space development, provided that this amount may be reduced based upon design requirements for an open space development.
  - (d) All lots shall comply with the dimensional standards of the R-1-E Zoning District, provided that the lot area may be reduced in order to preserve a minimum of 50% of the total site area as common open space meeting the requirements of Subsection B(11)(e) below and the lot width may be reduced to 100 feet. Lot width may be further reduced by the Planning Commission to a minimum of 80 feet where such reduction is clearly demonstrated to preserve natural features. The road frontage requirements of Article 19 shall be complied with. All setback and other dimensional standards of the R-1-E Zoning District shall be complied with. The Zoning Board of Appeals shall have no authority to grant variances within an open space development. The layout of the open space development shall comply with the requirements Chapter 238 of the Municipal Code, Subdivision Control.
  - (e) A minimum of 50% of the total site area shall be preserved as common open space for recreation or conservation and shall be exclusive of residential lots, road rights-of-way, utilities or other improvements. Such open space shall be arranged on the site to meet all of the following requirements, provided that the Planning Commission may modify these standards where it is demonstrated that additional natural features will be preserved elsewhere on the site:
    - [1] Common open space shall be planned in locations that are visible and accessible from a roadway with a minimum roadway frontage of 50 feet.
    - [2] Landscape greenbelts shall be maintained between the rear yards of lots.
    - [3] All wetlands and areas within 50 feet of a wetland or shoreline shall

be preserved as open space.

- [4] A one-hundred-foot deep open space area shall be preserved along road frontages bordering the open space development and adjacent to existing residential lots.
  - [5] Open space shall be located to minimize removal of woodlands regulated under the Woodlands Protection Ordinance. The open space development shall preserve a minimum of 60% of the woodlands on the site. Any landmark tree shall be located within open space.
  - [6] Open space may include recreational trails, picnic areas, parks and greenways, but shall not include a golf course or utility easements. The Planning Commission may permit recreational buildings within the open space.
- (f) The applicant shall provide a detailed habitat and floristic quality assessment for the site with the initial application. Such assessment shall be prepared by a qualified professional, such as a biologist or landscape architect, following methods recommended by the Michigan Department of Environmental Quality. As an alternative, the Township may have the Township's consultant perform the assessment at the applicant's cost. If animal or plant habitats of significant value exist on the site, the Township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves.
  - (g) A landscape plan shall be prepared for the open space as part of the preliminary plat that will provide for the establishment of a woodland. Trees of a species native to Michigan shall be provided to equal the total amount of DBH for each six-inch or larger tree that is proposed to be removed within the construction zone of the site. A range of sizes shall be provided with the minimum size of one-inch caliper and the average size of two-inch caliper. This shall apply in addition to all landscaping requirements of the Subdivision Control Ordinance and Article 13, Landscaping, Screening and Walls.
  - (h) Prior to any development or clearing, barrier fencing shall be installed at the perimeter of the root zone of woodlands to be preserved. Barrier fencing shall be a minimum of four feet in height. The fencing shall be inspected and approved by the Township prior to site clearing and shall remain in place in good condition until it is authorized to be removed by the Community Development Department. As part of the final open space plan, the Planning Commission may require permanent ornamental fencing, such as split rail fencing, or other measures to delineate the open space from individual lots.
  - (i) A preservation and maintenance plan for the open space shall be submitted with the final preliminary plat and shall include mechanisms for the long-term funding of open space preservation. The Township may require bonds or other funding mechanisms to ensure long-term

maintenance of open space.

- (j) The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as recorded deed restrictions, covenants that run perpetually with the land, or conservation easements. Such conveyance shall assure that the open space will be protected from all forms of development and shall never be changed to another use. Where deed restrictions are utilized for the protection of open space, the Township shall be made a party to the deed restrictions and such restrictions applicable to the open space shall not be amended. Building permits for home construction shall not be granted until copies of recorded deeds are filed with the Township. The developer may dedicate the open space to a conservation organization or the Township for rezoning to O-1 Open Space District, provided that such dedication shall be subject to approval by the Township Board.
- (k) The deed restrictions or master deed and bylaws shall be submitted as part of the application for final approval of the preliminary plat and shall outline measures to protect the open space and shall specify restrictions on the development of individual lots. The Planning Commission may require additional limitations be placed on accessory structures based upon the reduced sizes of the clustered lots.
- (l) Reasonable conditions may be required with the special approval of an open space development for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan.



ARTICLE 4  
**Multiple-Family Residential Districts**  
**[Ord. No. 210, effective 9-25-1994]**

**285-4.1. Intent.**

The regulations concerning multiple-family districts provide for a variety of single-family and multiple-family residential land uses. This district is intended to meet the housing needs of people who choose to live in residential areas with higher density than single-family districts, generally in multiple-family attached units. This district also provides for a limited range of other uses that are considered necessary or appropriate to enhance the quality of life within Grosse Ile's multiple-family residential neighborhoods. Specifically, the regulations set forth herein are intended to provide for the following:

- A. Common types of housing include various forms of multiple-family residential units and single-family residential units.
- B. The allocation of land for multiple-family residential uses shall be based on the determination of need, the availability and adequacy of public facilities and services, and compatibility with the environment and surrounding uses. Multiple-family residential districts, in some cases, can be used to provide a transition between nonresidential districts and nearby single-family residential districts.
- C. Multiple-family uses are classified into two districts. The R-2 Multiple-Family Residential District permits attached dwelling units in settings characterized by abundant open space, at a density, as defined in Article 1, of up to 5.8 units per acre, subject to site conditions and all ordinance standards. The R-3 Multiple-Family Residential District permits attached dwelling units at a density, as defined in Article 1, of up to 8.7 units per acre, subject to site conditions and all ordinance standards. This provides the opportunity for development of more affordable housing and meet the needs of individuals and families needing less space that is compatible with the predominant surrounding single-family development.

**285-4.2. Permitted uses.**

In multiple-family residential districts, no building shall be erected and no building or land shall be used except for the following uses, unless otherwise permitted in this chapter, or by state or federal law, subject to the standards and requirements set forth herein:

- A. Principal uses.
  - (1) Single-family detached dwelling units meeting the residential design standards of § 285-3.4E and the R-1-B District standards. Single-family subdivisions and site condominium projects must also comply with Municipal Code requirements, including Chapter 71, Condominium Projects, and Chapter 238, Subdivision Control, as appropriate.
  - (2) Multiple-family dwelling units. Multiple-family units which are reached off of a common stair landing or entryway are only permitted in the R-3 District.
  - (3) Land designated as public parks, public/private open space, bike paths and

lands designated for preservation as part of the natural drainage system.

- (4) State-licensed adult foster care family home (six or fewer adults) in a single-family residence.
  - (5) State-licensed adult foster care family home (six or fewer adults; foster care five or more days/week) in a single-family residence.
  - (6) State-licensed family day-care (one to six children, less than twenty-four-hour care) in a single-family residence.
  - (7) State-licensed foster family homes (one to four children, twenty-four-hour care).
  - (8) Essential services not including buildings or storage yards, when operating requirements necessitate their location within the district to serve the immediate vicinity as determined by the Planning Commission.
- B. Accessory uses, buildings and structures. The following accessory buildings, structures and uses, customarily incidental to any of the principal uses, located on the same parcel and not involving any business, profession, or trade except as provided for herein shall be permitted, subject also to the provisions set forth in Article 19, General Provisions:
- (1) Garage or carport facilities designed and used for the storage of vehicles owned and customarily used as part of residential life-style by the occupants;
  - (2) A private swimming pool and tennis courts for the exclusive use of the occupants of the property on which they are located and their gratuitous guests, provided that swimming pools shall be constructed and fenced in accordance with Chapter 241, Swimming Pools, of the Municipal Code;
  - (3) Off-street parking and storage on lots with principal structure(s) as follows:
    - (a) One recreational vehicle, small utility trailer or truck per housing unit, with a maximum capacity of one ton, shall be permitted, subject to the following:
      - [1] Such vehicle shall be the property of an occupant of a unit, have a current license, and be stored within a garage or within a designated outside storage area, meeting the requirements of § 285-4.3E, when not in use.
      - [2] There shall be no parking of recreational vehicles and commercial vehicles over one ton within a public street right-of-way or private road access easement for a period of time exceeding four hours in any given day, except as provided for in Subsection B(3)(a)[4] below.
      - [3] A stored, parked or placed recreational vehicle may only be occupied or used for living purposes for a total of one week during any one calendar year. Occupancy of a recreational vehicle may only be permitted if the occupant of the recreational vehicle is an

occupant of a unit, or a relative of an occupant of a unit, and the recreational vehicle is parked in such a manner that it complies with all other parking ordinances and regulations in effect at that location. At no time shall any such recreational vehicle have connections to water, gas or a sanitary sewer.

- [4] Commercial vehicles over one ton parked on the site are permitted only in conjunction with a valid building permit.
- (b) Boats, provided any such boats are stored within a designated outside storage area, meeting the requirements of § 285-4.3E, or in a garage, and on a trailer. Any such boat shall be owned by an occupant of a unit with current license.
  - (c) Operable passenger vehicles owned by an occupant of a unit and licensed for the current year;
- (4) Waterfront uses in accordance with the provisions set forth in Article 17, Waterfront Provisions;
  - (5) Fences or walls in accordance with Chapter 103, Fences and Walls, of the Municipal Code;
  - (6) Signs in accordance with the provisions set forth in Article 16, Sign Regulations;
  - (7) Home occupations within a residential dwelling, where all employees reside in the residence, and in accordance with Article 19, General Provisions;
  - (8) Reception antennas (including satellite dishes and shortwave radio antennas) for noncommercial use in the rear yards of multiple-family residential districts, provided that such antennas conform to the standards set forth in Article 19, General Provisions; and
  - (9) A building containing recreation facilities, meeting rooms, and other services for the exclusive use of occupants of the multiple-family development of which it is a part and their gratuitous guests, when separated a minimum separation of 50 feet from any residential structures, and in conformance with all applicable bulk and area requirements, off-street parking requirements and loading requirements.
- C. Special land uses. The following uses shall be permitted as special land uses in the multiple-family residential districts subject to the standards and requirements set forth herein and subject to the standards and approval requirements set forth in Article 22, Special Land Use Review.
- (1) Housing for the elderly shall be subject to the following provisions:
    - (a) Minimum parcel size shall be five acres.
    - (b) Minimum dwelling unit size shall be 350 square feet of usable floor area, not including kitchen, bathroom and storage areas.
  - (2) Convalescent or nursing homes shall be subject to the following provisions:

- (a) The minimum lot area shall be five acres.
  - (b) A continuous obscuring wall or landscaped screen shall be provided to screen off-street parking from any adjacent land zoned for residential purposes, including land across the street.
- (3) Boat clubs shall provide a continuous obscuring wall or landscaped screen to buffer off-street parking and boat dry dock storage from any adjacent land used for residential purposes meeting the requirements of Article 13, Landscaping, Screening and Walls.
  - (4) State-licensed adult foster care small and large group homes (seven to 12 adults) separated at least 1,500 feet from any other state-licensed care facility (measured in any direction from the property line).
  - (5) State-licensed group child day-care homes (seven to 12 unrelated children/private residence) subject to the following:
    - (a) Such facility shall be separated at least 1,500 feet from any other state-licensed care facility (measured in any direction from the property line).
    - (b) Such facility shall operate for not more than 16 hours per day.
  - (6) Accessory buildings and uses customarily incidental to the above special land uses.

### **285-4.3. Required conditions.**

#### **A. Public access and vehicular circulation.**

- (1) All multiple-family developments shall have direct access onto a public street, unless the Planning Commission approves indirect access. Indirect access onto a public street may be permitted where the Planning Commission finds that emergency access would be adequate, traffic safety would not be compromised, the traffic would not cause undue disruption to adjacent single-family neighborhoods and adequate provisions have been made regarding maintenance of the access.
- (2) Each residential building within a multiple-family development shall have convenient access to a public street or private road meeting the standards of Chapter 205, Roads and Driveways, of the Municipal Code, or access drive. Such streets and drives shall provide adequate access for emergency and safety vehicles. **[Amended 2-22-2002]**
- (3) All streets, roads and access drives shall be designed and constructed in accordance with the standards of the Wayne County Office of Public Services and approved by the Township Engineer.

#### **B. Architectural standards.** All multiple-family developments shall meet the following architectural standards. In determining the appropriateness of buildings, design elements shall be evaluated in relation to existing and proposed surrounding buildings and uses.

- (1) Building mass, height, bulk and width-to-height ratio shall be similar in scale and proportionate to surrounding structures within 500 feet.
- (2) Buildings shall possess architectural variety but enhance the overall cohesive neighborhood character. All buildings shall provide architectural features, details and ornaments such as arches, colonnades, cornices or porches. Location, size and types of architectural projections such as porches or awnings shall be compatible with other structures within 500 feet.
- (3) Rooflines and materials shall be consistent with the surrounding neighborhood character. Building materials on the front facade shall be primarily brick, glass, stone or wood. The approximate size, orientation and spacing shall match that of buildings on adjacent lots.
- (4) Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby developments. Developments are required to provide site features such as decorative entry signs, ornamental lighting and/or pedestrian furniture.
- (5) At least 25% of individual garages on residential units shall be side entry or recessed at least 10 feet behind the front building line (living area).

C. Common open space.

- (1) Not less than 500 square feet of common open space shall be provided per dwelling unit. Such open space shall not include unusable land, such as regulated wetlands. It may include land in a designated floodplain.
- (2) Common open space shall be located conveniently in relation to the dwelling units it is intended to serve.
- (3) Recreational uses within the required open space shall be provided in consideration of the age and life-style of expected occupants. Open space may include playground and park space, play equipment, tennis courts, shuffleboard courts, basketball courts, and similar facilities. Automobile parking for these recreational uses may not be counted towards the total required open space area for a development.
- (4) Location and design of landscaping and pedestrian areas shall contribute to the continuation of the pedestrian and open space network within the immediate vicinity.

D. Sidewalks. Hard-surfaced sidewalks shall be provided throughout every multiple-family development so as to provide a complete pedestrian circulation system. Such sidewalks shall not be less than four feet in width nor less than four inches in thickness. All developments shall provide pedestrian linkages between public sidewalks and the building entrances.

E. Outside storage. The outside storage of materials, equipment and supplies customarily incidental to the principal use shall be allowed only when such storage areas are identified and approved during site plan review. Such storage areas shall be located in the non-required rear yard and screened from view from all roadways and adjacent uses. Screening shall consist of six-foot-high opaque screening or

evergreen landscape screening in accordance with Article 13, Landscaping, Screening and Walls.

- F. Site plan review. Submission of a site plan for review and approval by the Planning Commission shall be required, in accordance with the provisions set forth in Article 21, for all uses except a single-family residence or a subdivision plat. All single-family residential subdivision plats require review and approval under Chapter 238, Subdivision Control, of the Municipal Code.
- G. Off-street parking and loading requirements. Parking and loading shall be provided as required in Article 12, Parking and Loading Requirements.
- H. Landscaping and buffering.
- (1) Submission of a landscape plan, as part of or accompanying the site plan, to the Planning Commission for review and approval shall be required. The landscape plan shall specify plant materials and landscape treatments, based on requirements set forth in Article 13, Landscaping, Screening and Walls.
  - (2) A landscaped greenbelt at least 25 feet wide shall be provided along the entire perimeter of any multiple-family site, except where ingress and egress drives are located, based on requirements set forth in Article 13, Landscaping, Screening and Walls.
- I. Grading requirements. Any grading, excavating, filling, land balancing, or similar activity shall require a grading permit and shall conform to the grading regulations set forth in Chapter 124, Grading, of the Municipal Code. **[Amended 2-22-2002]**
- J. Sign regulations. All signs shall conform to the regulations set forth in Article 16, Sign Regulations.
- K. Waterfront regulations. All development along the Detroit River and interior canals shall conform to the waterfront regulations set forth in Article 17, Waterfront Provisions.
- L. Covered trash receptacles. All trash receptacles shall conform to the trash receptacle regulations set forth in Article 19, General Provisions.
- M. Outdoor lighting. Outdoor lighting shall conform to the regulations set forth in Article 19, General Provisions.

**285-4.4. Area and bulk regulations. [Amended by Ord. No. 258, effective 4-18-1999; 6-13-2005 by Ord. No. 05-04]**

Any structure or use of the land in a multiple-family residential district shall be subject to the following area and bulk regulations (subject to Notes 1 through 9):

<b>Requirement</b>	<b>R-2</b>	<b>R-3</b>
Minimum net land area per dwelling unit <sup>1,2</sup> (square feet)	10,000	5,000
Minimum total lot area <sup>3</sup> (square feet)	16,000	16,000

<b>Requirement</b>	<b>R-2</b>	<b>R-3</b>
Minimum lot width (feet)	100	100
Minimum setbacks from lot lines (feet)		
Front yard	40	40
Side yard <sup>4,5</sup>	50	50
Rear yard	50	50
Minimum internal setbacks (feet)		
From internal road <sup>6</sup>	25	25
From parking lot <sup>7</sup>	15	15
Between buildings	30 <sup>8</sup>	30 <sup>8</sup>
Natural feature setback <sup>9</sup> (feet)	25	25
Minimum usable floor area per dwelling unit (square feet)	1,000	900
Maximum building length (feet)	175	200
Maximum height		
Feet	35	35
Stories	2	2

Notes pertaining to development regulations:

- <sup>1</sup> Density shall be calculated as the number of dwelling units situated on or to be developed per net acre of land. For purposes of calculating maximum density, only 25% of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, as amended, or the Township of Grosse Ile, shall be calculated toward the total site acreage. All open bodies of water, land within the one-hundred-year floodplain, public rights-of-way and areas within overhead utility line easements are excluded from calculation.
- <sup>2</sup> All units shall have at least one living room, one bedroom, kitchen facilities, a storage closet and sanitary facilities.
- <sup>3</sup> Every newly created lot must have a sufficient building envelope, exclusive of any regulated wetlands, to meet required zoning district setbacks, greenbelt buffers, off-street parking requirements and accessory uses as specified in this chapter.
- <sup>4</sup> The minimum side yard shall be increased by one foot for each 10 feet or part thereof by which the length of the multiple-family building facing the side lot line exceeds 30 feet.
- <sup>5</sup> The minimum side yard on a side facing a street shall not be less than the required minimum front yard setback.
- <sup>6</sup> Setback from internal road shall be 25 feet or the height of the building whichever is greater.

7. Parking lot setbacks are measured from the edge of a common parking lot, utilized for the parking of more than two vehicles, to the nearest line of the building. Parking lot setbacks do not apply to driveway approaches entering garages.
8. For multiple-family developments where there are two or more buildings on the same parcel, the minimum required distance between two buildings shall be 30 feet or the combined height of the two buildings, whichever is greater.
9. Natural feature setback shall be maintained in relation to the ordinary high-water mark of any pond, river or channel, and to the edge of any drainageway or regulated wetland. Only waterfront structures and appurtenances, as permitted in Article 17, Waterfront Provisions, may be located within the natural feature setback. This setback may be reduced by Planning Commission approval upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:
  - a. The relative extent of the public and private need for the proposed activity.
  - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - f. The size and quality of the wetland.
  - g. Proximity to any waterway.
  - h. Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - i. Economic value, both public and private, of the proposed land change to the general area.
  - j. Findings of necessity for the proposed project which have been made by other state or local agencies.

ARTICLE 5  
**R-4 Mobile Home Park District**  
**[Ord. No. 286, effective 4-16-2000]**

**285-5.1. Intent.**

- A. The Mobile Home Park District is intended to provide standards to permit the location of mobile homes in a planned park setting. It is intended that, at minimum, such districts shall have the following characteristics:
- (1) Facilities for continual, long-term, permanent residential use, rather than for recreational and/or transient travel trailer use;
  - (2) Adequate space and facilities so as to provide healthy living conditions for the occupants; and
  - (3) An interior road system that provides safe and adequate access to each mobile home site.
- B. Criteria for land allocation. It is intended that the allocation of land for mobile home park uses be based on the determination of need, the availability of public facilities and services, and in consideration of the impact on the environment and surrounding properties. Mobile home park districts are typically located so as to provide a transition between nonresidential districts and nearby single-family districts.

**285-5.2. Permitted uses.**

- A. Principal uses. In the Mobile Home Park District no building shall be erected and no building or land shall be used except for the following uses, unless otherwise permitted in this chapter, and subject to the standards and requirements set forth herein and in Michigan Public Act 419 of 1976, as amended:
- (1) Mobile home parks containing sites for the permanent location of mobile homes.
  - (2) Essential services.
  - (3) Land designated for the following specific public uses:
    - (a) Land designated by the Planning Commission for preservation as open space;
    - (b) Bicycle, pedestrian, and horse trails;
    - (c) Lands designated for preservation as part of the natural drainage system; and
    - (d) Use of buildings as public polling places.
- B. Accessory buildings and uses. The following accessory buildings and uses shall be permitted, subject to the provisions set forth in § 285-19.11:
- (1) Accessory buildings, structures and uses customarily incidental to any of the

principal uses, when located on the same property and not involving any business, profession, trade or occupation other than those specifically permitted in the Mobile Home Park District in accordance with Michigan Public Act 419 of 1976, as amended, shall be permitted.

- (2) Garage or carport facilities designed and used for the storage of vehicles owned and used by the occupants of the primary residence shall be permitted.
- (3) A private swimming pool and tennis courts, for the exclusive use of the residents of the mobile home park and their gratuitous guests, shall be permitted. Swimming pools shall be constructed and fenced in accordance with Chapter 241, Swimming Pools.
- (4) Off-street parking and storage shall be permitted as follows:
  - (a) One unoccupied house trailer, small utility trailer, or service truck with a maximum capacity of one ton, provided such vehicle is the property of the occupant, has a current year's license, and is stored within a garage or within a designated area in the approved site plan;
  - (b) Boats, provided any such boat is either stored in a garage or within a designated area in the approved site plan and on a trailer or cradle, and provided further that any such boat is protected so as to prevent children from playing on or around it; and
  - (c) Passenger vehicles which are the property of the residents of the mobile home park, provided all such vehicles are licensed for the current year.
- (5) Fences or walls shall be permitted in accordance with Chapter 103, Fences and Walls.
- (6) Signs shall be permitted in accordance with the provisions set forth in Article 16.
- (7) Satellite dish antennas for noncommercial use shall be permitted in the rear yards of mobile home park districts, subject to the following provisions:
  - (a) Only one dish antenna shall be permitted on each R-4 parcel;
  - (b) Dish antennas shall not be located where they will block fire lanes or utility easements or obstruct the view from windows in existing adjoining buildings;
  - (c) A clearance of at least six feet shall be maintained between a satellite dish antenna and side lot line; and
  - (d) A building permit shall be obtained prior to construction or installation of a satellite dish antenna.
- (8) A building containing recreation facilities, meeting rooms, and other services for the exclusive use of residents of the mobile home park and their gratuitous guests, in accordance with the following provisions, shall be permitted:
  - (a) A minimum separation of 50 feet shall be provided between any such

building and any residential structures.

- (b) All applicable development regulations, including bulk and area requirements, off-street parking requirements, and loading requirements, shall be met.
  - (9) Each mobile home may have one outdoor utility building which shall not exceed eight feet in width, eight feet in depth, and six feet in height.
  - (10) State-licensed residential facilities shall be subject to special land use review and approval wherever applicable state laws provide for local zoning approval.
- C. Uses not permitted. Nonresidential uses shall not be permitted in any mobile home or building or on the premises of a mobile home park. However, the operation of the park and its incidental services, such as the in-park sale of a mobile home by a tenant or licensed dealer or broker, shall not be denied by the Township.

### **285-5.3. Required conditions.**

- A. Site plan review. Submission of a site plan for review and approval by the Planning Commission shall be required, in accordance with the provisions set forth in Article 21 and Michigan Public Act 419 of 1976, as amended, prior to issuance of a building permit and development in the Mobile Home Park District.
- B. Public access and vehicular circulation.
- (1) All mobile home parks shall have direct access onto a public hard-surfaced road, except that indirect access onto a public hard-surfaced road may be permitted where the Planning Commission determines that such an alternative would promote traffic safety and would not cause undue disruption to adjacent uses.
  - (2) The street system in the mobile home park shall provide convenient vehicular circulation from the public road to every mobile home park site and to all other facilities in the mobile home park.
  - (3) All streets in the mobile home park shall conform to the construction, design, and lighting standards set forth in the Michigan Department of Commerce, Mobile Home Commission Rules.
  - (4) The internal roadway, driveways, and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, or equivalent in accordance with current Mobile Home Commission Rules. Mountable or integral curbs may be used.
- C. Common open space.
- (1) Common open space shall be provided and shall cover a total area of not less than 500 square feet per dwelling unit or a minimum of 25,000 square feet per development, whichever is greater. In order to attain this standard, the developer may use the area obtained through lot reduction, as set forth in § 285-5.4B(1) herein and Rule 946 of the Mobile Home Commission Rules.

- (2) All optional improvements for open space shall comply with the current Mobile Home Commission Rules published by the Michigan Department of Commerce.
- D. Off-street parking and loading area requirements.
- (1) A minimum of two off-street parking spaces shall be provided for each mobile home site.
  - (2) Off-street parking for visitors at the rate of one parking space for every three mobile home sites shall also be provided.
  - (3) One parking space for each 200 square feet of building area shall be provided for accessory buildings, structures, or buildings.
  - (4) Required parking shall be located no farther than 200 feet from the structures it is intended to serve.
  - (5) Parking areas shall be designed in accordance with current Mobile Home Commission Rules. The internal roadway, driveways, and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, or equivalent in accordance with current Mobile Home Commission Rules. Mountable or integral curbs may be used.
  - (6) If provided, loading areas shall be located only at the rear of a building. In no instance shall loading areas be located where they will interfere with parking or ingress and egress to any building.
- E. Outside storage.
- (1) The outside storage of materials, equipment, and supplies shall be allowed only when such storage areas are shown on the site plan. Such storage areas shall be located in the rear yard and shall be screened from view from all roadways. Screening shall consist of opaque screening or evergreen landscape screening in accordance with Article 13.
  - (2) No storage of any kind of combustible material shall be permitted beneath a mobile home.
- F. Landscaping and buffering.
- (1) Submission of a landscape plan to the Planning Commission for review and approval shall be required. The landscape plan shall specify plant materials and landscape treatment, based on requirements set forth in Article 13. The landscape plan shall be a part of or accompany the site plan.
  - (2) A landscaped greenbelt at least 10 feet in width shall be provided along the entire perimeter of any mobile home park, except where ingress and egress drives are located.
  - (3) Mobile home parks shall be screened from view from any adjoining residentially zoned or used property.
  - (4) Each mobile home site, except for the area designated for the mobile home

pad, shall be planted with sod or other suitable ground cover or plant materials.

- G. Grading requirements. Any grading, excavating, filling, land balancing, or similar activity shall require a grading permit and shall conform to the grading regulations set forth in Chapter 124, Grading. **[Amended 7-22-2002]**
- H. Sign regulations. All signs shall conform to the regulations set forth in Article 16.
- (1) Individual mobile homes shall conform to the sign regulations that are applicable to single-family residences.
  - (2) Accessory buildings, such as a management office or common buildings, are permitted to have two identification signs, each of which may be up to five square feet in area.
  - (3) One identification sign is permitted at each entrance to the mobile home park. Each such sign shall be set back at least 10 feet from the road right-of-way and shall not exceed 12 square feet in area.
- I. Covered trash receptacles. All mobile home park refuse storage and disposal shall be in accordance with Rules 325.3351 through 325.3354 of the Michigan Department of Public Health Mobile Home Park Standards. If outside trash receptacles are proposed, such receptacles must be surrounded on three sides by wood or masonry screen walls which shall be at least one foot higher than the height of the trash receptacle. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate at the same height as the screen wall.
- J. Sidewalks.
- (1) Hard-surfaced sidewalks shall be provided throughout every mobile home park so as to provide a complete pedestrian circulation system. Such sidewalks shall not be less than four feet in width nor less than four inches in thickness.
  - (2) Secondary walkways, such as walkways from each mobile home entrance to the primary walkway system, shall not be less than three feet in width and four inches thick of hard-surface material.
- K. Lighting. All lighting used to illuminate buildings, signs, off-street parking, and other parts of a mobile home park shall conform to Rules 929 and 932 of the Mobile Home Commission Rules. Such lighting shall be shielded or installed so the light is directed away from adjoining properties or traffic.
- L. Utilities.
- (1) Water systems and sanitary sewers shall comply with the current Michigan Department of Public Health Mobile Home Park Standards.
  - (2) Mobile home parks shall be provided with fire hydrants as required to meet the standards of the Grosse Ile Fire Department.
  - (3) Electrical and telephone distribution lines shall be installed underground pursuant to Rules 603(d), 932, 933 and 940 of the Mobile Home Commission Rules.

M. Mobile home installations.

- (1) Each mobile home site shall be provided with appropriate pillars and each mobile home shall be anchored with an approved anchoring system in accordance with current Mobile Home Commission Rules.
- (2) Skirting shall be required on all mobile homes. Such skirting shall be vented, fire-resistant, and equipped with access panels and comply with current Mobile Home Commission Rules.

N. Patio area. If a mobile home is provided with an outdoor patio, such patio shall be at least 150 square feet in area, conveniently located near an entrance to the mobile home, and placed in a location that provides a usable outdoor living space to supplement the interior space of the mobile home.

O. Inspection by the Township. Prior to initial occupancy, each mobile home site shall be inspected by the appropriate Township officials to determine compliance with the standards set forth in this article and in the current Mobile Home Commission Rules.

**285-5.4. Area and bulk regulations.**

A. The minimum parcel size for the mobile home park as a whole shall be 15 acres with a minimum of 60 pads.

B. Sites for individual mobile home units shall average 6,500 square feet in size. This standard may be reduced in accordance with the following provisions:

- (1) For each square foot of land gained through the reduction of a site below 6,500 square feet, at least an equal amount of land shall be dedicated as open space, provided that in no instance shall the open space and distance requirements be less than required under R 125.1946, Rule 946, and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.
- (2) In no instance shall an individual site be reduced below 5,500 square feet in size.
- (3) Minimum lot width shall be 40 feet.
- (4) Setbacks.
  - (a) The following minimum setbacks shall be complied with in relation to the exterior boundaries of the mobile home park:
    - [1] Front yard setback: 50 feet.
    - [2] Rear yard setback: 50 feet.
    - [3] Side yard setback: 50 feet.
  - (b) Required screening, greenbelts, and landscaping may be located in the setback area. All setbacks shall be measured from the park boundary line, except where the park is adjacent to a street or road, in which case the street or road right-of-way shall be considered the same as the park

boundary line.

- (5) Mobile homes and other structures shall be set back a minimum of 30 feet from the edge of all internal roadways in the mobile home park.
- (6) A minimum distance of 60 feet shall be provided from the rear of one mobile home to the rear of adjacent mobile homes.
- (7) A minimum distance of 20 feet shall be provided from the side of one mobile home to the side of adjacent mobile homes.
- (8) No structure in a mobile home park shall exceed 20 feet or one story in height.



ARTICLE 6  
**C-1 Convenience Commercial District**  
**[Ord. No. 286, effective 4-16-2000]**

**285-6.1. Intent.**

The C-1 Convenience Commercial District is intended to provide for the day-to-day shopping and service needs of residents of the Township. It is intended that only low-intensity uses which produce low volumes of traffic and low noise levels be permitted in this district. It is intended that C-1 uses be developed at a relatively small scale so as to be compatible with adjacent and nearby residential uses. C-1 uses should not involve any manufacturing, processing, or packaging of goods for wholesale distribution or for sale at other retail outlets off the premises.

**285-6.2. Permitted uses.**

A. Principal uses. In the C-1 Convenience Commercial District no building shall be erected and no building or land shall be used except for the following uses, and subject to the standards and requirements set forth in this chapter and the review procedures in Article 21, Site Plan Review. The following shall apply to each individual use which may be located on a lot with other uses.

- (1) Any generally recognized retail business up to 10,000 square feet gross floor area which supplies commodities on the premises to serve the day-to-day shopping needs of residents, including but not limited to businesses that sell groceries, meats, dairy products, drugs, dry goods and notions (a dry-cleaning outlet is also permitted with no cleaning operations on the premises);
- (2) Restaurants;
- (3) Essential services; and
- (4) Other uses similar to the above uses not specifically addressed elsewhere in this chapter, as determined by the Planning Commission following the process outlined in Article 19.

B. Accessory uses.

- (1) Accessory buildings are not permitted.
- (2) The following accessory uses shall be permitted, subject to the provisions set forth in § 285-19.11:
  - (a) Off-street parking in accordance with the requirements outlined in Article 12 herein shall be permitted.
  - (b) Signs in accordance with the provisions set forth in Article 16 herein shall be permitted, except no sign may project above the roofline.

**285-6.3. Required conditions.**

A. Site plan review. Submission of a site plan for review and approval by the Planning Commission shall be required, in accordance with the provisions set forth in

§ 285-21.2, prior to issuance of a building permit and development in the C-1 Convenience Commercial District.

- B. Development site. For uses located within the C-1 District, the standards that are contained in this chapter shall be applied to the zoning lot, as defined. This may include a combination of lots under unified ownership and control or a site that contains multiple uses or principal structures. The Planning Commission shall have the discretion to determine what constitutes a zoning lot during site plan review.
- C. Public access.
  - (1) All C-1 Convenience Commercial District uses shall have direct access onto a public hard-surfaced street, except that indirect access onto a public street may be permitted where the Planning Commission determines that such an alternative would promote traffic safety and would not cause undue disruption to surrounding single-family neighborhoods.
  - (2) All streets, roads and access drives shall be designed and constructed in accordance with the standards of the Wayne County Office of Public Services and the Township Engineer.
- D. Outside storage. Outside storage of materials, supplies, equipment, or other goods is prohibited in this district.
- E. Landscaping and buffering. Submission of a landscape plan to the Planning Commission for review and approval shall be required, based on requirements set forth in Article 13. Landscaping shall include the following requirements:
  - (1) General site landscaping to meet the requirements of § 285-13.3A.
  - (2) Greenbelts along all abutting public road rights-of-way or private road easements to meet the requirements of § 285-13.3B.
  - (3) Buffer zones from all abutting land uses to meet the requirements of § 285-13.3C.
  - (4) Off-street parking landscaped in accordance with the requirements of § 285-13.3F.
  - (5) Landscaping shall comply with all specifications and requirements of Article 13.
- F. Parking requirements. Convenience Commercial District uses shall provide parking and loading in accordance with the provisions set forth in Article 12.
  - (1) For those C-1 uses where required off-street parking cannot be met on site, parking requirements can be met through on-street parallel parking or off-street parking on another site where a shared parking easement is permitted or supplied by the Township.
  - (2) Off-street parking shall be located in the side or rear yard. On lots where parking requirements cannot be met in the side and rear yards, the Planning Commission may permit off-street parking in a portion of the front yard, provided that such parking lot meets the minimum front yard setback

requirement.

- (3) Where off-street parking is visible from the public right-of-way, screening shall be provided between the parking lot and the public right-of-way. Screening shall consist of a hedgerow or a three-foot-tall earth-tone brick wall. If a hedgerow is provided, it shall be planted with two-foot-tall shrubs, spaced 2 1/2 feet on center.
  - (4) Off-street parking shall be landscaped in accordance with the requirements of Article 13.
- G. Storm sewer. All uses located within the C-1 District shall be connected to a storm sewer. Where a storm sewer is not available, then a stormwater detention pond may be allowed by the Planning Commission, provided that the site is designed to connect to the storm sewer when it is made available to the site and such connection is made when it becomes available.
- H. Exterior building treatment. The exterior building materials and treatment shall be of finished quality, consistent with the quality of exterior treatment on surrounding buildings. Examples of finished quality exterior materials include brick, wood siding, and glass. Examples of materials that are not typically considered finished quality in commercial districts include cement block and cinder block.
- I. Additional requirements. All permitted and special land uses shall comply with all applicable provisions of this chapter, including those listed below as a reference guide:
- (1) Article 12, Parking and Loading Requirements.
  - (2) Article 15, Grading Regulations.<sup>4</sup>
  - (3) Article 16, Sign Regulations.
  - (4) Article 18, Nonconforming Lots, Structures and Uses, for redevelopment or expansion of nonconforming conditions.
  - (5) Article 19, General Provisions, including regulations for covered trash receptacles and site lighting.

#### **285-6.4. Area and bulk regulations.**

Any structure or use of the land in a C-1 Convenience Commercial District shall be subject to the following area and bulk regulations:

Minimum lot area (square feet)	25,000
Minimum setbacks (feet)	
Front yard	40
Side yard	25 <sup>1</sup>
Rear yard	25

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4. Editor's Note: See Ch. 124, Grading.

Parking lot	See <sup>2</sup>
Natural feature	25 <sup>3</sup>
Maximum lot coverage	
Buildings	30%
Impervious surfaces	80%
Maximum height	
Feet	20
Stories	1

Notes pertaining to area and bulk regulations:

<sup>1</sup> The minimum side yard on a side facing a street shall not be less than the minimum front yard required in the district in which it is located.

<sup>2</sup> See Article 12, Parking and Loading Requirements, for parking lot setback requirements.

<sup>3</sup> Natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, river or channel and to the edge of any drainageway or regulated wetland. Only waterfront structures and appurtenances, as permitted in Article 17, Waterfront Provisions, may be located within the natural feature setback. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:

- a. The relative extent of the public and private need for the proposed activity.
- b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off site or on other commercially available properties.
- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
- d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
- f. The size and quality of the wetland.
- g. Proximity to any waterway.
- h. Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
- i. Economic value, both public and private, of the proposed land change to the general area.

Notes pertaining to area and bulk regulations:

- j. Findings of necessity for the proposed project which have been made by other state or local agencies.



## ARTICLE 7

**Macomb Street District**

**[Ord. No. 232, effective 1-5-1997; Ord. No. 276, effective 8-29-1999; by Ord. No. 303, effective 11-21-2001; 9-26-2005 by Ord. No. 05-08]**

**285-7.1. Intent.**

The Macomb Street District (MSD) is the mixed-use central business district of the Township, offering a diverse range of businesses and services to the community, intermixed with residential dwellings. This district includes retail businesses, restaurants and entertainment establishments, offices, public institutions and facilities, and residential dwellings. Specifically, the regulations set forth herein provide for the following:

- A. Macomb Street is intended to be a distinct community center and focal point in the Township with a complementary and integrated mixture of uses that create a walkable, traditional small town environment. Development and redevelopment consistent with the historic architecture of the Township, mixture of uses and layout of a traditional small town is encouraged for this district.
- B. The Macomb Street District regulations include design standards that are intended to promote quality site design and building architecture consistent with the predominant residential character of the Township and the strong historic heritage of Grosse Ile. Macomb Street development and redevelopment is to be orderly and planned, to complement adjoining uses and harmonize with the surrounding area in terms of the physical site layout, access, building design, pedestrian/bike facilities, landscaping, signs, parking arrangements and lighting.
- C. Macomb Street uses may generate more activity than other uses within the Township in terms of traffic, noise and pedestrians. Therefore, uses directly adjacent to residential uses, where permitted, are required to provide ample setbacks, buffering and sensitive site design.
- D. The intimate character of the portion of the Macomb Street corridor located east of Parke Lane is desired to be preserved. This portion of the Macomb Street corridor is characterized by the modest size of the buildings, the sensitive treatment of the storefronts and residences, the closeness of the buildings to each other and to the road, and the layout and design of the streetscape to encourage pedestrian traffic. To maintain a pedestrian-oriented environment and minimize the dominance of automobiles, parking is encouraged to be located to the side or rear of buildings.
- E. Development and redevelopment of sites within the MSD District shall be consistent with the recommendations of the Township Master Plan and the Downtown Development Authority Macomb Streetscape Design Plan and the Macomb Street Design Standards adopted by the Township.

**285-7.2. Permitted uses. [Amended 9-12-2011 by Ord. No. 11-03]**

- A. Principal uses. In the MSD District no building shall be erected and no building or land shall be used except for the following uses, and subject to the standards and requirements set forth in this chapter and the review procedures in Article 21, Site

Plan Review. The following shall apply to each individual use which may be located on a lot with other uses:

- (1) Any generally recognized retail use up to 10,000 square feet gross floor area which supplies commodities on the premises such as baked goods, groceries, meats, dairy products, drugs, apparel, dry goods and notions, hardware, vehicle parts, appliances, crafts, greeting cards, home furnishings, sporting goods, rental and sales of videos, recorded music and books.
- (2) Banks, credit unions and similar financial institutions with up to three drive-through teller windows or automatic teller windows; and stand-alone automatic bank teller machines.
- (3) Child day-care centers, preschool and commercial day-care centers, provided that the following regulations are complied with:
  - (a) There shall be at least 150 square feet of outdoor play area per child for whom care is being provided; but in no instance shall the total outdoor play area be less than 5,000 square feet in size. All required outdoor play areas shall be fenced in accordance with the regulations of this chapter, provided that no fence shall be located in a front yard (including both front yards on a corner lot).
  - (b) There shall be at least 50 square feet of indoor classroom, crib or play area per child for whom care is provided.
  - (c) The facility shall continually have on file with the Township documentation of a valid license as required by the state.
- (4) Commercial schools and studios for photography, art, dance, music, theater, ballet and martial arts.
- (5) Personal service establishments which perform services on the premises, including, but not limited to, dressmaker and tailor shops, beauty parlors, barber shops, tanning salons, laundries, dry cleaners, mailing, and copying.
- (6) Professional offices up to 10,000 square feet gross floor area of architects, engineers, and lawyers; insurance and real estate agents, financial consultants and brokers; advertising offices; accounting and bookkeeping services; clerical and stenographic services; sales offices; executive or administrative offices; and medical offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions, including outpatient services but excluding inpatient services and urgent care centers.
- (7) Restaurants and banquet halls which serve food and alcoholic or nonalcoholic beverages for consumption within the building or for carry-out; but not having a drive-in or drive-through facility. Accessory outdoor seating is permitted, provided that noise levels do not disturb adjacent uses.
- (8) Retail businesses in which both a workshop or service facility and a retail outlet are combined, including, but not limited to, the business of an electrician, interior decorator, shoe repair, radio, computer and home appliance

repair service, photographic processor, provided that no more than 50% of the total usable floor area of the establishment shall be used for servicing, repairing, or processing activities.

- (9) Shopping centers up to a total of 20,000 square feet that contain a combination of those uses specifically permitted in the MSD District.
- (10) Public or quasi-public uses, including governmental administrative buildings; post offices; educational, religious, or cultural facilities; and social halls, lodges, fraternal organizations and clubs.
- (11) Single-family detached dwelling units meeting the residential design standards of § 285-3.4E on lots with a minimum width of 50 feet and a minimum area of 6,000 square feet, except that the maximum floor area ratio and lot coverage ratio shall be 22% and 20%, respectively. **[Amended 4-19-2012 by Ord. No. 12-02]**
- (12) One single-family dwelling unit on the same lot as any nonresidential uses specifically permitted in the MSD District (including a single apartment above a business) meeting the area and bulk regulations of § 285-7.4 and providing at least 1,000 square feet of usable floor area.
- (13) Multiple-family townhouse dwelling units meeting the following requirements:
  - (a) One dwelling unit shall be permitted for each 4,000 square feet of lot area. Each unit shall have a minimum floor area of 1,000 square feet and a minimum of two bedrooms.
  - (b) Such units shall be designed as townhouses, each having a separate entryway with direct access to the outdoors and defined front and rear yards. The front entrance shall be accessed by a porch or stoop with the front entrance between two feet and four feet above grade.
  - (c) The maximum length of buildings shall be 160 feet with a minimum twenty-foot spacing between buildings.
  - (d) Parking shall not be permitted in the front yard, and garages shall not face the front lot line. All units shall provide individual garages accessed from the rear of the building. This may be accommodated by an attached rear-entry garage, a below-grade garage or a detached garage located in the rear yard. Where a garage is below the unit with the garage floor at least three feet below grade, the lower level of the garage shall not count towards the allowable two stories, provided the total building height does not exceed 35 feet.
  - (e) All buildings shall utilize traditional styles of architecture consistent with the Macomb Street design standards and compatible with other nearby residences. All walls of the buildings shall be at least ninety-percent brick or stone, with other accent materials permitted by the Planning Commission under § 285-7.3F(2). The use of wood or fiber cement siding may be permitted on buildings that are designed with a traditional style

that the Planning Commission determines will be consistent with the traditional architecture of historic buildings on Grosse Ile and in accordance with the Macomb Street design standards in the Township Master Plan.

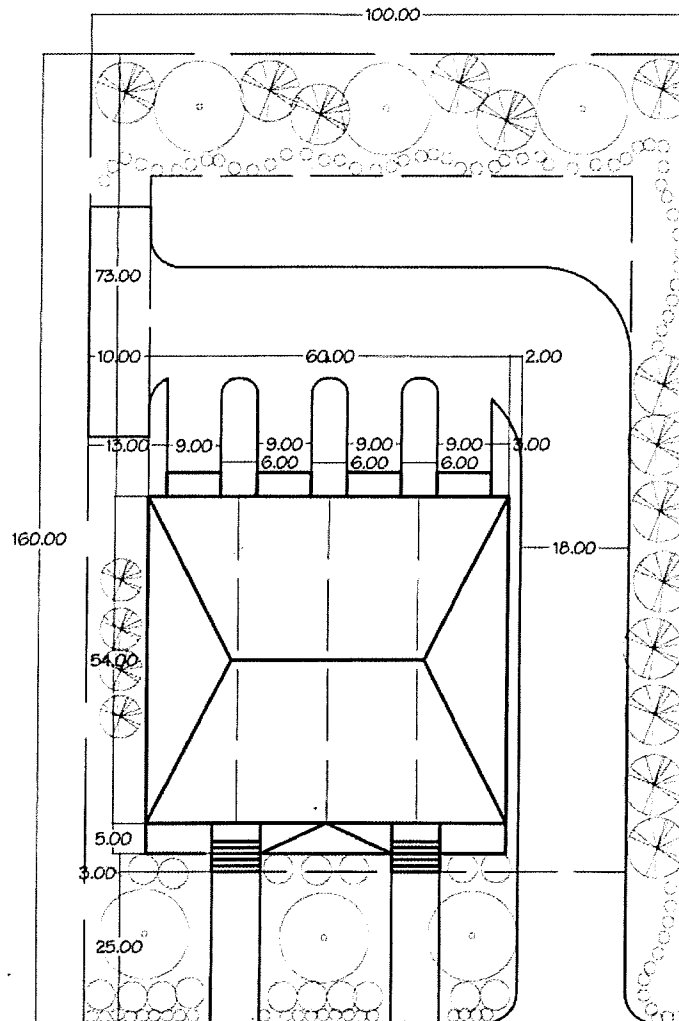
- (f) Buildings shall be oriented towards the street with the primary pedestrian access facing the street. The facade of buildings facing the public street shall include doors, windows, porches, stoops and other architectural detailing consistent with the front facade of a traditional dwelling. Buildings shall be designed with at least one of the following features on the front street-facing elevation:
  - [1] Roof dormer;
  - [2] A porch roof with a gable end facing the street; or
  - [3] A gable end facing the front lot line with a window or trimmed vent in the gable area above the eave line:
- (g) All windows shall have vertical proportions. The sides of end units shall include windows to break up any blank walls.
- (h) The area and bulk requirements of § 285-7.4 shall be complied with; except where the site adjoins a single-family residential use, a minimum twenty-foot setback shall be provided from the adjacent single-family residential lot.
- (i) Required conditions of § 285-4.3 shall be complied with, in addition to the requirements of this article.

Townhouses with individual entrances and front porch 3 feet above grade.

Pedestrian orientation towards street with garages to rear.

Traditional architecture with brick as primary material.





(14) Resale and consignment shops.

(15) Essential services.

(16) Other uses similar to the above uses not specifically addressed elsewhere in this chapter, as determined by the Planning Commission following the process outlined in Article 19.

B. Accessory buildings and uses. The following accessory buildings and uses shall be permitted, subject to the following provisions:

- (1) Accessory buildings and uses which are customarily incidental to the principal use on the lot, including an approved special land use, subject to the same required conditions that are applicable to the principal or special land use.
- (2) Off-street parking in accordance with the requirements outlined in Article 12.
- (3) Signs in accordance with the provisions set forth in Article 16.

- (4) Outdoor sales and display, provided it is within 20 feet of the principal commercial structure and that material is stored indoors after the establishment closes each day.
  - (5) Tent sales, provided that the following regulations are complied with:
    - (a) The tent shall be no greater than 1,000 square feet in area.
    - (b) The tent shall be located on the same lot or combination of lots, owned and operated by the proprietor of a permanent principal commercial establishment.
    - (c) Retail operation shall be only during daylight hours.
    - (d) The operation shall be limited to 45 days per year.
    - (e) One unlit sign is permitted.
    - (f) No new exterior lighting is permitted.
    - (g) The tent and any electrical power to the tent must be approved by the Building Department, and must comply with building and electrical code standards.<sup>5</sup>
    - (h) Parking shall be limited to paved parking lots on the same site. Adequate parking shall be provided, and the tent shall be located such that it will not disrupt parking lot access and traffic circulation.
    - (i) The site shall be restored to its original condition after the tent is removed, and a performance guarantee shall be provided to ensure such restoration.
  - (6) Off-street parking and storage of small utility trailers or service trucks with a maximum capacity of 1 1/2 tons, provided such vehicles are the property of the occupant, have a current year's license, and are stored within a garage or in the rear yard where it is not visible from the public right-of-way. If the rear yard is visible from the public right-of-way, then a screening wall meeting the requirements of Article 13, Landscaping, Screening and Walls, shall be required. The parking or storage of trucks that exceed one-and-one-half-ton capacity, truck trailers, truck tractors, moving vans, automobile trailers, and licensed or unlicensed vehicles which are wrecked, disabled, or incapable of movement under their own power is prohibited in this district.
- C. Special land uses. The following uses shall be permitted as special land uses in the MSD District subject to the following requirements and subject to the review procedures in Article 22, Special Land Use Review. The following shall apply to each individual use which may be located on a lot with other uses:
- (1) Any generally recognized retail use equal to or greater than 10,000 square feet gross floor area which supplies commodities on the premises such as baked goods, groceries, meats, dairy products, drugs, apparel, dry goods and notions,

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5. Editor's Note: See Ch. 40, Building Construction.

hardware, vehicle parts, appliances, crafts, greeting cards, home furnishings, sporting goods, rental and sales of videos, recorded music and books.

- (2) Automobile, boat or recreational vehicle sales, new and used.
- (3) Automobile or vehicle service stations, provided that the following regulations are complied with:
  - (a) The minimum lot area for a service station in the MSD District shall be 15,000 square feet, except that the minimum lot area for service stations which have no facilities for repair or servicing of vehicles shall be 10,000 square feet.
  - (b) Edge of parking areas and driveways shall be at least 25 feet from an adjacent property line.
  - (c) Three off-street car storage spaces shall be provided for each car repair bay. Outdoor storage of wrecked, partially dismantled, or vehicles without current license is prohibited. An individual vehicle shall not be stored outdoors for more than seven days in any thirty-day period.
  - (d) Outside storage of oil drums, trailers, tires, equipment for rent, or other materials shall not be permitted in the MSD District.
  - (e) Engine rebuilding, vehicle dismantling, upholstering, and other types of major repair work shall not be permitted in the MSD District.
  - (f) The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure that there is no glare on the public streets or adjacent property. Lighting levels will not exceed 0.1 footcandle (measured at the ground surface) at a residential property line and 1.0 footcandle at a nonresidential property line.
  - (g) The applicant shall submit a pollution incidence protection plan, prepared by a qualified professional, which shall describe measures to prevent groundwater, soil or surface water contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shutoff valves.
  - (h) In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises.
  - (i) A combination service station/convenience store shall be permitted only if there is adequate space for safe and efficient pedestrian and vehicular circulation, sufficient parking for each use added collectively, and required landscaping and buffering. The applicant shall provide a parking and circulation plan that demonstrates the means of separating convenience store traffic from service station traffic. The Planning Commission shall examine this plan and the impact of anticipated traffic

on adjoining properties in making its determination.

- (4) Automobile washes that are automatic, self-service or accessory to a service station, provided the following regulations are complied with:
  - (a) Access shall be limited to one access point per street.
  - (b) Where adjoining a residential district, a solid fence or wall six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.
  - (c) All washing facilities shall be within a completely enclosed building.
  - (d) Vacuuming and drying may be located outside the building, but shall not be in the required front, side or rear yards and shall be set back at least 50 feet from any lot that is zoned or used as residential.
  - (e) All vehicles required to wait for access to the facilities shall be provided stacking spaces off the street right-of-way which do not conflict with driveway access or vehicle maneuvering areas to access gasoline pumps or vacuums.
- (5) Bed-and-breakfast inns; hotels, motels including accessory convention/meeting facilities and restaurants. Bed-and-breakfast inns shall meet the special land use standards of Article 19.
- (6) Banks, credit unions and similar financial institutions with more than three drive-through teller windows or automatic teller windows.
- (7) Convenience stores.
- (8) Funeral homes or mortuaries.
- (9) Hospitals, urgent-care facilities and medical centers.
- (10) Indoor theaters, video arcades, bowling establishments, bars with live musical entertainment or dancing, dance halls, health and fitness centers, and similar places of assembly or entertainment.
- (11) Shopping centers equal to or greater than 20,000 square feet that contain a combination of those uses specifically permitted in the Macomb Street District.
- (12) Pawnshops, provided the following regulations are complied with:
  - (a) Outdoor display shall be prohibited.
  - (b) Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
  - (c) Security measures shall be provided which are not visible from the exterior of the building.
- (13) Professional offices equal to or greater than 10,000 square feet gross floor area

of architects, engineers, and lawyers; insurance and real estate agents, financial consultants and brokers; advertising offices; accounting and bookkeeping services; clerical and stenographic services; sales offices; executive or administrative offices; and medical offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions.

- (14) Restaurants with a drive-in or drive-through facility. The applicant shall prepare a traffic impact assessment.
- (15) Senior housing, provided that the following regulations are complied with:
  - (a) The minimum lot area shall be three acres.
  - (b) Setbacks from the lot lines which surround the perimeter of the site shall meet the standards of § 285-7.4. Internal setbacks between buildings shall be 20 feet. Minimum setbacks between buildings and the internal road or common access drives shall be 15 feet.
  - (c) The maximum building height shall be one story. If an elevator is provided, then the building may be two stories. The minimum building width in any dimension shall be 14 feet.
  - (d) Minimum unit size shall be 350 square feet of usable floor area, not including kitchen, bathroom and storage areas. The interior of each unit shall be designed to provide ease of mobility by seniors who may have mobility limitations. The following standards shall be met for all units:
    - [1] All doors shall be at least 40 inches wide so as to provide a minimum thirty-six-inch clear opening when the door is standing 90° open.
    - [2] All hallways or passageways shall be at least three feet, six inches in width.
    - [3] There shall be no raised thresholds in the units. Floors shall continue through door openings at the same level.
    - [4] All bathroom and kitchen features shall be designed in accordance with the American National Standards Institute (ANSI), Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People, Section 4.34, Dwelling Units, of ANSI A117.1 (1980), or structurally designed and laid out to be easily modified to accommodate these standards.
  - (e) All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete, brick paving or boardwalk and be accessible to the handicapped according to the standards set forth in the Americans With Disabilities Act.<sup>6</sup> Handicapped access ramp structures may encroach into any required setback space.
  - (f) At least 15% of the total site area shall be reserved as open space. This

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6. Editor's Note: See 42 U.S.C. § 12101 et seq.

open space shall be utilized for recreation facilities such as picnic areas, walking trails or other open space uses which provide elderly residents the opportunity to enjoy the natural features of the site. The open space shall be configured to be integrated with the individual units and maximize the proximity of each housing unit to natural open space.

- (g) Deed restrictions shall limit occupancy of units to senior citizens by requiring that each unit be occupied by at least one person over 55 years of age. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the initial special land use approval. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved.
- (16) Veterinary clinics, veterinary hospitals and related offices, provided that the following regulations are complied with:
- (a) The use shall be operated by a licensed or registered veterinarian.
  - (b) All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
  - (c) Any indoor boarding shall be limited to that incidental to treatment or surgery.
  - (d) Any veterinary building or structure which is used for the treatment or holding of animals and which is adjacent to a residential district shall have the following construction features:
    - [1] Walls are soundproofed to allow a maximum transmission of 65 decibels measured at any point on the outside of the exterior wall.
    - [2] Doors must be solid core.
    - [3] Ventilation must be forced air.
  - (e) Outdoor exercising is allowed when the pet is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.
- (17) Multiple-family dwelling units; provided all R-3 area and bulk regulations of § 285-4.4 are complied with in addition to the requirements of this article.
- (18) Multiple-family dwelling units on the same site as nonresidential uses; provided the following conditions are met:
- (a) Designated residential parking is provided on the site meeting the requirements for multiple-family, in addition to parking requirements for commercial uses.
  - (b) The R-3 minimum usable floor area per dwelling unit standard of § 285-4.4 is provided.
  - (c) The Planning Commission shall determine that the site and buildings are

designed to allow a complementary mixture of uses on the site with minimal conflict, based upon the special land use standards contained in Article 22.

(19) Boarding homes subject to the following:

- (a) A boarding home shall be located on a lot that has frontage on Macomb Street and is a minimum of 1,500 feet from any of the following:
  - [1] Another boarding home.
  - [2] A state-licensed adult foster care facility.
  - [3] A school.
  - [4] A nursery or day care.
- (b) The boarding home shall be the only use on the lot, and the site shall meet the minimum requirements of the R-1-B District applicable to single-family dwellings.
- (c) The dwelling shall be single-family residential in character, shall not be cause for a change in character of the neighborhood and shall have a facade style consistent with other single-family residences within the Township. A boarding home shall not be established in a structure that is commercial or multiple-family in character.
- (d) A boarding home operation shall be confined to the single-family dwelling unit that is the principal dwelling unit on the property. The dwelling shall be the permanent residence of the boarding home owner. The boarding home owner's living area shall be a minimum of 900 square feet (not including storage, utilities, hallways, and the bedroom and bathroom facilities of the boarding home tenants). The boarding home shall employ only those living in the house or up to one additional employee.
- (e) Floor plans and site plans drawn to scale of the entire boarding home facility shall be submitted to the Planning Commission.
- (f) The dwelling shall be a single-family detached dwelling with not more than six sleeping rooms available for boarders. No premises shall be utilized for a boarding home operation unless the following conditions are met:
  - [1] Such dwelling shall meet all applicable Township building and fire codes.<sup>7</sup>
  - [2] The building shall meet requirements of the Americans with Disabilities Act for accessibility. This shall include wheelchair accessibility to the common living and dining areas and at least one tenant room and one full bathroom facility.

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7. Editor's Note: See Ch. 40, Building Construction, and Ch. 110, Fire Prevention.

- [3] There shall be at least two exits to the outdoors from such premises on the main floor. There shall also be a safe means of egressing the second floor that meets Township fire code requirements.
  - [4] Rooms utilized for sleeping shall have a minimum size of 120 square feet, excluding closet area, and there shall be no more than one occupant per room.
  - [5] Each sleeping room shall have a separate smoke detector alarm, installed in accordance with the applicable Township building code requirements. Such smoke detector shall be interconnected with a building-wide fire detection system.
  - [6] Lavatory and bathing facilities shall be available to all persons using any boarding home operation, provided a minimum of one full bathroom shall be provided for each three boarders, in addition to the full bathroom for the owner.
  - [7] There shall be no cooking facilities provided for the boarders. Meals shall be served only to occupants of the boarding home facility. There shall be common dining and social areas provided with a minimum total usable floor area of 350 square feet.
  - [8] All boarders shall secure leases from the owner, the term of which shall be no less than one month.
- (g) Off-street parking shall be provided based upon one space for each rental room and two spaces for the owner of the facility. It is the Township's intent to discourage the alteration to yards, removing of landscaping or the intruding upon the integrity of the neighborhood altered in order to provide parking. Therefore parking shall be located within the rear yard or within the front yard, provided parking shall not be within 20 feet of the front lot line. Side and rear yard screening of the parking lot shall be provided in accordance with the requirements of Article 13, Landscaping, Screening and Walls.
- (h) Upon granting special land use approval, a boarding home shall be provided a license from the Township. Such license shall be renewed every six months by the Zoning Administrator based upon demonstration of compliance with the requirements of Township ordinances and conditions of approval. Copies of all current leases shall be provided to the Township at the time of license renewal. A boarding home dwelling establishment shall be considered to have ceased operation when active rental of the facility lapses for six months or more.
- (20) Household tool and equipment rental, excluding vehicles, trailers and construction equipment and machinery. Any outdoor storage shall be located in the rear yard within a screened enclosure. Outdoor display may also be permitted, provided any such items:
- (a) Shall be displayed only during regular business hours;

- (b) Shall not block motorized or nonmotorized access;
  - (c) Shall be located within five feet of the principal building; and
  - (d) Shall be placed inside the building each day at the end of business.
- (21) Other uses similar to the above uses not specifically addressed elsewhere in this chapter, as determined by the Planning Commission following the process outlined in Article 19.

### **285-7.3. Required conditions.**

- A. Site plan review. Submission of a site plan for review and approval by the Planning Commission shall be required, in accordance with the provisions set forth in Article 21, Site Plan Review, prior to issuance of a building permit and development in the MSD District.
- B. Development site. For uses located within the MSD District, the standards that are contained in this chapter shall be applied to the zoning lot, as defined. This may include a combination of lots under unified ownership and control, or a site that contains multiple uses or principal structures. The Planning Commission shall have the discretion to determine what constitutes a zoning lot during site plan review.
- C. Public access.
  - (1) All MSD commercial uses shall have direct access onto a public hard-surfaced street, except that indirect access onto a public street may be permitted where the Planning Commission determines that such an alternative would promote traffic safety and would not cause undue disruption to surrounding uses.
  - (2) All streets, roads and access drives shall be concrete or asphalt and be designed and constructed in accordance with the Township Roads and Driveways Ordinance<sup>8</sup> and the standards of the Wayne County Department of Public Services and the Township Engineer.
  - (3) Sidewalks or bike paths shall be provided along all abutting public streets. Sidewalks shall be located and designed to meet the standards of the Downtown Development Authority Macomb Streetscape Design Plan. In locations where this plan does not prescribe sidewalk standards, sidewalks shall be provided one foot inside the dedicated street right-of-way, be a minimum five feet wide, concrete and constructed to the specifications of the Wayne County Department of Public Services and the American Association of State Highway and Transportation Officials (AASHTO).
- D. Outside storage. Outside storage of materials, supplies, equipment, or other goods, other than temporary outdoor sales and display as provided for in § 285-7.2B, is prohibited in this district.
- E. Landscaping and buffering. Submission of a landscape plan to the Planning Commission for review and approval shall be required, based on requirements set forth in Article 13. Landscaping shall include the following requirements:

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8. Editor's Note: See Ch. 205, Roads and Driveways.

- (1) General site landscaping to meet the requirements of § 285-13.3A.
- (2) Greenbelts along all abutting public road right-of-ways or private road easements to meet the requirements of § 285-13.3B.
- (3) Buffer zones from all abutting land uses to meet the requirements of § 285-13.3C.
- (4) Off-street parking landscaped in accordance with the requirements of § 285-13D.
- (5) Landscaping shall comply with all specifications and requirements of Article 13.

F. Architectural standards.

- (1) All proposed development within the MSD District shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners and blend harmoniously into the streetscape. Single-family detached dwelling units shall meet the residential design standards of § 285-3.4E.
- (2) Non-single-family detached residential, including new buildings, additions and renovations, shall be designed to preserve or complement the design character of existing development, provide visual harmony between old and new buildings, and create a positive image for the Township's Macomb Street business district. Proposed non-single-family detached residential structures shall comply with the Macomb Street Design Standards adopted by the Township and shall be reviewed by the Planning Commission under the following criteria:
  - (a) Buildings shall front towards and have their primary pedestrian entrance facing onto the public street. Blank walls may not face a public street and buildings must have windows and architectural features commonly associated with the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials, on walls that face the public street. The Planning Commission may permit buildings which face towards a side yard, provided that defined pedestrian access routes are provided to the public street and features such as those described above are provided along walls that face the public street.
  - (b) Buildings shall be located to create a defined streetscape through uniform setbacks and proper relationship to adjacent structures. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roofline shapes and rhythm of windows and doors. The Planning Commission may require a perspective drawing or a scale model of the proposed structure.
  - (c) The exterior building materials and treatment shall be of finished quality, consistent with the quality of exterior treatment on surrounding buildings. Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally

compatible with adjacent buildings and enhance the predominant streetscape. For any side of a principal building, at least 90% of the facade shall be constructed of, or covered with, one or more of the following materials:

- [1] Brick;
  - [2] Cut stone;
  - [3] Vinyl siding or fiber cement siding, such as hardplank;
  - [4] Wood siding;
  - [5] Stucco in Tudor style buildings;
  - [6] Nonreflective glass; or,
  - [7] Other materials similar to the above as determined by the Planning Commission.
- (d) All buildings shall have pitched roofs, except the Planning Commission may allow commercial structures with flat roofs where the design of the structure complies with the Macomb Street Design Standards adopted by the Township.
- (e) Buildings shall possess architectural variety, but the architecture shall enhance the overall cohesive community character, as demonstrated by the applicant in terms of the following:
- [1] The type and color of materials shall not be contrary to the existing or intended character of Macomb Street.
  - [2] The orientation of entrances and proposed flow of pedestrians will contribute towards pedestrian activity along Macomb Street and, where possible, coordinate with adjacent uses.
  - [3] The location, size and number of windows shall be oriented towards Macomb Street and maintain similar proportions and rhythms with existing buildings along the same block.
  - [4] The building's setback will be consistent with adjacent lots and contribute to creating a defined streetscape.
  - [5] The mass of the building shall relate and be proportional to the existing buildings along the same block.
  - [6] Corner buildings should be designed as more significant structures related to their prominent location.
- (f) Buildings shall provide architectural features, details and ornaments, such as archways, colonnades, towers, cornices or peaked rooflines. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.
- (g) The predominating surface plane of all building walls over 50 feet in

length shall be varied through the use of one or more of the following: varying building lines, windows, architectural accents or landscaping.

- (h) Where the side or rear facade(s) of a building will be visible from a residential zoning district or public land, or the rear or side of the site will be used for public access or parking, such facade(s) shall be constructed to a finished quality comparable to the front facade.
  - (i) Signs, landscaping, walls, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby developments. All rooftop-mounted equipment shall be screened from view.
- G. Parking requirements: Macomb Street uses shall provide parking and loading in accordance with the provisions set forth in Article 12.
- (1) For those MSD uses east of Parke Lane where required off-street parking cannot be met on site, parking requirements can be met through on-street parallel parking or off-street parking on another site where a shared parking easement is permitted or supplied by the Township.
  - (2) Off-street parking shall be located in the side or rear yard. On lots where parking requirements cannot be met in the side and rear yards, the Planning Commission may permit off-street parking in a portion of the front yard, provided that such parking lot meets the minimum front yard setback requirement.
  - (3) Where off-street parking is visible from the public right-of-way, screening shall be provided between the parking lot and the public right-of-way. Screening shall consist of a hedgerow or a three-foot tall earth-tone brick wall. If a hedgerow is provided, it shall be planted with two-foot tall shrubs, spaced 2 1/2 feet on center.
  - (4) Off-street parking shall be landscaped in accordance with the requirements of Article 13.
- H. Storm sewer. All uses located within the MSD District shall be connected to a storm sewer. Where a storm sewer is not available, then a stormwater detention pond may be allowed by the Planning Commission, provided that the site is designed to connect to the storm sewer when it is made available to the site and such connection is made when it becomes available.
- I. Additional requirements: All permitted and special land uses shall comply with all applicable provisions of this chapter, including those listed below as a reference guide:
- (1) Article 12, Parking and Loading.
  - (2) Article 15, Grading Regulations.<sup>9</sup>
  - (3) Article 16, Signs Regulations.

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9. Editor's Note: See Ch. 124, Grading.

- (4) Article 18, Nonconforming Lots, Structures and Uses, for redevelopment or expansion of nonconforming conditions.
- (5) Article 19, General Provisions, including regulations for covered trash receptacles and site lighting.

#### **285-7.4. Area and bulk regulations.**

Any structure or use of the land in the MSD District shall be subject to the following area and bulk regulations:

<b>Requirement</b>	<b>MSD</b>
Minimum lot area	Variable <sup>1</sup>
Minimum setbacks (feet)	
Front yard	25 <sup>2,3</sup>
Side yard	10 <sup>4,5,8</sup>
Rear yard	20
Parking lot	See <sup>6</sup>
Natural feature	25 <sup>7</sup>
Maximum lot coverage	
Buildings	30%
Impervious surfaces	80%
Maximum height	
Feet	35
Stories	2

Notes pertaining to area and bulk regulations:

- <sup>1</sup> The minimum lot area shall be based on the requirements for parking, landscaping, vehicular and pedestrian circulation, maximum lot coverage, and other conditions set forth herein, unless otherwise specified.
- <sup>2</sup> Off-street parking shall meet the required minimum front yard setback for principal structures. This setback shall be maintained as a landscaped setback. Neither parking, nor structures shall be located within the front yard.
- <sup>3</sup> East of Parke Lane, the minimum front yard setback shall be equal to the average of the front yard setbacks for the adjacent buildings on either side of the proposed use. The Planning Commission may permit a reduced front yard setback in all areas of the MSD where parking is not located in the front yard, a pedestrian entrance is provided facing Macomb Street and the setback is not less than that of adjacent principal structures.
- <sup>4</sup> The minimum side yard on a side facing a street shall not be less than the minimum front yard required in the district. If parking is provided in a side yard facing a street, then the minimum side yard shall be 50 feet.

- 5 East of Parke Lane, an interior side yard shall not be required, provided that the side wall of the building does not have windows or other openings, and provided further that the side wall is of fireproof construction, as defined by the Building Code. The minimum side yard setback shall be 10 feet on interior side lots where the building does not meet both of these conditions.
- 6 Parking lot setback requirements of Article 12, Parking and Loading Requirements, shall be complied with, provided that the Planning Commission may reduce the side or rear yard parking lot setback in consideration of the size of the site, the configuration of the parking lot, circulation on the site, adequacy of screening, compatibility with adjacent land uses and relationship to structures, or parking lots on adjacent lots.
- 7 Natural feature setback shall be maintained in relation to the ordinary high-water mark of any pond, river or channel, and to the edge of any drainageway or regulated wetland. Only waterfront structures and appurtenances, as permitted in Article 17, Waterfront Provisions, may be located within the natural feature setback. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:
  - a. The relative extent of the public and private need for the proposed activity.
  - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.
  - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the wetland provides.
  - d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - f. The size and quality of the wetland.
  - g. Proximity to any waterway.
  - h. Extent to which upland soil erosion adjacent to protected wetlands or drainageways is controlled.
  - i. Economic value, both public and private, of the proposed land change to the general area.
  - j. Findings of necessity for the proposed project which have been made by other state or local agencies.
- 8 Minimum side yard setbacks for single-family detached dwelling units shall be five feet for one side yard and 15 feet for the combination of both side yards.



ARTICLE 8  
**SE Special Environmental District**  
**[Ord. No. 286, effective 4-16-2000]**

**285-8.1. Intent.**

The purpose of this district is to require that no changes in use or new development occur on Point Hennepin until all necessary federal, state, and local environmental studies and clearances are completed. Point Hennepin is a fill area built up over a period of years by the distribution of disposal materials from chemical manufacturing operations on the nearby mainland.

**285-8.2. Permitted uses.**

This district permits only the presently existing unused chemical disposal site on Hennepin Island. Reactivation of chemical disposal functions, further development, or changes in land use may be permitted only upon application to the Township. An agreement between the BASF Corporation and Grosse Ile Township executed on September 26, 1977, provides for the filling of existing Point Hennepin brine field sinkholes with dredging spoils, demolition rubble and similar inert material (containing no toxic matter, refuse, garbage, rubbish, or ashes) in accordance with State of Michigan Department of Natural Resources permit standards and Wayne County Health Department environmental health standards.

**285-8.3. Required conditions.**

The Grosse Ile Township Planning Commission must be consulted with respect to any proposed changes in land use on Point Hennepin or any physical changes involving the present use of the land. The Planning Commission, in consultation with requisite Wayne County, State of Michigan, and federal agencies, shall inform the applicant of all required environmental and development studies, analyses, clearances, approvals, and permits.



## ARTICLE 9

**A-1 Airport and Light Industrial District**

**[Ord. No. 259B, effective 4-11-1999; amended 7-22-2002; 1-22-2007 by Ord. No. 07-01]**

**285-9.1. Intent.**

- A. This article regulates the use of the land formerly occupied by the United States Naval Air Station in conformity with the terms and conditions of the deed from the United States of America and the lease from the State of Michigan to the Township of Grosse Ile.
- B. The A-1 Airport and Light Industrial District permits those uses, activities, facilities and structures necessary for the safe and efficient operation of aircraft for the use and benefit of the public, and for providing the services and facilities required to accommodate airport patrons and employees.
- C. The A-1 Airport and Light Industrial District provides locations that will accommodate complementary commercial, research and light industrial operations, such as light manufacturing, fabricating, or processing; warehousing; research laboratories; computer-related high-technology businesses; aerial survey businesses; and other types of light industrial uses.
- D. The A-1 Airport and Light Industrial District protects the delicate island environment from harmful impacts on natural resources, the road network and residential uses often associated with heavy industrial operations. Accordingly, the regulations permit development that is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, noise, vibration, smoke, odor and other objectionable impacts. The regulations further permit development that is complementary to, and not in conflict with, the safe and efficient operation of the airport and that will not adversely impact the surrounding residential uses.

**285-9.2. Aeronautical uses.**

The following aeronautical uses shall be permitted in the A-1 Airport and Light Industrial District, subject to the standards and requirements set forth in this chapter, and the review procedures in Article 21, Site Plan Review.

- A. Principal use, Aeronautical: airport landing areas, runways, taxiways, control towers, tie-down areas, aircraft hangars, aircraft maintenance, aircraft fuel farms, and similar airport related facilities and structures that are consistent with § 285-9.1, Intent.
- B. Accessory use, Aeronautical: accessory uses shall include any uses customarily incidental to the principal use that are consistent with § 285-9.1, Intent, provided that the storage of fuels and hazardous materials shall comply with the standards of § 285-9.3B(2).

**285-9.3. Nonaeronautical uses. [Amended 9-12-2011 by Ord. No. 11-03]**

- A. Principal uses, nonaeronautical. The following nonaviation uses shall be permitted

within fully enclosed buildings, provided such uses are consistent with the terms and conditions of the deed from the United States of America, or amendments thereto, and subject to the standards and requirements set forth in this chapter and the review procedures in Article 21, Site Plan Review. The Declaration of Covenants and Restrictions as adopted by the Township Board on October 25, 1984, as amended, shall apply to the use of land situated in the Grosse Ile Industrial Park.

- (1) Air freight transportation facilities.
- (2) Automobile or vehicle repair establishments, subject to the following requirements:
  - (a) All repair work shall be conducted completely within an enclosed building.
  - (b) Vehicles stored outdoors shall be stored in the rear yard. Vehicles shall not be stored outdoors for more than seven days in any thirty-day period. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.
- (3) Boat and RV sales, storage and maintenance.
- (4) Building/home improvement contractors, including office, showroom, storage and outdoor storage yards.
- (5) Business services (mailing, copying, data processing, telecommunications, etc.).
- (6) Convenience stores of up to 5,000 square feet.
- (7) Dry cleaner dropoff stations.
- (8) General offices, corporate offices and aviation-related offices.
- (9) Government offices and facilities, including storage yards for government vehicles, and public works maintenance equipment and facilities for law enforcement, customs, homeland security, and emergency services training.
- (10) Hotels, motels, bed-and-breakfast inns, restaurants without drive-through, parking lots, automobile rental, or other similar nonaviation businesses directly related to the development, improvement, maintenance and operation of the airport and mixed-use industrial park.
- (11) Indoor commercial or self-storage, including boat storage.
- (12) The manufacturing, compounding, assembling, fabricating, processing, heat treating, coating, bonding, packaging or improving of the following products using previously prepared materials within a completely enclosed building:
  - (a) Textile mill products;
  - (b) Apparel and other finished fabric products;
  - (c) Lumber and wood products;

- (d) Furniture and fixtures;
  - (e) Leather products;
  - (f) Stone, clay and glass, using previously pulverized clay and kilns fired only by electricity or gas;
  - (g) Fabricated rubber, plastic and metal products, but excluding the following: steel foundries, and smelting and refining of nonferrous metals;
  - (h) Machinery, tools, dies, robotics and assembly systems;
  - (i) Electrical and electronic machinery, computers and communication equipment and supplies;
  - (j) Transportation equipment;
  - (k) Measuring, imaging, testing, simulation, sensing, analyzing and controlling instruments, equipment, parts and supplies, photographic, medical and optical goods, pharmaceutical products, diagnostic devices, watches and clocks; and
  - (l) Miscellaneous manufacturing, including jewelry, silverware and plated ware, musical instruments, toys, amusement, sporting and athletic goods, and office and artists' materials.
- (13) Medical centers and urgent-care facilities.
- (14) Printing, publishing and allied industries.
- (15) Recreational facilities, including health and fitness clubs, ice arenas, racquet sport courts, other indoor recreational facilities, outdoor athletic fields and parks.
- (16) Research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- (17) Tool and equipment rental, including vehicles or trailers; provided any outdoor storage shall require special land use approval under Subsection C for outdoor sales or storage.
- (18) Trade or industrial schools, training facilities and conference centers, including schools for pilots, aircraft maintenance and operations.
- (19) Warehousing and wholesale establishments, storage and transfer facilities with a total usable floor area of not more than 200,000 square feet. A floor area greater than 200,000 square feet shall require a special land use permit.
- (20) Essential services.
- (21) Other uses similar to the above uses not specifically addressed elsewhere in this chapter, as determined by the Planning Commission following the process outlined in Article 19.

- B. Accessory uses, nonaeronautical. Accessory uses shall include any buildings and uses which are customarily incidental to the principal use, subject to the same required conditions that are applicable to the principal uses as approved following Planning Commission site plan review.
- (1) Accessory buildings and uses which are customarily incidental to the principal use on the lot, subject to the same required conditions that are applicable to the principal uses.
  - (2) Accessory use or storage of hazardous materials. When total quantities of hazardous materials on site will equal or exceed 200 gallons, documentation for the following shall be included with the site plan application, with appropriate correspondence from the Michigan Department of Environmental Quality, Michigan State Police, Fire Marshal and Grosse Ile Township Fire Department:
    - (a) Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
    - (b) Description of storage of any salt, oil or other potentially hazardous materials, including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
    - (c) Description of any generation, on-site treatment, storage, transportation, or disposal of hazardous waste, including a description of waste chemicals and hazard classes.
    - (d) Description of any secondary containment measures proposed, including design, construction materials and specifications, volume and security measures.
    - (e) Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.
  - (3) Accessory outdoor storage shall be permitted as accessory to a permitted use, subject to the following requirements:
    - (a) The area for outdoor storage shall not exceed 25% of the gross building floor area. A greater amount of outdoor storage shall require a special land use permit under § 285-9.3C(5) below.
    - (b) Proposed outside storage of materials, supplies or equipment shall be shown on the site plan.
    - (c) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent blowing of materials off site.
    - (d) Outdoor storage shall be limited to the rear yard of the site or the side yard where it is screened by a wall or continuous row of evergreen

landscaping.

- (e) The height of all material stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence; provided, however, that the stored materials may be increased in height one foot above the screening for every four feet of distance from the screening.
  - (f) All outside storage areas shall be completely accessible to fire and emergency vehicles. All proposed outside storage areas shall be reviewed and approved by the Fire Marshal.
  - (g) Outside storage areas shall be completely screened from view from adjoining properties and from the road, in accordance with the requirements set forth in Article 13, Landscaping, Screening and Walls, and the buffer zone requirements of § 285-9.4E.
- C. Special land uses. The following uses shall be permitted as special land uses in the A-1 Airport and Light Industrial District subject to the following requirements and subject to the review procedures in Article 22, Special Land Use. The following shall apply to each individual use which may be located on a lot with other uses:
- (1) Central dry-cleaning plants.
  - (2) Electric power stations, heating plants and major telecommunication facilities that do not include structures that exceed the permitted building height.
  - (3) Freezer locker plants and cold storage.
  - (4) Kennels, subject to the following conditions:
    - (a) Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than 150 feet to any lot line and 200 feet from the public road right-of-way.
    - (b) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).
    - (c) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals shall be hard surfaces and provided with proper drains for washing with water pressure.
    - (d) All animals shall be kept indoors between the hours of 10:00 p.m. and 6:00 a.m.
    - (e) All dog kennels shall be operated in conformance with all applicable county and state regulations.
  - (5) Outdoor sales or storage, which may include building/lumber supplies, greenhouses, landscaping/nursery stock, outdoor commercial and self storage and outdoor storage of equipment or materials accessory to a principal use that occupies a greater area than allowed by § 285-9.3B(3), above (i.e., outdoor storage area that is more than 25% of the area of the building), subject to the following conditions:

- (a) The area used for outdoor storage shall be fenced and meet all of the setback requirements for principal buildings. Outdoor storage shall not be permitted in a front yard.
  - (b) Proposed outside storage of materials, supplies or equipment shall be shown on the site plan.
  - (c) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
  - (d) The height of all material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence; provided, however, that the stored materials may be increased in height one foot above the screening for every four feet of distance from the screening.
  - (e) All outside storage areas shall be completely accessible to fire and emergency vehicles. All proposed outside storage areas shall be reviewed and approved by the Fire Marshal.
  - (f) Outside storage areas shall be completely screened from view from adjoining properties and from the road, in accordance with the requirements set forth in Article 13, Landscaping, Screening and Walls.
- (6) Municipal recycling centers, subject to the following conditions:
- (a) The recycling center may accept previously sorted nonfood items, such as glass, newspaper, cardboard, metal, construction and demolition debris, or other similar materials. The center shall not handle or store putrescible waste or wastes that would attract birds or wildlife. Sewage, other liquids or dangerous substances in quantities considered to be detrimental to the operation of the transfer facility shall also be excluded.
  - (b) All activities and storage shall be conducted within a completely enclosed building. Doors shall remain closed during operations, and there shall be no outdoor storage.
  - (c) The entire site shall be fully landscaped, screened, bermed with a six-foot berm, and fenced. The perimeter of the site shall be screened with a landscape buffer zone A in accordance with § 285-9.4E(2).
  - (d) All areas intended for use by heavy trucks, trailers or equipment shall be paved with concrete.
  - (e) Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles at any time stand on a public right-of-way waiting entrance to the site. The standing and parking facilities shall be paved with concrete. Vehicles shall not remain on the standing or parking facility for longer than a single twenty-four-hour period.
- (7) Senior citizen congregate housing and assisted-living facilities.

- (8) Stamping plants, subject to providing design and operational details with the special land use application that demonstrate that the type of equipment and sound insulation measures shall comply with the industrial performance standards of § 285-9.6. Noise reduction measures shall detail proposed soundproofing or sound insulation schemes, such as acoustical enclosures, soundproofing, acoustical wall panels, ceiling baffles and exhaust fan noise control.
  - (9) Warehousing and wholesale establishments, storage and transfer facilities with a total usable floor area of more than 200,000 square feet. The special land use application shall include a traffic impact study that demonstrates that the truck and automobile traffic will be within the capacity of the local roads and bridges.
  - (10) Other uses similar to the above uses not specifically addressed elsewhere in this chapter, as determined by the Planning Commission following the process outlined in Article 19.
- D. Uses not permitted. The following uses shall not be permitted, because these uses cannot be located within close proximity to residential areas, require large land areas and need to be in close proximity to interstate highways. Because Grosse Ile Township is primarily a residential community, there are no large land areas that can accommodate these uses. The road network and the bridges to the island are not capable of supporting a large amount of heavy truck traffic generated from these uses. The Township's water and sewer systems have limited capacity to accommodate these uses.
- (1) Chemicals and allied products manufacturing.
  - (2) Concrete and asphalt production.
  - (3) Extractive uses, such as sand and gravel mining, but not including excavation associated with construction of an approved development.
  - (4) Food processing, including meat, dairy, canned and preserved fruits and vegetables, grain mill, bakery, sugar and confectionery, fats and oils and beverage products.
  - (5) Petroleum refining and related industries.
  - (6) Primary metal industries, including iron and steel foundries, smelting and refining of nonferrous metals.
  - (7) Primary rubber and plastics manufacturing.
  - (8) Salvage yard, junk yard, waste disposal, transfer stations, waste disposal, processing, storage, transfer or treatment facilities (hazardous and nonhazardous), except recycling centers within an enclosed building.
  - (9) Sawmills and planing mills, and paper and allied products.
  - (10) Stock yards or slaughtering houses.
  - (11) The processing of raw materials for shipment in bulk form to be used in an

industrial operation at a different location.

- (12) Any use that has the potential to attract large numbers of wildlife or birds, which could be hazardous to the airport operations.
- (13) Other uses similar to the above uses not specifically permitted elsewhere in this chapter or not found to be permitted as similar to other uses, as determined by the Planning Commission following the process outlined in Article 19.

#### **285-9.4. Required conditions.**

- A. Site plan review. Submission of a site plan for review and approval by the Planning Commission shall be required, in accordance with the provisions set forth in Article 21, Site Plan Review, prior to issuance of a building permit and development in the A-1 Airport and Light Industrial District.
- B. Development site. For uses located within the A-1 Airport and Light Industrial District, the standards that are contained in this chapter shall be applied to the zoning lot, as defined. This may include a combination of lots under unified ownership and control, a site that contains multiple uses or principal structures, or a portion of a lot being allocated to an individual use. The Planning Commission shall have the discretion to determine what constitutes a zoning lot during site plan review.
- C. Public access.
  - (1) All uses on the Airport property on the south side of Groh Road shall have access to the system of service roads that interconnect the airport, including the service road along the south side of Groh Road. The Planning Commission may permit direct driveway access to Groh Road where the access point is adequately spaced from other existing driveways in accordance with the Township Roads and Driveways Ordinance<sup>10</sup> and the driveway is approved by Wayne County.
  - (2) All uses on the Airport Commerce Park property on the north side of Groh Road and west side of Meridian Road shall have access to the system of internal roads within the Airport Commerce Park. The Planning Commission may permit direct driveway access to Groh Road where the access point is adequately spaced from other existing driveways in accordance with the Township Roads and Driveways Ordinance and the driveway is approved by Wayne County.
  - (3) In no case shall an A-1 Airport and Light Industrial District use have direct access to a local residential street.
  - (4) All roads, and service drives shall be concrete or asphalt, and be designed and constructed in accordance with the Township Roads and Driveways Ordinance and the standards of the Wayne County Department of Public Services and the Township Engineer. The road width requirements may be reduced for roads and service drives on the Airport and the Airport Commerce Park property to

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10. Editor's Note: See Ch. 205, Roads and Driveways.

no less than 24 feet, measured back to back of curb. For boulevards, the roadways on each side of the median shall be no less than 20 feet, measured back to back of curb. Turning radii at all driveways and intersections shall be a minimum of 30 feet to accommodate trucks.

- D. Architectural standards. All proposed nonaeronautical development within the A-1 Airport and Light Industrial District shall utilize durable materials that require little or no maintenance in order to retain their original appearance.
  - (1) Metal siding with permanent finish may be used in exterior wall application when utilized in conjunction with brick, split face or scored concrete block or other similar material, as approved by the Planning Commission.
  - (2) The walls of the building, facing Groh Road, Midway or Intrepid shall consist of at least 75% brick, split face or scored concrete block or other similar material, excluding the facade area of any door or windows.
  - (3) Metal siding shall only be utilized on the upper portion of the building facade facing the streets noted in Subsection D(2) above, but may be utilized for all of the side and rear facades not facing a street noted in Subsection D(2) above.
  - (4) All exterior heating, ventilation, air conditioning, electrical or other utility service or accessory equipment shall be located or screened not to be visible from any adjacent site or public road right-of-way.
  
- E. Landscaping and buffering. Submission of a landscape plan to the Planning Commission for review and approval shall be required. The landscape plan shall be a part of or accompany the site plan. Landscaping shall be provided as follows within the A-1 Airport and Light Industrial District.
  - (1) Greenbelts along all abutting roads shall meet the following requirements, which apply in lieu of the requirements of § 285-13.3B:

**Table 9.4.E(1)**

**Required Frontage Greenbelts**

<b>Frontage</b>	<b>Greenbelt Width</b>	<b>Minimum Plantings</b>
Meridian Road	100 feet from right-of-way	1 deciduous tree every 30 feet 1 evergreen tree every 30 feet
Groh Road	25 feet from right-of-way	1 deciduous tree every 30 feet 1 evergreen tree every 60 feet
Midway and Intrepid	25 feet from road curb <sup>1</sup>	1 deciduous tree every 30 feet
Other service roads within Commerce Park	10 feet from road curb	1 deciduous tree every 60 feet

NOTES:

- <sup>1</sup> The twenty-five-foot buffer width will include a five-foot wide sidewalk, with 10 feet of greenbelt between the curb and sidewalk and 10 feet of greenbelt between the sidewalk and building/parking setback line.
- (2) In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone shall be provided between uses in accordance with the following. Table 9.4.E(3)(a) identifies where and what type of buffer is required between land uses. Table 9.4.E(3)(b) details the minimum landscape elements that must be included in each type of buffer zone. The following requirements are in lieu of the requirements of § 285-13.3C. Any site that is along the perimeter of the A-1 District (not including roads) shall be required to provide Buffer Zone A along the perimeter of the zoning district. Buffer zone landscaping is not required for the runway areas and clear zones of the airport.

**Table 9.4.E(2)(a)**  
**Required Buffer Zones**  
**Proposed Use Will Be Adjacent To:**

<b>The Proposed Use Will Be:</b>	<b>Assisted living or other form of residential</b>	<b>Outdoor recreation</b>	<b>Lodging office</b>	<b>Commercial retail, services and indoor recreation</b>	<b>Industrial</b>	<b>Outdoor storage</b>
Assisted living or other form of residential	—	A	C	C	A	A
Outdoor recreation	A	—	A	C	B	B
Lodging or office	C	A	—	D	A	A
Commercial retail, services and indoor recreation	C	C	D	—	C	B
Industrial	A	B	A	C	—	C
Outdoor storage	A	B	A	B	C	—

**Table 9.4.E(2)(b)**  
**Description of Required Buffer Zones**

<b>Buffer Zone</b>	<b>Minimum Width (feet)</b>	<b>Wall/Berm</b>	<b>Minimum Plant Materials</b>
A	50	Wall, fence or berm	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the adjoining site boundary line
B	20	Wall, fence or berm	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the adjoining site boundary line
C	20	Berm	1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the adjoining site boundary line
D	10	None required	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the adjoining site boundary line

- (3) Off-street parking shall be landscaped with one landscape island and one tree for every 10 parking spaces, except that parking located within the rear yard shall be exempt from the parking lot landscaping requirements.
- (4) Landscaping shall comply with all specifications and requirements of § 285-13.4.
- (5) In addition to the standards contained in § 285-13.3J, Modification of landscape requirements, the Planning Commission may also reduce or modify the landscape requirements contained in Article 13, based upon a determination that the required landscaping will encroach into runway approach, transitional, horizontal, and conical zones, obscure navigational lighting or otherwise interfere with airport operations. Areas within the fenced area of the airport runway primary surface, clear zones, taxiways and hangars are specifically exempt from landscaping requirements.
- F. Parking and loading requirements. A-1 Airport and Light Industrial District uses shall provide off-street parking and loading in accordance with the provisions set forth in Article 12.
- G. Lighting requirements. A-1 Airport and Light Industrial District uses shall comply with the lighting requirements of § 285-19.19, provided that navigational lighting necessary for safe airport operations and meeting the standards of the Federal Aviation Administration shall be exempt from the requirements of § 285-19.19.
- H. Grading requirements. Any grading, excavating, filling, land balancing, or similar activity shall require a grading permit and shall conform to the grading regulations set forth in the Township Grading Ordinance.<sup>11</sup>

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11. Editor's Note: See Ch. 124, Grading.

- I. Sign regulations. All signs shall conform to the regulations set forth in Article 16.
- J. Waterfront regulations. All development along the Detroit River and interior canals shall conform to the waterfront regulations set forth in Article 17.
- K. Federal Aviation Administration regulations. All activities shall comply with the requirements of the U.S. Department of Transportation Federal Aviation Administration (FAA). Where there is an inconsistency between the regulations of Grosse Ile Township and the FAA, the more strict regulation shall be adhered to. All new construction or alteration to existing structures shall be required to submit a notice of proposed construction or alteration to the Administrator of the FAA, in accordance with the requirements of federal regulations.

**285-9.5. Area and bulk regulations.**

- A. Any structure or use of the land in the District A-1 Airport and Light Industrial District shall be subject to the following area and bulk regulations:

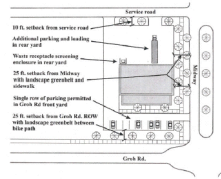
**Table 9.5A**  
**Area and Bulk Regulations<sup>12</sup>**

<b>Requirement</b>	<b>A-1 District</b>
Minimum lot area	Variable (1)
Minimum setbacks for building and parking lots (feet) (2)	
Meridian Road setback measured from right-of-way	100
Groh Road setback measured from right-of-way	
North side	25
South side	50
Midway and Intrepid setback measured from back of curb	25
Other service roads within Commerce Park measured from back of curb	10
Spacing between buildings	20 (3)
A-1 District perimeter excluding road frontages	50
Natural feature	25(4)
Parking lot	10
Maximum building lot coverage	50% (5)
Maximum floor/area ratio	1.0 (6)
Maximum height (feet)	55 (7)

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12. Editor's Note: Notes to this table are included as Subsection B.

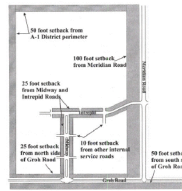
**Figure 9.5.a  
Airport Commerce Park Site and Dimensional Requirements**



**B. Notes pertaining to area and bulk regulations:**

- (1) The minimum lot area shall be based on the requirements for parking, landscaping, vehicular and pedestrian circulation, and conditions set forth herein, unless otherwise specified.
- (2) Setbacks shall be determined by the site's road frontage as indicated in Table 9.5.B and the following figure:

**Figure 9.5B A-1 Setback Requirements**



- (3) Greater spacing shall be provided between buildings where required by the buffering between land uses under § 285-9.4E(2).
- (4) Natural feature setback shall be maintained in relation to the ordinary high-water mark of any pond, river or channel, and to the edge of any drainageway or regulated wetland. Only waterfront structures and appurtenances, as permitted in Article 17, Waterfront Provisions, may be located within the natural feature setback. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:
  - (a) The relative extent of the public and private need for the proposed activity.
  - (b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off-site or on other commercially available properties.

- (c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature provides.
  - (d) The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.
  - (e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
  - (f) The size and quality of the natural feature.
  - (g) Proximity to any waterway.
  - (h) Extent to which upland soil erosion adjacent to the natural feature is controlled.
  - (i) Economic value, both public and private, of the proposed land change to the general area.
  - (j) Findings of necessity for the proposed project which have been made by other state or local agencies.
- (5) The fifty-percent maximum lot coverage may be increased by the Planning Commission upon submission and approval of a complete landscape plan that provides at least 1 1/2 times the required amount of greenbelt and buffer zone landscaping as required under § 285-13.3B and C.
- (6) The floor area ratio is derived by dividing the total building floor area of a building by the zoning lot area.
- (7) All new construction or alteration to existing structures shall be required to submit a notice of proposed construction or alteration to the Administrator of the U.S. Department of Transportation Federal Aviation Administration (FAA), in accordance with the requirements of federal regulations. The maximum height of any structure shall be 55 feet, provided that this maximum allowable height may be reduced if required by the FAA.

#### **285-9.6. Industrial performance standards.**

##### **A. Noise.**

- (1) Noise shall not become objectionable due to intermittence, beat, frequency, or shrillness and shall not exceed the maximum sound pressure levels prescribed below, as measured at the street or property line:

**Table 1**  
**Maximum Permitted Sound Pressure Levels**  
**Decibels**

<b>Octave Band</b> <b>(cycles per second)*</b>	<b>Day**</b>	<b>Night**</b>
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

Notes:

\* Sound level meter set on the C or flat scale, slow response.

\*\* Day: 7:00 a.m. to 6:00 p.m.; night: between 6:00 p.m. and 7:00 a.m.

- (2) A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and/or the night. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer.
- (3) Objectionable sounds, of an intermittent nature or characterized by high frequencies, even if falling below the specified decibel levels, shall be controlled so as not to become a nuisance to adjacent uses.
- B. Vibration. No activity or operation of machines shall cause or create a steady state vibration or an impact vibration at any point on any property line, with a displacement in excess of the permitted vibration displacement for the frequencies as set forth below. "Steady state vibrations" shall be defined as earthborne oscillations that are continuous discrete pulses which occur more frequently than 100 times per minute. "Impact vibrations" shall be defined as earthborne oscillations occurring in discrete pulses at less than 100 pulses per minute.

**Table 2**  
**Maximum Permitted Steady State Vibration Displacement**

<b>Frequency</b> <b>(cycles per second)</b>	<b>Displacement</b> <b>(inches)</b>
10 and below	0.0008
10-20	0.0005
20-30	0.0003

**Table 2****Maximum Permitted Steady State Vibration Displacement**

<b>Frequency</b> <b>(cycles per second)</b>	<b>Displacement</b> <b>(inches)</b>
30-40	0.0002
40-50	0.0001
50-60	0.0001
60 and over	0.0001

**Table 3****Maximum Permitted Impact Vibration Displacement**

<b>Frequency</b> <b>(cycles per second)</b>	<b>Displacement</b> <b>(inches)</b>
10 and below	0.0016
10-20	0.0010
20-30	0.0006
30-40	0.0004
40-50	0.0002
50-60	0.0002
60 and over	0.0002

## C. Industrial performance compliance procedures.

- (1) The Township is hereby empowered to require the owner or operator of the use in question to submit such data and evidence as may be deemed essential to permit an objective determination of a violation of performance standards. Failure to submit data required shall constitute grounds for denying a permit for that use of land. With any application for a site plan approval from the Planning Commission for any use that has the potential to exceed the noise or vibration limits of this section, the following information shall be provided with the site plan application:
  - (a) A description of the machinery, process and products.
  - (b) Specifications for the mechanisms and techniques to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this article.
  - (c) Measurements of the amount or rate of emission of said objectionable elements.
- (2) Compliance with the performance standards shall be required as a condition of approval for that use. Any violation of the performance standards of this section shall be considered a violation of this chapter under Article 20.

- (3) Where determinations can reasonably be made by the Community Development Department, using equipment and personnel normally available to the Township or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued. Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the Township and when, in the considered judgment of the Community Development Department a violation exists, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate.



ARTICLE 10  
**O-1 Open Space District**  
**[Ord. No. 259, effective 4-11-1999]**

**285-10.1. Intent.**

- A. The purpose of the O-1 Open Space District is to enhance the quality of life in the community by preserving open space lands purchased by Grosse Ile Township through the open space millage.
- B. It is the further intent of this district that these public open space lands be preserved for the enjoyment and benefit of all residents of the Township, to be used as nature preserves and passive recreation areas. This district is intended to preserve these natural areas for the enjoyment of Township residents, provide buffers between development and ecologically sensitive areas, maintain the ecological functions of natural waterways and drainage networks, preserve natural habitat and the islands' ability to support wildlife and preserve the Township's forested areas and overall natural character.

**285-10.2. Permitted uses.**

In the O-1 Open Space District no land shall be used except for the following uses, and subject to the standards and requirements set forth in this chapter and the review procedures in Article 21, Site Plan Review. The following shall apply to each individual use which may be located on a lot with other uses.

- A. Outdoor recreation activities which do not cause excessive noise or impact on the environment, including but not limited to nature study, hiking and horseback riding, fishing and cross-country skiing;
- B. Forest preserves and natural areas;
- C. Conservation of soil, vegetation, water, fish and wildlife; and
- D. On-site driveways and roads where alternative means of access are proven to be impractical.

**285-10.3. State and federal lands.**

On lands owned by the State of Michigan or the United States government, state and federal regulations shall supersede the regulations of this article where there is a conflict.



ARTICLE 11  
**PRD Public Recreation District**  
**[Ord. No. 245, effective 10-27-1997]**

**285-11.1. Intent.**

- A. The purpose of the PRD Public Recreation District is to enhance the quality of life in the community by preserving certain public lands characterized by distinctive natural features for the enjoyment and benefit of all residents of the Township, to be used as passive recreation areas. Distinctive natural features may include, but are not limited to, woodlands, wildlife habitat, wetlands, or other ecologically significant lands.
- B. It is the further intent of this district to preserve certain open lands for the enjoyment and benefit of all residents of the Township for use as active recreation areas and facilities where playground and sports activities may occur. Such active or passive recreation areas should be located where the activities occurring thereon will minimize disturbance to nearby residential uses.

**285-11.2. Permitted uses.**

- A. Principal uses. In the PRD Public Recreation District no building shall be erected and no building or land shall be used except for the following uses, and subject to the standards and requirements set forth in this chapter and the review procedures in Article 21, Site Plan Review. The following shall apply to each individual use which may be located on a lot with other uses.
  - (1) Outdoor recreation activities which do not cause excessive noise or impact on the environment, including but not limited to nature study, hiking and horseback riding, boating, fishing and cross-country skiing;
  - (2) Forest preserves and natural areas;
  - (3) Conservation of soil, vegetation, water, fish and wildlife; and
  - (4) On-site driveways and roads where alternative means of access are proven to be impractical.
- B. Accessory buildings and uses. The following accessory buildings and uses shall be permitted, subject to the provisions set forth in Article 19:
  - (1) Accessory buildings and uses which are customarily incidental to the principal use on the lot, subject to the same required conditions that are applicable to the principal uses. Such accessory uses may include, but are not limited to:
    - (a) Nature centers;
    - (b) Maintenance buildings;
    - (c) Pavilions;
    - (d) Play structures and park and picnic facilities;

- (e) Nature trails, bike paths and boardwalks; and
  - (f) Rest room facilities.
- (2) Outside storage, subject to the following standards:
- (a) Proposed outside storage of materials, supplies, equipment, or other goods shall be accessory to a permitted use and shall be shown on the site plan.
  - (b) Outside storage areas shall be set back a minimum of 100 feet from all property lines.
  - (c) All outside storage area(s) shall be completely accessible to fire and emergency vehicles. All proposed outside storage areas shall be reviewed and approved by the Fire Chief.
  - (d) Outside storage areas shall be completely screened from view from adjoining properties and from the road, in accordance with the requirements set forth in Article 13, Landscaping, Screening and Walls.
- C. Special land uses. The following uses shall be permitted as special land uses in the PRD Public Recreation District subject to the following requirements and subject to the review procedures in Article 22, Special Land Use Review. The following shall apply to each individual use which may be located on a lot with other uses.
- (1) Parks and playgrounds;
  - (2) Fields for baseball, football, soccer, and similar sports;
  - (3) Ice rinks (indoor and outdoor);
  - (4) Community centers;
  - (5) Park or recreation administration buildings;
  - (6) Stables, kennels and structures for the keeping and raising of livestock and other domesticated animals, subject to the following conditions:
    - (a) The minimum lot area shall be five acres.
    - (b) The building wherein animals are kept shall be set back a minimum of 100 feet from any lot line.
    - (c) Such facilities shall be subject to conditions and requirements set forth by the Planning Commission during site plan review necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, and sanitary requirements).
    - (d) All animals shall be kept indoors between the hours of 10:00 p.m. and 6:00 a.m.
    - (e) Kennels shall be operated in conformance with all applicable county and state regulations.

- (f) An operations/management plan must be submitted as a part of site plan review.
- (7) Special event campsites, subject the following conditions:
  - (a) Minimum lot size shall be 10 acres.
  - (b) Development features, including accessory structures, shall be located and related to minimize adverse effects on adjacent properties. Minimum setbacks for any buildings, structures or use areas shall be 200 feet from any property line abutting a residential district.
  - (c) Accessory structures shall be set back 50 feet from the edge of any wetland or the shoreline of any pond, river, stream or drain.
  - (d) Each campsite shall be provided with water and sanitary service approved by the Health Department or have convenient access to approved service buildings.
- D. Uses not permitted. Uses which generate excessive traffic or noise, alter the natural terrain or features of the site, create noxious fumes or other air pollutants, or disturb the peace shall not be permitted in the PRD Public Recreation District because these uses typically have characteristics which are incompatible with the intent and purposes of the PRD Public Recreation District. Such uses may include, but are not limited to:
  - (1) Motorcycle, snowmobile or other form of motorized off-road vehicle trails or tracks;
  - (2) Camp lodges and recreational vehicle campgrounds; and
  - (3) Firing ranges.

### **285-11.3. Required conditions.**

- A. Site plan review. Submission of a site plan for review and approval by the Planning Commission shall be required, in accordance with the provisions set forth in Article 21, Site Plan Review, prior to issuance of a building permit and development in the PRD Public Recreation District.
- B. Natural features standards. All PRD Public Recreation District uses shall be developed to preserve the natural features of the site, in accordance with the intent of the district, and shall comply with the following standards:
  - (1) Building shall not be developed on areas with slopes greater than 13%, unless the Planning Commission determines that there is no alternative to locating the building within the steeply sloped area. Trails located in areas with slopes greater than 13% shall be designed to minimize impact to slopes.
  - (2) Storm drainage facilities shall be designed to provide a naturalistic appearance in terms of natural shape, shallow depth, minimum side slopes and perimeter landscaping.
  - (3) There shall be no structures or fill material placed within the one-hundred-year

floodplain, except that landscaping, trails and passive recreation facilities that do not obstruct the flow of the floodway may be allowed within the one-hundred-year floodplain by the Planning Commission during site plan review.

- (4) All site plans shall be designed to minimize impact to woodlands, as demonstrated to the satisfaction of the Planning Commission during site plan review.
- (5) PRD Public Recreation District uses shall protect wetlands and drainageways in accordance with the provisions of Chapter 275, Wetlands and Drainageways, of the Municipal Code.

C. Public access.

- (1) All PRD Public Recreation District uses shall have direct access onto a public hard-surfaced street, except that indirect access onto a public street may be permitted where the Planning Commission determines that such an alternative would promote traffic safety and would not cause undue disruption to surrounding properties.
- (2) All street, roads, and access drives shall be concrete or asphalt and be designed and constructed in accordance with Chapter 205, Roads and Driveways, and the standards of the Wayne County Department of Public Services and the Township Engineer. The Planning Commission has the discretion to modify the design standards for roads that are internal to the PRD Public Recreation District where such modification will enhance preservation of natural features.

D. Landscaping and buffering.

- (1) Submission of a landscape plan to the Planning Commission for review and approval shall be required; provided, however, the Planning Commission may waive this requirement in consideration of the proposed use, existing natural vegetation, and the need for additional landscaping. In the event a landscape plan is required, it shall specify plant materials and landscape treatment, based on requirements set forth in Article 13. The landscape plan shall be a part of or accompany the site plan.
- (2) Buildings, outside storage areas, and parking areas in the PRD Public Recreation District shall be screened from view from any adjoining residential property. Such screening shall consist of a continuous obscuring wall or landscaped screen in accordance with Article 13, Landscaping, Screening and Walls.
- (3) During site plan review, the Planning Commission may require a combination of trees, shrubs, fences or berms to buffer recreational facilities from adjacent residential areas.

E. Off-street parking and loading requirements. PRD Public Recreation District uses shall provide off-street parking and loading in accordance with the provisions set forth in Article 12.

F. Grading requirements. Any grading, excavating, filling, land balancing, or similar activity shall require a grading permit and shall conform to the grading regulations

set forth in Chapter 124, Grading. [Amended 7-22-2002]

- G. Sign regulations. All signs shall conform to the regulations set forth in Article 16.
- H. Waterfront regulations. All development along the Detroit River and interior canals shall conform to the waterfront regulations set forth in Article 17.
- I. Covered trash receptacle. The proposed method of trash collection and disposal shall meet the requirements of Article 19 and be indicated on the site plan.
- J. Lighting requirements. Outdoor lighting shall be arranged and designed to minimize impact on surrounding land uses in accordance with the regulations set forth in Article 19.

#### **285-11.4. Area and bulk regulations.**

Any structure or use of land in a PRD Public Recreation District shall be subject to the following area and bulk regulations:

Minimum lot area	See <sup>1</sup>
Minimum setback from all property lines	50 feet
Natural feature setback	See <sup>2</sup>
Maximum height of all structures	35 feet

Notes:

<sup>1</sup> The minimum lot area shall be based on the requirements for parking, landscaping, vehicular and pedestrian circulation, and conditions set forth herein, unless otherwise specified.

<sup>2</sup> Natural feature setback shall be maintained in relation to the ordinary high water mark of any pond, river or channel and to the edge of any drainageway or regulated wetland. Only waterfront structures and appurtenances, as permitted in Article 17, Waterfront Provisions, may be located within the natural feature setback. This setback may be reduced by the Planning Commission upon a determination that it is clearly in the public interest. In determining whether the setback reduction is in the public interest, the benefit which would reasonably be expected to accrue from the proposed development shall be balanced against the reasonably foreseeable detriments to the natural feature. The following general criteria shall be applied in undertaking this balancing test:

- a. The relative extent of the public and private need for the proposed activity.
- b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity, including alternatives which are off site or on other commercially available properties.
- c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature provides.
- d. The probable impact of the proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

- e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values and on the public health or fish or wildlife.
- f. The size and quality of the natural feature.
- g. Proximity to any waterway.
- h. Extent to which upland soil erosion adjacent to the natural feature is controlled.
- i. Economic value, both public and private, of the proposed land change to the general area.
- j. Findings of necessity for the proposed project which have been made by other state or local agencies.

## ARTICLE 12

**Parking and Loading Requirements**

**[Ord. No. 287, effective 7-16-2000; Ord. No. 291, effective 7-16-2000; amended 7-22-2002; 6-13-2005 by Ord. No. 05-05]**

**285-12.1. Off-street parking.**

- A. Intent and scope of application. Compliance with the off-street parking regulations set forth herein shall be required as follows:
- (1) General applicability. For all buildings and uses established after the effective date of this chapter, off-street parking shall be provided as required in this section prior to issuance of a land use permit. However, where a building permit has been issued prior to the effective date of the chapter and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.
  - (2) Change in use or intensity. Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this chapter for the new use, regardless of any variance which may have been in effect prior to change of use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.
  - (3) Existing parking facilities. Off-street parking facilities in existence on the effective date of this chapter shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this chapter. An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this chapter.
  - (4) Additional off-street parking. Nothing in this chapter shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the chapter, provided that all such parking is in conformance with the regulations set forth herein.
  - (5) Review and permit requirements. In the event that new off-street parking is proposed as part of a development requiring site plan review, said proposed parking shall be shown on the site plan submitted to the Planning Commission for review. In the event that proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a site plan to the Planning Commission for review and approval. The site plan shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing.
- B. General requirements. In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

- (1) Location.
  - (a) Proximity to building or use being served. Required off-street parking shall be located either on the same lot, or within 300 feet of the building or use it is intended to serve, measured from the nearest point of the building or use to the nearest point of the off-street parking lot.
  - (b) Within the Macomb Street District. The Planning Commission may increase the three-hundred-foot distance up to 700 feet in the MSD if land for the required parking is not available within 300 feet. Public parking may be counted for meeting the existing floor area requirements of uses within the MSD, provided that if the floor area of the use or the intensity of the use is increased, the additional required parking for such increase must be provided by means other than public parking.
  - (c) Within yards. Off-street parking may be located in required yards, provided that all landscaping and berm requirements in Article 13 are complied with. Further, off-street parking shall be set back a minimum distance of 10 feet from all property lines and shall neither be permitted in the front yard of R-2 or R-3 Multiple-Family Residential Districts nor in front setback area.
- (2) Residential parking. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Article 3.
- (3) Control of off-site parking. It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of said private property. Where required parking is permitted on land other than on the same lot as the building or use being served, the land on which the parking is located shall be under the same ownership or control as the lot occupied by said building or use.
- (4) Access to parking. Each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.
- (5) Collective use of off-street parking. Off-street parking space for separate buildings or uses may be provided collectively subject to the following:
  - (a) The total number of spaces provided shall not be less than the number which would be required if the spaces were provided separately. However, the Planning Commission may reduce the total number of spaces provided collectively by up to 25% upon making the

determination that the parking demands of the uses being served do not overlap.

- (b) Each use served by collective off-street parking shall have direct access to the parking without crossing streets.
  - (c) The collective off-street parking shall not be located farther than 500 feet from the building or use being served.
  - (d) Written easements which provide for continued use and maintenance of the parking shall be submitted to the Township for approval.
- (6) Storage and repair prohibited. The use of required parking and loading areas for refuse storage stations/dumpsters, storage or display of merchandise, sale of motor vehicles, storage of inoperable vehicles, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semitrailers for storage purposes on the premises for five or more consecutive days is prohibited. Emergency service required to start vehicles shall be permitted.
- (7) Duration. Except when land is used as permitted storage space in direct connection with a legitimate business, a twenty-four-hour time limit for parking in nonresidential off-street parking areas shall prevail, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.
- (8) Parking structures. Parking structures shall be permitted as a special land use subject to the following standards:
- (a) Any parking structure shall comply with the required setbacks for the district in which it is located.
  - (b) Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.
  - (c) The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.
  - (d) Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.
- C. Schedule of off-street parking requirements. The amount of required off-street parking space shall be determined in accordance with the following schedule:  
**[Amended 1-22-2007 by Ord. No. 07-01]**

Use	Number of Spaces
<b>Residential:</b>	
Single- and two-family housing	2 per each dwelling unit
Multiple-family housing	2 for each dwelling unit, plus 1 per 300 square feet of floor area in community buildings

<b>Use</b>	<b>Number of Spaces</b>
Mobile homes	In accordance with Michigan Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended and Article 5 of this chapter
NOTE: In addition, multiple family and attached single-family developments shall be required to provide supplemental guest off-street parking equal to at least 20% of the space required by the above standards.	
<b>Housing for the Elderly:</b>	
Senior independent units	1.5 per unit
Senior interim care and intermediate care units, retirement villages, etc	1 per each room or 2 beds, whichever is less, plus 1 space per each employee expected during the peak shift
Congregate care and dependent care (convalescent/nursing home units)	1 per each 4 beds or 2 rooms, whichever is less, plus 1 for each employee during peak shift
NOTE: Should units revert to general occupancy, the requirements for multiple-family housing shall be complied with.	
<b>Institutional or Public Uses:</b>	
Churches, temples, places of worship	1 for each 3 seats or 6 linear feet of pews in the main hall of worship
Hospitals	1 for every 2 beds plus 1 for each 5 outpatients plus 1 additional for each employee
Municipal office buildings	1 per 250 square feet usable floor area
Elementary and junior high schools	1 for each teacher, administrator, or other employee, plus additional spaces as may be required for an auditorium or other public meeting spaces
Senior high schools	1 for each teacher, administrator, or other employee, plus 1 for every 10 students, plus additional spaces as may be required for an auditorium, stadium, or other public meeting spaces
Museum, library, post office, cultural center, or similar facility	1 for each 300 square feet of usable floor space, plus 1 per employee
Group day-care homes, adult foster care group homes, and children's homes	1 per 4 clients plus 1 per each employee plus designated dropoff spaces
Theaters and auditoriums, with fixed seating	1 for each 3 seats, or 1 per 6 linear feet of benches, plus 1 per employee

<b>Use</b>	<b>Number of Spaces</b>
Community centers	1 for each 3 persons who may be legally admitted at one time according to the occupancy load established by local, county and state codes, plus 1 per employee
Public utility use	1 per every employee on the maximum shift
<b>Retail Uses:</b>	
Bookstores	1 per 200 square feet of usable leasable area
Furniture and appliance sales, household equipment repair shops, showrooms of plumber, electrician, or similar trade, or similar uses	1 for each 800 square feet of usable floor space, plus 1 for each employee
General retail business/shopping centers	1 per 250 square feet of usable floor area
Grocery store/supermarket	1 per 200 square feet of usable floor area
Lumberyards	2.5 for each employee, plus additional spaces as may be required for enclosed retail sales area
Motor vehicle sales (new vehicles)	1 for each 200 square feet of usable floor area, exclusive of service areas, plus 1 for each auto service stall in the service area, plus 1 for every 500 square feet of outdoor sales area, plus 1 for each employee
Motor vehicle sales (used vehicles)	1 for each 500 square feet of outdoor sales area, plus 1 for each auto service stall, plus 1 for each employee
Open air business	1 for each 800 square feet of land area being used for display, plus 1 for each employee
Recreational vehicle, boat, mobile home and similar sales	1 per 800 square feet of usable floor area, plus 2 per each vehicle sales service bay
<b>Service Uses:</b>	
Auto and vehicle repair facilities	1 for each employee plus 3 for each service or repair bay

<b>Use</b>	<b>Number of Spaces</b>
Auto or vehicle service station	2 for each service or repair bay, plus 1 for each gasoline pump, plus 1 for each employee. In addition, convenience stores operated in conjunction with an auto service station shall provide 1 for every 250 square feet of store area
Auto wash, full-service	1 for each 2 employees, plus stacking equal in number to 16 spaces for each wash lane
Auto wash, self-service	4 stacking spaces for each washing stall in addition to the stall itself, plus 2 drying spaces for each washing stall
Banks, financial institutions	1 for every 200 square feet of usable floor area. In addition, financial institutions with drive-in windows shall provide 4 stacking spaces for the first window, plus 3 spaces for each additional window
Bars, lounges, taverns, nightclubs (majority of sales consist of alcoholic beverages)	1 per 70 square feet of usable floor area or 0.5 per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms
Beauty or barber shops	3 per beauty or barber chair plus 3 per chairs used for other services, such as nail care and shoe shines
Child day-care centers, nursery schools	At least 1 dropoff/pickup parking space shall be provided for each 5 children for whom care is provided, with a minimum of 3 dropoff/pickup parking spaces, plus 1 parking space per employee (defined as the maximum number of staff on duty at a time). Each dropoff/pickup space shall be a minimum 8 by 20 feet.
Dry cleaners	1 per 500 square feet of usable floor area
Laundromats and coin-operated dry cleaners	1 for each 2 washing or dry-cleaning machines
Mini- or self-storage warehouse	Minimum of 6
Mortuaries, funeral homes	1 for each 50 square feet of usable floor area plus 1 for each employee
Motel, hotel or other commercial lodging establishments	1 per guest room, plus 1 per 100 square feet of lounge, restaurant, conference or banquet rooms or exhibit space
Personal service establishments not otherwise specified	1 per 300 square feet of usable floor area, plus 1 per employee

<b>Use</b>	<b>Number of Spaces</b>
Restaurants, fast-food	1 per 75 square feet of eating area, plus 1 for each employee
Restaurants, full-service	1 per 70 square feet of eating area
Restaurants, takeout	6 per service or counter station, plus 1 for each employee
Video rental establishments	1 per 200 square feet of usable floor area, with a minimum of 8 provided
<b>Office Uses:</b>	
Business and professional offices, except as otherwise specified	1 for each 250 square feet of usable floor area plus 1 for each employee
Professional offices of doctors, dentists, and similar medical professions	1 for each 200 square feet of usable floor area with a minimum of 4, plus 1 for each employee
<b>Industrial Uses:</b>	
Manufacturing establishments or establishments for industrial production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair, plus accessory business offices and storage facilities	5 plus 1 per employee on the largest working shift. Where the number of employees is not known, parking shall be provided at the rate of 1 space per 500 square feet of usable floor area.
Wholesale and warehouse establishments	5 plus 1 per employee. Where the number of employees is not known, parking shall be provided at the rate of 1 space for every 1,700 square feet of usable floor area.
<b>Recreation Uses:</b>	
Batting cages	3 per cage
Bowling establishments	7 per lane, plus 1 for each employee and additional spaces as may be required for restaurants, bars, or other affiliated uses
Commercial outdoor recreation centers	1 per 200 square feet of usable floor area
Dance halls, health spas, pool or billiard parlors, skating rinks, exhibition halls, and assembly hall without fixed seats	1 for each 2 persons allowed by the maximum occupancy load as established by local, county, or state fire, building, or health codes
Football and soccer fields	30 per field
Golf courses, public or private	6 for each golf hole, plus 1 for each employee, plus parking space as may be required for clubhouse, restaurant, pro shop, or other affiliated facilities

<b>Use</b>	<b>Number of Spaces</b>
Health fitness centers without swimming pool	1 per 200 square feet of usable floor space
Ice/roller skating rink	1 per 150 square feet of usable floor area
Marina/boat clubs	1 for each boat berth, not to include area required for winter boat storage, plus additional spaces as may be required for other uses, such as clubhouse
Miniature or par 3 golf	3 for each hole, plus 1 for each employee
Private clubs and lodges	1 for each 2 persons who may be legally admitted at one time according to the occupancy load established by local, county and state codes, plus 1 per employee
Softball, baseball fields	25 per playing field
Stadium, sports arena, or similar place of assembly	1 for each 3 seats or 1 for each 6 linear feet of benches
Swimming pool clubs	1 per 2 member families or individual members, plus 1 for each employee
Swimming pools	1 per 4 persons in accordance with the occupancy load, plus 1 per employee
Tennis clubs and court-type recreation uses	1 per person permitted based on the capacity of the courts, plus such additional spaces as may be required for affiliated uses such as restaurants, bars, or pro shops, plus 1 per employee
Theater, cinema	1 per each 4 seats, plus 4 per screen or stage
Video arcades	2 per machine, plus, 1 for each employee

D. Standards for parking space requirements. The following standards shall be used in determining the required number of parking spaces:

- (1) Definition of floor area. For the purposes of determining the required number of parking spaces, "floor area" shall be measured in accordance with the definition of "usable floor area" provided in § 285-1.3.
- (2) Units of measurement.
  - (a) Fractional spaces. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than 1/2 may be disregarded, while a fraction of 1/2 or more shall be counted as one space.
  - (b) Employee parking. Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.

- (c) Bench seating. In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating shall be counted as one seat.
  - (d) Stacking space. Each required drive-through waiting or stacking space shall be 24 feet long and nine feet wide.
- (3) Uses not cited. For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission.
  - (4) Parking during construction. Temporary off-street parking shall be provided for workers during construction at a rate of one space per employee. Gravel surfacing may be permitted for such temporary parking.
  - (5) Accessible parking. Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of accessible parking spaces as set forth in the following table, and identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Parking for the handicapped shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the adopted Township Building Code.<sup>13</sup> The number of barrier-free spaces required is as follows. For uses where there may be a higher number of persons with disabilities, such as medical uses or senior housing, the Planning Commission may require a larger proportion of the parking spaces be barrier-free.

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

- (6) Parking deferment. Where the Planning Commission finds that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that the area to meet the full parking requirement is retained as open space. The site plan shall note the area where parking is being deferred with a dotted parking lot layout. If within a two-year

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13. Editor's Note: See Ch. 40, Building Construction.

period following issuance of a certificate of occupancy the Zoning Administrator determines based on observed usage that the deferred parking is needed, then such parking shall be constructed by the applicant within six months of being informed of such request in writing by the Zoning Administrator. The Planning Commission may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two years if the additional parking is not found to be necessary.

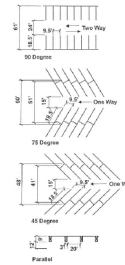
- (7) Limits on excessive parking. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
  - (8) Carports and garages. Carports and garages for dwellings shall be calculated as parking spaces on a one-to-one basis. Carports shall be screened on the sides or front end facing any public or internal street or drive by a minimum four-foot high wall or landscape hedge.
- E. Layout and construction. Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements.
- (1) Review and approval requirements.
    - (a) Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Community Development Department for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Community Development Department before a certificate of occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.
    - (b) Plans shall be prepared at a scale of not less than 50 feet equal to one inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards established by the Township Engineer.
    - (c) In the event that required parking cannot be constructed because of cold or inclement weather, a temporary certificate of occupancy may be issued by the Building Official, provided that the applicant first deposits a performance guarantee in accordance with Article 20.
  - (2) Dimensions. Off-street parking shall be designed in conformance with the dimensions in the following off-street parking chart. (See parking layout diagram.)

### Off-Street Parking Standards

Parking Angle	Stall Width (feet)	Stall Depth <sup>1</sup> (feet)	Aisle Width <sup>2</sup> (feet)
0° (parallel)	9.0	23.0	12.0 <sup>3</sup>
45°	9.5	18.5	13.0 <sup>3</sup>
60°	9.5	18.5	15.0 <sup>3</sup>
75°	9.5	18.5	15.0 <sup>3</sup>
90°	9.5	18.5	24.0

Notes pertaining to off-street parking chart:

- <sup>1</sup> If parking lot is designed with a six-inch curb, deduct 1.5 feet for angled parking and two feet for ninety-degree parking.
- <sup>2</sup> Measured between ends of stall lines limited by vehicle corner positions.
- <sup>3</sup> Aisles shall be one-way.



- (3) Ingress and egress. All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes or driveways. Backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least 25 feet from the nearest point of any property zoned for single-family residential use.
- (4) Surfacing and drainage.
  - (a) Surfacing. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete, asphalt, or plant-mixed bituminous material. Grading, surfacing, and drainage plans shall be subject to review by the Township Engineer. Requirements for concrete or asphalt may be modified by the Planning Commission upon making the determination that such surfacing would not be feasible or practical because of inadequate drainage in the area or if the property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged.
  - (b) Drainage. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to drain away from buildings in a manner that

will not have a detrimental impact on neighboring properties. The Planning Commission shall require on-site underground detention unless it is not feasible, as determined by the Township Engineer. The drainage must tie into county drainage as approved by the Wayne County Department of Public Services or other facilities as approved by the Township Engineer.

- (5) Curbs; wheel stops. Off-street parking shall be provided with curbs, wheel stops, or bumper guards where necessary to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Sidewalks abutting parking spaces shall be seven feet wide. Plantings shall be set back a sufficient distance from curbs to allow for bumper overhang.
- (6) Striping. All parking spaces shall be demarcated with three-to-four-inch wide painted striping. For any retail, commercial service or office use, double (or looped) striping, spaced 18 inches to 24 inches apart, shall be utilized.
- (7) Lighting. All parking areas, driveways and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Article 19. Parking lot entrances shall be illuminated. The Planning Commission may place limitations on lighting at night and after business hours. Lighting used to illuminate off-street parking areas shall be directed on the parking area only and away from nearby residential properties and public streets.
- (8) Buildings. No building or structure shall be permitted on an off-street parking lot, except for a maintenance building/attendant shelter, which shall not be more than 50 square feet in area and not more than 15 feet in height.
- (9) Signs. Accessory directional signs shall be permitted in parking areas in accordance with the provisions set forth in Article 16. For parking lots which are not adjacent to the use being served, one sign which identifies the intended users or operator of the parking lot shall be permitted. Such sign shall not exceed 15 square feet in area and 10 feet in height.
- (10) Screening. All off-street parking areas, except those serving single- and two-family residences, shall be screened from adjoining residential property, unless otherwise indicated in the specific requirements for each district. Such screening shall consist of a continuous obscuring wall or landscaped screen in accordance with Article 13, subject to approval by the Planning Commission.
- (11) Landscaping. Landscaping requirements contained in Article 13 must be met.
- (12) Maintenance. All parking areas shall be maintained free of dust, trash, and debris by the property owner. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.
- (13) Snowplowing. All parking areas shall be maintained in a safe condition by the property owner, free of snow and ice. The parking lot design shall provide a location for snow storage.

**285-12.2. Loading space requirements.**

- A. Intent and scope of application. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
- (1) General applicability. For all buildings and structures established after the effective date of this chapter, loading space shall be provided as required in this section. However, where a building permit has been issued prior to the effective date of this chapter and construction has been diligently carried on, compliance with the loading space requirements at the time of issuance of the building permit shall be required.
  - (2) Change in use or intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this chapter for the new use, regardless of any variance which may have been in effect prior to change of use.
- B. General requirements.
- (1) Location. Required loading space shall be located in the side or rear yard of the same zoning lot as the use being served such that it is screened from view from adjoining roads. Loading space or access thereto shall not be located where loading/unloading operations will interfere with traffic on public streets or where it will obstruct off-street parking unless arrangements are made for deliveries to be limited to hours when there is low demand by customers for parking or the business is not open to the general public.
  - (2) Size. Unless otherwise specified, each required loading space shall be a minimum of 10 feet in width and 50 feet in length, with a vertical clearance of 14 feet. The Planning Commission may modify size requirements for certain uses if smaller delivery vehicles or larger semitrucks are expected.
  - (3) Surfacing and drainage. Loading spaces shall be hard-surfaced with concrete, asphalt, or a plant-mixed bituminous material. Thicker pavement may be required for truck use as determined by the Township Engineer. Surface requirements may be modified by the Planning Commission upon making the determination that such surfacing would not be feasible or practical because of inadequate drainage in the area. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township Engineer.
  - (4) Storage and repair prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles or repair of vehicles is prohibited in required loading space.
  - (5) Use of loading space. Required loading space shall not be counted or used for required parking unless arrangements are made for deliveries to be limited to hours when the business is not open to the general public.

- (6) Central loading. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots, provided that all of the following conditions are fulfilled:
- (a) Each business served shall have direct access to the central loading area without crossing streets or alleys.
  - (b) Total loading space provided shall meet the minimum requirements specified herein, computed on the basis of total floor area of all businesses served by the central loading space.
  - (c) No building served shall be more than 500 feet from the central loading area.
- C. Minimum loading space. The amount of required loading space shall be determined in accordance with the schedule which follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.
- D. Schedule of loading space requirements.
- (1) Nonresidential uses in a residential district and institutional, and commercial uses.

**Gross Floor Area in Structure**

**(square feet)**

**Number of Spaces**

0 to 2,999

See<sup>1</sup>

3,000 to 19,999

1

20,000 or more

1 additional space for every 40,000 square feet or fraction thereof

- (2) Industrial uses.

**Gross Floor Area in Structure**

**(square feet)**

**Number of Spaces**

0 to 2,999

See<sup>1</sup>

3,000 to 19,999

1

20,000 to 39,999

2

40,000 or more

1 additional space for every 40,000 Square feet or fraction thereof

Notes pertaining to schedule of loading space requirements:

- <sup>1</sup> Establishments containing less than 3,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a space 10 feet by 50 feet in the event that the use of the property changes.



ARTICLE 13  
**Landscaping, Screening and Walls**  
**[Ord. No. 231, effective 1-5-1997]**

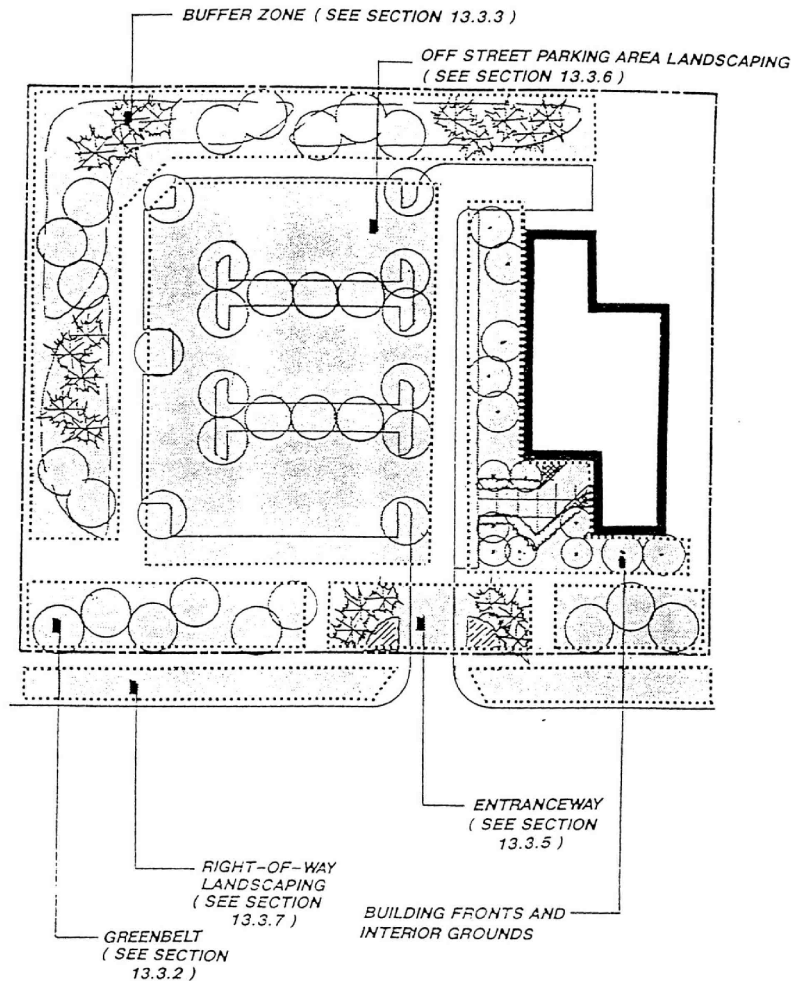
**285-13.1. Intent.**

The intent of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less-intense uses from the noise, light, traffic, litter and other impacts. Specifically, the intent of these provisions is to:

- A. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way;
- B. Protect and preserve the appearance, character, and value of the neighborhoods which abut nonresidential areas, parking areas, and other intensive use areas;
- C. Integrate the various elements within a site and link a development with the surrounding environment;
- D. Reduce soil erosion and depletion;
- E. Increase soil water retention, thereby helping to prevent flooding, erosion and sedimentation;
- F. Remove air pollutants and control glare and reflection;
- G. Assist in directing safe and efficient traffic flow and prevent vehicular and pedestrian circulation conflicts;
- H. Create a more desirable microclimate; and
- I. Provide natural green space to allow infiltration of stormwater, minimize erosion and filter sediments from runoff.

## LANDSCAPE AREAS

Figure 13.3



### 285-13.2. Scope of application and definitions.

#### A. Scope of application.

- (1) The requirements set forth herein shall apply to all lots, sites, parcels and uses which are developed, expanded, or changed following the effective date of this chapter. No site plan, subdivision plat or land use permit shall be approved unless landscaping consistent with the requirements of this article is provided.
- (2) The landscaping requirements shall be met prior to the issuance of a certificate of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.
- (3) The requirements set forth herein are minimum requirements, and nothing herein shall preclude the applicant and the Township from agreeing to more extensive landscaping.

- (4) Creativity in landscape design is encouraged. The standards are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent of the Township to coordinate landscaping on adjacent properties.

B. Definitions. Whenever used in this chapter, the following words and phrases shall have the following meaning ascribed to them:

**BERM** — A continuous, raised earthen mound comprised of nontoxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.

**BUFFER ZONE** — A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this chapter. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.

**GRASS** — Any of a family of plants with narrow leaves normally grown as permanent lawns in Wayne County, Michigan.

**GREENBELT** — A strip of land of definite width and location along a public road right-of-way or private road easement reserved for the planting of trees and ground cover to enhance the visual image of the Township.

**GROUND COVER** — Low-growing plants that form a dense, extensive growth after one complete growing season and tend to prevent weeds and soil erosion.

**LANDSCAPING** — The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative nonliving materials, such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material. Various landscaping related terms are defined below.

**ORNAMENTAL TREE** — A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features and which grows to a mature height of 25 feet or less.

**PARKING LOT LANDSCAPING** — Landscaped areas located in and around (within 10 feet of the edge of the parking lot) a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

**PLANTING** — A young tree, vine or shrub that would be placed on or in the ground.

**SCREEN OR SCREENING** — A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building but in no case shall include wire fencing.

**SHRUB** — A self-supporting deciduous or evergreen woody plant, normally branched near the base, bushy, and less than 15 feet in height.

TREE — A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Wayne County, Michigan.

### **285-13.3. Landscaping requirements.**

A. General requirements. All developed portions of a site requiring site plan approval shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening, are required:

- (1) Unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Areas around plantings may be surrounded with stone or other appropriate landscape cover.
- (2) A mixture of evergreen and deciduous trees shall be planted at the rate of one tree per 3,000 square feet or portion thereof of unpaved open area. This open area is that area of the site that is not occupied by buildings, parking, road rights-of-way, water bodies, greenbelts or buffers required herein.

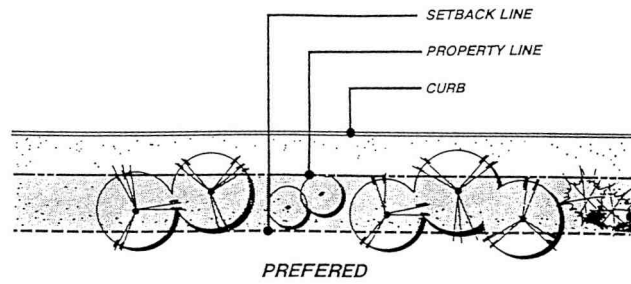
B. Greenbelts.

- (1) Within all multiple-family residential, mobile home park and industrial districts, a twenty-foot-wide greenbelt shall be planted adjacent to and outside of the public right-of-way or private road easement. Within the Macomb Street District and all commercial districts, a ten-foot-wide greenbelt shall be planted adjacent to and outside of the public right-of-way or private road easement. Where a single-family subdivision or site condominium is proposed, a twenty-foot-wide greenbelt shall be planted adjacent to and outside of the public right-of-way or private road easement that bounds the exterior of the subdivision. Greenbelts shall conform to the following standards:
  - (a) A required greenbelt may be interrupted only to provide for pedestrian or vehicular access.
  - (b) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.
  - (c) Within the Macomb Street District, a minimum of one deciduous shade tree shall be planted for each 30 linear feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings. The Planning Commission may approve substitution of evergreen trees for up to 50% of the required trees.
  - (d) Within all zoning districts other than the Macomb Street District, a minimum of one deciduous shade tree and one evergreen tree shall be planted for each 30 linear feet, or portion thereof, of required greenbelt length. Trees may be planted at uniform intervals, at random, or in groupings.
  - (e) For the purpose of calculating required plant material, greenbelt length shall be measured between side lot lines along the parcel's frontage, following the public road right-of-way or the private road easement.

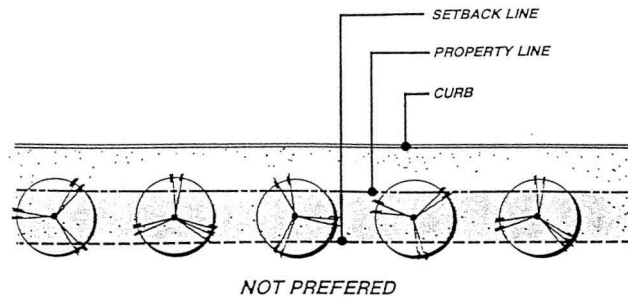
- (f) All existing trees six inches in diameter at breast height (dbh) within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian and utility access points. The standards contained in § 285-13.4E shall be complied with.
  - (g) A residential development that provides a greenbelt greater than 20 feet wide may transfer the density that would be normally be allowed within the greenbelt to another portion of the development, with Planning Commission approval, provided all other standards can be met. The amount of density shall be the area of the greenbelt above and beyond the normally required twenty-foot-wide greenbelt. Within a development that contains lots, the greenbelt shall be set aside as a common area and not included within the individual lots. The greenbelt shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as recorded deed restrictions, covenants that run perpetually with the land, or a conservation easement. The dedicated greenbelt shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of greenbelt land or its use for other than recreation or conservation purposes shall be strictly prohibited.
- (2) All single- or two-family residential lots shall provide two canopy trees within 20 feet of the front lot line. These trees shall be indicated on the plot plan submittal for a building permit.
  - (3) All tree plantings within the greenbelt shall be located to avoid overhead utility lines.

**GREENBELT  
(NON-RESIDENTIAL)**

Figure 13.3.2.A



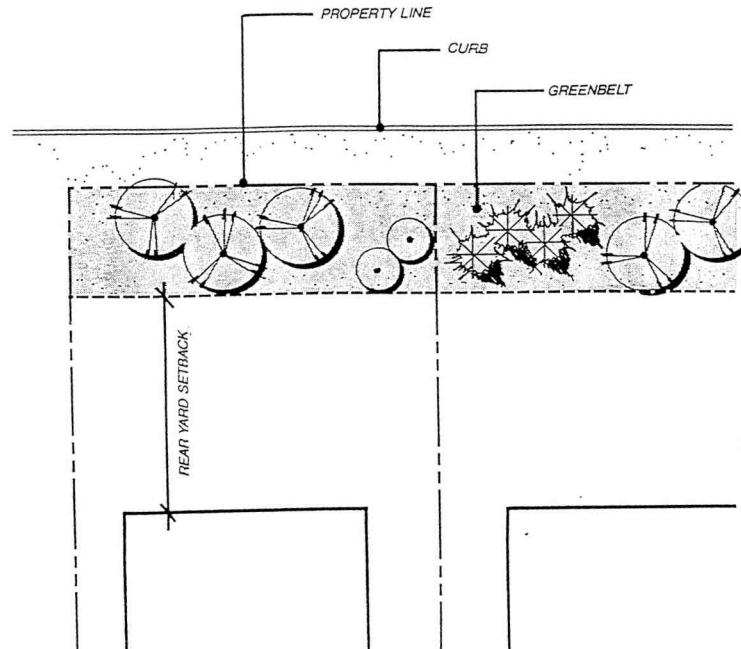
GROUPINGS OF A VARIETY OF MATERIAL



CONTINUOUS ROW OF EQUALLY SPACED TREES

**GREENBELT  
(RESIDENTIAL)**

Figure 13.3.2.B



C. Required buffer zones. In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone and wall, fence or berm shall be provided by the applicant in accordance with the following. This subsection applies to any application for site plan, subdivision or condominium approval. Single- and two-family dwellings located on individual lots of record are exempt from the regulations of this subsection. These regulations do not apply along a lot line where the abutting land use is separated by a public road right-of-way or private road easement.

(1) Table 13.3.3.A identifies where and what type of buffer is required between land uses. Table 13.3.3.B details the minimum landscape elements that must be included in each type of buffer zone.

**Table 13.3.3.A Required Buffer Zones**

**Proposed Use Will Be Adjacent To:**

<b>The Proposed Use Will Be</b>	<b>Proposed Use Will Be Adjacent To:</b>				
	<b>Single-Family District</b>	<b>Multiple-Family District</b>	<b>Mobile Home Park District</b>	<b>Macomb Street District</b>	<b>Industrial or Airport District</b>
Single-family residential <sup>1</sup>	None	B	B	B	A
Multiple-family residential	B	C	B	B	A

**Table 13.3.3.A Required Buffer Zones**

**Proposed Use Will Be Adjacent To:**

<b>The Proposed Use Will Be</b>	<b>Single-Family District</b>	<b>Multiple-Family District</b>	<b>Mobile Home Park District</b>	<b>Macomb Street District</b>	<b>Industrial or Airport District</b>
Mobile home park	B	B	C	B	A
Commercial <sup>2</sup>	B	B	B	C	B
Industrial or airport	A	A	A	B	None

NOTES:

<sup>1</sup> Applies to applications for subdivision plat or condominium site plan approval only.

<sup>2</sup> Includes nonresidential special land uses in a residential district such as boat clubs and churches.

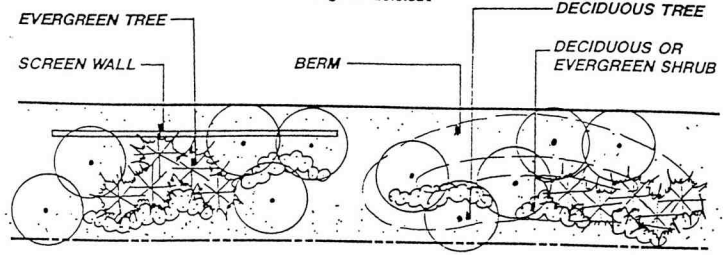
**Table 13.3.3.B Description of Required Buffer Zones**

<b>Buffer Zone</b>	<b>Minimum Width (feet)</b>	<b>Minimum Wall/Berm</b>	<b>Minimum Plant Materials</b>
A B	50 20	Continuous wall, fence or required berm Continuous wall, fence or required berm	1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward 1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward
C	10	None required	1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward

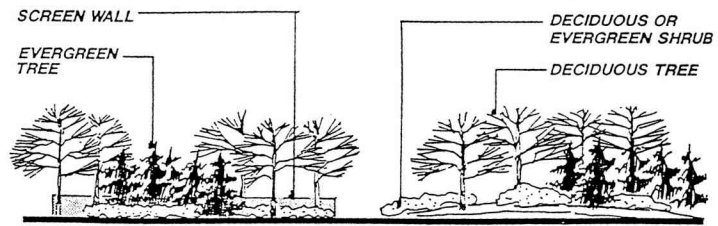
- (2) Minimum requirements for berms are outlined in Subsection D. Minimum requirements for plant materials are outlined in § 285-13.4. Minimum requirements for walls and fences are outlined in § 285-13.5.

### WALL/BERM - TYPE A

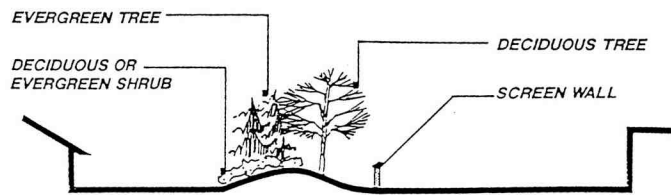
Figure 13.3.3.A



PLAN



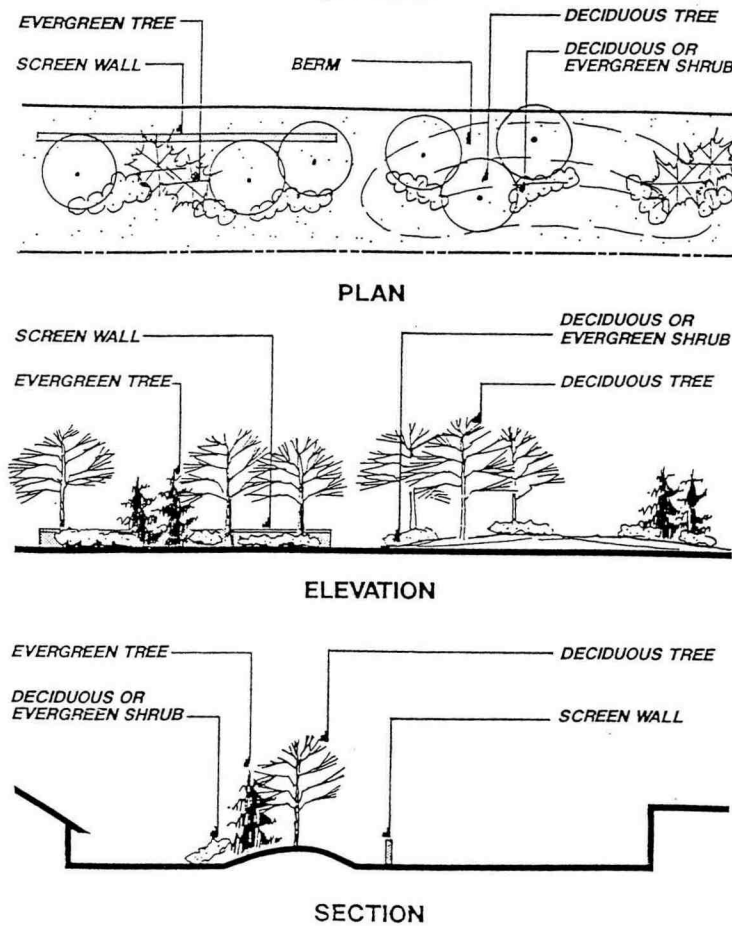
ELEVATION



SECTION

**WALL/BERM – TYPE B**

Figure 13.3.3.B

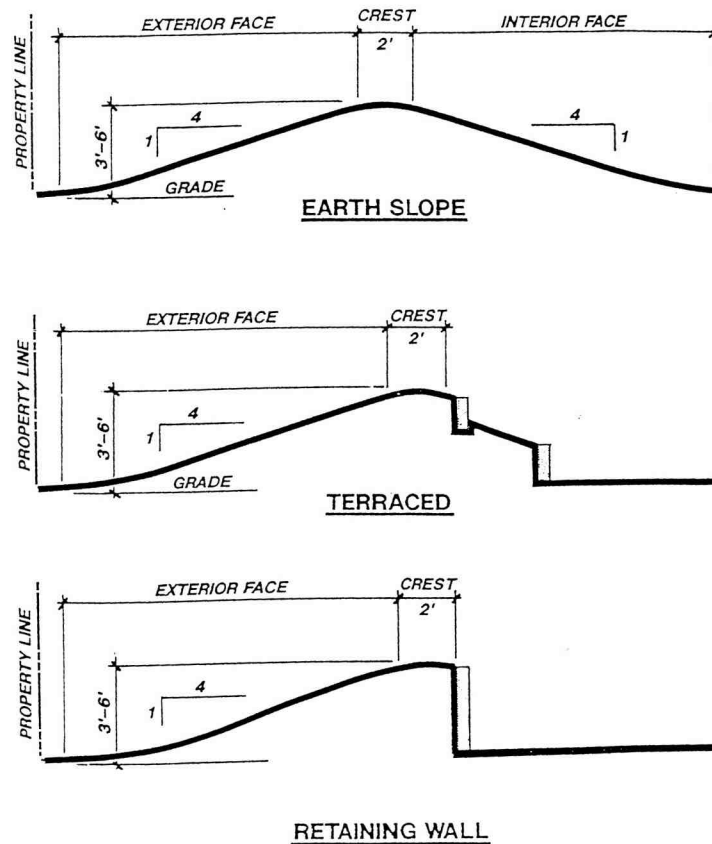


- D. Berms. Where required or provided, berms shall conform to the following standards:
- (1) Required berms shall be at least three feet above grade elevation and shall be constructed with slopes no steeper than one foot vertical for each four feet horizontal (twenty-five-percent slope), with at least a two-foot flat area on the top. The Planning Commission may modify the height requirement in cases where sufficient room does not exist to construct a three-foot-high berm.
  - (2) A required berm shall be planted with grass, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape.
  - (3) Required plantings.
    - (a) Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for required greenbelt along street frontage, Subsection B.

- (b) Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for required buffer zones, Subsection C.

### WALL AND BERM

Figure 13.3.4



- E. Landscaping in culs-de-sac at entrances and within medians. Cul-de-sac, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions. The landscape plan shall be approved by the Planning Commission in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs and compatibility with the visual character of the surrounding area. The landscape plan for public and private roads shall comply with the Rules, Procedures and Standards for Landscaping and Beautification Projects in Wayne County Road Rights-of-Way.
- F. Landscaping of off-street parking areas.

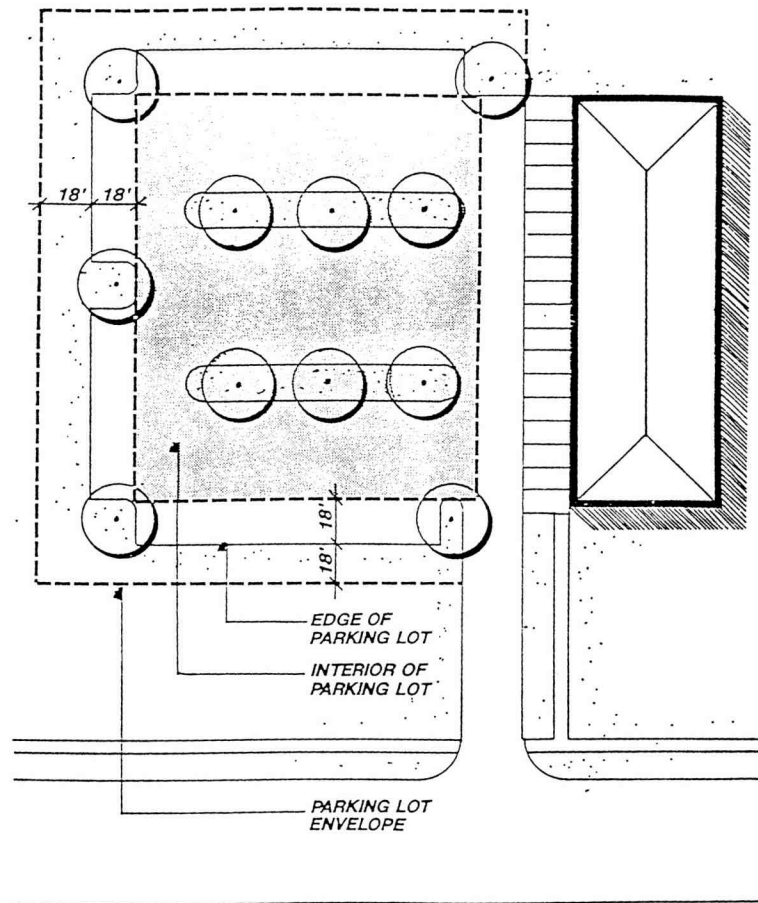
- (1) When off-street parking and loading of a non-single-family detached residential use abuts a residential zoning district, the parking lot and loading area shall be screened from such contiguous residential district by a solid,

ornamental masonry wall at least six feet tall meeting the requirements of § 285-13.5, in addition to the landscape plant materials required in Subsection E. In lieu of a wall, the Planning Commission may permit or require one evergreen tree planted every 15 feet along the mutual property boundary, in addition to the landscape plant materials required in § Subsection C, Required buffer zones.

- (2) In addition to screening which may be required around off-street parking and loading areas, all off-street parking areas containing greater than 20 spaces shall also provide the following landscaping within the parking lot envelope, described as the area including the parking lot surface and extending 18 feet from the edge of the parking lot, as illustrated in Figure 13.3.6.A. A minimum of 1/3 of the trees required shall be placed within landscape islands in the interior of the parking lot.

### LANDSCAPING REQUIRED IN PARKING AREA

Figure 13.3.6.A



- (a) One canopy tree shall be required for each 3,000 square feet of the total of the paved driveway and parking lot surface, provided that in no case fewer than two trees shall be provided.
- (b) Landscaped areas in parking lots shall be no less than 10 feet in any

dimension and no less than 150 square feet in area. Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles. (See Figure 13.3.6.A.)

- (3) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements, and the parking lot landscaping required in this Subsection F cannot be credited toward required greenbelts or buffers.
  - (4) Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or adjacent properties.
  - (5) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
  - (6) Landscaped areas shall be covered by grass or other living ground cover. Wood chips or similar material a minimum depth of three inches is permitted for planting beds immediately surrounding plant material. Such material should be identified on the landscape plan.
  - (7) Requirements for plant material shall be based on the location, size and shape of the parking lot landscaped area. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such areas.
  - (8) Under Article 7, Macomb Street District, off-street parking visible from the public right-of-way must be screened by a hedgerow or a three-foot-tall earth-tone brick wall.
- G. Landscaping of rights-of-way. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. The landscape plan for public and private roads shall comply with the Rules, Procedures and Standards for Landscaping and Beautification Projects in Wayne County Road Rights-of-Way.
- H. Utility structures.
- (1) Utility structures such as electrical transformers or sewer pump stations shall be screened from view by landscaping. A minimum of two evergreen trees shall be planted adjacent to the utility structure to screen it from view.
  - (2) All landscape plantings shall be spaced a minimum of 15 feet from any fire hydrant.
- I. Maintenance of unobstructed visibility for drivers. Where a driveway intersects a public right-of-way or private road or where a site abuts the intersection of public rights-of-way or private roads, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility for drivers. Shrubs and

portions of required berms located in the triangular area shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision to a height of eight feet above the pavement grade at the edge of the pavement. The triangular areas referred to above are:

- (1) The areas formed at the intersection of a public right-of-way or private road and a driveway, two sides of each triangle being 10 feet in length measured along the right-of-way line and driveway line from their points of intersection and the third side being a line connecting these two sides; and
  - (2) The area(s) formed at the intersection of two public right-of-way lines or private roads, the two sides of the triangular area being 30 feet in length measured along the intersecting public right-of-way lines from their point of intersection and the third side being a line connecting these two sides.
- J. Modification of landscape requirements. The Planning Commission may reduce or modify the location of the landscape requirements contained in this section based upon a determination that the landscaping required in this section will not be necessary or effective in meeting the intent of this chapter. In making such a determination, the following shall be considered:
- (1) Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
  - (2) Parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.
  - (3) The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the chapter.
  - (4) The intent to comply with the standards has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.

#### **285-13.4. Plant material requirements.**

- A. Standards for landscape materials. Unless otherwise specified, all landscape materials shall comply with the following standards:
- (1) Plant quality. Plant materials used in compliance with the provisions of this chapter shall be nursery grown, free of pests and diseases, hardy in southern Wayne County, in conformance with the standards of the American Association of Nurserymen and shall have passed inspections required under state regulations.
  - (2) Nonliving plant material. Plastic and other nonliving plant materials shall not be considered acceptable to meet the landscaping requirements of this chapter.
  - (3) Plant material specifications. The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with

the landscaping requirements of this chapter:

**Minimum Plant Material Size**

<b>Plant Type</b>	<b>Minimum Caliper<sup>1</sup> (inches)</b>	<b>Minimum Height (feet)</b>	<b>Minimum Spread</b>
Deciduous shade trees	3	4 <sup>2</sup> first branch	—
Ornamental trees	2	4 <sup>3</sup>	—
Evergreen trees <sup>4</sup>	—	6	2.2 feet
Shrubs	—	2	15 inches
Hedges <sup>5</sup>	—	4	—

NOTES:

<sup>1</sup> Measured 12 inches above grade. Refer to Chapter 282, Woodland and Tree Preservation, for measurement of existing trees.

<sup>2</sup> Trees planted along pedestrian routes (i.e., sidewalks, plazas, etc.) shall not have branches lower than six feet. Trees planted within street line (curb) and sidewalk or along bikeways shall maintain a vertical clearance to obstructions of a minimum of 10 feet.

<sup>3</sup> Clumped trees (e.g., birch) shall have a minimum height of six feet above grade.

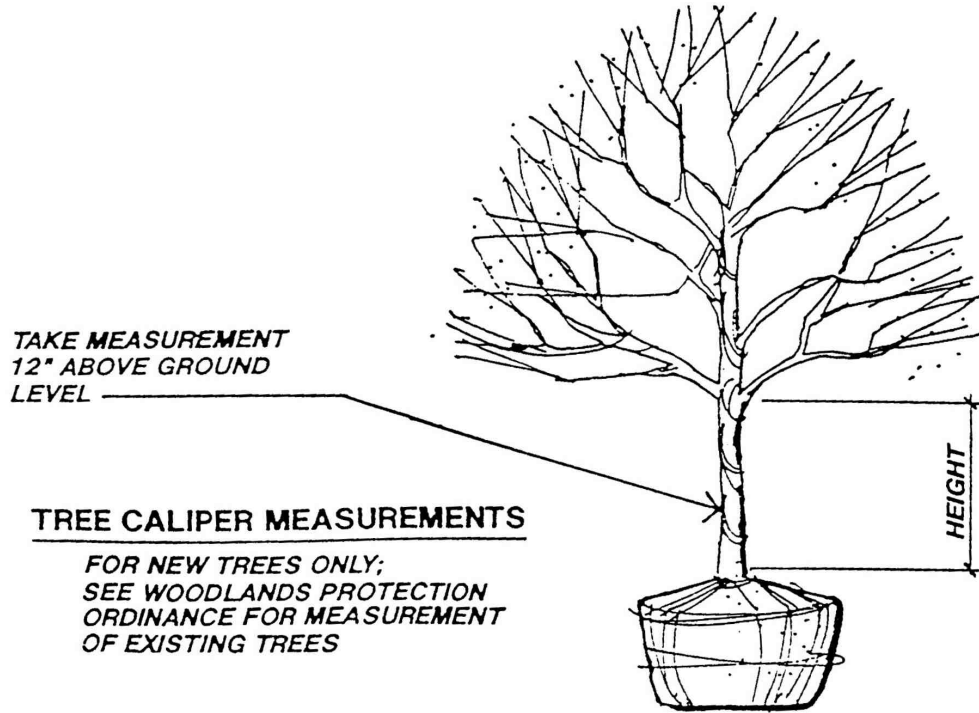
<sup>4</sup> The size of the burlapped root ball for evergreen trees shall be at least 10 times the caliper measured six inches above grade.

<sup>5</sup> Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two years after planting.

- (4) Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
- (5) Grass area(s) shall be planted using species normally grown as permanent lawns in southern Wayne County. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. Straw or other mulch shall be used to protect newly seeded areas.
- (6) Mulch used around trees, shrubs, and vines shall be a minimum of three inches deep and installed in a manner as to present a finished appearance.

# MINIMUM PLANT SIZES

Figure 13.4.A

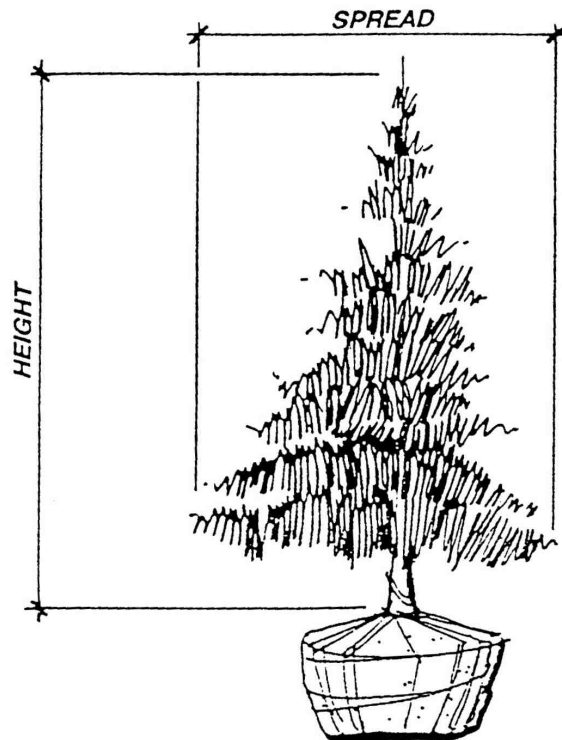


TAKE MEASUREMENT  
12" ABOVE GROUND  
LEVEL

## TREE CALIPER MEASUREMENTS

*FOR NEW TREES ONLY;  
SEE WOODLANDS PROTECTION  
ORDINANCE FOR MEASUREMENT  
OF EXISTING TREES*

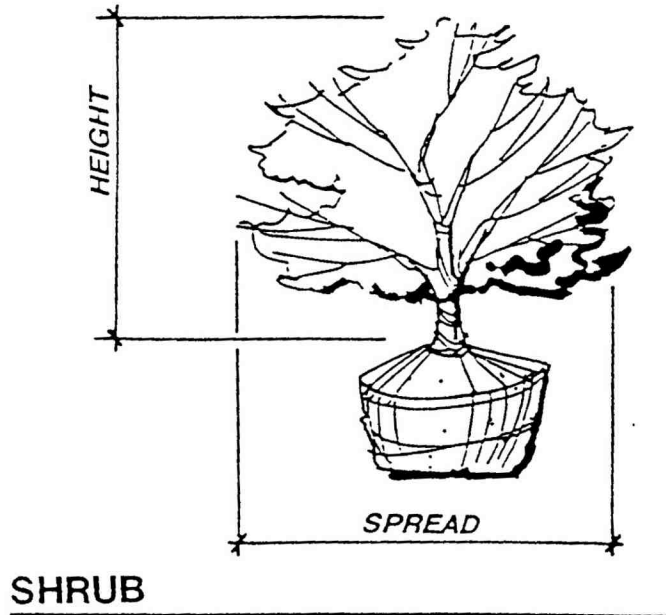
## DECIDUOUS CANOPY TREE



## EVERGREEN TREE

# MINIMUM PLANT SIZES

Figure 13.4.B



B. Spacing. Planting in informal groupings to create a naturalistic appearance is desirable. Wherever possible, plant materials shall not be placed closer than four feet from the fence line or property line. Plant materials used together in informal groupings should meet the following on-center spacing guidelines:

Plant Material Types	Evergreen	Narrow	Large	Small	Large Shrubs	Small Shrubs
		Evergreen Trees	Deciduous Trees	Deciduous Trees		
Evergreen trees	Min. 10' Max. 20'					
Narrow evergreen trees	Min. 12'	Min. 5' Max. 10'				
Large deciduous trees	Min. 20'	Min. 15'	Min. 20' Max. 30'			
Small deciduous trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'		
Large shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	

Plant Material Types	Evergreen	Narrow	Large	Small	Large Shrubs	Small Shrubs
		Evergreen Trees	Deciduous Trees	Deciduous Trees		
Small shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3'
						Max. 4'

- C. Suggested plant material. The following table lists recommended plant materials for required landscaping. Plant materials of equal or better quality may be substituted for suggested plant materials.

### Recommended Plant Materials

Common Name	Genus
<b>Deciduous Canopy Trees</b>	
1. Oaks*	Quercus
2. Hard Maples (except Japanese)*	Acer
3. Hackberry*	Celtis
4. Planetree (Sycamore)*	Platanus
5. Birch*	Betula
6. Beech*	Fagus
7. Ginkgo (male)	Ginkgo
8. Honeylocust (Thornless Cultivars only)*	Gleditsia
9. Hophornbeam (Ironwood)*	Ostrya
10. Linden	Tilia
11. Ashes*	Faxinus
12. Hickory*	Carya
13. Hornbeam (Blue Beech)*	Carpinus

\*Please note: Although the use of ashes is suggested, due to recent disease and pest problems associated with ashes in the area, it is recommended that more disease-resistant ash cultivars be used and that no one cultivar be planted as the dominant tree type.

Common Name	Genus
<b>Deciduous Ornamental Trees</b>	
1. Amelanchier*	Amelanchier
2. Redbud*	Cercis
3. Dogwood (Tree Form)*	Cornus
4. Hawthorn*	Crataegus
5. Flowering Crabapple (disease-resistant cultivars)	Malus
6. Flowering Plum (Tree Form)	Prunus

<b>Common Name</b>	<b>Genus</b>
<b>Deciduous Ornamental Trees</b>	
7. Flowering Pear	Pyrus
8. Magnolia	Magnolia
9. Hornbeam*	Carpinus
10. Rose of Sharon	Hibiscus

<b>Common Name</b>	<b>Genus</b>
<b>Evergreen Trees</b>	
1. Fir	Abies
2. Hemlock	Tsuga
3. Spruce	Picea
4. Pine*	Pinus
5. Douglas Fir	Pseudotsuga

\*Please note: Dwarf, Globe, Pendulous Species/Cultivars are not permitted.

<b>Common Name</b>	<b>Genus</b>
<b>Narrow Evergreens</b>	
1. Juniper*	Juniperus
2. Arborvitae	Thuja

\*Please note: Dwarf, Globe, Spreading Species/Cultivars are not permitted.

<b>Common Name</b>	<b>Genus</b>
<b>Large Shrubs</b>	
1. Deciduous	
a. Dogwood (Shrub Form)*	Cornus
b. Cotoneaster	Cotoneaster
c. Forsythia	Forsythia
d. Mock-Orange	Philadelphus
e. Sumac*	Rhus
f. Lilac	Syringa
g. Viburnum*	Viburnum
h. Witchhazel*	Hamamelis
i. Euonymus	Euonymus
j. Privet	Ligustrum
k. Ninebark*	Physocarpus
2. Evergreens	
a. Juniper (Hetz, Pfitzer, Savin)	Juniperus

<b>Common Name</b>	<b>Genus</b>
<b>Large Shrubs</b>	
b. Yew (Pyramidal Japanese)	Taxus
<b>Common Name</b>	
<b>Small Shrubs</b>	
1. Deciduous	
a. Barberry	Berberis
b. Boxwood	Buxus
c. Quince	Chaenomeles
d. Cotoneaster	Cotoneaster
e. Euonymus*	Euonymus
f. Forsythia	Forsythia
g. Hydrangea	Hydrangea
h. Holly*	Ilex
i. Privet	Ligustrum
j. Potentilla*	Potentilla
k. Currant*	Ribes
l. Lilac	Syringa
m. Viburnum*	Viburnum
n. Weigela	Weigela
2. Evergreens	
a. Fir	Abies
b. False Cypress	Chamaecyparis
c. Juniper (Low Spreading)*	Juniperus
d. Spruce	Picea
e. Pine	Pinus
f. Yew (Globe, Spreading, Upright)*	Taxus
g. Arborvitae (Globe/Dwarf)	Thuja

\*See § 285-13.4F, Undesirable plant material.

- D. Installation and maintenance. The following standards shall be observed where installation and maintenance of landscape materials is required:
- (1) Installation. Landscaping shall be installed in a sound, professional manner to ensure the continued growth of healthy plant material.
  - (2) Protection from vehicles. Landscaping shall be protected from vehicles through use of wheel stops or other means. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow

removal, salt, and other hazards.

- (3) Maintenance. Required landscaping (including berms, greenbelts, buffer zones, walls, wood lots, trees, lawns and ground cover) shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next appropriate planting period. The landscape plan shall indicate the individual(s) or business(es) who or which will be responsible for continued maintenance of the landscaping. Those charged with this responsibility shall also be responsible for maintenance of adjacent landscaped areas in public rights-of-way.
- E. Treatment of existing plant material. The following regulations shall apply to existing plant material:
- (1) Utilization of existing elements in the landscape design. In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this section, provided such substitution is in keeping with the spirit and intent of this section and this chapter in general. Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this section.
- (2) Preservation of existing plant material.
- (a) Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered and are six inches or greater in diameter at breast height (dbh). Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. Removal of trees shall be undertaken in compliance with Chapter 282, Woodland and Tree Preservation. If existing plant material is labeled "To Be Saved" on the site plan, the protective measures outlined in Chapter 282 shall be complied with.
- (b) In the event that healthy plant materials which are intended to meet the requirements of this chapter are cut down, damaged or destroyed during construction, said plant material shall be replaced in accordance with the requirements of Chapter 282. An occupancy permit shall not be issued until the applicant has documented compliance with this requirement.
- F. Undesirable plant material.
- (1) Use of the following plant materials (or their clones and cultivars) is not encouraged because of susceptibility to storm damage, disease, or other undesirable characteristics:

**Undesirable Plant Materials**

<b>Common Name</b>	<b>Genus Species</b>
Silver Maple	Acer sacharinum
Box Elder	Acer negundo

### Undesirable Plant Materials

Common Name	Genus Species
Tree of Heaven	Ailanthus altissima
European Barberry	Berberis thunbergii
Northern Catalpa	Catalpa speciosa
Eastern Red Cedar	Juniperus virginiana
Poplar	Populus deltoides
Willow	Salix spp.
American Elm	Ulmus americana

- (2) The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

### 285-13.5. Obscuring wall requirements.

Where permitted or required by this chapter, obscuring walls shall be subject to the following regulations:

- A. Location. Required obscuring walls shall be placed on the lot line except in the following instances:
- (1) Where underground utilities interfere with placement of the wall on the property line, the wall shall be placed on the utility easement line located nearest the property line.
  - (2) Where located adjacent to a side street, the wall shall be set back eight feet from the side property line. The area between the wall and the property line shall be landscaped in accordance with the greenbelt provisions set forth previously.
- B. Openings for access. Required obscuring walls shall be continuous with no interruptions except for vehicular and pedestrian access.
- C. Corner clearance. Obscuring walls shall comply with the specifications for maintenance of unobstructed visibility for drivers as set forth in § 285-13.3I.
- D. Substitution. As a substitute for a required obscuring wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed natural or man-made landscape features (such as evergreens spaced 10 feet on center) that would produce substantially the same results in terms of screening, durability, and permanence.
- E. Wall specifications.
- (1) Required obscuring walls shall be 6 1/2 feet in height and shall be constructed of the materials that are architecturally compatible with the materials used on the facade of the principal structure on the site.
  - (2) Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches and shall not be less than four inches wider than

the wall to be erected.

- (3) The Planning Commission may require brick or decorative facing with the same or complementary materials as the principal building on one or both sides of the wall.
- (4) All residential walls shall comply with Chapter 103, Fences and Walls.

F. Fence specifications.

- (1) Fences erected for screening purposes shall be a minimum of six feet in height and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, with posts sunk into the ground at least three feet.
- (2) Chain link fences shall not be permitted for screening purposes.
- (3) All residential fences shall comply with Chapter 103, Fences and Walls.



ARTICLE 14  
**Reserved For Future Use**  
**[Ord. No. 286, effective 4-16-2000]**



ARTICLE 15  
**Reserved For Future Use**  
**[Ord. No. 288A, effective 7-16-2000]**



ARTICLE 16  
**Sign Regulations**  
**[Ord. No. 286, effective 4-16-2000]**

**285-16.1. Intent.**

The regulations contained herein are instituted to provide for the establishment of signs, lighting, and displays that will promote viable commercial and industrial activity but will not, by reason of their size, location, spacing, construction, or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety. Furthermore, it is the intent of these regulations to preserve and improve the appearance of the Township by preventing placement of oversized signs that are out of scale with surrounding buildings and structures or an excessive accumulation of signs that would cause visual clutter. These regulations are further intended to regulate permitted signs in such a way as to create land use patterns that are compatible with major land use objectives and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the Township.

**285-16.2. Scope of application and permit requirements.**

- A. Scope of application. It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in the Township without complying with the provisions of this chapter. Any sign already established on the effective date of this chapter, and which is rendered nonconforming by the provisions herein or subsequent amendments hereto, shall be subject to the regulations concerning nonconforming structures and uses set forth in Article 18 herein.
- B. Permits. No new sign shall be erected, constructed, affixed, or painted unless a sign permit shall first have been approved and issued in accordance with the provisions set forth herein. The amount of the permit fee shall be established by resolution of the Township Board.
- C. Application for permit. Application for sign permits shall be made upon forms provided for this purpose by the Community Development Department and shall include:
  - (1) Plans and specifications showing the dimensions, materials and required details of construction, including loads, stresses, and anchorage;
  - (2) Plans indicating the location of the sign(s) on buildings, structures or parcels of land;
  - (3) Written consent of the owner or lessee of the premises upon which the sign is to be erected;
  - (4) The name of the person, firm, or corporation owning, erecting, maintaining, and operating such sign; and
  - (5) All other information required on the application form.
- D. Review of application. The Community Development Department shall review all

applications for sign approval and shall issue sign permits for each application which complies with all of the regulations set forth herein.

- E. Alterations. A sign shall not be enlarged, relocated or otherwise altered unless a proper permit has been secured to ensure conformity with the provisions set forth herein for new signs. The changing of movable parts of an approved sign that is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign) or the repainting or reposting of display matter shall not be deemed an alteration and shall not require a new permit, provided the conditions of the original approval and the requirements set forth herein are not violated.
- F. Permit not required. A permit shall not be required for the following signs:
- (1) Any sign listed as exempt under § 285-16.5B;
  - (2) Street address signs and signs denoting the name and address of the occupants of the premises, including professional nameplates, provided such signs do not exceed one square foot in area and four feet in height. If such signs are freestanding, they shall be set back a minimum distance of six feet from the property line;
  - (3) Temporary political signs, subject to the provisions set forth in § 285-16.6B;
  - (4) Real estate, open house, and model home signs, subject to the provisions set forth in §§ 285-16.5, 285-16.6 and 285-16.7, but not including § 285-16.7G, Temporary marketing signs in residential subdivisions;
  - (5) Garage sale signs, subject to the provisions set forth in § 285-16.7;
  - (6) Nameplate and identification signs;
  - (7) Signs accessory to parking areas; and
  - (8) Temporary window signs.

### **285-16.3. Inspection and maintenance of signs.**

- A. Inspection of new signs. All signs for which a permit is required shall be inspected by the Community Development Department when erected, and if found to have been constructed, supported, braced, and painted in accordance with the approved plans and the provisions of this chapter, then a certificate of inspection shall be issued. In cases where fasteners, anchorages, etc., are to be installed and bricked in or encased in such a manner that the inspector would not be able to inspect said fasteners or anchorages, the sign erector shall advise the Department of Community Development when said fasteners or anchorages are to be installed so that inspection may be completed before enclosure; otherwise, the Building Official shall be empowered to stop further construction or erection of said sign until any such concealed fasteners or anchorages are inspected and approved.
- B. Correction of defects with new signs. Should any new sign erection be found unsafe, not secure, improperly constructed, or not in accordance with the approved plans or requirements of this chapter, the sign erector, owner of the sign, or owner of the land shall make such erection safe, secure, and according to the requirements

of this chapter or entirely remove the sign in accordance with the following timetable:

- (1) If the Community Development Department determines that the sign is an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within 48 hours (two working days) from the time of notification in writing from the Department of Community Development, provided the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If said sign cannot be cordoned off or secured so as to eliminate any immediate threat to safety, then all required action to correct the defects shall be made without delay.
  - (2) If the Community Development Department determines that the sign is not an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within seven working days after notification in writing from the Department of Community Development.
  - (3) If defects are not corrected within the specified time limits, the Department of Community Development may remove such sign at the expense of the sign owner or lessee.
- C. Correction of defects with existing signs. If, upon inspection, an existing sign is found to be unsafe, not secure, corroded, or subject to corrosion or otherwise poorly maintained so that the sign may become unsafe or not secure, then the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting, or other improvements in accordance with the timetable for correcting defects with new signs, as outlined in Subsection B above, except as follows:
- (1) If the Community Development Department determines that the sign is not an immediate threat to the safety of persons nearby, all required action to correct the defect shall be taken within 30 days after notification in writing from the Department of Community Development.
  - (2) The Community Development Department may extend the thirty-day timetable if temperatures below 25° F. prevent painting or if the defects are minor, not generally noticeable to the public, and not a hazard to public safety.

#### **285-16.4. Appeal to Zoning Board of Appeals.**

- A. Appeals process. Any party who has been refused a sign permit by the Community Development Department for a proposed sign installation may file a claim of appeal to the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the appeal in accordance with the procedures set forth in § 285-23.4. The Zoning Board of Appeals may grant such appeal and allow a variance to the sign provisions of this chapter upon finding that:
- (1) Because of extraordinary circumstances on the site, compliance with the provisions of these sign regulations would result in a particular hardship (as distinguished from mere inconvenience or a desire to make more money);
  - (2) Strict enforcement of these sign regulations would serve no useful purpose;

and

- (3) A variance would be in the best interests of the Township and not in conflict with the spirit and intent of this chapter.
- B. Permit process. Upon granting of a variance by the Zoning Board of Appeals, the Community Development Department shall grant a sign permit, provided that all other requirements of this chapter have been met and all required permit fees have been paid. A sign that is permitted by virtue of a variance shall be subject to all other applicable requirements of this chapter which are not in conflict with the terms of the variance.

### **285-16.5. General limitations and provisions.**

Any sign erected after the effective date of this chapter shall be subject to the following limitations and provisions:

- A. Nonconforming or obsolete signs. Obsolete signs, which include all signs that advertise a product that is no longer made or that advertise a business that has closed, shall be removed within 30 days by the owner, agent, or person having beneficial use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for the removal of all signs used in conjunction with the business. However, where a conforming sign structure and frame are typically reused by the current occupant or business in a leased or rented building, the building owner shall not be required to remove said sign structure and frame in the interim period when the building is not occupied, provided the sign structure and frame are maintained in accordance with the standards of this chapter and the Township's adopted Building Code.<sup>14</sup>
- B. Exempt signs. The sign regulations set forth herein shall not apply to the following signs, provided such signs are in compliance with all other applicable regulations and ordinances:
  - (1) Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way;
  - (2) Miscellaneous traffic and other official signs of any public or governmental agency, such as traffic control or directional signs, legal notices, historic site designations, trespassing signs, signs indicating danger, signs indicating the location of USGS benchmarks, airfield signs, or signs used as aids to service or safety;
  - (3) Any flag, emblem, or insignia of our nation, its governmental units, or its schools;
  - (4) Any sign which is located completely within an enclosed building and which is not visible from outside of the building;
  - (5) Tablets, grave markers, headstones, statuary, or similar remembrances of persons or events;

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14. Editor's Note: See Ch. 40, Building Construction.

- (6) Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic or religious holidays and special municipal and school activities;
  - (7) Public safety and routing signs used on construction sites; and
  - (8) Any sign on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business which is not primarily the display of signs.
- C. Prohibited signs. The following signs shall not be permitted or erected in any district:
- (1) Any sign which is not expressly permitted by the regulations set forth herein;
  - (2) Signs which have flashing, blinking or moving lights or exposed incandescent light bulbs;
  - (3) Cloth and banner signs, pennants, spinners, paper festoon signs, and similar devices, except as specifically permitted herein;
  - (4) String lights used for advertising purposes other than Christmas or other decorations;
  - (5) Any sign which has any visible moving parts, visible revolving parts, visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind current;
  - (6) Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair or is capable of causing electrical shock to persons likely to come in contact with it;
  - (7) Any sign which obstructs a window, door or other opening that could be used for fire escape;
  - (8) Any sign which makes use of the words "Stop," "Look," or "Danger" or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse drivers;
  - (9) Any sign or other advertising structure containing obscene, indecent, or immoral matter;
  - (10) Any sign unlawfully installed, erected, or maintained;
  - (11) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold;
  - (12) Any sign erected so as to impair access to a roof;
  - (13) Any sign that projects above the parapet line or eaves of any roof, except as specifically permitted herein;
  - (14) Any sign, other than an official notice of the Township, school district, or other

- public entity, that is attached to a utility pole, tree, or other object located or situated on public property;
- (15) Portable or temporary signs except as specifically permitted by this chapter;
  - (16) Signs painted on or attached to a parked vehicle, truck, trailer, or van which is being used principally for advertising purposes rather than for transportation purposes;
  - (17) Sandwich board signs;
  - (18) Signs on street furniture, such as benches, newspaper stands, and trash receptacles; **[Amended 4-13-2015 by Ord. No. 15-002]**
  - (19) Any sign which projects into the public right-of-way; and **[Amended 4-13-2015 by Ord. No. 15-002]**
  - (20) Electronic changeable message signs, except where expressly allowed in this article. **[Added 4-13-2015 by Ord. No. 15-002]**
- D. Structural requirements. All signs shall be constructed and erected in a safe and stable manner in accordance with provisions of the Township's adopted Building Code,<sup>15</sup> the National Electrical Code, and this section. All electrical wiring associated with ground or freestanding signs shall be installed underground. All signs must be mounted so that the backs of the signs are screened from view.
- E. Motorist visibility. No sign shall be located on or near any street corner or near any right-of-way which would obscure vision of drivers using said street, and no sign shall in any way conflict with traffic control signals or signs at the intersection of any streets. No signs shall be located so as to impair or impede the visibility of a vehicle entering into or exiting from a parcel of property.
- F. Illumination. The following provisions shall apply to the illumination of all signs:
- (1) Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
  - (2) All exterior illumination shall be shaded so as not to project onto adjoining property or thoroughfares.
  - (3) Direct exterior illumination and internally illuminated signs shall avoid the use of glaring undiffused lights or bulbs that could distract motorists.
  - (4) No signs shall be illuminated by the use of flashing, moving, or intermittent lighting.
- G. Sign measurements.
- (1) Sign area. Except as noted, the area of all signs shall be computed by measuring the area of the envelope required to enclose the lettering or logo and the structures to which the letters or logo is attached. In the case of a wall sign

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15. Editor's Note: See Ch. 40, Building Construction.

attached to a building, the envelope shall be around the letters or logo. The sign support shall not be considered when measuring the area of a ground or freestanding sign.

- (a) The area of a double-faced freestanding sign shall be computed using only one face of the sign, provided that:
    - [1] The outline and dimensions of both faces are identical; and
    - [2] The faces are back-to-back so that only one face is visible at any given time.
  - (b) The area of a monolith sign shall be computed by measuring the entire vertical surface of a face upon which the letters or logo is attached. In the case of a double-face or multi-faced monolith sign, the area of the sign shall be computed using only one face of the sign. The area of a cylindrical monolith sign shall be computed by multiplying the diameter of the cylinder by its height.
- (2) Setback and distance requirements. In determining conformance with setback standards and distance requirements, the following guidelines shall be used:
- (a) The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
  - (b) The distance between a sign and a parking lot or processing area shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or processing area.
  - (c) The distance between a sign and a property line shall be measured along a straight line that represents the shortest distance between the sign and the property line.
  - (d) The horizontal distance between a freestanding sign (such as a pole-mounted sign) and any other point shall be measured from the edge of the sign face rather than from the edge of the pole or other structural support.

**285-16.6. Specific sign requirements for all districts.**

- A. Temporary marketing signs. Freestanding and wall-mounted signs offering the premises on which they are located for sale, for lease or for rent shall be permitted in all districts subject to the following controls:
- (1) Number. There shall not be more than one such sign per parcel.
  - (2) Area. No real estate sign shall exceed six square feet in area.
  - (3) Height. No freestanding real estate sign shall project higher than five feet above the existing average grades.
  - (4) Location. Real estate signs shall be located on private property. If freestanding, they will be set back six feet from the property line.

- (5) Duration. Real estate signs shall be removed within 10 days after sale or lease of a property or, in the case of rental property, 10 days after final occupancy has been issued to the entire development.
- B. Temporary political signs. The following provisions recognize the special needs of the community in presenting diversified opinions, educating the public or advertising or advocating a candidacy or cause in a forthcoming election. Therefore, temporary political signs, under those circumstances, shall be permitted in any district, subject to the following conditions:
- (1) Area. Temporary political signs shall be no larger than three square feet in area.
  - (2) Height. No temporary political sign shall project higher than four feet above the existing grade.
  - (3) Installation time frame. Temporary political signs shall not be installed or placed upon property prior to three weeks before the election or vote upon any proposition or candidate advertised thereon or to which the sign or signs pertain.
  - (4) Removal of signs. It shall be the responsibility of the political candidate or campaign chairperson to cause such temporary political signs to be removed within five days after the date of the election or vote upon the proposition to which the sign or signs pertain.
  - (5) Permission required. The candidate or campaign manager shall obtain the permission of the owner of a building, structure, or property prior to posting a temporary political sign.
  - (6) Location. Political signs shall be set back six feet from the property line.
- C. Signs for churches, schools, and other institutional uses. Churches, schools, and other institutional uses shall be permitted to erect signs subject to the same standards as other signs for the district in which they are located. However, in recognition of the fact that such uses are often located in residential districts where signs may not be permitted, such uses may nevertheless erect signs for the purposes of identifying the church, school, or other institutional use; identifying affiliated uses, such as a parsonage; stating the time or subject of church services, the denomination of the church, or school classes; or presenting other related information. Such signs shall conform to the following regulations:
- (1) Number. There shall be no more than one sign per use. In the case of a school, parsonage, or other facility affiliated with and located on the same parcel as a church or other institutional use, one additional sign shall be permitted for the purposes of identification of said school, parsonage, or other affiliated facility.
  - (2) Area. No such sign shall exceed 32 square feet.
  - (3) Height. No sign shall project higher than eight feet above the existing average grade.
  - (4) Location. Such signs shall be located at least 10 feet from the property line.

- D. Municipal signs. Signs erected on municipal sites by the Township of Grosse Ile shall conform to the standards for signs for churches, schools, and other institutional uses, as set forth previously.
- E. Signs on construction sites. On sites on which a building or structure is legally under construction, one wall, ground, or freestanding sign shall be permitted for the purposes of identifying the building, the designer, the builder, and other participating entities.
  - (1) On individual home sites, the area of such sign shall not exceed six square feet in area or five feet in height, and the sign shall be set back at least six feet from the property line.
  - (2) In nonresidential districts, the area of such sign shall not exceed 24 square feet in area and eight feet in height, and the sign shall be set back at least 10 feet from the property line.
- F. Community group signs. The Township Community Development Department may issue a temporary sign permit to allow the posting of signs on Township-owned property by community groups that are nonprofit agencies operating within the Township. Such signs shall be located outside of the road right-of-way and shall be removed within 30 days of the permit issuing date.

#### **285-16.7. Residential district signs.**

The following signs shall be permitted in all districts zoned for residential purposes, including districts zoned R-1-A, R-1-B, R-1-C, R-1-D, R-2, R-3, and R-4:

- A. Street number. For the purposes of public safety, the street number of every residential building shall be prominently displayed on a side of the building facing the street, using numbers that are at least three inches in height.
- B. Nameplate and identification signs. Nameplate and identification signs for the purposes of indicating the name and address of the occupant shall be permitted in residential districts subject to the following regulations:
  - (1) Number. There shall be not more than one nameplate or identification sign, which may be either freestanding or attached to the building.
  - (2) Area. Such signs shall be no larger than one square foot.
  - (3) Height. Such signs shall project no higher than four feet above curb level.
  - (4) Location. Such signs shall be located at least six feet inside all property lines if freestanding.
- C. Nonresidential advertising or identification signs. No signs shall be permitted in a residentially zoned district that advertise or identify a nonresidential use, except as permitted herein.
- D. Signs accessory to parking areas. Signs accessory to parking areas shall be permitted in multiple-family residential and mobile home park districts subject to the following controls:

- (1) Entrance-exit and directional signs. Signs designating parking area entrances and exits, providing directions, designating "no parking" areas, and identifying parking spaces for the handicapped shall be permitted as needed within parking areas.
  - (2) Identification signs. One sign per entrance to a parking area shall be permitted for the purpose of designating the conditions of use or identity of such parking area. Such signs shall not exceed four square feet in area.
- E. Garage sale signs. Garage sale signs shall be permitted in residentially zoned districts subject to the following controls:
- (1) Number. A maximum of three signs shall be allowed for each garage sale.
  - (2) Area. Garage sale signs shall be no larger than three square feet.
  - (3) Location. Such signs shall be located on private property.
- F. Permanent residential identification signs.
- (1) Permanent identification signs for residential subdivisions or developments shall be permitted subject to the following controls:
    - (a) Purpose. Permanent residential identification signs shall bear only the name of the development or subdivision, the address of the building if a multiple-family structure, and the name and address of the management, if applicable.
    - (b) Number. There shall not be more than one such sign located at each entrance to the subdivision or development.
    - (c) Area. No such sign shall exceed 24 square feet in area.
    - (d) Height. No such sign shall project higher than eight feet above the existing grade.
    - (e) Location. Such signs shall be located on private property, at least 10 feet inside all property lines.
  - (2) Permanent identification signs for individual multiple-family buildings shall be permitted subject to the following controls:
    - (a) Purpose. Such signs shall be for the purpose of identifying individual buildings within a residential subdivision or development.
    - (b) Number. There shall be no more than one such sign per individual building.
    - (c) Area. No such sign shall exceed six square feet in area.
    - (d) Height. No such sign shall project higher than five feet above the existing average grade.
    - (e) Location. Such signs shall be located on private property, at least six feet inside all property lines if freestanding.

G. Temporary marketing signs in residential subdivisions.

- (1) Real estate signs. Temporary marketing signs accessory to residential subdivisions which are under construction shall be permitted for the purpose of identifying homes, condominiums, apartments, or mobile home sites for sale or rent. Such signs shall be subject to the following controls:
  - (a) Number. One such sign shall be permitted for each entrance, provided that no more than two such signs shall be permitted per development or subdivision.
  - (b) Area. Such signs shall not exceed 24 square feet in area.
  - (c) Height. No such sign shall project higher than eight feet above the existing average grade.
  - (d) Location. Such signs shall be located on private property, at least 10 feet inside all property lines if freestanding.
  - (e) Time limitation. A sign permit for any such temporary accessory sign shall have a time limitation of two years. After the two-year period, sign permits may be renewed yearly if at least 5% of the lots remain vacant and available and new homes remain under construction. Such signs shall be removed upon cessation of new home marketing within the subdivision or development, when 95% of all lots have been sold, or when the permit expires, whichever comes first.
- (2) Open house signs. Open house signs shall be permitted, provided such signs do not exceed six square feet in area and five feet in height. If signs are freestanding, they shall not extend beyond the property line and shall be permitted only on the premises of the open house.
- (3) Model home signs. Model home signs shall be permitted for the purposes of identifying the model style, provided such signs do not exceed six square feet in area or five feet in height. If signs are freestanding, they shall be located on private property, at least six feet from any property line.

**285-16.8. Commercial, industrial and airport district signs.**

The following signs shall be permitted in all districts zoned for commercial, industrial, or airport purposes (other than the Airport Industrial Park), including districts zoned C-1, MSD and A-1:

- A. Signs for residential district uses in commercial districts. Signs for nonconforming residential district uses in commercial, industrial or airport districts shall be governed by the sign regulations for residential district uses as set forth in § 285-16.7.
- B. Required street address. For the purposes of public safety, the street number of every commercial and industrial building shall be prominently displayed on a side of the building facing the street, using numbers that are at least five inches in height.
- C. General requirements.

- (1) Total sign area.
  - (a) The total area of all signs shall not exceed 1 1/2 square feet for each linear foot of building frontage facing a public street, provided that the total sign area shall not exceed 50 square feet, and except that signs in the Grosse Ile Industrial Park shall conform to the sign area requirements set forth in the Declaration of Covenants and Restrictions upon the use of land therein.
  - (b) One wall, ground, or freestanding sign with a maximum area of 32 square feet shall be permitted to identify a shopping center, or similar use, or the businesses therein, provided the shopping center or other such use has minimum street frontage of 30 feet. If said sign is used as a tenant directory sign, the total sign area shall be allocated on an equal basis to all tenants. The placement of such a sign shall not result in any reduction in the number or total area of signs otherwise permitted under the provisions of this chapter.
- (2) Types of permitted signs. Total permitted sign area may be allocated among one or more of the following types of signs, subject to the provisions which follow: wall-mounted signs, ground or freestanding signs, projecting signs, marquee signs, signs on awnings and canopies, or window signs.
- (3) Signs in the Grosse Ile Industrial Park. Signs located in the Grosse Ile Industrial Park shall conform to the requirements for signs specified in the Declaration of Covenants and Restrictions upon the use of land in the Grosse Ile Industrial Park.

D. Specific requirements.

- (1) Wall-mounted signs. Wall-mounted signs, including signs located on the face of mansard-type roofs, shall be permitted in commercial and industrial districts subject to the following controls:
  - (a) Height. The top of a wall-mounted sign shall not be higher than whichever is lowest:
    - [1] Fifteen feet above grade.
    - [2] The top of the sills at the first level of windows above the first story.
    - [3] The height of the building facing the street on which the sign is located.
  - (b) Location. Wall-mounted signs shall be located on the fronts of buildings, except that buildings located on a corner lot shall be permitted to install one wall-mounted sign on the side of the building facing a street.
  - (c) Dimensions. The maximum vertical dimension of any wall-mounted sign shall not exceed 1/3 of the height of the building. The maximum horizontal dimension of any wall-mounted sign shall not exceed 3/4 of the width of the building.

- (d) Projection. Wall-mounted signs shall not project farther than 12 inches from the face of the wall and shall not project beyond the building line.
- (2) Ground or freestanding signs. Ground or freestanding signs shall be permitted in commercial or industrial districts (excluding Airport District) subject to the following controls:
- (a) Number. Individual businesses shall be permitted to have one ground or freestanding sign, provided that building frontage on a public street is at least 30 feet, and provided further that all setback requirements can be complied with. In the event that individual businesses cannot comply with the setback or frontage requirements, two or more adjoining businesses may jointly apply for a permit for one ground or freestanding sign that would serve all of the joined businesses, provided that the joined businesses are capable of meeting the frontage and setback requirements.
  - (b) Area. Total area of a ground or freestanding sign shall not exceed 32 square feet.
  - (c) Height. The top of a ground or freestanding sign shall be five feet above the average grade plus one foot for each three feet of setback with a maximum height of 15 feet.
  - (d) Location. Ground or freestanding signs shall be located on private property, no closer than one foot to the property line. No such sign shall project over public property or adjoining private property.
  - (e) Distance from other signs. Ground or freestanding signs shall be located at least 35 feet from any other ground or freestanding sign.
- (3) Projecting signs. Projecting signs shall be permitted in commercial and industrial districts (excluding Airport Industrial Park) subject to the following controls:
- (a) Area. Projecting signs shall not exceed eight square feet in area.
  - (b) Height. The top of a projecting sign shall not be higher than 15 feet above the existing average grade.
  - (c) Width. The width of a projecting sign, as measured between the two faces, shall not exceed 12 inches.
  - (d) Vertical clearance. A minimum vertical clearance of nine feet shall be provided beneath any projecting sign.
  - (e) Projection. Projecting signs shall not project over public property or adjoining private property.
- (4) Marquee signs. Marquee signs shall be permitted in commercial districts subject to the following controls:
- (a) Area. Marquee signs shall not exceed 1 1/2 square feet per linear foot of building frontage on a public street.

- (b) Height. The top of a marquee sign shall not be higher than 15 feet above grade.
  - (c) Vertical clearance. A minimum vertical clearance of nine feet shall be provided beneath any marquee sign.
  - (d) Projection. Marquee signs shall not project over public property or adjoining private property.
- (5) Signs on awnings and canopies. Signs on awnings and canopies shall be permitted in commercial or industrial districts subject to the following controls:
- (a) Area. The total area of the lettering and logo shall not exceed 25% of the total area of the awning or canopy that is visible from the street.
  - (b) Vertical clearance. A minimum vertical clearance of nine feet shall be provided beneath any projecting awning or canopy sign(s).
  - (c) Projection. Awnings and canopies shall not project over public property or adjoining private property.
- (6) Temporary cloth and banner signs, pennants and other devices. Temporary cloth and banner signs, pennants, streamers, balloons, and similar devices shall be permitted in commercial districts subject to the following controls:
- (a) Duration. Temporary cloth and banner signs, pennants, and other such devices shall be erected for no longer than 30 days. Damaged signs, pennants, and other such devices shall be removed or repaired immediately.
  - (b) Area. Temporary cloth and banner signs shall not exceed 32 square feet in area. The placement of such signs or devices shall not result in any reduction in the number or total area of signs otherwise permitted under the provisions of this chapter.
  - (c) Location. Temporary cloth and banner signs, pennants, and other such devices shall be located no closer than six feet to any property line and shall be located where they will not obstruct pedestrian or vehicular traffic.
  - (d) Illumination. Cloth or banner signs, pennants, and other such devices shall not be purposely illuminated.
- (7) Gasoline price signs. Gasoline price signs shall be permitted in commercial or industrial districts subject to the following controls:
- (a) Number. One gasoline price sign shall be permitted for each gas station.
  - (b) Area. Such signs shall not exceed 20 square feet in area. The placement of such signs or devices shall not result in any reduction in the number or total area of signs otherwise permitted under the provisions of this chapter.

- (c) Height. The top of a gasoline price sign shall be no higher than 15 feet above average grade.
- (d) Location. Such signs shall be located on private property, no closer than one foot to any property line. Such signs shall not project over public property or adjoining private property.
- (e) Vertical clearance. A minimum vertical clearance of nine feet shall be provided beneath any gasoline price sign.
- (f) Price signs. The price of gasoline only may consist of an electronic changeable message, provided: **[Added 4-13-2015 by Ord. No. 15-002]**
  - [1] Such signage does not comprise more than 50% of the sign area;
  - [2] The illumination standards of § 265-16.5F are met; and
  - [3] Such signage shall remain static, except when pricing changes (i.e., no flashing, blinking, moving of any sort is allowed).
- (8) Window signs. Temporary and permanent window signs shall be permitted on the inside in commercial districts provided that the total combined area of such signs does not exceed 1/3 of the total window area. The area of permanent window signs shall be counted in determining compliance with the standards for total area of signs on the parcel. Temporary window signs that are faded, yellowed, ripped, or otherwise damaged shall be removed immediately.

#### **285-16.9. Open space district signs.**

Signs shall be permitted in the O-1 Open Space District and PRD Public Recreation District subject to the controls for signs for churches, schools, and other institutional uses as set forth in § 285-16.6.

#### **285-16.10. Lighting.**

- A. All lighting shall be in conformance with the adopted Building and Electrical Codes of the Township<sup>16</sup> and Article 19.
- B. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
- C. Lighting used for illumination of the exterior of buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads or adjacent properties.
- D. Signs shall be illuminated in accordance with the regulations set forth in § 285-16.5F herein and § 285-19.19.

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16. Editor's Note: See Ch. 40, Building Construction.



ARTICLE 17  
**Waterfront Provisions**  
**[Ord. No. 257, effective 4-18-1999]**

**285-17.1. Intent.**

The purpose of this article is to regulate dredging and shoreline filling and the construction of waterfront structures and appurtenances along, abutting upon or extending into the Detroit River, canals and waterways in the Township in order to:

- A. Promote public health, safety, and general welfare;
- B. Encourage the use of lands, waterways and natural resources in the Township in accordance with their character and adaptability;
- C. Provide for the orderly development of the Township;
- D. Protect and enhance the values of the waterways within the Township;
- E. Protect the economic value of this scenic resource from unwise and disorderly development which may adversely pollute, destroy or otherwise impair its beneficial use and preservation;
- F. Protect boating, recreational values and uses of the waterways;
- G. Reduce hazards to life and property;
- H. Limit use of the shore to passive recreation and access to the water that does not interfere with reasonable use of the waters by other riparian owners;
- I. Prevent ecological and aesthetic damage to the Township's shorelines and waterways which may result from overcrowding and overuse;
- J. Preserve and maintain the scenic views of the shoreline and further promote scenic views of the waterways as the predominant waterfront characteristic;
- K. Establish the location and size of waterfront structures which may hereafter be erected or altered; and
- L. Provide rules and regulations for the construction of such waterfront structures.

**285-17.2. Scope of application.**

- A. The regulations set forth in this article shall apply to all waterfront areas located between the building line and pierhead line along the Detroit River, and all interior canals and waterways.
- B. The placement of aids to navigation and regulatory markings which are approved by and installed in accordance with the requirements of the United States Coast Guard are specifically exempt from the permit requirements of this article.
- C. Definitions for waterfront terminology are contained in Article 1, Rules of Construction and Definitions.

**285-17.3. Permitted uses.**

Principal uses and special land uses are identified within each zoning district.

- A. Waterfront structures and appurtenances are a permitted accessory use to a permitted principal use of waterfront property provided the use is limited to recreational and personal use of the principal user (occupant) and family members residing with the principal user of the property. No structure will be approved without an existing primary structure on the parcel.
- B. Waterfront yard swimming pools are subject to the conditions covered under § 285-17.4C of these regulations and Chapter 241, Swimming Pools.
- C. Boat clubs shall be permitted as special land uses in the R-1-A, R-1-B, R-1-D, R-2 and R-3 Districts, subject to the regulations set forth in those districts and approval requirements set forth in Article 21, Site Plan Review, and Article 22, Special Land Use Review.
- D. The use of a waterfront yard within 25 feet of the shoreline for composting or the disposal of yard waste shall be prohibited.

**285-17.4. Waterfront requirements.**

The following requirements apply to all waterfront structures and appurtenances:

- A. Waterfront structures and appurtenances. **[Amended 4-8-2013 by Ord. No. 13-001]**
  - (1) Permitted structures and appurtenances.
    - (a) The following structures and appurtenances shall be permitted, provided that, individually or collectively, the structure(s) and appurtenance(s) shall not be closer than six feet to a side lot line, and provided further that such structure(s) and appurtenance(s) shall be installed so that the boat lifted, stored, docked or moored is a minimum of six feet from any side lot line:
      - [1] Piers, including floating types;
      - [2] Wharfs;
      - [3] Flush mount, bottom davit and swivel hoists in boat ports not having a roof;
      - [4] Mooring whips;
      - [5] Spring or mooring piles, ice cluster; and
      - [6] Unenclosed boat port/well without a roof.
    - (b) Lifting devices, including the structures and appurtenances listed under Subsection A(1)(a)[3], [4] and [6] above, shall be prohibited in the R-1-F District.
  - (2) A maximum of two uncovered and unenclosed boat ports/wells are permitted

per residential lot, and shall be designed and constructed as a unit.

- (3) A maximum of two hoists or other out-of-water lifting devices are permitted per residential lot, and shall be designed and constructed as a unit.
- (4) All piers, pilings, or other construction in, over or upon any waterway in the Township shall be constructed to leave a minimum of 30 feet clearance and right-of-way for the free passage of watercraft, measured a minimum of 15 feet in a perpendicular direction from the center line of the navigable channel or the center of the waterway, whichever distance is less.
- (5) Waterfront structures located along the shore of any interior canal shall not extend into the canal more than 12 feet from the shoreline (excluding cut-in wells).
- (6) Bulkheads or seawalls are permitted, provided they meet the requirements of the MDEQ and the ACOE and subject to the requirements of § 285-17.4E.
- (7) Applications to construct waterfront structures and appurtenances shall be subject to review, and approval procedures outlined in § 285-17.5A, herein.
- (8) Construction or installation of structures and appurtenances shall not obstruct the natural flow of water or access of boaters to:
  - (a) Adjoining or nearby parcels;
  - (b) Deeper waters; or
  - (c) Normal boating routes.
- (9) All permitted structures and appurtenances shall be kept safe, secure and in good repair.
- (10) All lighting attached to waterfront structures shall be limited to 100 watts, except in the R-1-F District where the maximum shall be 60 watts, and shall be downward directed and shielded so as to not cast light on adjacent lots or public roadways.
- (11) Storage of any boats, vehicles, or materials other than construction materials relating to an approved permit is not permitted between the shoreline and East River Road, south of Horsemill and north of Manchester; between the shoreline and West River Road, south of Horsemill and north of Groh Road.
- (12) Driveways, loading areas, parking lots, parking areas, or parking spaces shall not be permitted between the shoreline and East River Road, south of Horsemill and north of Manchester; between the shoreline and West River Road, south of Horsemill and north of Groh Road.

B. Number of boats and structures.

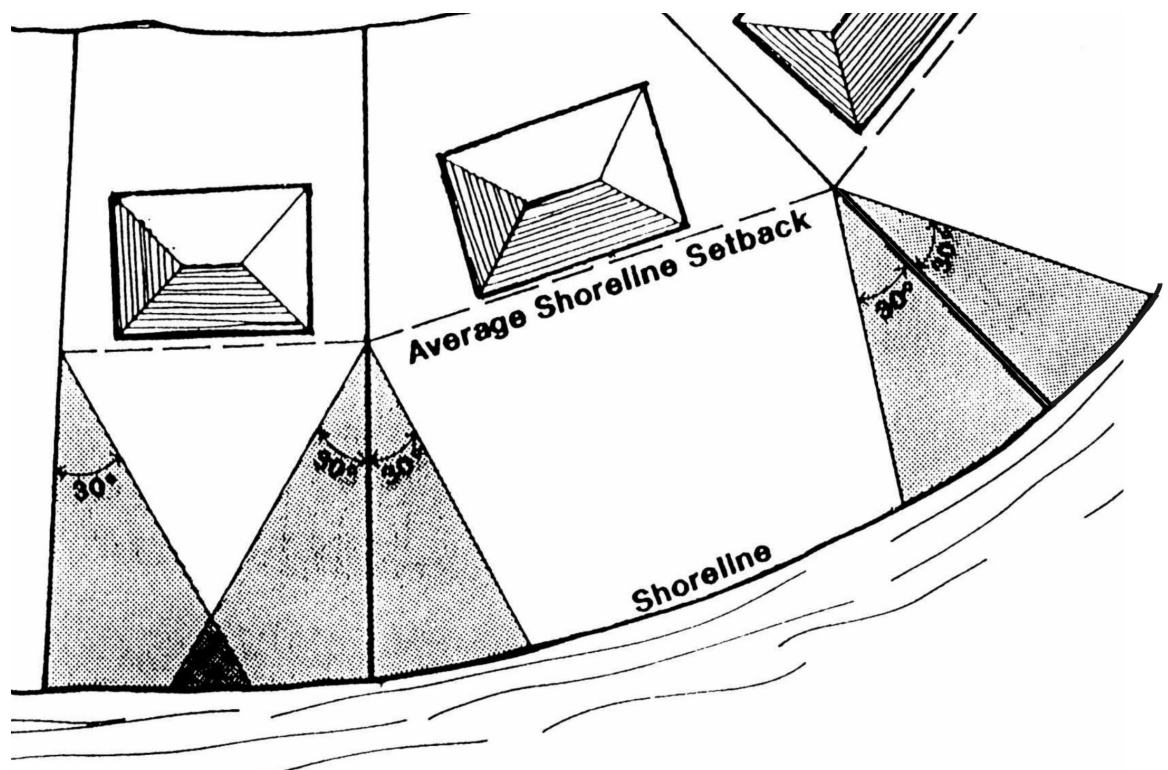
- (1) The allowable accessory use of the waterfront shall be limited to the mooring of not more than one boat and one personal watercraft for every 33 feet of water frontage to a maximum of three boats and three personal watercraft. Boats that are carried on a larger boat and not moored in the water (e.g., a

dinghy carried on a larger boat) shall not be counted towards the maximum number of allowable boats. Such accessory use of the waterfront shall meet the requirements of § 285-17.3.

- (2) The number of structures is limited to the extent such structures serve the number of boats permitted in Subsection B(1), except for lifting devices which are otherwise limited to a maximum of two by Subsection A(2) and (3).
  - (3) Any storage or dockage of four or more boats shall be considered a boat club, allowed only after special land use approval in the R-1-A, R-1-B, R-1-D, R-2 and R-3 Districts, and subject to the regulations set forth in Article 3, Single-Family Residential Districts, and approval requirements set forth in Article 22, Special Land Use Review. A boat club shall require a marina operating permit from the Michigan Department of Environmental Quality. Such permit shall be issued and a copy provided to the Township prior to the Township taking action on the special land use.
  - (4) The rafting or anchoring of boats within 15 feet of the middle of the navigable channel shall be prohibited.
- C. Swimming pools. Except in the R-1-F District, where such structures are prohibited, swimming pools in waterfront yards shall be permitted as an accessory use to a principal use, subject to Chapter 241, Swimming Pools, yard and bulk regulations of the zoning district, and the following conditions: **[Amended 4-8-2013 by Ord. No. 13-001]**
- (1) Only belowground swimming pools shall be permitted in the yard facing the waterfront on lots which front on either the Detroit River or a canal.
  - (2) Proposed swimming pools shall be subject to the requirements and procedures as set forth in § 285-17.5. In reviewing a plan for a proposed swimming pool and related improvements, including landscaping, the following shall be considered:
    - (a) All pools and related improvements must maintain minimum setbacks of 10 feet from any property line, and 25 feet from the shoreline.
    - (b) The total of all improvements constructed in a waterfront yard, including the pool enclosed by a fence, shall not exceed thirty-percent coverage of the waterfront yard.
    - (c) The pool shall not be constructed within a floodway as defined by federal flood insurance regulations.
    - (d) All mechanical and support equipment shall be located on the side of the pool nearest to the principal structure and shielded from view of neighboring properties.
    - (e) The design and size of the proposed pool shall minimize the impact on existing natural and man-made features of the site and adjoining properties.
    - (f) Pool fencing shall be provided to completely enclose the pool and shall

be located not more than 10 feet from the perimeter of the pool. Pool fences shall be four feet above the natural grade at its base. Fences shall be nonobscuring in nature. All pool fences shall also meet the requirements of Chapter 241, Swimming Pools.

- (g) The placement of the pool and related improvements, including landscaping, shall not obscure the view to open water from any adjoining residence.
- D. Clear vision triangles. Each lot shall maintain clear vision triangles along both side lot lines between the average shoreline setback and the shoreline as described below. Within such clear vision triangles, the planting of a continuous row of shrubs, evergreen trees or other vegetation that obscures views along the shoreline (e.g., hedgerow or green fence) shall not be permitted. Such triangles shall be bounded by the following sides, as illustrated in Figure 17:
- (1) The side lot line;
  - (2) The shoreline; and
  - (3) A line that commences at the intersection of the side lot line and the average shoreline setback and runs towards the shoreline at a thirty-degree angle from the side lot line.



- E. Shoreline fill, dredging and construction of bulkheads or seawalls. Construction of bulkheads or seawalls along the Detroit River and all interior canals and waterways shall be permitted, subject to the following conditions:

- (1) Any fill, dredging, or construction shall not extend beyond the bulkhead line as established by review of the Michigan Department of Environmental Quality.
  - (2) Shoreline fill, dredging, or construction of bulkheads or seawalls shall be permitted for the following:
    - (a) To stabilize the shoreline;
    - (b) To improve access to the water;
    - (c) To protect or improve the natural flow of water; and
    - (d) To improve the aesthetic value of the property.
  - (3) In no case shall shoreline fill, dredging, or construction of bulkheads or seawalls impede the natural flow of water or obstruct the access of boaters to deeper waters.
  - (4) No bulkhead, seawall or fill shall project beyond an existing bulkhead, seawall or shoreline in such a manner as to interfere with the normal flow of water, result in the deposit of debris, or cause a hindrance to navigation.
  - (5) Proposed fill shall avoid the appearance of being "added on." Any extension of land shall blend into the existing shoreline in a natural appearing manner.
  - (6) Applications for shoreline fill, dredging, or construction of bulkheads or seawalls shall be subject to review and approval procedures outlined in § 285-17.5 herein.
  - (7) Prior to the final inspection of the project for shoreline filling or construction of bulkheads or seawalls, the land shall be graded and seeded so as to provide proper drainage within the applicant's property, away from buildings, and to leave the surface fit for other land uses permitted in the district. The grade must be established within 90 days of the completion of construction.
  - (8) Any grading, excavating, filling, land balancing or similar activity shall conform to the grading regulations set forth in Chapter 124, Grading.
- F. Other structures. Other accessory structures shall be permitted where Article 19, General Provisions, specifically provides for these structures in the waterfront yard. **[Added 9-12-2011 by Ord. No. 11-03]**

#### **285-17.5. Notification and review procedures.**

Applications to construct any waterfront structures or appurtenances permitted by this article, to fill along the shoreline, to construct, repair, or demolish a bulkhead or seawall or to dredge any waterway shall be subject to the following public hearing, review, and approval procedures:

- A. Waterfront application. Applications shall be accompanied by two sets of sketch plans, drawn to a scale of one inch equals 20 feet or greater scale, which shall show the following information:

- (1) Existing bulkheads, seawalls, waterfront structures and appurtenances on the property, adjacent to the applicant's property and across the navigable channel within 200 feet of the proposed structures, appurtenances, or docks and the location of the boat to be lifted, docked or moored.
  - (2) The following information regarding the channel:
    - (a) The approximate depth of water along the shore;
    - (b) The width and center of the channel, measured between the shorelines or any protruding waterfront structures;
    - (c) The approximate location, width and depth of the navigable channel; and
    - (d) The relation of existing rights-of-way for free passage of watercraft on canals and interior waterways.
  - (3) Designation of all property lines along with the method used to verify the location of the property lines.
  - (4) Proposed structures, appurtenances, docks, bulkheads or seawalls and the location of the boat to be lifted, stored, docked or moored.
  - (5) Location of any proposed alteration to topography of waterfront land and the quantities and type of shoreline fill materials, if proposed.
  - (6) Time frame for completion of the project.
  - (7) The name and address of each adjoining property owner.
  - (8) Where shoreline fill or construction of new bulkheads or seawalls (not including repair or replacement of existing bulkheads or seawalls in same location) is proposed, cross sections and topography at two-foot contour intervals, referenced to United States Lake Survey and USGS benchmarks, shall be provided for existing and proposed topography of waterfront land, proposed grades to adjoining property, and the depth of water along the shore.
  - (9) Where dredging is proposed or where the location of the center of the navigable channel deviates by more than 15 feet from the center line of the channel (measured between the shoreline or protruding waterfront structures), cross sections and topography at two-foot contour intervals, referenced to United States Lake Survey and USGS benchmarks, shall be provided for the location, width and depth of the navigable channel.
  - (10) Application for a waterfront structure, shoreline fill or construction of bulkheads or seawalls shall be referred to the Michigan Department of Environmental Quality, Wayne County Soil and Sedimentation and United States Army Corps of Engineers for approval. No Township permit shall be issued without verification of receipt of the above permits.
  - (11) Application fee.
- B. Public hearing procedure. **[Amended 4-19-2012 by Ord. No. 12-02]**

- (1) In the case of waterfront applications for permits, and only after the receipt by the Township of Michigan Department of Environmental Quality, Wayne County Soil and Sedimentation, and United States Army Corps of Engineers approvals, the Zoning Administrator shall send a notification to each property owner within 500 feet along the waterway and along both sides if it is a channel internal to the Township, advising them of the application, its availability for review for a twenty-one-calendar-day period, and that they may request a public hearing by the Planning Commission within 21 calendar days of the date of the notice. The Zoning Administrator may also refer an application to the Planning Commission where it is unclear if the application meets the requirements of this chapter.
  - (2) If a public hearing is requested, the Zoning Administrator shall publish a notice of public hearing in a newspaper of general circulation in the Township. Separate notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 500 feet of the boundary in question, and to the occupants of all structures within 500 feet.
  - (3) The applicant shall be responsible for the costs associated with a public hearing before the Planning Commission, as established by the Township Board of Trustees.
- C. Review procedure. If no request is made for a hearing during the notification period, the Zoning Administrator shall take action on the application, except that the Planning Commission sketch plan approval, as outlined in Article 21, shall be required for the following:
- (1) Applications to establish a pierhead affecting more than a single lot;
  - (2) Proposals for waterfront development where Planning Commission review is specifically required;
  - (3) Applications for waterfront development that are referred to the Planning Commission by the Zoning Administrator at the request of a property owner or for a determination of compliance with this chapter; and
  - (4) Joint applications involving more than one owner or one parcel.

ARTICLE 18  
**Nonconforming Lots, Structures and Uses**  
**[Ord. No. 218, effective 8-27-1995]**

**285-18.1. Intent; objectives.**

- A. Nonconformities are lots, uses, structures, buildings, or site plans for developed sites which do not conform to one or more provisions or requirements of this chapter but which were lawfully established prior to the date of adoption or amendment of this chapter. Such nonconformities are considered to be incompatible with the current or intended use of land, buildings or structures in the district in which they are located. This article is intended to meet the objectives stated below by establishing regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities and specify the circumstances and conditions under which nonconformities shall be permitted to continue.
- B. The objectives of this chapter are to eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this chapter but do not meet the current standards of this chapter. This chapter also has special provisions to permit certain nonconforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension. The standards of this article are intended to accomplish the following:
- (1) Terminate and remove any use, building, accessory structure or any combination thereof that was established after the effective date of this chapter and in violation of this chapter. Such uses, buildings or accessory structures are classified as illegal nonconformities and shall not receive any of the rights, privileges or protection conferred by this article for legal nonconforming situations.
  - (2) Eliminate nonconforming uses which are more intense than the uses permitted within the zoning district and are considered to be incompatible with permitted uses, or encourage their redevelopment into a more conforming use.
  - (3) Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed, but to discourage their survival.
  - (4) Encourage a gradual upgrading to a more conforming status of site plans which were developed in compliance with the standards at the time of their construction but which do not meet the site standards of this chapter and its amendments.
  - (5) Encourage the combination of contiguous nonconforming lots of record to create lots which conform to current standards, to avoid the public health, safety and welfare problems associated with the overcrowding of land.

**285-18.2. Applicability.**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change

in 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 this chapter, upon which actual building construction has been diligently carried on and for which there is a valid building permit. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

### **285-18.3. Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning described below:

**ABANDONMENT** — The relinquishment of land or cessation of the use of the land by the owner or lessee without any intention of transferring rights to the land to another owner or of resuming use of the land or building (i.e., a discontinuance and an indication of an intent to abandon).

**DISCONTINUANCE** — A vacation of a lot, building or structure, or a ceasing of the activities related to the nonconforming situation.

**EFFECTIVE DATE** — Whenever this article refers to the "effective date" of this chapter, it shall be deemed to include the effective date of any amendments if the amendments created or increased the nonconforming situation.

**ILLEGAL NONCONFORMITIES** — Any lot, use, building, structure or any combination thereof that was established in violation of this chapter at the effective date of this chapter.

**LEGAL NONCONFORMITIES** — Certain existing lots, buildings, structures, site plans and uses of land that were lawful prior to the effective date of this chapter but have become nonconforming under the terms of this chapter and its amendments.

**NONCONFORMING ACCESSORY STRUCTURE** — An accessory structure or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, that does not conform to the provisions of this chapter in the district in which it is located. (Example: an accessory deck which does not meet current setback standards.)

**NONCONFORMING BUILDING** — A building or portion thereof lawfully existing at the effective date of this chapter that does not meet the minimum size, setback, height or other building provisions of this chapter in the district in which it is located. (Example: a house which does not meet the required front yard setback.)

**NONCONFORMING LOT** — A lot of record lawfully existing at the effective date of this chapter that does not meet the minimum area or lot dimensional requirements for the district in which it is located. (Example: a lot of record of 25,000 square feet in a district which requires a minimum lot of 30,000 square feet.)

**NONCONFORMING SIGN** — A sign lawfully existing on the effective date of this chapter, or amendments thereto, which does not meet all the standards or regulations of this chapter. (Example: a business with a twenty-foot-tall pole sign when the current Zoning Ordinance allows only a ten-foot-tall ground sign.)

**NONCONFORMING SITE PLAN** — A development on a site which met ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping, but which does not meet the current site design standards of the Township. (Example: a retail store with 10 parking spaces when the current Zoning Ordinance requires 15 parking spaces.)

**NONCONFORMING USE** — A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**285-18.4. Nonconforming uses of land, buildings and accessory structures.**

Where, at the effective date of adoption or amendment of this chapter, a lawful use on open land, a lot(s), building(s) or accessory structure(s) exists that is made nonconforming by this chapter or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

- A. Expansions. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this chapter, but no such use shall be enlarged, expanded or extended to occupy a greater area of land or greater floor area than was occupied at the effective date of this chapter.
- B. Accessory uses and structures. No new accessory use, building or structure shall be established.
- C. Relocation. The nonconforming use shall not 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 this chapter.
- D. Abandonment or discontinuance. If such nonconforming use on open land is abandoned or discontinued for any reason for a period of six months, or a nonconforming use within a building or structure is abandoned or discontinued for more than one year, except as noted below, such use shall not be reestablished. Subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- E. Special standards for single-family homes in a nonresidential district.
  - (1) A single-family residential dwelling in a zoning district which does not permit such a use may be expanded to occupy the floor area necessary for living purposes subject to approval by the Zoning Board of Appeals.
  - (2) A single-family dwelling and its accessory structures in a zoning district which does not permit such use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such nonconforming single-family building shall commence no sooner than receiving a valid building permit and no later than six months from the date of damage. Work shall be diligently pursued toward completion. The applicant may be required to provide the Township with

evidence, visual or otherwise, demonstrating to the satisfaction of the Zoning Administrator that work is being diligently pursued. Failure to complete replacement or diligently work toward completion shall result in the loss of legal nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

- F. Change in use. Except for single-family dwellings as permitted above, a nonconforming use shall not be enlarged, extended, constructed, reconstructed or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located. If no structural alterations are made, any nonconforming use of a building, or building and land in combination, may be changed to another nonconforming use if the Zoning Board of Appeals, either by general rule or by making findings in the specific case, finds the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.<sup>17</sup>
- G. Removal. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. **[Amended 7-22-2002]**
- H. Exceptions. Any use for which a special exception, variance or special land use permit has been granted as provided in this chapter shall not be deemed a nonconformity.

**285-18.5. Nonconforming lots of record. [Amended 6-9-2003 by Ord. No. 03-09]]**

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this chapter or amendment thereto:

- A. Use of nonconforming lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this chapter. 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 the lot is in conformance with all other applicable yard setback, maximum lot coverage, minimum floor area and maximum height requirements for the district in which it is located. (See Subsection C below.)
- B. Variance to area and bulk requirements. All buildings shall adhere to the area and bulk requirements of the zoning district without the need for variances from the Zoning Board of Appeals. (See Subsection C below.)
- C. To develop a nonconforming lot(s) under the provisions of Subsections A and B of

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17. Editor's Note: Original Subsection G, Nonconforming use in combination with nonconforming building, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

this section, the applicant is required to submit evidence that ownership of the lot was not under contiguous single ownership with other lots which could have been combined into a conforming or more conforming lot.

- D. Nonconforming contiguous lots under the same ownership. The following regulations shall apply to nonconforming contiguous lots under the same ownership.
- (1) If two or more lots or combination of lots with contiguous frontage are or have been under single ownership and are of record at the time of adoption or amendment of this chapter, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this chapter, except as provided in Subsection D(5) below.
  - (2) No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this chapter.
  - (3) Any combination, in whole or in part, of nonconforming lots of record shall result in lots that conform to the requirements of this chapter to the maximum extent feasible. Any altering of lot lines or combination of lots shall result in lots that conform to the requirements of this chapter.
  - (4) Once any combination that creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this chapter.
  - (5) Where an individual owns two contiguous nonconforming lots, such lots may be sold or developed as separate individual lots only where each lot meets all of the following conditions. The intent of these standards is to ensure that development of nonconforming lots will not overbuild the lots; result in a development pattern or structures that are out of character with the surrounding neighborhood; diminish access to open space, sunlight and views for existing residences; and will be in accordance with the recommendations of the Township Master Plan for neighborhood preservation.
    - (a) This option may only be exercised where an individual owns no more than two contiguous nonconforming lots and a dwelling currently exists on one of the lots, and the second lot is vacant. Where more than two contiguous nonconforming lots are under single ownership, the lots must be combined to create conforming lots.
    - (b) Each lot has an area and width equal to or greater than the median area and width of all developed lots within 750 feet. Such seven-hundred-fifty-foot dimension shall be measured from the perimeter of the applicant's lots and shall include all lots or portions of lots within 750 feet, but shall only include lots that are within the same zoning district. Where there are multiple lots developed with a single dwelling, such lots shall be considered a single combined lot for calculation of median area and width. Multiple contiguous vacant lots shall be considered a single

combined lot for calculation of median area and width. The applicant shall provide a map and calculations to certify the median lot area and width.

- (c) The lots shall conform to Subsections A and B above.
- (d) All buildings shall adhere to the area and bulk requirements of the zoning district, as outlined in Article 3, Single-Family Residential Districts, without the need for variances from the Zoning Board of Appeals.
- (e) Sketch plans for the lot and building elevations shall be approved by the Community Development Director. In addition to the dimensional requirements of the zoning district, the Community Development Director shall consider the proposed dwelling's compatibility with the surrounding neighborhood in terms of building height, massing, setbacks, architectural design, materials, roof pitch, orientation and size of garages and accessory buildings. The decision of the Community Development Director may be appealed to the Zoning Board of Appeals.
- (f) Evidence shall be provided from the Wayne County Register of Deeds that the contiguous nonconforming lots are separate lots of record and the lots have not previously been combined into fewer tax identification numbers.

**285-18.6. Nonconforming buildings and structures. [Amended 9-12-2011 by Ord. No. 11-03]**

Where a lawful building or structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may be continued, provided it remains otherwise lawful, subject to the following provisions:

A. Permitted expansions.

- (1) An expansion (footprint or floor area) of a nonconforming building or structure shall be permitted on a conforming side when all of the following conditions exist:
  - (a) Only one side of the building or structure does not conform with setback requirements.
  - (b) The side which is nonconforming provides at least 90% of the setback and building spacing requirements.
  - (c) The expansion will conform with all setback, building spacing and height requirements.
- (2) Except as noted above, no building or structure may be enlarged unless a variance is granted by the Zoning Board of Appeals.

B. Replacement of a nonconforming single-family dwelling. A nonconforming

building used as a single-family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster if approved by the Zoning Board of Appeals. Such approval requires a finding that the resulting building footprint will be the same size or smaller than that of the building before such change or that the building will become more conforming. Replacement of such a nonconforming single-family building shall commence within one year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall result in the loss of legal nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.

- C. Damaged nonconforming buildings and structures. Except as noted in Subsection B above, a nonconforming building or structure which is damaged by flood, fire or vandalism to an extent of more than 50% of its market value prior to damage (as described in Subsection H), exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this chapter, unless the lot is a nonconforming lot of record, in which case the provisions of § 285-18.5 also apply. Such nonconforming building may be replaced provided replacement is commenced within one year of the date of damage and is being diligently pursued toward completion. Failure to complete replacement shall result in the loss of legal nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals.
- D. Relocation of a nonconforming building or structure. Should any nonconforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- E. Safety-related repairs, improvements and modernization. Repairs, improvements, or modernization of nonconforming buildings or structures deemed necessary by the Department of Community Development to keep a nonconforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed 50% of the market value (as described in Subsection H) of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements.<sup>18</sup> Any such repairs, improvements, and modernization shall not result in an enlargement of the nonconforming structure. However, if a nonconforming structure or a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the Department of Community Development, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- F. Non-safety improvements and modernization. Improvement or modernization of nonconforming structures which is not deemed necessary by the Department of Community Development to keep a nonconforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed 25%

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18. Editor's Note: See Ch. 40, Building Construction.

of the market value of the structure (as described in Subsection H) during any period of 12 consecutive months. Any such improvements or modernization shall not result in an enlargement of the nonconforming structure.

- G. Elimination of nonconformity. In the event a nonconforming situation is removed, the corresponding section of the building or structure shall thereafter conform.
- H. Market value. For the purpose of this article, market value shall be determined by an acceptable independent appraisal provided by the applicant. The Township Assessor shall review the appraisal. The value of the repairs or improvements shall be based on a written estimate from a licensed contractor provided by the applicant. This estimate shall be reviewed by the Township Department of Community Development.

#### **285-18.7. Nonconforming sites.**

The intent of this section is to permit improvements and minor modifications to a conforming use and building which do not meet all of the various site-improvement-related regulations of this chapter. The purpose is to allow gradual compliance with the site-related requirements, for the entire site, for sites which predate the various standards of this chapter for landscaping, paving and other non-safety site-related items. Such improvements or expansions may be permitted by the Planning Commission during special land use or site plan review without a complete upgrade of all site elements under the following conditions:

- A. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
- B. The applicant has addressed safety-related site issues on the overall site.
- C. The applicant has upgraded the overall site landscaping consistent with Article 13, Landscaping, Screening and Walls.
- D. The improvement or minor expansion will not increase noncompliance with site requirements.
- E. A site plan shall be submitted in accordance with Article 21, Site Plan Review.

#### **285-18.8. Change of tenancy or ownership.**

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

#### **285-18.9. Unlawful nonconformities.**

No nonconformity shall be permitted to continue in existence if it was unlawful at the time it was established.

#### **285-18.10. Recording of nonconforming uses.**

The Zoning Administrator shall be responsible for maintaining records of

nonconforming uses and structures as accurate as is feasible and for determining legal nonconforming uses and structures in existence on the effective date of this chapter. Failure on the part of a property owner to provide the Zoning Administrator with necessary information to determine legal nonconforming status may result in denial of requested or required permits.

### **285-18.11. Acquisition of private property by Township.**

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Grosse Ile Township, pursuant to Section 16 of Public Act 184 of 1943, as amended, may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

### **285-18.12. Summary of nonconforming regulations.**

<b>Type of Nonconforming Situation</b>	<b>Regulatory Response</b>
Illegal nonconforming use, building or accessory structure	Must cease
A nonconforming use in a building is discontinued, or a nonconforming building or accessory structure is abandoned for over one year	Must cease and all nonconforming rights are terminated (§ 285-18.4D)
A nonconforming use on open land is discontinued for over 30 days	Must cease and all nonconforming rights are terminated (§ 285-18.4D)
Change in ownership of a nonconforming lot, use or building	No affect on nonconformity or rights (§ 285-18.8)
Establishment of a new nonconforming use	Not permitted, except an existing nonconforming use may be changed to a more conforming use, as determined by the ZBA (§ 285-18.4F)
Expansion of a nonconforming use within a conforming building	Permitted (§ 285-18.4A)
Expansion of a nonconforming use outside a building or an expansion of the building which contains a nonconforming use	Not permitted unless approved by the ZBA (§ 285-18.4A)
Request to construct or expand a principal building on a nonconforming lot when an adjacent nonconforming lot is under the same ownership	Lots must be combined unless variance granted by ZBA (§ 285-18.5D)
Request to construct or expand a principal building on a nonconforming lot when no adjacent lot is under the same ownership	Requires a variance by the ZBA. This hardship cannot be self-created by selling a lot. (§ 285-18.5D)
Request to expand or increase height of a nonconforming building	Expansion which conforms permitted in some cases, a variance from the ZBA may be required (§ 285-18.6A)

<b>Type of Nonconforming Situation</b>	<b>Regulatory Response</b>
Safety-related maintenance and structural repairs to a nonconforming building or structure (modernization of electrical, plumbing, heating and cooling systems to meet Building Code requirements is permitted regardless of cost)	Permitted up to 50% of the value of the building (§ 285-18.6E)
Non-safety-related renovation or modernization to a building containing a nonconforming use or to a nonconforming building or accessory structure	Permitted up to 25% of the value of the building (§ 285-18.6F)
Request to renovate or expand a conforming use or building when the site plan does not meet all of the current site design standards	Reviewed by Planning Commission (§ 285-18.7)
Rebuilding of a single-family home in a nonresidential zoning district damaged by catastrophe	Permitted to rebuild to same or smaller footprint on previous foundation (§ 285-18.4E)
Rebuilding of a nonconforming single-family home in a single-family residential district	Requires approval by the ZBA (§ 285-18.6B)
Reestablishment of a nonconforming use or rebuilding of a nonconforming building if damaged by catastrophe	Permitted only if damage is less than 50% of the pre-catastrophe fair market value (§ 285-18.6C)

## ARTICLE 19

**General Provisions**

[Ord. No. 235A, effective 11-24-1996; Ord. No. 272, effective 8-29-1999; Ord. No. 293, effective 9-24-2000]

**285-19.1. Scope of application.**

The standards and regulations listed in this article shall apply to all uses, buildings and structures within all zoning districts unless otherwise addressed.

**285-19.2. Voting place.**

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

**285-19.3. Principal building, structure or use.**

No zoning lot may contain more than one principal building, structure or use, except groups of multiple-family dwellings under the same ownership, condominium developments, mobile or manufactured housing parks, shopping centers or office and industrial complexes.

**285-19.4. Single-family dwelling design standards.**

Single-family dwellings in any zoning district, whether manufactured homes or site ("stick") built homes, located outside a mobile home park shall conform to the residential design standards of § 285-3.4E in addition to the Township Building Code.<sup>19</sup>

**285-19.5. Uses not otherwise included within a district. [Amended 11-13-2006 by Ord. No. 06-07; 12-13-2010 by Ord. No. 10-05]**

A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the principal uses permitted by right, special land use, or as a permitted accessory use listed in that district. Such determination shall be made at a public hearing, with notice given following the procedures contained in Article 22. Such public hearing shall not replace the requirement for a separate public hearing to consider special land use approval, following the procedures and requirements of Article 22, if such use is determined to be a special land use. The applicant shall be required to submit pertinent information on the physical and operational characteristics of the proposed use and any additional information that may be requested by the Planning Commission. In making a determination of similarity and compatibility with the listed uses in that district, the Planning Commission shall consider the following:

- A. Determination of compatibility. In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted by right or special land use in the district. Such characteristics shall

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19. Editor's Note: See Ch. 40, Building Construction.

include, but are not limited to, traffic generation, parking, types of service offered, types of goods produced, methods of operation, and building characteristics.

- B. Conditions by which use may be permitted. If the Planning Commission determines that the proposed use is compatible with permitted uses in the district, the Commission shall decide whether the proposed use is most similar to those permitted by right, as a special land use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.
- C. Use provided for in other district. No use shall be permitted in a district under the terms of this section if said use is specifically listed as a use permitted by right or as a special land use in any other district.
- D. Prohibited uses. Certain uses may not be appropriate within the Township of Grosse Ile given the existing development pattern, environmental condition, limited road access to the island and overall character in the community. In accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, a zoning ordinance or zoning decision can prohibit establishment of a requested land use within a Township upon a finding that there is not an appropriate location within the Township or the use is unlawful, even if there is a demonstrated need for that land use in the Township or surrounding area. In finding that there is no appropriate location for the use within the Township, the Planning Commission shall consider the following:
  - (1) The land area required by the proposed use;
  - (2) Existing environmental conditions and potential environmental hazards;
  - (3) The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views;
  - (4) Demand and capacity of utilities and municipal services to support the proposed use; and
  - (5) The applicant cannot demonstrate to the satisfaction of the Planning Commission that there is not an alternative land use that will provide the property owner with a reasonable rate of return on investment.
- E. Other laws and ordinances: Any use that would constitute a violation of any other federal, state or local law or regulation shall be prohibited.

**285-19.6. Yard and bulk regulations and exceptions. [Amended 7-23-2007 by Ord. No. 07-02]**

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this chapter:

- A. General compliance.
  - (1) Every building hereafter erected on a lot or parcel of land created subsequent

to the effective date of this chapter shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.

- (2) No yards in existence on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this chapter. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located for as long as the building is in existence.
- B. Exceptions to required yards. The following structures and projections shall be permitted when located in the required yards, as specified:
- (1) In all required yard setbacks, the following shall be permitted:
    - (a) Awnings and canopies that project two feet or less into the required yard;
    - (b) Steps or access ramps necessary for access that are four feet or less above grade;
    - (c) Driveways, sidewalks, pathways, and boardwalks two feet or less above grade;
    - (d) Chimneys that project two feet or less into the required yard;
    - (e) Approved freestanding signs;
    - (f) Arbors and trellises;
    - (g) Flagpoles;
    - (h) Window air-conditioning units;
    - (i) Fences and walls, except in waterfront yards and subject to applicable restrictions set forth herein; and
    - (j) Landscape materials that are in compliance with § 285-19.8, Corner clearance.
  - (2) Residential lots or parcels fronting onto the Detroit River or a canal and abutting a public or private road shall maintain the yard (both required and non-required yard) which fronts on the water as an open, unobscured yard, except that a boat port or boat dock/well, a swimming pool and other allowable waterfront structures shall be permitted in accordance with Article 17.
  - (3) In required front yard setbacks the following shall be permitted:
    - (a) Open paved terraces not over three feet above the average grade of the adjoining ground and not projecting farther than 10 feet into the required front yard setback, but not including roofed-over terraces or porches; and
    - (b) Bay windows, overhanging eaves, and other architectural features which project three feet or less into the required front yard setback.
  - (4) In required side yard setbacks; bay windows, overhanging eaves and other

architectural features which project no more than two inches for each one foot of width of the side yard setback shall be permitted, provided that such features shall not project farther than three feet into the required side yard setback and such features shall maintain a minimum separation of 10 feet from any building or other such feature on an adjacent property.

- (5) In required rear yard setbacks, open paved terraces, decks and open porches not over three feet above the average grade of the adjoining ground and not projecting farther than 10 feet into the required rear yard setback shall be permitted. Roofed-over terraces or porches, bay windows, overhanging eaves, and other architectural features which project three feet or more into the required rear yard setback shall be subject to the requirements for principal buildings.
- C. Permitted height. No structure shall be erected, converted, enlarged, reconstructed or structurally altered subsequent to the effective date of this chapter to exceed the maximum height established for the district in which the structure is located, except as follows:
- (1) Chimneys, church spires, cupolas, domes, towers, water tanks, chimneys, smokestacks and monuments may be erected to a height up to 60 feet, as shown on an approved site plan.
  - (2) Flag poles may be up to 40 feet tall.
  - (3) Structural extensions appropriate to the building design, such as cornices and pediments, may be up to five feet above the stated height limit of the zoning district, as shown on an approved site plan.
  - (4) Mechanical equipment, including elevator housings, stairways, tanks, heating, ventilation and air-conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the height limit established for the district in which the structure is located and the following standards:
    - (a) All such equipment shall be screened from view at the property line by a pediment, solid wall or architectural feature that is constructed of the same material and compatible in appearance with the principal building.
    - (b) Roof-mounted equipment shall not exceed a height of 10 feet above the surrounding roof surface, and shall occupy no more than 15% of the total roof area.

#### **285-19.7. Road frontage.**

- A. No structure shall be erected on property which does not directly abut for at least 60 feet upon a public road right-of-way or a private road that complies with the requirements of Chapter 205, Roads and Driveways, of the Municipal Code, except within the R-1-C Single-Family Residential District and Macomb Street District where the minimum frontage requirement shall be 40 feet.
- B. No land which is located in a residential district shall be used for a driveway or

other access to land which is located in a nonresidential district.

**285-19.8. Corner clearance.**

No fence, wall, structure, or planting shall be erected, established, or maintained on any corner lot which will obstruct the view of drivers in vehicles approaching the intersection. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to exceed a height of 30 inches above the lowest point of the intersecting road(s). The unobstructed triangular area is described as follows:

- A. The area formed at the corner intersection of two road right-of-way or easement lines, the two sides of the triangular area being 30 feet in length measured along abutting public right-of-way lines, and the third side being a line connecting these two sides; or
- B. The area formed at the corner intersection of a road right-of-way or easement and a driveway, the two sides of the triangular area being 10 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

**285-19.9. Entrance features.**

In all districts, so-called entranceway structures, including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple-family housing projects, office complexes, shopping centers and industrial parks, may be permitted. Such entrance features may be located in a required yard, provided such entranceway structures meet the requirements of § 285-19.8, Corner clearance, and are approved by the Department of Community Development. A permit from the Wayne County Department of Public Services shall be required if the entrance feature is in the public right-of-way.

**285-19.10. Essential services.**

Essential services shall be permitted as authorized and regulated by state, federal, and local ordinances and laws. Proposals for construction of essential services shall be subject to review, following the procedures and requirements of Article 21 and Article 22, as applicable, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or nature of operation of said services.

**285-19.11. Accessory structures and uses. [Amended 1-13-2003 by Ord. No. 03-01.5; 7-23-2007 by Ord. No. 07-02]**

Accessory structures and uses shall comply with the following regulations:

- A. Timing of construction. No accessory structure or use shall be constructed or established on a parcel unless there is a principal building, structure, or use being constructed or already established on the same parcel of land.
- B. Attached accessory structures. Accessory structures attached to the principal building or structure shall be considered part of the principal building for the

purposes of determining conformance with area, setback and bulk requirements. Detached accessory structures shall be no less than 10 feet from the principal building or structure.

- C. Permitted number of accessory buildings. Only one detached accessory building per principal structure is allowed.
- D. Detached accessory structure location. Detached accessory structures shall meet the following location requirements:

<b>Type of Lot</b>	<b>Floor Area of Accessory Building (square feet)</b>	<b>Yard Permitted</b>	<b>Setback Required</b>
Internal lot	900 or less	Rear yard	6-foot minimum from side or rear lot line: side yard: 6 feet; rear yard: 6 feet
	Greater than 900, up to 1,200(a)	Rear yard	Must meet principal building side and rear yard setback requirement; side yard: principal building setback requirement; rear yard: principal building setback requirement
	Greater than 1,200(a)	Rear yard	Side yard: height of accessory building; rear yard: principal building setback requirement
Corner lot	900 or less	Rear yard	6-foot minimum from side or rear lot line and must be set back from side street a distance equal to or greater than the principal building; side yard: 6 feet; rear yard: 6 feet; side street: equal to or greater than the principal building

<b>Type of Lot</b>	<b>Floor Area of Accessory Building (square feet)</b>	<b>Yard Permitted</b>	<b>Setback Required</b>
	Greater than 900, up to 1,200(a)	Rear yard	Must meet principal building side and rear yard setback requirement and must be set back from side street a distance equal to or greater than the principal building; side yard: principal building setback requirement; rear yard: principal building setback requirement; side street: equal to or greater than the principal building
	Greater than 1,200(a)	Rear yard	Side yard: height of the accessory building; rear yard: principal building setback requirement; side street: equal to or greater than the principal building
Through lot or double frontage lot	120 maximum	Side yard	Must meet same side yard setback as required for principal building; side yard: principal building setback requirement; rear yard: principal building setback requirement; front yards: equal to or greater than the principal building
Waterfront lot, other than the R-1-F District	120 maximum	Side yard waterfront yard	Must meet principal building side yard: principal building setback requirement; waterfront yard: may not be located in the average shoreline setback, except for waterfront structures permitted in Article 17
Waterfront lot, R-1-F Hickory Island	900 or less	Street front yard	3-foot minimum from side yard: 3 feet; street front yard: 15 feet

## NOTES:

- (a) Accessory buildings larger than 900 square feet shall only be allowed subject to the requirements of Subsection E below.
- E. Detached accessory structure area and height. Detached accessory buildings and structures shall meet the following maximum floor area and height requirements:
- (1) On lots with an area less than 30,000 square feet, the height of detached accessory buildings and structures shall not exceed one story and 12 feet. The cumulative square footage of all detached accessory structures and buildings shall not occupy more than 25% of the rear yard and shall not exceed 900 square feet in area.
  - (2) On lots with an area of 30,000 square feet or more, the area of accessory buildings shall be a maximum of 1,200 square feet and the height shall be a maximum of 15 feet. A half-story is allowed within the roofed area above the main floor, provided that it shall only be used for storage. The roof shall be a pitched roof with the gable ends at the short sides of the building.
  - (3) On lots with an area of 43,560 square feet or more, the maximum allowable area of accessory buildings shall be 1,400 square feet, and the maximum height shall be 17 feet. A half-story is allowed within the roofed area above the main floor, provided it shall only be used for storage. The roof shall be a pitched roof with the gable ends at the short sides of the building. **[Amended 4-19-2012 by Ord. No. 12-02]**
  - (4) The Planning Commission may grant approval to allow an accessory building larger than the above maximum floor area where the following conditions are met. The public hearing procedures and standards of Article 22, Special Land Use Review, shall be followed, except that the Planning Commission shall be the approval authority.
    - (a) The lot shall have an area of at least 30,000 square feet.
    - (b) The accessory building shall be screened from view of adjacent lots through a combination of setback, existing vegetation and proposed landscaping, as depicted on a landscape plan.
    - (c) The accessory building shall meet principal building rear yard setbacks and be set back from the side lot lines a distance at least equal to the height of the accessory building. **[Amended 4-19-2012 by Ord. No. 12-02]**
    - (d) The architecture shall be compatible with the principal building, including architectural style, detailing and roof pitch. The Planning Commission may require dormers or other features to break up the mass of the roof.
  - (5) On waterfront lots within the R-1-F District, the ground floor area of detached accessory buildings shall be a maximum of 900 square feet and the height shall be a maximum of 15 feet. A half-story is allowed within the roofed area above the main floor.

- F. Use of accessory buildings. An accessory building shall not be used as a dwelling. Residential plumbing shall not be installed within accessory buildings. Accessory buildings shall not be used for a home occupation or any business within a residential zoning district.
- G. Conformance with lot coverage standards. Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards.
- H. Site plan approval. If submission of a site plan for review and approval is required, then said plan shall indicate the location of proposed accessory structures and uses.
- I. Location of potential nuisances. **[Amended 4-19-2012 by Ord. No. 12-02]**
  - (1) Accessory uses and related structures that could produce noise, odors, or other nuisances, such as, but not limited to, household animal enclosures, dog runs, storage of wood, yard composting and storage of maintenance equipment, shall be located in the rear yard behind the principal structure.
  - (2) Mechanical equipment, such as central air-conditioning units, heat pumps and generators shall be located in the rear yard behind the principal structure, except that the Zoning Administrator may allow placement in the nonrequired side yard where a rear yard location is not practical and adequate screening is provided from the adjacent property.
  - (3) Wood-burning furnaces located in an accessory structure shall be prohibited.
- J. Conformance with zoning district standards. Accessory buildings and structures shall be subject to the provisions set forth in the particular zoning district.
- K. Fences. Fences shall comply with Chapter 103 of the Municipal Code, Fences.

**285-19.12. Noncommercial communication antennas.**

Communication antennas or towers, including radio, television, satellite dishes and other accessory noncommercial transmitting, relay or reception antennas below 300 watts of output, shall be permitted provided that such antennas conform to the provisions of this section and other applicable Township codes. Television, radio antennas and satellite dishes are exempted from the regulations of this section provided the diameter is one meter (39.4 inches) or less in any zoning district that permits residential and two meters (78.8 inches) or less in any zoning district that does not permit residential.

- A. Only one antenna shall be permitted on each single-family residentially zoned parcel for personal use by the occupant of the residence, in addition to one traditional residential television antenna.
- B. Antennas, towers or satellite dish antennas shall be located in a side or rear yard only.
- C. Ground-mounted satellite dish antennas shall be obscured from the view of the public right-of-way and adjacent properties by a screening wall or fence, evergreen plantings, or a combination of the above.

- D. Antennas shall not be located where they will block fire lanes or utility easements.
- E. The setbacks for such antennas from all lot lines shall be a distance equal to the height of such antennas, provided that no portion of an antenna, including a satellite dish antenna, shall be located closer than six feet, measured on a horizontal plane, to any side or rear lot line.
- F. The diameter of antennas and satellite dishes shall not exceed 10 feet.
- G. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.
- H. Roof-mounted antennas shall be subject to the following conditions:
  - (1) For the purposes of this section, a reception antenna regulated by this section shall be considered to be a portion of the structure.
  - (2) All roof-mounted antennas must be anchored in an approved method as outlined in the Building Code.<sup>20</sup>
  - (3) The antenna shall not be mounted on the front of the structure.
- I. Erection or movement of an antenna, tower or satellite dish shall require a building permit. The applicant shall submit a sketch plan to the Zoning Administrator for approval. The sketch plan shall indicate the location and height of the satellite dish and buildings, paved areas and other appropriate site features within 100 feet of the proposed location.
- J. Variances. The Zoning Board of Appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonably good reception, that the variance requested is the minimum necessary to provide reasonably good reception and that any negative impact on adjacent properties shall be minimized to the maximum extent practical.

### **285-19.13. Commercial communication towers.**

The following regulations shall be met by all commercial radio and television, microwave, mobile phone, public utility, television, and other transmitting or relay towers ("towers" hereafter). The regulations contained in this section shall not apply to antennas which are accessory to an unrelated principal use and are for personal use by the occupant(s), including radio, television, satellite dishes and other noncommercial transmitting, relay or reception antennas, provided that such noncommercial antennas meet the requirements of § 285-19.12.

- A. Towers shall be permitted in any commercial or industrial district. A site plan must be submitted for approval as outlined in Article 21, Site Plan Review. Towers which exceed the district height limit may be allowed subject to special land use approval as outlined in Article 22, Special Land Use Review. The installation of antennas to existing towers where the total height of the tower with antennas is not increased or additional lighting is not required by the Federal Aviation Administration shall be subject to administrative approval as outlined in Article 21,

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20. Editor's Note: See Ch. 40, Building Construction.

Site Plan Review.

B. All towers shall meet the following conditions:

- (1) The setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower. The setback shall be the total height of the tower and shall remain clear of any building or structure except an accessory utility building for the tower itself. If the tower is located on a lot with a building, the tower shall be located to the rear of the building.
- (2) The tower shall be approved by the Federal Aviation Administration, and all aviation hazard lighting shall be shown on the site plan.
- (3) Any lighting on the tower shall be subject to Planning Commission approval.
- (4) No signs or logo visible from off site shall be permitted on the tower.
- (5) The Planning Commission may require a security fence to prevent access to the tower.
- (6) The fenced yard surrounding the tower shall be screened with six-foot-tall evergreen trees placed every 10 feet around the perimeter of the yard.
- (7) Any utility building(s) shall be constructed of brick and have a pitched roof of at least 1:4.
- (8) The applicant shall demonstrate to the satisfaction of the Planning Commission that there are no existing towers that can practically accommodate, or be modified to accommodate, the communication equipment planned for the proposed tower.
- (9) The tower shall be constructed to allow future collocation and accommodate the maximum number of foreseeable users technically practicable. The applicant shall provide the Township with a letter of intent to lease excess space on the tower and commit the tower owner and successors to:
  - (a) Respond to any requests for information from another potential shared use applicant;
  - (b) Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable; and
  - (c) Make no more than a reasonable charge for a shared use lease.
- (10) The structural plans must be approved by the Township Engineer.

**285-19.14. Waste receptacles.**

Receptacles, including waste receptacles, waste compactors, and recycling bins, shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

- A. Waste receptacles shall be located in the rear yard or non-required side yard (i.e., not within the minimum side yard setback), unless otherwise approved by the Planning Commission. Waste receptacles shall be as far as practical, and in no case less than 20 feet, from any residential district and located so that they are not easily damaged by the refuse device. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent residential districts.
- B. Waste receptacles shall be easily accessed by refuse vehicles without potential of damaging the building or automobiles parked in designated parking spaces.
- C. The receptacle base shall be at least 10 feet by six feet, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the front of the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- D. Waste receptacles shall meet the following standards:
- (1) Each waste receptacle shall have an enclosing lid or cover.
  - (2) Waste receptacles shall be enclosed on three sides with a berm or wall meeting the requirements of Subsection D(3), below, and with a gate on the fourth side. The gate must be maintained in operable and sanitary condition, kept closed except when access is needed to the receptacle and be lockable. **[Amended 4-13-2015 by Ord. No. 15-003]**
  - (3) The enclosure shall be a berm or wall constructed of brick, concrete or decorative precast panel with brick effect, a wooden enclosure provided the lumber is treated to prevent decay, or an alternative material deemed acceptable by the Planning Commission. The Commission's determination shall be based on property conditions, including, but not limited to, the zoning of the property, nature of the land use, character of neighboring properties and visibility of the enclosure. Enclosures shall have a minimum height of six feet or at least one foot higher than the top of the receptacle, whichever is higher, and spaced at least three feet from the receptacle. If a wooden enclosure is proposed, suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Posts shall be set in concrete 42 inches below grade. Posts shall be either six-inch-by-six-inch pressure-treated wood or three-inch diameter galvanized steel posts. **[Amended 4-13-2015 by Ord. No. 15-003]**
  - (4) Spacing between the enclosure and any part of the receptacle shall not be less than two feet, and bollards, curbing or similar protective devices may be required by the Planning Commission to prevent damage to the enclosure. **[Amended 4-13-2015 by Ord. No. 15-003]**
  - (5) The enclosure shall be screened with five-foot-high evergreens planted a minimum of six feet apart wherever the enclosure wall is visible to a public street or residential district. **[Amended 4-13-2015 by Ord. No. 15-003]**

#### **285-19.15. Home occupations.**

- A. Requirements. Home occupations shall be subject to the requirements of the zoning

district in which they are located, as well as the following standards:

- (1) Home occupations must be clearly incidental to the use of the dwelling as a residence.
- (2) No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- (3) The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs or the emission of sounds, noises, or vibrations.
- (4) Only the residents of the dwelling unit may be engaged in the home occupation.
- (5) No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
- (6) No home occupation shall cause an increase in the use of any one or more utilities (water, sewer, electricity, trash removal, etc.) such that the combined total use for the dwelling unit and home occupation would exceed the average for residences in the neighborhood.
- (7) No signs are permitted for a home occupation.
- (8) A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than would normally be generated within the same residentially zoned district in Grosse Ile Township.

B. Uses prohibited as home occupations.

- (1) The following uses, by the nature of their operation, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following uses shall not be permitted as home occupations:
  - (a) Animal hospitals or kennels;
  - (b) Vehicle and engine repair businesses or storage;
  - (c) Antique shops;
  - (d) Barbershops and beauty parlors;
  - (e) Clinics and hospitals;
  - (f) Private clubs;
  - (g) Landscape installation and maintenance businesses, including lawn mowing businesses;

- (h) Snowplowing and tree removal businesses;
  - (i) Concrete contractors;
  - (j) Trailer rental;
  - (k) Restaurants and tea rooms;
  - (l) Tourist homes and bed-and-breakfast operations; and
  - (m) Repair shops and service establishments.
- (2) Uses that have similar negative impacts on a residential area to those listed above, as determined by the Planning Commission, shall also be prohibited.

#### **285-19.16. Keeping of animals.**

- A. The keeping of up to three domesticated household pets over one pound and over six months of age, including dogs, cats, birds, and other animals generally regarded as household pets, is permitted as an accessory use in any single-family detached dwelling; the keeping of one such domesticated household pet is permitted in an attached dwelling unit. These standards are based on the intensity of use. Such activity shall be in compliance with the regulations of the Wayne County Health Department and other ordinances, deeds or development bylaws.
- B. The keeping of horses and other equines is permitted in any single-family residential zoning district, subject to the limitations and conditions contained in Chapter 130, Horses, of the Municipal Code. The keeping of livestock other than horses and other equines is prohibited in all zoning districts, except as may be authorized in the Public Recreation District (PRD) in accordance with § 285-11.2, Permitted uses. **[Amended 4-19-2012 by Ord. No. 12-02]**
- C. The keeping of nondomesticated animals, such as wild and exotic animals, and the keeping of vicious animals is prohibited in all zoning districts.

#### **285-19.17. Temporary structures and uses.**

Unless otherwise specified in this chapter, temporary buildings, structures and uses shall comply with the following requirements. A temporary building or structure shall not be used as an accessory building or structure.

- A. Residential use.
- (1) A temporary building or structure which could be used on a temporary basis, such as a house trailer, basement, tent, shack, garage, barn, or other outbuilding, shall not be used as a residence on any parcel without prior approval of the Zoning Board of Appeals. Approval by the Zoning Board of Appeals shall be for a period not to exceed six months with a single six-month extension allowed with approval by the Zoning Board of Appeals. A structure which has not been completed according to approved plans shall not be issued a certificate of occupancy and shall not be occupied or otherwise used.
  - (2) A building or structure may be approved for temporary residential use only

while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired under an approved building permit.

- B. Nonresidential use. Temporary buildings for nonresidential use, including semitrucks/trailers, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project under an approved building permit. Such temporary structures shall be removed immediately upon completion of the construction project prior to issuance of a certificate of occupancy.
- C. Performance guarantee. The Township shall require the posting of a performance guarantee to ensure proper and complete removal and cleanup of all temporary buildings upon completion of the project.

#### **285-19.18. Bed-and-breakfast inns.**

The following standards apply to bed-and-breakfast inns which are special land uses within the Airport District and permitted principal uses in the Macomb Street District:

- A. Such dwelling shall meet all applicable codes and ordinances of the Township, County of Wayne and State of Michigan.
- B. Floor plans drawn to scale of all floors to be utilized for bed-and-breakfast activities shall be submitted to the Planning Commission.
- C. The dwelling shall be suitable in character for the use proposed, shall not be cause for a change in character of the neighborhood and shall have a facade style consistent with surrounding principal buildings.
- D. The dwelling shall be the permanent residence of the bed-and-breakfast operator. The bed-and-breakfast shall employ only those living in the house or up to one additional employee.
- E. The dwelling shall be a single-family dwelling which contributes to the historical significance of the district, with not more than eight sleeping rooms available for guests of the bed-and-breakfast dwelling.
- F. The site shall meet the minimum requirements of the single-family residential districts. The bed-and-breakfast operator's living area shall be a minimum of 900 square feet (not including the bedroom and bathroom facilities of the bed-and-breakfast occupants).
- G. There shall be no separate cooking facilities provided for the bed-and-breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed-and-breakfast facility.
- H. Occupancy shall be of a transient nature, for periods not to exceed four weeks within a given one-year period.
- I. An unlighted sign meeting the requirements of Article 16, Sign Regulations, may be provided. Such sign may be provided as a ground sign or a wall sign.
- J. Off-street parking shall be provided based upon space for each rental room and two spaces for the operator of the facility. It is the Township's intent to discourage the

alteration to yards, removing of landscaping or the intruding upon the integrity of the neighborhood altered in order to provide parking. In those instances where required parking cannot be provided on site in compliance with these standards, the applicant may request special consideration from the Planning Commission. In such a case, the applicant shall submit an analysis of parking required and parking provided within a three-hundred-foot radius of the subject parcel. After analyzing these data, the Planning Commission may reduce the number of the required parking spaces if it is established that sufficient off-street parking exists in the neighborhood.

- K. Adequate lavatories and bathing facilities shall be provided to all guests, and a minimum of one bathroom per floor is required for all bed-and-breakfast operations.
- L. A bed-and-breakfast dwelling establishment shall be considered to have ceased operation when active rental of the facility lapses for six months or more.
- M. The operator must first obtain a license from the Township of Grosse Ile to operate a bed-and-breakfast dwelling.
- N. A bed-and-breakfast operation shall be confined to the single-family dwelling unit that is the principal dwelling unit on the property. No premises shall be utilized for a bed-and-breakfast operation unless the following conditions are met:
  - (1) Minimum exits. There shall be at least two exits to the outdoors from such premises.
  - (2) Size of sleeping rooms. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants, with an additional 30 square feet for each additional occupant to a maximum of four occupants per room.
  - (3) Smoke detectors. Each sleeping room used for the bed-and-breakfast operation shall have a separate smoke detector alarm, installed in accordance with the applicable Building Code requirements.<sup>21</sup>
  - (4) Lavatory facilities. Lavatory and bathing facilities shall be available to all persons using any bed-and-breakfast operation.

### **285-19.19. Lighting.**

- A. General. All lighting shall be in conformance with the adopted Building and Electrical Codes of the Township.<sup>22</sup>
- B. Shielding.
  - (1) Lighting shall be placed and shielded to direct the light onto the site and away from adjoining properties or across the street. The lighting source shall not be directly visible from adjoining properties or across the street. Lighting shall be shielded so that it does not cause glare for motorists. Light output shall be limited to 2.5% of fixture luminosity at a height equal to the light. This

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21. Editor's Note: See Ch. 40, Building Construction.

22. Editor's Note: See Ch. 40, Building Construction.

requirement may be waived for ornamental lighting which is part of an overall architectural theme, as approved by the Planning Commission. Bollard lights are permitted to light driveways and pedestrian areas. Light shall not exceed more than 0.5 footcandle at a residential property line. Light shall not exceed more than 1.0 footcandle at a nonresidential property line.

- (2) Lighting used for illumination of the exterior of buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads or adjacent properties.
- C. Height. Light fixtures shall have a maximum height of 20 feet where adjacent to a residential district. Light fixtures shall have a maximum height of 25 feet where adjacent to nonresidential districts. Such height shall be measured from the ground adjacent to the pole to the center of the light fixture.
- D. Photometric plan. During site plan review, the Planning Commission may require the submission of a photometric plan prepared by an electrical engineer graphically illustrating the planned layout and footcandles of the site lighting. The evaluation of the photometric plan is intended to permit the Planning Commission to determine potential adverse effects the site lighting may have on adjoining properties and motorists. Compliance with the lighting design criteria shall be demonstrated by submitting the following for review:
- (1) Lighting plan showing light fixture locations and type designations;
  - (2) Photometric plan for an empty and full parking lot showing horizontal luminance levels for all lighting, including canopy lighting, in a point-by-point format with contour lines;
  - (3) Lighting equipment specifications and data sheets; and
  - (4) Any other presentations required to convey the intent of the design.
- E. Signs. Signs shall be illuminated in accordance with the regulations set forth in Article 16, Sign Regulations.

**285-19.20. Safety provisions.**

- A. Public service access. All structures shall be provided with adequate access for fire, police, sanitation and public works vehicles.
- B. Fire protection. All structures constructed after the effective date of this chapter shall be provided with adequate fire protection, including adequate water supply for fire-fighting purposes, adequate internal fire suppression system, use of fire walls and fireproof materials, and other fire protection measures deemed necessary by the Township Fire Chief.
- C. Excavations and holes. Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Police Department of their existence.

- D. Building demolition. Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.
- E. Duration of building construction. Construction of any structure that requires a building permit must commence within the limits established by the Township Building Code.<sup>23</sup> All exterior construction, site grading and landscaping must be completed within two years of the date construction commenced. The applicant may request a one-year extension from the Zoning Board of Appeals, provided a written request is received before the expiration date and the structure(s) and site comply with current standards (i.e., any amendments to this chapter since the building permit was issued).

### **285-19.21. Lot splits and consolidations.**

- A. Intent. The purpose of this section is to establish the conditions under which parcels of land may be divided or consolidated for the purposes of sale, development, or use.
  - (1) Parcels and tracts. The division of parcels or tracts that are not part of a recorded plat shall not exceed four, provided additional splits may be allowed based upon the standards contained in Section 108 of the Michigan Land Division Act (Public Act 288 of 1967, as amended).
  - (2) Recorded plats. Notwithstanding the above and pursuant to Section 263 of the Michigan Land Division Act (Public Act 288 of 1967, as amended), a lot, outlot or other parcel of land in a recorded plat shall not be partitioned or divided into more than four parts under the provisions of this section. A division to a subdivision lot that creates more than four parts shall require approval as a subdivision under the provisions of Chapter 238, Subdivision Control, of the Municipal Code.
- B. Application requirements.
  - (1) Application. An application for lot or parcel split or consolidation shall be submitted to the Community Development Department in triplicate on forms provided by the Community Development Department.
  - (2) Additional submission requirements. Along with the application, a written instrument fully executed in a form legally sufficient for recording with the County Register of Deeds shall be submitted. Such instrument shall contain a legal description of all lots, parcels and outlots that will result from the division or consolidation of parcels described thereon.
  - (3) Deed history. Records from the County Register of Deeds for the previous 10 years shall be submitted that detail the deed history of the lot or parcel and the parent lot or parcel sufficient to determine whether the proposed division will violate the maximum number of land divisions allowed by Act 288 of the

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23. Editor's Note: See Ch. 40, Building Construction.

Michigan Public Acts of 1967, as amended.

- (4) Plan or drawing. The applicant shall also submit a plan or drawing, drawn to scale by a registered engineer or surveyor, showing all of the following information:
    - (a) A location map at an appropriate scale illustrating the subject lot or parcel in relationship to surrounding parcels and street system.
    - (b) Name and address of the property owner and applicant if not the property owner.
    - (c) Name, address and professional seal of the registered land surveyor or civil engineer who prepared the plan and easement information.
    - (d) A boundary survey in accordance with Public Act 132 of 1970 of the lot or parcels illustrating dimensions.
    - (e) A topographic survey by contours on USGS datum at intervals of not more than two feet may be required for lots or parcels that contain wetlands or floodplain.
    - (f) Site information including the location of any shoreline, streams, public drains and boundaries of any areas which have characteristics of wetlands regulated by the United States Army Corps of Engineers, the State of Michigan or the Township and other natural or man-made features of special interest in development and use of the parcels.
    - (g) The surveyed location of all buildings and structures on the lot or parcel and within 100 feet of all property lines with notes indicating if the buildings and structures are to be retained, modified or removed.
    - (h) Existing access points adjacent to or across from the subject parcel frontage within 150 feet of the subject parcel.
    - (i) Land area of existing and resultant lot(s) including and exclusive of public rights-of-way and submerged lands.
    - (j) Type, location and dimensions of all existing and proposed easements.
    - (k) Completely dimensioned limits within which the principal structure and accessory buildings or structures shall be confined on each parcel.
    - (l) Any deed restrictions or conservation easements.
    - (m) Any Zoning Board of Appeals variances or rulings on the property.
  - (5) Access permit. The applicant shall provide documentation from the Wayne County Department of Public Services that adequate sight distance is provided at any proposed access point along a public road.
- C. Approval standards. All divisions or consolidations to lots, parcels and tracts shall comply with the following standards:
- (1) Lot area. Each lot or parcel resulting from the proposed division shall have a

net area not less than that required for a lot in the particular zoning district, exclusive of any submerged area or area occupied by a public street right-of-way or an access easement.

- (2) Building envelope. Within each proposed lot or parcel, there shall be delineated and fully dimensioned an area within which the principal structure shall be confined. The areas so delineated shall be such that, in the opinion and judgment of the Planning Commission, development on each parcel will be in conformity with the spirit and intent of the chapter with respect to the particular zoning district, will be compatible with existing development in the vicinity primarily as to yard relationships, and will not adversely affect adjacent properties. No building permits shall be issued for buildings not located within the limits shown on an approved site plan.
- (3) Buildable area. For any lot or parcel where available references or on-site observation indicates potential for a wetland regulated by the United States Army Corps of Engineers, the State of Michigan or the Township, the applicant shall submit a wetland determination study of the site conducted by a qualified wetland consultant or the Michigan Department of Natural Resources. If the study indicates the presence of a regulated wetland, the applicant shall illustrate on a site plan that the proposed lots or parcels have sufficient area for building in compliance with the setback requirements.
- (4) Minimum frontage. Every lot or parcel being created shall abut a public street right-of-way or a private road that complies with the requirements of § 285-19.7 and Chapter 205, Roads and Driveways, of the Municipal Code.
- (5) Minimum lot width. Each lot or parcel being created shall provide the minimum lot width as required in the particular zoning district.
- (6) Shape of parcels. Lots and parcels should resemble rectangles but may be irregularly shaped as conditions dictate. However, unusual shapes proposed only for the purpose of meeting lot area or width requirements shall not be permitted.
- (7) Depth to width ratio. The depth to width ratio of lots or parcels created through land division that are one acre or less in size shall not exceed four to one. Variation from these proportions may be permitted where such action would reduce existing nonconformance with these standards.
- (8) Easement. Approval of a proposed division of land shall be subject to the dedication of any easements necessary for roads, public utilities or other necessary public facilities required. An accurate legal description shall be provided for all such easements, prepared by a registered land surveyor or civil engineer, that includes recitation of the purpose of the easement, with grant to the Township, its successors and assigns, in perpetuity, of the right to occupy and use such easement for installation, maintenance and operation of public utilities.
- (9) Elimination or reduction of nonconforming situations. The land division or combination shall not create and shall eliminate any nonconforming situation or reduce the degree of nonconformity (such as a nonconforming use, lot,

building, building setback or access) to the degree deemed practical by the Zoning Board of Appeals.

- (10) Special assessment districts. In cases where water, sanitary sewer, storm sewer, street paving, or other such facilities have been installed by special assessment, and a lot or parcel proposed to be divided has been assessed therefor, no division shall be permitted unless the applicant agrees in writing to pay to the special assessment district an additional amount, to be determined by the Township Assessor, representing the increased benefit that may be derived through such land division. The additional amount shall be credited to the appropriate special assessment district.
  - (11) Required information and permits. No land division shall be approved unless all of the required information and approved permits have been provided.
- D. Review procedures for lot splits and consolidations within recorded plats. The following procedure shall be followed to split or consolidate a lot, outlot or other parcel of land in a recorded plat:
- (1) Review by Township departments. The Community Development Department shall circulate the application among applicable Township departments for review and comment before transmitting it to the Planning Commission. The Community Development Department shall make a determination whether the proposed division will violate the maximum number of land divisions allowed by Act 288 of the Michigan Public Acts of 1967, as amended, based upon information provided by the applicant.
  - (2) Review by Planning Commission. The Planning Commission shall review the application, along with the reports from various Township departments, and make a recommendation to the Township Board. In reviewing an application, the Planning Commission shall consider the approval standards of Subsection C.
  - (3) Utilities and road improvements. Following a recommendation by the Planning Commission, the applicant shall be responsible for installing all required utilities and road improvements necessary to serve the proposed lots. The Township Board shall not take final action on the land division until all required utility and road improvements have been made. Required utility and road improvements shall be installed within one year of the Planning Commission recommendation to the Township Board, provided that the Planning Commission may grant up to a one-year extension upon written request by the applicant.
  - (4) Township Board action. The Township Board shall make the final decision to approve or deny any application for division of land. The Township Board, based upon a recommendation by the Planning Commission, may waive the above standards in Subsection C for lots to be dedicated to the public for purposes such as roads, utilities, parks or natural preserves/open space.
- E. Review procedures for splits and consolidations of parcels and tracts. The following procedure shall be followed to split or consolidate a parcel or tract of land that is not part of a recorded plat:

- (1) Review by Township departments. The Community Development Department shall circulate the application among applicable Township departments for review and comment before transmitting it to the Planning Commission. The Community Development Department shall make a determination whether the proposed division will violate the maximum number of land divisions allowed by Act 288 of the Michigan Public Acts of 1967, as amended, based upon information provided by the applicant.
  - (2) Review by Planning Commission. The Planning Commission shall review the application, along with the reports from various Township departments, and approve or deny the application for division of land within 30 days of the Community Development Department receiving a complete application. In reviewing an application, the Planning Commission shall consider the approval standards of Subsection C. The Planning Commission may waive the above standards in Subsection C for parcels to be dedicated to the public for purposes such as roads, utilities, parks or natural preserves/open space.
  - (3) Utilities and road improvements. Following an approval by the Planning Commission, the applicant shall be responsible for installing all required utilities and road improvements necessary to serve the proposed parcels. The Township shall not grant building permits for the subject parcels until all required utility and road improvements have been made.
- F. Recording of action. Upon approval by the Township Board, the Township shall forward one copy of the approved form to the County Bureau of Taxation, and one copy shall be retained in the Township records.

**285-19.22. Bridges, causeways and ferry landings. [Added 6-9-2003 by Ord. No. 03-07]**

Bridges, causeways and ferry landings for vehicular, pedestrian or rail traffic shall be permitted in all districts by special land use approval by the Grosse Ile Township Board in accordance with Article 22 Special Land Use Review. Due to the potential community-wide impact, notice of the public hearing for a bridge, causeway or ferry landing special land use request shall be published twice in a newspaper of general circulation in the Township and separate notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within one mile of the proposal and to the occupants of all structures within one mile. A site plan for any proposed bridge, causeway or ferry landing must also be submitted for approval by the Planning Commission in accordance with Article 21, Site Plan Review. All bridges, causeways and ferry landings shall meet the following conditions:

- A. Design of the bridge, causeway or ferry landing shall be compatible with surrounding land uses and will minimize impact on views along the waterfront. Bridges shall have a low-profile design to ensure vehicle, and pedestrian safety and minimal impact on aesthetics. Bridges and causeways shall be designed in accordance with Wayne County standards. The design of the bridge shall incorporate measures to ensure pedestrian safety. The design of the bridge shall be approved by the Township Board.

- B. The bridge, causeway or ferry landing shall be located and designed to minimize impact to natural features, including natural shorelines, wetlands, fish, and wildlife habitat and waterways.
- C. The bridge, causeway or ferry landing shall be constructed so as not to obstruct the navigability of the waterway. Where a bridge crosses a navigable waterway; a swing, drawbridge or other opening mechanism shall be provided to allow passage of watercraft.
- D. Ferry landings shall be constructed in accordance with the requirements of Article 17, Waterfront Provisions.
- E. A traffic impact study shall be prepared that demonstrates the following:
  - (1) The proposed bridge, causeway or ferry landing will not generate a significant additional amount of traffic in such a way that represents a burden to existing bridges or roads.
  - (2) The bridge, causeway or ferry's capacity will withhold estimated traffic and any projected traffic increases within 30 years of completion of the structure.
- F. Adequate screening shall be provided to ensure that the privacy of adjacent land uses is protected. Preservation of natural vegetation and supplemental landscaping may be required. New structures shall be placed to minimize impact to waterfront views of adjacent lots.
- G. The bridge, causeway or ferry landing shall not be located such that it creates nonconforming conditions for buildings on adjacent lots by virtue of the side yard adjacent to the proposed bridge access road becoming a front yard.
- H. The applicant shall obtain all necessary permits from the U.S. Army Corps of Engineers, the Michigan Department of Environmental Quality, the U.S. Coast Guard and Wayne County.
- I. Any lighting shall be subject to Planning Commission approval.
- J. Any directional sign to the bridge, causeway or ferry landing shall be subject to Planning Commission approval in accordance with the Roads and Driveways Ordinance.<sup>24</sup>
- K. No sign or logo visible from off-site shall be permitted for a ferry landing.
- L. Any proposed utility building or toll booth shall be no larger than necessary to accommodate the activity and be consistent with existing conditions, use and character of the area.
- M. Any utility building or toll booth shall be constructed of brick and have a pitched roof of at least 1:4.
- N. Off-street parking and loading shall be provided to accommodate facility users and employees in accordance with Article 12, Parking and Loading Requirements.

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24. Editor's Note: See Ch. 205, Roads and Driveways.

- O. The applicant shall demonstrate to the satisfaction of the Planning Commission that there are no existing bridges, causeways or ferry landings that can accommodate the need for the proposed bridge, causeway or ferry landing.
- P. The bridge, causeway or ferry shall provide for unimpeded emergency vehicle access meeting the requirements of the Township Fire Marshal. A ferry shall not serve as the means of access to residential dwellings. All residential dwellings shall be accessible by roadways and bridges, and building permits for dwellings shall not be issued until completion of the bridge and road access.
- Q. Bridges and causeways shall comply with the requirements of the Township Roads and Driveways Ordinance.

**285-19.23. Alternative energy systems. [Added 6-28-2010 by Ord. No. 10-03]**

- A. Wind energy conversion systems. Wind energy conversion systems (WECS) shall be allowed in all zoning districts, except where prohibited under Subsection A(5), subject to the following regulations:
  - (1) Intent. The intent of these regulations is to provide for the development of sustainable energy sources while providing regulations that limit the impact of these facilities and protect the community from impacts of WECS facilities as follows:
    - (a) Protect the visual character of neighborhoods and the natural residential character of the island;
    - (b) Protect neighboring property owners from noise and safety impacts;
    - (c) Protect waterfowl and birds within the Detroit River International Wildlife Refuge and avian wildlife inherent to the neighborhoods; and
    - (d) Ensure structures do not exceed a height that would impact aviation safety, and the airspace around the Grosse Ile Airport.
  - (2) Special land use. A WECS shall be allowed with special land use approval from the Township Board, based upon a Planning Commission public hearing and recommendation following the procedures and standards of Article 22, Special Land Use Review.
  - (3) Accessory structure. A WECS shall be allowed as an accessory structure on a lot that contains a principal building. Only one WECS shall be allowed per principal building.
  - (4) Location. A WECS may only be located in a rear yard within prescribed setbacks. A WECS may not be attached to a building.
  - (5) Prohibited locations. In order to protect wildlife in the Detroit River International Wildlife Refuge and to protect views along the waterfront, WECS shall not be permitted in the following locations:
    - (a) In any waterfront yard or over a waterway;
    - (b) Between the shoreline and East River Road, south of Horsemill and north

of Manchester; and the front yards of lots fronting along this segment of East River Road;

- (c) Between the shoreline and West River Road, south of Horsemill and north of Groh Road; and the front yards of lots fronting along this segment of West River Road;
  - (d) Any of the following locations: Calf Island, Celeron Island, Hennepin Point, Hickory Island, Round Island, Sugar Island and Stony Island.
- (6) Permitted height. The maximum permitted height of a WECS shall be 35 feet. The allowable height of a WECS may be further limited in order to meet the setback requirements of Subsection A(7) below.
  - (7) Setback. A WECS shall be setback at least equal to 1 1/2 times the height of the WECS from all lot lines, wetlands, utility lines, easements and any public road right-of-way.
  - (8) Aviation hazard. The WECS shall not be located or erected to a height that would pose a hazard to aircraft operations and shall not encroach above the height limits of any of the airport runway approach zones for the Grosse Ile Municipal Airport.
  - (9) Blade clearance. The minimum blade or rotor clearance from the ground shall be 20 feet for a horizontal-axis WECS and 10 feet for a vertical-axis WECS. The minimum blade or rotor clearance from a building or utility line shall be 20 feet.
  - (10) Blade diameter. The blades or rotor of a WECS shall have a maximum diameter of six feet.
  - (11) Braking system. Each WECS shall be equipped with both a manual brake and automatic braking, governing or feathering device capable of keeping the WECS operation in high winds within 80% of its survival wind speed.
  - (12) Tower construction. A WECS shall be constructed with a tubular tower. Lattice towers and guy wires shall be prohibited. The WECS shall be constructed of quality materials with a coating that will prevent rust and discoloring.
  - (13) Climbing devices. Towers shall not have permanent attached tower climbing devices.
  - (14) Color. A WECS shall be painted a nonobtrusive (light color such as white, beige or light gray) color that is nonreflective. No striping or color shall be visible on the blades or tower.
  - (15) Electrical lines. All distribution lines from the WECS to the building and the electrical grid connection shall be underground. The generator and all other electrical equipment, and controls shall be enclosed within the nacelle, pole or within a building.
  - (16) Power grid connection. The applicant shall provide proof of written notice to

the local electric utility of the proposed interconnection to the power grid and the utility's response. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback and non-sellback), and the customer will be required to install a disconnecting device adjacent to the electric meter(s). Any connection shall be inspected and approved by the appropriate utility company.

(17) Noise.

(a) Noise emissions from the operation of a WECS shall not exceed all the following, as measured at the nearest property line and road:

[1] Forty-five dBA;

[2] Ten dBA greater than the statistical background sound level (L90) or the sound level that is exceeded 90% of the time by ambient background noise; and

[3] Three dBA less than the statistical high sound level (L10) or the sound level that is exceeded 10% of the time by ambient background noise.

(b) After installation of the WECS, sound pressure level measurements shall be provided to the Township within 60 days of the operation of the WECS. Two tests are shall be done as follows:

[1] First with the WECS turned off, so that ambient background noise can be documented; and

[2] A second test with the WECS operating.

(c) All sound pressure levels shall be done at the applicant's expense by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18, and measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. The test will be taken with wind speeds of at least 10 miles per hour. The Township may require the owner to pay for a sound evaluation by a professional at any time to determine compliance with the requirements of this section.

(d) The WECS shall be maintained such that the noise limit is not exceeded for the life of the WECS. Where a WECS exceeds the noise limits of this section, the owner shall discontinue WECS operation and it shall be removed, repaired or replaced with a new WECS of equal or lesser size that complies with this section. If a property owner fails to properly maintain the WECS, the Township may remove the WECS in accordance with Subsection A(22) below.

(18) Radio interference. WECS shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must remove the WECS. If a property owner fails to remove the WECS, the Township may remove the

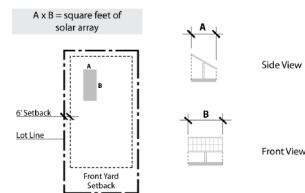
WECS in accordance with Subsection A(22) below.

- (19) Water pumping. A WECS shall not be used for pumping water.
- (20) Emergency contact. The survival wind speed in miles per hour, and meters per second, the name and telephone number of the installer, and the name and telephone number of the person responsible for maintenance and shutdown procedures shall be provided on labels attached to the WECS tower subsystem in a visible, easily read, and easily accessible location.
- (21) Sketch plan. The special land use application shall be accompanied by a sketch plan meeting the requirements of § 285-21.5 along with the following additional information:
  - (a) Location and height of all buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other aboveground structures associated with the WECS.
  - (b) The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown.
  - (c) Lot survey showing all lot lines, rights-of-way and easements.
  - (d) Inventory of any trees that will need to be removed or trimmed for the WECS in accordance with Chapter 282, Woodland and Tree Preservation.
  - (e) Proposed setbacks for the WECS from all lot lines, structures located on the property where the WECS will be located and structures on adjacent lots within 100 feet of the lot lines.
  - (f) A copy of the manufacturer's installation instructions and blueprints and stamped engineered drawings of the tower, base, footings, and foundation.
  - (g) Ambient noise measurements taken on the site of the proposed WECS indicating the statistical background sound level (L90) and statistical high sound level (L10) measured on the dB(A)-weighted scale.
  - (h) Manufacturer's specifications indicating the operating noise levels of the WECS at full RPM based upon industry standards; expected noise level at property line or road right-of-way. Demonstration that noise specifications shall meet standards of this chapter to be confirmed after the WECS is installed. The petitioner shall certify that the WECS will comply with the noise limit of this chapter as a condition of approval.
  - (i) Documentation to ensure that construction code, utility interconnection, and safety requirements shall be complied with.
- (22) Performance guarantee. A performance guarantee shall be posted at the time of receiving a special land use permit for the WECS to ensure removal of the facility when it is no longer used or is no longer maintained in compliance with this chapter. The applicant shall provide funds to the Township for removal of

the WECS, which reasonably reflects the cost of removal of the WECS and restoration of the property. Cost estimates for removal of the WECS shall be provided for the Township Engineer's approval. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the WECS in a timely manner. The performance guarantee shall, at the election of the Township Board, be in the form of: cash; security bond; or an irrevocable letter of credit.

- (23) Maintenance. The WECS must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation or remove the WECS. The Township may require documentation of maintenance.
  - (24) Inspection. The Township may require testing of any WECS to ensure proper operation and compliance with the requirements of this section. Any necessary repair shall be required to comply with the requirements of this section and shall be completed within 45 days of the test or the WECS shall be ordered to be removed. Failure to remove a WECS within 45 days shall be grounds for the Township to remove the WECS at the owner's expense. The Township may order repair or removal sooner where there is an immediate safety hazard.
  - (25) Abandonment. Any WECS that has not produced electricity for a period of six successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed within 45 days of receiving an abandonment notification from the Township. Failure to remove an abandoned WECS within 45 days shall be grounds for the Township to remove the WECS at the owner's expense. The ground must be restored to its original condition within 60 days of receiving the abandonment notification.
  - (26) Change in ownership. Where there is a change in ownership for a property containing a WECS, the new owner must register with the Community Development Department to update the ownership information on the permit. The updated permit can be approved administratively by the Zoning Administrator, provided the WECS is in compliance with all requirements of this section, based upon an inspection conducted in accordance with Subsection A(24) above.
- B. Solar panels. Solar panels shall be allowed in all zoning districts either attached to permitted principal or accessory buildings or as accessory structures subject to the following regulations:
- (1) Attached to building. Where attached to a building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof or the building wall, but not both.
    - (a) Roof-mounted panels shall include solar panels integrated as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.

- [1] Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
  - [2] Separate flush-mounted solar panels may only be located on a rear- or side-facing roof.
  - [3] Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
  - [4] Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features in accordance with § 285-19.6C(4).
- (b) Flush-mounted solar panels on the building wall may only be attached to one side or rear building facade and shall not face a street.
  - (c) Roof-mounted panels shall be permitted on the roof of a covered boat well, but freestanding solar panels shall not be permitted over the water.
- (2) Freestanding. Solar panels that are not attached to a building shall be permitted as accessory structures subject to the following regulations:
- (a) Freestanding solar panels shall be permitted in the rear yard only.
  - (b) Freestanding solar panels shall be setback six feet from the side and rear lot line.
  - (c) Freestanding solar panels shall not exceed a height of four feet.
  - (d) The surface area covered by a freestanding system shall not exceed 2% of the lot or 360 square feet, whichever is less, except as provided for in Subsection B(5) below. Area covered shall be included in the lot coverage calculations for the lot.



- (e) All power transmission lines shall be underground.
  - (f) Freestanding solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.
- (3) Glare. Solar panels shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
- (4) Building permit. Solar energy systems shall conform to applicable industry

standards. A building permit shall be obtained for a solar energy system in accordance with the Building and Electrical Codes.

- (5) Commercial solar array. In the A-1 Airport and Light Industrial District, the Planning Commission may approve a site plan under Article 21 for solar photovoltaic plants or arrays of photovoltaic modules, mounted on buildings or ground mounted, developed for commercial purposes.
  - (a) The solar array may be developed as a principal use on a lot and shall not be subject to surface area limits of Subsection B(2)(d) above.
  - (b) The solar array shall meet all dimensional and site design requirements of the A-1 Airport and Light Industrial District.
  - (c) The solar array shall be designed to not create glare that would be a hazard to aviation.

ARTICLE 20  
**Permits, Performance Guarantee and Enforcement**  
**[Ord. No. 273, effective 8-29-1999]**

**285-20.1. Administrative regulations.**

- A. Scope of regulations. No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the regulations specified herein for the zoning district in which the structure or land is located. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this chapter, or amendments thereof, and provided construction is begun within six months of the effective date and diligently pursued toward completion, said building or structure may be completed in accordance with the approved plans. The applicant may be required to provide the Township with evidence, visual or otherwise, demonstrating to the satisfaction of the Zoning Administrator that work is being diligently pursued. Failure to diligently work toward completion shall result in the loss of legal nonconforming status unless good cause for the delay is accepted at a hearing before the Zoning Board of Appeals. Furthermore, upon completion of construction said building may be occupied under a certificate of occupancy, as approved by the Building Official, for the use for which the building was originally designated, subject thereafter to the provisions of Article 18 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.
- B. Minimum requirements. The provisions of this chapter shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.
- C. Nonabrogation of other ordinances or agreements. This chapter is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this chapter. However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern.
- D. Vested right. Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this chapter are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare.
- E. Continued conformity with yard and bulk regulations. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located for as long as the building is in existence.
- F. Division of lots. No lot in any zoning district shall hereafter be divided into two or more lots and no portion of any lot shall be sold unless all lots resulting from each

such division or sale conform to all applicable regulations of the zoning district in which the property is located. Any division of land shall require review and approval by the Township under the provisions of § 285-19.21, Lot splits and consolidations, Chapter 238, Subdivision Control, or Chapter 71, Condominium Projects, as applicable.

- G. Unlawful buildings, structures, site designs and uses. A building, structure, or use which was not lawfully existing at the time of adoption or amendment of this chapter shall not become or be made lawful solely by reason of the adoption of this chapter. To the extent that an unlawful building, structure, or use is in conflict with the requirements of this chapter, said building, structure, or use remains unlawful hereunder.
- H. 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 public election.
- I. Conditions of approval. Any conditions placed upon an approval under this chapter shall remain in effect for as long as the approval is valid. Noncompliance with any conditions of approval shall constitute a violation of this chapter.

#### **285-20.2. Permit required.**

- A. It shall be unlawful, without a permit, as approved by the Zoning Division of the Community Development Department, to erect or demolish any new building or structure, or to alter or repair any existing building or structure, or to fill, excavate, regrade for drainage, grub or clear-cut any lands, or dredge over or upon waterways in the Township of Grosse Ile, including the Detroit River, canals, and other waterways in the Township. Application for such permits shall be made with the Community Development Department in accordance with application rules and regulations as required and subject to the provisions of this chapter and in particular this article as required herein.
- B. The provisions of this chapter shall be subject to the littoral and riparian rights of property owners. Any permit issued hereunder does not authorize the violation of any subdivision restriction, deed restriction or other private protective covenant as may apply to the property, and such restrictions and covenants are only enforceable by the property owners subject to the provisions of this chapter.

#### **285-20.3. Permits and certificates.**

- A. Scope of requirements. **[Amended 3-10-2003 by Ord. No. 03-02]**
  - (1) Building permit. A building permit shall be required prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure regulated by the Building Code,<sup>25</sup> and/or the excavation, filling, grubbing, clearing or grading of lots. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress,

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25. Editor's Note: See Ch. 40, Building Construction.

or other changes affecting or regulated by the Township of Grosse Ile Building Code or this chapter or other applicable ordinances of the Township of Grosse Ile.

- (2) Certificates of occupancy. No building, structure, land, or part thereof shall be used, nor shall any existing use of any building, structure, land, or part thereof be changed, unless a certificate of occupancy is first obtained for the new or different use. Temporary certificates of occupancy can be issued in accordance with Subsection C(5) of this section.
  - (3) Site plan and special land use permits. Certain uses require site plan or special land use approval under the provisions of this chapter. No building permit shall be issued under this article for activities requiring site plan or special land use approval until such time as site plan approval is issued by the Planning Commission under Article 21 and a special land use permit is issued by the Township Board under Article 22, as applicable.
- B. Building and zoning compliance permits. The following guidelines shall apply to the issuance of permits: **[Amended 3-10-2003 by Ord. No. 03-02]**
- (1) Permit requirement. No building permit shall be issued for the construction, moving, alteration or use of any building or structure or part thereof regulated by the Building Code,<sup>26</sup> or for the use of any land, which is not in total compliance with the Township of Grosse Ile Building Code or this chapter or other applicable ordinances of the Township of Grosse Ile.
  - (2) Zoning compliance permit. A zoning compliance permit must be obtained for certain buildings or structures listed below. The permit shall be approved before the building or structure is erected, altered, moved or repaired. The permit shall only be granted for structures that will be in conformity with this chapter and all other applicable ordinances. Such buildings and structures include:
    - (a) Fences that are six feet or less in height.
    - (b) One-story detached accessory buildings that have a floor area of 200 square feet or less.
    - (c) Retaining walls that are less than four feet in height.
  - (3) Valid period of permits. A building permit or zoning compliance permit issued pursuant to the provisions of this chapter shall expire one year from the date of issuance. The premises shall be inspected on that date and the applicant notified of any violations. Failure to correct violations or complete work in the time period specified by the Building Official shall constitute a violation of this chapter, subject to the penalties set forth in § 285-20.6. If construction has not been completed within the one-year time frame, the applicant may apply to the Community Development Department for a one-year extension. The application for an extension shall include a construction schedule specifying the time frame for completion of unfinished activities.

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26. Editor's Note: See Ch. 40, Building Construction.

- (4) Inspection of completed work. The holder of any building permit shall notify the Grosse Ile Building Official upon completion of the work authorized by the permit for the necessary inspection. If the work inspected receives approval, an application shall be made to the Building Department for a certificate of occupancy. All roads, driveways and pathways damaged during construction shall be restored to their original condition. Examples include cuts in pavement for underground utility needs, crushing damage from equipment and similar damages caused through construction practice.
- C. Certificate of occupancy. No land, building, structure, or part thereof shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following guidelines shall apply to the issuance of certificates of occupancy:
- (1) General requirements. A certificate of occupancy shall be issued for a building, structure, or part thereof, or for the use of any land, only if such building, structure, or use is fully in accordance with the Building Code,<sup>27</sup> all provisions of this chapter, and all other ordinances of the Township of Grosse Ile.
  - (2) Certificate required prior to use. No building or structure, or part thereof, which is hereafter erected or altered shall be occupied or used unless a certificate of occupancy has been issued. A building permit does not necessarily constitute compliance with the requirements for a certificate of occupancy. Upon completion of the work outlined by the permit, the premises must be inspected and a certificate of occupancy issued.
  - (3) Certificates for accessory buildings and uses. Accessory buildings and uses shall not require a separate certificate of occupancy but may be included in the certificate of occupancy for the principal use, provided the accessory buildings or uses are shown on the plan drawing and are completed at the same time as the principal use.
  - (4) Period of validity. A certificate of occupancy shall remain in effect for the life of the building, structure, or part thereof, or use of the land, until the use of the building, structure or land changes. A change of use shall require a new certificate of occupancy.
  - (5) Temporary certificates. A temporary certificate of occupancy for a portion of a building or structure in the process of construction, erection, or alteration may be issued, provided that such portion of the building, structure, or premises is in conformity with the provisions of this chapter and the adopted Building Code,<sup>28</sup> and provided further that no threat to public safety exists. The Building Official may require that a performance guarantee be provided in accordance with § 285-20.5 as a condition of obtaining a temporary certificate. Such temporary certificate may be issued for a period not to exceed six months but may be renewed provided that construction, erection, or alteration of the remaining portion of the building or structure is proceeding without delay.

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27. Editor's Note: See Ch. 40, Building Construction.

28. Editor's Note: See Ch. 40, Building Construction.

D. Application requirements. Applications for building permits and certificates of occupancy shall be made on forms supplied by the Community Development Department and accompanied by such fees as may be specified. Applications for permits shall explicitly describe the proposed work for which authorization is requested. All applications shall be accompanied by a plot plan drawn to scale and in sufficient detail to enable the Building Official to determine if the proposal is in compliance with this chapter. Accordingly, the plot plan shall, at minimum, provide the following information:

- (1) The actual shape, location, and dimensions of the lot and, if the lot is not a lot of record, a recorded survey, legal description and parcel identification number;
- (2) The shape, size, and location of all buildings or other structures to be erected, altered or moved, plus all existing buildings and structures on the lot;
- (3) The existing and intended use of the lot and of all structures upon it;
- (4) The location of all utilities serving the site, including water and sanitary sewer;
- (5) All road rights-of-way, easements and driveways;
- (6) Any woodlands, inventoried to meet the requirements of Chapter 282, Woodland and Tree Preservation, and any wetlands or natural drainage courses, delineated to meet the requirements of Chapter 275, Wetlands and Drainageways, and conservation easements;
- (7) Copies of any granted variances, deed restrictions or other restrictive covenants;
- (8) The Building Official may require a property survey where proposed construction has the potential encroach into required setbacks; and
- (9) Such other information concerning the lot or adjoining lots or other matters deemed necessary for determining compliance with the provisions of this chapter.

#### **285-20.4. Fees.**

Any application for an amendment to this chapter, site plan review, review of a special land use proposal, building permit, certificate of occupancy, request for a variance, or other request for other action pursuant to the regulations set forth in this chapter shall be subject to and accompanied by a fee as established by resolution of the Township Board. The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in § 285-20.5 herein.

#### **285-20.5. Performance guarantee.**

A. Intent. To ensure compliance with the provisions of this chapter and any conditions imposed by the Township Board, Zoning Board of Appeals, Planning Commission or Community Development Department, the Township may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements. **[Amended 7-22-2002]**

- B. General requirements. The performance guarantee shall meet the following requirements:
- (1) The performance guarantee may be in the form of a cash deposit, irrevocable letter of credit, certified check, cash escrow, or similar instrument acceptable to the Township. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Attorney presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.
  - (2) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. The Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.
  - (3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval is sought, or a portion thereof as specified by the Planning Commission. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official.
  - (4) The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory and timely completion of the required improvements. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements, provided that a minimum of 10% shall be held back on each element until satisfactory completion of the entire project.
  - (5) An amount not less than 10% of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to ensure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Community Development Department that all landscape materials are being maintained in good condition.
- C. Unsatisfactory completion of improvements. Whenever required improvements are not installed or maintained in accordance with the standards set forth in this chapter, the Township may complete the necessary improvements itself or by contract to an independent developer and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant and/or other firm or individual responsible for completion of the required improvements.

#### **285-20.6. Violations and penalties.**

- A. Nuisance per se. Buildings erected, altered, razed or converted or uses carried on in violation of any provision of this chapter are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.
- B. Violation. Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of the same, who or which fails to comply with any of the provisions of this chapter or any of the regulations adopted in pursuance thereof, or who or which impedes or interferes with the enforcement of this chapter by the Building Official or other enforcement official, shall be deemed in violation of this chapter.
- C. Inspection of violation. The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this chapter. The order to correct a violation shall be issued by serving personally or by sending, by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs or, when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.
- D. Penalties. Penalties for violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, § 1-3. The provisions of Chapter 1, Article II, Municipal Civil Infractions, also apply to violations of this chapter. Each act of violation and each day during which such violation continues shall constitute a separate offense. The imposition of any sentence shall not exempt the offense from compliance with the requirements of this chapter. **[Amended 7-22-2002]**
- E. Authority to pursue court action. The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this chapter and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.
- F. Other remedies. The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this chapter or to correct, remedy, or abate such noncompliance.
- G. Rights and remedies preserved. Any failure or omission to enforce the provisions of this chapter, and failure or omission to prosecute any violations of this chapter, shall not constitute a waiver of any rights and remedies provided by this chapter or by law and shall not constitute a waiver nor prevent any further prosecution of violations of this chapter.

**285-20.7. Records.**

- A. The Grosse Ile Township Community Development Department or office of the Zoning Administrator shall maintain all permanent and current records of this

chapter, including, but not necessarily limited to, all maps, amendments, variances, appeals, special land uses, certificates of occupancy and related applications.

- B. Every rule or regulation, decision, finding of fact, condition of approval, resolution, or other transaction of business of the Planning Commission or Zoning Board of Appeals shall be duly recorded and filed in the public records of the office of the Township Clerk. A copy of any application, permit, certificate, transcript of a public meeting, or other item of the public record may be obtained from the appropriate Township office upon payment of copying costs.

ARTICLE 21  
**Site Plan Review**  
**[Ord. No. 219, effective 8-27-1995]**

**285-21.1. Intent.**

The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans to ensure full compliance with the standards contained in this chapter, other applicable local ordinances, standard engineering practices, and state and federal laws. The procedures set forth herein are further intended to:

- A. Achieve efficient use of the land;
- B. Protect natural resources;
- C. Minimize adverse impacts on adjoining or nearby properties;
- D. Provide a mechanism for review of new development as well as redevelopment of existing sites and to bring existing development into compliance with current standards; and
- E. Encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives.

**285-21.2. Applicability; project types.**

A building permit shall not be issued until a site plan or sketch plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into four types in the table below (Table 21.1).

- A. Exempt: select projects, such as single-family homes in an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses and given that compliance with applicable zoning regulations can be addressed during the building permit review process.
- B. Full site plan: the most involved process for larger and more intense projects, including most new developments and major expansions.
- C. Sketch plan: smaller-scale projects and expansions or changes in use to existing sites are permitted to provide less detailed information than a full-scale site plan review. The level of information is intended to be proportionate to the extent of the change and yet ensure adequate review for compliance with applicable standards. Sketch plans shall still undergo a formal review by the Planning Commission.
- D. Administrative review: select smaller-scale projects and expansions or changes in use to existing sites, which are required to provide a sketch plan, do not require review by the Planning Commission but instead shall undergo a formal review for approval by the Zoning Administrator. The Zoning Administrator may confer with the Site Plan Review Committee (SPRC).
- E. Site Plan Review Committee: the SPRC shall consist of the Zoning Administrator

and the Planning Commission Chairperson, or the Chair's designated representative. The Zoning Administrator may also include other Township officials, staff and consultants as he/she deems appropriate.

<b>Township of Grosse Ile</b>				
<b>Table 21.1</b>				
<b>Table of Eligible Uses and Required Review Process</b>				
<b>[Amended 4-19-2012 by Ord. No. 12-02]</b>				
<b>Situation/Use</b>	<b>Required Review</b>			
	<b>Full Site Plan</b>	<b>Sketch Plan<sup>1</sup> (PC)</b>	<b>Admin. Review<sup>2</sup> (SPRC)</b>	<b>Exempt<sup>3</sup></b>
<b>New Development:</b>				
Construction of 1 single-family dwelling unit on 1 lot in a residential zoning district.				X
Construction of more than 1 principal residential building on a single lot, such as site condominiums.	X			
Construction of any nonresidential use or building.	X			
Establishment of special land uses in all zoning districts, except where specifically noted elsewhere in this table.	X			
Erection of cellular phone towers and other communication towers.	X			
Construction of essential public service buildings and storage areas.	X			
Golf courses and public/private parks.		X <sup>4</sup>		
Minor changes during construction, such as changes in landscape species to a similar variety, realignment of a driveway or road due to an unanticipated and documented constraint during construction, or to improve safety or protect natural features.			X	
Minor changes during construction required by outside agencies.			X	
<b>Expansions:</b>				

<b>Township of Grosse Ile</b>				
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<b>Situation/Use</b>	<b>Required Review</b>			
	<b>Full Site Plan</b>	<b>Sketch Plan<sup>1</sup> (PC)</b>	<b>Admin. Review<sup>2</sup> (SPRC)</b>	<b>Exempt<sup>3</sup></b>
Expansion of 1 single-family dwelling unit on 1 lot in a residential zoning district.				X
An increase in the floor area up to 1,000 square feet or 10% of the existing floor area, whichever is less, based on the cumulative total of the proposed expansion and any expansion within the last 5 years, as determined by the Zoning Administrator.		X		
An increase in the floor area greater than that specified above.	X			
An increase in parking or loading area of up to 10% or 6,000 square feet of pavement area without any building changes.			X <sup>5</sup>	
An increase in parking or loading area over 10% or 6,000 square feet of pavement area.		X <sup>5</sup>		
Changes to building height that do not add additional floor area.			X	
<b>Changes In Use:</b>				
Any change in the use of land or a building to a more intensive use, in terms of parking needs, noise, traffic volumes, and similar impacts.	X			
A change in use for a site that does not comply with current site design standards (such as landscaping, signage, lighting or drainage).		X		

<b>Township of Grosse Ile</b>				
<b>Table 21.1</b>				
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<b>[Amended 4-19-2012 by Ord. No. 12-02]</b>				
<b>Situation/Use</b>	<b>Required Review</b>			
	<b>Full Site Plan</b>	<b>Sketch Plan<sup>1</sup> (PC)</b>	<b>Admin. Review<sup>2</sup> (SPRC)</b>	<b>Exempt<sup>3</sup></b>
A change in use to a similar or less intense use provided the site shall not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bike paths or sidewalks.			X	
Improvements to outdoor recreational uses and parks that are permitted uses.			X	
A change from a nonconforming use, building or site to a more conforming situation.		X		
<b>Other Types of Projects:</b>				
Accessory open air businesses.		X		
Accessory buildings and structures constructed or erected accessory to a permitted single-family dwelling unit and those up to 100 square feet in area in other districts.				X <sup>4</sup>
Accessory buildings and structures greater than 100 square feet associated with a non-single-family residential use in any zoning district.			X	
Accessory keeping of animals.				X
Architectural changes to a non-single-family residential structure (an elevation plan describing changes and construction materials is required).			X	
Bike path, pathway or sidewalk construction or relocation.			X <sup>5</sup>	
Construction of an entrance feature associated with a non-single-family residential use (walls, landscaping, etc.).		X		

<b>Township of Grosse Ile</b>				
<b>Table 21.1</b>				
<b>Table of Eligible Uses and Required Review Process</b>				
<b>[Amended 4-19-2012 by Ord. No. 12-02]</b>				
<b>Situation/Use</b>	<b>Required Review</b>			
	<b>Full Site Plan</b>	<b>Sketch Plan<sup>1</sup> (PC)</b>	<b>Admin. Review<sup>2</sup> (SPRC)</b>	<b>Exempt<sup>3</sup></b>
Fences associated with a non-single-family residential use, installed or improved.			X <sup>5</sup>	
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to 100 square feet, provided such activity is normally and customarily incidental to single-family uses on the site.				X <sup>6</sup>
Grading, excavation, filling, soil removal, creation of ponds or clearing of trees other than that specified above.			X <sup>5,6</sup>	
Home occupations.			X	
Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of this chapter.				X
Landscape changes to similar species and that are consistent with the standards of this chapter.			X	
Modifications to upgrade a non-single-family residential building to improve barrier-free design or to comply with the Americans with Disabilities Act or other federal, state or county regulations.			X	
Parking lot improvements, provided the total number of spaces shall remain constant.			X <sup>5</sup>	

<b>Township of Grosse Ile</b>				
<b>Table 21.1</b>				
<b>Table of Eligible Uses and Required Review Process</b>				
<b>[Amended 4-19-2012 by Ord. No. 12-02]</b>				
<b>Situation/Use</b>	<b>Required Review</b>			
	<b>Full Site Plan</b>	<b>Sketch Plan<sup>1</sup> (PC)</b>	<b>Admin. Review<sup>2</sup> (SPRC)</b>	<b>Exempt<sup>3</sup></b>
Residential care facilities licensed by the state that require special land use approval.		X		
Sign relocation or replacement provided it meets the dimensional and location standards of this chapter.			X	
Site improvements such as installation of walls, fences, lighting or curbing consistent with standards of this chapter.			X	
Temporary uses, sales and seasonal events.		X		
Utility system improvements.				X <sup>5</sup>
Waste receptacle relocation to a more inconspicuous location or installation of screening around the waste receptacle.			X	
Waterfront features as specified in Article 17.			X <sup>7</sup>	

## NOTES:

- <sup>1</sup> Requires review and approval by the Planning Commission (see § 285-21.4).
- <sup>2</sup> May be reviewed by the Site Plan Review Committee (see §§ 285-21.2 and 285-21.4); the Zoning Administrator has authority for approval. If the modifications are not deemed minor, then normal site plan review by the Planning Commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, a special land use, or discretionary decisions.
- <sup>3</sup> A building permit is still required.
- <sup>4</sup> For a golf course, a general layout of holes, ball trajectory and natural features is required; full site plan review is required for buildings, structures and parking areas that illustrate the area around such facilities.
- <sup>5</sup> Construction plans must be approved by the Township Engineer.

## NOTES:

- <sup>6</sup> See also Chapter 282, Woodland and Tree Preservation, and Chapter 275, Wetlands and Drainageways.
- <sup>7</sup> Waterfront permit applications that are reviewed by the Planning Commission under § 285-17.4 shall also require sketch plan approval from the Planning Commission.

**285-21.3. Submission and review of site plans and sketch plans. [Amended 1-12-2009 by Ord. No. 09-01]**

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

- A. Applicant attendance. The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of said owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation. Absence at two consecutive meetings without prior notice to the Zoning Administrator shall result in denial of the application. The Zoning Administrator may recommend to the Planning Commission Chairperson that the applicant's architect or engineer be required to be present at the meeting in order to address technical matters related to the application.
- B. Preapplication meeting with Site Plan Review Committee. The applicant may be required to schedule a meeting with the Site Plan Review Committee to discuss the project, submittal requirements and review procedures. The purpose of this meeting is to discuss applicable standards and technical issues, and to determine the appropriate type of review process based on Table 21.1. If the project is determined to be eligible for Site Plan Review Committee approval, the procedures of § 285-21.4 shall be followed; in other cases, the process shall proceed as described below.
- C. Project introduction before the Planning Commission. The applicant shall meet with the Planning Commission at a regularly scheduled meeting. The purpose of this meeting is to allow the applicant to introduce the site plan concept, and receive comments or direction from the Planning Commission on the site plan or the need for additional material needed to evaluate the impacts of the use, such as traffic or environmental studies. No formal action shall be taken. The applicant shall submit the following information at least 10 business days prior to the Planning Commission meeting at which the item is scheduled:
  - (1) Township review fee;
  - (2) The name and address of the owner and any designated representative of the owner;
  - (3) Written description of the proposed use;
  - (4) Conceptual site plan, illustrating existing site features, lot dimensions, general footprints for proposed buildings and parking, and relationship to adjacent land uses; and

- (5) A location map.
- D. Final submittal. If site plan review is required, the applicant shall submit 15 copies of the following to the Zoning Administrator. If sketch plan review is required, the applicant shall submit nine copies of the following to the Zoning Administrator.
- (1) A complete application form supplied by the Township;
  - (2) A written description of the proposed project or use;
  - (3) Documentation that the applicant has submitted one copy of the application plus two copies of the site plan to the Wayne County Office of Public Services, the Wayne County Health Department and all applicable public utility companies;
  - (4) Any additional information the Planning Commission finds necessary to make the determinations required herein; and
  - (5) A complete site plan or sketch plan that includes the information listed in § 285-21.5, Submittal requirements;
  - (6) A draft development agreement meeting the requirements of § 285-21.6, Standards for site plan approval.
- E. Technical (staff) reviews. The Zoning Administrator shall forward the application and site plan(s) to the Township Planner and Township Engineer for review. The Department of Public Works, Fire Chief, Police Chief, Building Department Manager, Road Committee and Natural Resources Committee, if applicable as determined by the Zoning Administrator or Planning Commission, shall also review the application. The reviews shall be submitted to the Zoning Administrator.
- F. Technical review conference. The Zoning Administrator may schedule a conference with applicable consultants and departments which reviewed the submittal information. The applicant may be permitted to attend the conference. The Zoning Administrator may waive this conference upon a finding that the various reviews are consistent. The technical reviews may be revised and resubmitted following the conference.
- G. Agency approvals. The applicant shall be required to obtain all other necessary agency permits from the U.S. Army Corps of Engineers, Michigan Department of Natural Resources, the Wayne County Office of Public Services, the Wayne County Health Department, and all applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the application and final site plan to the Township.
- H. Planning Commission consideration. Following technical review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan review, together with the reports and recommendations from the Zoning Administrator, Township Planner, Township Engineer, Department of Public Works, Fire Chief, Police Chief, Building Department Manager, Road Committee and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based solely on the

requirements and standards of this chapter. The Planning Commission is authorized to table, grant approval, approval subject to revisions, or denial as follows:

- (1) Table. The application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, an ordinance interpretation or variance is needed from the Zoning Board of Appeals, or that revisions are necessary to bring the site plan into compliance with applicable standards and regulations. The Planning Commission shall direct the applicant to prepare additional information, revise the site plan or direct the Township staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified by the applicant's design professional. Amended plans or other materials which show a diligent effort to address all reasons for tabling, as determined by the Planning Commission Chair or designee, shall be placed on the agenda of the Planning Commission for further review and action.
- (2) Approval. Upon determination that a site plan is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, approval shall be granted subject to the applicant providing copies of all required outside agency approvals.
- (3) Approval subject to revisions. Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the site plan prior to applying for a building permit. The applicant shall resubmit the site plan, accompanied by a complete list of all changes, certified by the applicant's design professional, to the Planning Commission for final approval after said revisions have been completed. At its discretion, the Planning Commission may waive its right to review the revised site plan, and instead authorize the Township Zoning Administrator to review and approve the resubmitted plan if all required revisions have been addressed and copies of any permits required by outside agencies have been provided. The Planning Commission may set a maximum time frame, not to exceed 90 days, for plans containing all required revisions to be resubmitted to the Township Zoning Administrator. If all required revisions are not submitted within the maximum time frame set, Planning Commission approval shall become null and void.
- (4) Denial of approval. Upon determination that a site plan does not comply with standards and regulations set forth in this chapter, requires extensive revision in order to comply with said standards and regulations, or the applicant has not satisfactorily addressed all reasons for site plan tabling, site plan approval shall be denied. The applicant must revise the plans and resubmit if the applicant is still interested in pursuing the project. A resubmittal shall be considered a new site plan and be required to re-initiate the full site plan review process. Any person aggrieved by the decision of the Planning Commission in denial of a site plan shall have the right to appeal the decision to the Zoning Board of Appeals.

I. Recording of site plan review action.

- (1) Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission's meeting. The grounds for action taken upon each site plan shall also be recorded in the minutes. After action has been taken, one copy of the application and site plan(s), signed by the Secretary of the Planning Commission or designee, shall be transmitted to each of the following:
    - (a) The applicant, along with a written transmittal of the grounds of action and any conditions of approval;
    - (b) The Planning Commission's files; and
    - (c) The Building Department files, if appropriate.
  - (2) The development agreement meeting the requirements of § 285-21.7, Conditions to site plan approval, shall be revised based upon Township review and the final agreement executed by the applicant with a copy provided to the Township.
- J. Engineering review. Following Planning Commission approval of a site plan, the Township Engineer shall make a full review of the engineering plans. A building permit shall not be issued until the Township Engineer issues final approval of the engineering plans. The Township Engineer will take one of the following actions on the engineering plans:
- (1) Require revisions. If the engineering plans do not meet Township engineering standards, the applicant shall be directed to revise the plans.
  - (2) Approval. Upon determination that the engineering plans comply with Township engineering standards, approval shall be granted by Township Engineer.
  - (3) Refer site plan back to Planning Commission. Upon determination that the engineering plans do not comply with Township engineering standards and would require revision to the extent that the site plan configuration approved by the Planning Commission would be altered, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan to the Planning Commission for review and approval as an amended site plan.
- K. Completion of site design.
- (1) Following final approval of the site plan or sketch plan and final approval of the engineering plans by the Township Engineer and Building Department, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, county, or state permits prior to issuance of a building permit.
  - (2) If construction has not commenced within one year of site plan or sketch plan approval by the Planning Commission or the Zoning Administrator (as applicable), approval becomes null and void and a new application for site plan or sketch plan review shall be required. The applicant may request a one-year extension by the Planning Commission, provided that a written request is received before the expiration date and the site plan complies with current

standards (i.e., any amendments to the Zoning Chapter since the site plan was approved).

- (3) It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Any property owner who fails to maintain an approved site design shall be deemed in violation of the applicable use provisions of this chapter and shall be subject to penalties.

#### **285-21.4. Administrative plan review.**

For uses and projects eligible for administrative review, as identified in Table 21.1, the following procedure shall apply:

- A. Submittal requirements. Five copies of the sketch plan that contains the information listed in § 285-21.3D shall be submitted to the Zoning Administrator.
- B. Review by Site Plan Review Committee. If the submittal is deemed to be complete by the Zoning Administrator, the plan shall be reviewed by the Site Plan Review Committee. The Site Plan Review Committee shall confine its review to the proposed alterations only, rather than review of the entire building or layout. Following receipt of requested technical (staff) reviews and Site Plan Review Committee comments, the Zoning Administrator shall either approve the sketch plan, approve the sketch plan with a condition that certain revisions be made, or deny the sketch plan.
- C. Appeal. Both the Site Plan Review Committee and the applicant shall have the option to request sketch plan review by the Planning Commission.
- D. Recording of approved sketch plan. A notice of sketch plan approval shall be forwarded to the Planning Commission, along with a list of any conditions on the approval. Thereafter, the approval shall be recorded as described in § 285-21.3I.
- E. Issuance of building permit. A building permit shall be issued following review and approval of any construction plans by the Department of Community Development and Township Engineer, as appropriate.

#### **285-21.5. Submittal requirements.**

The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review:

**Township of Grosse Ile**

**Table 21.5**

**Submittal Requirements**

	<b>Required for</b>	
<b>Site Plan Data</b>	<b>Site Plan</b>	<b>Sketch Plan</b>
<b>A. Application form:</b> The application form shall contain the following information:		
Name and address of the applicant and property owner;	X	X
Address and common description of property and complete legal description;	X	X
Dimensions of land and total acreage;	X	X
Zoning on the site and all adjacent properties;	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable;	X	X
Name and address of firm or individual who or which prepared site plan; and	X	X
Proof of property ownership.	X	X
<b>B. Site plan descriptive and identification data:</b>		
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch equals 50 feet for property less than 3 acres, or 1 inch equals 100 feet for property 3 acres or more in size. Sheet size shall be at least 24 inches by 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included;	X	X
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who or which prepared the plans; and date(s) of submission and any revisions (month, day, year);	X	X
Scale and North point;	X	X
Location map drawn to a separate scale with North point, showing surrounding land, water features, zoning and streets within a quarter mile;	X	—
Legal and common description of property;	X	X
Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings;	X	—
Zoning classification of petitioner's parcel and all abutting parcels;	X	X
Proximity to section corner and major thoroughfares; and	X	—
Net acreage (minus rights-of-way) and total acreage.	X	X

**Township of Grosse Ile**

**Table 21.5**

**Submittal Requirements**

<b>Site Plan Data</b>	<b>Required for</b>	
	<b>Site Plan</b>	<b>Sketch Plan</b>
<b>C. Site data:</b>		
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;	X	X
On parcels of more than 1 acre, topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a USGS benchmark;	X	—
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site;	X	X
Location of existing drainage courses, floodplains, lakes and streams, and wetlands with elevations;	X	X
All existing and proposed easements;	X	X
Location of exterior lighting (site and building lighting);	X	—
Location of trash receptacle(s) and transformer pad(s) and method of screening;	X	X
Extent of any outdoor sales or display area; and		
An environmental impact report, prepared by the applicant in accordance with Chapter 98, Environmental Assessment, of the Grosse Ile Municipal Code.	X	—
<b>D. Access and circulation:</b>		
Dimensions, curve radii and center lines of existing and proposed access points, roads and road rights-of-way or access easements;	X	X
Opposing driveways and intersections within 250 feet of site;	X	—
Cross-section details of proposed roads, driveways, parking lots, sidewalks and nonmotorized paths illustrating materials and thickness;	X	—
Dimensions of acceleration, deceleration, and passing lanes;	X	—
Dimensions of parking spaces, islands, circulation aisles and loading zones;	X	X
Calculations for required number of parking and loading spaces;	X	X
Designation of fire lanes;	X	X

**Township of Grosse Ile**

**Table 21.5**

**Submittal Requirements**

	<b>Required for</b>	
	<b>Site Plan</b>	<b>Sketch Plan</b>
<b>Site Plan Data</b>		
Traffic regulatory signs and pavement markings;	X	—
Location of existing and proposed sidewalks/pathways within the site or right-of-way;	X	X
Location, height, and outside dimensions of all storage areas and facilities.	X	X
<b>E. Landscape plans:</b>		
Location, sizes, and types of existing trees 6 inches or greater in diameter, measured at 3.5 feet off the ground, and the general location of all other existing plant materials, with an identification of materials to be removed and materials to be preserved;	X	X
Description of methods to preserve existing landscaping;	X	—
The location of existing and proposed lawns and landscaped areas;	X	X
Landscape plan, including location and type of all proposed shrubs, trees, and other live plant material;	X	—
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity;	X	—
Proposed dates of plant installation; and	X	—
Landscape maintenance schedule.	X	—
<b>F. Building and structure details:</b>		
Location, height, and outside dimensions of all proposed buildings or structures;	X	X
Building floor plans and total floor area;	X	—
Details on accessory structures and any screening;	X	—
Size, height and method of shielding for all site and building lighting;	X	—
Location, size, height, and lighting of all proposed site and wall signs;	X	X
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross sections, where required;	X	X

**Township of Grosse Ile**

**Table 21.5**

**Submittal Requirements**

	<b>Required for</b>	
	<b>Site Plan</b>	<b>Sketch Plan</b>
<b>Site Plan Data</b>		
Building facade elevations for all sides, drawn at an appropriate scale; and	X	—
Description of exterior building materials and colors (samples may be required).	X	—
<b>G. Information concerning utilities, drainage and related issues:</b>		
Location of sanitary sewers and septic systems, existing and proposed;	X	—
Location and size of existing and proposed water mains, well sites, water service, storm sewer loads, and fire hydrants;	X	—
Stormwater drainage and retention/detention calculations;	X	X
Indication of site grading, drainage patterns and other stormwater management measures;	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls;	X	X
Location and size of underground storm sewers and drains;	X	X
Location of above- and below-ground gas, electric and telephone lines, existing and proposed;	X	—
Location of transformers and utility boxes; and	X	—
Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.	X	—
<b>H. Additional information required for multiple-family residential development:</b>		
The number and location of each type of residential unit (1-bedroom units, 2-bedroom units, etc.);	X	—
Density calculations by type of residential unit (dwelling units per acre);	X	—
Garage and/or carport locations and details, if proposed;	X	—
Mailbox clusters;	X	—
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable;	X	—
Swimming pool fencing detail, including height and type of fence, if applicable;	X	—
Location and size of recreation and open space areas; and	X	—

**Township of Grosse Ile**

**Table 21.5**

**Submittal Requirements**

<b>Site Plan Data</b>	<b>Required for</b>	
	<b>Site Plan</b>	<b>Sketch Plan</b>
Indication of type of recreation facilities proposed for recreation area.	X	—

**GENERAL NOTES:**

If any of the items listed above are not applicable, the following information should be provided on the site plan:

1. A list of each item considered not applicable; and
2. The reason(s) why each listed item is not considered applicable.

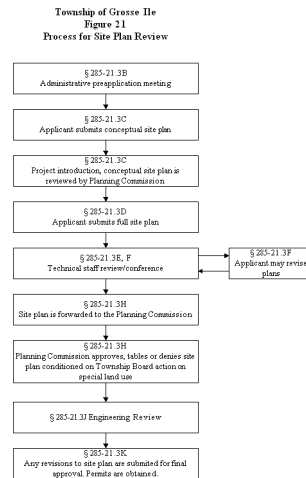
**285-21.6. Standards for site plan approval.**

Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this chapter as outlined below:

- A. Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).
- B. Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this chapter. The site shall be designed to conform to all provisions of this chapter. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this chapter which are relative to and proportionate to the extent of redevelopment, as determine by the Planning Commission.
- C. Buildings. Buildings and structures will meet or exceed setback standards, and height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Redevelopment of existing structures shall meet or exceed all standards for which a variance has not been obtained.
- D. Preservation of natural areas. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- E. Privacy. The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of

property and the privacy of its occupants.

- F. Emergency vehicle access. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.
- G. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- H. Pedestrian circulation. The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.
- I. Vehicular and pedestrian circulation layout. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- J. Drainage. Stormwater management systems and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or watercourse or cause alterations which could increase flooding or water pollution on or off the site.
- K. Soil erosion. The proposed development shall include measures to prevent soil erosion and sedimentation.
- L. Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets.
- M. Public services. The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the Township or other public agency, including but not limited to fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control and administrative services.
- N. Traffic impact. The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon or access to or from the Township via the two bridges.
- O. Hazardous materials. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Such sites shall be designed to meet all applicable state and federal regulations.



### **285-21.7. Conditions to site plan approval. [Added 1-12-2009 by Ord. No. 09-01]**

- A. The Township shall prepare a written development agreement specifying all the terms and understandings of the site plan approval, which shall be signed by the applicant and recorded with the Township as a condition of approval. The content of the agreement shall be based on the extent of the proposed development, but shall at a minimum provide the following:
- (1) A legal description for the site.
  - (2) General description of any improvements to infrastructure, including sidewalks, roads or utilities.
  - (3) Agreement to protect and maintain any landscaping, natural features or open space areas designated on the site plan.
  - (4) Agreement to comply with all conditions of site plan approval.
  - (5) The approved site plan shall be incorporated by reference and attached as an exhibit.
- B. It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or a new site design is approved. This maintenance requirement includes landscaping, walls, fences, pedestrian pathways, sidewalks, pavement, building exterior, drainage facilities and all other elements of the approved site plan.
- C. Any property owner who fails to properly maintain an approved site plan and site design shall be deemed in violation of this chapter and the approved site plan and shall be subject to the penalties appropriate for the violation.
- D. Any site plan subsequently submitted for a future expansion or site improvement shall be subject to the applicable requirements of the Zoning Chapter at that time. Where the terms of a previous development agreement are superseded by new regulations, compliance with the new Zoning Chapter shall be required. In

reviewing new site plans for a previously approved site, the Planning Commission may amend previous development agreements based upon changes to ordinances, site conditions or expansions to the development.



ARTICLE 22  
**Special Land Use Review**  
**[Ord. No. 220, effective 8-27-1995]**

**285-22.1. Intent.**

Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district.

- A. The procedures and standards set forth herein are intended to:
- (1) Accommodate uses which are needed and beneficial to the Township but need to be carefully located due to their potential impacts;
  - (2) Provide a consistent and uniform method for review of proposed special land uses;
  - (3) Provide a mechanism for public input on decisions involving more intense land uses;
  - (4) Ensure full compliance with the standards contained in this chapter and other applicable local ordinances and state and federal laws;
  - (5) Regulate the use of land operations and site design based on the characteristics of a particular use;
  - (6) Achieve efficient use of the land;
  - (7) Ensure impacts associated with a specific use can be accommodated within the environmental capacities of the impacted area;
  - (8) Provide site design and operational standards to minimize any negative impact on adjoining or nearby properties; and
  - (9) Establish procedures for expansion or change in use of a special land use for both uses which have received special land use approval and those which existed prior to the adoption of special land use review procedures.
- B. These provisions encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives. An approved special land use shall be considered a conforming use permitted in the district at the specific site where it is located.

**285-22.2. Submittal requirements and review procedures. [Amended by Ord. No. 277, effective 9-27-1999; 11-13-2006 by Ord. No. 06-07]**

The procedures and requirements listed below shall apply during the review of special land use proposals. (See flow chart, Figure 22.1, at the end of this chapter.)

- A. Applicant attendance. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the special land use and site

- plan may be tabled. Any need to readvertise a public hearing due to absence or a requested tabling shall be funded by the applicant. Absence at two consecutive meetings without prior notice to the Zoning Administrator shall result in denial of the application.
- B. Administrative preapplication meeting. The applicant shall schedule a meeting with the Zoning Administrator to discuss the project, submittal requirements and review procedures. The Zoning Administrator may involve the Township officials, Township staff or consultants at the meeting, as deemed appropriate.
- C. Process selection. The Zoning Administrator shall determine if a conceptual review of the proposed special land use is necessary prior to a final submittal (i.e., whether the next step is Subsection D or Subsection G). In making such a determination, the Zoning Administrator shall consider:
- (1) The current use of the site;
  - (2) The existing natural features on the site;
  - (3) The size of the proposed use and the site;
  - (4) The type of adjacent land uses; and
  - (5) The anticipated impacts associated with the proposed use in terms of traffic, noise, dust, odors, hours of operation, aesthetics and need for municipal services.
- D. Conceptual plan submittal. If the Zoning Administrator determines a review of the conceptual plan is appropriate, the applicant shall submit the following information:
- (1) Application form and review fee;
  - (2) Written description of the proposed use; and
  - (3) A conceptual site plan illustrating existing site features, lot dimensions, general footprints for proposed buildings and parking, and relationship to adjacent land uses.
- E. Conceptual plan, technical (staff) review. The Zoning Administrator shall distribute the conceptual plan submittal information to appropriate Township staff and consultants for written technical reviews. The Zoning Administrator shall distribute the technical reviews to the Planning Commission and the applicant.
- F. Conceptual plan, review by Planning Commission. The applicant shall meet with the Planning Commission at a regularly scheduled meeting. The purpose of this meeting is to allow the applicant to present the concept, and receive comments or direction from the Planning Commission on the site plan or the need for additional information needed to evaluate the impacts of the use, such as a traffic or environmental study. No formal action shall be taken.
- G. Final submittal. The owner of an interest in land for which special land use approval is sought, or the designated agent of said owner, shall submit 15 copies of the following to the Zoning Administrator:

- (1) A complete application form supplied by the Township;
  - (2) Township review fee;
  - (3) Written information describing the special land use;
  - (4) A written description regarding compliance with the standards of § 285-22.3, Standards for granting special land use approval;
  - (5) Documentation that the applicant has submitted one copy of the application plus two copies of the site plan to the Wayne County Office of Public Services, the Wayne County Health Department and all applicable public utility companies;
  - (6) Any additional information the Planning Commission finds necessary to make the determinations required herein; and
  - (7) A complete site plan meeting the requirements of Article 21, Site Plan Review.
- H. Technical (staff) reviews. The Zoning Administrator shall forward the application to the Township Planner for review. The Department of Public Works, Fire Chief, Police Chief, Township Engineer, Building Department Manager, Road Committee and Natural Resources Committee, if applicable, shall also review the application. The reviews shall be submitted to the Zoning Administrator.
- I. Technical review conference. The Zoning Administrator shall schedule a conference with applicable consultants and departments which reviewed the submittal information. The applicant may be permitted to attend the conference. The Zoning Administrator may waive this conference upon a finding that the various reviews are consistent. The technical reviews may be revised and resubmitted following the conference or submittal of a revised application. An application shall not be forwarded to the Planning Commission until all required technical information is provided.
- J. Planning Commission public hearing. Following the technical review process, the Planning Commission shall schedule and conduct a public hearing to review the request in accordance with the following procedures:
- (1) The Zoning Administrator shall publish a notice of public hearing on the request for special land use approval in accordance with § 285-24.6 and the Michigan Zoning Enabling Act, Public Act 110 of 2006.
  - (2) The Planning Commission shall conduct the required public hearing. The purpose of the public hearing is for the Planning Commission and the applicant to receive public comment on the special land use application. The Planning Commission shall not take action at the same meeting when the public hearing is conducted unless there is a specific finding that all review standards are met and no conditions are necessary for the recommendation to the Township Board.
  - (3) Following the public hearing the applicant shall submit revised plans and a document which point- by-point addresses each issue, as directed by the Planning Commission, within 120 days or the application shall be considered

null and void.

K. Planning Commission recommendation on special land use.

- (1) The Planning Commission shall review the special land use application in consideration of public hearing comments, technical reviews from Township staff and consultant's correspondence from applicable review agencies, and compliance with the standards of § 285-22.3 and other applicable standards of this chapter. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions or deny the request. If the application is determined to be incomplete or more information is required, then the Planning Commission may either:
  - (a) Table the request and direct the applicant to prepare additional information or revise the plan;
  - (b) Return the request for another technical review conference, or direct the Township staff to conduct additional analysis; or
  - (c) Recommend denial of the request.
- (2) If the revised plans are determined to be significant by the Planning Commission, it may elect to conduct another public hearing. If the Planning Commission recommends approval with conditions, a list of conditions shall be sent to the applicant by certified mail, return receipt requested. If conditions are imposed, plans or other information illustrating compliance with the conditions shall be submitted and approved by staff prior to the application being submitted to the Township Board.

L. Site plan approval. The Planning Commission shall review the site plan for the special land use under the provisions of Article 21, Site Plan Review. Site plan review may be conducted simultaneously with special land use review. The Planning Commission shall take one of the following actions on the site plan:

- (1) Table the special land use if the site plan is deficient;
- (2) Table the site plan to await action of the Township Board on the special land use; or
- (3) Grant approval with the condition that the special land use is approved by the Township Board.

M. Township Board action. Following receipt of the Planning Commission's recommendation, the special land use shall be considered by the Township Board. The Township Board shall take one of the following actions on the request.

- (1) Table. If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, then the request may be tabled. The Township Board shall direct the applicant to prepare additional information, revise the plan or direct the Township staff to conduct additional analysis.
- (2) Reconsideration. If the Township Board believes there is new information

which might modify the recommendation of the Planning Commission, the Board may return the application with the new information to the Planning Commission for reconsideration. The Planning Commission shall provide a recommendation within 30 days.

- (3) Approval. Upon determination that a special land use proposal is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the Township Board shall approve the application.
  - (4) Conditional approval. The Township Board may impose reasonable conditions with the approval of a special land use, in accordance with the following:
    - (a) Conditions imposed shall be considered a valid exercise of the police power to mitigate impacts associated with the proposed use or activity to achieve the following:
      - [1] Ensure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development;
      - [2] Protect the natural environment;
      - [3] Ensure reasonable compatibility with adjacent uses of land and the overall character of the Township, to the extent practical for the use; or
      - [4] Meet the intent and purpose of this chapter and the particular zoning district.
    - (b) Conditions of any approval are attached to the land and will remain through subsequent owners, except an expiration date for the special land use may be specified if the special land use is considered to be temporary in nature.
    - (c) A listing of conditions shall be sent to the applicant by registered mail, return receipt requested. The applicant shall submit a revised site plan or other information that demonstrates compliance with the conditions for administrative approval by the Zoning Administrator within 60 days of the date of conditional approval and prior to issuance of a building permit or the submission shall be considered null and void. The Zoning Administrator may submit the revised site plan to the Planning Commission for comments or approval.
  - (5) Denial of special land use application. Upon determination that a special land use proposal does not comply with standards and regulations set forth in this chapter, or requires extensive revision in order to comply with said standards and regulations, the Township Board shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- N. Recording of Township Board action. Each action taken with reference to a special land use proposal shall be duly recorded in the minutes of the Township Board. The

grounds for action taken upon each proposal shall also be recorded in the minutes. After action has been taken, one copy of the application and site plan(s) shall be transmitted to each of the following:

- (1) The applicant, along with a written transmittal of the grounds for action and/or conditions of approval;
  - (2) The Planning Commission's files; and
  - (3) The Building Department's files.
- O. Effect of approval. Any special land use approval shall run with the land in perpetuity, unless the use is specifically determined to be temporary in nature or the use is discontinued. The special land use approval shall apply only to the land area contained within the parcel, lot, condominium unit, or other legally defined location for which the special land use approval was granted.
- P. Variances. The Zoning Board of Appeals shall have authority with regard to special land uses as follows:
- (1) The Zoning Board of Appeals shall have authority to grant dimensional or site design variances, provided that such standards are not conditions of special land use approval. If dimensional or site design variances are requested for a special land use, the request shall first be reviewed by the Planning Commission, which shall provide a recommendation to the Zoning Board of Appeals. Any variances shall be approved by the Zoning Board of Appeals prior to Planning Commission action on the site plan or special land use, as applicable. The Zoning Board of Appeals may deny a variance upon a finding, with a recommendation from the Planning Commission, that the variance would be contrary to the special land use standards in § 285-22.3.
  - (2) The Zoning Board of Appeals shall not have the authority to reverse or modify the Township Board or Planning Commission decision to approve or deny a special land use permit.
  - (3) The Zoning Board of Appeals shall not have authority to grant variances to any special land use standards or conditions of special land use approval.
- Q. Building permits. Following final approval of the special land use, and site plan, the applicant shall submit engineering plans to the Township Engineer and Building Department. The applicant shall also obtain all other applicable Township, county or state permits. The Building Department shall issue a building permit once all required approvals and permits are granted.
- R. Completion of site design. If construction has not commenced within one year of final site plan approval, the special land use and site plan approvals become null and void and a new application for special land use review shall be required. The applicant may apply to the Planning Commission for a one-year extension of the special land use and site plan one time. Such a request shall only be considered if made in writing by the applicant prior to the expiration date of the approval. Such an extension shall only be granted if the applicant provides evidence that the use and site plan has a reasonable likelihood to be established during the one-year

extension period. The applicant may be required by the Zoning Administrator to submit a new site plan if the Planning Commission finds there have been applicable amendments to this chapter since the special land use was approved.

- S. Maintenance. The property owner shall be responsible for maintenance of the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which approval was based, or until a new use or site plan is approved. Any property owner who fails to maintain an approved site design shall be deemed in violation of the provisions of this chapter.
- T. Inspections. The Zoning Administrator may make periodic investigations of developments authorized by special land use permit to determine continued compliance with all requirements imposed by the Planning Commission and this chapter.

### **285-22.3. Standards for granting special land use approval.**

A special land use proposal shall be approved by resolution that the proposed use will comply with all applicable requirements of this chapter, including site plan review criteria set forth in Article 21, Site Plan Review, applicable standards for specific uses, and all of the following standards:

- A. Compatibility with the Master Plan. The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the Township's Master Plan and shall promote the intent and purpose of this chapter.
- B. Compatibility with adjacent uses. The proposed special land use shall be designed, constructed, operated and maintained to be compatible with existing or planned uses on surrounding land. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:
  - (1) Use activities, processes, materials, equipment, or conditions of operation;
  - (2) Vehicular circulation and parking areas;
  - (3) Outdoor activity, storage and work areas;
  - (4) Hours of operation;
  - (5) Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
  - (6) Impacts on adjacent property values; and
  - (7) The relative ease by which the impacts above will be mitigated.
- C. Impact of traffic on the street system. The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e., volumes), types of

traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require mitigation to maintain the preexisting traffic operations. Route and operational restrictions (such as hours, cleaning of dust or debris) may be established for construction traffic to minimize negative impacts. The Township may require submittal of a traffic impact study to ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures and prepared by a qualified traffic professional.

- D. Impact on the overall environment. The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. This determination shall be made in consideration with other ordinances (Chapter 282, Woodland and Tree Preservation, and Chapter 275, Wetlands and Drainageways). The Planning Commission may require a quantitative comparison of the impacts of typical permitted uses and the special use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate that the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the requested use (i.e., ensure the end result is at least similar to the preexisting conditions).
- E. Compliance with standards of this chapter. The proposed special land use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning district.
- F. Public services. The proposed special land use shall be located where it can be adequately served by essential public facilities and services, such as streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, water and sewage facilities, and schools.

#### **285-22.4. Amendments, expansions and changes in use.**

- A. Major amendments. Any person or agency shall notify the Zoning Administrator of any change in an existing special land use. Any major amendment to an approved special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article. Amendments to the site plan shall bring the site into compliance with all requirements of this chapter determined to be reasonable by the Planning Commission in proportion to the extent of the change at the site and in consideration of the physical constraints of the site. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment, based on the standards below:
  - (1) Changes increase the building's usable floor area by more than 25% or 2,500 square feet, whichever is less; or
  - (2) Parking lots are expanded by more than 25% or 6,000 square feet of pavement, whichever is less.

- B. Minor amendment. Minor amendment to an approved special land use does not require submittal of a new application for a special land use.
- C. Change in use. Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article.
- D. Required site plan. Any change, whether it is deemed minor or major, shall require submittal of a site plan in accordance with Article 21, Site Plan Review.
- E. Multiple uses. For a use or building which involves more than one activity classified as a special land use, a separate special land use permit shall be required for each use requiring special land use review on a lot, or for any expansion of a special land use which has not previously received a special land use permit.

#### **285-22.5. Discontinuance.**

For any use with a special land use permit which ceases to operate continuously for at least a one-year period, the special land use shall be considered discontinued and the special land use permit shall be deemed null and void.

#### **285-22.6. Repeal of prior planned unit development provisions.**

- A. Any reference to planned unit development is hereby eliminated throughout or in any portion of this chapter.
- B. Existing planned unit developments. Projects which were approved under the prior planned unit development standards shall be considered conforming, provided that such projects conform to the site plan and conditions upon which they were approved and the projects have either been completed or work is diligently being carried on. Any expansion shall conform to the regulations of the particular zoning district; no expansion in area beyond the area approved as a PUD shall be considered. A change in uses approved as part of the PUD shall be prohibited unless the Planning Commission determines the change is to a less intensive land use; such a change shall be reviewed as a special land use according to the procedures and standards of this article. Any modifications to the previously approved site plans shall be reviewed under the standards of this chapter and the other applicable ordinances.



ARTICLE 23  
**Zoning Board of Appeals<sup>29</sup>**  
**[Ord. No. 274, effective 8-29-1999]**

**285-23.1. Purpose. [Amended 11-13-2006 by Ord. No. 06-07]**

The purpose of this article is to provide guidelines and standards to be followed by the Zoning Board of Appeals in considering requests for variances and appeals, where the jurisdiction of the Board of Appeals has been established by Article 24, Administrative Organization, of this chapter or by the Michigan Zoning Enabling Act, Public Act 110 of 2006.

**285-23.2. Scope of variances, appeals and interpretations.**

- A. Appeals. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator, the Planning Commission, or other administrative officer or body charged with enforcement of this chapter, with the exception of decisions to approve or deny a special land use application. An appeal from any decision or action shall be filed not later than 30 calendar days after the decision or action being appealed has been taken.
- B. Variances. Where there are practical difficulties preventing a property owner from conforming to the strict letter of this chapter, the Zoning Board of Appeals shall have the power to authorize variances from the standards in this chapter, with such conditions and safeguards as it may determine to be necessary so that the spirit of this chapter is observed, public safety secured, and substantial justice done.
- C. Interpretations. The Zoning Board of Appeals shall have the power to determine the precise location of the boundary lines between zoning districts when there is a dissatisfaction with the administrative decision of the boundary location as made by the Zoning Administrator.
- D. Use variance not permitted. The Zoning Board of Appeals shall not have the power to permit a use not otherwise permitted within a zoning district (i.e., a use variance). While the ZBA may grant dimensional or other site-plan-related variances for special land uses, the ZBA shall not have the power to reverse or modify the Township Board or Planning Commission decision to approve or deny a special land use permit nor grant variances to any special land use standards or conditions of special land use approval.

**285-23.3. Stay of proceedings.**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that by reason of the facts stated in the appeal a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, and upon notification of the Zoning Administrator, and on due

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29. Editor's Note: This title was amended 9-26-2005 by Ord. No. 05-07.

cause shown.

**285-23.4. Appeal procedures. [Amended 12-13-2010 by Ord. No. 10-05]**

- A. Application for appeal. Variances, appeals and interpretations of any nature in which Zoning Board of Appeals action is sought shall be commenced by a person filing an application for appeal on such forms and accompanied by such fees as may be specified. The application for appeal shall specify the grounds upon which the appeal is based and shall be signed. Applications involving a request for a variance shall specify the requirements from which a variance is sought and the nature and extent of such variance.
- (1) Applications involving a specific site shall be accompanied by 10 complete copies of a plan drawing prepared in accordance with the standards set forth below.
    - (a) Applicant's name, address, and telephone number.
    - (b) Scale, North point, and dates of submission and revisions.
    - (c) Zoning classification of petitioner's parcel and all abutting parcels.
    - (d) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
    - (e) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
    - (f) Dimensions, center lines, and right-of-way widths of all abutting streets and alleys.
    - (g) Location of existing drainage courses, floodplains, lakes and streams, and woodlands.
    - (h) All existing and proposed easements.
    - (i) Location of sanitary sewer or septic systems, existing and proposed.
    - (j) Location and size of water mains, well sites, transformers, generators, and building service, existing and proposed.
  - (2) The Community Development Department or Zoning Board of Appeals has the discretion to require additional items such as building floor plans and elevations.
  - (3) If any of the items listed are not applicable to a particular plan drawing, the applicant shall specify on the plan drawing which items do not apply, and furthermore, why the items are not applicable. Where an application for appeal involves a variance sought in conjunction with a regular site plan review, the application data requirements for site plan review as set forth in Article 21 Site Plan Review shall be complied with.
- B. Applicant attendance. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the appeal or variance may be

tabled. Any need to re-advertise a public hearing due to absence or a requested tabling shall be funded by the applicant. Absence at two consecutive meetings without prior notice to the Zoning Administrator shall result in denial of the application.

- C. Review by the Zoning Board of Appeals. The Zoning Administrator shall forward all applications for appeal, along with any supporting materials and plans to the Zoning Board of Appeals. In accordance with the requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties involved, and decide the appeal within a reasonable time. In addition, a notice of the hearing shall be made in accordance with § 285-24.6.
- D. Decision by the Zoning Board of Appeals.
  - (1) The Zoning Board of Appeals shall reach its decision within 120 days from the date of the first hearing on the appeal. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to effect any variation in an ordinance adopted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.
  - (2) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the Zoning Board of Appeals shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. The Board may impose conditions with an affirmative decision, pursuant to Section 604(7) of the Michigan Zoning Enabling Act, Public Act 110 of 2006.
- E. Record of appeal. The Zoning Board of Appeals shall record into the minutes all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote, and all of its official actions. The Zoning Board of Appeals shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:
  - (1) The relevant administrative records and the administrative orders issued thereon relating to the appeal;
  - (2) The notice of the appeal;
  - (3) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration; and
  - (4) The motion which contains the decisions, and the conditions imposed by the Zoning Board of Appeals in acting on the appeal, after being signed by the Secretary of the Board, thereby effectuating said decision(s) or conditions.
- F. Decision final. The decision of the Zoning Board of Appeals shall be final, but a person having an interest affected by the zoning ordinance may appeal to the circuit court.

- G. Action on decision. The decision of the Zoning Board of Appeals shall expire after one year unless a building permit for the construction is obtained and construction is started in accordance with the terms of the permit and the requirements of the Zoning Board of Appeals.
- H. Resubmission. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted within one year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the Board of Appeals to be valid.

**285-23.5. Standards for variances and appeals.**

- A. Appeals and interpretations. The Zoning Board of Appeals is to review the record and decision of the administrative body or official and determine whether the record supports the conclusion that was reached, in light of the requirements of this chapter. The ZBA is bound by the same rules, procedures, and standards in this chapter as the original decision body. The ZBA should uphold the original decision unless the record clearly shows that the original decision body or official was one of the following:
  - (1) Arbitrary or capricious;
  - (2) Failed to ensure consistency with ordinance standards;
  - (3) Made an error, such as relying on false or inaccurate information;
  - (4) Constituted an abuse of discretion; or
  - (5) Was based upon erroneous interpretation of this chapter or zoning law.
- B. Standards for variances from the chapter. Variances shall be granted only in accordance with Michigan Public Act 184 of 1943, as amended, and based on findings that:
  - (1) Practical difficulties. Compliance with the strict letter of the regulations governing area, setbacks, frontage, bulk, density, or other dimensional provisions would create practical difficulties and unreasonably prevent the use of the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
  - (2) Substantial justice. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district, or, as an alternative, granting of a lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
  - (3) Public safety and welfare. The requested variance or appeal can be granted in such fashion that the spirit of this chapter will be observed and public safety and welfare secured.
  - (4) Extraordinary circumstances. There are exceptional or extraordinary

circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.

- (5) Preservation of property rights. A variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same zoning district.
- (6) No safety hazard. The granting of a variance will not be materially detrimental to the public welfare or materially injurious to other nearby properties or improvements.
- (7) No impact on land values. The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.
- (8) Neighborhood character. The granting of a variance or appeal will not alter the essential character of the neighborhood.
- (9) Light and air. The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property.
- (10) Promotes orderly development. The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.
- (11) Traffic flow. A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.
- (12) No nuisance impacts. A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.
- (13) Impact on adjacent properties. The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.
- (14) Relationship to adjacent land uses. The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the Township.

#### **285-23.6. Conditions related to variances.**

The Zoning Board of Appeals may impose conditions and restrictions as it deems

necessary in conjunction with the granting of a variance in order to achieve the objectives of this chapter.<sup>30</sup>

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**30. Editor's Note: Former § 285-23.7, Amendments, as amended 7-22-2002, which immediately followed this section, was repealed 9-26-2005 by Ord. No. 05-07. For current provisions, see Art. 25.**

## ARTICLE 24

**Administrative Organization****[Ord. No. 243, effective 10-12-1997; Ord. No. 275, effective 8-29-1999]****285-24.1. Overview; purpose.**

- A. The Township Board of Trustees or its duly authorized representative as specified in this article is hereby charged with the duty of enforcing the provisions of this chapter. Accordingly, the administration of this chapter is hereby vested in the following Township entities:
- (1) Township Board of Trustees.
  - (2) Township Planning Commission.
  - (3) Zoning Board of Appeals.
  - (4) Zoning enforcement officials, including the Zoning Administrator and Township Planner.
- B. The purpose of this article is to set forth the responsibilities and scope of authority of these entities.

**285-24.2. Township Board of Trustees. [Amended 11-13-2006 by Ord. No. 06-07; 1-12-2009 by Ord. No. 09-01]**

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

- A. Adoption of Zoning Chapter and amendments. In accordance with the intent and purposes expressed in the Preamble to this chapter, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, Public Act 110 of 2006, the Township Board of Trustees shall have the authority to adopt this chapter, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.
- B. Review and approval of special land uses. In accordance with Article 22, Special Land Use Review, the Planning Commission shall review and provide recommendation to the Township Board for subsequent approval, approval subject to revisions or denial of the special land use.
- C. Setting of fees. In accordance with Article 20, Permits, Performance Guarantee and Enforcement, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this chapter. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the Zoning Administrator or other appropriate enforcement officer shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. Approval of Planning Commission members. In accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, members of the Planning Commission shall be appointed by the Township Supervisor with approval by the

Township Board of Trustees.

**285-24.3. Township Planning Commission. [Amended 11-13-2006 by Ord. No. 06-07; 1-12-2009 by Ord. No. 09-01]**

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

- A. Creation. The Township Planning Commission is created pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008. In accordance with Section 83 of Public Act 33 of 2008, the Planning Commission shall have all the powers and duties provided for zoning commissions created pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.
- B. Membership and operation. Members of the Planning Commission shall be nominated by the Township Supervisor and approved by the Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning Commission shall be in accordance with Public Act 33 of 2008.
- (1) The Planning Commission shall consist of five, seven or nine members. All members shall be qualified electors of the Township. No more than one member of the Township Board shall be a member of the Planning Commission.
  - (2) All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
  - (3) Members of the Planning Commission shall be appointed for three-year terms. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. Terms shall expire on April 1. The term of the Township Board member on the Planning Commission shall correspond to his/her term on the Township Board.
  - (4) Members of the Planning Commission may be compensated for their services as provided by the Township Board.
  - (5) The Planning Commission shall elect a Chairperson, Vice Chairperson and Secretary from its members and create and fill such other offices or committees as it may deem advisable. The Planning Commission may appoint advisory committees outside of its membership. The terms of all officers shall be one year and shall expire on June 1. Officers of the Planning Commission may not hold other publicly elected office within the Township of Grosse Ile.
  - (6) The Planning Commission shall hold not fewer than four regular meetings each year, and by resolution shall determine the time and place of the meetings.

- (7) A special meeting of the Planning Commission may be called by the Chairperson or by two other members, upon written request to the Secretary. Unless the bylaws provide otherwise, the Secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
  - (8) The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, Public Act 267 of 1976. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that Act. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 422 of 1976.
  - (9) Upon the introduction of a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if the conflict of interest is affirmed by a majority vote of the remaining members of the Planning Commission, in accordance with the Planning Commission bylaws. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- C. Jurisdiction. The Planning Commission shall discharge the following duties pursuant to this chapter:
- (1) Formulation of Zoning Chapter and amendments. The Planning Commission shall be responsible for formulation of the Zoning Chapter, review of amendments to the Zoning Chapter, holding hearings on a proposed Zoning Chapter, or amendments, and reporting its findings and recommendations concerning the Zoning Chapter, or amendments to the Township Board of Trustees.
  - (2) Site plan review. The Planning Commission shall be responsible for review of all applications for site plan approval in accordance with Article 21, and making a determination to grant approval, approval subject to revisions, or denial of approval.
  - (3) Special land use review. The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Article 22 and forwarding recommendation to the Township Board for approval, approval subject to revisions or denial.
  - (4) Subdivisions. The Planning Commission shall review and make recommendations on plats before action thereon by the Township Board under Section 112 of the Land Division Act, Public Act 288 of 1967, as amended. The Planning Commission may recommend to the Township Board amendments to the Subdivision Control Ordinance, as authorized under Section 105 of the Land Division Act, Public Act 288 of 1967, as amended.

- (5) Formulation of a Master Plan. The Planning Commission shall be responsible for formulation and adoption of a Master Plan as a guide for the development of the Township, in accordance with Michigan Public Act 33 of 2008.
- (6) Review of matters referred by the Township Board. The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.
- (7) Report on operation of the Zoning Chapter. In accordance with Section 308(2) of the Michigan Zoning Enabling Act, Public Act 110 of 2006, and Section 19(2) of the Michigan Planning Enabling Act, Public Act 33 of 2008, the Planning Commission shall make an annual written report to the Township Board of Trustees concerning the operations of the Zoning Chapter and the status of planning activities, including recommendations as to the enactment of amendments or supplements to the chapter and recommendations regarding actions by the Township Board related to planning and development.

**285-24.4. Zoning Board of Appeals. [Amended by Ord. No. 289, effective 7-16-2000; 11-13-2006 by Ord. No. 06-07; 1-12-2009 by Ord. No. 09-01]**

The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") shall have the following responsibilities and authority pursuant to this chapter:

- A. Creation. The ZBA is created pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.
- B. Membership and operation. Members of the ZBA shall be appointed in accordance with Section 601 of the Michigan Zoning Enabling Act, Public Act 110 of 2006.
  - (1) The first member shall be the Chairperson of the Township Planning Commission or other member of the Planning Commission.
  - (2) The second member shall be a member of the Township Board, appointed by the Township Board.
  - (3) The third, fourth, fifth, sixth and seventh members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of Grosse Ile Township, for a term of three years. Such third, fourth and fifth member shall not be an employee of the Township Board nor an elected officer of the Township. Of the third, fourth, fifth, sixth, and seventh members of the Board of Appeals first appointed, one shall be appointed for a one-year term, one for a two-year term, and one for a three-year term. Thereafter, such members shall be appointed for three-year terms. Terms shall expire on April 1. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
  - (4) The Township Board may appoint not more than two 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 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 while serving.

- (5) The Board of Appeals shall annually elect from among its members a Chairperson, Vice Chairperson, Secretary and such other officers as it may determine, who shall each hold office for one year. The member of the Board of Appeals who is a member of the Township Board shall not serve as an officer of the Township Board of Appeals.
  - (6) In accordance with Section 602 of Public Act 110 of 2006, meetings of the ZBA shall be held at the call of the Chairperson and at such other times as the ZBA in its rules of procedure may specify.
- C. Concurring vote required. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; or to effect any variation to this Zoning Chapter. The ZBA shall state the grounds of each determination and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.
- D. Jurisdiction.
- (1) The ZBA shall act on all questions as they may arise in the administration of the Zoning Chapter, including the interpretation of the Zoning Chapter and zoning district maps. The ZBA shall also hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this chapter. The ZBA shall also hear and decide matters referred to it or upon which it is required to pass under this chapter. In doing so, the ZBA 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 or body from whom the appeal is taken.
  - (2) In acting on appeals or requests for variances, the ZBA shall comply with the provisions of Article 23. While the ZBA may grant dimensional or other site plan related variances for special land uses, the ZBA shall not have the power to reverse the Township Board decision to approve or deny a special land use permit nor reverse special land use standards or conditions of approval. The ZBA shall not have the power to alter or change the zoning district classification of any property.
  - (3) A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not vote on an appeal of a decision that the member voted on as a member of the Planning Commission, or the Township Board. However, that member may vote on variance requests involving the same

property, including any variances that were made a condition of approval by the Planning Commission, or the Township Board.

- E. Decision final. The decision of the ZBA shall be final, but shall be subject to review by the circuit court. An appeal from a decision of a ZBA shall be filed within 30 days after the ZBA issues its decision in writing signed by the Chairperson or within 21 days after the ZBA approves the minutes of its decision. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court may order further proceedings on conditions that the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court.

**285-24.5. Community Development Director, Zoning Administrator and other administrative officials.**

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

- A. Provide citizens and public officials with information relative to this chapter and related matters.
- B. Provide applicants with appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
- C. Review all applications for sketch plan, site plan review and special land use review and take any action required under the guidelines in Article 21, Site Plan Review, and Article 22, Special Land Use Review.
- D. Act as a member of the Site Plan Review Committee in reviewing sketch plans and matters referred to it by the Planning Commission, following the procedures and standards of Article 21, Site Plan Review.
- E. Forward to the Planning Commission all applications for site plan review, special land use review, petitions for amendments to this chapter, and other applications which must be reviewed by the Planning Commission.
- F. Forward to the Zoning Board of Appeals all materials related to applications for appeals, variances, of other matters on which the Zoning Board of Appeals is required to act.
- G. Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
- H. Periodically report to the Planning Commission on the status of the Township's zoning and planning administration.

- I. Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and documents in an orderly fashion.
- J. Review and investigate permit applications to determine compliance with the provisions of this chapter.
- K. Perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are and will remain in compliance with this chapter.
- L. Investigate alleged violations of this chapter and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.

**285-24.6. Public hearings. [Added 11-13-2006 by Ord. No. 06-07; amended 1-12-2009 by Ord. No. 09-01]**

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

- A. Notice content. The notice shall do all of the following:
  - (1) Describe the nature of the request.
  - (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - (3) State when and where the request will be considered.
  - (4) Indicate when and where written comments will be received concerning the request.
- B. Notice publication and delivery. Notice shall be published and delivered no fewer than 15 days prior to the public hearing as follows:
  - (1) Notice of the request shall be published in a newspaper of general circulation in the Township.
  - (2) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - (3) Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the subject property and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or

leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure; however, the Township may also make a good faith effort to notify each occupant of the structure. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. The Township will also make a good faith effort to notify property owners and residents within 500 feet of the subject property.

- (4) The notice under Subsection B(3) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- C. Ordinance amendments and rezonings of more than 10 properties. Public hearings for an amendment to the Zoning Chapter, or the Zoning Map that affects 11 or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under § 285-24.6A(2) above, and notice shall not be required to be mailed to individual properties under § 285-24.6B(2) and (3) above.
- D. ZBA interpretations and appeals. Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in § 285-24.6B(1) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in § 285-24.6B(2) above. Variances shall require full notification under § 285-24.6B(1) through (3) above.

ARTICLE 25  
**Amendment Procedure**  
[Added 9-26-2005 by Ord. No. 05-07<sup>31</sup>]

**285-25.1. Initiation of amendment. [Amended 11-13-2006 by Ord. No. 06-07]**

The Township Board may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006). Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body or any persons having a freehold interest in the subject property, or a possessor interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

**285-25.2. Application for amendment.**

Except those initiated by the Township Board or Planning Commission, a petition for an amendment to the text of this chapter or an amendment to change the zoning classification of a particular property shall be commenced by filing a petition for Zoning Ordinance amendment on such forms and accompanied by such application fees as may be specified. Said petition shall explicitly describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plan drawing prepared in accordance with the standards set forth below.

- A. Where a petition for rezoning involves a single-family residential use, the following information shall be included on all plan drawings, where applicable:
- (1) Applicant's name, address, and telephone number.
  - (2) Scale, North point, and dates of submission and revisions.
  - (3) Zoning classification of petitioner's parcel and all abutting parcels.
  - (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
  - (5) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
  - (6) Dimensions, center lines, and right-of-way widths of all abutting streets and alleys.
  - (7) Location of existing drainage courses, floodplains, shorelines, wetlands and woodlands.
  - (8) All existing and proposed easements.
  - (9) Location of sanitary sewer.

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31. Editor's Note: This ordinance also renumbered former Art. 25, Severability; When Effective, as Art. 26.

- (10) Location and size of water mains, transformers, and generators.
  - (11) A written description of how the requested rezoning meets the criteria for amendment of the Official Zoning Map contained in this article.
  - (12) If any of the items listed are not applicable to a particular plan drawing, the applicant shall specify on the plan drawing which items do not apply, and furthermore, why the items are not applicable.
- B. Where the petition for rezoning involves a multiple-family or nonresidential use, in addition to all of the above information, the following information shall be included on all plan drawings:
- (1) Location of existing drainage courses, floodplains, lakes and streams, and woodlots;
  - (2) All existing and proposed easements;
  - (3) Location of sanitary sewer or septic systems, existing and proposed;
  - (4) Location and size of water mains, wells, transformers, generators, and building service, existing and proposed; and
  - (5) If any of the items listed are not applicable to a particular plan drawing, the applicant shall specify on the plan drawing which items do not apply, and furthermore, why the items are not applicable.
- C. An applicant for a rezoning may voluntarily offer certain conditions and limitations as part of the rezoning application (hereafter referred to as "zoning agreement"). The offer for a zoning agreement shall either be submitted at the time the rezoning application is filed or may be submitted following the initial meeting with the Planning Commission prior to the public hearing. An election to file a rezoning with a zoning agreement shall be in writing and shall be pursuant to the Township Zoning Act, specifically M.C.L.A. § 125.286i, as amended, and § 285-25.4 below. When necessary, the zoning agreement shall also include and incorporate, by reference, a conceptual site plan. This plan shall not replace the requirement for a site plan review and approval as outlined in Article 21, which shall be conducted following the Township Board's approval of the rezoning. The Township may voluntarily accept the offer for a zoning agreement, but shall not be obligated to accept such offer.

### **285-25.3. Review procedures. [Amended 11-13-2006 by Ord. No. 06-07]**

After the completed petition and all required supporting materials have been received and review fees paid, the petition shall be reviewed in accordance with the following procedures:

- A. Initial meeting with the Planning Commission.
- (1) Following submittal of an application for rezoning, the applicant shall meet with the Planning Commission at a regularly scheduled meeting to introduce the proposed rezoning and receive comments on issues and the need for additional material to evaluate the impacts of the rezoning, such as a traffic or

environmental studies. No formal action shall be taken at this meeting.

- (2) Based upon information provided by the Planning Commission, the applicant may submit additional material in support of the rezoning petition. At this time, the petitioner may also submit a zoning agreement that meets the requirements of § 285-25.5 below to be considered along with the application for rezoning, provided that the Township may not require the petitioner to submit an agreement as part of the rezoning petition if the petitioner does not choose to do so.
- B. Planning Commission public hearing. The petition shall be placed on the agenda of the Planning Commission for a public hearing. The Planning Commission shall review the petition for amendment in accordance with the procedures and public notice and hearing requirements set forth in § 285-24.6.
- C. Zoning agreements. Where the applicant has offered a zoning agreement, the following shall be completed prior to the Planning Commission making a recommendation to the Township Board:
- (1) The zoning agreement may be amended in response to comments raised during the public hearing, provided that any amended or additional agreements are voluntarily offered by the applicant and they are in direct response to discussion at the public hearing.
  - (2) The zoning agreement shall be reviewed by the Township Attorney prior to the Planning Commission making a recommendation to the Township Board on the rezoning application. The Township Attorney shall determine that the zoning agreement conforms to the requirements of § 285-25.5 below and the Township Zoning Act, as amended, and shall confirm that the zoning agreement is in a form acceptable for recording with the County Register of Deeds.
  - (3) Should the Planning Commission determine that revisions to the zoning agreement are of such a substantial nature or effect that they are significantly different from the initial zoning agreement reviewed at the public hearing, the Planning Commission shall have the option to hold another public hearing on the zoning agreement.
- D. Action by the Planning Commission. Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit together with the comments made at the public hearing, any zoning agreement, only if offered by the applicant, and its recommendations to the Township Board.
- E. Submission to County Planning Department. Following the hearing, the petition shall be submitted to the Wayne County Planning Department for review and recommendation. If a recommendation from the County Planning Department has not been received within 30 days, it shall be presumed that the County has waived its right for review and recommendation.
- F. Action by the Township Board.

- (1) Following the submission of Planning Commission recommendation, the Township Board may hold additional hearings if the Township Board considers it necessary. Pursuant to Michigan Public Act 110 of 2006, the Township Board may by majority vote of its membership:
  - (a) Adopt the proposed amendment;
  - (b) Reject the proposed amendment; or
  - (c) Refer the proposed amendment back to the Planning Commission for further recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions, or reject it.
- (2) If a zoning agreement has been offered by the applicant and recommended for approval by the Planning Commission, the Township Board may approve the zoning agreement if it meets all requirements of § 285-25.5 below. Revisions may be made to the zoning agreement, provided that if the revisions are of such a substantial nature or effect that they are significantly different from the zoning agreement reviewed by the Planning Commission, the Township Board shall remand the matter back to the Planning Commission to hold a public hearing on the zoning agreement, as revised, and to resubmit a revised report and recommendation to the Township Board. If an applicant proposes a zoning agreement after the Planning Commission has made a recommendation on the rezoning request, the Township Board shall first remand the application back to the Planning Commission to hold another public hearing on the rezoning and proposed zoning agreement and resubmit a report and recommendation to the Township Board. Upon approval, the zoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

G. Enactment.

- (1) Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in a newspaper of general circulation in the Township within 15 days after adoption, and shall take effect upon the expiration of seven days after publication in accordance with Section 401(6) and (7) of Michigan Public Act 110 of 2006.
- (2) A record of all amendments shall be maintained by the Township Clerk and the Zoning Administrator. A master Zoning Map shall be maintained by the Zoning Administrator, which shall identify all Map amendments by number and date.
- (3) Following rezoning, all applicable approvals must be obtained prior to initiating any development of the site, which may include site plan approval under Article 21, special land use approval under Article 22, subdivision plat approval under Chapter 238, Subdivision Control, or condominium approval under Chapter 71, Condominium Projects.

- H. Zoning agreement. All of the following shall apply to a rezoning that was approved along with a zoning agreement:
- (1) The zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the zoning agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a zoning agreement (i.e., "R-1-A-a").
  - (2) The Township Clerk shall maintain a listing of all properties subject to zoning agreements and shall provide copies of the agreements upon request. The approved zoning agreement shall be recorded by the applicant with the County Register of Deeds.
  - (3) Unless extended by the Township Board for good cause, the zoning agreement and associated rezoning shall expire two years after adoption of the rezoning and zoning agreement, unless substantial construction on the approved development of the property, pursuant to building and other required permits issued by the Township, commences within the two-year period and proceeds diligently towards completion.
  - (4) In the event that substantial construction on the approved development has not commenced within two years, the zoning agreement shall be void and of no effect.
  - (5) Notwithstanding the above, if the property owner applies in writing for an extension of the zoning agreement at least 50 days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one year. No further extensions may be granted.
  - (6) Should the zoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the zoning agreement, the Township may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
  - (7) If the rezoning and zoning agreement become void as outlined above, then the land shall revert back to its original zoning classification as set forth in Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006. Such reversion shall be initiated by the Township Board with notice and hearing as required for rezonings by the Township Zoning Act and this chapter.
  - (8) Any amendment to the zoning agreement following the original approval by the Township Board shall require a public hearing by the Planning Commission and a recommendation to the Township Board, in the same manner as was prescribed for the original rezoning and zoning agreement.

**285-25.4. Criteria for amendments.**

- A. Criteria for amendment of the Official Zoning Map. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on

any proposed rezoning:

- (1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Chapter?
  - (2) Will the proposed amendment be consistent with the goals, policies and future land use map of the Grosse Ile Township Master Plan? If conditions have changed since the Master Plan was adopted, will the proposed amendment be consistent with recent development trends in the area?
  - (3) Have conditions changed since the Zoning Chapter was adopted, or was there a mistake in the Zoning Chapter that justifies the amendment?
  - (4) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
  - (5) Is the proposed zoning consistent with the zoning classification of surrounding land?
  - (6) Could all requirements in the proposed zoning classification be complied with on the subject parcel?
  - (7) Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
  - (8) Is the proposed zoning compatible with the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district?
  - (9) Is there evidence the applicant cannot receive a reasonable return on investment through developing the property with one of the uses permitted under the current zoning?
  - (10) Are all the potential uses allowed in the proposed zoning district compatible with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values?
  - (11) Is the capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township?
  - (12) Is there sufficient capacity in the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district?
  - (13) If a rezoning is appropriate, is the requested zoning district considered to be more appropriate from the Township's perspective than another zoning district?
- B. Criteria for amendment of the Official Zoning Chapter text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment:

- (1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Chapter?
- (2) Will the proposed amendment be consistent with the goals, policies and future land use map of the Grosse Ile Township Master Plan? If conditions have changed since the Master Plan was adopted, will the proposed amendment be consistent with recent development trends in the area?
- (3) Have conditions changed since the Zoning Chapter was adopted, or was there a mistake in the Zoning Chapter, that justifies the amendment?
- (4) Will the amendment correct an inequitable situation created by the Zoning Chapter, rather than merely grant special privileges?
- (5) Will the amendment result in unlawful exclusionary zoning?
- (6) Is there documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the chapter?
- (7) Will the proposed amendment address changes to the state legislation?
- (8) Will the proposed amendment address potential legal issues or administrative problems with the Zoning Chapter based on recent case law or opinions rendered by the Attorney General of the State of Michigan?
- (9) Will the proposed amendment promote compliance with changes in other Township ordinances and County, state or federal regulations?
- (10) Is the proposed amendment supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items?

**285-25.5. Zoning agreements. [Amended 11-13-2006 by Ord. No. 06-07]**

- A. Zoning agreement. An applicant for a rezoning may voluntarily offer a zoning agreement along with an application for rezoning. An election to file a rezoning with a zoning agreement shall be pursuant to Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, and this article. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the Township and recorded with the County Register of Deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in Article 21. The zoning agreement must be voluntarily offered by the applicant, and the Township shall not have the authority to require a petitioner for rezoning to offer such agreement and shall not have the authority to require modification to a zoning agreement without the consent of the petitioner, provided that the Township shall not enter into a zoning agreement that is not found acceptable to the Township Board.
- B. Scope of agreement. The zoning agreement may include limitations on the uses

permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The zoning agreement may not authorize uses or developments of greater intensity or density or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:

- (1) Serve the intended use of the property, such as extension of or improvements to roadways, utilities or other infrastructure serving the site;
  - (2) Minimize the impact of the development on surrounding properties; and
  - (3) Preserve natural features, historic resources and open space.
- C. Content of agreement. In addition to any limitations on use or development of the site, preservation of site features or improvements described in Subsection B above, the zoning agreement shall also include the following:
- (1) Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the terms spelled out in the zoning agreement.
  - (2) Acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.
  - (3) Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the zoning agreement.
  - (4) Agreement and understanding that the approval of the rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the Township, and also their respective heirs, successors, assigns, receivers or transferees.
  - (5) Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
  - (6) Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the proposed zoning district.
  - (7) A legal description of the land to which the agreement pertains.
  - (8) Any other provisions as are agreed upon by the parties.
- D. Future rezonings. Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the Township from later rezoning all or any portion of the

land that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act, Public Act 110 of 2006.

- E. Compliance with agreement. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this chapter, and further use of the property may be subject to legal remedies available to the Township.



ARTICLE 26  
**Severability; When Effective**  
**[Ord. No. 290, effective 7-16-2000]**

**285-26.1. Severability.**

- A. This chapter and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be adjudged unconstitutional or invalid by any court for any reason, such judgment shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.
- B. Furthermore, should the application of any provision of this chapter to a particular property, building, or structure be adjudged invalid by any court, such judgment shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgment.

**285-26.2. When effective.**

This chapter shall take effect 30 days following the date of its publication.

