



Milford Township
Chapter 32
Zoning Ordinance
November 24, 2021



Updated through January 4, 2023

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Preface

How to Use this Ordinance



How to Use This Ordinance

1. Content Organization and Page Layout

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

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

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

Sections and subsections contain the ordinance regulations in a hierachal manner

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

Graphics, figures, and tables illustrate concepts or clarify regulations

3.1.1 R-1-R Rural Residential

A. Purpose.
The R-1-R, rural residential district is established as a district in which the principal use of land is for single-family dwellings on large lots that provide a rural atmosphere. Other uses are permitted subject to conditions to ensure they may be compatible with residential uses.

B. Permitted Uses

1. Single family dwellings
2. Single-family dwellings related to agricultural operations
3. State licensed residential facilities
4. Family day care homes
5. Farmlands
6. Cemeteries, township government buildings and uses, public utility buildings and uses
7. Private garages §4.4
8. Home occupations §4.1
9. Off-street parking
10. Accessory buildings, structures, and uses
11. Private swimming pools
12. Accessory produce stand §4.6
13. Personal use heliports §4.41

C. Special Land Uses

1. Truck gardening, tree farms and plant nurseries
2. Commercial aporias
3. Dog kennels §4.22
4. Places of worship §4.16
5. Group day care homes
6. Bed and breakfast §4.30
7. Preschools and child care centers §4.11
8. Veterinarian clinic for large animals §4.21
9. Public, parochial, or other private elementary, intermediate or high schools §4.12
10. Day camps §4.24

User Note: Click on **Blue** for use specific standards or refer to Article 4 Use Standards

3.1.1 R-1-R Rural Residential

D. Development Standards

Lot Size

| | |
|--------------------|---------|
| Minimum lot area: | 2 acres |
| Average lot area: | 3 acres |
| Minimum lot width: | 165 ft. |
| Average lot width: | 200 ft. |

Setbacks

| | |
|-----------------------------|--------|
| Minimum front yard setback: | 35 ft. |
| Minimum rear yard setback: | 50 ft. |
| Minimum side yard setback: | 20 ft. |

Lot Coverage

| | |
|-----------------------|-----|
| Maximum lot coverage: | 10% |
|-----------------------|-----|

Building Height

| | |
|--------------------------|---------------------|
| Maximum building height: | 2 stories or 35 ft. |
|--------------------------|---------------------|

Floor Area

| | |
|---------------------------------------|---------------|
| Minimum Floor Area per Dwelling Unit: | 1,000 sq. ft. |
|---------------------------------------|---------------|

See Sec. 3.2, 3.3.A, B, C, D, E, F, G, H, 3.13 and 3.15 for more information about the standards.

E. Additional Requirements

Article 5

- Building standards §5.1
- Residential dwelling standards §5.2
- Accessory buildings, structures and swimming pools §5.3
- Outdoor vehicle storage §5.7
- Outdoor storage and display §5.8

Article 6

- Site Plan Review §6.1
- Special Land Use Approvals §6.2
- Condominium Projects §6.3

Diagram 1: Building Envelope
Shows a building envelope on a lot with setbacks: 20' Min front and side, 50' Min rear, and 35' Min front setback from the building envelope.

Diagram 2: How do I calculate height?
Shows a house with a 35' Max height limit. Labels include: Right-of-way centerline, Right-of-way, Property line, and giffels Webster.

Pages are numbered sequentially within each article

Notes provide relevant district information recommended for review

Additional Requirements list other sections or Ordinances that may pertain to a development in the district

Link to Table of Contents

Link to How to Use This Ordinance









Link to Zoning Map

Link to Use Matrix

How to Use This Ordinance

2. Symbols and User Notes

The following symbols are used throughout the Zoning Ordinance:

| | |
|---|---|
|  | Indicates the term is defined in Article 2 - Definitions . (Note: Not every defined term is designated with a  symbol. Consult Article 2 Definitions, for a list of all defined terms.) |
|  | Indicates there is a graphic that illustrates the standard or requirement. |
|  | Identifies a property line. |
|  | Identifies the right-of-way centerline. |
| R/W | Identifies the right-of-way. |
|  | Identifies a User Note that provides helpful information for all users. |
|  | Identifies a Digital User Note that provides helpful information for users with a digital version of the Zoning Ordinance. |
|  | Indicates a section that has been amended. Information about the amendment can be found at the end of the section and in the Appendix. |

How to Use This Ordinance

3. Reading the Ordinance

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

- Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the planning commission or Zoning Board of Appeals.
- Article 2, Definitions, contains over 200 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.

Conjunctions are often used and must be read accurately:

- AND indicates that all connected items, conditions, provisions or events shall apply.
- OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
- EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [2.1 Construction of language](#).

How to Use This Ordinance



4. Digital User Note

What is a link?

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

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

What information is linked?

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

In addition, several other features of the document are linked to allow users to navigate through the ordinance.



Click on any of the following features to quickly locate another section: Article tabs located on the side of each page are linked to the Contents page of each Article.



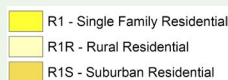
Icons located at the bottom of each page are linked to the 'How to Use This Ordinance' section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in [Article 3 - Zoning Districts](#).



'How do I calculate height' button located on each district regulations page is linked to the definition of building height in [Article 2 - Definitions](#).



Zoning Map Legend headings are linked to the corresponding district regulations page in [Article 3 - Zoning Districts](#).

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Preface

Use Matrix

Use Matrix

Residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | R-1-R | R-1-S | R-1 | R-2 | R-3 |
|--|-------|-------|-----|-----|-----|
| Residential Uses | | | | | |
| Accessory buildings | P | P | P | P | P |
| Children's homes, orphanages | - | - | - | S | - |
| Convalescent or nursing homes | - | - | - | S | - |
| Day care, family (1-6 children) | P | P | P | P | P |
| Day care, group (7-12 children/adults) | S | S | S | S | S |
| Mobile homes, mobile home parks | - | - | - | - | P |
| Multiple-family dwellings | - | - | - | P | - |
| Residential facilities, state licensed | P | P | P | P | P |
| Single-family detached dwellings | P | P | P | P | - |
| Single-family dwellings related to agricultural operations | P | P | - | - | - |
| Tourist home, rooming house, boardinghouse | - | - | - | S | - |
| Two-family dwellings | - | - | - | P | - |
| Other Uses | | | | | |
| Bed and breakfast | S | P | P | P | - |
| Cemeteries | P | P | - | - | - |
| Cemeteries (existing) | - | - | S | | P |
| Commercial apiaries (beekeeping) | S | - | - | - | - |
| Construction work, temporary buildings | - | - | S | | S |
| Day camps | S | - | - | - | - |
| Dog kennels | S | - | - | - | - |
| Farmlands | P | P | - | - | - |
| Garage, private | P | P | P | P | - |
| Golf courses | - | - | - | - | S |

Use Matrix

Residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | R-1-R | R-1-S | R-1 | R-2 | R-3 |
|---|-------|-------|-----|-----|-----|
| Government buildings and uses, township | P | - | - | - | - |
| Government buildings, township | - | P | - | - | - |
| Heliports, personal use | P | P | - | - | - |
| Home occupations | P | P | P | P | - |
| Hospitals, medical clinics, medical or dental offices | - | - | - | S | - |
| Keeping and raising of horses, cattle, fowl, rabbits or other small animals | P | P | - | - | - |
| Parking, off-street | P | P | - | - | - |
| Places of worship | S | S | S | - | S |
| Open space | - | - | S | - | - |
| Private swimming pools | P | - | - | - | - |
| Produce sale, temporary building | P | P | - | - | - |
| Preschools, nursery schools, day nurseries, child care centers; parochial, private, for-profit, nonprofit | S | S | S | S | S |
| Elementary, intermediate, or high school; public, parochial, or other private | S | S | S | S | - |
| Schools, elementary, intermediate, or high school; public, parochial, or other private; not for profit | - | - | - | - | P |
| Signs | P | P | P | P | P |
| Truck gardening, tree farms plant nurseries | S | - | - | - | - |
| Utility buildings and uses, public | P | P | S | | S |
| Veterinarian clinic, large animals | S | - | - | - | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|---|------|-----|-----|-----|---|-----|-----|-----|
| Commercial Uses | | | | | | | | |
| Adult entertainment and business uses (bookstores, motion pictures, mini motion picture theaters, cabarets, massage parlors) | - | - | P | - | - | - | - | - |
| Automobile convenience stations | - | S | S | - | - | S | S | - |
| Banks, credit unions, savings and loan associations with a drive-thru | - | - | - | - | - | S | P | - |
| Commercial uses which serve the limited needs of an industrial district | - | - | - | - | - | S | P | - |
| Eating and drinking establishments (including drive-thru facilities) | - | S | - | - | - | - | - | - |
| Hotels and motels | - | - | P | - | - | - | - | - |
| Landscaping business, commercial, lawn maintenance, retail sale of plants or lawn/patio furniture including outdoor sales and storage | - | S | S | - | - | - | - | - |
| Laundry or dry cleaning customer outlets, coin-operated laundromat | - | P | P | - | - | - | - | - |
| Laundry or dry cleaning customer outlets, coin-operated laundromat, self-serve dry cleaning center, drive-up | - | S | - | - | - | - | - | - |
| Pharmacy or apothecary shops | S | - | S | - | - | - | - | - |
| Photographic studios | P | - | - | - | - | - | - | - |
| Personal service establishments (on the premises) | - | P | P | - | - | - | - | - |
| Personal service establishments (drive up) | - | - | S | - | - | - | - | - |
| Pet day care facility | - | - | - | - | - | P | P | - |
| Restaurants or other places serving food or beverages | - | - | P | - | - | - | - | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|---|------|-----|-----|-----|---|-----|-----|-----|
| Retail sales, ancillary to industrial | - | - | - | - | - | S | S | - |
| Retail sale of trees, shrubs, flowers, or lawn/patio furniture | - | S | S | - | - | - | - | - |
| Retail stores, merchandise sales within enclosed building | - | - | P | - | - | - | - | - |
| Service establishment of an office, showroom or workshop that require a retail adjunct | - | - | P | - | - | - | - | - |
| Shops for sale of baked goods, beverages, liquor outlets, books, confection, drugs, flowers, foodstuffs, gifts, hardware, hobby equipment, jewelry, notions, paint, periodicals, sundry small household articles, tobacco | - | P | P | - | - | - | - | - |
| Station, gas regulator (without storage yards) | - | S | - | - | - | - | - | - |
| Office Uses | | | | | | | | |
| Financial services | P | - | P | - | - | - | - | - |
| Office buildings, such as executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, sales | P | - | - | - | - | - | - | - |
| Offices, headquarters for commercial or industrial use businesses | - | - | - | - | - | P | P | - |
| Offices, medical or dental, including clinics and medical laboratories | P | - | P | - | - | - | - | - |
| Offices, professional: doctors, lawyers, dentists, chiropractors, and similar | - | P | - | - | - | - | - | - |
| Veterinarian clinic, small animals | P | P | P | - | - | - | - | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|---|------|-----|-----|-----|---|-----|-----|-----|
| Institutional Uses | | | | | | | | |
| Airports, private | - | - | - | - | P | - | - | - |
| Assembly halls or similar places of assembly within an enclosed building | - | - | P | - | - | - | - | - |
| Educational facilities such as botanical gardens, bird sanctuaries, arboretums | - | - | - | P | - | - | - | - |
| Emergency medical dispatch facilities | - | - | - | - | - | P | P | - |
| Places of worship | S | S | - | - | - | - | - | - |
| Private service clubs, fraternal organizations, lodge halls | S | S | - | - | - | - | - | - |
| Schools, business or private operated for a profit | P | - | - | - | - | - | - | - |
| Schools, preschools, nursery schools, day nurseries, child care centers, for profit or nonprofit | S | - | P | - | - | - | - | - |
| Heliports, private | - | - | - | - | P | P | P | P |
| Schools, preschools, nursery schools, day nurseries, child care centers, day care centers for profit or nonprofit | - | S | - | - | - | - | - | - |
| Schools, trade or industrial | - | - | - | - | - | P | P | - |
| Industrial Uses | | | | | | | | |
| Blueprinting, photostating, photoengraving, publishing, and bookbinding establishments | - | - | - | - | - | P | P | - |
| Communications equipment sales, service and repair | - | - | - | - | - | P | P | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|--|------|-----|-----|-----|---|-----|-----|-----|
| Compounding, processing, packaging and treatment of products not including tool, die, gauge, and machine shops (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Construction equipment, heavy equipment sales and service establishments | - | - | - | - | - | | P | - |
| Contractor business, commercial | - | - | - | - | - | | P | - |
| Commercial sale of heavy trucks, farm equipment and heavy off-road construction equipment | - | - | - | - | - | | S | - |
| Data processing and computer centers and data processing services | - | - | - | - | - | P | P | - |
| Display and showroom facilities for equipment and products | - | - | - | - | - | P | P | - |
| Excavation, mining, stockpiling or removal of sand and/or gravel deposits | - | - | - | - | - | | | P |
| Fueling stations, alternative energy | - | - | - | - | - | | AU | - |
| Greenhouses and plant material nurseries for storage and sale, excluding tree and shrub farms | - | - | - | - | - | P | P | - |
| Laboratories, experimental, film or testing (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Laser technology and application | - | - | - | - | - | P | P | - |
| Lumber and planing mills | - | - | - | - | - | - | P | - |
| Manufacturing, proving ground | - | - | - | - | P | - | - | - |
| Manufacturing operations | - | - | - | - | P | - | - | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|--|------|-----|-----|-----|---|-----|-----|-----|
| Manufacturing, brick and paving block (within an enclosed building) | - | - | - | - | - | - | P | - |
| Manufacture, compounding, assembling, or improvement of articles or merchandise from previously prepared materials (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Manufacture of musical instruments, toys, novelties, and metal or rubber stamps (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Manufacture of pottery, figurines, and other ceramic products (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Manufacture and repair of electric or neon signs, light sheet metal products (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Material handling equipment sales and service establishments | - | - | - | - | - | - | P | - |
| Processing plants related to washing, grading or other similar processing of excavated materials | - | - | - | - | - | - | - | P |
| Research and development, technical training | - | - | - | - | - | P | P | - |
| Showrooms directly associated to permitted or special land uses | - | - | - | - | - | P | P | - |
| Self-storage facilities | - | - | - | - | - | S | S | - |
| Stations, gas regulator (without storage and service yards) | - | - | - | - | - | P | P | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|---|------|-----|-----|-----|---|-----|-----|-----|
| Stockpiles of sand and/or gravel as the product of an excavation operation | - | - | - | - | - | - | - | P |
| Storage and transfer establishments (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment and supplies | - | - | - | - | - | S | S | - |
| Truck and farm equipment storage and service facilities | - | - | - | - | - | - | P | - |
| Truck terminals | - | - | - | - | - | - | S | - |
| Tool, die, gauge, and machine shops | - | - | - | - | - | S | S | - |
| Warehousing and wholesale establishments (within a completely enclosed building) | - | - | - | - | - | P | P | - |
| Public Uses | | | | | | | | |
| Buildings, publicly-owned | - | - | - | S | - | - | - | - |
| Garages for vehicle repair and servicing, public | - | - | - | - | - | S | S | - |
| Historical monuments | - | - | - | P | - | - | - | - |
| Municipal uses | - | - | - | - | - | S | S | - |
| Publicly owned buildings | P | - | - | - | - | - | - | - |
| Stations and substations, electric or public utility transformer | P | S | - | - | - | P | P | - |
| Telephone exchanges | P | S | - | - | - | P | P | - |
| Utility buildings, public | - | S | - | - | - | P | P | - |
| Utility offices, public | P | - | - | - | - | - | - | - |
| Utility service and storage yards, public | - | - | - | - | - | - | P | - |

Use Matrix

Non-residential districts

Below is a reference table that summarizes the uses listed in the Ordinance. Click on the table headers to go to the district page.

P = Principal Permitted Use

S = Special Land Use

| USE | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|---|------|-----|-----|-----|---|-----|-----|-----|
| Recreational Uses | | | | | | | | |
| Archery ranges, campgrounds, beaches, day camps | - | - | - | P | - | - | - | - |
| Boarding stables, riding academies, public arenas, public and private | - | - | - | S | - | - | - | - |
| Canoe liveries, private | - | - | - | S | - | - | - | - |
| Country clubs | - | - | - | S | - | - | - | - |
| Golf courses, golf driving ranges, and fishing preserves | - | - | - | P | - | - | - | - |
| Parks, picnic and private | - | - | - | P | - | - | - | - |
| Parks, playfields, playgrounds, publicly owned and operated | - | - | - | P | - | - | - | - |
| Preserves, wildlife and zoos | - | - | - | S | - | - | - | - |
| Recreation, indoor | - | - | - | - | - | S | S | - |
| Recreation, semipublic and private not operated for profit | - | - | - | S | - | - | - | - |
| Recreation, semipublic and private operated for profit | - | S | - | - | - | - | - | - |
| Recreation, indoor commercial | - | - | P | - | - | - | - | - |
| Recreation, other without commercialization | - | - | - | S | - | - | - | - |
| Shooting preserves, ranges, and hunting preserves | - | - | - | S | - | - | - | - |
| Ski facilities, toboggan runs and reservoirs | - | - | - | P | - | - | - | - |
| Swimming pools | - | - | - | P | - | - | - | - |
| Theaters, indoors | - | - | P | - | - | - | - | - |
| Accessory Uses | | | | | | | | |
| Accessory buildings and uses | P | P | - | P | - | P | P | - |
| Accessory uses | - | - | - | - | P | - | - | - |

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District Summary Table

Below is a quick reference table that summarizes district regulations.

Consult [Article 3 - Zoning Districts](#) for additional requirements and exceptions to the information below.

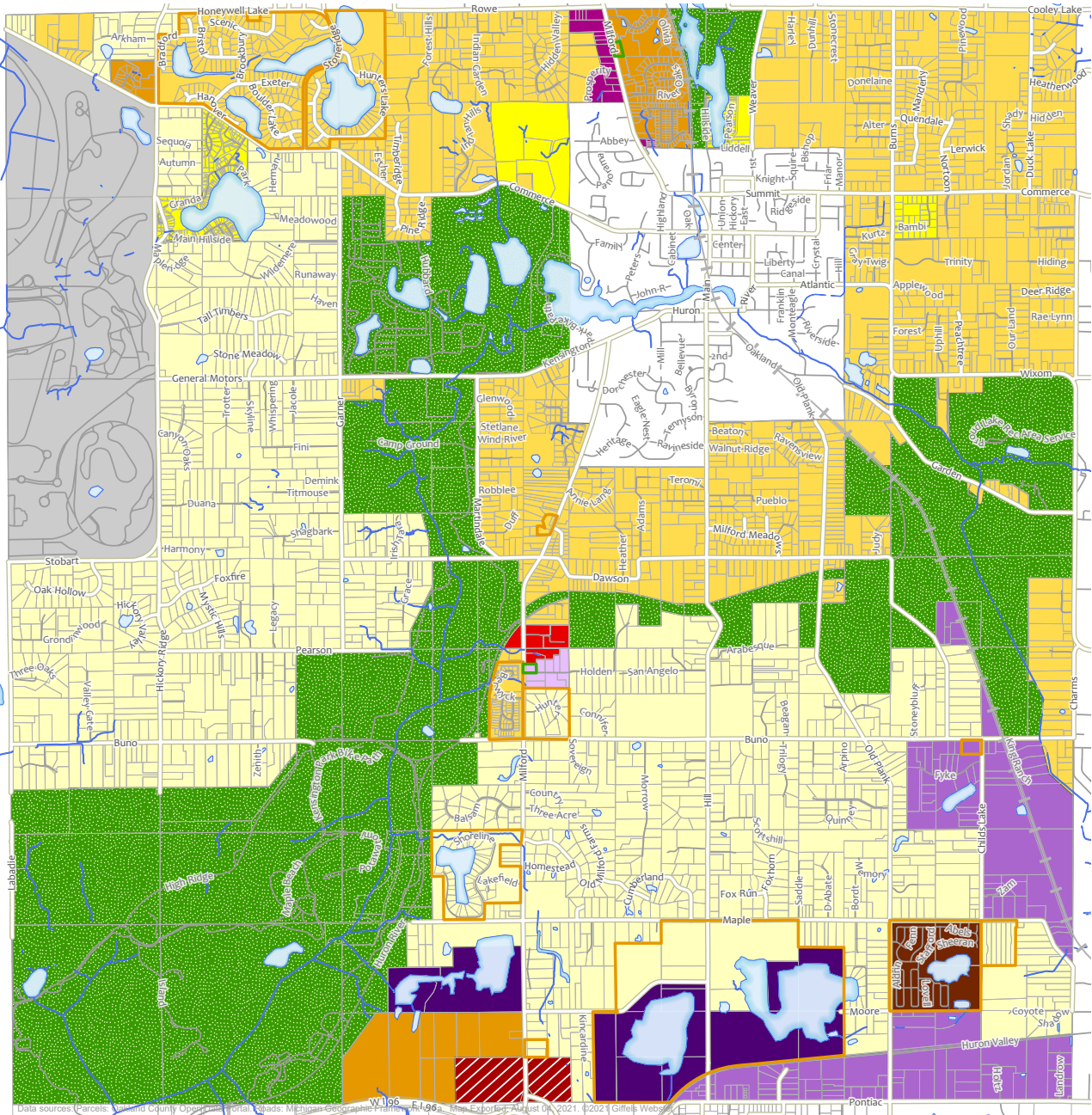
Residential districts

| STANDARD | R-1-R | R-1-S | R-1 | R-2 | R-3 |
|----------------------------|------------------------|------------------------|------------------------|------------------------|--------------------------|
| Minimum lot area | 2 acres | 1 acre | 9,600 sq. ft. | - | 15 acres |
| Average lot area | 3 acres | 1.5 acres | 11,200 sq. ft. | - | - |
| Minimum lot width | 165 ft. | 125 ft. | 70 ft. | 100 ft. | 400 ft. |
| Average lot width | 200 ft. | 150 ft. | 80 ft. | - | - |
| Minimum front yard setback | 35 ft. | 35 ft. | 30 ft. | 50 ft. | 25 ft. |
| Minimum rear yard setback | 50 ft. | 50 ft. | 30 ft. | 100 ft. | 20 ft. |
| Minimum side yard setback | 20 ft. | 15 ft. | 10 ft. | 50 ft. | 20 ft. |
| Maximum lot coverage | 10% | 15% | 30% | 30% | - |
| Maximum building height | 2 stories or 35 ft. | 2 stories or 35 ft. | 2 stories or 35 ft. | 2 stories or 30 ft. | 1.5 stories or 15 ft. |
| Note to District Standards | § 3.3 | § 3.4 | § 3.5 | § 3.6 | § 3.7 |

Non-residential districts

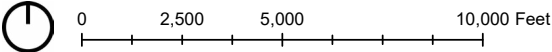
| STANDARD | RO-1 | C-1 | C-2 | REC | E | M-1 | M-2 | M-3 |
|----------------------------|---------------------------|---------------------------|---------------------------|-----------------------------|---------|-------------------------------|-------------------------------|---------------------------|
| Minimum lot area | 1 acre | 1 acre | 25 acres | 5 acres | - | 2 acres | 2 acres | 160 acres |
| Minimum lot width | 125 ft. | 100 ft. | 500 ft. | 200 ft. | - | 150 ft. | 150 ft. | 200 ft. |
| Minimum front yard setback | 35 ft. | 50 ft. | 50 ft. | 50 ft. | 30 ft. | 30 ft. | 40 ft. | 40 ft. |
| Minimum rear yard setback | 50 ft. | 20 ft. | 50 ft. | 50 ft. | 40 ft. | 40 ft. | 50 ft. | 30 ft. |
| Minimum side yard setback | 15 ft. | 15 ft. | 50 ft. | 50 ft. | 20 ft. | 20 ft. | 30 ft. | 50 ft. |
| Maximum lot coverage | - | - | 30% | 25% | - | 40% | 40% | - |
| Maximum building height | 2 stories or 25 ft. | 1 stories or 20 ft. | 2 stories or 30 ft. | 1.5 stories or 35 ft. | 100 ft. | 2 stories or 100 ft. | 2 stories or 100 ft. | 2 stories or 40 ft. |
| Note to District Standards | § 3.8 | § 3.9 § 3.10 | § 3.9 § 3.11 | § 3.12 | § 3.13 | § 3.14 | § 3.14 § 3.16 | § 3.17 |

Zoning Map



- | | |
|----------------------------------|----------------------------|
| R1 - Single Family Residential | M1 - Light Industrial |
| R1R - Rural Residential | M2 - General Industrial |
| R1S - Suburban Residential | M3 - Extractive Industrial |
| R2 - Multiple Family Residential | E - Proving Ground |
| R3 - Mobile Home Park | Consent Judgement Granted |
| RO1 - Restricted Office | Use Variance Granted |
| REC - Recreation | Surface Water |
| C1 - Local Business | Railroad |
| C2 - Planned Shopping Center | |

[Click here for the Interactive Zoning Map](#)



Zoning Districts Map Milford Charter Township

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Chapter 32 | Article 1

Purpose and Intent

Article 1 - Purpose & Intent

- 1.1 Title 1-3
- 1.2 Interpretation, application 1-3
- 1.3 Map 1-3
- 1.4 Interpretation of district boundaries 1-3
- 1.5 Conflict 1-4
- 1.6 Scope 1-4
- 1.7 Street, alley, railroad rights-of-way 1-4
- 1.8 Voting place 1-4

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



1.1 Title

This chapter shall be known and may be cited as the “Zoning Ordinance of the Township of Milford.”

1.2 Interpretation, application

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces, or larger lot area than imposed or required by such ordinance or agreements, the provisions of this chapter shall control.

1.3 Map

The boundaries of the zoning districts are shown upon the map attached to the ordinance from which this chapter is derived and made a part of this chapter, which map is designated as the “Official Zoning Map of the Township of Milford.” The zoning map shall be maintained and kept on file with the township clerk, and all notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if the zoning map and all such notations, references and other information shown thereon were fully set forth or described herein.

1.4 Interpretation of district boundaries

- A. Except where reference on the official zoning map to a street or other designated line by the dimensions shown on such map, the district boundary lines follow lot lines or the centerlines of the streets, alleys, railroads or such lines extended and the corporate limits of the township as they existed at the time of the adoption of this chapter.
- B. Where a district boundary line, as established in this section or as shown on the map, divides a lot which was in a single ownership and of record at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot, under this chapter, shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 25 feet of such dividing district boundary line. The use so extended shall be deemed to be conforming.
- C. Questions concerning the exact location of district boundary lines shall be determined by the board of appeals after recommendation from the planning commission, according to rules and regulations which may be adopted by it.

Section 1.5 - 1.8

1.5 Conflict

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or chapter, the provisions of this chapter shall govern.

1.6 Scope

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

1.7 Street, alley, railroad rights-of-way

All street, alley and railroad rights-of-way shall be deemed to be in the same zone as the property immediately abutting upon such street, alley or railroad right-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

1.8 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 township or other public election.



Chapter 32 | Article 2

Definitions

Article 2 - Definitions

2.1 Construction of language 2-5
 2.2 Definitions 2-5

Definitions A - B

- Abandon
- Accessory building
- Accessory structure
- Accessory use
- Activity
- Adult uses*
- Agriculture/farming
- Agricultural use
- Alley
- Alteration
- Alternative energy fueling station
- Ambient lighting
- Amusement parks
- Apartment house
- Arborist
- Architectural features
- Automobile convenience station
- Automobile repair
- Automobile wash establishment
- Baffle or light shield
- Basement
- Bed and breakfast operations
- Billboard
- Block
- Boardinghouse
- Brightness
- Building
- Building area
- Building canopy
- Building line
- Building, main or principal
- Building official
- Building permit
- Bulb or lamp

Definitions C - D

- Caliper
- Campground
- Canopy structure
- Carnival
- Carnival or amusement ride
- Child care center or day care center
- Clear cutting
- Club
- Co-location
- Collective ingestion facility
- Color rendering index (CRI)
- Commercial nursery/tree farm
- Convalescent or nursing home
- Correlated color temperature (CCT)
- Curbside pick-up Facility
- Cutoff angle of a luminaire
- Cutoff fixture
- Data processing and computer centers
- Day camp
- Developed property
- Diameter at breast height (DBH)
- Dispensary
- District
- Dripline
- Drive-thru service facility
- Drive-up window facility
- Dwelling
- Dwelling, row (townhouse)
- Dwelling unit, multiple-family
- Dwelling unit, single-family
- Dwelling unit, two-family

Definitions E - H

- Efficiency unit
- Enclosed locked facility
- Equipment compound
- Erected
- Essential services
- Excavating
- Existing lighting
- Exterior lighting
- Family
- Farmland
- Fence, decorative
- Filling
- Fixture
- Floor area
- Floor area, gross
- Floor area ratio (FAR)
- Floor area, usable
- Garage, community
- Garage, private
- Garage, storage
- Glare
- Grade*
- Greenbelt
- Gross vehicle weight
- Grubbing
- Hazardous substances
- Height, building
- Height, structure
- Heliport, personal use
- Heliport, private use
- Home-based business
- Home occupation
- Hospital
- Hotel
- Household pet day care facility
- Householder

*Multiple definitions

1. Purpose & Intent
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Definitions I - M

Illuminance
 Industry, light
 Junk
 Junkyard
 Kennel
 Laboratory
 Lamp
 Landmark tree
 Light pole
 Light pollution
 Light trespass
 Loading space
 Lot
 Lot area
 Lot, corner
 Lot coverage
 Lot depth
 Lot, double frontage
 Lot, interior
 Lot lines*
 Lot of record
 Lot width
 Lumen
 Luminaire
 Luminaire, full cutoff
 Luminaire, non-cutoff
 Luminance
 Marihuana
 Medical clinic
 Medical or dental office
 Michigan Medical Marihuana
 Act or Act
 Mobile home
 Mobile home park
 Mobile home site
 Modular housing
 Motel

Definitions N - Q

Natural resources
 Nonconforming building
 Nonconforming use
 Nuisance tree
 Nursing home
 Occupied
 Off-street parking lot
 Open-air business uses
 Open-front store
 Ordinary high-water mark
 Outdoor display
 Outdoor (open) storage
 Overlay zone
 Parking space
 Person
 Personal service
 establishments
 Pet
 Photometric plan
 Porch, enclosed
 Porch, open
 Primary caregiver
 Principal use
 Private service clubs
 Protected tree
 Public street*
 Public utility
 Qualifying patient
 Recessed
 Recreational facilities
 operated for profit,
 semipublic and private
 Registry identification card
 Remove or removal
 Research and development

Definitions R - S

Restaurant (Fast Food)
 Restaurant (Sit-Down)
 Road
 Roominghouse
 Self-storage facilities
 Semipublic use
 Separate ownership
 Setback
 Shielded
 Signs*
 Single-family lot
 Soil removal
 Solar energy system
 solar energy system, private
 Spotlight
 State equalized valuation
 State licensed residential
 facility
 Story*
 Story, half
 Street
 Structure
 Structure alteration
 Structure, outdoor advertising

*Multiple definitions

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Definitions T - Z

- Temporary building and use
- Temporary lighting
- Tents
- Township tree fund
- Travel trailer
- Tree*
- Tree canopy
- Tree, hazardous
- Tree survey
- Truck stop
- Truck terminal
- Undeveloped property
- Uniformity ratio
- Unneeded lighting
- Urban sky glow
- Use
- Variance
- Visibility
- Walk-up window facility
- Wireless communication facilities (WCF)
- Wireless communication facilities, attached
- Wireless communication support structure
- Yard
- Yard, front
- Yard, rear
- Yard, required front
- Yard, side
- Zoning administrator
- Zoning district

*Multiple definitions



2.1 Construction of language

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

2.2 Definitions

ABANDON

means to intentionally cease or suspend from developing or maintaining a building or use for a stated period of time.

ACCESSORY BUILDING

shall mean any structure having a roof supported by columns and walls and used for the shelter or enclosure of persons, animals, chattels or property of any kind, and which is: generally subordinate in size to the principal building located on the same parcel or lot; serves a purpose clearly incidental to and customarily found in connection with the use of the principal structure or use of land; and which is located on the premises with the main building or use. Accessory buildings shall include, but not necessarily be limited to, detached garages, storage sheds, and pole barns.

Δ [Ord. No. 156-A-227](#)

ACCESSORY STRUCTURE

shall mean anything constructed or erected which requires permanent location on the ground or attachment to something having such location or having a roof supported by columns, but no walls and which: serves a purpose clearly incidental to and customarily found in connection with the use of the principal structure or use of land; and is located on the premises with the main building or use. Accessory structures shall include, but not necessarily be limited to, gazebos, swimming pools, and decks. A paved open patio, driveway, walkway, and similar improvements not greater than eighteen (18") inches above grade, which are ordinarily considered integral to and essential for the primary use of property, and fences, flagpoles and similar minor vertical projections shall not be considered an accessory structure.

Δ [Ord. No. 156-A-227](#)

ACCESSORY USE

means a use naturally and normally incidental and subordinate to and devoted exclusively to the main use of the premises.

ACTIVITY

means any use, operation, development, or action caused by any person, including, but not limited to, construction, operating, or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water, pumping, or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining, or drilling operation.

ADULT USES

ADULT USES

means establishments which are required by law to or do exclude minors, or are defined as follows:

- A. **ADULT BOOKSTORE** means an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined for adult mini motion picture theater, or an establishment with a segment or section devoted to the sale or display of such material, and/or which adult bookstores exclude minors by virtue of age.
- B. **ADULT CABARET** means a cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, and/or which exclude minors by virtue of age.
- C. **ADULT MINI MOTION PICTURE THEATER** means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, and/or which exclude minors by virtue of age.
 1. For the purpose of this definition, the term “specified sexual activities” is defined as:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy, fellatio and cunnilingus.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 2. For the purpose of this definition, the term “specified anatomical areas” is defined as:
 - a. Less than completely and opaquely covered:
 - I. Human genitals, pubic region;
 - II. Buttock; and
 - III. Female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- D. **ADULT MOTION PICTURE THEATER** means an enclosed building with a capacity of 50 or more persons used for presenting material having as a common theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein, and/or which exclude minors by virtue of age.
- E. **MASSAGE PARLOR** means any building, room, place or establishment where nonmedical and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bathing devices. Such manipulative exercises include any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatsoever. The definition of massage parlor shall not include establishments or activities operated by:
 1. Medical doctors, doctors of osteopathic medicine, doctors of chiropractic medicine, physical therapists, psychiatrists, psychologists, clinical social workers and family counselors who are licensed to practice their respective professions in the state, or who are permitted to practice temporarily under the auspices of an associate or establishment duly licensed in the state, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.



2. Nurses who are registered under the laws of this state and who administer a massage in the normal course of nursing duties.
3. A trainer of any duly constituted athletic team who administers massage in the normal course of training duties.
4. Barbers and beauticians who are duly licensed under the laws of this state and who administer a massage in the normal course of their duties.
5. Participants in growth seminars or sensitivity sessions provided such seminars or sessions are conducted by a member of one of the exempted professions defined in subsection 1 of this definition.
6. Any duly licensed establishment in which the previously described persons only and exclusively practice their respective professions.

AGRICULTURE/FARMING

means any land in which the principal use is to derive income from the growing of plants and trees, including, but not limited to land used principally for fruit and timber production.

AGRICULTURAL USE

means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; maple syrup production; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot.

ALLEY

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

ALTERATION

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

ALTERNATIVE ENERGY FUELING STATION

means an establishment primarily providing alternative fuels for motor vehicles that are derived from resources other than petroleum, including ethanol, biodiesel, compressed natural gas, propane or hydrogen. For purposes of this definition, an alternative energy fueling station shall be considered to be a separate use and distinguishable from a truck stop.

AMBIENT LIGHTING

means the general overall level of lighting in an area.

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AMUSEMENT PARKS - BAFFLE OR LIGHT SHIELD

AMUSEMENT PARKS

means a tract or area used as a permanent location for carnival amusement rides or devices or both.

APARTMENT

means a room or suite or rooms used as a dwelling for one family which may do its cooking therein.

APARTMENT HOUSE

means a residential structure containing three or more apartments.

ARBORIST

means a professional person skilled and trained in the art and science of principal arboriculture who is an ISA certified arborist or state registered forester.

ARCHITECTURAL FEATURES

means building features, which include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

AUTOMOBILE CONVENIENCE STATION

means a building or structure designed or used for the retail sale of combustible fuels for motor vehicles, aircraft or boats, and may include the retail sale of automotive items and convenience goods within an enclosed building. An establishment which provides vehicle maintenance, repair, or outdoor storage is not included within this definition.

AUTOMOBILE REPAIR

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

AUTOMOBILE WASH ESTABLISHMENT

means a building, or portion thereof, the primary purposes of which is that of washing motor vehicles.

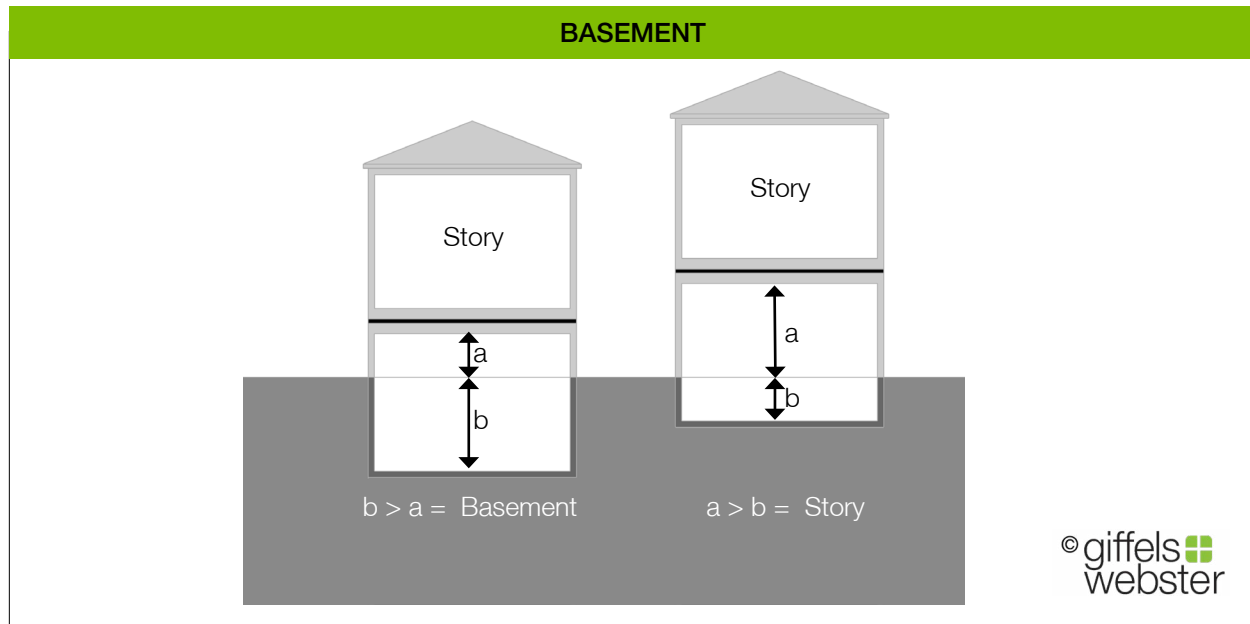
BAFFLE OR LIGHT SHIELD

means an opaque or translucent element to shield a light source from direct view.



BASEMENT

means that portion of a building partly below grade but so located that the vertical distance from the grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area. \neq

**BED AND BREAKFAST OPERATIONS**

means a use which is subordinate to the principal use of a detached single-family dwelling as a single-family dwelling unit, and a use wherein transient guests are provided a sleeping room in return for payment and a breakfast at no extra cost. Such use is distinguished from a boardinghouse, roominghouse, hotel or motel.

BILLBOARD

means any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

BLOCK

means the property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, river to live stream or between any of the foregoing and any other barrier to the continuity of the development.

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

BOARDINGHOUSE

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

BRIGHTNESS - BUILDING, MAIN OR PRINCIPAL

BRIGHTNESS

means strength of the sensation that results from viewing surfaces from which the light comes to the eye.

BUILDING

means any structure, either temporary or permanent, having a roof supported by columns or walls and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING AREA

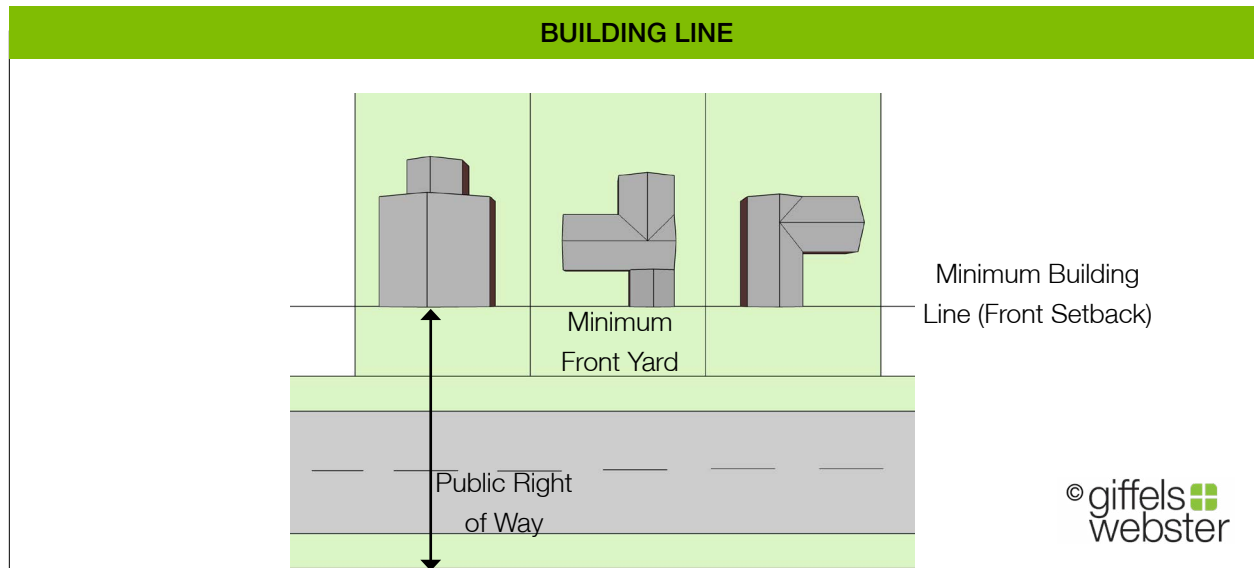
means the space remaining after the minimum open space requirements of this chapter have been complied with.

BUILDING CANOPY

means a portion of the building, whether structural or architectural in character, that projects outward.

BUILDING LINE

means a setback line established, in general, parallel to the front street line, between which line and the front street line no part of a building shall project, except as otherwise provided by this chapter.



BUILDING, MAIN OR PRINCIPAL

means a building in which is conducted the principal use of the lot on which it is situated.

BUILDING OFFICIAL - CHILD CARE CENTER OR DAY CARE CENTER

BUILDING OFFICIAL

means the official designated by the township board of trustees, or said official's authorized representative, charged with the responsibilities of administering the zoning ordinance and other codes as adopted by the township board of trustees. For the purpose of this definition, the terms "building official" and "building inspector" shall be used interchangeably.

BUILDING PERMIT

means the written authority issued by the zoning administrator permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this chapter.

BULB OR LAMP

means the source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see [Luminaire](#)).

CALIPER

means the diameter of a tree trunk measured six inches above ground level for trees up to four-inch caliper and 12 inches above the ground for larger sizes.

CAMPGROUND

means a plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation or vacation purposes.

CANOPY STRUCTURE

means an overhead structure which is designed to allow vehicles or pedestrians to pass under it.

CARNIVAL

means an enterprise devoted to offering amusement or entertainment to the public in, upon or by means of amusement rides or devices or temporary structures in any number or combination, whether or not associated with other structures or forms of public attraction.

CARNIVAL OR AMUSEMENT RIDE

means a device which carries or conveys passengers along, around or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement.

CHILD CARE CENTER OR DAY CARE CENTER

means a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours per day, and where parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. This facility is generally described as child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

CLEAR CUTTING - CURBSIDE PICK-UP FACILITY

CLEAR CUTTING

means the complete clearing, cutting, or removal of trees.

CLUB

means an organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

CO-LOCATION

means the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

COLLECTIVE INGESTION FACILITY

means a facility that allows multiple qualifying patients to consume or ingest medical marijuana upon the premises. This term does not encompass the consumption or ingestion of medical marijuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

COLOR RENDERING INDEX (CRI)

means the measurement of a light source's ability to render colors, compared to either incandescent reference sources if warm in color, or daylight reference sources if cooler in color. At the maximum CRI value of 100, the colors of objects would be seen as they would appear under an incandescent or daylight spectrum of the same CCT.

COMMERCIAL NURSERY/TREE FARM

means any commercial establishment which is licensed by the state or federal government for the planting, growing, and sale of live trees, shrubs, plants, and plant materials for gardening and landscaping purposes.

CONVALESCENT OR NURSING HOME

means a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein three or more persons are cared for. Such home shall conform and qualify for license under state law even though state law has different size regulations.

CORRELATED COLOR TEMPERATURE (CCT)

means the absolute temperature (in °K) of a blackbody whose chromaticity most nearly resembles that of the light source. Lamps with a CCT rating below 3200°K are usually considered warm sources, whereas those with a CCT of 4000°K are usually considered cool in appearance. Temperatures in between are considered neutral in appearance.

CURBSIDE PICK-UP FACILITY

means a parking space that accommodates customers to wait in their automobile while the retail or restaurant staff will bring the goods, food and/or beverages to the customers. Businesses offering curbside pick-up service shall provide dedicated parking spaces for the customer.



CUTOFF ANGLE OF A LUMINAIRE - DRIPLINE

CUTOFF ANGLE OF A LUMINAIRE

means the angle, measured from the nadir (straight down), between the vertical axis and the first line of sight at which the base source (the bulb or lamp) is not visible.

CUTOFF FIXTURE

means a fixture that provides a cutoff (shielding) of the emitted light.

DATA PROCESSING AND COMPUTER CENTERS

are sites that provide information technology services including computer programming and software development, training, and data processing services; laser technology and application; communications equipment and the repair, service and sales of such equipment; display and showroom facilities for equipment and products.

DAY CAMP

means a nonresidential, daytime, troop, or daytime travel camp conducted in the natural environment for more than four, but not more than 300 school age children apart from the children's parents, relatives, or legal guardians for five or more days in a 14-day period. A day camp provides care or supervision for the same group of children for usually not more than 12 weeks in a single calendar year.

DEVELOPED PROPERTY

means any land which is either currently used for residential, commercial, industrial, or agricultural purposes or is under construction of a new building, reconstruction of an existing building or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

DIAMETER AT BREAST HEIGHT (DBH)

means the diameter in inches of the tree measured at 4.5 feet above the existing grade.

DISPENSARY

means any operation where marihuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.

DISTRICT

means a portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

DRIPLINE

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

DRIVE-THRU SERVICE FACILITY - EFFICIENCY UNIT

DRIVE-THRU SERVICE FACILITY

means an establishment that accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-thru businesses where ordering occurs on-site prior to pick up at an on-site service window and similar uses, it includes menu boards, order boards or related boxes. Drive-thru facilities shall not include the direct refueling of motor vehicles, drive-up window facilities, parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer's arrival, or parking and loading spaces used for the donation of secondhand goods.

DRIVE-UP WINDOW FACILITY

means an establishment that accommodates automobiles and from which the occupants of the automobiles pick up goods, food and/or beverages or otherwise conduct business at a single window. For fast food restaurants to qualify as a drive-up window facility, food shall be pre-paid, with no on-site ordering from a vehicle permitted, and these facilities include the stacking spaces in which automobiles wait.

DWELLING

means any building which contains one or more dwelling units used, intended or designed to be built, used, rented, leased, let or hired out to be occupied or which are occupied for living purposes.

DWELLING, ROW (TOWNHOUSE)

means a row of three or more attached one-family dwellings, in which each dwelling has its own front entrance and rear entrance.

DWELLING UNIT, MULTIPLE-FAMILY

means a building providing complete independent living facilities for three or more families including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, SINGLE-FAMILY

means a single detached unit providing complete independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, TWO-FAMILY

means a detached building providing complete independent living facilities for no more than two families including permanent provisions for living, sleeping, eating, cooking and sanitation.

EFFICIENCY UNIT

means a dwelling unit consisting of one room, exclusive of the bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.



ENCLOSED LOCKED FACILITY - EXTERIOR LIGHTING

ENCLOSED LOCKED FACILITY

means a closet, room, or other comparable, stationary, and fully enclosed area contained within the primary residence accessible only from its interior by means of passage through a doorway equipped with secured locks or other security devices which permits access only by a registered primary caregiver or qualifying patient. The growing of marihuana plants outdoors is expressly prohibited.

EQUIPMENT COMPOUND

means an area surrounding or adjoining to the base of a wireless communication support structure and within which wireless communications equipment is located.

ERECTED

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

ESSENTIAL SERVICES

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

EXCAVATING

means the removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest.

EXISTING LIGHTING

means any and all lighting installed prior to 1992.

EXTERIOR LIGHTING

means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting.

FAMILY - FENCE, DECORATIVE

FAMILY

means:

- A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and stepchildren and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FARMLAND

means one or more of the following:

- A. A farm of 40 acres in single ownership, with 51 percent or more of the land area devoted to an agricultural use.
- B. A farm of five acres or more in single ownership, but less than 40 acres, with 51 percent or more of the land area devoted to an agricultural use that has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph enrolled in a federal acreage set aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- C. A farm designated by the state department of agriculture as a specialty farm in single ownership that has produced a gross annual income from an agricultural use of \$2,000.00 or more. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; the breeding and grazing of cervidae; pheasants, and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.

FENCE, DECORATIVE

means a permanent or temporary partition, barrier, or gate composed of durable wood, metal, vinyl or composition boards, masonry or stone, or "flex" fencing (vinyl fencing with embedded tensile wire), and designed principally for its aesthetic appeal and not solely as a means to prevent ingress, egress, or trespass onto property. Decorative fencing shall permit direct vision through at least 50 percent of any six-foot horizontal segment when viewed perpendicular to the plane of the fence. Decorative fencing may include wire netting or wire mesh fencing with vertical grids available in diamond, triangular, or rectangular shapes woven together with horizontal and vertical wires when used to fill voids in post and rail, or post and board, fencing.



FILLING

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

FIXTURE

means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

FLOOR AREA

means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level, or finished lot grade, whichever is higher. (See definition of [Basement](#)) Floor area shall not include elevator shafts and stairwells at each floor, floorspace used for mechanical equipment, (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements, utility rooms, breezeways, porches or attached garages are not included. ✍

FLOOR AREA, GROSS

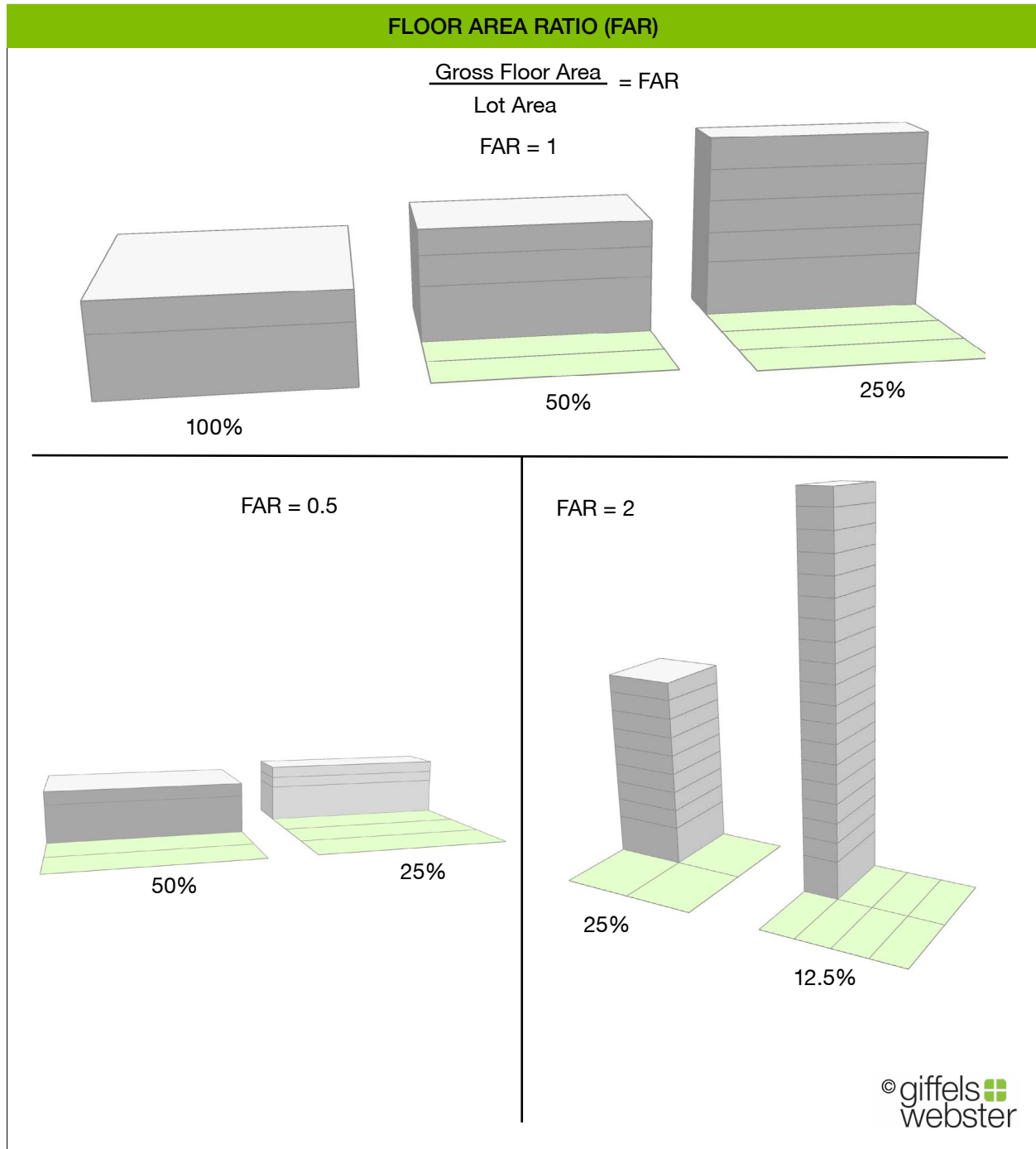
means the sum of the gross horizontal areas of the floors within the outside walls of a building including basement, elevator shafts and stairwells at each story, floorspace used for mechanical equipment, penthouse, half story and mezzanine or interior balcony.

FLOOR AREA RATIO (FAR) - FLOOR AREA RATIO (FAR)

FLOOR AREA RATIO (FAR)

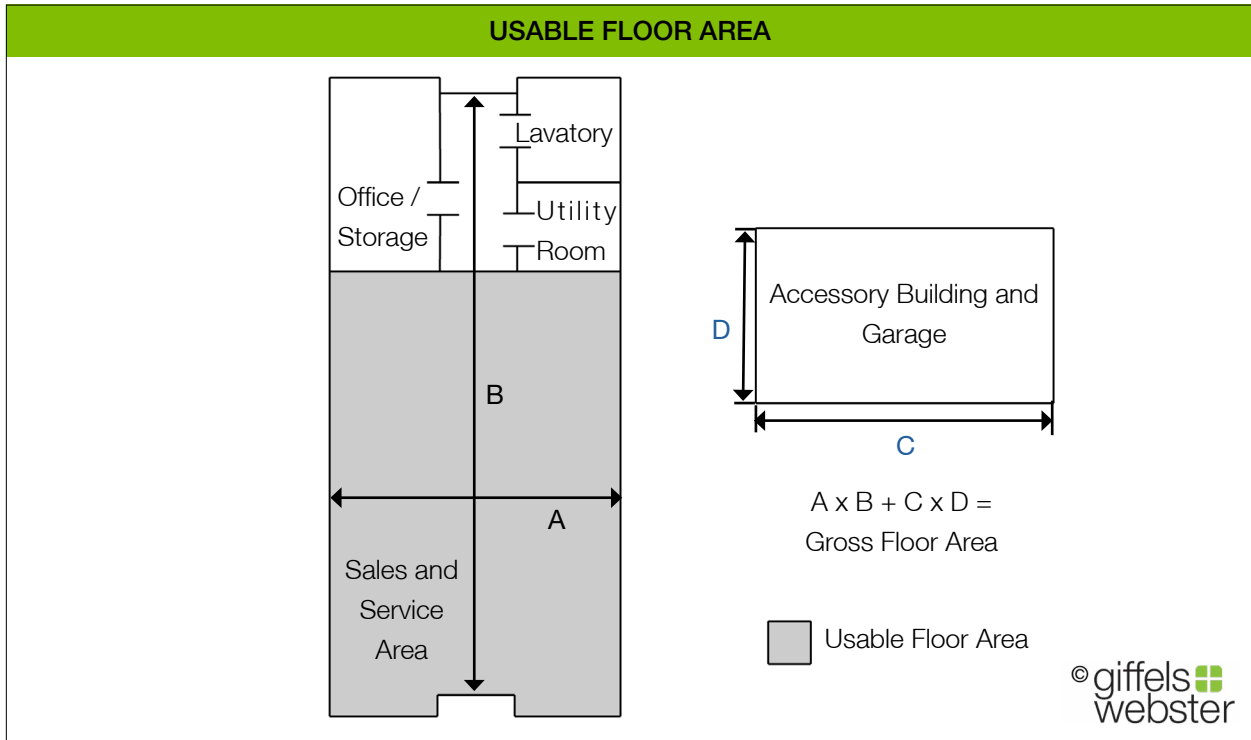
means the ratio between the maximum allowable amount of floorspace on all floors in a building and the total area of the lot on which the building is located. Examples:

- A. A FAR of 2.0 would allow floorspace of twice the lot area, or a four-story building covering one-half of the lot.
- B. A FAR of 0.5 would allow floorspace of one-half the lot area, or a two-story building covering one-quarter of the lot. ✕



FLOOR AREA, USABLE

means any floor area within the outside walls of a building exclusive of areas in cellars, basements, utility areas, unfinished attics, garages, open porches and accessory buildings. ✍



FOOTCANDLE

means a unit of illumination produced on a surface. One footcandle is equal to one lumen per square foot.

FRONTAGE

means all property fronting on one side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, the end of a dead-end street, or township boundary, calculated as the horizontal straight line distance between side lot lines, measured between the two points where the front setback line intersects the side lot lines.

FULL CUTOFF FIXTURE

means a fixture that allows no emission above a horizontal plane through the fixture. (See [“Examples of “Full Cutoff” Outdoor Lighting Fixtures”](#).) ✍

GARAGE, COMMERCIAL

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

GARAGE, COMMUNITY - GRADE*

GARAGE, COMMUNITY

means a garage used for the storage of vehicles of residents of dwelling units on the same or adjacent blocks, and providing only incidental services to such vehicles as are stored therein.

GARAGE, PRIVATE

means a building used primarily for the storage of self-propelled vehicles for the use of the occupants of the lot where such building is located.

GARAGE, STORAGE

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

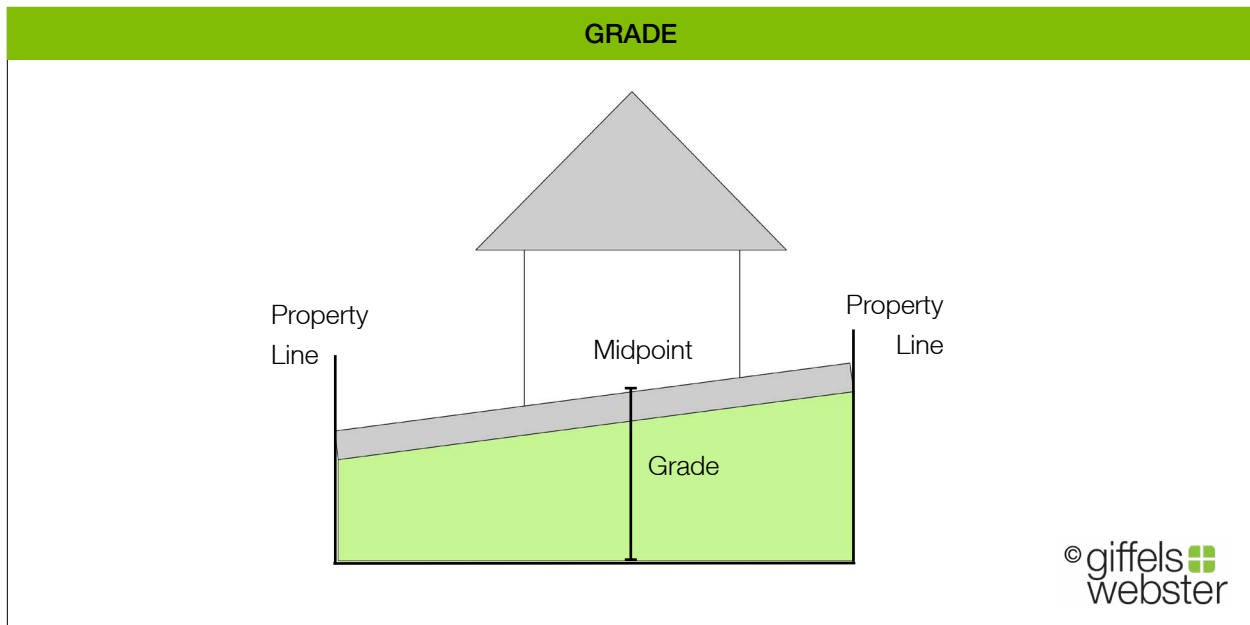
GLARE

means harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.

GRADE

means:

1. The established grade of the street or sidewalk shall be the elevation of the curb at the midpoint of the front of the lot. The elevation is established by the township engineer or zoning administrator.
2. The ground elevation. ✍



GREENBELT

consists of a landscaped yard space with a width as determined in [Section 5.18.F Greenbelts](#). Such greenbelt shall be made fertile and landscaped or planted within six months from the date of issuance of a permit for use and thereby reasonably maintained with permanent materials to provide a suitable screen.

GROSS VEHICLE WEIGHT

means the maximum operating weight of a vehicle, as specified by the manufacturer, including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo, but excluding that of any trailers. The foregoing definition shall not be construed to mean the actual weight of a fully loaded tow vehicle plus the towed vehicle (trailer, car, boat, etc.) more commonly referred to as the gross combination weight rating.

GRUBBING

means the effective removal of under-canopy vegetation from a site.

HAZARDOUS SUBSTANCES

includes the terms “hazardous chemicals” as defined by the state department of public health and the state department of labor and economic growth, “flammable and combustible liquids” as defined by the department of state police; “hazardous substances” as defined by the US Environmental Protection Agency; “hazardous materials” as defined by the US Department of Transportation; and “hazardous waste critical materials”, and “polluting materials” as defined by the state department of environmental quality.

HEIGHT, BUILDING - HOUSEHOLD PET DAY CARE FACILITY**HEIGHT, BUILDING**

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

HEIGHT, STRUCTURE

means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HELIPORT, PERSONAL USE

means any area used for the landing, takeoff or storage of a helicopter used for the transportation of persons or goods and shall be restricted in use to the owner of the property and his immediate relatives.

HELIPORT, PRIVATE USE

means any area used for the landing, takeoff or storage of a helicopter used for the transportation of persons or goods and shall be restricted in use to the owner of the property or other persons authorized by such owner. A private use heliport may be owned by individuals, companies, corporations or public bodies.

HOME-BASED BUSINESS

means any activity conducted as an accessory use to the primary residence, other than an avocation conducted without any expectation of remuneration, carried out for financial gain by a householder and non-resident within the householder's dwelling unit, attached garage, or accessory building(s).

HOME OCCUPATION

means any activity conducted as an accessory use to the primary residence, other than an avocation conducted without any expectation of remuneration, carried out for financial gain by a householder of the dwelling unit within the householder's dwelling unit, attached garage, or accessory building(s).

HOSPITAL

means an institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

HOTEL

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

HOUSEHOLD PET DAY CARE FACILITY

shall mean an establishment where four or more domestic pet animals owned by another person or persons are received for care for up to 14 hours per day, and which may also offer accessory services, such as retail sales of pet care supplies, and services such as animal obedience training or grooming.



BUILDING HEIGHT

| | |
|--|---------------------------|
| <p>Building Height</p> <p>Front view</p> | <p>GABLE</p> |
| <p>Building Height</p> <p>Front view</p> | <p>GAMBREL</p> |
| <p>Building Height</p> <p>Front view</p> | <p>HIP</p> |
| <p>Building Height</p> <p>Front view</p> | <p>FLAT</p> |
| <p>Building Height</p> <p>Front view</p> | <p>MANSARD</p> |
| <p>Building Height</p> <p>Front view</p> | <p>"A" FRAME</p> |
| <p>Building Height</p> <p>Front view</p> | <p>STUDIO ROOF</p> |

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- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement

HOUSEHOLDER - LABORATORY

HOUSEHOLDER

means a person or persons occupying a dwelling unit as their own family residence, as distinguished from a group occupying a boardinghouse, rooming house, hotel, or motel as defined herein.

ILLUMINANCE

means density of luminous flux evident on a surface.

INDUSTRY, LIGHT

means a use that involves the compounding, processing, assembly, treatment, repair, improvement, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining) such as canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings), shell, soil, textiles, tobacco, wax, wire, wood, or yarn. Examples of compounding, processing, packaging, and treatment include products such as bakery goods, candy, cosmetics, food products, hardware and cutlery, pharmaceuticals, and toiletries. Examples of manufacturing include that of pottery, figurines, or other similar ceramic products using only previously pulverized clay or kilns fired only by electricity or gas; musical instruments, toys, novelties, metal or rubber stamps or other small molded rubber products; electrical appliances, electronic instruments and devices, radios and phonographs (excluding large stamping). Manufacture or repair of electronic or neon signs and light sheet metal products (including heating and ventilating equipment, cornices, eaves, etc.) is considered light industry. Warehousing, wholesaling, storage and distribution of the finished products produced at the site is allowed as part of this use. Laboratories, experimental, film, or testing is considered light industry. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc., such that any external effects are not greater at the property lines than surrounding uses.

JUNK

means any motor vehicles, machinery, appliances, product or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNKYARD

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

KENNEL

means any lot or premises on which more than three dogs, over four months of age, are kept.

LABORATORY

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



LAMP

means the component of a luminaire that produces the light.

LANDMARK TREE

means a tree of the botanical name and diameter identified in the list below, as well as any tree that is 24 inches DBH or greater, unless an applicant submits an affidavit from an arborist that the tree is in such ill health that its anticipated life expectancy is less than five years:

| Table 2.2 | | |
|------------------------|-------------------------|-------------------------|
| Landmark Trees | | |
| Common Name | Botanical name* | Size D.B.H |
| Arborvitae | Thuja spp. | 18" |
| American beech | Fagus grandifolia | 18" |
| Birch | Betula spp. | 18" (sum of all trunks) |
| Black gum | Nyssa sylvatica | 12" |
| Blue beech | Carpinus caroliniana | 8" |
| Cedar, red | Juniperus virginiana | 12" |
| Chestnut | Castanea spp. | 10" |
| Crabapple | Malus spp. | 12" |
| Dogwood | Cornus spp. | 8" |
| Douglas fir | Pseudotsuga menziesii | 18" |
| Fir | Abies spp. | 18" |
| Ginkgo | Ginkgo bilboa | 18" |
| Hawthorn | Crataegus spp. | 12" |
| Hemlock | Tsuga spp. | 18" |
| Hickory | Carya spp. | 18" |
| Hornbeam | Ostrya spp. | 8" |
| Horse chestnut/Buckeye | Aesculus spp. | 18" |
| Kentucky coffeetree | Gymnocladus dioicius | 18" |
| Larch/Tamarack | Larix spp. | 12" |
| London plan/Sycamore | Platanus spp. | 18" |
| Magnolia | Magnolia spp. | 8" |
| Maple, red | Acer rubrum | 18" |
| Maple, sugar | Acer saccharum | 18" |
| Maple, black | Acer nigrum | 18" |
| Oak | Quercus spp. | 18" |
| Pine | Pinus spp. | 18" |
| Redbud | Cercis canadensis | 8" |
| Sassafras | Sassafras albidum | 15" |
| Serviceberry | Amelanchier | 8" |
| Spruce | Picea spp. | 8" |
| Sweetgum | Liquidambar styraciflua | 16" |

LIGHT POLE - LOT, CORNER

Table 2.2

Landmark Trees

| Common Name | Botanical name* | Size D.B.H |
|--------------|-------------------------|------------|
| Tulip tree | Liriodendron tulipifera | 18" |
| Walnut | Juglans spp. | 20" |
| Black cherry | Prunus serotina | 18" |
| Witch hazel | Mamelis virginiana | 8" |

LIGHT POLE

means the structure to support and elevate a luminaire.

LIGHT POLLUTION

means any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

LIGHT TRESPASS

means light that is unnecessarily emitted beyond the purpose and intent of the light. (See [Section 5.15.D.3.](#))

LOADING SPACE

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

LOT

means a parcel of land generally maintaining a symmetrical size and shape from its front to its rear where possible, as determined by the building official and/or planning commission, occupied or intended for occupancy by a use permitted in this chapter, including one main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this chapter. (Reference also chapter 10 Development Regulations, sections 10-16 and 10-344, of the Code.)

LOT AREA

means the total horizontal area within the lot lines of a lot. For lots fronting or lying adjacent to public or private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the street and not the centerline of such street.

LOT, CORNER

means a lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described in this definition. ✍

LOT COVERAGE

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

LOT DEPTH

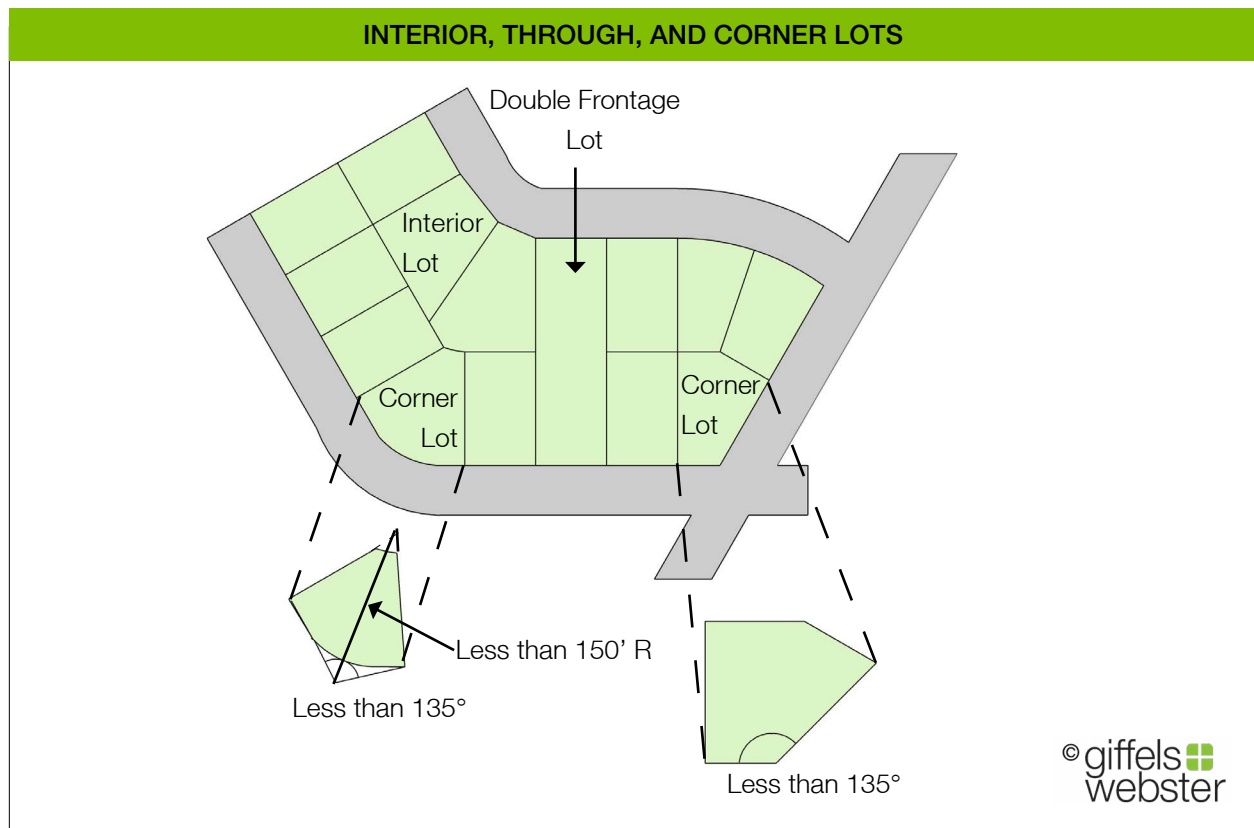
means the horizontal distance from the front street line to the rear lot line. ✎

LOT, DOUBLE FRONTAGE

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

LOT, INTERIOR

means a lot other than a corner lot with only one lot line fronting on a street. ✎



LOT LINES* - LOT WIDTH

LOT LINES

means the property lines bounding the lot.

- A. Front lot line, in the case of an interior lot, abutting upon one public or private street, means the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating such lot from either street right-of-way. For the purpose of determining yards and setbacks, front yards and setbacks shall be required for each lot line that abuts a public or private street right-of-way. ✍
- B. Rear lot line, ordinarily, means that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or goreshaped lot, a line ten feet in length, entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth or rear yard. In cases where none of these definitions are applicable, the planning commission shall designate the rear lot line (see [Lot, double frontage](#)). ✍
- C. Side lot line means any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a public or private street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. For the purpose of determining yards and setbacks, front yards and setbacks shall be required for each lot line that abuts a public or private street right-of-way, such as an exterior side street lot line. ✍
- D. Street or alley lot line means a lot line separating the lot from the right-of-way of a street or an alley.

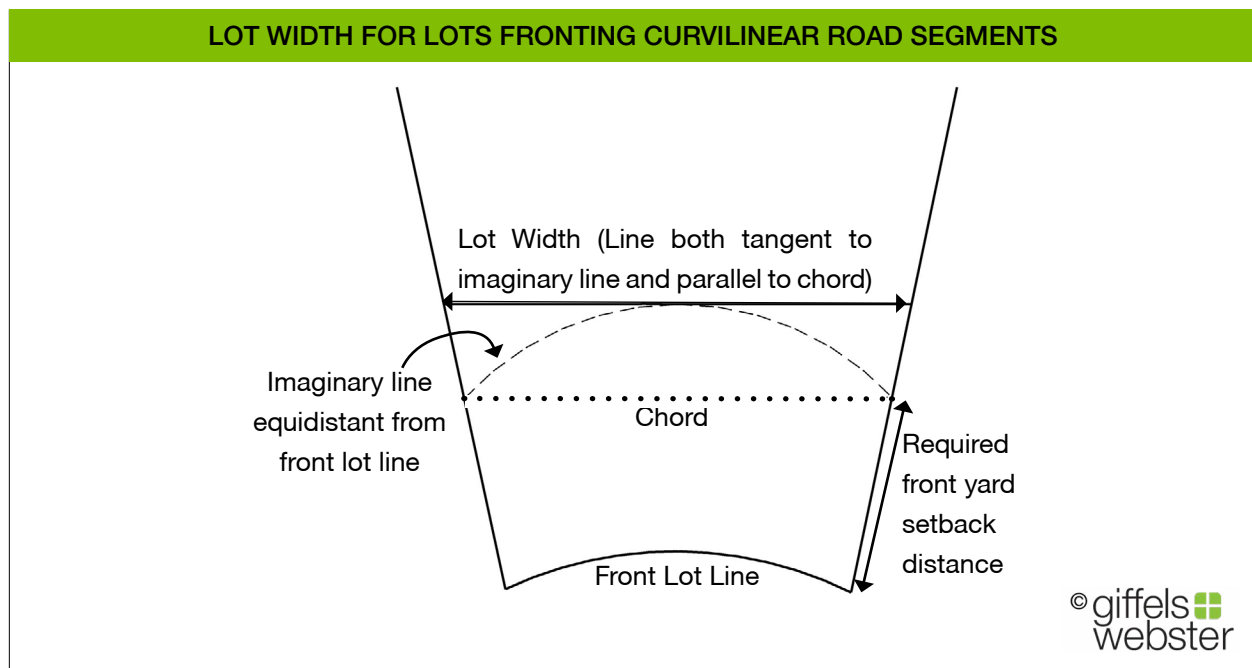
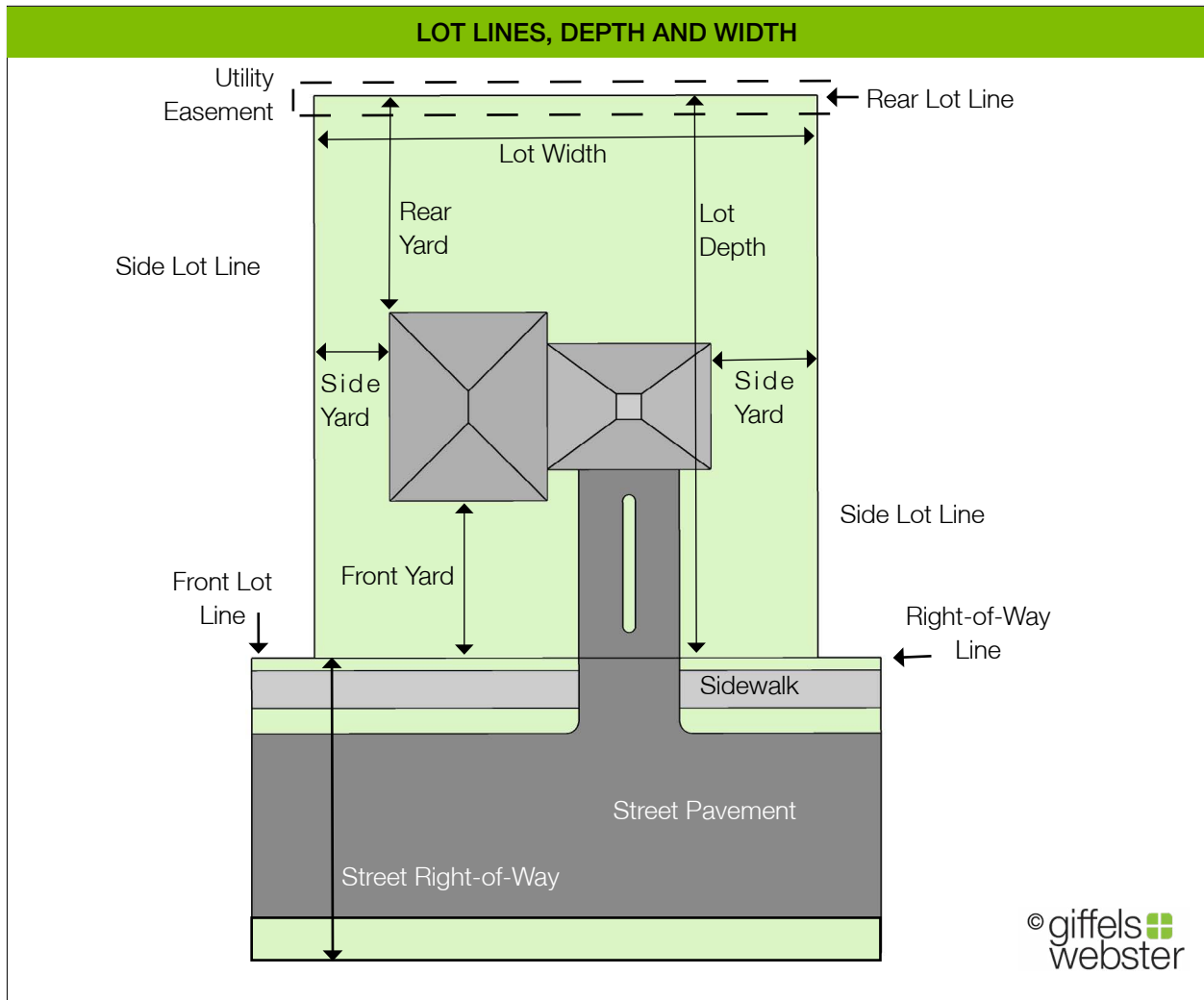
△ [Ord. No. 156-A-212](#)

LOT OF RECORD

means a lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH

means the horizontal straight line distance between the side lot lines, measured between the two points where the required minimum front yard setback line intersects the side lot lines. For lots fronting on a curved road easement or right-of-way, or a cul-de-sac, lot widths shall be the distance along a straight line which is both tangent to an imaginary line, equidistant from the front lot line (at a building setback distance established in [3.1 Established districts](#) for the zoning district wherein the development exists), and also parallel to the chord of such imaginary line, measured between its point of intersection with the side lot line. (Refer also to the following illustration for calculating lot width for lots fronting on a curvilinear road segment.) ✍



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement

LUMEN - LUMINAIRE, NON-CUTOFF

LUMEN

means a unit of measurement of luminous flux. One footcandle is equal to one lumen per square foot.

LUMINAIRE

means the complete lighting unit, including the lamp, the fixture, and other parts necessary for attachment to a structure or building. ✍

LUMINAIRE, FULL CUTOFF

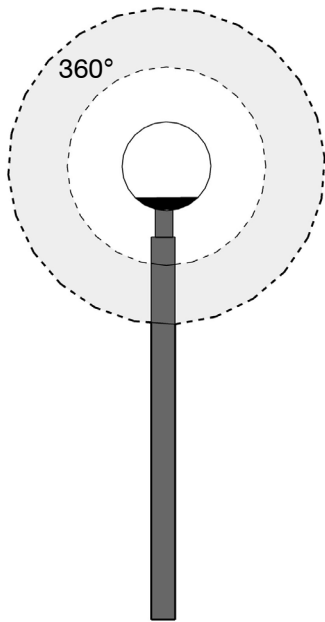
means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. All appurtenances, including the lens, shall not project below the bottom of the luminaire. (See "Examples of "Full Cutoff" Outdoor Lighting Fixtures".) ✍

LUMINAIRE, NON-CUTOFF

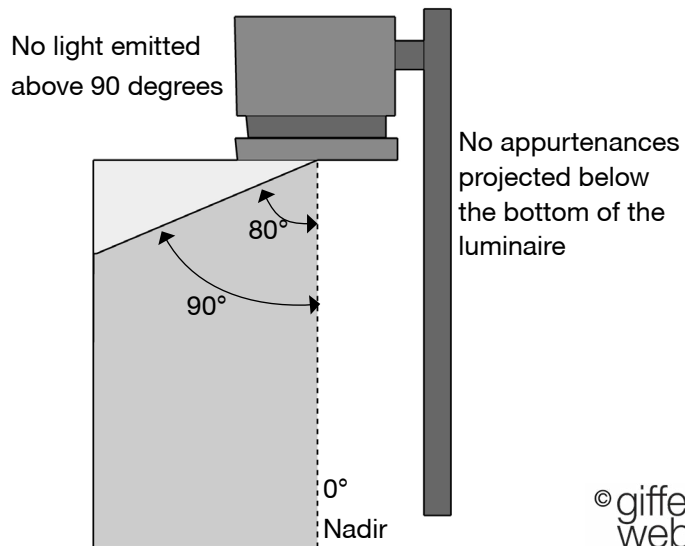
means a luminaire that allows direct light emissions in all directions. (See "Examples of "Full Cutoff" Outdoor Lighting Fixtures".) ✍

LUMINAIRE NON AND FULL CUTOFF CLASSIFICATIONS

Non-cutoff - there is no candela limitation in the zone above maximum candela.



Full cutoff - the luminous intensity (in candelas) at or above an angle of 90 degrees above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of 80 degrees above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.



LUMINANCE

means the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

MARIHUANA

means the substance defined as such in Section 7106 of the Public Health Code, 1976 PA 368, MCL 333.7106.

MEDICAL CLINIC

means a building where outpatients are studied, diagnosed and/or treated by licensed physicians or medical practitioners who as a group specialize in medical procedures or ailments. These physicians or medical practitioners must work together as a group consisting of four or more specialists acting as one legal entity in the delivery of health care services to patients.

MEDICAL OR DENTAL OFFICE

means a building used exclusively by physicians, dentists, or similar personnel for the treatment and examination of patients solely on an outpatient basis.

MICHIGAN MEDICAL MARIHUANA ACT OR ACT

means the Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

MOBILE HOME

means a detached single-family dwelling unit, exceeding 28 feet in length, designed to be transportable after fabrication on its own wheels, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. A travel trailer is not to be considered as a mobile home.

MOBILE HOME PARK

means a parcel of land which has been planned and improved for the placement of mobile homes for residential use.

MOBILE HOME SITE

means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

MODULAR HOUSING

means any dwelling constructed off-site made up of one or more major building components which conform to the state construction code, as promulgated by the state construction code commission under the provisions of Public Act No. 230 of 1972 (MCL 125.1501 et seq.).

MOTEL

means a series of attached, semidetached, detached rental units containing bedroom, bathroom and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided, with the exception of units for use of the manager and/or caretaker.

NATURAL RESOURCES - NATURAL RESOURCES

NATURAL RESOURCES

shall be limited to:

- A. Archaeological finds.
- B. Endangered species sites. A site supporting an endangered species as regulated by section 36505, part 365, chapter I, article III, of Public Act No. 451 of 1994 (MCL 324.36505), the natural resources and environmental protection act.
- C. Floodplain, 100-year. An area which has a one-percent chance of flood occurrence in any given year.
- D. Ponds and lakes. A natural or artificial impoundment that retains water yearround, including reclaimed excavation sites used for such purposes.
- E. Steep slopes. Slopes equal to or exceeding a grade of 33 percent or a 3:1 ratio of run over rise, with a change of elevation of three feet or more.
- F. Wetlands. As defined by chapter 14, article II, of this Code.
- G. Woodlot. An area of one-quarter-acre or more containing eight or more live trees per one-quarter-acre having a six-inch or more diameter at a four-foot height.
- H. Landmark tree. All trees, except nuisance trees as identified in [Table 5.18.C.1.i](#), within the township, of 24 inches in diameter at a height of four feet above grade DBH (diameter at breast height) and all trees, listed in this section, of the referenced diameter measured at a height of four feet above grade.
- I. Natural vegetated buffer system. A setback area adjacent to a shoreline, wetland or stream which meets any of the following objectives:
 1. To create a natural right-of-way for streams that protect aquatic ecosystems and provide a safe conduit for potentially dangerous floodwaters.
 2. To treat stormwater and prevent drainage problems for adjacent property owners; and
 3. To provide valuable wildlife habitat and act as wildlife corridors for smaller mammals and bird species which are present in urban areas.



NONCONFORMING BUILDING - NURSING HOME

NONCONFORMING BUILDING

means a building or portion thereof lawfully existing at the effective date of the ordinance from which this chapter is derived, or amendments thereto, and which does not conform to the provisions of the chapter in the zoning district in which it is located. ✍

NONCONFORMING USE

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

NONCONFORMING BUILDING AND USE

Nonconforming Building Example: Factory building in a residential zone.

Nonconforming Use Example: Residence converted to a commercial use in a residential zone.

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NUISANCE TREE

is a tree with a characteristics that make it hazardous or a nuisance such as being fast growing, weak-wooded, or aggressive, and/or having the ability to create litter or damage in the event of a storm. A list of nuisance trees is in [Table 5.18.C.1.i](#).

NURSING HOME

See [Convalescent or nursing home](#).

OCCUPIED - OVERLAY ZONE

OCCUPIED

includes arranged, designed, built, altered, converted to, rented or leased or intended to be occupied.

OFF-STREET PARKING LOT

means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two automobiles.

OPEN-AIR BUSINESS USES

means open-air business uses not conducted from a wholly enclosed building, if operated for profit, and shall include the following uses:

- A. Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services.
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN-FRONT STORE

means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter such structure.

ORDINARY HIGH-WATER MARK

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

OUTDOOR DISPLAY

means an area of designated size located outside of a building or structure generally accessible to the customer and principally used for the placement of merchandise or tangible property offered for immediate sale or lease or used for advertisement, normally vended by the contiguous business or organization.

OUTDOOR (OPEN) STORAGE

means the keeping of any goods, junk, material, merchandise, equipment or vehicles in an unenclosed place at the same location for more than 24 hours. The foregoing definition shall not be construed to include parking spaces for residents, employees, or customers provided to meet the requirements of article VI (off-street parking and loading).

OVERLAY ZONE

means an additional level of zoning requirements that is superimposed upon existing zoning in specified areas, designated through the rezoning of a parcel of land or a portion thereof.



PARKING SPACE

means an area of such width and length, as provided in section 32-657, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

PERSON

means any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind conducting operations within the township, including all tree removal companies and persons removing trees on behalf of others.

PERSONAL SERVICE ESTABLISHMENTS

means performing services on the premises, such as barber and beauty shops, watch and shoe repair, tailor shops, locksmith and similar establishments.

PET

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

PHOTOMETRIC PLAN

means a photometric diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixture.

PORCH, ENCLOSED

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

PORCH, OPEN

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

PRIMARY CAREGIVER

means a primary caregiver as defined under MCL 333.26423(h) of the Act, and who has been issued and possesses a registry identification card under the Act.

PRINCIPAL USE

means the main use of the premises, as distinguished from an accessory use. A principal use may be either a permitted principal use or a permitted use after special approval.

PRIVATE SERVICE CLUBS - REMOVE OR REMOVAL

PRIVATE SERVICE CLUBS

fraternal organizations and lodge halls mean those uses which include nonprofit service clubs and organizations such as American Legion, VFW, Knights of Columbus, Benevolent Protective Order of the Elks, and Amvets, which are privately owned but can be made available to the general public.

PROTECTED TREE

means all trees eight inches DBH or greater provided they are not classified as landmark trees.

PUBLIC STREET

means:

- A. A public street which is dedicated to the public and which has been accepted for maintenance by the county road commission; or
- B. Permanent and unobstructed private easement of record at the county register of deeds.

PUBLIC UTILITY

means any person duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation or water services.

QUALIFYING PATIENT

means a qualifying patient as defined under MCL 333.26423(i) of the Act, and who has been issued and possesses a registry identification card under the Act.

RECESSED

means when a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.

RECREATIONAL FACILITIES OPERATED FOR PROFIT, SEMIPUBLIC AND PRIVATE

means a primarily active daytime and evening recreation and athletics area organized for individual, team, and spectator indoor and outdoor sports, athletic activities, and amusement including but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement parks, or racetracks.

REGISTRY IDENTIFICATION CARD

means the document defined as such under MCL 333.26423(j) of the Act and which is issued by the State of Michigan to identify a person as a registered qualifying patient or registered primary caregiver.

REMOVE OR REMOVAL

means the act of removing a tree by digging up or cutting down, or the effective removal through damage to the tree or its root system.



RESEARCH AND DEVELOPMENT

means the stages of innovating to bring a product or idea to the general public, including include medical, computer, robotic, and pharmaceutical research, development, instruction or application, and any uses charged with the principal function of design of pilot or experimental products.

RESTAURANT (FAST FOOD)

means a business establishment in which a patron purchases food or beverages, that (1) are served in disposable containers or wrappers, (2) may have been previously prepared, and (3) are principally ordered. A drive-thru, drive-up or a walk-up facility may be permitted as accessory to such use subject to conditions listed in [Section 4.27 Eating and drinking establishments](#) of this ordinance.

RESTAURANT (SIT-DOWN)

means a business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant. A drive-thru, drive-up or a walk-up facility may be permitted as accessory to such use subject to conditions listed in [Section 4.27 Eating and drinking establishments](#) of this ordinance.

ROAD

means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this chapter, road shall be defined to also include the term “street.” Roads are further classified by the functions they perform, as follows:

- A. Local (minor) roads means roads having an existing or planned right-of-way of 60 feet primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the road width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the local (minor) road.
- B. Major (primary) thoroughfare means roads having an existing or planned right-of-way of 120 feet or greater primarily designed for the efficient movement of through traffic at speeds which are as high as can be reasonably allowed in view of safety considerations and the amount of access also being provided. Capacity is obtained by provision of wide street cross sections and high-capacity controls at intersections or by elimination of intersections by grade separation. Speed results from provision of good horizontal and vertical alignments and removal of potential safety hazards, especially access friction.

ROOMINGHOUSE

means a building or part thereof, other than a hotel or motel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

SELF-STORAGE FACILITIES - SHIELDED

SELF-STORAGE FACILITIES

means facilities which are intended to provide temporary storage needs for businesses, apartment dwellers and other individuals on a self-service basis; and under strict standards, to ensure security, prevent storage of flammable or toxic substances, create a pleasant environment and allow proper access and circulation.

SEMIPUBLIC USE

means a use owned or operated by a nonprofit institution providing educational, cultural, recreational, religious, charitable or similar types of programs.

SEPARATE OWNERSHIP

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

SETBACK

means the minimum horizontal distance between a structure, excluding steps and unenclosed porches, and the front street or right-of-way or lot line.

SHIELDED

means a bulb or lamp concealed by a baffle or light shield.



SIGNS

means any announcement, declaration, display, billboard, illustration, or insignia when designed and placed so as to attract general public attention and convey a message and may include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not. It shall include the following definitions applicable to the specific sign type signs:

- A. Accessory means a sign which is accessory to the principal use of the premises such as, but not limited to, a wall sign.
- B. Banner means a sign usually consisting of a larger square or rectangular piece of cloth, netting, etc., duly inscribed and suspended in public view, as across a street, in front of a building, or from a light fixture or pole.
- C. Canopy (awning) sign means a sign that is painted on, attached to, and made an integral component of an awning or canopy that is otherwise permitted by ordinance.
- D. Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this definition. A sign on which the only copy that changes is an electronic or mechanical indication of time, or temperature or stock market messages shall be considered a “time/weather/stock market” portion of a sign and not a changeable copy sign for purposes of this definition.
- E. Construction sign means temporary signs identifying active or pending development projects constructed or installed in accordance with the requirements in [5.22 Temporary signs](#).
- F. Decorative display means a temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising.
- G. Directory sign means an off-premises ground sign listing only the names of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.
- H. Freestanding sign means a sign attached to a permanent foundation, supported above the ground not less than five feet, as measured from grade to the bottom of the sign by one or more poles, posts, or similar uprights with or without braces, upon which announcements, declarations, displays, etc., may be placed.
- I. Inflatable sign means a sign consisting of a balloon or other gas-filled figure.
- J. Monument sign means a sign extending upward from grade which is attached to a permanent foundation for a distance not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure.
- K. Marquee sign means a sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.

SIGN - SOIL REMOVAL

- L. Political sign means a sign, typically temporary in nature, which promotes political parties, candidates, or proposals. Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A-frames or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- M. Projecting sign means a sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.
- N. Residential development sign means a sign identifying the name of a subdivision, condominium complex, or other residential development.
- O. Roof sign means a sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure.
- P. Temporary construction sign means a sign identifying the names of the project developers, contractors, engineers, architects, and financial institutions, along with the project name and its features, which is located on a site being developed or improved.
- Q. Temporary sign means a sign or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame; or any other sign intended for a limited period of display such as, but not limited to, banners or portable signs.
- R. Wall sign means a sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.
- S. Window sign means a sign painted on or affixed to glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein, or the products or services offered on site.

SINGLE-FAMILY LOT

means any parcel of land under single ownership and control that is occupied or intended for occupancy by a detached one-family dwelling.

SOIL REMOVAL

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



SOLAR ENERGY SYSTEM - STATE LICENSED RESIDENTIAL FACILITY

SOLAR ENERGY SYSTEM

means any equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation, and distributed. Solar energy systems consist primarily of solar thermal photovoltaic, and concentrated solar, but may include other various experimental solar technologies.

SOLAR ENERGY SYSTEM, PRIVATE

means any solar energy system that is accessory to a principal use located on the same zoning lot and is designed and built to service the principal use. The system shall not be utilized for any commercial sale of energy except for the sale of surplus electrical energy back to the electrical grid.

SPOTLIGHT

means a luminaire designed to light only a small, well defined area or object.

STATE EQUALIZED VALUATION

means the value shown on the township assessment roll as equalized through the process of state and county equalization.

STATE LICENSED RESIDENTIAL FACILITY

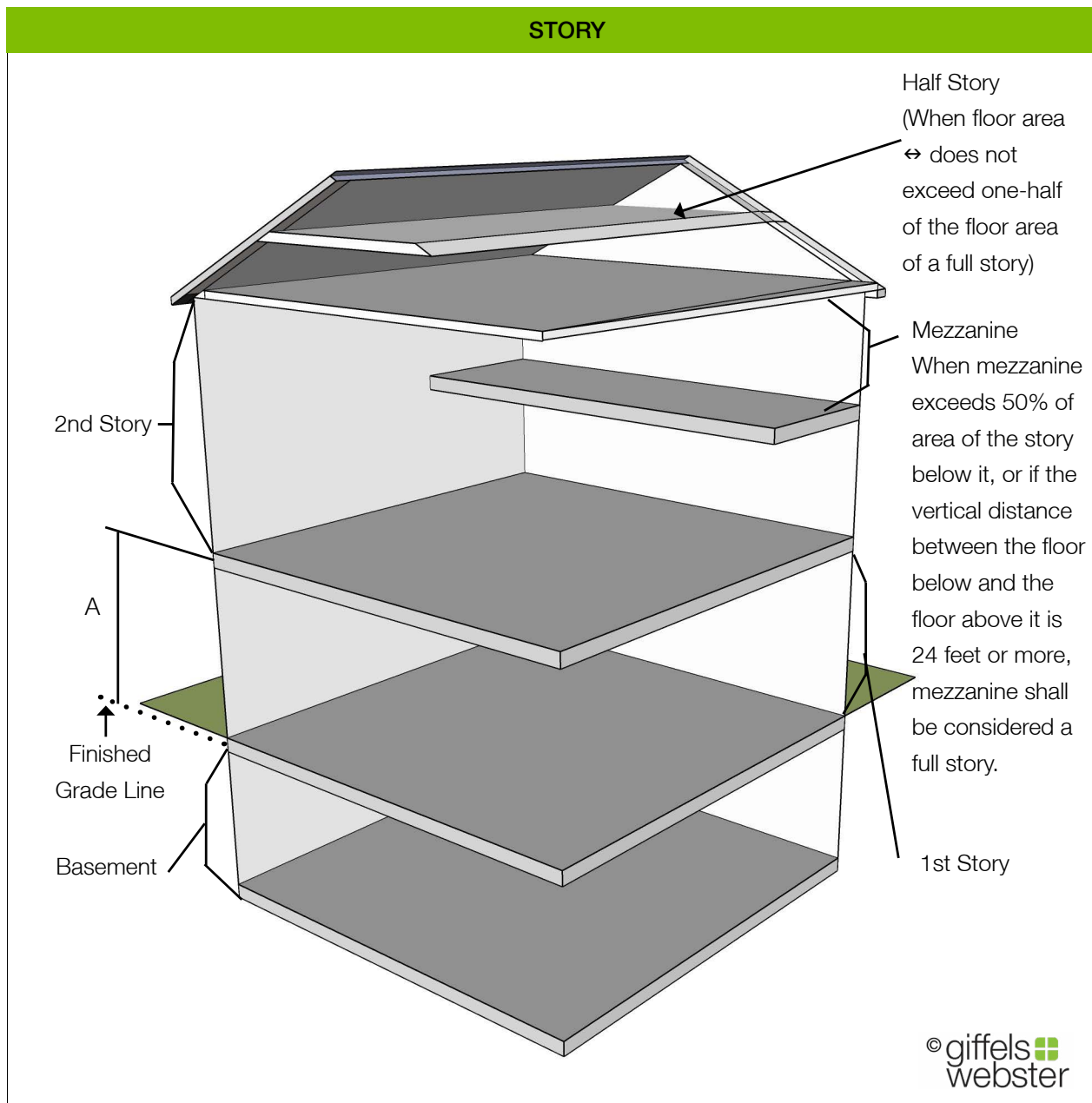
means a structure constructed for residential purposes that is licensed by the state pursuant to Public Act No. 218 of 1979 (MCL 400.701 et seq.) and Public Act No. 116 of 1973 (MCL 722.111 et seq.), which provides resident services for six or fewer persons under 24-hour supervision or care for persons in need of that supervision or care.

STORY*

STORY

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

- A. A mezzanine shall be deemed a full story when it covers more than 50 percent of the area of the story underneath such mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
- B. For the purposes of this chapter, a basement or cellar shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured. (See [Basement](#)). ✎



STORY, HALF - STRUCTURE, OUTDOOR ADVERTISING

STORY, HALF

means the part of a building between a pitched roof and the uppermost full story, such part having a floor area which does not exceed one-half the floor area of such full story. ✍

STREET

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

STRUCTURE

means anything constructed or erected which requires permanent location on the ground or attachment to something having such location. For purposes of this definition, buildings 36 inches or less in height and 12 square feet or less in area shall not be considered to be a structure.

STRUCTURE ALTERATION

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

STRUCTURE, OUTDOOR ADVERTISING

means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

TEMPORARY BUILDING AND USE - TREE SURVEY

TEMPORARY BUILDING AND USE

means a structure or use permitted by the zoning administrator to exist during periods of construction of the main use or for special events, not to exceed six months.

TEMPORARY LIGHTING

means lighting that is intended to be used for a special event lasting seven days or less.

TENTS

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

TOWNSHIP TREE FUND

means a fund established for maintenance and preservation of forest areas and the planting and maintenance of trees within the township.

TRAVEL TRAILER

means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes having a body not exceeding eight feet in width or 28 feet in length.

TREE

means:

- A. The leaves, stems, trunk, bark, roots, and any other portion of a woody plant typically growing as a single stem in an upright form that will maintain a mature height of at least 15 feet and a diameter of at least two inches.
- B. Any woody plant with at least one well defined stem and having a minimum diameter of six inches measured four feet above grade.

TREE CANOPY

means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

TREE, HAZARDOUS

means a dead, damaged, or diseased tree which poses a danger or risk of injury, damage or loss to persons or property as determined by an ISA certified arborist or state registered forester.

TREE SURVEY

means a drawing, prepared by an arborist, which illustrates the location of all protected trees and landmark trees plotted by accurate techniques, which include the DBH, common and botanical name, and the health/condition score of the trees affected, and all trees proposed to remain, to be removed, or to be relocated.

TRUCK STOP

means an establishment engaged primarily in the fueling, servicing, maintenance, repair, storage or washing of trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck may also include showers or eating facilities primarily for the use of truck crews and the operators of similar heavy commercial vehicles. Overnight accommodations are expressly prohibited.

TRUCK TERMINAL

means a facility primarily for the receipt, transfer, shortterm storage, and dispatching of cargo and freight by trucks and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

UNDEVELOPED PROPERTY

means any property in its natural state that is neither being used for residential, commercial, industrial or agricultural purposes nor under construction.

UNIFORMITY RATIO

means the ratio of the highest horizontal illuminance point at grade to the lowest horizontal illuminance point at grade.

UNNEEDED LIGHTING

means lighting that is not necessary for its intended purpose.

URBAN SKY GLOW

means the brightening of the night sky due to manmade lighting.

USE

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

VARIANCE - WIRELESS COMMUNICATION SUPPORT STRUCTURE

VARIANCE

means 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.

VISIBILITY

means being perceived by the eye.

WALK-UP WINDOW FACILITY

means an establishment that accommodates customers to order and/or pick up goods, food and/or beverages or otherwise conduct business at a single window.

WIRELESS COMMUNICATION FACILITIES (WCF)

means and includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving signals. This may include, but shall not be limited to: antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communication support structures; radio or television towers and transmission equipment buildings; and, private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (ham) radio facilities; and, governmental facilities which preempt municipal regulatory authority.

WIRELESS COMMUNICATION FACILITIES, ATTACHED

means wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, steeples and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

WIRELESS COMMUNICATION SUPPORT STRUCTURE

means structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles wood poles and guyed towers; or other structures which appear to be something other than a mere support structure.



YARD

means an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight-foot height clearance is provided above the adjacent ground level. ✍

YARD, FRONT

means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. ✍

YARD, REAR

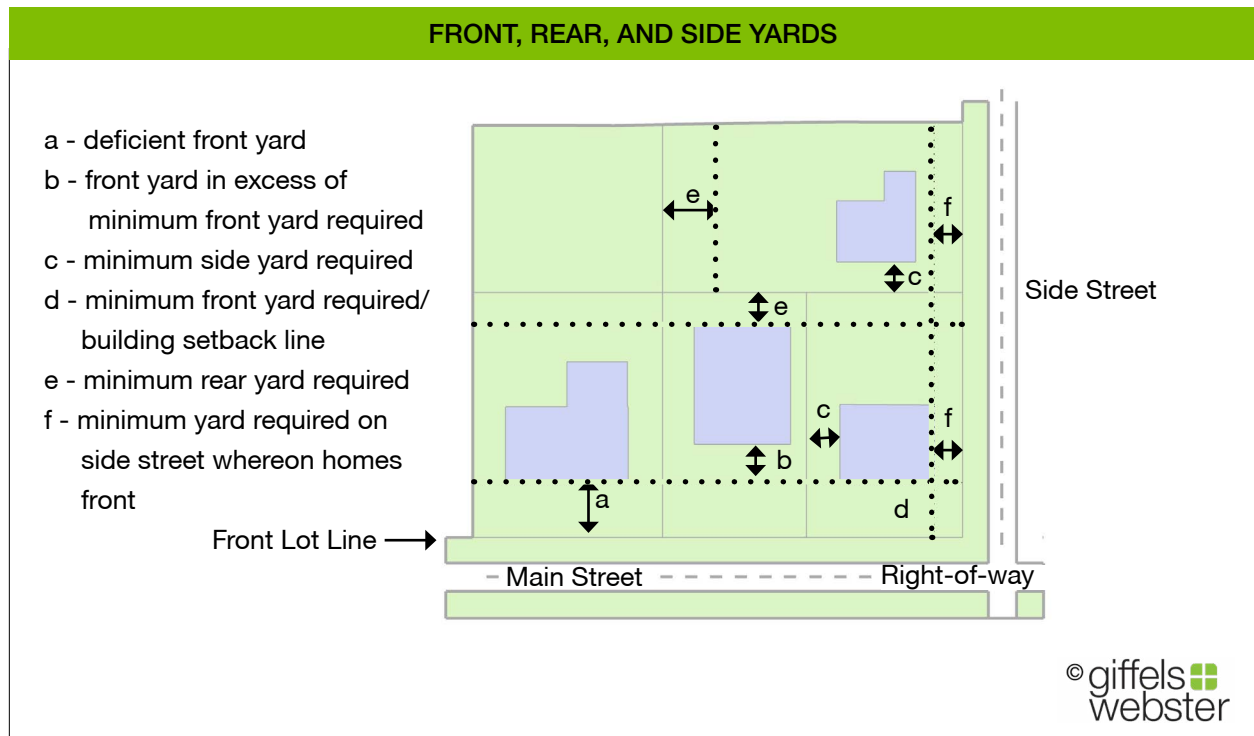
means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. ✍

YARD, REQUIRED FRONT

means the portion of a yard bounded by the right-of-way and the minimum setback line. ✍

YARD, SIDE

means a yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building. ✍



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement

ZONING ADMINISTRATOR - ZONING DISTRICT

ZONING ADMINISTRATOR

means the administrative official responsible for the enforcement of this chapter.

ZONING DISTRICT

means a portion of the township 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 by this chapter.

Δ Ord. No. 156-A-215



Chapter 32 | Article 3

Zoning Districts

Article 3 - Zoning Districts

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1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1 Established districts

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

| | | |
|--------|-------|-----------------------------|
| 3.1.1 | R-1-R | Rural Residential |
| 3.1.2 | R-1-S | Suburban Residential |
| 3.1.3 | R-1 | Single-Family Residential |
| 3.1.4 | R-2 | Multiple-Family Residential |
| 3.1.5 | R-3 | Mobile Home Park |
| 3.1.6 | RO-1 | Restricted Office |
| 3.1.7 | C-1 | Local Business |
| 3.1.8 | C-2 | Planned Shopping Center |
| 3.1.9 | REC | Recreation |
| 3.1.10 | E | Proving Ground |
| 3.1.11 | M-1 | Light Industrial |
| 3.1.12 | M-2 | General Industrial |
| 3.1.13 | M-3 | Extractive Industrial |

3.1.1 R-1-R Rural Residential

A. Purpose.

The R-1-R, rural residential district is established as a district in which the principal use of land is for single-family dwellings on large lots that provide a rural atmosphere. Other uses are permitted subject to conditions to ensure they may be compatible with residential uses.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Single-family dwellings
2. Single-family dwellings related to agricultural operations
3. State licensed residential facilities[ⓘ]
4. Family day care homes
5. Farmlands[ⓘ]
6. Cemeteries, township government buildings and uses, public utility buildings and uses
7. [Private garages[ⓘ] §4.4](#)
8. [Home occupations[ⓘ] §4.1](#)
9. [Off-street parking[ⓘ] §5.9](#)
10. [Accessory buildings, structures, and uses[ⓘ] §5.7](#)
11. [Private swimming pools §5.7](#)
12. [Accessory produce stand §4.6](#)
13. [Private use heliports[ⓘ] §4.41](#)
14. [Keeping and raising of horses, cattle, fowl, rabbits or other small animals §4.5](#)

C. Special Land Uses

1. Truck gardening, tree farms and plant nurseries
2. Commercial apiaries
3. [Dog kennels[ⓘ] §4.22](#)
4. [Places of worship[ⓘ] §4.16](#)
5. Group day care homes
6. [Bed and breakfast[ⓘ] §4.30](#)
7. [Preschools and child care centers[ⓘ] §4.11](#)
8. [Veterinarian clinic for large animals §4.21](#)
9. [Public, parochial, or other private elementary, intermediate, or high schools §4.12](#)
10. [Day camps[ⓘ] §4.24](#)

△ Ord. No. 156-A-217; Ord. No. 156-A-222



3.1.1 R-1-R Rural Residential

D. Development Standards

Lot Size

| | |
|--------------------|---------|
| Minimum lot area: | 2 acres |
| Average lot area: | 3 acres |
| Minimum lot width: | 165 ft. |
| Average lot width: | 200 ft. |

Setbacks

| | |
|-----------------------------|--------|
| Minimum front yard setback: | 35 ft. |
| Minimum rear yard setback: | 50 ft. |
| Minimum side yard setback: | 20 ft. |

Lot Coverage

| | |
|-----------------------|-----|
| Maximum lot coverage: | 10% |
|-----------------------|-----|

Building Height

| | |
|--------------------------|--|
| Maximum building height: | 2 stories or 35 ft. (60 ft. max for a silo) |
|--------------------------|--|

Floor Area

| | |
|---------------------------------------|---------------|
| Minimum Floor Area per Dwelling Unit: | 1,000 sq. ft. |
|---------------------------------------|---------------|

See [Sec. 3.2](#), [3.3](#), [3.20](#), [3.21](#), and [3.22](#) for more information about the standards.

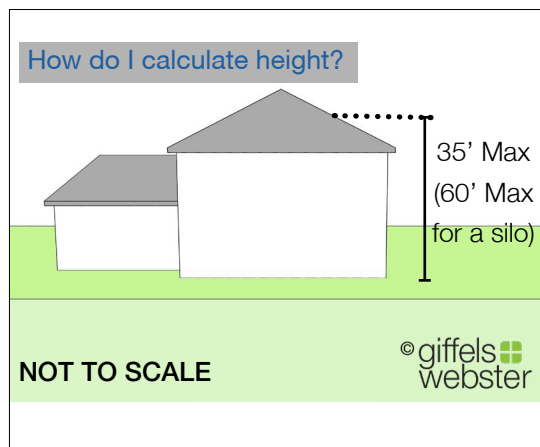
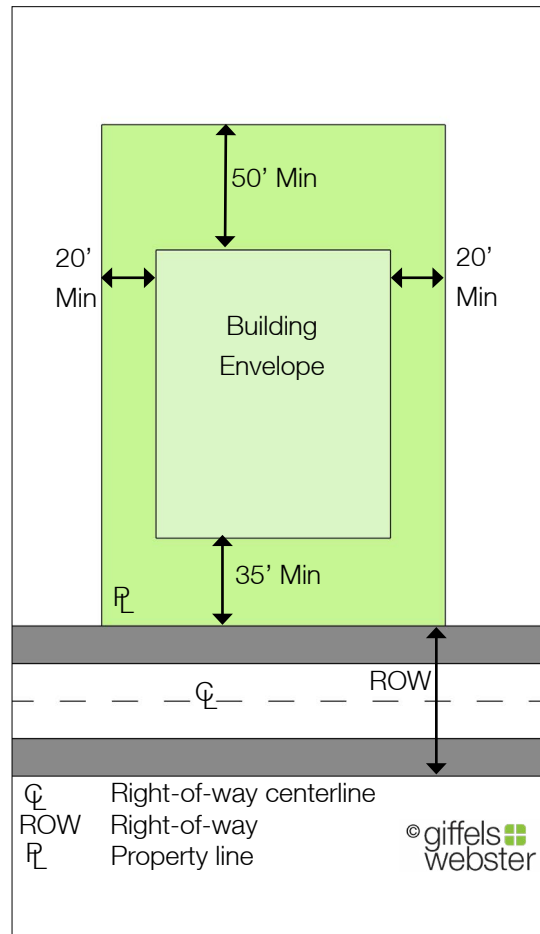
E. Additional Requirements

Article 5

- [Building standards §5.4](#)
- [Residential dwelling standards §5.5](#)
- [Accessory buildings, structures, and swimming pools §5.7](#)
- [Swimming pools §5.8](#)
- [Outdoor vehicle storage §5.13](#)
- [Outdoor storage and outdoor display §5.14](#)

Article 6

- [Site plan review §6.1](#)
- [Special land use approvals §6.2](#)
- [Condominium projects §6.3](#)



3.1.2 R-1-S Suburban Residential

A. Purpose

The R-1-S, suburban residential district, is intended as a district primarily for single-family homes on large lots which need not require urban services such as municipal water supply or sewerage.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Single-family dwellings
2. Single-family dwellings related to agricultural operations
3. State licensed residential facilities[ⓘ]
4. Family day care homes
5. Farmlands[ⓘ]
6. Cemeteries, township government buildings and uses, public utility buildings and uses
7. [Private garages[ⓘ] §4.4](#)
8. [Home occupations[ⓘ] §4.1](#)
9. [Private swimming pools §5.7](#)
10. [Off-street parking[ⓘ] §5.9](#)
11. [Accessory produce stand §4.6](#)
12. [Private use heliports[ⓘ] §4.41](#)
13. [Keeping and raising of horses, cattle, fowl, rabbits or other small animals §4.5](#)
14. [Township government buildings §4.34](#)
15. Accessory buildings[ⓘ] and uses[ⓘ] customarily incidental to the above permitted uses

C. Special Land Uses

1. [Preschools and child care centers[ⓘ] §4.11](#)
2. Group day care homes
3. [Places of worship[ⓘ] §4.16](#)
4. [Public, parochial, or other private elementary, intermediate, or high schools §4.12](#)

3.1.2 R-1-S Suburban Residential

D. Development Standards

Lot Size

| | |
|--------------------|-----------|
| Minimum lot area: | 1 acre |
| Average lot area: | 1.5 acres |
| Minimum lot width: | 125 ft. |
| Average lot width: | 150 ft. |

Setbacks

| | |
|-----------------------------|--------|
| Minimum front yard setback: | 35 ft. |
| Minimum rear yard setback: | 50 ft. |
| Minimum side yard setback: | 15 ft. |

Lot Coverage

| | |
|-----------------------|-----|
| Maximum lot coverage: | 15% |
|-----------------------|-----|

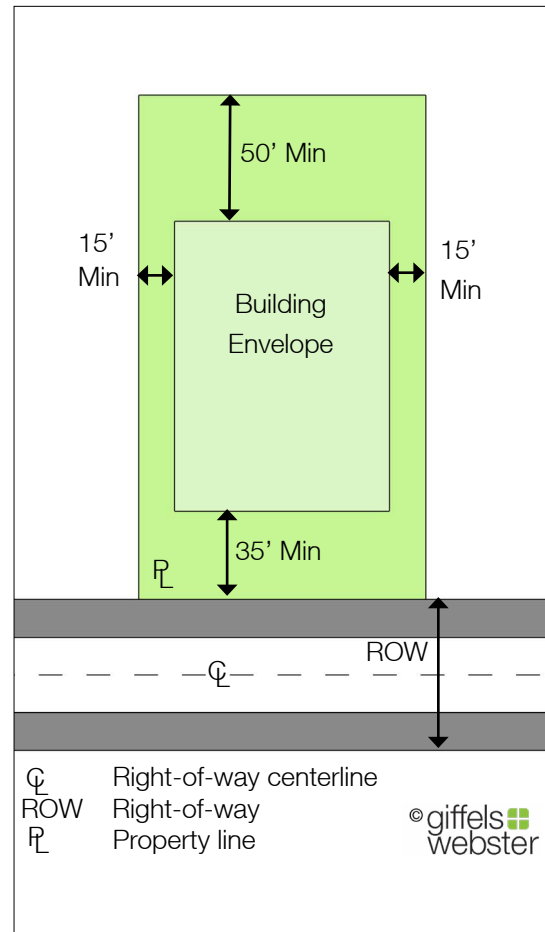
Building Height

| | |
|--------------------------|---------------------|
| Maximum building height: | 2 stories or 35 ft. |
|--------------------------|---------------------|

Floor Area

| | |
|---------------------------------------|---------------|
| Minimum Floor Area per Dwelling Unit: | 1,000 sq. ft. |
|---------------------------------------|---------------|

See [Sec. 3.2](#), [3.3](#), [3.4](#), [3.20](#), [3.21](#), and [3.22](#) for more information about the standards.



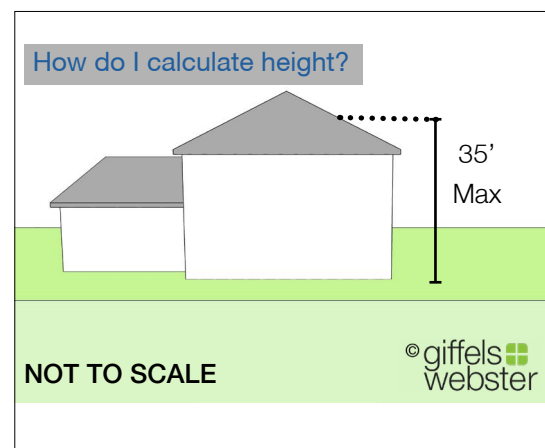
E. Additional Requirements

Article 5

- Building standards §5.4
- Residential dwelling standards §5.5
- Accessory buildings, structures, and swimming pools §5.7
- Swimming pools §5.8
- Outdoor vehicle storage §5.13
- Outdoor storage and outdoor display §5.14

Article 6

- Site plan review §6.1
- Special land use approvals §6.2
- Condominium projects §6.3









3.1.3 R-1 Single-Family Residential

A. Purpose

The purpose of the R-1, single-family district is to encourage a suitable environment for families typically with children. Uses are limited to one-family dwellings along with certain other uses, such as schools, parks and playgrounds which provide a desirable neighborhood land use pattern. In keeping with this intent, development is restricted to a moderately low density with few traffic generators. Commercial, certain residential uses and other nonresidential uses that tend to be incompatible with the character of the district are prohibited.




User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Single-family detached dwellings
2. Family day care homes
3. [Home occupations](#)  §4.1
4. State licensed residential facility  providing supervision or care, or both, to six or fewer persons
5. [Private garages](#)  §4.4
6. [Bed and breakfast](#)  §4.30
7. Accessory buildings  and uses  customarily incidental to the above permitted principle uses

C. Special Land Uses

The following uses shall be permitted in the R-1 district subject to the conditions hereinafter specified and subject to requirements of [6.1 Site plan review](#) and [6.2 Special land use approvals](#).

1. [Places of worship](#)  §4.16
2. Group day care homes
3. Cemeteries existing and lawfully occupied on March 23, 1971
4. [Public, parochial, or other private elementary, intermediate, or high schools](#) §4.12
5. [Public utility buildings and uses](#)  §4.33
6. [Temporary buildings for use incidental to construction work](#) §4.35
7. [Preschools and child care centers](#)  §4.11



3.1.3 R-1 Single-Family Residential

D. Development Standards

Lot Size

| | |
|--------------------|----------------|
| Minimum lot area: | 9,600 sq. ft. |
| Average lot area: | 11,200 sq. ft. |
| Minimum lot width: | 70 ft. |
| Average lot width: | 80 ft. |

Setbacks

| | |
|-----------------------------|--------|
| Minimum front yard setback: | 30 ft. |
| Minimum rear yard setback: | 30 ft. |
| Minimum side yard setback: | 10 ft. |

Lot Coverage

| | |
|-----------------------|-----|
| Maximum lot coverage: | 30% |
|-----------------------|-----|

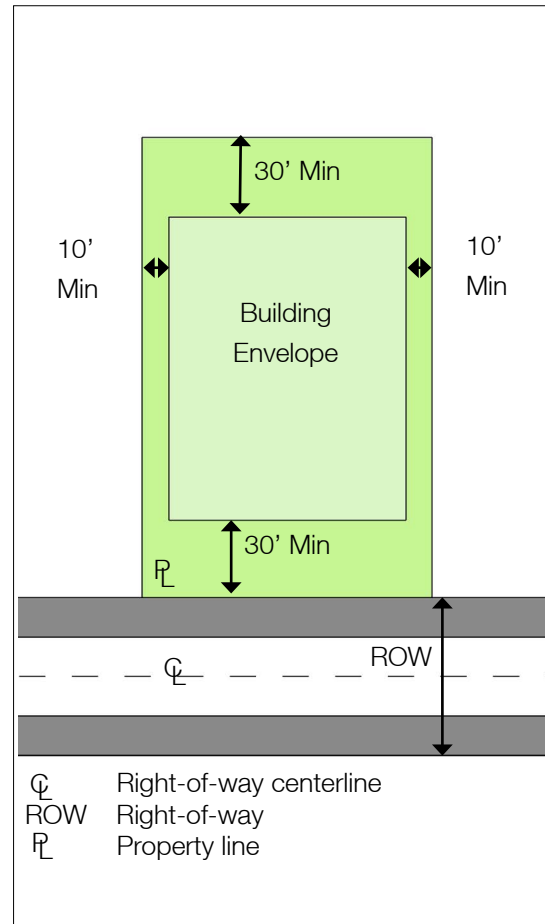
Building Height

| | |
|--------------------------|---------------------|
| Maximum building height: | 2 stories or 35 ft. |
|--------------------------|---------------------|

Floor Area

| | |
|---------------------------------------|-------------|
| Minimum Floor Area per Dwelling Unit: | 900 sq. ft. |
|---------------------------------------|-------------|

See [Sec. 3.2](#), [3.3](#), [3.5](#), [3.20](#), [3.21](#), and [3.22](#) for more information about the standards.



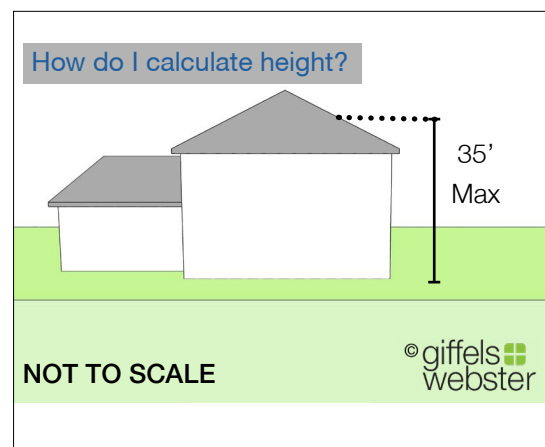
E. Additional Requirements

Article 5

- [Building standards §5.4](#)
- [Residential dwelling standards §5.5](#)
- [Accessory buildings, structures, and swimming pools §5.7](#)
- [Swimming pools §5.8](#)
- [Outdoor vehicle storage §5.13](#)
- [Outdoor storage and outdoor display §5.14](#)

Article 6

- [Site plan review §6.1](#)
- [Special land use approvals §6.2](#)
- [Condominium projects §6.3](#)



3.1.4









R-2 Multiple-Family Residential

A. Purpose








1. The R-2, multiple-family residential district is designed to permit a more intensive residential use of land with various types of multiple-family dwellings, two-family dwellings, boardinghouses and convalescent or nursing homes. These areas would be located near major roads for good accessibility.
2. The intent of this district is to allow various types and sizes of residential uses in order to meet the needs of the different age and family groups in the township.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Single-family detached dwellings
2. Two-family dwellings 
3. Multiple-family dwellings 
4. Family day care homes
5. [Home occupations](#)  §4.1
6. State licensed residential facility  providing supervision or care, or both, to six or fewer persons
7. [Private garages](#)  §4.4
8. [Bed and breakfast](#)  §4.30
9. Accessory buildings  and uses  customarily incidental to the above permitted principle uses

C. Special Land Uses

1. Convalescent or nursing homes 
2. Children's homes, orphanages
3. Group day care homes
4. Tourist home, rooming house , and boardinghouse 
5. Hospitals , medical clinics , or medical or dental offices 
6. [Preschools and child care centers](#)  §4.11
7. [Public, parochial, or other private elementary, intermediate, or high schools](#) §4.12

3.1.4 R-2 Multiple-Family Residential

D. Development Standards

Lot Size

Minimum lot width: 100 ft.

Setbacks

Minimum front yard setback: 50 ft.

Minimum rear yard setback: 100 ft.

Minimum side yard setback: 50 ft.

Lot Coverage

Maximum lot coverage: 30%

Building Height

Maximum building height: 2 stories or 30 ft.

See [Sec. 3.2](#), [3.6](#), and [3.22](#) for more information about the standards.

E. Additional Requirements

Article 5

[Building standards §5.4](#)

[Residential dwelling standards §5.5](#)

[Accessory buildings, structures, and swimming pools §5.7](#)

[Outdoor vehicle storage §5.13](#)

[Outdoor storage and outdoor display §5.14](#)

[Lighting §5.15](#)

[Fences, walls, and other protective barriers §5.16](#)

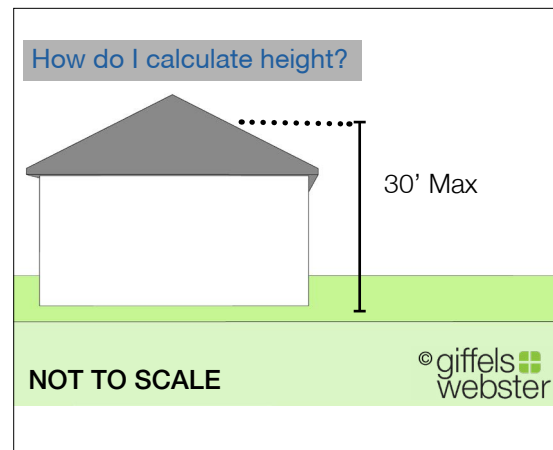
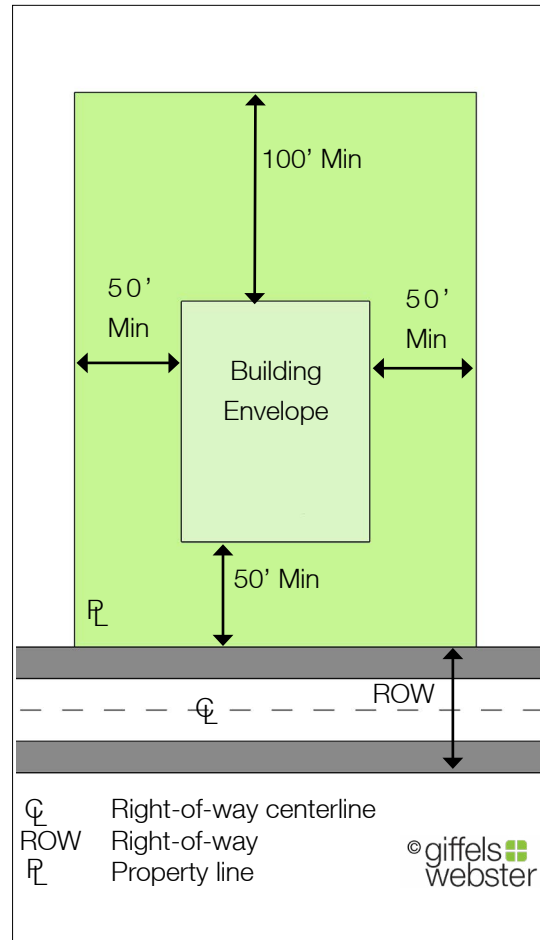
[Landscaping §5.18](#)

Article 6

[Site plan review §6.1](#)

[Special land use approvals §6.2](#)

[Condominium projects §6.3](#)



3.1.5






R-3 Mobile Home Residential

A. Purpose

The purpose of the mobile home district is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes the schedule of regulations establishes moderately low density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park and recreation facilities, churches, schools and necessary public utility buildings.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Mobile homes 
2. Mobile home parks 
3. State licensed residential facilities 
4. Family day care homes
5. Cemeteries existing and lawfully occupied at the time of adoption of the ordinance from which this chapter is derived
6. [Public, parochial, or other private elementary, intermediate, or high schools §4.12](#)
7. Accessory buildings  and uses  customarily incidental to the above permitted principal uses

C. Special Land Uses

1. [Places of worship !\[\]\(e548a391c65118ac2476924cdb5db38c_img.jpg\) §4.16](#)
2. Group day care homes
3. [Public utility buildings and uses !\[\]\(6fc1fda334fce799e3b50f6cf68d70a8_img.jpg\) §4.33](#)
4. [Temporary buildings for use incidental to construction work §4.35](#)
5. Golf courses
6. [Preschools and child care centers !\[\]\(a85cf8a5f7692437e8653d157b475e72_img.jpg\) §4.11](#)



3.1.5 R-3 Mobile Home Residential

D. Development Standards

Lot Size

Minimum lot area: 15 acres
 Minimum lot width: 400 ft.

Setbacks

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

Building Height

Maximum building height: 1.5 stories or 15 ft.

See [Sec. 3.2](#), [3.7](#), and [3.22](#) for more information about the standards.

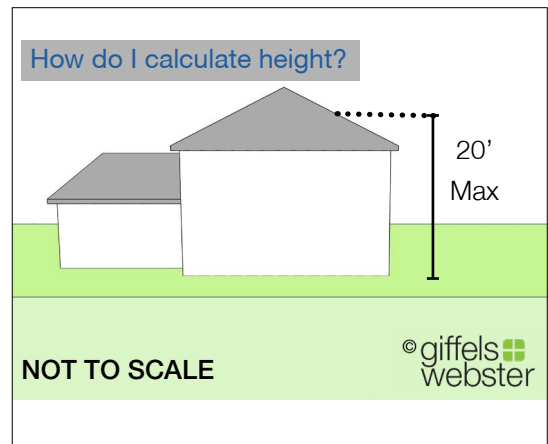
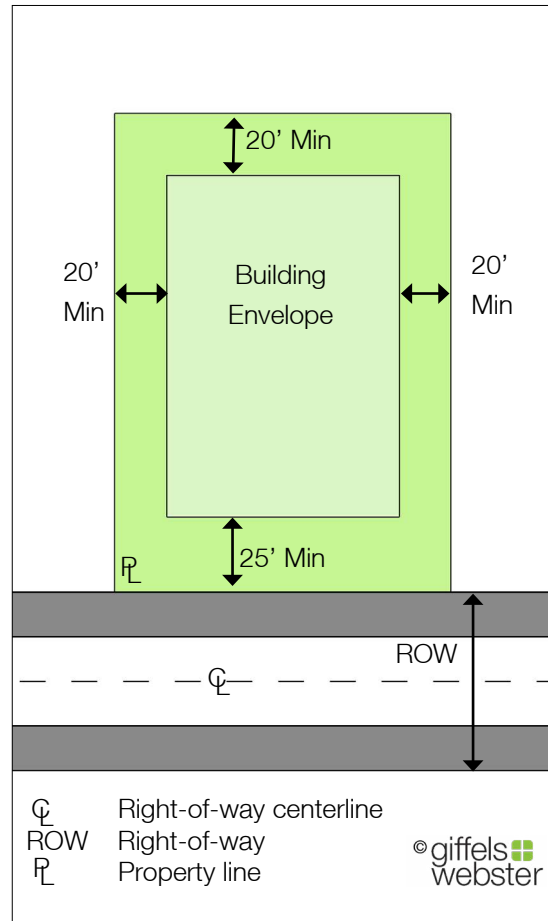
E. Additional Requirements

Article 5

- Residential dwelling standards §5.5
- Accessory buildings, structures, and swimming pools §5.7
- Outdoor vehicle storage §5.13
- Outdoor storage and outdoor display §5.14
- Lighting §5.15
- Fences, walls, and other protective barriers §5.16
- Landscaping §5.18

Article 6

- Site plan review §6.1
- Special land use approvals §6.2






3.1.6 RO-1 Restricted Office

A. Purpose

1. The RO-1 restricted office district is intended to permit those office and personal service uses which will provide modern office buildings in landscaped settings, adjacent to residential areas.
2. The intent of this district is to establish an appropriate district for uses which do not generate large volumes of traffic, traffic congestion and parking problems; and which will promote the most desirable use of land in accordance with the township's land use plan.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Office buildings
2. Medical or dental offices 
3. Financial services
4. [Publicly owned buildings, public utility transformer stations and substations, telephone exchanges and public utility offices §4.33](#)
5. Business or private schools operated for a profit
6. Photographic studios
7. [Veterinarian clinic for small animals §4.20](#)
8. Accessory buildings  and uses 

C. Special Land Uses

1. [Pharmacy or apothecary shops §4.28](#)
2. [Private service clubs !\[\]\(e7a5b2ecc7ab80b32b565dd7dfa9a5a9_img.jpg\) §4.17](#)
3. [Preschools and child care centers !\[\]\(51a3b3d739efe92b5a87bb7fdd8bc4bf_img.jpg\) §4.11](#)
4. [Places of worship !\[\]\(ebb8dcf4bf19cae7a44506695af49594_img.jpg\) §4.16](#)



3.1.6 RO-1 Restricted Office

D. Development Standards

Lot Size

Minimum lot area: 1 acre
 Minimum lot width: 125 ft.

Setbacks

Minimum front yard setback: 35 ft.
 Minimum rear yard setback: 50 ft.
 Minimum side yard setback: 15 ft.

Building Height

Maximum building height: 2 stories or 25 ft.

See [Sec. 3.2](#), [3.8](#), and for more information about the standards.

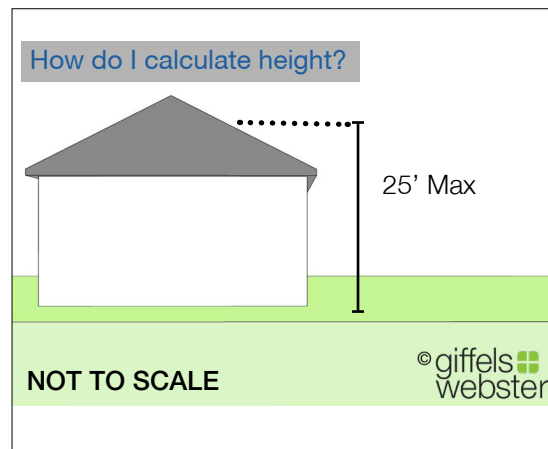
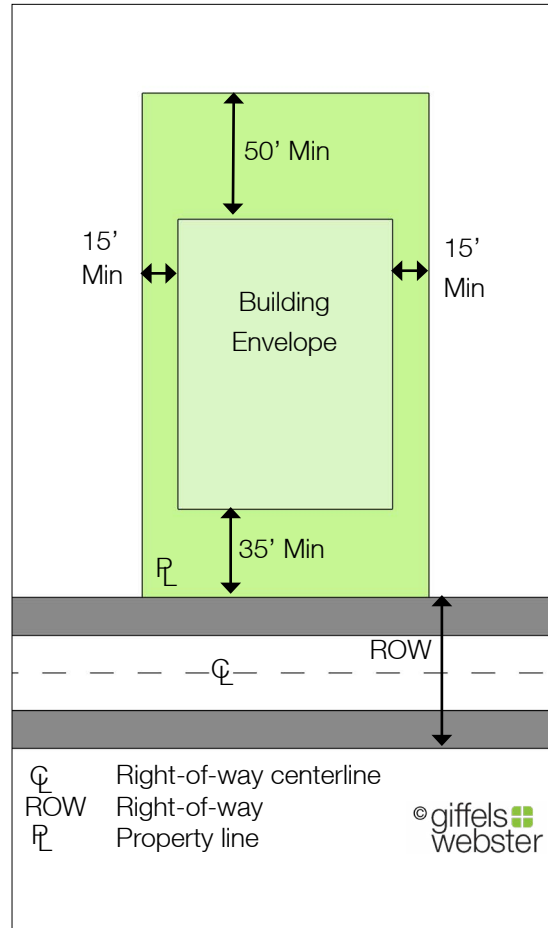
E. Additional Requirements

Article 5

- [Off-street parking requirements §5.9](#)
- [Off-street loading requirements §5.10](#)
- [Outdoor vehicle storage §5.13](#)
- [Outdoor storage and outdoor display §5.14](#)
- [Lighting §5.15](#)
- [Fences, walls, and other protective barriers §5.16](#)
- [Trash containers §5.17](#)
- [Landscaping §5.18](#)
- [Signs §5.21, 5.22, & 5.23](#)

Article 6

- [Site plan review §6.1](#)
- [Special land use approvals §6.2](#)






3.1.7 C-1 Local Business

Purpose

The C-1 local business district is intended for retail business and service uses which are needed to serve the nearby residential areas. The intent of this district is also to encourage the concentration of local business areas in locations proposed in the land use plan to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and discourage marginal strip, business development along major streets.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. [Retail establishments §4.26](#)
2. Personal service establishments 
3. [Dry cleaning customer outlets and laundromats §4.29](#)
4. Offices
5. [Veterinarian clinic for small animals §4.20](#)
6. Accessory buildings  and uses 

C. Special Land Uses

1. [Eating and drinking establishments §4.27](#)
2. [Drive-thru eating and drinking establishments §4.27 & 5.11](#)
3. [Places of worship !\[\]\(49aa2e1da5fe39294864e9598c593810_img.jpg\) §4.16](#)
4. [Public utility !\[\]\(7d0a8d8b1031f74abe67b09fcf4a2322_img.jpg\) buildings, telephone exchange buildings, electric transformer stations and substations §4.33](#)
5. [Private service clubs !\[\]\(6557fa7496e6a507d2326ea0bef061ee_img.jpg\) §4.17](#)
6. [Automobile convenience stations !\[\]\(1fe0339452ba17bd8ae951d8509f80d6_img.jpg\) §4.31](#)
7. [Semipublic and private recreational facilities operated for profit §4.19](#)
8. [Preschools and child care centers !\[\]\(3f7dbef097b87c46047901c2927193e7_img.jpg\) §4.11](#)
9. [Commercial landscaping businesses, and retail sale of trees, shrubs, flowers, or lawn/patio furniture §4.8](#)
10. [Dry cleaning customer outlets and laundromats §4.29](#)



3.1.7 C-1 Local Business

D. Development Standards

Lot Size

Minimum lot area: 1 acre
 Minimum lot width: 100 ft.

Setbacks

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 20 ft.
 Minimum side yard setback: 15 ft.

Building Height

Maximum building height: 1 stories or 20 ft.

See [Sec. 3.2](#), [3.9](#), [3.10](#) and [3.22](#) for more information about the standards.

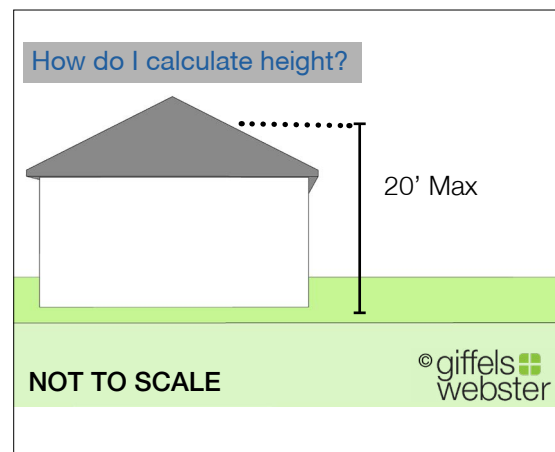
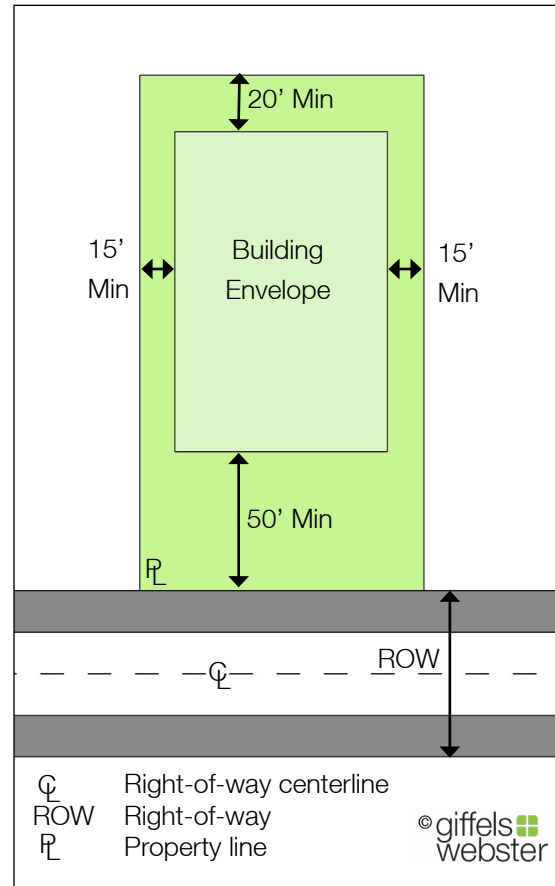
E. Additional Requirements

Article 5

- Off-street parking requirements §5.9
- Off-street loading requirements §5.10
- Outdoor vehicle storage §5.13
- Outdoor storage and outdoor display §5.14
- Lighting §5.15
- Trash containers §5.17
- Landscaping §5.18
- Signs §5.21, 5.22, & 5.23

Article 6

- Site plan review §6.1
- Special land use approvals §6.2



3.1.8

C-2 Planned Shopping Center**A. Purpose**

The C-2 planned shopping center district is intended to provide planned shopping facilities to serve the township. As such, it should permit a sufficient size site for integrated off-street parking, landscaping and loading/unloading area and be located adjacent to major thoroughfares and/or freeways to permit safe and efficient vehicular traffic circulation. These districts and the traffic such shopping centers therein may generate must be planned so as not to cause adverse effects on adjacent residential property and the township as a whole. The size of the center is intended to be related to the level of purchasing power available for the support of those uses permitted in this district. The design standards contained in this article are also intended to minimize adverse effects of the planned shopping center and its related traffic generation on nearby property values and to provide for safe and efficient use of the planned shopping center itself.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

In the C-2 district, the following uses are permitted subject to compliance with the statement of purpose of the C-2 district described above, and standards in [3.19 C-2](#)

Planned unit developments:

1. [Retail establishments §4.26](#)
2. [Personal service establishments](#)
3. [Dry cleaning customer outlets and laundromats §4.29](#)
4. [Offices](#)
5. [Office buildings](#)
6. [Medical or dental offices](#)
7. [Financial services](#)
8. [Veterinarian clinic for small animals §4.20](#)
9. [Eating and drinking establishments §4.27](#)
10. [Places of worship](#) §4.16
11. [Publicly owned buildings, public utility transformer stations and substations, telephone exchanges and public utility offices §4.33](#)
12. [Private service clubs](#) §4.17
13. [Semipublic and private recreational facilities operated for profit §4.19](#)
14. [Preschools and child care centers](#) §4.11

15. [Businesses or private schools operated for a profit §4.12](#)
16. [Photographic studios](#)
17. [Commercial landscaping businesses, and retail sale of trees, shrubs, flowers, or lawn/patio furniture §4.8](#)
18. [Assembly halls or similar places of assembly](#)
19. [Places of worship](#) §4.16
20. [Indoor commercial recreation](#)
21. [Restaurants or other places serving food or beverages §4.27](#)
22. [Hotels](#), [motels](#), [indoor theaters](#)
23. [Adult uses](#) §4.10
24. [Personal service establishments performing services on the premises](#)
25. [Accessory buildings](#) and [uses](#)

C. Special Land Uses

1. [Automobile convenience stations](#) §4.31
2. [Drive-thru restaurants or other places serving food or beverages §4.27 & 5.11](#)
3. [Drive-up personal service establishments](#) §5.11



3.1.8 C-2 Planned Shopping Center

D. Development Standards

Lot Size

Minimum lot area: 25 acres
 Minimum lot width: 500 ft.

Setbacks

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 50 ft.
 Minimum side yard setback: 50 ft.

Building Height

Maximum building height: 2 stories or 30 ft.

Lot Coverage

Maximum lot coverage: 30%

See [Sec. 3.2](#), [3.9](#), [3.11](#), [3.19](#) and [3.22](#) for more information about the standards.

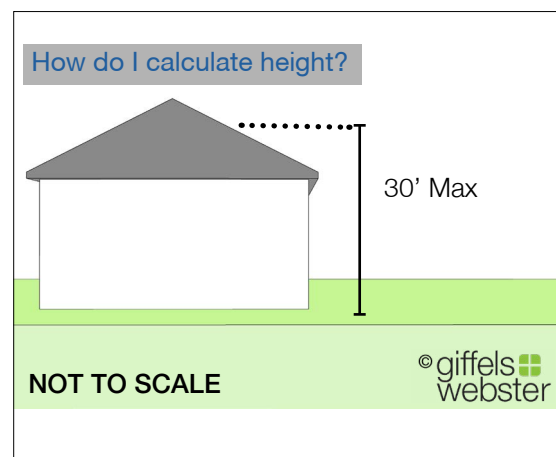
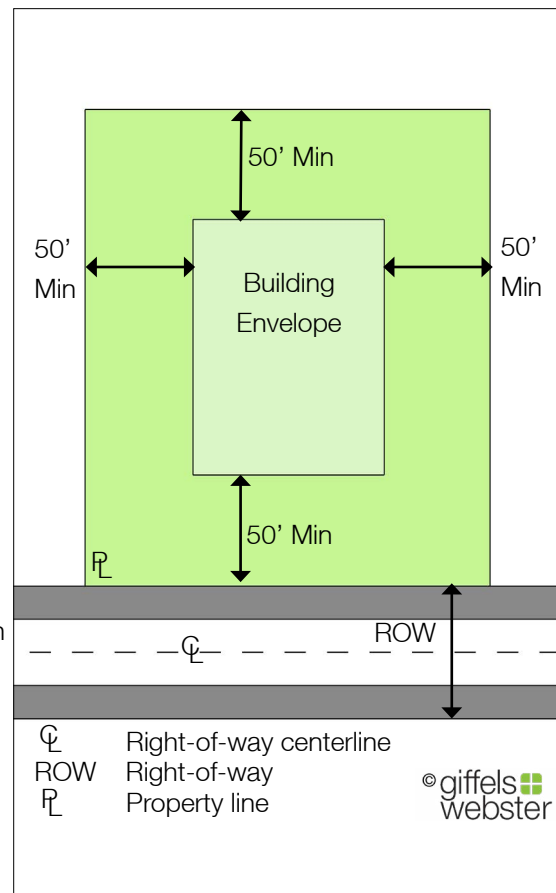
E. Additional Requirements

Article 5

- Off-street parking requirements §5.9
- Off-street loading requirements §5.10
- Outdoor vehicle storage §5.13
- Outdoor storage and outdoor display §5.14
- Lighting §5.15
- Trash containers §5.17
- Landscaping §5.18
- Signs §5.21, 5.22, & 5.23

Article 6

- Site plan review §6.1
- Special land use approvals §6.2



3.1.9 REC Recreation

A. Purpose

The REC recreation district is intended to provide areas for the development of recreational facilities as well as to encourage those outdoor recreation uses that could not easily be provided in the already urbanized portions of the metropolitan area. To the extent possible and practical, all the existing natural features of the property, such as large trees, natural groves, watercourses and other similar topographic assets that will maintain the natural attractiveness and value to the property and will promote the health and welfare of the township shall be preserved.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

- 1. Archery ranges, campgrounds, beaches, day camps
- 2. Educational facilities such as: botanical gardens, bird sanctuaries, arboretums
- 3. Golf courses, golf driving ranges, and fishing preserves
- 4. Historical monuments, picnic parks, private parks, swimming pools, ski facilities, toboggan runs and reservoirs
- 5. Semipublic and private recreational areas not operated for profit [i](#)
- 6. Publicly owned and operated parks, playfields, playgrounds and other similar recreational facilities
- 7. Accessory buildings [i](#) and uses [i](#)

C. Special Land Uses

- 1. [Country clubs §4.13](#)
- 2. [Public and private riding academies, boarding stables, riding arenas, and related uses §4.14](#)
- 3. Firearms’ shooting preserves, ranges and hunting preserves
- 4. Private canoe liveries
- 5. Wildlife preserves and zoos
- 6. Semipublic and private buildings and uses [i](#)
- 7. [Other outdoor recreation uses §4.15](#)
- 8. Publicly owned buildings

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



3.1.9 REC Recreation

D. Development Standards

Lot Size

Minimum lot area: 5 acres
 Minimum lot width: 200 ft.

Setbacks

Minimum front yard setback: 50 ft.
 Minimum rear yard setback: 50 ft.
 Minimum side yard setback: 50 ft.

Building Height

Maximum building height: 1.5 stories or 35 ft.

See [Sec. 3.2](#), [3.12](#) and [3.22](#) for more information about the standards.

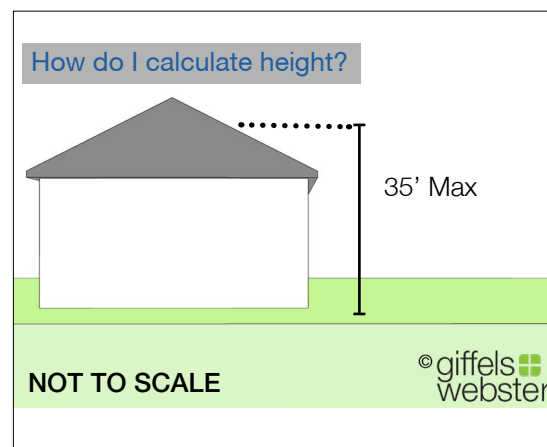
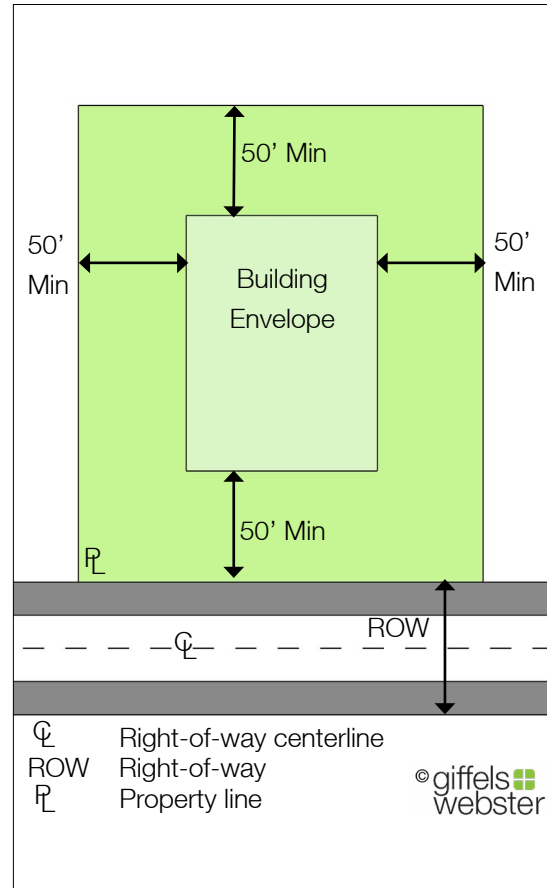
E. Additional Requirements

Article 5

- [Off-street parking requirements §5.9](#)
- [Off-street loading requirements §5.10](#)
- [Outdoor storage and outdoor display §5.14](#)
- [Lighting §5.15](#)
- [Trash containers §5.17](#)
- [Landscaping §5.18](#)
- [Tree protection and woodland preservation §5.19](#)
- [Signs §5.21, 5.22, & 5.23](#)

Article 6

- [Site plan review §6.1](#)
- [Special land use approvals §6.2](#)





3.1.10 E Proving Ground

A. Purpose

The purpose of the E proving ground district is to authorize space in which testing of vehicles and equipment can be carried on in a manner inoffensive to adjacent land uses.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

- 1. Manufacturing
- 2. Proving ground for design, development and testing of automotive, passenger, commercial and trucking vehicles, earth moving and allied vehicles and equipment, military vehicles and equipment, self-propelled vehicles and stationary engines
- 3. Industrial research, including the construction and development of related instruments and equipment
- 4. Private airports
- 5. Accessory uses 
- 6. Manufacturing operations which comply with [Section 3.13 E district standards](#)
- 7. [Private use heliports](#)  §4.41

C. Special Land Uses

None.



3.1.10 E Proving Ground

D. Development Standards

Setbacks

Minimum front yard setback: 30 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback: 20 ft.

Building Height

Maximum building height: 100 ft.

Lot Coverage

Maximum lot coverage: 25%

See [Sec. 3.2](#), [3.13](#), and [3.22](#) for more information about the standards.

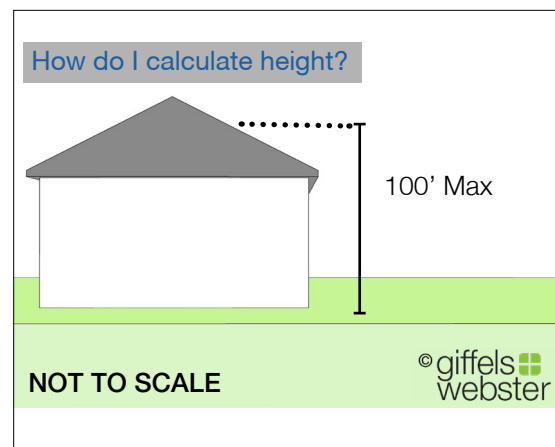
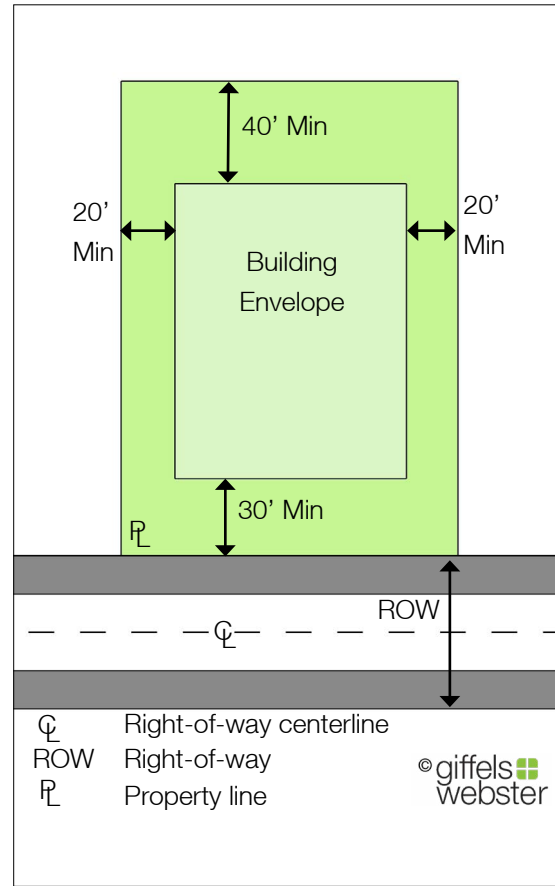
E. Additional Requirements

Article 5

- Lighting §5.15
- Fences, walls, and barriers §5.16
- Landscaping §5.18
- Fire protection requirements §5.28
- Noise §5.29

Article 6

- Site plan review §6.1
- Special land use approvals §6.2



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement

3.1.11 M-1 Light Industrial

A. Purpose

The M-1 district is designed primarily to accommodate research, office and light industrial uses, including wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. It is also the intent of the M-1 district to encourage unified complexes of research, office and light industrial uses, with high tech and multi-use facilities characterized by office, light industrial and warehousing activities in a planned environment. The M-1 district is also designed to encourage light industrial uses to locate on major thoroughfares so that traffic generated by them would not utilize local residential streets. The M-1 district is structured so as to permit, along with any specified use, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material. It is not intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, be permitted.

User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Light industry [📖](#)
2. Research and development [📖](#)
3. [Public utility](#) [📖](#) buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, other than outside storage and service yards §4.33
4. [Private use heliports](#) [📖](#) §4.41
5. Data processing and computer centers [📖](#)
6. Trade or industrial schools, technical training and activities
7. Greenhouses and plant material nurseries established for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping, but excluding tree and shrub farms
8. Blueprinting, photostating, photoengraving, publishing and bookbinding establishments
9. Headquarters of business offices for commercial or industrial uses which conduct the principal firm's activity outside of the district
10. Emergency medical dispatch facilities
11. Household pet day care facilities [📖](#)
12. [Showrooms that are directly associated to permitted and special land uses](#) §4.44
12. Accessory buildings [📖](#) and uses [📖](#)

C. Special Land Uses

1. Self-storage facilities [📖](#)
2. Storage facilities for building materials, sand, gravel, stone, lumber and contractor's equipment and supplies
3. [Municipal uses](#) §4.34
4. Tool, die, gauge and machine shops
5. Indoor recreational use
6. [Automobile convenience stations and public garages](#) §4.31
7. [Commercial uses which serve the limited needs of an industrial district](#) §3.14.D
8. [Banks, savings and loan associations, and credit unions with a drive-thru](#) §3.14.D
9. [Retail sales activities](#) §3.14.E

3.1.11 M-1 Light Industrial

D. Development Standards

Lot Size

Minimum lot area: 2 acres
 Minimum lot width: 150 ft.

Setbacks

Minimum front yard setback: 30 ft.
 Minimum rear yard setback: 40 ft.
 Minimum side yard setback: 20 ft.

Building Height

Maximum building height: 2 stories or 100 ft.

Lot Coverage

Maximum lot coverage: 40%

See [Sec. 3.2](#), [3.14](#) and [3.22](#) for more information about the standards.

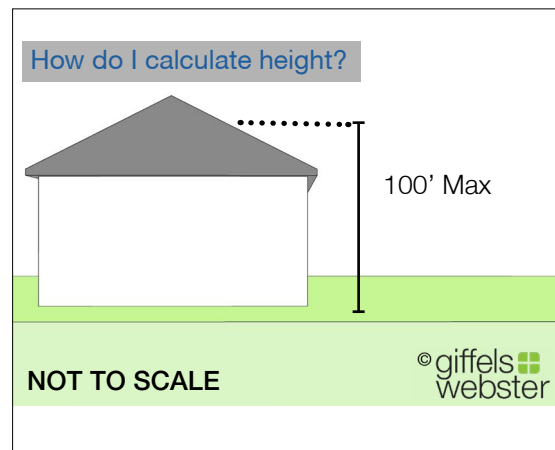
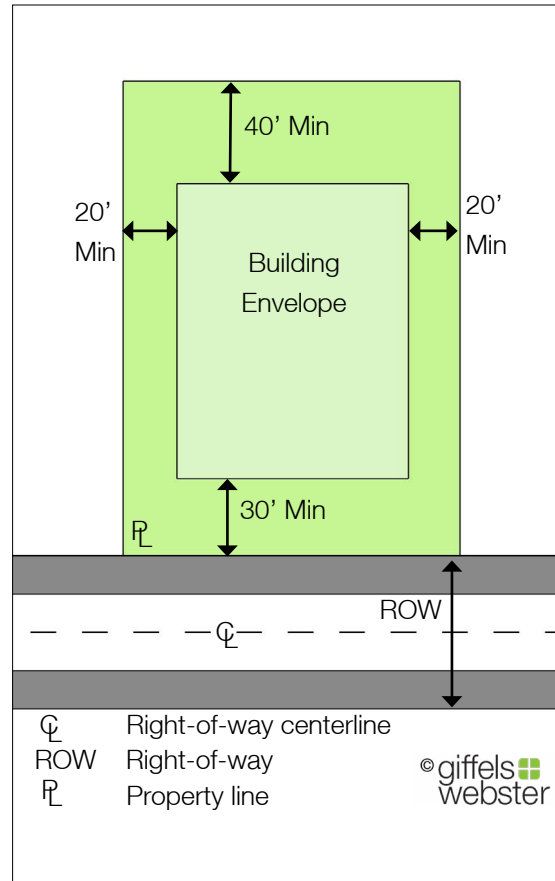
E. Additional Requirements

Article 5

- Off-street parking requirements §5.9
- Off-street loading requirements §5.10
- Lighting §5.15
- Fences, walls, and barriers §5.16
- Landscaping §5.18
- Fire protection requirements §5.28
- Noise §5.29

Article 6

- Site plan review §6.1
- Special land use approvals §6.2




Δ Ord. No. 156-A-217

3.1.12



M-2 General Industrial

A. Purpose

1. The M-2, general industrial district is established as a district in which the principal uses allowed would be more intensive in nature than those uses allowed in the M-1, light industrial district.
2. The intent of this district is to provide areas for industrial uses, which, because of the nature of their operation, require review and regulation concerning potential adverse appearance, nuisance effects, air pollution and groundwater pollution to ensure that they would minimize impacts with surrounding residential or commercial land uses and to provide areas in the township where industrial uses requiring outdoor storage would locate. Outdoor storage in the M-2 district is designed to encourage industrial uses with principal buildings connected to a public sanitary sewer system and is designed to discourage industrial uses that may require a principal building within the Milford Township Special Assessment District for sewer.
3. The M-2, general industrial district is designed primarily for contractor yards, manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The M-2 district is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.
4. The M-2 general industrial district is also established to accommodate existing industrial uses established prior to the effective date of the ordinance from which this chapter is derived, not permitted in the M-1 district, but specifically excluding those heavy industrial uses such as, but not limited to, the manufacture or processing of chemicals, cement or rubber products; stockyards; steel mills; or distilleries that are inconsistent with the planned character of the community.

 **User Note:** Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. Light industry 
2. Research and development, technical training and activities which include medical, computer, robotic, and pharmaceutical research, development, instruction or application, and any uses charged with the principal function of design of pilot or experimental products
3. [Public utility !\[\]\(042ea11c58a77088d3dd7150909adec0_img.jpg\) buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, other than outside storage and service yards §4.33](#)
4. [Private use heliports !\[\]\(5890ff4c38007932c846fa9d39ba1fe6_img.jpg\) §4.41](#)
5. Data processing and computer centers 
6. Trade or industrial schools
7. Greenhouses and plant material nurseries
8. established for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping, but excluding tree and shrub farms
9. Blueprinting, photostating, photoengraving, publishing and bookbinding establishments
10. Headquarters of business offices for commercial or industrial uses which conduct the principal firm's activity outside of the district
11. Emergency medical dispatch facilities
12. [Household pet day care facilities !\[\]\(3b3fbb6cc430c0b8da0c6ad8d8fe9f5d_img.jpg\) §4.23](#)
13. [Self-storage facilities !\[\]\(48d5ea9af81461d47ce0bfa0808d84ea_img.jpg\) §4.37](#)
14. [Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment and supplies !\[\]\(4a20c858524295d2b586b58826d34eb7_img.jpg\) §4.36](#)
15. [Municipal uses !\[\]\(cdbbc2244079ed4c75056c9432abc2fd_img.jpg\) §4.34](#)
16. Tool, die, gauge and machine shops



3.1.12 M-2 General Industrial

16. Indoor recreational use
17. Automobile convenience stations and public garages §4.31
18. Commercial uses which serve the limited needs of an industrial district §3.14.D
19. Banks, savings and loan associations, and credit unions with a drive-thru §3.14.D
20. Retail sales activities §3.14.E
21. Accessory buildings[☐] and uses[☐]
22. Construction equipment, heavy equipment sales and service establishments §4.38
23. Commercial contracting businesses
24. Lumber and planing mills §3.16
25. Brick and paving block manufacturers §4.39
26. Public utility and storage yards §4.33
27. Showrooms that are directly associated to permitted and special land uses §4.44

C. Special Land Uses

1. Truck terminals[☐] §4.40
2. Commercial sale of new and used heavy trucks, farm equipment, and heavy offroad construction equipment §4.9
3. Alternative energy fueling stations[☐] §4.32

3.1.12 M-2 General Industrial

D. Development Standards

Lot Size

| | |
|--------------------|---------|
| Minimum lot area: | 2 acres |
| Minimum lot width: | 150 ft. |

Setbacks

| | |
|-----------------------------|--------|
| Minimum front yard setback: | 40 ft. |
| Minimum rear yard setback: | 50 ft. |
| Minimum side yard setback: | 30 ft. |

Building Height

| | |
|--------------------------|----------------------|
| Maximum building height: | 2 stories or 100 ft. |
|--------------------------|----------------------|

Lot Coverage

| | |
|-----------------------|-----|
| Maximum lot coverage: | 40% |
|-----------------------|-----|

See [Sec. 3.2](#), [3.10.A, B, C, E](#), [3.13](#), and [3.14](#) for more information about the standards.

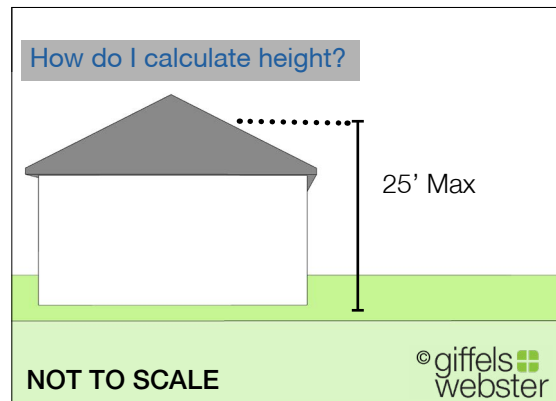
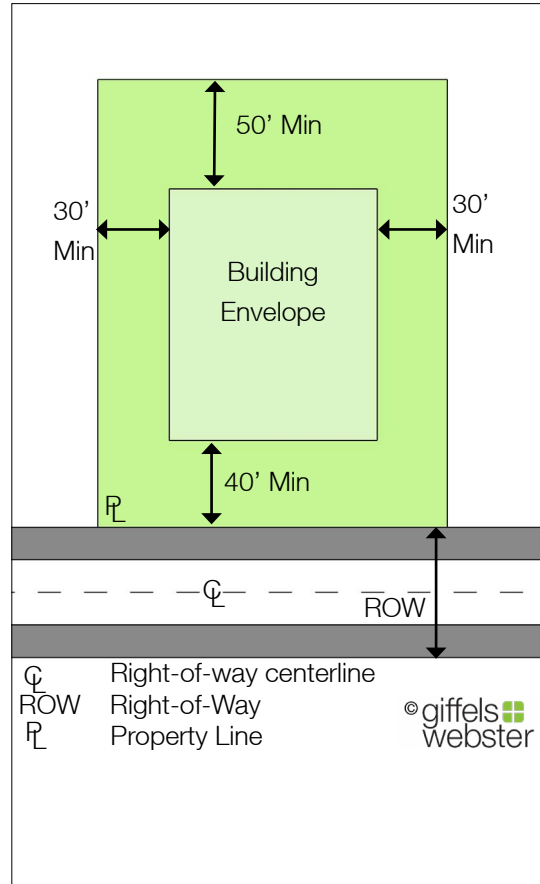
E. Additional Requirements

Article 5

- Off-street parking requirements §5.9
- Off-street loading requirements §5.10
- Lighting §5.15
- Fences, walls, and barriers §5.16
- Landscaping §5.18
- Noise §5.29

Article 6

- Site plan review §6.1
- Special land use approvals §6.2



△ Ord. No. 156-A-213; Ord. No. 156-A-218

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3.1.13


M-3 Extractive Industrial

A. Purpose

1. The M-3, extractive industrial district is established as a district in which the principal use of land is for excavation and removal of sand and/or gravel deposits.
2. The intent of this district is to allow the removal of valuable mineral deposits and to protect land surrounding excavation projects from the nuisance effects, such as dust and dirt, noise and traffic, which result from such operation and to also ensure that once the excavation operation is completed, the land is rehabilitated in such a manner as not to result in dangerous or unsightly conditions.

i User Note: Click on [Blue](#) for use-specific standards or refer to Article 4 Use Standards

B. Permitted Uses

1. The excavation, mining, stockpiling, or removal of sand and/or gravel deposits
2. Processing plants in connection with the washing, grading, or other similar processing of excavated materials
3. Stockpiles of sand and/or gravel as the product of an excavation operation
4. [Private use heliports](#)  §4.41

C. Special Land Uses

None.



3.1.13 M-3 Extractive Industrial

D. Development Standards

Lot Size

Minimum lot area: 160 acres
 Minimum lot width: 200 ft.

Setbacks

Minimum front yard setback: 40 ft.
 Minimum rear yard setback: 30 ft.
 Minimum side yard setback: 50 ft.

Building Height

Maximum building height: 2 stories or 40 ft.

Lot Coverage

Maximum lot coverage: 40%

See [Sec. 3.2](#), [3.17](#) and [3.22](#) for more information about the standards.

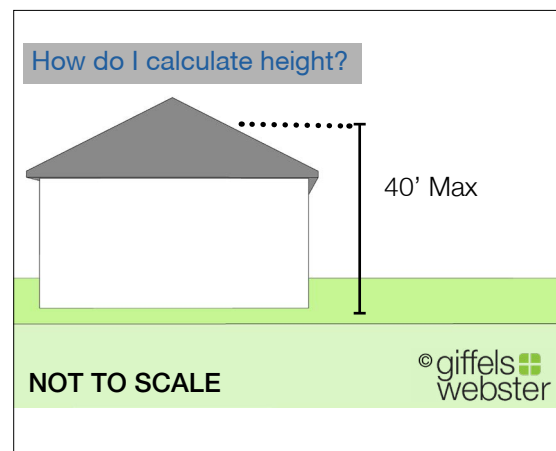
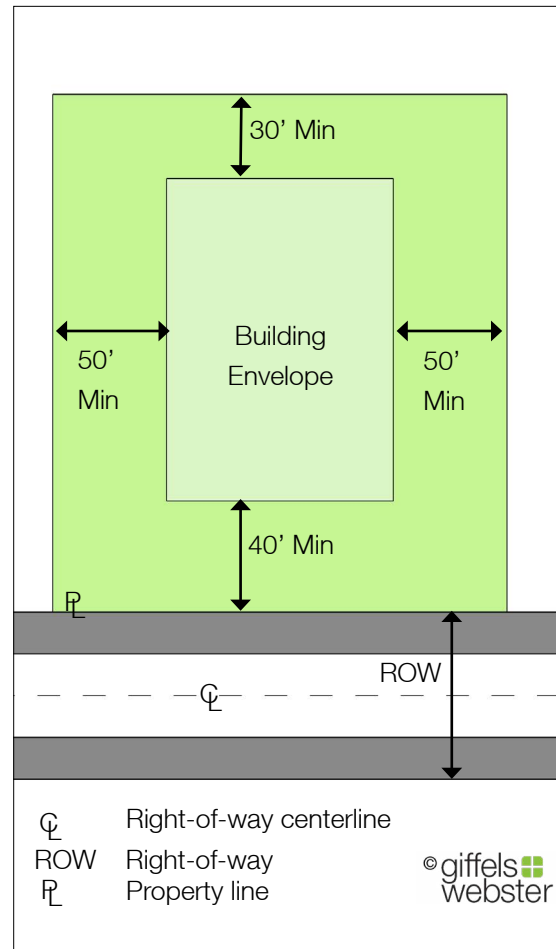
E. Additional Requirements

Article 5

- Filling operations §5.25
- Excavation or holes §5.26
- Fences, walls, and barriers §5.16
- Fire protection requirements §5.28
- Noise §5.29

Article 6

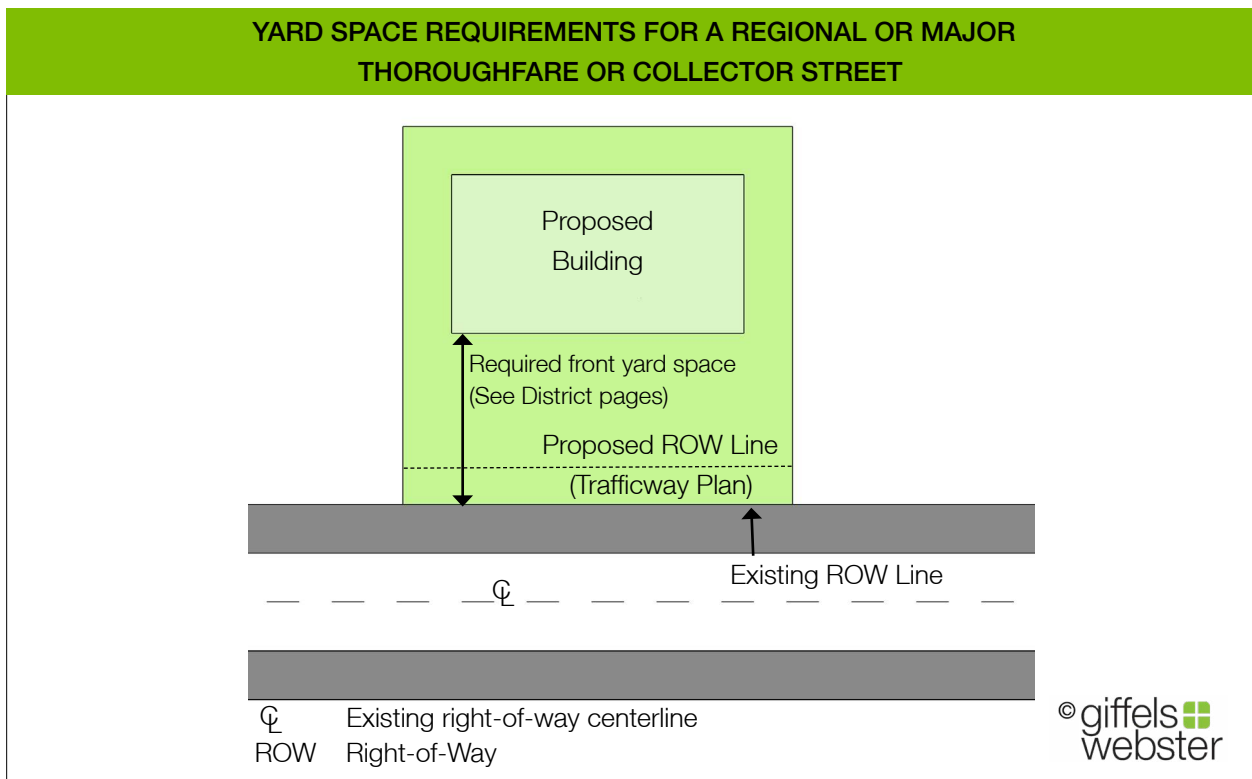
- Site plan review §6.1
- Special land use approvals §6.2



Section 3.2A - B

3.2 General standards for all districts

- A. In determining required yard spaces for all land uses in any zoning district, the determination of such yard spaces shall be the distance from the building or structure on the lot to the nearest lot line except those lots adjacent to a regional thoroughfare, major thoroughfare, or collector street. For the latter lots, the yard spaces shall be measured from the proposed future right-of-way line for such thoroughfare to the building or structure on a lot (see sketch below). However, for residential subdivisions, if the road right-of-way requirements of the county road commission are more restrictive than that of a street and traffic plan, the county regulation shall apply. Until such time as a street and traffic plan shall have been adopted, the following rights-of-way shall be observed:
 1. E. Commerce Street, W. Commerce Road, Duck Lake Road, General Motors Road, N. Hickory Ridge Trail, S. Hickory Ridge Trail between Stobart Road and General Motors Road, N. Milford Road, S. Milford Road, Pontiac Trail, Stobart Road and Wixom Trail shall retain a right-of-way of 120 feet.
 2. All other public streets shall retain a right-of-way equal to that which existed July 17, 1991. ✍



- B. Except where otherwise provided in this chapter, all exterior side yards abutting a street shall be provided with a setback equal to the front yard setback requirement of the district in which located and all regulations applicable to a front yard shall apply, except further, where a nonresidential district abuts a residential district, the exterior side yard setback requirement shall not be less than the minimum front yard setback requirement of the abutting residential district, but not less than the required setback of the nonresidential district.

- C. Lots, yards and open spaces. No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this chapter, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.
- D. Required street frontage. Any parcel of land or lot which is occupied by a use or building shall front its full width on, and provide direct access to a dedicated street or public road or on a private road that has been improved to the standards of chapter 10 of the Code of Ordinances.

3.3 Single-family residential district standards

- A. Lot averaging.
 - 1. The purpose of the lot averaging option is to permit an alternative means for development of land which is zoned single-family residential, i.e. R-1-R, R-1-S and R-1 districts. The intent of the option is to permit the preservation of natural features of a site such as wetlands, woodlands, unusable steep topography or geologic features, e.g., historic sites, unique vistas. Further, the lot averaging option should be considered only when the township benefits by the protection of natural features, not when it is a hardship on the part of the developers due to environmental constraints, e.g., woodlands, wetlands.
 - 2. A developer is permitted to vary lot sizes in the R-1-R, R-1-S and R-1 residential districts, provided he or she subdivides the land in accordance with all requirements of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.), or obtains site plan approval for a site condominium project pursuant to all requirements of Public Act No. 59 of 1978 (MCL 559.101 et seq.), in order to encourage a more effective approach in the development of single-family residential areas, where a particular property does not reasonably permit a conventional subdivision or a site condominium from complying with underlying zoning without lot averaging due to environmental or other natural resources which are desirable to be protected and preserved as set forth in the statement of purpose for lot averaging.
 - 3. Under lot averaging, lot sizes and lot widths are regulated as follows:

| Table 3.3.A.3 | | | | |
|--|---------------|----------------|----------------|----------------|
| Lot Size and Width Under Lot Averaging | | | | |
| District | Lot size | | Lot Width | |
| | Minimum | Average | Minimum (feet) | Average (feet) |
| R-1-R | 2 acres | 3 acres | 165 | 200 |
| R-1-S | 1 acre | 1 1/2 acres | 125 | 50 |
| R-1 | 9,600 sq. ft. | 11,200 sq. ft. | 70 | 80 |

Section 3.3.A - 3.4

4. In every instance, all residential lots must equal or exceed the minimum lot size, lot width required and average lot area, and lot width for all lots within a given development must equal or exceed the average lot width required. In addition, at least 50 percent of all lots must meet the lot size and width standards for the underlying zoning district as set forth in each respective zoning district's building height and yard setback requirements in [3.1 Established districts](#).
5. For purposes of computing lot averaging in an R-1-R district, a maximum of four acre lot area and 250-foot lot width for any given lot may be utilized, and in an R-1-S district, a maximum of two acre lot area and 175-foot lot width for any given lot may be utilized. Larger lot areas and greater lot widths may be provided in the respective districts, however, the aforesaid limits apply for lot average computation purposes. Paved road surfaces may not be included in lot average computations.
 - B. **Lot limitations.** In single-family zoning districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as outlots which may be so arranged or subdivided as to provide for one or more principal buildings where the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all the other requirements on land subdivided according to the plat act, MCL 560.101 et seq.
 - C. **Approval of plats.** No proposed plat of a new or redesigned subdivision shall be approved by either the township board or planning commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter, and unless such a plat fully conforms with the statutes of the state and chapter 10 as may be adopted.
 - D. **Dwellings in other than main structure.** No residential structure shall be erected upon any required rear yard of a lot or upon a lot with another dwelling.
 - E. In the R-1-R district, the maximum height for silos is 60 feet.

3.4 R-1-S Suburban residential district standards

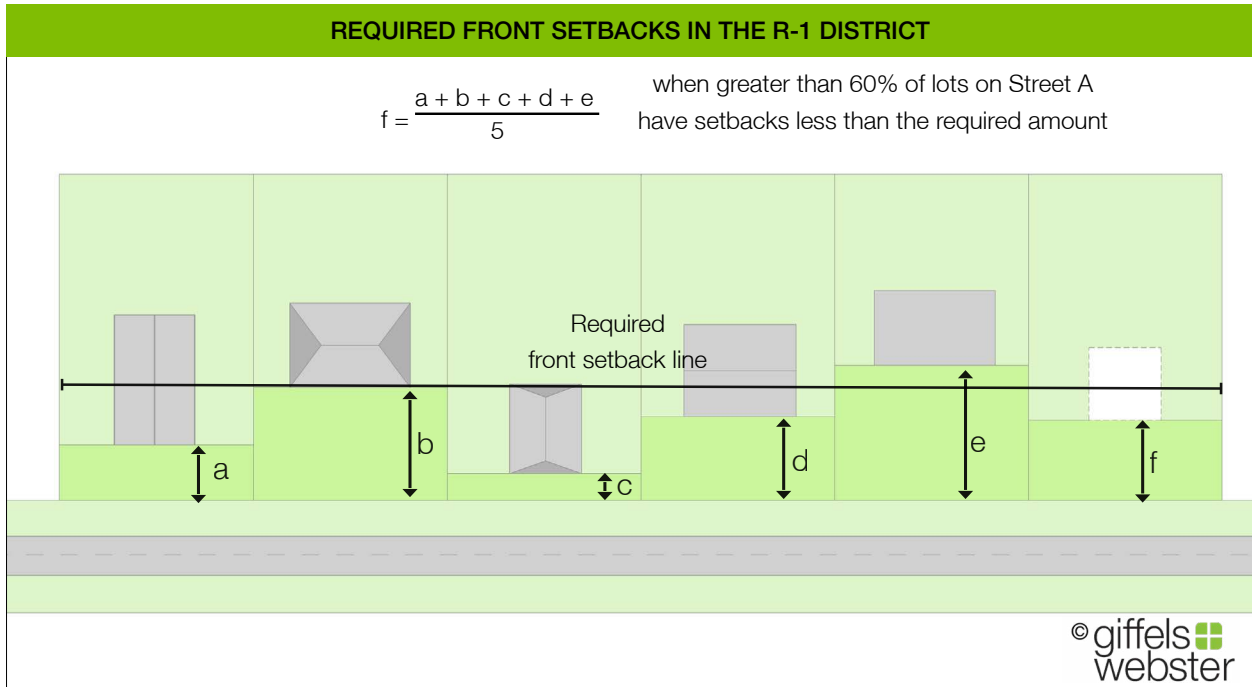
- A. Notwithstanding anything heretofore required, this regulation does not apply to single-family residential structures or parcels of record located in an R-1-R or R-1-S district, which had a site area of at least one acre on March 23, 1971, and which in building, rebuilding or reconstruction meet all other requirements of the R-1-R or R-1-S district, whichever is applicable, as regards lot coverage, height, yards and other dimensional requirements.
- B. Average and minimum lot area requirements are based on net area (excluding existing and required road rights-of-way).
- C. The minimum width of a lot in an R-1-S district not part of an official subdivision shall be 150 feet.

3.5 R-1 Single family residential district standards

- A. Desirable neighborhood recreation space standards have been included in the community facilities plan for the township. The following clauses are included in the zoning chapter as a means of promoting the provision of such recreation space:
1. In instances where the subdivider provides space of a character, extent and location deemed suitable by the planning commission to the needs created by his subdivision for recreational areas, in accordance with the requirements of subsection 2, minimum lot area may be reduced to 9,600 square feet.
 2. Space for recreational purposes may be provided by the subdivider by one of the following methods:
 - a. By providing an area within the subdivision for use for recreational purposes, which recreational area so provided shall have an area equal to a minimum of 2.5 percent of the entire area platted or 400 square feet per lot platted or one platted lot, whichever shall be the greater, and which area shall be developed and maintained by the subdivider or by the lot owners in the subdivision under a legal arrangement adequate to secure such end; or
 - b. By conveying by warranty deed to the township an amount of land within the subdivision equal to a minimum of 2.5 percent of the entire area platted or 400 square feet per lot platted or one platted lot, whichever shall be the greater, which land or the proceeds thereof shall be held by the township to be used for the acquisition or improvement of land for one or more park or recreational areas in the neighborhood or the subdivision;
 - c. By contributing to the township such sum of money as shall be equivalent to the reasonable market value at 2.5 percent of the entire area of the subdivision after the same shall have been improved or 400 square feet per platted lot after the same shall have been improved, whichever shall be the greater, which reasonable market value shall be computed at six times the state equalized valuation of land prior to subdividing in lieu of which such contribution shall be made. Such contributions shall be made in cash and all sums so contributed to be held by the township to be used for the acquisition or improvement of land for one or more parks or recreation areas in the neighborhood of the subdivision.

Section 3.5.B - C

- B. Where a front yard of lesser depth than specified in the yard setback requirements of the R-1 district exists in front of dwellings on more than 60 percent of the lots of record on one side of the street in any one block in a R-1 district, the depth of front yard for any building thereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of such existing buildings. ✍



- C. Average and minimum lot area requirements are based on net area (excluding existing and required road rights-of-way). Minimum lot sizes shall not be less than 12,000 square feet in any subdivision unless there is connection to public water and a public sewer system. All lots without public sewer connection shall be subject to approval by the county health department for adequate septic tank facilities.

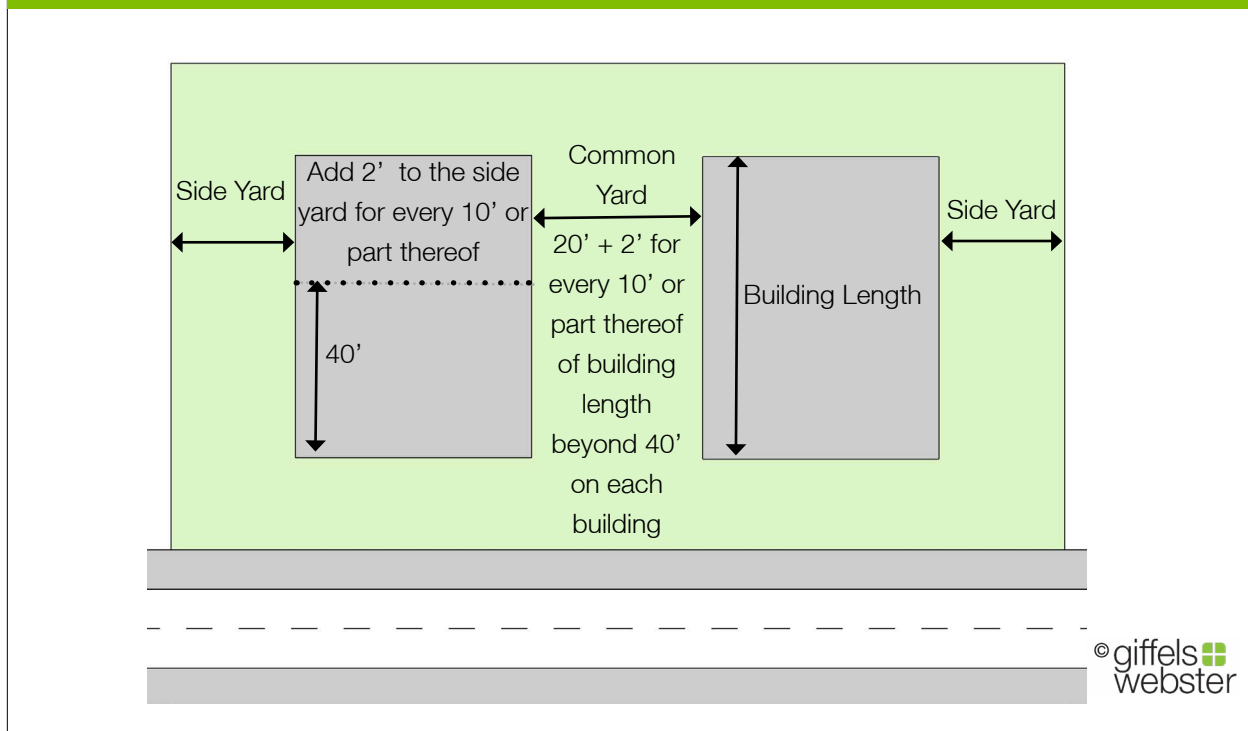
3.6 Multiple-family residential district requirements

- A. When semidetached, two-family dwellings are permitted, they shall have a minimum lot area of 20,000 square feet . Where multiple dwellings are permitted, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 2,000. All units shall have at least one living room and one bedroom except that not more than five percent of the dwelling units may be of an efficiency apartment type (a unit consisting of not more than one room in addition to a kitchen and necessary sanitary facilities), and not more than 20 percent may be one-bedroom units.
1. For the purpose of computing the permitted number of dwelling units per acre in the R-2 district, the following room assignments shall control:
 - a. Efficiency: 1 room
 - b. One-bedroom apartment: 2 rooms
 - c. Two-bedroom apartment: 3 rooms
 - d. Three or more bedroom apartment: 4 rooms
 2. Plans presented showing a den, library, great room, family room or other extra room other than a living room, shall count such extra room as a bedroom for the purpose of computing density.
 3. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or exterior perimeter roads.
- B. Where semidetached dwellings, row dwellings, apartments and efficiency units are permitted the required minimum floorspace per unit shall be as follows:
1. Efficiency unit: 350 square feet
 2. One-bedroom unit: 450 square feet
 3. Two-bedroom unit: 600 square feet
 4. Three-bedroom unit: 800 square feet
 5. Plus, for each bedroom over three bedrooms: 150 square feet

Section 3.6.C - D

- C. For every lot on which a multiple residential dwelling is erected, there shall be provided a side yard on each side of the lot.
1. Each side yard shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof by which the length of the multiple or row dwelling exceeds 40 feet in overall dimension along the adjoining lot line.
 2. Where two or more multiple, row or townhouse dwellings are erected upon the same lot, a minimum yard space of 20 feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof, by which each of the multiple, or row dwellings, having common yards, exceed 40 feet in length or that side of the building facing the common yard.

COMMON AND SIDE YARD REQUIREMENTS FOR MULTIPLE RESIDENTIAL BUILDINGS



- D. No off-street parking, access aisles other than entrance/exit drives, or loading zones shall be permitted in the required front yard setback. Where a use is located on a corner lot and/or abuts a side street or road (public or private), such side yard shall be the same setback distance as the front yard in the respective zoning district in [3.1 Established districts](#) and off-street parking, access aisles or loading zone shall also be prohibited therein. All required front yards or side yards abutting a side street or road shall be landscaped in accordance with [Section 5.18 Landscaping](#) of this chapter, as for front yard landscaping. Setbacks of not less than 50 feet shall be required for all yards abutting a major thoroughfare.



3.7 Mobile home park requirements

- A. **State acts.** Mobile home parks shall comply with Public Act No. 96 of 1987 (MCL 125.2301 et seq.).
- B. **Building heights.** No building or structure, hereafter erected or altered in a mobile home park, shall exceed 1½ stores or 25 feet.
- C. **Yards, area.** So as to maintain yard space for the different sizes of mobile homes or trailers, the following minimums shall be required:
 1. An open area shall be provided on each mobile home lot to ensure privacy, adequate natural light and ventilation, desirable setbacks from the street and adjacent lot lines, off-street parking spaces and sufficient area for other outdoor uses essential to the mobile home and to its occupants. No mobile home lot may be less than 4,800 square feet in area, except that lots for double (joined together) mobile homes shall be not less than 6,000 square feet in area.
 2. The sum of the side yards at the entry side and nonentry side of a mobile home stand shall not be less than 40 feet; provided, however, there shall be a side yard of not less than 20 feet at the entry side of the mobile home stand and a side yard of not less than ten feet at the nonentry side of the mobile home stand. There shall be a rear yard of not less than 20 feet at the rear end of the stand and a front yard of not less than 25 at the front end of the mobile home stand. For irregularly shaped side yards, the sum is determined as the sum of the average width of each side yard, provided that the required minimums noted above are maintained at all points in the side yard.
 3. No mobile home shall be located closer than 50 feet to the right-of-way line of a main public highway, or 10 feet to the mobile home park property line.
 4. Hard surfaced, off-street car parking spaces shall be provided at the ratio of at least two parking spaces for each mobile home lot so as to meet the needs of the occupants of the property, their guests and service vehicles without causing interference with normal movement of traffic within the mobile home park or on adjacent public or private streets.
 5. Concrete aprons shall be required as follows:
 - a. Each mobile home lot shall be provided with a four-inch reinforced Portland cement concrete apron.
 - I. Concrete shall be 3,000 psi, grade A.
 - II. Reinforcing mesh shall be six inches by six inches no. 6, placed in the center of the lower half of the slab.
 - III. Minimum dimensions of such apron for a single mobile home unit shall be 12 feet by 50 feet and for a doublewide mobile home unit the apron shall be 24 by 50 feet.
 - b. Each single width unit apron shall have a traverse contraction joint at ten-foot intervals. Double width aprons shall also have a longitudinal contraction joint in the center of the 24-foot dimensions.
 - c. Concrete apron shall be poured on a solid base approved in writing by the township building inspector.
 - d. The township building inspector shall be notified at least 24 hours prior to any concrete pours.
 - e. Backfilling around the concrete aprons shall be accomplished immediately after removing the forms for the concrete aprons. Backfill material shall be clay, well compacted into place.

Section 3.7.C - E

6. Skirtings shall be required on any mobile home. Each mobile home shall be jacked up on a uniform jack or uniform block, which shall be supplied by the mobile home park. No other building or structure shall be attached to a mobile home other than one metal utility cabinet or a fabricated factory built cabana. This shall not prevent the use of an awning of aluminum, canvas or fiberglass, which space may be screened in with mesh screen.
 7. No mobile home park may be established unless there is initially provided at least 100 mobile home lots. Furthermore, no mobile home park may have a gross area of less than 15 acres.
- D. **Lot size.** Besides the overall yard requirements for the mobile home park, each mobile home or trailer shall have a minimum lot size of 4,800 square feet, and shall be set back at least 15 feet from all roads and shall be at least 20 feet from all other mobile homes or trailers.
- E. **Sanitation, habitation requirements.** In order that residents of a mobile home or trailer coach, which is parked and used as the home of the occupants for a period of more than three months in one trailer space within one calendar year, can enjoy the same privileges as offered to residents of permanent dwellings, the following regulations shall be required:
1. Only trailers with approved toilets and plumbing fixtures shall be permitted for occupancy of more than one three-month period in a single calendar year.
 2. Plumbing fixtures shall be connected into a public sanitary sewer or township approved facilities, and shall meet the requirements of the township plumbing code and the plumbing code of the state.
 3. Running water from a public or state tested and approved water supply, designed adequately for a minimum flow of 125 gallons per day per mobile home lot, shall be piped to each trailer and shall be adequately protected from frost.
 4. An outdoor patio area of not less than 180 square feet shall be provided on each trailer site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior space of a mobile home.
 5. The occupancy load of any trailer coach shall be limited to provide no less than 300 cubic feet of air space per occupant, exclusive of the cubic air space of toilet rooms and closets.
 6. Outdoor laundry drying space of adequate area and suitable location shall be provided if property is not furnished with indoor dryers or if use only of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required, individual clothes drying facilities on each lot with poles or sockets imbedded in concrete shall be provided.



- F. **Physical layout.** In order that a mobile home may be harmonious within itself and also with its surrounding neighbors, the following regulations shall be required:
1. Streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the mobile home site, and other important facilities on the property. The street system shall provide convenient circulation by means of minor streets and properly located collector and arterial streets. Closed ends of dead-end streets shall be provided with a turning circle of not less than 40 feet outside radius.
 - a. The rights-of-way shall be as required by MAC R 125.1920.
 - b. Curbing shall be required, provided, however, the board of appeals may approve plans without curbs where such plans show other adequate means for the control of surface drainage, protection of the edges of the pavement and the roadway shoulder and for the prevention of erosion along the shoulder and berm of the roadway. All streets and appurtenant structures shall comply with the standards as required by the county road commission for subdivision streets.
 2. The mobile home park primary walk system, including walks along main drives and secondary streets be as required by MAC R 125.1928.
 3. All electric lines, from supply poles and leading to each mobile home stand, shall be underground and shall be provided with a three-wire balanced 115-230 volt supply. When separate meters are installed, each meter shall be located on a uniform standard post on the lot line of each mobile home stand. Wiring shall comply with Detroit Edison Code for mobile home parks.
 4. There shall be provided an area of not less than 500 square feet for recreation, for each mobile home lot in the mobile home park, with a minimum area of not less than 25,000 square feet, which shall be no longer in length than two times its width located not more than 500 feet from the furthest mobile home lot served. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children who may live in the mobile home park.
 5. A 30-foot greenbelt shall be located and continuously maintained along all exterior boundary lot lines of a mobile home park not bordering upon a public or private street.
 6. The front yard and the side yard adjacent to a street shall be landscaped and the entire mobile home park shall be maintained in a good, clean presentable condition at all times.
 7. No business of any kind shall be conducted in any mobile home, trailer or building or on the premises of the mobile home park.
 8. Streetlights and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps and ramps.
 9. All fuel oil and all gas tanks shall be located on each mobile home lot in a uniform manner. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves. All tanks shall be elevated on noncombustible stands and placed on a concrete precast base.
 10. Each mobile home may be provided with one metal utility cabinet, which shall not exceed four feet in width, three feet in depth and five feet in height, which shall be uniform as to size and location throughout the mobile home park. All cabinets shall be kept clean and shall be maintained in a good condition.

Section 3.7.F - J

11. There shall be no storage underneath any mobile home and each mobile home lot shall be maintained in a clean and presentable condition at all times.
 12. Mobile home lot line fences shall be uniform in height and shall not exceed 30 inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each mobile home.
 13. The grounds of the mobile home park shall be graded to drain properly.
- G. **Duties of owners and operators.** It shall be the duty of the owner and operator of each trailer coach or mobile home park to enforce the following regulations:
1. The keeping of all domestic pets shall be in compliance with all township ordinances.
 2. The operation, maintenance and supervision of the mobile home park shall be by a responsible person at all times.
 3. It shall be the duty of each mobile home park owner and operator to report to the county health inspector and township supervisor, the existence of any unsanitary condition prevailing within the boundaries of this mobile home park. It shall be the duty of such owner and operator to notify the county health authorities of any person who is affected or suspected of being affected with any infections or communicable disease and to notify the proper township officials of any ordinance violations and to furnish the township at one-month intervals a statement showing the number of occupied mobile homes or trailer coaches in the mobile home park.
 4. It shall be the further duty of the mobile home park owner or operator, in order to safeguard against the hazards of fire, to prohibit the parking of any mobile home or trailer within such mobile home park not possessing two exits. One exit may be of an emergency type, provided that it is easily capable of being operated by small children and provided approval has been granted by the township or state fire marshal.
- H. **Buildings.** All buildings shall meet the requirements of the township building code and the requirements of the state or the federal housing administration whichever is the most restrictive.
- I. **Access.** All mobile home parks shall have at least 500 foot frontage along a major road of 120-foot right-of-way or greater, either existing or proposed on the thoroughfare plans of the county, state or township as may exist so as to provide adequate access to the mobile home park itself via roads of sufficient capacity to the park. In addition, all entrances and exits from county or state highways shall have the prior written approval of the county road commission and/or the state department of transportation.
- J. **Permit required.** It shall be unlawful for any person to maintain or operate any mobile home park or facilities therein unless such person shall first procure a permit therefor in accordance with this chapter.
1. Content of application. Application for a mobile home park shall be filed with the zoning administrator and shall contain the following:
 - a. The name and address of the applicant.
 - b. The location and legal description of the mobile home park.
 - c. A complete plan showing compliance with this chapter.
 - d. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home park.
 - e. Such other information as may be requested by the board to enable it to determine if the proposed park will comply with all legal requirements.



2. **Transfer.** Any application for a transfer of the permit shall be treated in the same manner as an original application for a permit.
 3. **Approval.** All applications for a permit shall be first submitted to the appropriate state agency and to the board of appeals. In order to determine and ensure that local school facilities are adequate, it shall be assumed that the school load for any mobile home park shall be based on one child of school age for each trailer or mobile home.
- K. Besides the overall yard requirements for the mobile home park, each mobile home or trailer shall have a minimum lot size of 4,800 square feet, and shall be set back at least 15 feet from all roads and shall be at least 20 feet from all other mobile homes or trailers.
- L. No off-street parking, access aisles other than entrance/exit drives, or loading zones shall be permitted in the required front yard setback. Where a use is located on a corner lot and/or abuts a side street or road (public or private), such side yard shall be the same setback distance as the front yard in the respective zoning district in [3.1 Established districts](#) and off-street parking, access aisles or loading zone shall also be prohibited therein. All required front yards or side yards abutting a side street or road shall be landscaped in accordance with [Section 5.18 Landscaping](#) of this chapter, as for front yard landscaping. Setbacks of not less than 50 feet shall be required for all yards abutting a major thoroughfare.

3.8 RO-1 Restricted office district standards

- A. Side yard setbacks shall be 15 feet, or the height of the building, with total combined being 30 feet minimum or twice the height of the building, whichever is greater.
- B. No off-street parking, or access aisles, other than entrance/exit drives, shall be permitted in the first 20 feet, as measured from front lot line, of a required front yard setback (Refer also to [Section 3.2.B.](#))

3.9 C-1 and C-2 district standards

- A. Where any commercial or industrial premises adjoin residentially zoned property, either contiguous or across a public alley, there shall be provided a greenbelt in accordance with [Section 5.18 Landscaping](#) of this chapter.
- B. Side yard restrictions may be waived to allow for partywall construction subject to planning commission approval of the site plan and provided that continuous building development shall not exceed 500 feet.

3.10 C-1 district standards

- A. No off-street parking, or access aisles, other than entrance/exit drives, shall be permitted in the first 20 feet, as measured from front lot line, of a required front yard setback (Refer also to [Section 3.2.B.](#))
- B. Side yard setback in the C-1 district shall be 15 feet, or the height of the building, with total combined being 30 feet minimum or twice the height of the building, whichever is greater.

Section 3.11

3.11 C-2 district standards

- A. No off-street parking, or access aisles, other than entrance/exit drives, shall be permitted in the first 20 feet, as measured from front lot line, of a required front yard setback. (Refer also to [Section 3.2.B.](#)) In the C-2 district, no such off-street parking, loading/unloading area or access aisle shall be located closer to front lot line than 50 feet. (Refer also to [Section 3.1.8.B C-2 Planned shopping center permitted uses](#)). No off-street parking, loading/unloading area, or access aisle shall be located nearer than 30 feet from any interior side or rear lot line. All required setback areas shall be landscaped in accordance with standards at [Section 5.18 Landscaping](#) of this chapter.
- B. Retail business and service establishments in the C-2 district shall be subject to the following conditions:
 1. All uses shall be a part of a planned shopping center meeting standards in [3.19 C-2 Planned unit developments](#).
 2. The outdoor storage of goods or materials in the C-2 district shall be prohibited.
 3. Warehousing or indoor storage of goods or material in quantities greater than normally incident to the above permitted uses shall be prohibited.
 4. The curb cuts for access to a planned shopping center shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances and exits to site shall be no less than 150 feet from a street intersection (as measured from road rights-of-way), or from any adjacent residential district. A maximum of two curb cuts for any planned shopping center of 25 acres or more is allowed. Where a separate detached use (e.g., automobile convenience station, restaurant, financial institution) exists on a planned shopping center site, either as leased space or under separate ownership, a one-acre site is required and all vehicular access shall be from an internal service roadway. Refer also to standards for automobile convenience stations at [4.31 Automobile convenience stations and public garages](#) which are not in conflict with this subsection. Acceleration, deceleration and bypass lanes shall be provided and constructed in conformity with standards of the county road commission. All internal roadways shall be curbed and hard surfaced according to applicable township standards of the county road commission. Sidewalks shall be provided to ensure safe movement of pedestrians and avoid conflict with vehicles.
 5. For separate detached buildings proposed for a planned shopping center site fronting on internal roads, there shall be a 40-foot setback from road pavement and a minimum landscaped setback of 30 feet.
 6. All uses related to retail business or service establishments, including assembly halls, places of worship, similar places of assembly, restaurants or other places serving food or beverages, and personal service establishments, must be conducted within an enclosed building.
 7. In any planned shopping center in a C-2 district, landscape screening shall be provided on all sides which abut residential zoned districts in accordance with standards at [Section 5.18 Landscaping](#), with specific reference to [Section 5.18.E.1](#) and [Section 5.18.F.2.b](#).
 8. Where motels are permitted in a C-2 district, a minimum of 250 square feet of floor area per motel unit shall be provided.

3.12 REC Recreation district standards

- A. A building or structure height in excess of 35 feet shall be permitted, provided that for each additional one foot of building or structure height, all required yard setback distances shall also be increased by an additional 1.75 feet. In no instance, however, shall any building or structure in the REC district exceed a height of 50 feet.
- B. Uses allowed in the REC, recreational district shall be subject to the requirements pertaining to the development standards of the REC district and the following conditions:
 1. The development shall comply with the requirements of [4.43 Wireless communication facilities](#), pertaining to the preservation of environmental quality.
 2. Existing views of natural resources or scenic vistas shall be maintained to the maximum extent practicable.
 3. Buildings shall be constructed of materials that are native or traditional to the immediate area such as, but not necessarily limited to brick, wood, and stone and shall also be constructed to emulate the design of buildings of historical significance which may exist or have existed in the vicinity which reflect the community's heritage.
 4. Required off-street parking areas shall be constructed in accordance with the following requirements:
 - a. All parking areas shall be screened from view by a greenbelt planted in accordance with [Section 5.18.E.2](#).
 - b. Any parking lot lighting shall meet the requirements of [Section 5.9.C.3](#) and not exceed a level of illumination greater than one footcandle. Parking area lighting shall be extinguished not later than one-half hour after the closing of the building or use to which it is accessory.
 - c. On-site stormwater management of parking lot runoff shall be provided through use of bioretention areas, filter strips, perimeter sand filters or similar means acceptable to the planning commission and in accord with both the state department of environmental quality and the county drain commission requirements.
 5. Outside trash container (dumpster) enclosures shall be constructed in accordance with [5.17 Trash containers](#). All trash containers shall be provided with lids, doors, and/or similar barriers to prevent access by animals when not in use.
 6. Except as may otherwise be allowed pursuant to [Section 3.12.B](#), buildings or structures shall not exceed a height of 35 feet and 1.5 stories in accordance with the term "building height" or "structure height" described in [Section 2.2 Definitions](#). In addition, buildings shall not exceed a maximum gross first floor area of 3,000 square feet.
 7. A landscape surface ratio (the area of the land devoted to previous landscaping divided by the area of the site or lot) shall not be less than 30 percent. For purposes of this section, a site or lot shall be defined as the immediate area necessary to support the use including building areas, parking facilities, loading zones and required yard setbacks.
 8. There shall be no beer/wine/liquor sales associated with any permitted principal use.

Section 3.13 - 3.14.B

3.13 E district standards

- A. Where any commercial or industrial premises adjoin residentially zoned property, either contiguous or across a public alley, there shall be provided a greenbelt in accordance with [Section 5.18 Landscaping](#) of this chapter.
- B. No building hereafter erected or altered in the E district shall exceed in height above ground two times the distance it is set back from the future right-of-way of any public road or highway.
- C. Safety facilities. In the E district, all uses which might be dangerous to the curious public shall be enclosed with a wire, wood or masonry fence not less than five feet in height, and if over six feet in height may have barbed wire cradles above six feet for the exclusion of animals or preventing trespass.
- D. Off-street parking. Hard surfaced off-street parking shall be provided on the premises in an E district to take care of all employees, visitors, and persons doing business therewith. Such parking shall be in the ratio of one space per two employees and visitors computed on the basis of the greatest number of persons employed on any shift. The provisions of this section shall be applicable to that portion of parking occurring within 300 feet of property or right-of-way lines.
- E. Minor facilities improvements and alterations. In-plant improvements to existing facilities involving remodeling, alterations to plumbing, electrical and other services, partitioning, etc., ordinarily performed by qualified fulltime employees, as well as substitution of uses of existing facilities shall be exempt from the permit requirements of [7.3 Permits](#) and [7.4 Temporary land use permits](#).
- F. Special test surfaces. Construction of test roads, skid pads, water holes, mud baths, rollover grades, crash barriers and other facilities of special and specific design, whether classified for release of information or unclassified, involving changes in use of land not less than 300 feet from an E district property line shall also be exempt from the permit requirements of [7.3 Permits](#) and [7.4 Temporary land use permits](#). This provision shall include incidental surface construction (e.g., sidewalks, parking areas, etc.) associated with the principal permitted uses.

3.14 M-1 and M-2 district standards

- A. Where any commercial or industrial premises adjoin residentially zoned property, either contiguous or across a public alley, there shall be provided a greenbelt in accordance with [Section 5.18 Landscaping](#) of this chapter.
- B. No off-street parking, access aisles other than entrance/exit drives, or loading zones shall be permitted in the required front yard setback. Where a use is located on a corner lot and/or abuts a side street or road (public or private), such side yard shall be the same setback distance as the front yard in the respective zoning district in [3.1 Established districts](#) and off-street parking, access aisles or loading zone shall also be prohibited therein. All required front yards or side yards abutting a side street or road shall be landscaped in accordance with [Section 5.18 Landscaping](#) of this chapter, as for front yard landscaping. Setbacks of not less than 50 feet shall be required for all yards abutting a major thoroughfare.

- C. Any new use established in the M-1 and M-2 district established after the effective date of the ordinance from which this chapter is derived, shall be operated so as to comply with the performance standards set forth in this section; however, whenever any provision of this section imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this section shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this subsection (C), then the provisions of such law or ordinance shall govern. The performance standards set out in this section are as follows:
1. **Smoke, dust, dirt and fly ash.** The emission of smoke, dust, dirt and fly ash shall be in no manner unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable state and county health laws pertaining to air pollution and smoke abatement. A person shall not discharge into the atmosphere, from any single source of emission, any smoke of a density equal to, or greater than that density described as no. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, provided that the following exceptions to the provisions of this rule shall be permitted:
 - a. Smoke the shade or appearance of which is equal to but not darker than no. 2 of the Ringelmann Chart for a period or periods aggregating four minutes in any 30 minutes.
 - b. Smoke the shade or appearance of which is equal to but not darker than no. 3 of the Ringelmann Chart for a period or periods aggregating three minutes in any 15 minutes when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.
 2. **Open fires.** A person or industry shall not burn any combustible refuse in any open outdoor fire within the district.
 3. **Gases.** The escape of or emission of any gas which is injurious, destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 ppm; hydrogen sulfide likewise shall not exceed one ppm, and carbon monoxide shall not exceed 15 ppm; all as measured as the average intensity during any 24-hour sampling period.
 4. **Nuisance.** A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of the public or which cause or have a natural tendency to cause injury or damage to business or property.
 5. **Light.** Lights for parking lots and buildings shall be so oriented and shielded that they do not shine directly into an abutting property. Exterior spotlighting or other illumination shall be so installed as to eliminate any nuisance to adjoining residential districts or other properties or to traffic on public highways. Compliance with standards of [5.15 Lighting](#) is required.
 6. **Glare or heat.** All operations which produce glare, such as welding and acetylene torch cutting, must be performed in such a manner that the glare cannot be seen from any property line. If heat is a result of an industrial operation, it shall be so insulated as to not raise the air temperature at any property line at any time.

Section 3.14.C

7. Open/Outdoor storage.

- a. There shall be no outdoor storage in the M-1 district.
- b. In the M-2 district, open storage shall conform to the following requirements that are in addition to [5.14 Outdoor storage and outdoor display](#):
 - I. All outdoor storage used in the course of the applicant's business shall be restricted to the rear yard or be set back from the front property line not less than one hundred fifty (150') feet, whichever is less restrictive.
 - II. All outdoor storage shall be set back not less than fifty (50') feet along all property lines which abut residential zoned property.
 - III. Except as provided by [subsection V](#) of this section, material storage shall not exceed a height of 14 feet.
 - IV. Except as provided by [subsection II](#) of this section, all outdoor storage shall be set back not less than ten (10') feet along any interior lot line.
 - V. Materials having a propensity for airborne migration off-site such as, but not necessarily limited to, dry ash, loose earth, and light sand may be stored on site provided it is stored in a manner which minimizes its migration onto abutting property. The need for, and the appropriateness of the containment proposed shall be determined by the planning commission in consideration of the type of material being stored, the operational needs of the business, the aesthetic character of neighboring properties and the following additional allowances:
 - i. Mulch may be stored up to a maximum height of eighteen (18') feet.
 - ii. Topsoil being processed on site (screened) for sale may be stored up to a maximum height of twenty-four (24') feet.
 - iii. For purposes of this section, containment shall be defined to mean the device or technique proposed to limit or prevent the migration of stored material off site including, but not necessarily limited to, a tarp, storage corral, bulk storage building, native vegetation cover or additional yard setback distance.
 - VI. Combustible material stored on site shall be arranged to prevent the spread of fire in accordance with the following standards:
 - i. Individual combustible material storage areas shall not occupy a land area greater than 2,000 square feet or a diameter of fifty (50') feet.
 - ii. Combustible material storage areas shall not be located closer than ten (10') feet to other combustible storage areas, buildings, loading zones, and off-street parking areas.
 - iii. Combustible material storage areas shall be located not closer than fifty (50') feet to all above ground flammable liquid materials storage tanks.
 - VII. Licensed motor vehicles and trailers and operable equipment related to the activities of a permitted use may be stored on site provided they are not used as permanent storage facilities for the principal use. This restriction shall not be construed to prohibit the storage of unlicensed or inoperable vehicles, trailers or equipment on site for the purpose of cannibalization for parts, provided such vehicles, trailers, or equipment are kept within an enclosed building or screened on all sides in accordance with [subsection 3.14.C.7.b.X](#).



- VIII. Equipment, vehicle, or trailer storage shall be permitted outside subject to the following conditions:
- i. Equipment, vehicles, or trailers are stored at their lowest operable height.
 - ii. Equipment, vehicles or trailers which exceeding fourteen (14') feet in height when stored at their lowest operable height shall only be permitted when setback distances are increased above those specified in [subsection IV](#) and [subsection V](#) of this section by one (1') foot for each foot or portion thereof, the equipment, vehicles or trailer height exceeds fourteen (14') feet in height.
- IX. An all weather durable roadway shall be provided and maintained from the street to the rear of the outside storage to permit fire access of emergency vehicles at any time. Any portion of roadway open to the general public shall be paved.
- X. All open storage areas shall be screened from all streets, screened from private road easements serving two or more parcels of property, screened on all sides abutting a non-industrial district, and screened to prevent visibility from all horizontal lines of sight from neighboring residentially zoned property. The options for screening shall consist of a solid eight (8') foot tall wall or fence with an adjacent greenbelt, or by an earth berm, in accordance with the following requirements; however, alternatives to the required screening walls or fences and berms may be approved by the planning commission pursuant to [Section 5.18.F.3](#).
- i. The screening wall or fence shall be constructed of masonry, decorative concrete, or weather treated wood materials. Any screening wall or fence shall be constructed in such a manner that all structural members, including braces, posts, poles, and other projections are on the interior side of the fence or wall.
 - ii. Greenbelts shall be installed between the property line of the subject site and the screening wall or fence. Greenbelts shall not be less than twenty (20') feet wide and may be only interrupted to provide for roads or driveways for vehicular access. Grass, ground cover or other suitable plant material shall be placed over the entire greenbelt area. A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30') feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings. Required greenbelt length shall be defined as the horizontal straight line measurement of the greenbelt, scaled at its midpoint, along a line parallel to the screening wall or fence.
 - iii. An earth berm may be used in lieu of a screening wall or fence and its adjoining greenbelt, in all or in part. The berm shall be at least three (3') feet above grade elevation and shall be constructed with slopes no steeper than one (1') foot vertical for each three (3') feet horizontal with at least a two (2') foot flat area at the top. For purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm. The berm shall be planted with grass or other suitable groundcover to ensure that it withstands wind and weather and retains its height and shape. Evergreen trees shall be planted in a staggered pattern on the crown of the berm. Such evergreen trees shall consist of closely spaced plantings not less than five (5') feet in height at the time of their installation so as to form a complete visual barrier within two (2) years of planting.

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8. **Vibration.** The intent of this section is to ensure that no operation shall generate any ground or structure borne vibrational motion that is perceptible to the human sense of touch beyond the property line of the site on which the operation is located. This shall be determined by the following standard: machines or operations producing ground transmitted oscillations resulting in an impact vibration or ground displacement which exceeds 0.003-inch amplitude of vibration at 960 cycles per minute of vibration as measured at the property line are prohibited. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 9:00 p.m. from Monday through Saturday shall be exempt from the aforementioned maximum permitted vibration levels, provided that such activity occurs in a legally accepted manner.
9. **Radio transmission.** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
10. **Storage of flammable materials.** Any activity involving the use or storage of flammable or explosive materials shall be subject to standards adopted by the state including protection by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Except as may otherwise be required by subsection 13 below for the location of storage tanks, such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved. See also [5.28 Fire protection requirements](#) of this chapter and section 16-52 of this Code for fire code requirements.
11. **Radioactive materials.** No activity shall emit dangerous radioactivity at any point.
12. **Noise.** The measurable noise emanating from the premises shall be in accordance with [5.29 Noise](#).
13. **Fire and safety hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all state and federal rules and regulations, including those of the state department of environmental quality and the federal Environmental Protection Agency, and regulations as established by the state fire prevention code, Public Act No. 207 of 1941 (MCL 29.1 et seq.). Further, all storage tanks for flammable liquid materials above ground shall be located at least 50 feet from all property lines, and shall be completely surrounded by earth embankments, dikes and other types of retaining wall which will contain the total capacity of all tanks so enclosed. See also [5.28 Fire protection requirements](#) of this chapter and section 16-52 of this Code for fire code requirements.
14. **Electromagnetic radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this chapter.
15. **Drifting and airborne matter.** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any method of operation shall be unlawful and shall be summarily caused to be abated.
16. **Odor.** The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line is prohibited. Air quality must be protected and all standards of the state department of environmental quality shall be observed.



17. **Storage of hazardous substances, including petroleum products.** Hazardous substance storage shall be in accordance with [4.42 Storage of hazardous substances and petroleum products in commercial and industrial districts](#).
 18. **Requirements on equipment and machinery.** Any machine or equipment which is determined by the planning commission from their review of its operational characteristics and specifications to be capable of creating intense earth-shaking vibrations or noise such as are caused by heavy drop forges, or heavy hydraulic surges, shall be set back at least 300 feet from any lot line which abuts nonindustrial zoned land. The planning commission may waive this requirement upon finding that such impact caused by the operation of the machine or equipment will be controlled through such techniques as the installation of sound absorbing devices and barriers or their placement on shock absorbing mountings located on suitable reinforced concrete footings such as to prevent the transmission beyond the lot lines of noise and vibration in excess of the standards specified above in [subsection C](#) of this section.
- D. In the M-1 and M-2 districts, commercial land uses must serve the limited needs of an industrial district, including, but not limited to:
1. Banks, savings and loan associations, credit unions. A drive-up facility may be permitted in the M-2 district and after special approval in the M-1 district, subject to the requirements of [6.1 Site plan review](#) and [6.2 Special land use approvals](#). Such facilities shall also be subject to the conditions listed in [5.11 Drive-thru, drive-up, curbside pick-up and walk-up stacking and circulation standards](#).
 2. Union halls or industrial clinics.
 3. Industrial tool and equipment sales, service, storage and distribution.
- E. Conditions for retail sales activities in the M-1 and M-2 districts.
1. Retail sales activities must be ancillary to an otherwise permitted:
 - a. Electrical or plumbing supply business
 - b. Manufacturing, repair or service of electric or neon signs, light sheet metal products, including heating, ventilating and air conditioning equipment, furnaces, lawn maintenance equipment, cornices and eaves;
 - c. The retail sale of home and commercial building components that are to be fabricated into a structure (such as doors, windows, sashes, wall siding, roofing and insulation), provided that sales are predominantly to building contractors and the trades, as distinguished from a hardware store or home furnishing store having retail sales predominantly to the general public.
 - d. The space for retail sales activities, including any area which is accessible by customers, shall be limited to ten percent of the total floorspace of the business or 500 square feet, whichever is less.

Δ [Ord. No. 156-A-210](#), [Ord. No. 156-A-213](#)

3.15 M-1 district standards

Reserved.

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3.16 M-2 district standards

In the M-2 district, lumber and planing mills are permitted when located in the interior of the district so that no property line shall form the exterior of the M-2 district.

3.17 M-3 district standards

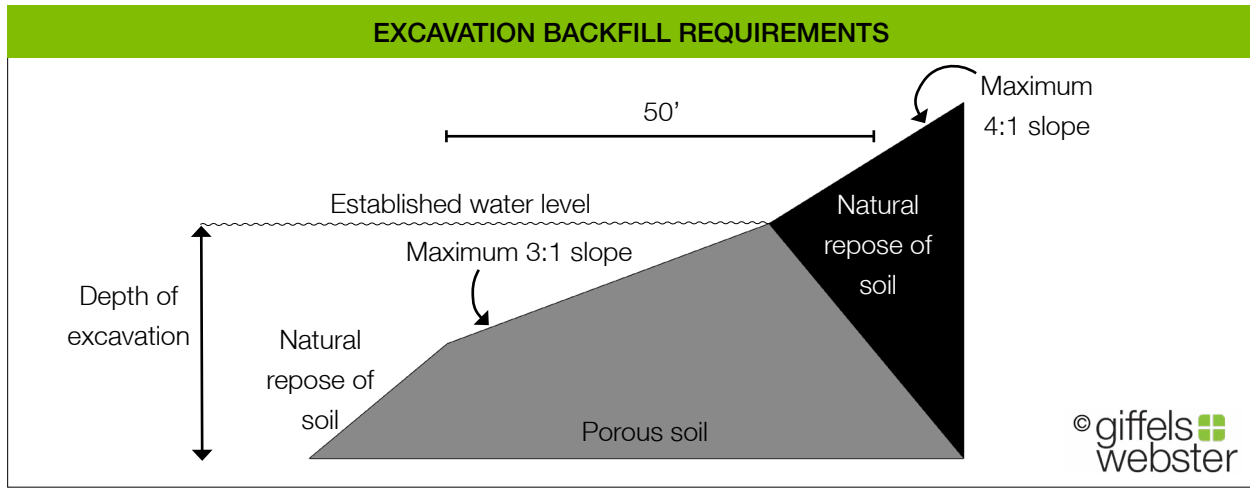
- A. Where any commercial or industrial premises adjoin residentially zoned property, either contiguous or across a public alley, there shall be provided a greenbelt in accordance with [Section 5.18 Landscaping](#) of this chapter.
- B. **Extraction site conditions.**
 1. **Application for permit.** A separate permit shall be required for each separate excavation site. Each application for a permit shall be made in writing to the zoning administrator and shall contain the following information as a precedent to the obligation to consider such request:
 - a. Names and mailing addresses of parties of interest in such premises setting forth their legal interest in said premises.
 - b. Map of the property to be excavated.
 - c. Plan for the development or rehabilitation of the property upon completion of the mining operation.
 2. **Permits.** After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the township, the township board shall determine whether or not a permit shall be issued. The permit shall be issued in the event the township board shall determine that the issuance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the township.
 3. **Surety bond requirements.** The township board shall, to ensure compliance with any regulation contained in this article or required as a condition of the issuance of a permit for the excavation, mining, stockpiling or removal of sand and/or gravel deposits, require the permittee to furnish a surety bond executed by a surety company authorized to do business in the state in an amount determined by the township board to be reasonably necessary to ensure compliance hereunder; provided, however, that in no case will the sum of the surety bond be less than \$1,000.00 for each acre or fraction thereof of land as shown in the original application. In fixing the amount of such surety bond, the township board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operation to comply by court judgment, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. Such surety bond shall be kept in a special account in the township depository and shall not be used for any other purpose than those specified in this article.



4. **Mandatory physical requirements.** The following physical requirements shall be mandatory:
 - a. No more than 30 acres, excluding land used for processing, weighing and administration may be under excavation at any one time; subject, however, to the following limitations:
 - I. No more than ten acres for mining.
 - II. No more than ten acres for stripping or future mining preparation.
 - III. No more than ten acres for rehabilitation, however, additional acreage may be excavated if and providing a like amount exhausted acreage is rehabilitated as prescribed in [subsection 5](#).
 - b. Where an excavation in excess of five feet below the average grade of the property surrounding the excavation area will result from such operations, the applicant shall erect a fence with warning signs completely surrounding the portion of the site where the excavation extends, such fence will be of wire mesh or other suitable material and to be not less than five feet in height complete with gates, which gates shall be kept locked when operations are not being carried on.
 - c. No excavation shall be made closer than 100 feet from the nearest street or highway right-of-way line nor nearer than 500 feet to the nearest residence nor closer than 100 feet to the nearest property line; provided, however that the township board may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it.
 - d. Any roads used for the ingress or egress to such excavation site, which are located within 300 feet of occupied residences shall be kept dustfree by hard-topping with Portland cement concrete or bituminous blacktop.
5. **Rehabilitation.**
 - a. When excavation and removal operations or either of them are completed, any excavated area above the established water line of an excavation containing water shall be graded so that no gradients in disturbed earth shall be steeper than a slope of four feet horizontal to one-foot vertical. A layer of arable topsoil shall be spread over the excavated area above the established water line to a minimum depth of four inches. The area shall be seeded with a perennial rye grass, maintained until the area is stabilized.
 - b. All surface areas shall be backfilled with the strippings, overburden and topsoil removed from excavation and grades as necessary to reduce peaks and depressions so that the surface will result in topography consistent with abutting lands, and seeded with perennial rye grass, maintained until the area is stabilized.

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- c. To provide stability for the banks of excavations containing water, there shall be left during excavation, or provided by fill, porous soil at the edge of the established water line to the depth of any excavation containing water. The slope of the porous soil below the established water line shall be three feet horizontal to one foot vertical extending 50 feet measured horizontally into the water covered excavation. The slope of the porous soil below the established water line extending beyond 50 feet into the water covered excavation and extending outside of the water covered excavation shall be the natural repose of the soil. (See “[Excavation Backfill Requirements](#)”)



6. **Reclamation.**
- a. When excavation and removal operations have expired, such extractive areas may be reclaimed for residential purposes in conjunction with rehabilitation requirements as provided in [subsection 5](#), and subject to the conditions hereinafter imposed and subject further to site plan review as required under [6.1 Site plan review](#), approval of rezoning, and land subdivision pursuant to Public Act No. 288 of 1967 (MCL 560.101 et seq.).
- I. The nature, size and character of residential development shall be in harmony with and shall meet the requirements of the R-1-R district or next adjacent district, whichever is applicable, as regards lot coverage, height, yards and other dimensional requirements.
 - II. Notwithstanding anything heretofore required, the developer is permitted to vary lot sizes on lots fronting on an internal lake, provided in every instance all these residential lots meet or exceed the dimensional requirements of the R-1-S district and provided further only if recreation land or open space making water surface accessible to the total development is furnished.
7. **Annual inspection fee.**
- a. A fee, as established by the township board, shall be paid by the owner or operator of any valid, existing extractive industrial operation to permit inspections of the excavation site as to compliance with the requirements of this article as to factors of safety, abandonment and/or blight factors.

3.18 Planned unit development

A. Intent.

1. The intent of this division is to permit the application of a planned unit development (PUD) zoning district which allows flexibility in the regulation of land development, encourages innovation in land use and variety in design, layout and type of structures constructed, achieves economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourages useful open space, and provides better housing and employment opportunities particularly suited to the needs of the residents of the township pursuant to section 503 of Public Act No. 110 of 2006 (MCL 125.3503), as amended.
2. The rezoning and designation of PUD project status shall be predicated on simultaneous approval of the following by the township board:
 - a. The specific primary use which is intended to occupy the land;
 - b. The specific plan for site and/or building improvements which are intended to be placed on the land; and
 - c. Conveyance of a PUD planned unit development project zoning district classification.
3. It is further intended that once a parcel of land has been rezoned under these provisions, no development shall take place thereon nor use made of any part thereof except in accordance with the originally approved application and plan, or in accordance with an approved amendment thereto.

B. Eligibility for rezoning, planning commission review, and township board approval. The rezoning of land for a planned unit development project may be approved by the township board upon petition by the property owner to the planning commission and subsequent to the planning commission's review and recommendation to the township board, subject to the following conditions:

1. The planned unit development project shall be mutually agreeable to the property owner and the township board.
2. The township board shall find that rezoning and development of such land under the zoning amendment procedures, site plan review procedures, and minimum traditional ordinance requirements as otherwise set forth in this division may result in future adverse affects on adjacent properties, established land uses, and established zoning districts due to such factors as: parcel location, size, and natural characteristics; and/or the intensity of the proposed primary use, or other primary uses that are also proposed.
3. The planned unit development project provides a public benefit or advances the goals and objectives of the township master plan such as, but not necessarily limited to: improving and managing traffic flow to reduce conflicts and to improve free flow of traffic; preserving natural features and views; strengthening the rural character and economic base of the township; promoting cultural resources; meeting a demonstrated housing need; or, providing buildings which implement LEED® green building principles in their design, construction, and operation.
4. The planned unit development project provides, if applicable, a public benefit or advances the township's open space preservation goals and objectives, such as those established by the town's open space preservation program, which promote natural areas, wildlife and native plant habitats, important wetland or watershed lands and significant cultural or historical sites.
5. The subject site shall contain not less than 40 acres.

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6. The developer shall service the planned unit development project with a township sanitary sewer system which shall be of sufficient size and design to collect all sewage from all present and proposed structures within it, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state, the county health department, county drain commissioner, and the township.
 7. The developer shall provide within the planned unit development project a storm drainage system which shall be of sufficient size and design as will in the opinion of the township collect, carry off, and dispose of surface water run-off within and draining into the development and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the state, the county health department, county drain commissioner, and the township.
 8. The developer shall service the planned unit development project with a township water supply system which shall be of sufficient size and design to provide potable water to all present and proposed structures within it. In addition:
 - a. The developer shall provide a usable fire hydrant within 500 feet of each structure.
 - b. Water systems shall conform to the statutes, ordinances, and regulations of the state, the county health department, county drain commissioner, and the township.
 9. An escrow account shall be established, in an amount as may be established by resolution of the township board and payable by the applicant, sufficient to cover all township administrative, public notification, and consulting fees required in connection with the processing and review of a proposed planned unit development project application.
- C. **Application procedure.**
1. **Pre-application conference.** Prior to formal application being made to the planning commission, the applicant shall meet with the township planner, engineer, and township building official to discuss the proposed concept for development as a planned unit development project including land use, building arrangement, site design, and time frame.
 2. **Preliminary review; submittal requirements.** Following the pre-application conference, an application shall be made to the planning commission for rezoning to a PUD planned unit development zoning district classification. Such application shall include the following:
 - a. Discussion of the rationale for employing the PUD procedure rather than developing the project conventionally.
 - b. Description of the existing site characteristics.
 - c. Description of the proposed character of the development.
 - d. Discussion of the proposed means of serving the development with sewer and water.
 - e. A regional location map showing the relationship of the PUD to its surroundings, including section lines, parcel boundaries, major roads, collector streets, etc.
 - f. A generalized graphic depiction of the PUD concept plan showing: major access roads serving the site, including right-of-way widths, and existing and proposed surfacing; existing utility lines including, sanitary sewer, storm sewer, water main, and gas and electric service; existing adjacent land uses and structures; proposed interior road pattern; parking areas; site landscaping; areas to be developed for residential, commercial, recreational, and open space uses; and areas to be preserved in a natural state.



- g. Total project area.
- h. Total project density.
- i. Densities, areas, and setbacks for various residential types.
- j. Area and percent of developed and undeveloped open spaces.
- k. A definitive project phasing plan showing the boundaries of each phase, and estimated timing schedule by phase to completion.
- l. A professionally prepared market study which demonstrates there is sufficient demand for the project in regard to such influences as location, demand, price, competition, and market area development trends.
- m. An analysis which demonstrates the applicant has the financial capacity to complete the project.
- n. **Community impact statement (CIS).** A community impact statement (CIS) which should include the following components:
 - I. **Traffic impact study.** An analysis of the existing traffic volumes and patterns, forecast of traffic volumes and patterns based on the proposed development and expected developments of surrounding properties, analysis of turning movements and volumes at site access points and nearby intersections, and analysis of the existing and proposed level of service at the proposed access points and adjacent roadways, prepared and sealed by a registered professional engineer (PE).
 - II. **Natural resources analysis.** An evaluation of the effect on existing natural features, including wetlands, floodplains, ponds, lakes, drainageways, steep slopes endangered species, wildlife habitat, or woodlots. This document shall be done in accordance with [Section 5.20.E](#).
 - III. **Capital facilities analysis.** An analysis of the effect on public sanitary sewer and water systems in terms of consumption or capacity utilized, and consequences of such use to the utility or adjacent land uses.
 - IV. **Site performance report.** An assessment of the activities, processes materials, equipment and conditions of operation that may result, including lighting limits, noise, odor, smoke, trash and debris, and vibration.
 - V. **Community services analysis.** An analysis of whether the planned unit development project will be adequately served by public services and facilities such as police and fire protection, refuse disposal, and public schools.
- o. **Development agreement.** A draft development agreement which establishes the formal rights and obligations of the property owner and township regarding the development of the subject site including, but not limited to, applicable land use regulations, permitted uses, property maintenance, duration of the approval, and the duration of the agreement.

Section 3.18.C

3. Planning commission review.

- a. The planning commission shall review the planned unit development project application and shall hold a public hearing. Notification of the public hearing shall be in the same manner as required by section 103 of Public Act No. 110 of 2006 (MCL 125.3103), as amended. A copy of the application shall be forwarded to the township's planning consultant and engineering consultant for their review. The consultants shall provide their findings in writing to the planning commission.
- b. The planning commission shall consider the proposed specific primary use which is intended to occupy the land, the consultants' recommendations, the specific plans for building and/or site improvement, and the specific zoning district being requested, relative to possible effects on adjacent properties, established land uses, established zoning districts, and future development of the general area as defined in the township's master plan.
- c. Following the public hearing, the planning commission may take the following actions on the applicant's request: approve; approve with conditions; deny; or postpone action due to insufficient information in accordance with subsection (b) of this section. In the case of approval, approval with conditions, or denial, the planning commission shall forward a copy of the application (including all plans, drawings, and documents which are proposed to be made a part of the rezoning for a planned unit development project), a copy of the consultants' findings, a copy of the minutes of the public hearing, and the planning commission's recommendation, to the township board. In the case of postponement, the planning commission shall identify the specific reasons for postponement and the applicant shall revise the submittal and address the concerns accordingly.

4. Township board review.

- a. The township board shall review the planned unit development project rezoning application, and shall hold a public hearing in accordance with section 503 of Public Act No. 110 of 2006 (MCL 125.3503), as amended. Notification of the public hearing shall be in the same manner as required by section 103 of Public Act No. 110 of 2006 (MCL 125.3103), as amended.
- b. The township board shall consider the proposed specific primary use which is intended to occupy the land, the consultants' recommendations, the specific plans for building and/or site improvement, the planning commission's discussion and recommendation, relative to possible effects on adjacent properties, established land uses, established zoning districts, and future development of the general area as defined in the township's master plan.
- c. The township board shall have exclusive authority to either deny, approve, or approve with conditions, the planned unit development project and any subsequent amendments thereto, and shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. If deemed appropriate by the township board, action on the proposal may be tabled to allow the applicant to address specific concerns related to the proposal.



- d. Upon approval by the township board of the ordinance from which this division is derived, the specific proposed primary use and the specific plans for building and/or site improvements of the parcel shall become an integral part of the zoning amendment, and for purposes of recordation, shall be referred to as “Planned Unit Development Project No.____,” which number shall correspond to the number of the amending ordinance.
5. **Final review.** The final PUD development plan for all or a portion of the total PUD is reviewed by the planning commission to ensure substantial compliance with the concept plan. Minor variations of the approved concept plan may be allowed by the planning commission. In cases where the planning commission determines that the proposed variation is a major variation, the process shall begin at the preliminary review stage including the public hearing process. The final planned unit development plan must be prepared and processed as one of more of the following:
- a. Subdivision plat. The final planned unit development plan must be prepared in the form of a preliminary plat in detail sufficient to be granted final preliminary plat approval in conformance with the Michigan land division act, the development regulations in chapter 10 of this Code, and the conditions established by concept plan approval and the PUD development agreement. Final approval shall be by the township board in accordance with chapter 10 of this Code.
 - b. Condominium development plan. The final planned unit development plan must be prepared in the form of a condominium development plan pursuant to the requirements of [6.3 Condominium projects](#) and the conditions established by concept plan approval and the PUD development agreement. Final approval shall be by the township board in accordance with this chapter.
 - c. Site plan. The final planned unit development must be prepared in the form of a site plan pursuant to the requirements of [6.1 Site plan review](#) and the conditions established in the concept plan and PUD development agreement.

All approved plans and records shall be filed with the township clerk.

D. Required conditions.

1. Once an area has been rezoned to the planned unit development zoning district, no development shall take place thereon nor use made of any part thereof except in accordance with the originally approved plan, (or in accordance with an approved amendment thereto) and a development agreement approved by the township board. Amendments shall be reviewed in accordance with the procedure for the original application.
2. **Approval of use; performance guarantee; abandonment of project.**
 - a. Approval of a primary use and building and/or site improvement plans as part of the rezoning, shall be effective for a period specified in the development agreement. If development is not completed in this period, the planning commission shall review the progress made to date and make a recommendation to the township board as to action relative to permitting continuation under the original approval.
 - b. The township shall require a financial performance guarantee to be deposited with the township clerk at the time of the issuance of a permit authorizing the project to ensure faithful completion of the project. Such security may be in the form of a cash deposit, certified check, irrevocable letter of credit or surety bond covering the estimated cost of improvements.

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- c. If a project is judged to have been abandoned, and after at least 90 days since written notice to the landowner of such funding has passed, the township may either complete such improvements or restore the site to a pre-development condition, with its cost and reasonable administrative charges to be drawn from the security posted at the time a permit was sought or a lien may be placed on the property to recover such expenses. A lien on the property by the Township shall be superior to all other liens except taxes.
3. Construction shall occur in accordance with an approved project phasing plan. The township shall verify each phase is constructed in general compliance with the approved concept plan as a precondition to the developer beginning subsequent phases. Plan approval may be revoked in accordance with [Section 6.1.F](#) when construction is not in general conformance with the approved concept plan.
4. Within a planned unit development project within the planned unit development zoning district, regulations relating to the use of land, including permitted uses, lot sizes, height limits, required facilities and appurtenances, buffers, open space areas, and density shall, in the first instance, be based on the design standards of the zoning district regulation to which the use is most similar. However, the planning commission may consider and the township board may permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, available infrastructure, natural resources, energy, and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township; and, to respond to market conditions provided any variation granted would also result in the overall design being compatible with neighboring development. In such instances, building and/or site improvement requirements and standards need not be uniform with regard to each type of land use provided. Such modifications shall ensure that the activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.
5. The planning commission may recommend, and the township board approve additional requirements as are considered reasonable, to protect adjacent properties, established land uses, and established zoning districts from any adverse influences created by the planned unit development project. Conditions imposed shall meet all the following requirements:
 - a. Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the township board and the landowner. The township board shall maintain a record of conditions which are changed.



6. **Rural character.**
 - a. The rural character of the township embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and aesthetic values. For purposes of this section, rural character shall also be defined to mean areas perceived as having a low density pattern of development, being generally void of man-made improvements such as paved roadways, and exhibiting open fields, farmland or woodlands as common elements of the visual landscape.
 - b. The planned unit development project shall preserve rural character to the maximum extent practicable through such means of, but not necessarily limited to, the following: the establishment of large building setbacks along its perimeter in which open space and/or native vegetation predominate; a transitional arrangement of land uses ordered by their intensity of use; a transitional arrangement of buildings and structures ordered by their scale and bulk; the preservation or restoration of the natural pre-development pattern of surface water flows, ground water recharge areas, and wildlife habitat corridors; and/or the preservation or restoration of historic resources.
7. For any approved final planned unit development plan, a building permit must be obtained within 12 months of the date of plan approval or else the plan approval shall be deemed null and void without any further action by the township, unless an extension is requested by the petitioner in writing prior to the expiration date of the plan approval. A request for extension may be granted by the township board for an additional 12 months after a recommendation from the planning commission. The request for extension shall be reviewed in relationship to any change in ordinance requirements, development of surrounding land uses and adjacent properties, and the extension or provision of public or private facilities and utilities (roads, sewers, etc.).
- E. The township board shall find adequate evidence that the standards contained within [6.2 Special land use approvals](#) have or are capable of being met prior to approving any application for a planned unit development project.
- F. **Default.** Failure or delay by the landowner to perform any term or provision of the development agreement, shall constitute default and grounds for termination or cancellation of the planned unit development project. In such instances, the zoning district designation received in connection with a request to use land for a planned unit development project shall revert to its prior district classification.
- G. **Assignment and assumption.** The landowner shall have the right to sell, assign, or transfer a development agreement with all their rights, title and interests therein to any person at any time during the term of the development agreement. The conditions and covenants set forth in it shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The landowner shall provide the township board with written notice of any intent to sell, assign, or transfer all or a portion of the subject property at least 90 days in advance of such action. Such notice requirement shall not apply to the sale of five or fewer single-family lots or residences to an individual or entity in a single transaction. The express written assumption by such purchaser, assignee or transferee, of the obligations and other terms and conditions, of the development agreement with respect to the subject property or such portion thereof sold, assigned or transferred, shall relieve the landowner selling, assigning or transferring such interest of such obligations so expressly assumed.

Section 3.18.H - 3.19.C

H. Resolution of unsolved disputes.

1. Unresolved disputes and other matters in question between the parties hereto arising out of or relating to the development agreement or the breach thereof will be decided by arbitration in accordance with the then current rules of the American Arbitration Association, subject to the limitations and restrictions stated below. This agreement to arbitrate and any other agreement or consent to arbitrate entered into in accordance herewith as provided in this paragraph will be specifically enforceable under the prevailing arbitration law of any court having jurisdiction. Notice of demand for arbitration must be filed in writing with the other parties to the agreement and with the American Arbitration Association. The demand must be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the demand for arbitration be made after the expiration of one year from the date the cause of action accrued. The cause of action shall be deemed to have accrued at the time the party asserting the claim either knew or, by the exercise of reasonable diligence, should have know of the existence of such claim. After the expiration of said one year, any claim between the parties hereto shall be barred.
2. No arbitration arising out of, or relating to the development agreement may include, by consolidation, joinder or in any other manner, any person or entity who is not a party to the development agreement. The decision rendered by the arbitrators shall be final.

3.19 C-2 Planned unit developments

- A. **Intent.** The intent of this section is to provide, in the case of planned unit developments in the C-2, planned shopping center district an added degree of flexibility in the placement, bulk and interrelationship of the buildings and land uses within a planned unit development and the implementation of new design concepts. The requirements of the use, area, height, bulk and placement regulations, as they are applicable to an individual building or an individual lot of record, would in certain cases of large-scale developments have results affording less protection to the public health, safety and welfare than if a measure of flexibility were permitted. Accordingly, the standards set forth for the C-2 district have been designed to facilitate planned unit development, which standards may be modified by action of the township board in instances where an improved plan results and upon a showing that conformity with such standards serves no good public purpose. The township board does hereby determine that the following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare.
- B. **Authorization.** Subject to the foregoing statement of intent, the township board, with the advisory assistance of the planning commission, may approve a planned unit development, but only after notice and public hearing as prescribed by law.
- C. **Processing requirements.** A proposal for a planned unit development shall be processed as follows:
 1. The owner or owners of any tract of land comprising an area of not less than 25 acres shall submit an application in 22 copies for planning commission review.

2. The application shall be accompanied by the following information, maps and plans:
 - a. A legal description of the property under consideration, which also shows that such property is at least 25 acres in area, being either a single parcel of land or two or more parcels separated only by a public or private street or road.
 - b. A map indicating the gross land area of development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures, curb cuts and other improvements within 200 feet thereof.
 - c. A fully dimensioned map of the land showing topographic information at a contour interval of two feet or less. Spot elevations may also be shown for clarity.
 - d. A vicinity map to scale showing the location of the area in relation to surrounding properties, streets, freeways, parks, schools, school sites and other significant, features of the township where appropriate.
 - e. A general development plan with at least the following details shown to scale and dimension:
 - I. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross buildings and lot lines, setback lines, and approximate location of vehicular entrances and truck loading/unloading points.
 - II. The location and design of all lots to be subdivided and the approximate dimensions of all lot lines.
 - III. All streets, driveways, service aisles and parking areas, including general layout and design of parking lot spaces.
 - IV. All pedestrian walks, malls, plazas and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by an acceptable property owners or business owners association.
 - V. Location and height of all fences and landscaping screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping concept.
 - VI. Architectural sketches, at an appropriate scale, showing building heights, facade elevations, and other features of the development.
 - VII. Types of surfacing, such as paving, turfing or gravel to be used at the various locations on site.
 - VIII. Intended method of servicing area with water and sewer facilities including general location and character of utility lines, manholes, pump stations, lift stations, septic fields, wells and other facilities.
 - IX. A general grading plan of the proposed development with brief narrative description.
 - X. Proposed private deed restrictions and articles of incorporation and bylaws of any proposed property owners or business owners association to be imposed upon the property after it is developed and/or subdivided to insure that the planned character and use of the project will be preserved and protected.
 - f. A community impact assessment.
 - g. Other information as may be reasonably required by the planning commission to base an opinion of the proposed planned unit development.

Section 3.19.D - F

- D. **Determination.** After a study of the application for a planned unit development, the planning commission shall make a determination based upon the following standards:
1. The proposed use or uses shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts. Proposed commercial uses must be justified by a market analysis.
 1. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor conflict with the normal traffic of the neighborhood. In applying this standard, the planning commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to freeways and main traffic thoroughfares and to street and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. In addition, where appropriate, the planning commission shall determine the noise, vibration, odor, light, glare, heat, electromagnetic or radioactive radiation or other external effects, from any source whatsoever which is connected with the proposed use, will not have a detrimental effect upon neighboring property or the neighboring area in general.
 1. The location and height of buildings, the location and nature and height of walls and fences, and the nature and extent of landscaping of the site shall be such that they will not hinder or discourage the proper development and use of adjacent land and buildings nor impair the value thereof.
- E. **Approval by commission.** The planning commission may require such changes or modifications in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the finding by the planning commission that all of the standards as herein specified have been met, it may approve the project and the requested modifications to the provisions of this chapter, if any, and recommend approval of the same to the township board. It shall also, where it deems appropriate and necessary, recommend to the township board those conditions to be imposed upon the project, its operation, or both, that are needed to ensure adherence to the aforesaid standards.
- F. **Township board approval.** Immediately after approval and recommendation by the planning commission, the applicant shall submit the proposal to the township board and obtain its concurrence for the planned unit development with any additional modifications or conditions as may be desired by the township board. Unless the approval of the township board is obtained, the planning commission's approval shall not be effective; if the township board rejects, then the action of the planning commission shall be deemed null and void. In addition, if approval is granted by the township board, the following conditions shall apply:
1. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plats for the planned unit development for approval in compliance with Public Act No. 288 of 1967 (MCL 560.101 et seq.), and with all ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the planning commission and township board. Such plats shall be in strict conformity with the approved planned unit development, the conditions attached thereto, and the provisions of this chapter.



2. Where project is intended to be a site condominium development, requirements at [6.3 Condominium projects](#) and Public Act No. 59 of 1978 (MCL 559.101 et seq.), shall be complied with.
 3. Appropriate private deed restrictions together with any applicable articles of incorporation and bylaws shall be submitted to the township board in recordable form sufficient to ensure the use and development of the planned unit development and the provisions of this chapter.
 4. The planned unit development plan shall be incorporated into the deed restrictions and recorded with the county register of deeds and the township building department, and all construction shall thereafter be in accordance with the planned unit development plan.
- G. **Modifications by board.** The applicant for approval of a planned unit development may apply to the township board for a modification of the nature and extent of public improvements required to be installed. The township board may, in its discretion, relieve the applicant from installing public improvements as would otherwise be required to the extent that it determines such improvements to be unnecessary within the planned unit development. In the event of such a determination, the township board shall incorporate the same in its resolution granting approval of the planned unit development.
- H. **Fees.** Any application for planned unit development shall be accompanied by a fee as may be determined by the township board. Such fee may be utilized by the township board to obtain the services of one or more expert consultants qualified to advise as to whether the proposed planned unit development will conform to the applicable township ordinances, policies and standards, and for investigation and report of any objectionable elements that the planning commission may wish to be advised on. Such consultants shall report to the planning commission as promptly as possible. After the planned unit development application has been approved or disapproved by the township board, the balance of the fee which is left shall be returned to the applicant.
- I. **Revocation.** A planned unit development may be revoked in any case when the construction of the development is not in conformance with the approved plans, in which case the township board shall give the applicant notice of intention to revoke such permit at least ten days prior to review of the permit by the township board. After conclusion of such review, the planned unit development shall be revoked if the board feels that a violation in fact exists and has not been remedied prior to such hearing.

Section 3.20.A - C

3.20 Cluster housing option

- A. **Intent.** The purpose of the cluster housing option is to permit an alternative means for development of land which is zoned single-family residential, i.e., R-1-R, R-1-S and R-1 districts. The intent of the option is to permit the preservation of natural features of a site such as wetlands, woodlands, unusable steep topography or geologic features, e.g., historic sites, unique vistas. Further, the cluster housing option should be considered only when the township benefits by the protection of natural features, not when it is a hardship on the part of the developers due to environmental constraints, e.g., woodlands, wetlands.
- B. In reviewing projects for approval of a cluster housing option, the following conditions must be complied with:
1. Only detached single-family homes are permitted within each cluster.
 2. The number of detached single-family homes permitted to form a cluster grouping shall not be less than two homes or more than four homes.
 3. Spacing between buildings in a cluster shall be as established in each respective zoning district in [3.1 Established districts](#).
 4. Front yard and rear yard setbacks for dwelling units, as required by the underlying zoning district, that are adjacent to side yards for units should be the sum of each yard as required by the respective district in [3.1 Established districts](#). Setback of dwelling units from any public road right-of-way shall be as established for front yard setback for homes required by the underlying zoning district.
 5. No front yard of a home shall face into the rear yard of another home either within a cluster or between homes in adjacent clusters, except where there is at least a 250 feet distance separation.
 6. Spacing between cluster groupings, as measured from building faces of buildings in opposing or adjacent clusters, shall not be less than 150 feet.
 7. The cluster housing option should not qualify solely as a buffer between a single-family residential project and a major thoroughfare or a multiple dwelling housing project.
 8. The cluster housing option should not qualify based on topography alone. Difficult, steep topography should be considered for proper road design and fire lane access.
 9. Density for a site shall be based upon the gross land area, excluding roads, divided by a factor of three acres for property located within the R-1-R, rural residential district, a factor of 1½ acres for property located within the R-1-S, suburban residential district, and a factor of 11,200 square feet for property located within the R-1, single-family residential district.
 10. Open space shall be preserved in accordance with the approved plan. For any project the reservation of land shall be contained in the master deed or the subdivision restrictions.
 11. No minimum lot size shall be required; however, the minimum required yard setbacks for the R-1, single-family residential district, as specified in [3.1 Established districts](#), shall apply.
- C. The township board shall consider a proposed cluster option project after a recommendation from planning commission. A public hearing shall be required and residents within 300 feet notified. Fees for hearing are as established by township board resolution.
- D. In submitting a proposed cluster housing option plan under this section, the applicant shall also prepare a site plan showing proposed home sites and general building envelopes, building grade elevations, existing and proposed road rights-of-way and/or easements, tabular schedule of dwelling units, density, site area excluding lakes and regulated wetlands, and all other data required under [6.1 Site plan review](#).



3.21 Open space preservation provisions

- A. **Intent.** The purpose of this section is to provide an alternative means of development to the landowner on land which is residentially zoned that would create the same number of home sites, but cluster the homes on no more than 50 percent of the land, while leaving the unused land perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by section 3506 of Public Act No. 110 of 2006 (MCL 125.3506).
- B. **Design requirements.** At the option of the landowner, in areas zoned for single-family residential purposes, the minimum yard setbacks, building heights, and minimum lot sizes per unit as required by the respective districts in [3.1 Established districts](#), may be waived by the township, and the clustering of dwelling units accomplished, subject to the following:
1. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the cluster is to be constructed. (Please refer also to [Section 3.21.G.5](#) of this section.)
 2. The maximum number of units attached shall not exceed four units per building. The maximum number of buildings allowed in any one cluster shall not exceed four buildings.
 3. The exterior design of the structures shall be compatible with existing single-family structures located in the general area of the project in regards to architectural style, size, overall floor area and height. Variety in the design of buildings shall be provided by the use of design details which do not appear to be continuous or repetitious. An exterior design pattern which is repetitious throughout the project shall not be permitted.
 4. Yard requirements shall be provided under this option as follows:
 - a. Minimum spacing between buildings shall be determined by the number of living units that are arranged in any group of buildings as shown on the following table and [“Administration & Enforcement”](#). ↗

Section 3.21.B

1. Purpose & Intent

2. Definitions

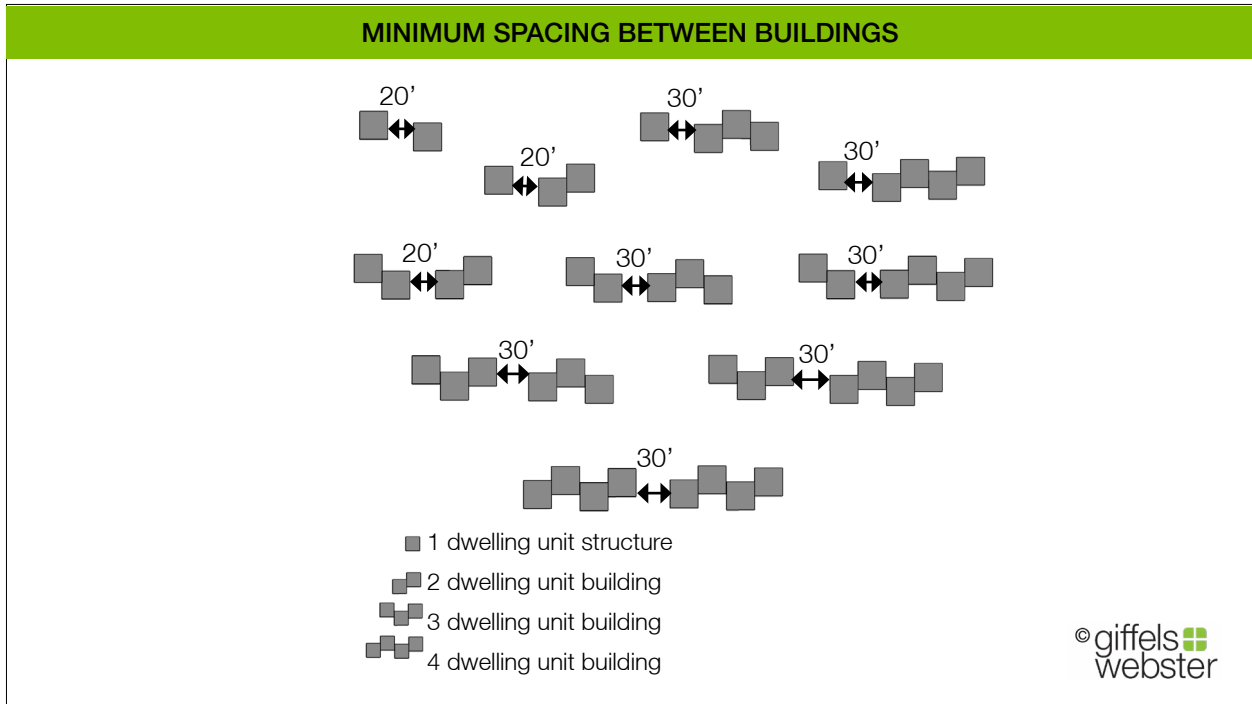
3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement



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Table 3.21.B.4.a

| Minimum spacing between buildings | |
|-----------------------------------|---|
| No. of living units per building | Minimum distance (feet between buildings) |
| 1 unit and 1 unit | 20 |
| 1 unit and 2 units | 20 |
| 1 unit and 3 units | 30 |
| 1 unit and 4 units | 30 |
| 2 units and 2 units | 20 |
| 2 units and 3 units | 30 |
| 2 units and 4 units | 30 |
| 3 units and 3 units | 30 |
| 3 units and 4 units | 30 |
| 4 units and 4 units | 30 |

- b. All such groupings shall be so situated as to have one side of the building abutting onto open space, not less than 60 feet in width.
- c. Any side of a building adjacent to a road shall not be nearer to such road than 30 feet, measured from the edge of the nearest travel lane.
- d. Any side of a building adjacent to a public right-of-way shall not be nearer to such public right-of-way than 50 feet.



- e. This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance facade and shall treat such side of the groupings as front yard.
 - f. No building shall be located closer than 50 feet to the outer perimeter (property line) of the site.
5. The maximum height of buildings under this option shall be 35 feet. In computing the height of an individual unit in a cluster on a slope in excess of ten percent and when the unit is constructed on posts, the first ten feet of the height of the post shall not be computed. Application on the definition of building height shall apply over and above the ten feet of post height.
 6. Density for a site shall be based upon the total dwelling unit count achieved from a concept layout plan prepared by the applicant and acceptable to the planning commission showing the subject site as a single-family detached development meeting the design requirements established for the zoning district in which it is located. (Please refer to division 15 of this article, pertaining to the schedule of regulations). The resulting development yield, determined through such Computation, shall be distributed throughout not more than 50 percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to [subsection E](#) of this section. It is further the intent of this section that, to the maximum extent practicable, all undeveloped land be contiguous and be so arranged to interconnect with existing or planned open space systems neighboring the subject site.
- C. **Berm requirement.** In reviewing the plans and approving the application of this section at a particular site, the planning commission may recommend and the township boards of trustees require a landscaped berm along the entire property line abutting the major thoroughfare. This berm may be included within a required side or rear yard. The berm shall be designed and landscaped according to the standards of [subsection 3.14.C.7.b.X](#).
- D. **Submittal requirements.** In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, master deed documents, floor plans, topography drawn at two-foot contour intervals, main floor grade elevations relative to the existing topography, all computations relative to acreage and density, details relative to any proposed berm, and any other details which will assist in reviewing the proposed plan.
- E. **Open space protection requirements.** Site plans submitted under this option shall be submitted and reviewed in conformance with [6.1 Site plan review](#). All land not intended to be conveyed to individual dwelling unit owners under this option shall be protected by conservation easements, plat dedications, restrictive covenants, or other legal means which run with the land and which prohibit their development in perpetuity. Such legal means must be approved by the township attorney to ensure such unused land remains perpetually in an undeveloped state. Such open space areas shall represent at least 50 percent of the subject site's gross area.
- F. **Engineering standards.** The construction of a cluster housing development shall be subject to the engineering design standards of the township, as provided by chapters 10, 26 and 30 of this Code, as amended, except as may otherwise be provided by this chapter.

Section 3.21.F - G

- G. **Approved criteria.** Approval of the single-family cluster housing development shall be predicated upon a positive finding that all of the following criteria have been met:
1. The design shall promote the goals, objectives, and policies of the township land use plan;
 2. Scenic views and vistas shall be unblocked or uninterrupted, as seen from public rights-of-way;
 3. Open space areas shall be provided in suitable locations that offer convenient access by residents and adequate screening from nearby dwelling units;
 4. Natural resources are preserved in accordance with [5.20 Design flexibility allowances for the preservation of environmental quality](#);
 5. The design of structures shall typify, or be representative of, existing single-family structures located in the general area in terms of architectural style, size, overall floor area, building height and neighboring building orientation. Any determination of compatibility shall be based upon a comparison of one or more single-family residential dwellings located outside of mobile home parks or manufactured housing communities within one-half-mile (2,640 feet) of the subject site where such area is developed with dwellings to the extent of not less than 25 percent of developable lots situated within said area; or where said area is not developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks or manufactured communities throughout the township;
 6. Clustering of the dwelling units shall occur in a manner which preserves the basic amenities and qualities normally associated with single-family living (such as, but not limited to, privacy, personal open space, and adequate natural lighting and ventilation) while allowing for innovative site layout and open space areas;
 7. Where the proposed cluster housing development abuts an existing conventional single-family subdivision, land zoned for single-family use, or a major thoroughfare, an orderly transition shall occur using one or more of the following techniques:
 - a. Detached single-family dwellings;
 - b. Open or recreation space;
 - c. Sufficient change of topography;
 - d. Buffer plantings of sufficient size, character, density and quantity; or
 - e. Mounding or berming of sufficient size, height, and slope to ensure proper maintenance of the area.



3.22 General exceptions

A. Lots of record (substandard lots).

1. Any lot which was of record on March 23, 1971, that does not meet the requirements for lot size and open space established for the zoning district in which the lot is located, may be utilized for single-family residences in zones permitting this use, provided that for lots located in a R-1 district the lot size and open space provisions are within 75 percent of the chapter requirements, and for lots located in a R-1-R or R-1-S district, the lot size and open space provisions are within 67 percent of the chapter requirements. However, compliance with the following restrictions is also required:
 - a. Adjacent, vacant nonconforming lots held in common ownership shall be combined to form lots that will meet, or more closely approximate the frontage and area requirements of this chapter.
 - b. The minimum front yard requirements may not be reduced.
 - c. No individual side yard may be less than that required under [3.1 Established districts](#), for the zoning district wherein the lot is located.
2. The purpose of this section is to permit the utilization of recorded lots which lack required lot size and open space as long as reasonable standards can be provided. However, where substandard lots of record are located in other than residential zoning districts, their utilization for a use permitted in the zoning district wherein the lot or lots are located may be subject to approval by the board of appeals as constituting a physical hardship involving unusual circumstances that render the property unusable.

B. Permitted height.

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district, in which the building is located, except penthouses or roof structures for housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks and domestic television aerials and wireless mass (other than amateur radio/citizen radio antennas), roof attached wireless communication facilities, water tanks or similar structures may be erected to exceed by more than 15 feet than height limits of the district in which it is located; nor shall such structures have a total area greater than ten percent of the roof area of the building; nor shall such structures be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building, unless that structure is a roof attached wireless communication facility.
2. Amateur radio/citizen radio antennas shall not exceed 65 feet above grade in an R-1-R, R-1-S, R-1, R-2 and R-3 district, or more than 30 feet above the height limits of a nonresidential district in which it is located. A building permit shall be required for any antenna support structure excluding the height of any building to which the antenna support structure is attached, which exceeds 12 feet. No antenna shall protrude in any manner upon adjoining property or upon public right-of-way. Ground-mounted antenna support structures may be erected only in a rear or side yard.

Section 3.22.C - D

- C. **Projections into yards.** Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three feet.
- D. **Porches, patios and terraces.** An open, unenclosed porch, paved patio or terrace may project into the minimum front or rear yard for a distance not to exceed ten feet.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



Chapter 32 | Article 4

Use Standards

Article 4 - Use Standards

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Section 4.1.A - B

4.1 Home occupations and home-based businesses

- A. **Intent.** It is the intent of this section to recognize home occupations that have traditionally been carried out in the home to supplement personal and family income and to accommodate the emergence of home-based businesses enabled by new computer and communication technology, employer acceptance of telecommuting, or the growth of small entrepreneurial businesses. Such uses must, however, be properly limited and regulated to protect the integrity of residential areas. Thus, it is further the intent of this section to establish conditions which limit such uses to those which:
1. Are compatible with residential uses;
 2. Are limited in extent and quantity as referenced below;
 3. Do not change the character of the neighborhood;
 4. Do not change the character of the subject site or the principal dwelling and its accessory structure(s). The use of the dwelling unit for the home occupation or home-based business should be clearly incidental and subordinate to its use for residential purposes and occur on the same zoning lot. In total, such occupations or businesses should occupy not more than 25 percent of the residential floor area. The total electrical service provided to either an accessory building or used for a home occupation or a home-based business should not exceed 60 amps; and
 5. Do not change local traffic volumes or patterns. In total, all home occupations or home-based businesses conducted on the premises should generate not more than 16 vehicle trips per day. For purposes of this subsection, a vehicle trip shall mean a single arrival or departure from the property as defined by the Institute of Transportation Engineers' Trip Generation Handbook. Shipping and receiving of products, merchandise, or supplies should generally occur between the hours of 8:00 a.m. and 6:00 p.m. by the way of smaller vehicles customarily used for residential deliveries.
- B. **General provisions.** Home occupations and home-based businesses shall comply with the following general provisions:
1. The area permitted for a home occupation or home-based business use as defined in [subsection A](#) above may be distributed between the principal dwelling, attached garage, or accessory building(s); however, the allowable area may not occupy more than 25 percent of the floor area of any attached garage or accessory building. It is intended that the use of an attached garage or accessory building only support home-based activities or home occupation activities largely being conducted in the principal dwelling.
 2. The open storage of material, unlicensed vehicles, equipment, or refuse associated with or resulting from the home occupation or home-based business is expressly prohibited. This subsection shall not be construed to prohibit the storage of tractors, riding mowers, and similar vehicles intended for the personal use of the householder which are not required to be licensed and lawfully driven under its own power upon public streets.



3. No equipment or process shall be used by the home occupation or home-based business which creates noise, vibration, glare, fumes, odors, or electrical interference which is a nuisance to the normal senses of persons off the parcel or lot. Pursuant to the Code of Federal Regulations, Title 47, Part 15 (47 CFR 15), no intentional, unintentional, or incidental radiator shall be used which creates harmful interference with any radio, telephone, television, computer, or any telecommunication device off the premises. Please refer also to [3.14 M-1 and M-2 district standards](#), [3.16 M-2 district standards](#), [5.29 Noise](#), and [5.15 Lighting](#).
 4. One unlighted sign announcing a home occupation, or professional service, not-to-exceed two square feet in the area shall be permitted. The sign shall be attached flat to the front wall of the building.
 5. The parking of commercial vehicles in excess of a gross vehicle weight rating of 10,000 pounds or more shall comply with the requirements of [5.13 Outdoor vehicle storage in residential districts](#). Notwithstanding the above, commercial vehicles outfitted with equipment intended primarily for commercial applications and not also customarily used for the personal non-commercial transportation of a householder are expressly prohibited.
 6. Home occupations or home-based businesses which produce trash, rubbish or debris which exceed contracted residential use standards are expressly prohibited.
 7. The use of a single-family home by an occupant of the residence for a home occupation to give instruction in a craft or fine art is expressly permitted. This provision shall not relieve the occupant from complying with the conditions of use established by this section which accompany its use as a home occupation. Product sales associated with intermittent private social events (e.g., Tupperware® parties) or e-commerce (e.g., eBay® transactions) shall be exempt from the requirements of this section.
 8. The home in which there exists a home-based business shall employ not more than two full time or part time employees on the premises at any one time, other than the residents of the dwelling unit.
- C. **Medical marihuana.** A medical marihuana home occupation is addressed separately from other forms of home occupations or home-based businesses in recognition of its unique nature. Medical marihuana home occupation regulations and requirements are presented in [4.2 Medical marihuana home occupation regulations](#).

Section 4.2.A - C

4.2 Medical marihuana home occupation regulations

- A. **Intent.** It is the intent of this section to give effect to the intent of the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, MCL 333.26421 et seq. (hereinafter “Act”) as approved by the electors and not to determine and establish an altered policy with regard to marihuana. These provisions are designed to recognize the fundamental intent of the Act to allow the creation and maintenance of a private and confidential patient-caregiver relationship to facilitate the statutory authorization for the limited cultivation, storage, distribution and use of marihuana for medical purposes; and to regulate this fundamental intent in a manner that does not conflict with the Act so as to address issues that would otherwise expose the Charter Township of Milford and its residents to significant adverse conditions. In consideration of this concern, local regulations enumerated below generally provide that: the primary caregiver must reside in the dwelling where his/her medical marihuana is cultivated and/or stored; medical marihuana primary caregiver activity only occur within a single-family dwelling except as otherwise set forth herein; and, the distribution and use of medical marihuana occur on the lot, parcel, or site condominium unit occupied by the qualifying patient. Nothing in this section shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow the use, cultivation, growth, possession or control of marihuana not in strict accordance with the express authorizations of the Act and these regulations; and nothing in this section shall be construed to undermine or provide immunity from federal and state law as it may be enforced by the federal or state government relative to the cultivation, storage, distribution or use of marihuana.
- B. Remainder of article; effect of permit approval. In recognition of the unique nature of the medical marihuana home occupation provided for hereunder, the conditions and requirements set forth in [4.1 Home occupations and home-based businesses](#) shall not be applicable to medical marihuana home occupations. In addition, the issuance of a medical marihuana home occupation permit hereunder shall relieve the applicant from any obligation of site plan review or a land use permit for the activity authorized thereunder.
- C. **Regulations.**
1. **Medical marihuana home occupation permit requirement.**
 - a. The cultivation, storage and/or distribution of marihuana by a primary caregiver conducted in accordance with the Act shall be allowed as a permitted use in zoning districts permitting single-family dwellings subject to the terms and conditions set forth in this section. Except as set forth in [subsection D](#) below, no such cultivation, storage and/or distribution shall be lawful in the Charter Township of Milford unless and until the location of the premises in which such primary caregiver activity is conducted has received a medical marihuana home occupation permit under this section.
 - b. The requirement of this section is to require a permit for a location and not to license persons. A confidential application for a medical marihuana home occupation permit on a form approved by the township board shall be submitted to the zoning administrator. An application shall:
 - I. Not require the name, home address or date of birth of a qualifying patient.
 - II. Include the name of the primary caregiver (or medical marihuana home occupation permit holder, if different), and the address of the premises (lot, parcel, or site condominium unit).
 - III. Describe the enclosed locked facility in which any and all cultivation of marihuana is proposed to occur or where marihuana will be stored, with such description including the location of the facility in the building.



- c. For safety and other code inspection purposes, describe and provide detailed specifications of equipment proposed to be used to facilitate the cultivation and harvesting of marijuana plants including, but not necessarily limited to, lighting, HVAC, electrical service, and plumbing.
 - d. Contain such other information as the township board determines is needed for the administration of this section or to ascertain satisfaction of the standards for the granting of a permit hereunder.
 - e. No application for a permit hereunder shall be approved without payment of a non-refundable application fee to help defer a portion of the cost of administering and enforcing this section. The application fee shall be set by resolution of the township board and may be adjusted from time to time thereafter as the township board deems appropriate.
 - f. It is the intent of this section that the information acquired through the permitting procedure prescribed herein shall be accessible to the zoning administrator, Michigan Construction Code, fire code enforcement officials, and law enforcement officials and their support personnel, in the performance of their duties and shall otherwise remain confidential and not subject to public disclosure except as otherwise required by law.
2. **Requirements and standards for approval of permit and for the activity permitted.**
- a. There shall be not more than one primary caregiver operating upon the lot, parcel, or site condominium unit for which a permit is requested. The primary caregiver shall reside within the dwelling located upon the lot, parcel, or site condominium unit for which a permit is requested. A primary caregiver may assist not more than five qualifying patients with their medical use of marijuana.
 - b. The lot, parcel, or site condominium unit for which a permit is requested shall not be located:
 - I. Within 1,000 feet of a public or private elementary or secondary school, public or private preschool or licensed daycare facility.
 - II. Within 300 feet of a public park, public beach or public recreational area.
 - III. Within 500 feet of another lot, parcel, or site condominium unit for which a medical marijuana home occupation permit has been issued pursuant to this section.
Measurements for purposes of this subsection shall be made from the parcel or lot line, or site condominium unit boundary, to the applicable property or boundary line of the preschool, school, daycare facility, public park, public beach, public recreational area, or a lot, parcel or site condominium unit which previously received a medical marijuana home occupation permit.
 - c. Subject to the exceptions set forth in [Section 4.2.C.2.f](#) below, the medical marijuana primary caregiver activity shall occur only within a single-family dwelling. The primary caregiver activity shall at all times be subordinate and incidental to the use of the dwelling as a residence.
 - d. The primary caregiver shall be allowed to cultivate not more than 12 marijuana plants for each of his/her qualifying patients. All marijuana and marijuana plants shall be contained inside the main residential structure except when being delivered by the primary caregiver to a qualifying patient off-site.
 - e. That portion of the single-family dwelling unit used for the growing, processing, or storage of medical marijuana shall not exceed a gross floor area of 150 square feet.
 - f. All medical marijuana must be kept in an enclosed locked facility to which only the registered patient and/or primary caregiver have access.

Section 4.2.C - F

1. Purpose & Intent

2. Definitions

3. Zoning Districts

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- g. The primary caregiver shall not distribute or allow the use of marijuana by the qualifying patients he/she is designated to serve upon the lot, parcel, or site condominium unit for which a permit is issued hereunder unless the qualifying patient resides therein.
 - h. The distribution of ancillary products by the primary caregiver shall be permitted, subject to any township business licensing requirements, if any.
 - i. If a residential room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual residential use between the hours of 10:00 p.m. and 6:00 a.m. shall employ shielding methods to prevent ambient light spillage that causes or creates a distraction or nuisance to any adjacent residential properties.
 - j. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a premises in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation or harvesting of marijuana. Prior to a permit issued hereunder taking effect and the commencement of primary caregiver activities, the premises shall be inspected for compliance with applicable provisions of the Michigan Construction Code and the Michigan Fire Code. The premises shall be inspected annually thereafter for continued compliance with all applicable zoning ordinance and construction code and fire code requirements.
 - k. There shall be no sign identifying the premises as a site at which marijuana is cultivated, harvested or distributed.
 - l. The primary caregiver activities conducted on the premises for which a medical marijuana home occupation permit is granted hereunder shall be in conformance with the application approved hereunder, the Act, and the administrative rules promulgated pursuant to the Act.
 - m. Nothing in this section shall be deemed to allow dispensaries or collective ingestion facilities, which are hereby strictly prohibited.
- D. **Disclaimer of immunity.** Nothing in this section shall be construed as allowing the use, cultivation, distribution or possession of marijuana not in strict compliance with the express provisions of the Act and the provisions of this section. Further, nothing in this section shall be construed to undermine or provide immunity from federal or state law as it may be enforced by the federal or state government relative to the use, cultivation, distribution or possession of marijuana or to prevent prosecution thereunder.
- E. **Exceptions.** This section shall not be deemed to prohibit or restrict or require a permit for the following:
- 1. The cultivation, storage and/or use of marijuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
 - 2. The cultivation, storage and/or distribution of marijuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
 - 3. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marijuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
- F. **Enforcement.** Any violation of this section shall be considered civil infractions.



4.3 Private solar energy systems

- A. Permitted.
1. Private solar energy systems shall be restricted to roof-mounted, wall-mounted, or ground-mounted systems.
 2. Private solar energy systems shall be permitted in all zoning districts by right, subject to administrative approval by the township building official, and upon compliance with all requirements of this section.
 3. No signage or graphic content shall appear on private solar energy systems except for the manufacturer's identification, safety information, and equipment specifications. Such permitted information shall be depicted with an area of not more than 36 square inches in size.
 4. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
 5. The installation of private solar energy systems on pre-existing, legally-established nonconforming uses, structures and lots shall be permitted in a manner which does not increase the nonconformity.
 6. A professional engineer registered in the State of Michigan shall certify that the construction and installation of a private solar energy system meets or exceeds the manufacturer's safety, construction, and installation standards. Such certification shall be provided to the township building official prior to the installation of the private solar energy system.
 7. All electrical components, compartments, storage facilities, wire conduit and interconnections with private structures shall conform with applicable national, state, and local electrical codes. The installation of all private solar energy systems shall also comply with local building permit requirements.
- B. **Roof-mounted systems.**
1. Roof-mounted systems are permitted to face any rear, side, and front yard.
 2. Roof-mounted systems shall be designed to be in harmony with the architectural style of the building to which it is attached, and not obviously appearing as a separate mechanical structure that appends or appears to interrupt the uniform surfaces of a roof.
 3. Roof-mounted systems on an angled roof shall appear to be flush mounted.
 4. The highest point of the roof-mounted system shall not exceed the highest point of the roof to which it is attached. For installations on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached; however, it shall be so located or architecturally concealed by a parapet wall or screen so that the system is not visible from abutting rights-of-way or private road easements.
 5. No roof-mounted system shall be installed in a manner that would cause the shedding of ice or snow from the roof onto a stoop, porch, deck, stairwell, or pedestrian travel area.
- C. **Wall-mounted systems.**
1. Wall-mounted systems are permitted to face any rear, side, and front yard.
 2. Wall-mounted systems shall be designed to be in harmony with the architectural style of the building to which it is attached and not obviously appearing as a separate mechanical structure that appends or appears to interrupt the design character of the wall to which it is attached.

Section 4.3.D - 4.4.C

D. **Ground-mounted systems.**

1. Ground-mounted systems shall be accessory to a principal use and located on the same zoning lot to service the principal use. Locating ground-mounted systems within a general common element or other similarly-shared space held in common ownership is expressly prohibited.
2. Ground-mounted systems shall be subject to the accessory use or structure setback requirements and lot coverage limitations for the zoning district in which the system is to be constructed, provided that a setback of 75 feet shall be required adjacent to any residential structure located offsite.
3. No part of a ground-mounted system, including electrical cabinets and storage facilities, shall extend into the required setbacks.
4. All exterior electrical lines shall be buried below the surface of the ground, per National Electrical Code.
5. The existing zoning district height limitation shall apply to all ground-mounted systems.
6. Outside of the area necessary for the required solar panel or solar array foundations, the surface area beneath any solar panel or array of panels shall be continually maintained and not reduce the pervious surface condition of such land.

E. **Easements.**

1. A landowner, at his or her own initiative, may execute an agreement in the form of an easement, covenant, condition or other property interest in any deed or other legal instrument with an adjacent property owner, to protect the solar skyspace of an actual, proposed, or designated solar energy structure at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with his or her access to solar energy.
2. The solar skyspace shall be described in the agreement as the three-dimensional space in which obstruction is prohibited or limited.
3. Solar access agreements shall be recorded with Oakland County Register of Deeds. A copy of such recorded solar access agreement shall also be provided to the township and kept on file with the township building department.

4.4 Private garages

- A. In the R-1-R district, private garages used primarily for the storage of self-propelled vehicles for the use of occupants of a residence on the same lot on which the garage is located are permitted. The foregoing definition shall not preclude the permitted storage of one commercial vehicle per residence if located behind the rear building line, is duly licensed and is owned and operated by the resident of the lot, provided there is a minimum of three acres for the lot.
- B. In the R-1-S district, private garages used primarily for the storage of self-propelled vehicles for the use of the occupants of the lot on which the building is located are permitted. The foregoing definition shall not be construed to prevent the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a gross vehicle weight of 10,000 pounds. See also [Section 5.14.C General provisions](#).
- C. In the R-1 and R-2 districts, private garages used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot are permitted. However, this use shall not be construed to permit the storage on any one lot, for the occupants thereof, of not more than one commercial vehicle not exceeding a rated capacity of one ton.



4.5 Keeping and raising of horses, cattle, fowl, rabbits or other small animals

In the R-1-R and R-1-S districts, the keeping and raising of horses, cattle, fowl, rabbits, or other small animals and accessory buildings to house same are permitted provided:

- A. They are so housed and fenced as not to become a nuisance and the requirements of [Section 5.7 Accessory building, structures, and swimming pools in residential districts](#) and [Section 4.22 Dog kennels](#) are met.
- B. A suitable fence or other enclosure shall be erected around the outdoor premises used for horses, cattle, fowl, rabbits, or other small animals, subject to the standards in [Section 5.16 Fences, walls, and other protective barriers](#).
- C. There shall be no obnoxious odors, flies, or other nuisances caused by the keeping of livestock or fowl.
- D. Such activity shall also comply with standards listed in Chapter 4 – Animals and Article IX Nuisance, chapter 18 of the Milford Township Code of Ordinances.

△ [Ord. No. 156-A-223](#)

4.6 Temporary buildings for the sale of produce

Temporary buildings for the sale of produce raised on the premises by the proprietor or his family shall be located not less than 25 feet from the street or highway right-of-way line; it shall be of portable construction; and it shall be removed from its roadside location during the season that it is not in use as a roadside produce market. In addition, space for parking for the patrons of such roadside produce market shall be provided off the street or highway right-of-way.

4.7 Truck gardening, tree farms, and plant nurseries

In the R-1-R district, a minimum ten-acre site is required.

4.8 Commercial landscaping businesses, and retail sale of trees, shrubs, flowers, or lawn/patio furniture

These uses are permitted after special approval in the C-1 district including (notwithstanding prohibition of outdoor storage) outdoor sales and storage space.

4.9 Commercial sale of new and used heavy trucks, farm equipment, and heavy offroad construction equipment

These uses are permitted after special approval in the M-2 district subject to the following conditions:

- A. The open storage of any such equipment shall comply with the requirements of [Section 3.14.C](#), except that up to five such vehicles and/or equipment may be displayed within the front yard when placed on gravel or concrete pads and made an integral part of the yard's landscaping, provided the booms of such vehicles and equipment are stored in their lowest operable height.
- B. The property shall have frontage on, or direct paved access to, a paved major thoroughfare.

Section 4.10.A - B

4.10 Adult uses

A. Statement of intent.

1. In the development and enactment of [Section B](#) of [Section 3.11 C-2 district standards](#), it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated into limited areas of the township, thereby having a deleterious effect upon the adjacent areas. Such concentration tends to detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulations of these uses are necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one area.
2. More specifically, the secondary effects upon the township are concluded to be:
 - a. Creation of a red light/skid row district of adult entertainment uses in the township.
 - b. Cause a negative impression and impact on young children in the community.
 - c. Discourage new development of housing and businesses and continuance of existing such uses in proximity to adult entertainment uses, thus causing erosion on property values.
 - d. Characterize the township as an unregulated community and a breeding ground for undesirables, an appearance totally opposite from the fine reputation the township commands.
 - e. Result in crime incidence, including prostitution, drug abuse, gambling, etc.
 - f. Introduce need for increased police and security surveillance owing to transient traffic, hours of operation and contribution to delinquency of minors.
 - g. Impact on nearby schools and religious institutions and related family and moral ethics and values, also invite molesting, abduction and other crimes upon children, women and others who may have to travel past adult entertainment uses.
 - h. Invite lurid advertising incongruous with the low profile nature of the local business areas.

The above concerns have been witnessed in other communities whose former vitality has not been restored and there has been an exodus of families and businesses.

B. Locational standards.

1. No such use shall be established within an 800-foot radius of any residentially zoned district. Measurement shall be from the nearest premises of the use to the nearest residential district boundary line as established by this chapter.
2. There shall be no public, private or parochial school, library, park, playground or other recreational facility or church, convent, monastery, synagogue or similar place of worship within a 1,000-foot radius of the above named uses. Measurement shall be made from the nearest premises of the named use to the nearest property line of a school, library, recreational facility or place of worship.
3. No adult bookstores, adult motion picture theaters, adult mini motion picture theaters, and cabarets shall be permitted within a 1,000-foot radius of an existing adult bookstore, adult motion picture theater, mini motion picture theater, adult cabaret or massage establishment. Measurement shall be from the nearest premises of the named use to the nearest property line of a similar named use.



4. The premises shall be constructed in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any public right-of-way or from any other property. The provisions of this subsection shall apply to any display, decoration, sign, show window or other opening.
- C. Similar uses as determined by the planning commission.
1. That the use is related and reasonably necessary or convenient for the satisfactory and efficient operation of a complete and integrated planned shopping center district;
 2. That the use is similar in character to one or more of the above permitted uses; and
 3. That the use is of the character of personal or administrative service or retail commercial rather than a wholesale, manufacturing or assembly use.

4.11 Preschools, nursery schools, day nurseries, child care centers, including Montessori schools, parochial private, and other schools operated for a profit or nonprofit

- A. In the R-1-R, R-1-S, R-1, R-2, R-3, and RO-1 districts these uses are permitted after special approval, not including dormitories, provided that the following are met:
1. Have primary means of ingress and egress directly on a major thoroughfare having or planned to have a right-of-way of 120 feet.
 2. Minimum site size shall be three acres.
 3. Only one principal building shall be permitted on a site which may be used either as a school facility or as a combined school and residence for the person operating the school. In either case the building shall be designed in the character of a residence and shall be in harmony with adjacent residences in the surrounding neighborhood. Any building used in whole or in part for school purposes shall be located not less than 75 feet from any adjacent property line.
 - a. In the R-1-R district:
 - I. Except for public schools, that for each child so cared for, being in total of not more than 45 children on the premises at any one time, in addition to those in the family of the occupant if occupant lives on the premises, there is provided and maintained a minimum of at least 150 square feet of outdoor play area.
 - b. In the R-1-S, R-1, R-2 and R-3 districts:
 - I. That for each child so cared for, being in total of not more than 45 children on the premises at any one time, in addition to those in the family of the occupant if occupant lives on the premises, there is provided and maintained a minimum of at least 150 square feet of outdoor play area.
 4. Play space for any school shall have a total minimum area of not less than 5,000 square feet.
 5. Such play area shall not be located closer than 50 feet to any adjoining property line and within said yard space there shall be provided a greenbelt planted with plant materials in accordance with [Section 5.18 Landscaping](#), and shall include a continuous fence not in excess of six feet or less than four feet in height.

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6. The required front yard setback shall remain as open space unoccupied and unobstructed from the ground upward and shall not be used for off-street parking or outdoor playground space, except that landscaping, plant materials, sidewalks and vehicular access drives are permitted.
 7. Where a parking lot is provided, a greenbelt planted with plant materials in accordance with [Section 5.18 Landscaping](#), shall be provided along all sides of the parking area except for entrance and exit driveways.
- B. In the C-1 district these uses are permitted after special approval provided that the following are met:
1. The primary means of ingress and egress shall be from an existing paved county primary road having a right-of-way of 120 feet as described on the Road Commission for Oakland County Master Right-of-Way Plan for County Roads.
 2. Centers shall be located on a site not less than three acres in size and having a minimum lot width not less than 165 feet.
 3. Only one principal building shall be permitted on site. The center may be a freestanding facility or operated as an employment-based on-site day care center or public school-based center. A freestanding facility shall be designed in character to its surroundings and be constructed of materials that are native or traditional to the area such as, but not necessarily limited to brick, wood, and stone.
 4. Any freestanding building shall be located not less than 75 feet from any abutting residential district.
 5. The center shall not exceed a licensed capacity of 150 children. At least 75 square feet of outdoor play area shall be provided for each child, based upon such licensed capacity; however, in no instance shall less than 1,200 square feet of outdoor play area be provided.
 6. The outdoor play area shall not be located closer than 50 feet to any adjoining property line and within said yard space there shall be provided a greenbelt planted in accordance with the requirements of [Section 5.18 Landscaping](#).
 7. The outdoor play area shall be enclosed by a continuous fence not less than four feet, or greater than six feet, in height.
 8. The front yard shall remain as open space unobstructed from the ground upward and shall not be used for off-street parking or outdoor play area, except that landscaping, plant materials, sidewalk, boarding areas and vehicular access drives are permitted.
 9. Where a parking lot is provided in connection with a freestanding facility, a greenbelt planted in accordance with [Section 5.18 Landscaping](#) shall be provided along all sides of the parking area except for entrance and exit driveways.
 10. Safe and adequate space for the boarding and off-boarding of children from vehicles shall be provided on site without hazard to pedestrians and traffic. Such space shall be the equivalent area of one off-street parking space for each 25 children based upon the center's licensed capacity. Such boarding space must occur on the property without any interference or use of any part of a public road right-of-way or access easement.
 11. Hours of operation shall be restricted to ensure compatibility with surrounding development. In no instance shall a facility operate in excess of 16 consecutive hours within any single 24-hour period.
 12. Off-street parking shall be provided for freestanding facilities in the ratio of one off-street parking space for each employee during the largest working shift plus one off-street parking space for each ten children based upon the center's licensed capacity.



- C. In the C-2 district, this use is permitted provided that the following conditions are met:
1. Have primary means of ingress and egress to an internal road system within the planned shopping center.
 2. Minimum site size shall be three acres.
 3. Only one principal building shall be permitted on site which may be used either as a school facility or as a combined school and residence for the person operating the school. In either case the building shall be designed in the character of a residence and be in harmony with adjacent residences in the surrounding neighborhood. Any building used in whole or in part for school purposes shall be located not less than 75 feet from any adjacent property line.
 4. That for each child so cared for, being in total of not more than 45 children on the premises at any one time, in addition to those in the family of the occupant if occupant lives on the premises, there is provided and maintained a minimum of at least 150 square feet of outdoor play area.
 5. Such play space shall have a total minimum area of not less than 5,000 square feet.
 6. Such play area shall not be located closer than 50 feet to any adjoining property line and within the yard space there shall be provided a greenbelt planted with landscape materials in accordance with [Section 5.18 Landscaping](#), and shall include a continuous fence not in excess of six feet or less than four feet in height.
 7. The required front yard setback shall remain as open space unoccupied and unobstructed from the ground upward and shall not be used for off-street parking or outdoor playground space, except that landscaping, plant materials, sidewalks and vehicular access drives are permitted.
 8. Where a parking lot is provided, a greenbelt planted with plant materials in accordance with [Section 5.18 Landscaping](#), shall be provided along all sides of the parking area except for entrance and exit driveways.

4.12 Public, parochial, or other private elementary, intermediate, or high schools

In the R-1-R, R-1-S, R-1, and R-2 districts, these uses are permitted after special approval provided that the following conditions are met:

- A. The site shall be adjacent to a primary thoroughfare, as defined by the township in this chapter and all ingress and egress shall be limited to and directly upon such thoroughfare.
- B. Buildings exceeding 25 feet in height shall be permitted provided the front, side and rear yard setbacks are increased one foot for each foot the building exceeds 25 feet.
- C. A continuous and uninterrupted masonry obscuring wall of at least four feet in height shall be provided along sides of the off-street parking area when adjacent properties are zoned residential.
- D. A minimum site of three acres shall be provided.
- E. The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicular access drives.

4.13 Country clubs

In the REC district, country clubs including food and beverage service are permitted after special approval.

Section 4.14 - 4.19

4.14 Public and private riding academies, boarding stables, riding arenas, and related uses

These uses are permitted after special approval in the REC district after and must have a minimum size of 40 acres.

4.15 Outdoor recreation uses

Other outdoor recreation uses not expressly stated here are permitted with special approval in the REC district provided that there be no commercialization in the form of advertising, carnival atmosphere, retail sales, amusement park, or amusement rides.

4.16 Churches, synagogues, and halls of worship

Where churches, synagogues and halls of worship are allowed, they shall meet the following requirements:

- A. Minimum lot width of 150 feet.
- B. Minimum site size of three acres.
- C. All front, side and rear yard space shall be a minimum of 50 feet from adjoining lot lines.
- D. All sites shall have primary means of ingress and egress directly on a major thoroughfare having or planning to have a right-of-way of 120 feet.

4.17 Private service clubs

Private service clubs, fraternal organizations, and lodge halls are permitted in the RO-1 and C-1 district with special approval if the following conditions are met:

- A. The minimum lot area shall be one acre.
- B. The site shall have at least one property line abutting a major thoroughfare.
- C. All vehicular ingress and egress to the site shall be directly from a major thoroughfare.

4.18 Publicly owned buildings

Publicly owned buildings not involving service or outdoor storage yards, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations are permitted after special approval in the REC district.

4.19 Semipublic and private buildings and uses

These are permitted in the REC district provided that they are substantially recreational and are not operated for profit.

4.20 Veterinarian clinic for small animals

A veterinarian clinic for small animals, such as dogs, cats, birds and the like, is a permitted use in the RO-1 and C-1 districts provided that any treatment room, cage, pen or kennel facility is located within a completely enclosed, soundproof building and that such clinic is operated in such a way as to produce no objectionable odors outside its walls.

4.21 Veterinarian clinic for large animals

In the R-1-R district, veterinarian clinics for large animals such as horses and other equine animals, cattle and other livestock, but not including small animals such as dogs, cats, birds and the like, provided that any such clinic is:

- A. Located on a tract of land of not less than ten acres where the permitted principal use is either a single-family farm dwelling related to agricultural operations or a single-family dwelling. Residential dwelling must be erected prior to, or simultaneously with, the proposed veterinary clinic for large animals.
- B. No structure containing treatment rooms or stalls for large animals shall be located closer than 200 feet to any property line.
- C. All fencing must be a minimum of ten feet from the property line if it is to contain animals. Any enclosures for animal use must consist of adequate fencing material to properly restrain animals. All such enclosures must be double-fenced along the property lines with a minimum of ten feet between the two rows of fencing. The outside fencing must be placed directly on the property line, thus allowing the actual enclosure to be the required ten feet from the property line.
- D. The clinic building shall be constructed of wood, brick, aluminum siding, or other aesthetically pleasing materials to be compatible with the residential character of the area.
- E. Waste materials are to be removed as often as necessary to maintain an aesthetically pleasing environment. Any waste material held must be stored in a closed, self-contained space such as a dumpster, to prevent odor buildup.
- F. An indoor stall, minimum ten feet by ten feet in size, must be provided for each animal patient kept on the premises.
- G. The clinic facilities are not to be used for boarding purposes. All large animals on the premises must be under acute veterinary treatment, observation or care.
- H. A clinic facility shall have direct access from a county road.

Section 4.22 - 4.23

4.22 Dog kennels

A minimum lot area of not less than ten acres, with a minimum lot width of not less than 500 feet is required for any dog kennel and all buildings, pens and runways, for housing or keeping of such animals, shall not be less than 150 feet from any adjacent property line.

4.23 Household pet day care facilities

This use is permitted in the M-1 district given the following conditions are met:

- A. Not more than 20 percent of the gross floor area of the principal building shall be used for accessory sales and/or services.
- B. Applicants shall submit, at the time of their permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such operational procedures shall be followed for the life of the business and shall prevent animal behavior that impacts surrounding uses, including excessive barking.
- C. The hours of operation shall generally be limited daily from 6:00 a.m. to 8:00 p.m. This limitation, however, shall not prevent the occasional overnight boarding of household pets when their owner or owners are unexpectedly unable to retrieve them prior to the close of scheduled business hours. Facilities for the occasional boarding of animals shall occupy not more than ten percent of the gross floor area of the principal building.
- D. Except as otherwise provided under [Section 4.23 Household pet day care facilities](#) above, household pets may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, sold, or let for hire.
- E. Not more than 100 household pets shall be kept on the premises at any time.
- F. All operations shall occur within a completely enclosed building, except that outdoor exercise areas may be permitted subject to the following conditions:
 1. Outdoor exercise areas shall be located at least 100 feet from a residentially zoned property.
 2. Outdoor exercise areas shall be enclosed by a sight-obscuring ornamental fence designed to prevent escape either under or over the fence.
 3. Outdoor exercise areas shall only be located in the rear yard and shall be sufficiently sized to accommodate the play and exercise needs of the household pets using such space at one time. The outdoor exercise area should ideally provide 75 to 100 square feet for each household pet.
- G. All areas where animals are present shall be cleaned a minimum of twice daily in order to provide appropriate odor control and sanitation. Collected animal feces shall be temporarily stored in sealable and weather resistant container(s) prior to its removal off-site at locations where on-site sanitary sewage disposal capable of treating animal waste is unavailable or impractical to provide.
- H. The areas of the building where animals are boarded shall have a minimum of ten air changes per hour.
- I. The areas of the building where household pets are kept shall be sufficiently soundproofed to comply with Township Ordinance No. 215 (Nuisance Control Ordinance).

4.24 Day camps

In the R-1-R district, day camps are permitted provided that the following conditions are met:

- A. The minimum site size shall be 15 acres (gross).
- B. The facility shall have frontage on, and shall have its primary means of ingress and egress directly from, a major thoroughfare.
- C. A minimum 100-foot yard setback shall be required along all property lines directly abutting residentially zoned property. Such setback shall remain in its natural state. The removal of existing trees or vegetation is expressly prohibited.
- D. Active recreational use acres including, but not necessarily limited to, playgrounds, ball fields, open air pavilions, and athletic courts, shall be screened on all sides facing residentially zoned property by an evergreen screen planted in accordance with [Section 5.18.F.2](#). The planning commission may waive this buffering requirement upon a finding that the conditions of [Section 5.18.C.7.c](#) have been met.
- E. Active recreational use areas shall maintain a minimum 100-foot yard setback along all property lines abutting residentially zoned property.
- F. A required minimum 50-foot front yard setback shall be provided and remain as open space unoccupied and unobstructed from the ground upward and shall not be used for off-street parking, except that landscaping, plant materials, sidewalks, and vehicular access drives are permitted.
- G. No person shall operate any motor or engine, ignite any firework, or play any musical instrument, radio, mechanical record, CD, or tape player, loudspeaker, public address system, or sound amplifying equipment of any kind in such a manner as to cause the sound emanating therefrom to exceed the sound level limits specified in [Section Table 5.29.A.3](#), for REC district properties.
- H. An all-weather durable roadway shall be provided and maintained from the street to the rear of the property to permit access of emergency vehicles at any time to all active use areas. Such roadway shall be paved to the rear of the principal structure.
- I. Day camp activities shall be restricted to week days; however, special weekend events may be permitted as a temporary use processed in accordance with the requirements of [Section 1.4 Interpretation of district boundaries](#).
- J. Overnight stays shall be limited to one event (overnight) per week, and only occur between April 15 and September 15.
- K. Emergency shelters capable of accommodating the maximum single day enrollment capacity of the day camp and their attendant staff shall be provided on site.
- L. The on-site repair of equipment and/or vehicles used in the normal operation of the day camp shall be prohibited. This section shall not be interpreted to prevent ordinary maintenance activities of such equipment or vehicles.
- M. The outdoor storage of buses and/or property maintenance equipment shall be permitted on site subject to the following:
 1. The outdoor storage shall be restricted to the rear yard (behind the principal building) or be set back from the front property line not less than 150 feet, whichever is less restrictive.
 2. All outdoor storage shall not be less than 50 feet from any side or rear lot line.
 3. All vehicle or equipment shall be in an operable condition.

Section 4.25 - 4.28

4.25 Essential services

- A. Essential services shall be permitted as authorized under any franchise or that which may be regulated by any law of the state or any ordinance of the township. Except as provided below, it is the intent hereof to exempt such essential services from the application of this chapter.
- B. Any building or structure used to produce, distribute, transmit, collect, or receive any gas, water, electricity, steam, or communication located within a station, substation, compound, or similarly enclosed space shall be screened from all streets, screened from private road easements serving two or more parcels of property, and screened to prevent visibility from all horizontal lines of sight from neighboring residentially zoned properties. Screening shall consist of either an eight-foot tall wall or fence with an adjacent greenbelt, or by an earth berm, and meet the design requirements of [Section 3.14.C.7.b.X](#) of this chapter. Alternatives to the required screening wall, fence, or berm may be approved by the planning commission pursuant to [Section 5.18.F.3](#) of this chapter.

4.26 Retail business and service establishments

All retail business and service establishments permitted in a C-1 district shall be subject to the following conditions:

- A. The outdoor storage of goods or materials in the C-1 district shall be prohibited.
- B. Warehousing or indoor storage of goods or material in quantities greater than normally incidental to the above permitted uses shall be prohibited.

4.27 Eating and drinking establishments

Drive-in establishments as defined, are permitted after special approval in the C-1 district subject to these conditions:

- A. A setback of at least 60 feet from the right-of-way line of any existing or proposed road or street is maintained
- B. All ingress and egress points shall be located at least 60 feet from the intersection of any two public or private roads or streets
- C. All lighting shall be shielded away from adjacent residentially used or zoned areas
- D. The portion of the lot used for parking shall be paved with a permanent, durable and dustless surface and graded and drained so as to dispose of all surface water accumulated within the lot
- E. A six-foot high completely obscuring decorative masonry wall is provided between the drive-in establishment lot and adjacent (across an alley) or abutting residentially zoned property.

4.28 Pharmacy or apothecary shops

In the RO-1 district, pharmacy or apothecary shops; stores limited to corrective garments or bandages, optical company or restaurant may be permitted, provided, it is within the building to which it is accessory and does not have a direct outside entrance for customer use.



4.29 Laundry or dry cleaning customer outlets, coin-operated laundromat

In the C-1 district, dry cleaning or laundry plants serving more than one customer service outlet shall be prohibited.

4.30 Bed and breakfast operations

Where permitted in R-1-R, R-1-S, R-1 and R-2 districts, bed and breakfast operations are subject to the following standards:

- A. Operation is run by persons who own and occupy premises.
- B. Not more than four bedrooms in the structure shall be used for bed and breakfast sleeping rooms. Use of a garage or other accessory building is prohibited.
- C. If more than two such rooms are for rent, each room shall have direct access to two separate means of egress.
- D. Signs identifying the bed and breakfast operation shall comply with provisions at [Section 5.21.H](#).
- E. All such facilities shall comply with all applicable township, county and state building occupant living area, plumbing, electrical, mechanical, fire and health codes.
- F. Occupancy by guests shall be limited to one to seven day stays.
- G. No more than four occupants per room shall be allowed.
- H. There shall be no separate cooking facilities within or for the bed and breakfast rooms.
- I. A fire escape plan shall be developed and graphically displayed in each guest room. A smoke detector in proper working order shall be placed on every floor.
- J. One off-street parking space shall be provided in rear or side yard, behind front building setback line, for each guest room. Such parking lot shall be exempt from paving requirements at [Section 5.9.C Off-street parking construction and operation](#).
- K. All bed and breakfast operations shall maintain on the premises a guest register, and all guests shall be legibly registered, and such register is subject to inspection during reasonable hours by the building/zoning official.
- L. All bed and breakfast operations shall be inspected annually by the building department and fire department and charged an inspection fee at a rate which will from time to time be set by resolution of the township board.

Section 4.31.A

4.31 Automobile convenience stations and public garages

- A. No automobile convenience station shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of the ordinance from which this chapter is derived.
1. An automobile convenience station shall be located on a lot having a frontage along the principal street of not less than 100 feet, and having a minimum area of not less than fifteen thousand (15,000) square feet as measured from proposed rights-of-way of roads and shall be located at least five hundred (500') feet from an entrance or exit to the property on which is located a public library, a public or private school, playground, playfield, park, church or hospital.
 2. An automobile convenience station building shall be located not less than forty (40') feet from any street lot line, and not less than twenty-five (25') feet from any side or rear lot line adjoining a residentially zoned district.
 3. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30') feet wide at the property line. No more than one curb opening shall be permitted for each fifty (50') feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than twenty (20') feet to any intersecting street rights-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30') feet, as measured along the property line, to any other driveway giving access to or from the same automobile convenience station.
 4. A raised curb six (6") inches in height shall be erected along all street lot lines, except for driveway openings.
 5. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
 6. All individual fuel pumps or stations shall be located in compliance with the minimum yard setbacks of the applicable district, and shall be arranged so that motor vehicles shall not be supplied with fuel while parked upon or overhanging any public sidewalk, street or right-of-way. Adequate vehicle stacking and circulation space shall be provided on site in a manner which does not interfere with site ingress or egress, the use of maneuvering lanes serving off-street parking spaces, or loading and unloading operations.
 7. Where an automobile convenience station adjoins property located in any residential district, a solid masonry wall five (5') feet in height shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas of used tires, auto parts and other items shall be enclosed by the five (5') foot masonry wall. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. Walls may be gradually reduced in height (e.g., stepped down) within twenty-five (25') feet of any street right-of-way.
 8. All exterior lighting, including illuminated signs, shall be in accordance with the sign standards in [Article 5 - Site Standards](#).
 9. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.
 10. Outdoor display shall be in accordance with [Section 5.14.C](#) and [Section 5.14.E](#).



11. All signs shall be in accordance with [Section 5.21](#), [5.22](#), and [5.23](#).
 12. Overhead canopies shall be set back at least twenty (20') feet from the right-of-way and finished with materials consistent with the principal building. 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 approved only upon a finding of compatibility with the surrounding area. Details on all lighting under the canopy shall be provided.
 13. The applicant shall comply with all applicable requirements of Parts 211 and 213, Michigan Act 451, as amended.
 14. In the event that an automobile convenience station use has been abandoned or terminated for a period of more than one (1) year, all underground fuel storage tanks shall be removed from the premises by the property owner, in accordance with state requirements.
- B. Automobile service establishments and public garages for vehicle repair and servicing, engine tuneups, brake service, electrical repair, wheel alignments, exhaust system repair, heating and air conditioning repair and service, shock and strut system work, glass and upholstery repair and replacement, and engine and transmission service, but not including body repair and collision work, painting, tire recapping, or auto dismantling operations are permitted in the M-2 district and with special approval in the M-1 district, subject to the following conditions:
1. For any such use on a lot adjacent to a major thoroughfare, the following special requirements shall apply:
 - a. Minimum site size of two acres.
 - b. Minimum site frontage of 200 feet.
 - c. No service bay doors shall face a major thoroughfare or neighboring residential district or use.
 2. Vehicle parking on site shall be limited to customers and employees. Wrecked or partially dismantled vehicles awaiting repair with or without current license plates may be stored no longer than 24 hours.

Section 4.32 - 4.35

4.32 Alternative energy fueling stations

Stations may be permitted in the M-2 district provided the following conditions are met:

- A. Stations shall only be permitted on parcels which are ten acres or more in size and which do not directly abut residentially zoned property.
- B. No station shall be constructed prior to the issuance of a building permit for the principal building.
- C. Stations shall only be located in the side or rear yard and not less than 50 feet from all property lines.
- D. Station buildings and structures shall not exceed a height of 20 feet.
- E. The property shall have frontage on, and direct access to, a paved thoroughfare.
- F. The storage of alternative fuels shall comply with the requirements of [4.42 Storage of hazardous substances and petroleum products in commercial and industrial districts](#).
- G. Additional fueling activity by commercial motorized fleets not under the ownership control of the proprietor of the principal use may also be permitted by the planning commission upon a finding that the additional fueling activity projected for the station will occur in a manner which ensures safe and reasonable traffic operating conditions on neighboring streets and intersections. For purposes of this section, such determination shall be based upon the evidence of a professionally prepared traffic impact study which concludes that the anticipated additional impact on roadways adjacent to the site and nearby intersections would be negligible. Private fueling activity by consumers seeking to use alternative fuels for their personal motorized vehicles may similarly be approved by the planning commission and upon a finding that such additional fueling activity will be minimal, will not be disturbing to existing or future neighboring uses, and will not constitute a change in the basic uses permitted in the district or on the premises whereon the alternative energy fueling station is located.

4.33 Public utility buildings and uses

- A. In the R-1 and R-3 districts, public utility buildings and uses, but not including service and storage yards, are permitted after special approval when operating requirements necessitate locating within the district to serve the immediate vicinity.
- B. In the C-1 district, public utility buildings, telephone exchange buildings, electronic transformer substations, and gas regulator stations are permitted, but not their storage yards.

4.34 Municipal uses

Uses such as water treatment plants, sewage treatment plants, public works garages, and all other municipal buildings and uses not having outdoor storage are permitted in the M-2 district and with special approval in the M-1 district.

4.35 Temporary buildings for use incidental to construction work

Temporary buildings for use incidental to construction work are permitted after special approval in the R-1 and R-3 districts for a period not to exceed one year.



4.36 Storage facilities for building materials, sand, gravel, stone, lumber, and contractor's equipment and supplies

Storage facilities for building materials, sand, gravel, stone, lumber and contractor's equipment and supplies are permitted in the M-2 district and with special approval in the M-1 district. The storage of sodium chloride unless covered containment facilities complying with state department of environmental quality standards are provided to prevent its migration offsite and its leaching to underground water aquifers is specifically excluded.

4.37 Self-storage facilities

Self-storage facilities are permitted in the M-2 district and after special approval in the M-1 district, subject to the following conditions:

- A. The minimum size of the site shall be not less than five acres.
- B. Such use shall not be directly adjacent to residentially zoned property on more than one side.
- C. All ingress and egress from the site shall be directly onto a county primary road.
- D. All yard setbacks established in the M-1 district for buildings shall be complied with, except that setbacks between self-storage buildings on the same site may be 25 feet apart, side to side or front to rear.
- E. Maximum lot coverage may not exceed 40 percent.
- F. Maximum length of any self-storage building shall be 250 feet.
- G. No separate storage of combustible or flammable liquids, combustible fibers or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage building or upon the premises. A lease agreement between the lessee and lessor shall state:
 1. That no flammable, combustible or toxic materials shall be stored or used on premises; and
 2. That the property shall be subject to periodic and unannounced inspections for flammable, toxic and other hazardous materials by township zoning administrator.
- H. No storage outside of the self-storage buildings shall be permitted.
- I. Except as provided in this section, the use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment or other items, or for any recreational activity, hobby or purpose other than the storage of personal items and business items as hereinbefore set forth.
- J. The entire site shall be provided with fencing meeting requirements at [5.16 Fences, walls, and other protective barriers](#) and landscaping per [Section 5.18 Landscaping](#).
- K. A security manager shall be permitted to reside on the premises to the extent required by such use, see [Section 5.6](#).
- L. All access aisles, parking areas and walkways on the site shall be graded, drained, hardsurfaced and maintained in accordance with the standards and specifications of the township.
- M. Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers and locks and chains shall be permitted on the site devoted to this use.
- N. Access to the self-storage facility premises shall be restricted to tenants only, by use of an attendant, mechanical or electronic locking device or other entrance-control device.
- O. No building or structure shall be located closer than 150 feet from any abutting residentially zoned property.

Section 4.37.P - 4.40

- P. The building shall be constructed in accordance with all applicable township codes and ordinances.
- Q. No self-storage building shall exceed 15 feet in height, except that one office building and caretaker's quarters may be allowed up to 25 feet.
- R. In addition to requirements in [Section 5.3](#) , self-storage buildings, including storage buildings and caretaker's quarters shall be architecturally designed so as not to have a flat roof, and shall instead have a mansard, gable, hip or gambrel roof design.

4.38 Construction equipment, heavy equipment sales and service establishments

These uses are permitted in the M-2 district provided the following conditions are met:

- A. All service activities shall be conducted completely within an enclosed building.
- B. Such uses shall have:
 1. Frontage on or direct access to a major thoroughfare; or
 2. Instead be so located in a manner which ensures safe and reasonable traffic operating conditions on neighboring streets and intersections after development of the proposed use.

For purposes of this section, such determination shall be made based upon the evidence of a professionally prepared traffic impact study which concludes that the anticipated impact on roadways adjacent to the study site and affected nearby intersections will be comparable to or less than that of other uses permitted by right in the M-2 district.
- C. Any such approved use established prior to the effective date of this chapter is exempt from the locational requirements of this section and is, therefore, considered a conforming use for purposes of this article with such right of use transferable to subsequent purchasers.

4.39 Brick and paving block manufacturers

These uses are allowed in the M-2 district provided all processes are conducted within an enclosed building.

4.40 Truck terminals

In the M-2 district, truck terminals are permitted after special approval subject to the following conditions:

- A. The minimum lot area shall be three acres.
- B. An obscuring greenbelt buffer shall be provided along the property line where the adjacent property is zoned or used for residential purposes, built to the specifications of [Section 5.18.E](#).
- C. The property shall have frontage on, or direct paved access to, a paved major thoroughfare.
- D. Buildings on site shall be set back from abutting residentially zoned property not less than 100 feet.
- E. Any repair and maintenance activity shall be conducted within an enclosed building.

4.41 Heliports

These requirements are intended to regulate permanent heliports used on a regular basis. Nothing in this section is intended to prohibit the emergency landing of any helicopter nor is it intended to prohibit the occasional landing of any helicopter in an area that does not endanger the residents of the township. No land in the township shall be used as the location for the regular and continued landing, takeoff or storage of any helicopter commonly used for the transportation of persons or goods until the following criteria have been met:

- A. The proposed heliport shall be constructed, operated and maintained in accordance with the Federal Aviation Administration Heliport Design Guide number 150/5390-1B as the same may be amended from time to time.
- B. No heliport shall be permitted to allow the landing, takeoff or storage of more than one helicopter at any time, and the owner of the heliport shall provide the township with a copy of the annual airworthiness certificate for all helicopters using the heliport.
- C. No land shall be used for a heliport of any type until a site plan for such heliport has been approved by the township board after a recommendation from the township planning commission pursuant to [6.1 Site plan review](#).
- D. The owner of the proposed heliport shall submit with his site plan the approval of form FAA 7480-1 (notice of landing area proposal) and approval from the state aviation commission for the operation of the heliport.
- E. The owner of the proposed heliport shall also submit with his site plan an environmental impact assessment prepared at the owner's expense. The environmental impact assessment shall contain the following minimum information; however, additional information may be requested by the township planning commission or the township board to ensure the health, safety and general welfare of the township's residents:
 1. Expected noise levels for the landing and takeoff of helicopters measured in decibels at the property line nearest to the landing and takeoff area.
 2. The method of controlling possible obnoxious odors, fumes or dust that may be caused by the landing, takeoff or servicing of helicopters using the heliport.
 3. The location of all public utility poles, lines and easements within 500 feet of the landing and takeoff area.
 4. The method of screening that will be provided to control any possible detrimental effects to the surrounding neighborhood.
 5. The method to be used for servicing of any helicopters, if such servicing is required.
- F. The proposed heliport shall meet the National Fire Protection Association (NFPA) recommended requirements for such facilities.
- G. In those zoning districts where heliports are permitted, the landing, takeoff and storage area shall be clearly defined from the remainder of the site and shall be no closer than 500 feet to any abutting property line.
- H. All helicopter landing and takeoff areas shall conform to the following standards:
 1. Each landing and takeoff area shall contain a helipad.
 2. The helipad shall be hard surfaced with a minimum of four-inch thick concrete or two-inch thick asphalt over a six-inch thick 22X slag base. The township planning commission or township board may require hard surfacing in excess of these minimum standards if, in their opinion, the safe operation of the heliport warrants such additional hard surfacing.

Section 4.41.H - 4.42

3. The helipad shall have a minimum dimension between any two perimeter points equal to 1½ times the length of the largest helicopter expected to use the heliport.
4. The periphery of the landing and takeoff area shall be enclosed by a cyclone fence constructed to a minimum height of four feet above the ground. Such fence is to be continuous except that an access gate may be installed.
 - I. In the R-1-R and R-1-S districts, heliports shall be limited to daylight operation only.
 - J. In the E, M-1, M-2 and M-3 districts, heliports may be operated at any time provided the operation does not become a nuisance to the surrounding neighborhood.
 - K. At no time shall a personal use heliport be used for commercial purposes.
 - L. In the case of a private use heliport being owned by a public body, it shall be restricted to a single use such as, but not limited to, a police department or hospital.

4.42 Storage of hazardous substances and petroleum products in commercial and industrial districts

- A. In order to provide for public health, safety and the protection of surface and groundwater, all businesses and facilities which use, store or generate hazardous substances, as defined in [Article 2 - Definitions](#), in quantities greater than 100 kilograms per month (equal to 25 gallons or 220 pounds) shall provide for the secondary containment (double enclosure) of storage areas.
- B. Hazardous substances, petroleum products and waste oil shall be stored as follows:
 1. Aboveground storage.
 - a. Primary containment of hazardous substances shall be product-tight.
 - b. Secondary containment (for example, double enclosure) of hazardous substances shall be provided.
 - c. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
 - d. At a minimum, state and federal agency requirements for storage, leak protection, recordkeeping, spill prevention, emergency response, transport and disposal shall be met.
 2. Underground storage.
 - a. Existing and new underground storage tanks shall be registered with the state department of environmental quality in accordance with federal and state requirements.
 - b. Installation, operation and maintenance of underground tanks shall be in accordance with requirements of the township fire department, the state fire marshal division and the state department of environmental quality.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground if they have been out of service for more than nine months, unless an extension is approved by the township officials.



4.43 Wireless communication facilities

- A. Intent. It is the general purpose and intent of the township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. Recognizing the number of providers to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:
1. Facilitate adequate and efficient provision of sites for wireless communication facilities.
 2. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
 3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
 4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.
 5. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and public facility needs.
 6. Promote the public health, safety, and welfare.
 7. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
 8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities.
 9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures. The use of lattice structures because of their increased visibility, as compared to other structures, should be avoided unless all other reasonable options have first been exhausted, taking into consideration the purposes and intent of this section.

Section 4.43.A - 4.43.B

10. The township board of trustees finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to limit the number of towers and to encourage the use of existing tower and structures to meet wireless transmission communication needs, to minimize the adverse impact from the presence of numerous tower and/or pole structures, having recognized that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare.

B. **Wireless communication antenna (WCA).**

1. To encourage co-location and to minimize the number of wireless communication facilities and wireless communication support structures within the township, WCAs shall be considered to be a permitted accessory use when the following terms and conditions have been met:
 - a. The wireless communication equipment will be co-located on an existing wireless communication support structure or in an existing compound.
 - b. The existing wireless communication support structure or existing equipment compound is in compliance with local zoning requirements or received prior approval by the township.
 - c. The proposed co-location will not:
 - I. Increase the overall height of the wireless communication support structure by more than 20 feet or ten percent of its original height, whichever is greater.
 - II. Increases the width of the wireless communication support structure by more than the minimum necessary to permit co-location.
 - III. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the township.
2. The installation of a wireless communication antenna shall comply with the following general provisions:
 - a. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.
 - b. If a WCA requires an accessory equipment storage structure, it shall not be greater than 20 feet in height and shall meet all zoning requirements.
 - c. WCAs shall not be allowed on any site used as a single family dwelling unit.
 - d. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
 - e. No accessory or area shall be allowed in any rights-of-way which creates a public safety hazard.
 - f. A WCA proposed to be located on a historic landmark or in a designated historic district may be denied if the WCA would detract from the historic character of the historic landmark or district.
 - g. This section shall not exempt the applicant from such other government review and permitting procedures (i.e., FC, FAA, etc.).



3. **Wireless communication antenna approval process.**
 - a. Wireless communication equipment that meets the requirements of [subsection B.1.a](#) and [subsection B.1.b](#) above, but does not meet the requirements of [subsection B.1.c](#) or [subsection B.1.d](#) above, shall be subject to special approval use procedures outlined in [6.2 Special land use approvals](#); however, the township shall determine the special approval use application is administratively complete within 14 business days of its receipt. The township board upon receipt of the findings and recommendation of the township planning commission shall also approve or deny the application not more than 60 days after the application is considered to be administratively complete.
 - b. Wireless communication equipment not intended to be co-located on an existing wireless communication support structure or in an existing equipment compound shall be subject to special approval use procedures outlined in [6.2 Special land use approvals](#); however, the township shall determine the special approval use application is administratively complete within 14 business days of its receipt. The township board, upon receipt of the findings and recommendation of the township planning commission shall also approve or deny the application not more than 90 days after the application is considered to be administratively complete.
 - c. Wireless communication equipment meeting the requirements of [subsection B.1](#) and [subsection B.2](#) above shall be considered to be a permitted use of property not subject to special approval use procedures or requirements. The township shall determine that the application for approval is administratively complete within 14 business days of its receipt. The township building official shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. Such review by the township building official shall be without notice.
- C. **Wireless communication support facilities and structures (WCSF).**
 1. General criteria.
 - a. A WCSF shall only be permitted within an existing wireless communication overlay zone (WCOZ). In addition, facilities shall be located and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made to minimize the overall number of locations for WCSFs within the community and to encourage the co-location of WCA on existing structures. (See also [Section 4.43.D](#) below.)
 - b. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effect of radio frequency emissions, as confirmed by submission of certification of compliance by the applicant's licensed engineer. In addition, the applicant's licensed engineer shall submit certification of compliance with the applicable federal and state standards for radio frequency emissions to the township building official on a yearly basis at the anniversary date of site plan approval.
 - c. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted.

Section 4.43.C

- d. The following additional standards shall be met:
 - I. In order to promote land use compatibility with the surrounding area and to prevent visual clutter, all new support structures for wireless communication facilities shall be of monopole construction.
 - II. The maximum height of the new or modified support structure and antenna shall be less than 200 feet in height, measured from existing grade. This requirement shall not, however, preclude the attachment of antenna to an existing tower of greater height principally used for governmental public safety communication purposes. The accessory building contemplated to enclose such things as switching equipment shall be limited to a maximum height of 20 feet, unless architectural features acceptable to the planning commission justify increased height.
 - III. The required setback of a new or materially modified support structure from any residential district, existing or proposed rights-of-way or other publicly traveled roads, except where the support structure is proposed within an overlay district, shall be no less than the height of the highest point of the support structure.
 - IV. Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
 - V. There shall be unobstructed paved access to the support structure and switching equipment, for operation, maintenance, repair and inspection and emergency purposes, which may be provided through or over an easement. This access shall have a width, location, and surface type determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
 - VI. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
 - VII. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be an integral design feature of the principal building. The height of roof attached wireless communication facilities shall be limited to 15 feet in height as required per [Section 3.22.B Permitted height](#). The equipment enclosure may be located within the principal building or in an accessory building. If proposed as an accessory building, it shall be compatible with existing buildings, and conform to all the district requirements for principal buildings, including required yard setbacks. For co-location facilities served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.



- VIII. All support structures and attached equipment, i.e. antenna, microwave dishes, etc., are required to be painted “Michigan Grey”. The planning commission shall, in its discretion, with respect to the color of accessory buildings, review and approve so as to minimize distractions, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition and as dictated by the approved site plan.
 - IX. The support system shall be constructed in accordance with all applicable building codes and ordinances and shall include the submission of a soils report from a geotechnical engineer, licensed in the state. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and the State Aeronautics Commission shall be noted.
 - X. A maintenance plan, and any applicable maintenance agreements, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonable prudent standard.
 - XI. The use of high intensity (strobe) lighting on a wireless communication facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
 - XII. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing will not be approved.
 - XIII. The antenna and other attachments on a wireless communication facility shall be designed and constructed to facilitate minimization of attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.
2. **Special requirements for facilities proposed to be located in residential areas.**
- a. At the time of submittal, the applicant shall demonstrate that location within an existing WCF overlay zone cannot reasonably meet the coverage and capacity needs of the applicant.
 - b. Wireless communication facilities shall be of design such as (without limitation) a steeple, bell tower, or other similar form, which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the township planning commission.
 - c. In the R-1-R, R-1-S, R-1, R-2 and R-3 districts, site locations above, may only be permitted on the following sites (not stated in order of priority), subject to application of all other standards contained in this section:
 - I. Municipally owned sites.
 - II. Other governmentally owned sites.
 - III. Religions or other institutional site.
 - IV. Public park and other large permanent open space areas when compatible.
 - V. Public or private school site.

Section 4.43.C

3. **Replacement of existing WCSF.** An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCAs or otherwise provide that:
 - a. The replacement WCSF shall not exceed a total height of 200 feet or, if the existing WCSF has an approved height greater than 200 feet, the replacement WCSF shall not exceed the approved height.
 - b. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
 - c. The applicant shall cause the existing WCSF to be removed within 90 days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within 180 days of the township's final construction inspection of the replacement WCSF.
 - d. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antenna support facilities may be used, but must be removed within 30 days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antenna facilities must be removed within 60 days of the township's final construction inspection of the replacement WCSF.
 - e. The replacement WCSF shall meet all general criteria requirements in [Section 4.43.C](#) hereof.
4. **Application and approval requirements for new WCSFs.**
 - a. The installation of a new WCSF shall be subject to special approval use procedures outlined in [6.2 Special land use approvals](#); however, the township shall determine the special approval use application is complete within 14 business days of its receipt. The township board, upon receipt of the findings and recommendation of the township planning commission, shall approve or deny the application not more than 90 days after the application is considered administratively complete.
 - b. A site plan prepared in accordance with [6.1 Site plan review](#) shall be submitted showing the location, size, screening and design of all buildings and structures, including fences, and location and size of outdoor equipment, and the location, number and species of proposed landscaping.
 - c. The site plan shall also include a detailed landscaping plan where the support structure is being placed in a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities. Fencing shall be a minimum height of six feet, but not exceed a height of eight feet. The use of barbed wire fencing, fencing containing an electrical charge, and similar security fencing is expressly prohibited.
 - d. The application shall include a signed certification by a state licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question.



- e. The application shall include a description of the type and amount of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in [subsection f](#) of this section. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or (4) an agreement in a form approved by the attorney for the community and recordable at the office of the county register of deeds. If an approved agreement is used the agreement must provide for the following:
 - I. That the applicant and owner of the property promise to remove the facility in a timely manner as required under this section of the zoning chapter, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal.
 - II. If a financial performance guarantee is used, it shall first be recommended for approval by the planning commission, then approved by the township board of trustees, in an amount determined to be reasonably necessary to ensure its removal.
- f. The application shall include a map showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township in the location and in the areas which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update such information as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released, would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of government policy MCL 15.243(1)(g). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request must be prominently stated in order to bring it to the attention of the community.
- g. A maintenance plan and any applicable maintenance agreement as required per [Section 4.43.C.1.d.X](#) of this section.
- h. The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- i. The application fee, in the amount specified by township board of trustees' resolution.
- j. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator of the facility does not sign the application approval shall be restricted as provided in the general regulations, above.
- k. The applicant must include a statement in the application for a new WCSF of its good faith intent to allow the co-location of the WCA by other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity.

Section 4.43.C

- I. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential users shall be provided by the township based on those entities who have requested approval of a WCSF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the township at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new WCSF, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
5. **Review criteria for all new WCSFs.**
 - a. A new WCSF shall be located within an existing WCOZ. A new WCSF will also meet all general criteria requirements of [Section 4.43.C](#) hereof, and the special approval use standards specified in [Section 6.2](#). A new WCSF shall also not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing WCA on an existing WCSF or on other structures or through replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
 - I. Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF.
 - II. Unavailability of suitable locations to accommodate system design or engineering on existing WCSFs or other structures.
 - III. Radio frequency interference or other signal interference problems at existing WCSF or others structures.
 - IV. The cost of using an existing WCSF(s) or other structure exceeds the costs of permitting the constructing a new WCSF.
 - V. Other factors which demonstrate the reasonable need for the new WCSF.
 - VI. The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication servers and/ or will have the effect of prohibiting the provision of personal wireless communication services.
 - VII. The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
 6. **Application and approval requirements for replacement WCSFs.** The installation of a replacement WCSF shall be considered to be a permitted use of property, not subject to special approval use procedures and requirements. The township shall determine that the application for approval is complete within 14 business days of its receipt. The township planning commission shall approve or deny the application not more than 90 days after the application is considered administratively complete. Such review by the township planning commission shall be without notice.



D. Co-location.

1. Statement of policy. It is the policy of the community to minimize the overall number of locations for wireless communication support structures within the community and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement to purpose and intent set forth in [subsection A](#) of this section above.
2. Feasibility of co-location. Co-location shall be deemed to “feasible” for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or market compensation of co-location.
 - b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility is able to provide structural support.
 - c. The co-location being considered, is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structures, antennas, and the like.
 - d. The height of the structures necessary for co-location will not be increased beyond a point deemed to be permissible by the township planning commission taking into consideration the several standards contained in subsections (d) and (e) of this section.
3. **Requirements for co-location.**
 - a. A special approval use permit for the construction and use of a new WCSF shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.
 - b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location:
 - c. The policy of the community is to promote co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded, or extended in any respect.
 - d. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible co-location, and this requires the construction and use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent, and purpose of the community. Consequently, such party shall take responsibility for the violation and shall be prohibited from receiving approval for a new WCSF within the community for a period of five years from the date of the failure or refusal to permit the co-location. Relief from this five-year prohibition may be granted or refusal to permit the co-location. Relief from this five-year prohibition may be granted by the board of appeals providing that the applicant, to the satisfaction of the board of appeals, demonstrates that enforcement of the five-year prohibition would be an unreasonable discrimination among providers of functionally equivalent wireless communication services, or, that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

Section 4.43.E - F

E. Removal.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility including paved access drives by users and owners upon the occurrence of one or more for the following events:
 - a. When the facility has not been used for more than the 180 consecutive days. The removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered, for purposes of this section, as the beginning of a period of nonuse.
 - b. Six months after new wireless communication technology is available at reasonable cost, as determined by the township board of trustees, where the operation of the communication system can be maintained without the requirement of the support structure.
2. The situations in which removal of a facility is required, as set forth in [subsection 1](#) of this section, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in [subsection 1](#) of this section, the property owner or person who had used the facility shall immediately apply or secure the application for any required demolition or removal permits and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as determined by the township building official. Removal of the top six feet of the concrete foundation and backfilling with acceptable clean fill shall be part of any demolition plan.
4. If the required removal of a facility, or a portion of the facility, has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the community may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected, or enforced from the security posted at the time application was made or a lien may be placed on the property to cover the cost of removal of the facility. A lien on the property by the township shall be superior to all other liens except taxes.
5. The person who had used the facility shall immediately notify the township clerk in writing if, and as soon as, use of a facility ceases.

F. Effect and approval.

1. Subject to the following, [subsection E.2](#) of this section, final approval under this section shall be effective for a period of six months.
2. If construction of a wireless communication facility is commenced within one mile of the land on which another similar facility has been approved, but on which construction has not started within the six-month period of site plan effectiveness, the approval for the similar facility shall be void 30 days, following notice from the community of the commencement of the other facility unless the applicant granted approval of the similar facility which has not been commenced demonstrates that it would not be feasible for it to co-locate on the facility that has been newly commenced.



4.44 Showrooms

Showrooms are permitted in the M-1 Light Industrial and M-2 General Industrial District subject to the following conditions:

- A. Directly associated with permitted or special land uses
- B. Open by appointment only
- C. Measure up to twenty-five (25%) percent of the gross floor area of the principal structures on the site.

4.45 Unlisted use determination

- A. Intent. Where a proposed use of land or use of a building is not contemplated or specified by this Ordinance, the applicant may request a determination from the Township Board, after review and recommendation from the Planning Commission, as to what district or districts, if any, in which the proposed use may be appropriate as a special land use.
- B. Submittal. The application for unlisted use determination shall include the following.
 1. A statement of facts listing the nature of the use, including, but not limited to, whether it involves dwelling activity, sales, processing, type of project, storage, enclosed or open storage, number of employees; Whether it serves customers on-site; and hours of operation, and the amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated.
 2. A concept plan may be required by the building official, if necessary, for proper consideration of the factors listed in this section.
- C. Application processing and hearing requirements. An application for unlisted use determination shall be filed and processed in the manner prescribed for text amendments as noted in [Section 7.8](#).
- D. Standards for approval. In consideration of the request, the Planning Commission and the Township Board shall take into consideration the purpose and intent of the Ordinance and the Master Plan for Land Use. In addition to the criteria of approval listed in [Section 7.8, subsection E](#), the recommendation and the determination shall be based on the following findings.
 1. Such use shall not be expressly authorized or contemplated in the zoning ordinance as a principal permitted use or a special land use.
 2. Such use shall not change the character of the use district as contemplated by the terms of this Ordinance.
 3. The Township Board shall specify what district or districts, if any, in which the proposed use may be appropriate as a special land use. Once a district is determined, the proposed use shall comply with any standards that apply to that district, unless otherwise specified in the subsection below.

Section 4.45.E -

- E. Conditions of approval.
 1. Such use shall require a principal building on the same lot or parcel. The Township Board may permit such use without a principal building when the subject property is located outside of the Milford Township Special Assessment District for sewer.
 2. Properties located within the Milford Township Special Assessment District for sewer shall be connected to an available public sanitary sewer in the Township subject to conditions listed in Section 30-60(b) of the Sewer Ordinance.
 3. Outdoor storage, when permitted in the M-2 general industrial district shall be regulated by performance standards listed in [Section 3.14, subsection C](#), and applicable open storage standards listed in Sections [Section 5.14](#) and [Section 3.14, subsection C.7](#).
 4. When such use has extended hours of operations beyond 6 pm, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
 5. The Township Board may impose additional required setback, or screening so as to ensure public health, safety, and the general welfare.
- F. Standards for denial. Certain uses may not be appropriate within the Milford Township given the existing development pattern, environmental condition, and overall character in the community. The Township Board may determine that the use shall be prohibited according to the standards for denial listed below.
 1. Such use is prohibited in the current zoning ordinance in any district.
 2. The land area required by the proposed use.
 3. Existing environmental conditions and potential environmental hazards.
 4. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation, and views.
 5. Demand and capacity of utilities and municipal services to support the proposed use.

In accordance with the Michigan Zoning Enabling Act, a Zoning Ordinance or zoning decision can prohibit the establishment of requested land use within a township if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the township or surrounding area.
- G. Site plan and special land use. Following such a determination, an application for special approval for a land use in a district in which the Township Board has determined the use may be appropriate, shall be filed and processed in the manner prescribed for application for site plan review in [Section 6.1](#) and shall be subject to standards listed in [Section 6.2](#).

△ [Ord. No. 156-A-216](#)



Chapter 32 | Article 5

Site Standards

Article 5 - Site Standards

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5.1 Lots, yards and open spaces

No space which for the purpose of a building has been counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this chapter, may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

5.2 Required street frontage

Any parcel of land or lot which is occupied by a use or building shall front its full width on, and provide direct access to a dedicated street or public road or on a private road that has been improved to the standards of chapter 10.

5.3 Building facade

Any case where a building or accessory building in a nonresidential district is erected or placed on any parcel of land fronting upon any public street, all sides of such building or accessory building visible from a public right-of-way or private road easement serving two or more parcels shall be constructed of decorative materials such as, but not limited to, stone, face brick, aggregate panels or other types of panels when applied on a masonry wall as decoration only and having a guaranteed finish life of ten years or more. Painted masonry or masonry units shall not be deemed as complying with this section. No building shall be constructed of tarred paper, tin, corrugated iron or any form of pressed board or felt or similar material within the limits herein specified.

5.4 Building standards

A. Building grades.

1. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the sidewalk level, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front, both grades sloping to the front property line. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent runoff of surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the township engineer or zoning administrator.
2. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit runoff surface water to flow onto the adjacent property.
3. Final grades shall be approved by the zoning administrator who may require a "Certificate of Grading and Location of Building within the Township of Milford," which has been duly completed and certified by a registered engineer or land surveyor.

Section 5.4.B - 5.5.F

- B. **Buildings to be moved.** No permit shall be granted for the moving of buildings or structures from without or within the limits of the township to be placed on property within such limits unless the zoning administrator shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the building code and other codes regulating the health, safety and general welfare of the township. In addition to securing a permit, a performance bond shall be provided by the applicant desiring to move a building or structure in an amount as established by the township board. Such performance bond shall be of such amount as to permit the completion of a new foundation and other improvements to such moved building or structure in order to make it suitable for occupancy within a period of not less than six months from date of such permit.
- C. **Restoring unsafe buildings.** Nothing in this chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the zoning administrator, or required to comply with his lawful order.

5.5 Residential dwelling standards

- A. All dwellings must be permanently attached to a perimeter foundation approved by the township building official. Such foundations shall extend a minimum of 42 inches below the adjacent ground level for frost protection.
- B. When transporting a dwelling, the following prohibitions shall apply:
 - 1. In no instance shall any dwelling transported to the building site on its own wheels, flatbed or other trailer be installed with the wheels on. Before any such dwelling is so transported to any site within the township, pictures, renderings and/or drawings shall be furnished by the owner of the structure to the building official for the township for review as set forth in this chapter. Should such pictures, renderings and/or drawings be unavailable, actual costs shall be paid by the owner of such structure for the travel expenses of the township building official to view the structure prior to its arrival within the township.
 - 2. In addition, no dwelling shall be moved into the township without conformance to [Section 5.4.B Buildings to be moved](#) and no dwelling so moved into the township shall be permanently located with any exposed towing mechanism, undercarriage or chassis.
- C. All dwellings shall be permanently connected to a source of potable water, either public or private, which is approved by the local health department.
- D. All dwellings shall be permanently connected to a sanitary waste disposal system, either public or private, which is approved by the local health department.
- E. All dwellings shall have a minimum horizontal dimension across all front, side and rear building facades of 20 feet with the exception of minor architectural features, including but not limited to vestibules, enclosed porches and attached garages which may be less than 20 feet.
- F. **Compliance.**
 - 1. All dwellings shall comply with the state construction code, as promulgated by the state construction code commission under the provisions of Public Act No. 230 of 1972 (MCL 125.1501 et seq.).
 - 2. Where a dwelling is required by law to comply with any federal or state standards or regulations for basic construction that are in conflict with the state construction code as outlined in [subsection 1](#), such federal or state standards or regulations shall apply.



- G. **Storage capability.**
1. All dwellings shall contain a storage capability of ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
 2. Such storage area shall be located in a basement under the dwelling, in an attic area, in closet areas or in a separate structure of construction similar to and of equal or better quality than the principal dwelling.
- H. In order to facilitate the drainage of stormwater, all dwellings shall have either a roof overhang of not less than six inches on all sides or alternatively have window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- I. No dwelling shall contain an addition or rooms or other area which is not constructed with compatible quality workmanship and materials as the original structure including but not limited to permanent attachment to the principal structure and a perimeter foundation, as required in this chapter.
- J. All dwellings shall comply with all pertinent building energy and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to such mobile home shall conform to the "Mobile Home Construction and Safety Standards," as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as the same may be from time to time amended.
- K. Notwithstanding any of the foregoing, no mobile home may be used or occupied as a dwelling in an R-2, multiple-family residential district, except as permitted in this chapter for use as a single-family dwelling.
- L. **Design compatibility.**
1. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. There shall be no less than two exterior doors with the second one being in either the rear or side of the dwelling with steps connected to such exterior door areas or to porches connected to such door areas where a difference in elevation requires the same.
 2. The compatibility of design and appearance shall be determined in the first instance by the township building official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the zoning board of appeals within a period of 30 days from the receipt of notice of the building official's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling unit," as well as the character, design and appearance of one or more residential dwelling located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is situated within such area; or, where such area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.
- M. The foregoing standards shall apply to any mobile home located within a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the township ordinances pertaining to such parks.
- N. For all dwelling units as set forth in the provisions of this section, in order to facilitate the inspection of basements or crawl spaces during inclement weather, or in case of a fire, undistinguishable odor, mechanical or electrical problems, a readily-accessible access opening not less than 22 inches by 30 inches shall be provided from the interior of such dwelling.

Section 5.6. - 5.7.E

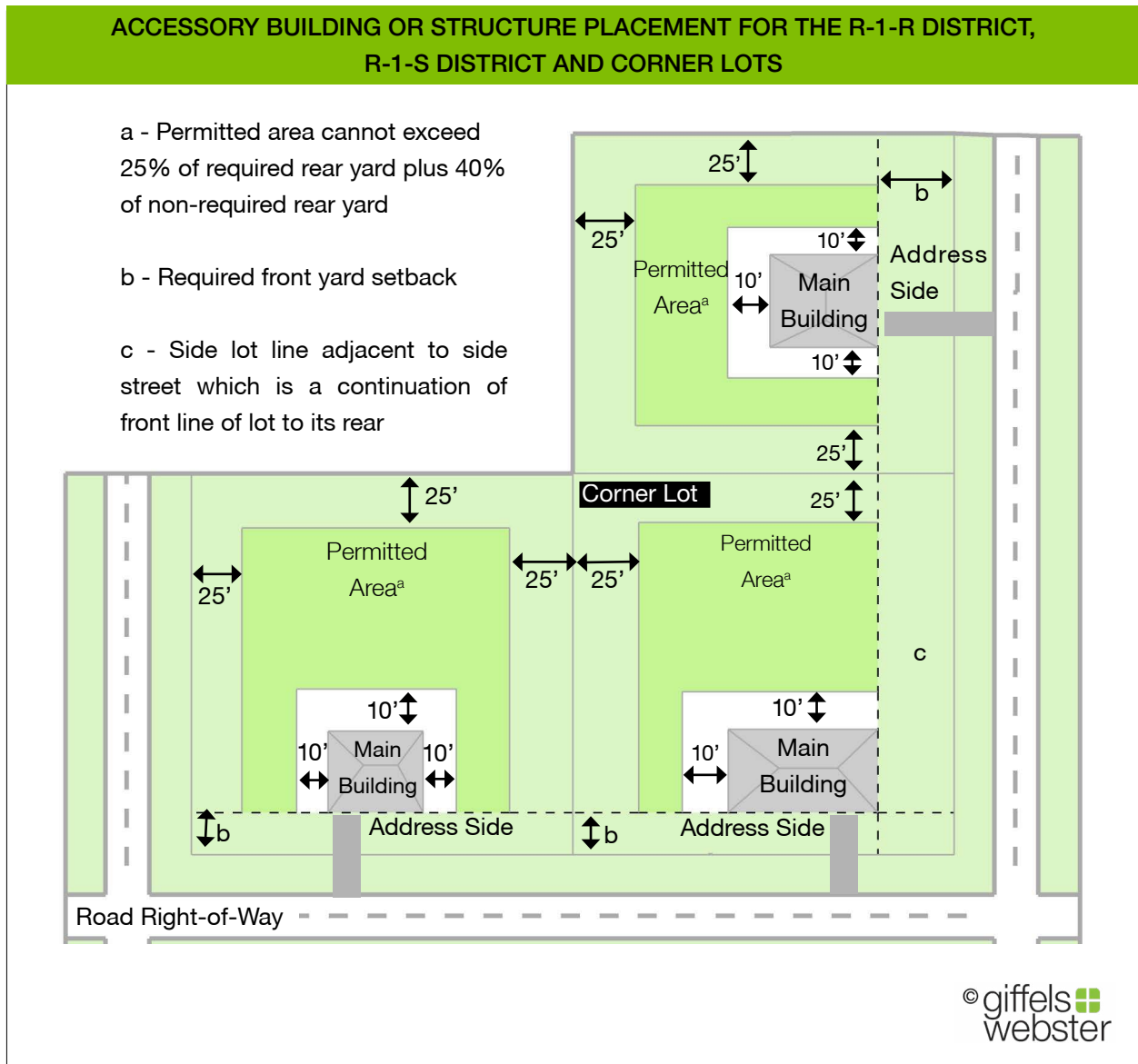
5.6 Accessory dwellings

- A. No dwelling shall be erected in the RO-1, C-1, C-2, E, REC, M-1, M-2 or M-3 zoning districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in such districts in conformance with the specific requirements of the particular district.
- B. Buildings erected as garages or accessory buildings after the effective date of the ordinance from which this chapter is derived shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

5.7 Accessory building, structures, and swimming pools in residential districts

In residentially zoned districts, accessory buildings and structures, except as otherwise permitted by this chapter, shall be subject to the following regulations:

- A. Subject to the limitations identified below, the maximum number of accessory buildings permitted on a given parcel of land, that are in excess of two hundred (200) square feet of area, shall be computed based upon the size of the parcel, in accordance with the following:
 1. Two (2) acres or less: One (1) building
 2. 2.01 acres to five (5) acres: Two (2) buildings
 3. 5.01 acres to ten (10) acres: Three (3) buildings
 4. 10.01 acres to fifteen (15) acres: Four (4) buildings
 5. Over fifteen (15) acres: Five (5) buildings
- B. Notwithstanding the above, one additional attached or detached private garage shall also be allowed. For the purpose of this section, a private garage shall be defined as a building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot where such building is located with a maximum floor area of 1,200 square feet.
- C. Where a previously existing accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of the ordinance applicable to the main building.
- D. Except as provided in [subsection L](#) of this section for detached accessory farm buildings in the R-1-R district and in [subsection Q](#) for residential waterfront properties located in the R-1-R district and R-1-S district, detached accessory buildings shall not be erected in any front yard. In addition, when an accessory building or structure is located on a corner lot, the side lot line of which is adjacent to the side street and which is a continuation of the front lot line of the lot to its rear, said accessory building or structure shall not project beyond the required front yard setback of the lot located to its rear. (Please also refer to [“Accessory Building or Structure Placement for the R-1-R District,”](#)) ✍
- E. Accessory building and structures prohibited in front yard. Refer to [subsection L](#) and [subsection M](#) for placement requirements for farm building and for the housing of animals.



- F. In no instance shall an accessory building or structure be located within a dedicated easement or public right-of-way. Any accessory building or structure which is located within the front yard viewshed and within 200 feet of an existing home built on an adjacent lot or parcel of land shall be designed to be similar in architectural style and bulk to the principal dwelling. Such accessory building shall also either be constructed of decorative materials meeting the specifications of [5.3 Building facade](#) of this chapter and which match the character of neighboring properties, or instead be screened by an intervening landscaped greenbelt meeting the specifications of [Section 5.18.F Greenbelts](#) of this chapter. Any intervening landscaped greenbelt shall be maintained in a healthy and growing condition, free from weeds, refuse, and debris. Any existing on-site stand of vegetation shall satisfy the screening requirements as specified herein so long as it is demonstrated to the township building official that such vegetation is sustainable and will not be affected from grade changes, trenching, excavation, building construction or other site improvements. Any plant materials lost through disease, natural disaster, site work or similar events shall be replaced to the original landscaping effect.
- G. In no instance shall any accessory building:

Section 5.7.G - L

1. Exceed the total first floor square footage of the primary residence in the R-1 single-family residential district, R-2 multiple-family residential district, and R-3 mobile home residential district. In addition, such accessory buildings or structures shall be located no closer than ten (10') feet to any side or rear lot line.
 2. Exceed twenty-five hundred (2,500) square feet in the R-1-R, rural residential district and in the R-1-S, suburban residential district. In addition, such accessory building or structure shall be located no closer than twenty-five (25') feet to any side or rear lot line.
 3. Notwithstanding the above, accessory buildings or structures equal to or less than two hundred (200) square feet in area may be located up to three (3') feet to either the side or rear lot line for located within a platted subdivision, single-family detached (site) condominium, or on individual lots or parcels in residential districts.
- H. No detached accessory building or structure shall be located closer than ten (10') feet to any main building, except for garages meeting the following conditions:
1. The foundation shall not be less than the minimum required by the local building code for frost protection.
 2. A fire partition shall be provided of not less than one (1) hour fire resistance rating on the garage building side on those portions of garages located five (5') feet or less from the main building.
- I. Unless otherwise provided by this section, no detached accessory building or structure in residential districts located within a platted subdivision, single-family detached (site) condominium, or on individual lots or parcels having less than 1.5 acres, shall exceed 1.5 stories and twenty (20') feet of mean roof height. For individual parcels or lots 1.5 acres or more in size in any residential district, the height of accessory buildings or structures shall not exceed two (2) stories and twenty-five (25') feet of mean roof height.
- J. No accessory building or structure shall be constructed prior to the issuance of a building permit for its principal structure. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- K. Legal nonconforming accessory buildings located in the R-1-R district as of May 17, 2000, may be restored or structurally altered, without approval of the zoning board of appeals, provided there is no increase in existing height or setback, and there is compliance with the local building code.
- L. Notwithstanding the above, detached accessory farm buildings in the R-1-R district may be erected in a front yard, subject to the following conditions:
1. A main farm barn building shall be set back not less than 150 feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm building (except dwellings) which is located closer to the front property line and which existed prior to March 23, 1971.
 2. For other than a main farm building, the setback shall be at least one-half the front yard setback of the main house building, but not less than the required minimum front yard setback. (Refer to the respective zoning district in [3.1 Established districts](#).)
- M. In the R-1-R and R-1-S districts, all property used for the caring and raising of horses, fowl, rabbits,



or other small animals shall be kept and maintained in a manner which prevents the deterioration of general property conditions. All accessory buildings used for the caring and raising of horses, fowl, rabbits, or other small animals shall be located no closer than 25 feet from any property line. Such accessory buildings shall also be positioned on the property, and the caring and raising of livestock shall be accomplished, to minimize nuisance effects on neighboring dwelling units, to the maximum extent practicable. In no instance, however, shall any building used for the keeping and raising of horses, fowl, rabbits, and other small animals be located in the front yard or closer than 50 feet to any dwelling located on or off the site.

- N. Private swimming pools shall also be subject to the requirements of [5.8 Swimming pools](#).
- O. Temporary buildings used for the sale of produce raised on the premises by the proprietor or his family shall be subject to the requirements of [4.6 Temporary buildings for the sale of produce](#).
- P. In no instance shall accessory buildings be designed or used for habitable living space. For the purpose of this section, habitable living space shall be defined as interior building area offering sleeping quarters, a lavatory (a room with conveniences for washing and with a toilet), and cooking facilities and intended to be occupied as a dwelling unit on a permanent or temporary basis.
- Q. Notwithstanding the above, waterfront residential properties in the R-1-R district and the R-1-S district may erect an accessory building in the front yard subject to the following conditions:
 1. The accessory building shall be constructed of materials which match those of the principal dwelling.
 2. The accessory building shall be not less than 15 feet from the lot line which abuts the street and not less than ten feet from a side lot line.
- R. Notwithstanding the above, an automated teller machine (ATM) may be located on commercially zoned property within a required yard setback provided adequate vehicle stacking space is provided on site in a manner which does not interfere with site ingress or egress, the use of maneuvering lanes serving off-street parking spaces, loading and unloading operations, or the use of pedestrian paths and sidewalks.
- S. The floor area of private garages must not exceed 1,200 square feet.

△ [Ord. No. 156-A-224](#)

5.8 Swimming pools

Section 5.8

Any artificially constructed portable or non portable pool or container capable of being used for swimming, wading or bathing or any combination thereof, wholly outside a permanently enclosed and roofed building and designed to hold 2,500 gallons or more of water or a depth of two feet or more at any point.

- A. Application. The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications and plans to scale of pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout, and other detailed information affecting construction and safety measures deemed necessary by the zoning administrator.
- B. Pool location. Pools shall not be located within the required side yard setback or front yard. The rear yard setback shall not be less than four feet between the outside wall of the pool and the rear property line or less than four feet between the pool wall and any building on the lot.
- C. Fence. For the protection of the general public, outdoor swimming pools shall be enclosed by a wall, fence or other type of enclosure which may consist in part of the residence to which the swimming pool is appurtenant. Such wall or fence shall be not less than four feet or more than six feet above the ground line of the abutting level. Such wall, fence or enclosure shall not be required for all or such part of the pool that is four feet or more above the abutting ground level; provided, that a suitable barrier is furnished to deter entrance to the pool by persons not having the permission of the pool owner to enter therein when pool is not in use. Any wall shall be of wood, brick or masonry and any fence may be solid or designed so as to permit circulation of air; provided, that any wall or fence shall not be designed of such a nature as to permit any child to pass over, under or through any such fence except at a gate or door when such gate or door shall be opened. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked.
- D. Public utilities. All electrical installations or wiring in connection with swimming pools shall conform to the provisions of the National Electrical Code. If service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of a swimming pool. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.

5.9 Off-street parking requirements



- A. **Parking requirements.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after March 23, 1971, shall be provided as prescribed in this article. Such space shall be maintained and shall not be encroached upon so long as such main building or structure remains unless an equivalent number of such spaces are provided elsewhere in conformance with this article.
1. **Area for parking space.** For the purpose of [subsection A](#), 300 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle, except that 180 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
 2. **Fractional requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half be disregarded and fractions over one-half shall require one parking space.
 3. **Location of parking space for one- and two-family dwellings.** The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot ground as the building they are intended to serve, and shall consist of a parking strip, parking apron and/or garage.
 4. **Location of parking space for other land uses.** The off-street parking facilities required for all other uses shall be located on the lot or within 500 feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In the R-2, RO-1, M-1 and M-2, C-1 and C-2 districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward, except for landscaping, plant materials or vehicle access drives.
 5. **Seating capacity of seats.** As used in this article for parking requirements, seats shall mean that each 24 inches of seating facilities shall be counted as one seat, except that where specifications and plans filed with the zoning administrator specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
 6. **Similar uses and requirements.** In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which such use is similar, shall apply.
 7. **Protective screening.** Whenever off-street parking facilities about a residential district, a masonry obscuring wall of not less than five feet in height and not more than six feet in height shall be provided.
 8. **Existing off-street parking.** Off-street parking existing on March 23, 1971, which serves an existing building or use, shall not be reduced in size less than that required under the terms of this article.
 9. **Collective provisions.** Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under [Section 5.9.B](#).
 10. **General use conditions.** Except when land is used as storage space in connection with the

Section 5.9.A - B

business of a repair or service garage, a 24-hour time limit of parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junk cars, or for creating a junk yard or a nuisance in such area. Nothing herein shall prevent the parking of licensed and operational (road worthy) vehicles which are accessory to the contiguous business or organization, provided all of the following conditions are met:

- a. Parking shall occur within designated off-street parking areas determined by the building official to be in excess of those required by this section for its normal operation.
 - b. Not more than one motor vehicle shall occupy more than one parking space within designated off-street parking areas.
 - c. Parking within designated off-street parking areas shall not occur during the established hours of operation of the principal business or organization.
 - d. Vehicle parking shall not constitute fleet storage. For purpose of this section, fleet storage shall mean an area intended for the short-term holding of motor vehicles under unified management or control where the principal use of the property is their receipt, transfer or dispatch.
11. **Restriction on parking on private property.** It shall be unlawful for any person to park any motor vehicle on any private property, or use of such private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.
12. **Joint use.** Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within 500 feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than 50 percent of the off-street parking requirements of a place of worship.

B. **Minimum parking requirements.**

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this subsection (B).



| Table 5.9.B | | | |
|---|--|-----------------------------------|---|
| Off-Street Parking Requirements for New Uses or Buildings | | | |
| | Use | Required Number of Parking Spaces | Per Each Unit Measure as Follows: |
| 1. | Auditoriums, assembly halls and theaters | 1 | 2 seats based upon maximum seating capacity in the main place of assembly therein, plus 1 space for every 2 employees. |
| 2. | Banks (other than drive-in type), business or professional offices of lawyers, architects, engineers, or similar or allied professions | 1 | 200 square feet of usable floor area. |
| 3. | Barbershops | 3 | Each barber. |
| 4. | Beauty parlors | 4 | Each beauty shop operator. |
| 5. | Bowling alleys | 8 | Each bowling lane. |
| 6. | Places of worship | 1 | 2 seats, based on maximum seating capacity in the main place of assembly therein. |
| 7. | Dance halls, exhibition halls, pool and billiard halls, skating rinks, lodge halls, assembly halls without fixed seats | 1 | Each 3 persons based upon maximum occupancy as established by local, county, or state fire, building, or health code, or 40 square feet of usable floor area, whichever is greater. |
| 8. | Drive-in banks | 4 | Each teller window. |
| 9. | Drive-in establishments, drive-in restaurants | 1 | 25 square feet of usable floorspace, with a minimum of 40 parking spaces. |
| 10. | Elementary schools, junior high schools, senior high schools | 1 | 2 teachers, employees or administrators and also 1 space for each 10 students in senior high school, in addition to the requirements of the auditorium or assembly hall therein. |
| 11. | Establishments other than drive-in establishments or drive-in restaurants, in which is conducted the sale and consumption on the premises of beverages, food, or refreshments | 1 | Each 3 persons based upon maximum occupancy as established by local, county or state fire, building or health code, or 100 square feet of usable floor area and 1 space for each employee, whichever is greater. |
| 12. | Furniture, appliances, and household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair, laundry, motor vehicle salesroom, hardware stores, wholesale stores and machinery sales | 1 | 800 square feet of usable floor area, exclusive of the usable floor area occupied in processing or manufacturing for which requirements, see industrial establishments in this table, plus 1 space for each two employees |

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

Section 5.9.B

| Table 5.9.B | | | |
|---|--|-----------------------------------|---|
| Off-Street Parking Requirements for New Uses or Buildings | | | |
| | Use | Required Number of Parking Spaces | Per Each Unit Measure as Follows: |
| 13. | Golf courses | 1 | Each 2 employees and/or management personnel, plus 1 space for every 500 square feet of usable floor area in the club house, plus a minimum of 10 parking spaces per hole on the golf course. |
| 14. | Hospitals | 1 | 2 beds. |
| 15. | Hotels, tourist homes, motels | 1 | 2 beds. |
| 16. | Industrial establishments | 1 | 2 employees computed on the basis of the greatest number of persons employed at any one period during the day or night or 550 square feet of floorspace, whichever is greater. |
| 17. | Warehouse and storage buildings | 1 | 1 employee computed on the basis of the greatest number of persons employed at any one period during the day or night, or 1 space for every 1,00 square feet of floorspace, whichever is greater. |
| 18. | Laundromat and/or dry cleaning center | 1 | Every 2 washing machines. |
| 19. | Libraries and museums | 1 | 200 square feet of floorspace. |
| 20. | Mortuary establishments, funeral homes | 1 | 50 square feet of floorspace in the slumber rooms, parlors or individual funeral service rooms. |
| 21. | Motor vehicle car wash | | |
| | a. Self-service operation | 4 | Each motor vehicle wash establishment. |
| | b. Other than self-service operation | 8 | Each car wash establishment plus 1 for each employee. |
| 22. | Private clubs, fraternities | 1 | 2 beds, plus 2 additional spaces for owner, management and/or service employees. |
| 23. | Professional offices of doctors and dentists | 1 | 100 feet of usable floor area |
| 24. | Residential, single or two-family dwelling | 2 | Each dwelling unit. |
| 25. | Residential-multiple dwelling on a nonrental basis | 2.5 | Every 1 dwelling unit. |
| 26. | Retail store, except as otherwise specified herein | 1 | 150 square feet of usable floorspace. |



| Table 5.9.B | | | |
|---|---|-----------------------------------|--|
| Off-Street Parking Requirements for New Uses or Buildings | | | |
| | Use | Required Number of Parking Spaces | Per Each Unit Measure as Follows: |
| 27. | Sanitariums, homes for the aged, convalescent homes, children's homes | 1 | 2 beds. |
| 28. | Service garages, auto salesrooms, auto repair, collision or bumping shops | 1 | 800 square feet of usable floor area, plus 1 space for each 2 employees computed on the basis of the maximum number of employees on duty at any time, plus 2 spaces for each stall in a collision bumping or painting shop, plus 1 space for each stall or service area or water rack in a servicing or repair shop. |
| 29. | Stadiums and sports arenas | 1 | 4 seats or 8 feet of benches. |
| 30. | Mobile home parks | 2 | Each mobile home site and 1 for each employee of such park. |
| 31. | Laundromats and coin-operated dry cleaners | 1 | Each 2 washing or dry cleaning machines. |
| 32. | Automobile service | 2 | Each lubrication stall or rack and 1 for each gasoline pump. |
| 33. | Junkyards, salvage yards | 1 | Each owner or manager, plus 1 space for each employee, plus 1 space for customer parking for each one half acre for the first 5 acres of the property, plus an additional space for each additional 5 acres or part thereof. |

C. Off-street parking construction and operation.

1. The construction of any parking lot shall be in accordance with the requirements of the building code and the provisions of this chapter and such construction shall be complete and approved by the zoning administrator and the township engineer before actual use of the property as a parking lot. Plans for the development of any parking lot must be submitted to the zoning administrator, prepared at a scale of not less than 50 feet equals one inch and indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used and layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work.
2. All such parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.

Section 5.9.C - D

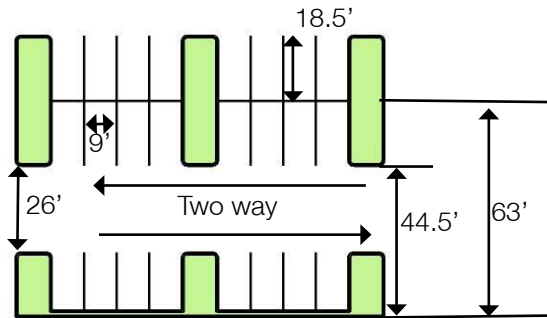
3. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than 13 feet above the parking lot surface.
 4. Side yards shall be maintained for a space of not less than six feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.
 5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles and shall not be less than 24 feet in width at the right-of-way line. Interior driveways shall also be clearly defined and not less than 15 feet wide for one-way traffic respectively.
 6. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.
 7. Except for parallel parking, all parking spaces shall be clearly striped with double lines 24 inches apart to facilitate movement and to help maintain an orderly parking arrangement. ‘
- D. **Parking layout standards.** Plans for the layout of off-street parking lots shall comply with the following minimum requirements (Table 5.9.D):

| Table 5.9.D | | | | | |
|--|----------------------------------|-------------------------------|--------------------------------|---|---|
| Minimum Requirements for Off-Street Parking Lots | | | | | |
| Pattern | Maneuvering Lane Width (in feet) | Parking Space Width (in feet) | Parking Space Length (in feet) | Total Width of One Tier of Spaces Plus Maneuvering Lane (in feet) | Total Width of Two Tiers of Space Plus Maneuvering Lane (in feet) |
| 0° (Parallel Parking) | 12 | 8 | 23 | 20 | 28 |
| 45° | 12 | 9 | 18.5 | 33 | 47 |
| 60° | 16 | 9 | 18.5 | 35 | 54 |
| 90° | 26 | 9 | 18.5 | 44.5 | 63 |

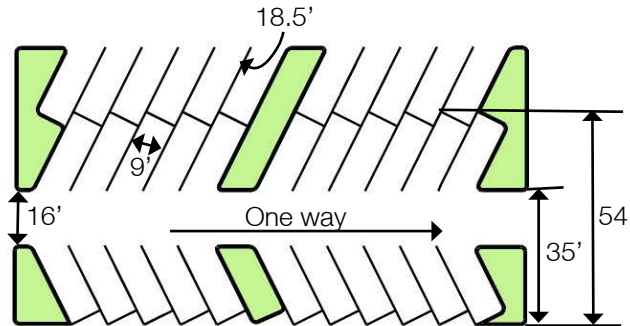


PARKING LAYOUTS

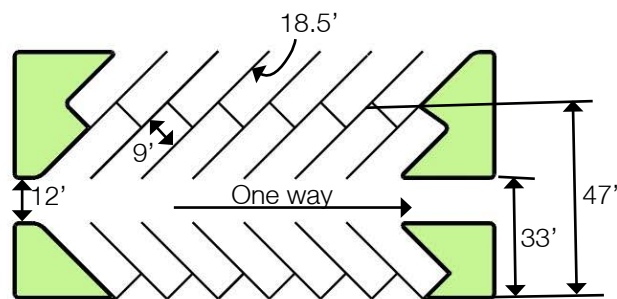
90° PARKING



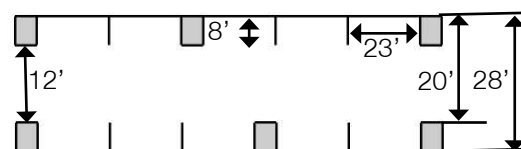
60° PARKING



45° PARKING



0° (PARALLEL) PARKING



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Section 5.10

5.10 Off-street loading requirements

- A. On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, convalescent home, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys or any required access for off-street parking areas.
- B. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten feet by 50 feet, within 14-foot height clearance, and shall be provided according to the following schedule [Table 5.10.B](#)):

| Table 5.10.B | |
|--|--|
| Loading and Unloading Space Requirements | |
| Gross Floor Area (in sq. feet) | Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area |
| 0 to 2,000 | None. |
| 2,000 to 20,000 | 1 space. |
| 20,000 to 100,000 | 1 space plus 1 space for each 20,000 space feet in excess of 20,000 square feet. |
| 100,000 to 500,000 | 5 spaces plus 1 space for each 40,000 square feet in excess of 100,000 square feet. |
| Over 500,000 | 15 spaces plus 1 space for each 80,000 square feet in excess of 500,000 square feet. |

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5.11 Drive-thru, drive-up, curbside pick-up and walk-up stacking and circulation standards

A. Drive-thru and Drive-up use standards.

1. All drive-thru, drive-up, walk-up uses shall be accessory to principal permitted uses such as bank, pharmacy, dry cleaner, or restaurant use located within a building on the same property.
2. All drive-in businesses with a drive-thru or drive-up service facility shall meet the standards of this section.
3. No more than one drive-thru/drive-up use shall be permitted per each building.
4. Drive-thru and drive-up service shall be permitted only if the facility is located to create a satisfactory traffic pattern for the drive-thru lane in order to prevent traffic congestion and the impairment of vehicular circulation for the site. Vehicle stacking lanes shall conform with the provisions listed in this section.
5. All drive-thru and drive-up uses are subject to special approval subject to the requirements of [6.1 Site plan review](#) and [6.2 Special land use approvals](#).

B. Drive-thru and Drive-up design and operation standards.

1. Drive-thru / drive-up lanes shall have a minimum width of ten (10) feet.
2. Drive thru / drive-up stacking spaces shall have a minimum length of nineteen (19) feet.
3. Drive-thru and drive-up lanes shall have a minimum inside curb radius of fifteen (15) feet.
4. Drive-thru and drive-up window lanes and stacking spaces shall be setback from all property lines a distance equivalent to the minimum setback required for parking lots as specified for each district. In no case shall the setback be less than ten (10) feet. The setback area shall be landscaped in a manner consistent with the applicable parking lot setback landscaping requirements.
5. Drive-thru /drive-up lanes shall be striped, marked, or otherwise distinctly delineated.
6. Drive-thru / drive-up lanes shall be separated from internal circulation routes and lanes necessary for ingress to and/or egress from the property.
7. Drive-thru and drive-up lanes shall not utilize any space which is necessary for adequate access to parking spaces to/from internal maneuvering lanes.

Section 5.11.B

8. When the direction of traffic in an adjacent lane or aisle is opposite the direction of the drive-thru lane or when the adjacent aisle is used to access parking spaces, the required separation shall be provided using a landscaped island, sidewalk or any other similar barrier, as determined by the planning commission. In no case shall this barrier be less than five (5) feet wide. Any island that is within one hundred (100) feet of the front façade of the building shall be landscaped. A landscaped island shall be at least fifty (50) feet in length. See “Stacking space and landscaping requirements for drive-thrus” below. ~~z~~

STACKING SPACE AND LANDSCAPING REQUIREMENTS FOR DRIVE-THRU

In this example, there are four stacking spaces required because the window is pick-up only. All food must be pre-ordered online or by phone.

Landscaped island required to separate drive-thru lane from aisle that provides access to parking spaces. Landscaping of the island is required when it is located within 100 feet of front facade.



In this example, there are nine stacking spaces required because the window is fast food with ordering and pickup.

This section of island can be concrete because it's in a rear yard.

Landscaped island required to separate drive-through lane from aisle that provides access to parking spaces. Landscaping of the island is required when 1) it is located within 100 feet of front facade and 2) it is in an exterior side yard.



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9. Drive-thru and drive-up facilities that exceed eight (8) stacking spaces in length shall provide one of the following, unless otherwise determined by the Township's Fire Marshal: One (1) bypass lane to allow unobstructed travel for vehicles to pass those waiting to be served or at least one (1) bailout location approximately midway along the stacking area that connects to a parking aisle or internal road. If a bypass lane is provided it shall be a minimum of eleven (11) feet in width, unless a wider dimension is required by the Fire Marshal.
 10. Drive-thru and drive-up lighting, menu boards and speaker boxes shall be aimed away from residentially zoned property and any lot that has residential or lodging uses so that light and sound from these devices is not discernable on these adjacent or nearby properties.
 11. Enhanced pedestrian pavement markings and signage between the public sidewalks and the internal pedestrian circulation system are required to alert drivers to the presence of pedestrians within a site. Clear delineation of pedestrian crossings shall be provided in the form of textured concrete or asphalt, striping or other method that clearly draws attention.
- C. **Drive-thru and Drive-up window stacking (queuing) standards.**
1. All vehicle stacking shall be accommodated and contained on site. Vehicle stacking is prohibited between a building and the front lot line, and no related service window shall face a front lot line. When calculating the number of vehicle stacking spaces on site to meet the standards of this section, no stacking space area shall extend into any portion of a front yard. In the case of corner lots, if any stacking area is visible from the street abutting the exterior side yard, it shall be buffered with an adjacent landscaped island containing a continuous hedgerow or similar natural vegetative screening that is maintained to be no less than two and a half (2.5) feet and no more than three (3) feet high.
 2. Drive-thru lanes shall have a minimum stacking space per lane in accordance with the standards below. Stacking spaces are inclusive of a vehicle being served.
 3. In the event that the demand for a drive-thru or drive-up window exceeds the designated stacking lane capacity, the facility shall make adjustments to operations to reduce the stacking area so that it no longer exceeds capacity.
 4. Minimum stacking requirements for other uses not described in the table below shall be subject to determination by planning commission. In such event, the planning commission may request a stacking study or a traffic study to ensure safe circulation within the site and onto public roadways.

Section 5.11.C - D

| Table 5.11.C | |
|--|---|
| Drive-thru and Drive-up Window Stacking (Queuing) Standards | |
| Type of Facility | Minimum Stacking Requirements |
| Drive-up window only (retail and restaurants). | When a single window is used for pick-up of food or merchandise only, and no ordering taking place at any window, a minimum stacking area of four (4) total vehicles shall be required, inclusive of the vehicle at the drive -up window. |
| Fast food restaurant with drive-thru service. | Nine (9) total vehicles, with at least five (5) in advance of ordering board. Multiple lanes for ordering may be used to serve one window. |
| Fast food drive-thru service only restaurant (seating for 10 or fewer people). | Twelve (12) total vehicles, with at least eight (8) in advance of ordering board. Multiple lanes for ordering may be used to serve one pick up - window. |
| Coffee shop drive-thru service. | Fourteen (14) total vehicles, with at least ten (10) in advance of ordering board. Multiple lanes for ordering may be used to serve one window. |
| Pharmacy pick-up service window. | Four (4) total vehicles. |
| Financial institution pick-up service window. | Three (3) total vehicles. |
| Coin-operated, enclosed self-service or other manual vehicle wash. | Four (4) vehicles and two (2) vehicles beyond the wash area for drying. |
| Tunnel car wash. | Twenty (20) vehicles prior to the tunnel (may be in multiple lanes) and two (2) vehicles beyond tunnel. |
| All car wash uses shall be designed and operated to prevent undue amounts of water from collecting on a public street and creating a traffic hazard. | |

D. Walk-up window and operation standards.

- All walk-up uses shall be accessory to principal permitted uses such as pharmacy, dry cleaner, or restaurant use located within a building on the same property.
- All walk-up uses shall be accessory to primary uses such as pharmacy, dry cleaner, or restaurant use located within a building on the same property.
- If the walk-up window is proposed as part of a site plan application, it shall require site plan review and approval in accordance with [6.1 Site plan review](#). If such use is proposed to be added for an existing business, a plan providing sufficient information to determine compliance with this section shall be submitted for review and approval by the building official.
- A walk-up window for ordering and/or pickup of small merchandise, food, beverage and similar operations may be permitted may be located on any building façade subject to the standards in this ordinance. If located on a street-facing façade or façade facing a residential district, the use of internally illuminated and/or electronic ordering boards and similar devices visible from any property line shall be prohibited.
- A walk-up window shall have a designated area for pedestrians to stack (queue) that does not impede the flow of pedestrian traffic on the site.

6. The uses of speakers or other amplified sound at a window shall not be discernable at any property line.
 7. In the event that the demand for a walk-up window exceeds the designated stacking area capacity, the facility shall make adjustments to operations reduce the stacking area so that it no longer exceeds capacity.
- E. **Curbside pick-up parking and operation standards.**
1. Curbside pick-up parking shall be accessory to principal permitted uses such as pharmacy, dry cleaner, retail or restaurant use located within a building on the same property.
 2. If curbside pick-up parking is proposed as part of a site plan application, it shall require site plan review and approval in accordance with [6.1 Site plan review](#). If such use is proposed to be added for an existing business, a plan providing sufficient information to determine compliance with this section shall be submitted for review and approval by the building official.
 3. Curbside pick-up spaces shall be permitted anywhere within an off-street parking area that a standard parking space is permitted, provided all standards pertaining to off-street parking spaces and to off-street parking areas from [5.9 Off-street parking requirements](#) and [5.10 Off-street loading requirements](#) are met.
 4. All spaces shall be clearly marked with a different colored striping to differentiate from regular parking spaces.
 5. Curbside pick-up spaces shall meet all dimensional requirements and design and Construction Standards of a standard parking space per [5.9 Off-street parking requirements](#) and [5.10 Off-street loading requirements](#), including length and width.
 6. Each curbside pick-up space shall be identified with a standard “Curb-Side Pickup” sign. All identification signs shall meet the same standards relative to installation, location, height, and size as barrier-free parking signs; Alternate location, sign and sign may be approved by the Township Board upon planning commission recommendation, provided they are compatible with surrounding architecture and signage.
 7. The number of curbside pick-up parking spaces may be counted towards minimum required parking spaces for the development. In the event, a shared parking agreement exists for the development, all users of the agreement shall approve the conversion of regular parking to designated curbside pick-up parking.

Section 5.12

5.12 Acceleration, deceleration and passing lanes

Acceleration, deceleration, and passing lanes shall be required to promote the safety and convenience of both vehicular and pedestrian traffic within the site and in relation to adjoining access streets and roadways which serve the site, subject to the following conditions:

- A. Acceleration, deceleration, and passing lanes for roadways, public or private, and driveways entering on a county primary or a paved road shall be required for all development projects requiring site plan review and approval under [6.1 Site plan review](#). A passing lane shall not be required if a center turn lane is present or if insufficient right-of-way is available for its construction. The requirement for the installation of a passing lane may be also waived by the planning commission provided such waiver is first obtained by the applicant from the county road commission or the state department of transportation, as may be appropriate, prior to the review of the project by the township.
- B. Where required, acceleration, deceleration or passing lanes shall be designed and constructed in accordance with the standards of the county road commission, the state department of transportation, or the adopted engineering and design standards of the township, depending upon which entity has jurisdiction of the respective roadway.
- C. Installation of acceleration, deceleration and passing lanes shall be done at time of provision of initial road or driveway approach prior to any land balancing, site improvements or building construction on site, as defined in [subsection A](#) of this section.

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5.13 Outdoor vehicle storage in residential districts

The outdoor storage or parking of recreational vehicles, such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks or other equipment or vehicles of similar nature, and certain types of motorized vehicles as specified in this section or commercial vehicles, such as trucks and/or tractor trailers, shall be regulated as follows:

- A. For a period greater than forty-eight (48) hours in any two-week period in all residential districts, except where expressly permitted by other provisions of this chapter or other ordinances, the above outside storage shall be prohibited, unless the following minimum conditions are met:
 1. All such vehicles or equipment shall be placed within a completely enclosed building or located, within the side or rear yard of the lot or parcel, but not closer than three (3) feet to any side or rear lot line.
 2. The outdoor storage of recreational vehicles within the front yard of any lot or parcel, shall be prohibited. In the case of a corner or double frontage lot, this prohibition shall include all front yards. An exception to this may be permitted as noted in subsection 3 below. This determination may be deferred to the planning commission by the township building official, after review of the material.
 3. The township building official may permit placement of a maximum of one (1) such vehicle in a non-required front yard, provided the applicant demonstrates compliance with the following conditions listed below, using exhibits, plans and drawings.
 - a. The depth of the required and non-required front yard is more than double the depth of the required and non-required rear yard.
 - b. Access to rear yard is limited due to slopes greater than five (5%) percent or conflicts with the location of large pole barns, septic fields, natural features or landmark trees.
 - c. Due to existing topography, compliance with location standards would result in driveway slopes greater than eight (8%) percent.
 - d. Such vehicle shall be placed no farther than ten (10') feet from the building façade. Additional distance may be permitted if the applicant demonstrates practical difficulty in complying with the maximum distance from the building façade.
 - e. Such parking shall be screened by a landscaped greenbelt meeting the specifications of [Section 5.18.F Greenbelts](#). Opacity requirements are to be eighty (80%) percent in winter and ninety (90%) percent in summer within two (2) years after planting of any needed supplemental trees and shrubs. Any existing on-site stand of vegetation may be permitted in lieu of greenbelt screening requirements, provided the applicant demonstrates the following to the township building official:
 - I. Such vegetation is sustainable and will not be affected from grade changes, trenching, excavation, building construction or other site improvements and meets the opacity requirements.
 - II. Supplemental plant material shall be added, if required to meet the screening requirements.
 - f. Installation, maintenance, and replacement of any plant materials lost shall comply with applicable standards listed in [Section 5.18 Landscaping](#).

Section 5.13.A - E

4. The applicant may appeal the final decision of the township building official or the planning commission to the board of appeals per [Section 7.11 Zoning board of appeals, subsection C](#). For any site that does not qualify for an exception as noted above, the request for a variance will be subject to review by the zoning board of appeals subject to the standards for review noted in [Section 7.11 Zoning board of appeals, subsection E](#) and [subsection F](#).
 5. Non-enclosed storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
 6. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.
- B. A resident of a dwelling unit or residential property owner may not have nor authorize more than one motorized vehicle for sale on the site of such dwelling unit or property at anytime.
 - C. A resident of a dwelling unit may not store or retain vehicles on such property for purposes of making repairs for profit.
 - D. A resident shall not park, nor permit to be parked, commercial road service vehicles, commercial vehicles having a gross vehicle weight rating exceeding 10,000 pounds, commercial equipment, such as, but not limited to, bulldozers, backhoes, flat bed trailers, compact excavators and skid-steer loaders, sea containers, or outdoor storage canopies, except under at least one of the following three conditions:
 1. The equipment, container, canopy, or licensed vehicle is or is intended for farm, nursery, sod farming or like purposes on such property located in applicably zoned areas.
 2. Not more than one such container, canopy, or licensed commercial vehicle, along with one piece of transportable commercial equipment with trailer, shall be parked on each residential property, provided:
 - a. Such container, canopy, or licensed commercial vehicle with trailer is parked behind the rear building line, and is owned by the resident of the lot, provided there is a minimum of three acres; and,
 - b. An exception has been granted by special approval of the township zoning official, unless an appeal has been filed within ten working days and has been granted by the township board, based upon hardship, concurrence of the majority of the residents of properties immediately surrounding that of the residence in question, and/or the placement of such commercial vehicle will not be inconsistent with or deleterious to the area.
 3. Where such vehicles are parked for the clear purpose of repairs or construction on the site.
 - E. Regulations pertaining to the storage of vehicles for the personal use of the occupants in residential zoning districts shall be in accordance with [Section 4.4.A](#) for the R-1-R rural residential district; [Section 4.4.B](#) for the R-1-S suburban residential district; and [Section 4.4.C](#) for the R-1 single-family residential district and the R-2 multiple-family residential district.

Δ Ord. No. 156-A-211; Ord. No. 156-A-228



5.14 Outdoor storage and outdoor display

- A. **Intent.** The purpose of this action is to provide regulations for the outdoor storage and outdoor display of material, merchandise, and equipment. The intent of these provisions is to provide adequate and convenient areas for such outdoor storage and outdoor display while minimizing visual impacts to adjacent properties and public rights-of-way.
- B. **Areas of application.** These regulations shall apply to all residential, commercial, and industrial districts, subject to the following exceptions and prohibitions.
1. Outdoor vehicle storage in residential districts shall be regulated by [5.13 Outdoor vehicle storage in residential districts](#).
 2. The outdoor storage or parking of wrecked or partially dismantled vehicles at automobile convenience stations and public garages shall be prohibited.
 3. The storage of hazardous substances and petroleum products in commercial or industrial districts shall be regulated by [4.42 Storage of hazardous substances and petroleum products in commercial and industrial districts](#).
 4. The outdoor storage of goods and materials is prohibited in the C-1 local business district. (See also [Section 3.11.B.2.](#))
 5. The outdoor storage of goods and materials is prohibited in the C-2 planned shopping district. (See also [Section 3.11.B.2.](#))
 6. Outdoor storage is prohibited in the M-1 light industrial district. (See also [Section 3.14.C.7.a.](#))
 7. Outdoor storage in the M-2 general industrial district shall be regulated by [Section 3.14.C.7 Outdoor storage](#) provided that the following conditions are met:
 - a. If a principal building is present on the same lot or parcel, outdoor storage may be permitted provided it is an accessory use to the principal building and use of the lot or parcel.
 - b. If no principal building is present on the same lot or parcel, outdoor storage may be permitted provided the lot or parcel is not located within the Milford Township Special Assessment District for sewer, and the lot or parcel is not directly adjacent to residentially zoned property.
 8. Solid waste storage shall be regulated by [5.17 Trash containers](#).
 9. Items stored on a site during construction and stock piled materials within the M-3, Extractive Industrial District are exempt from these provisions.
 10. Portable on demand storage used for a period of less than three months is exempt from these provisions.
 11. The temporary storage of materials and equipment used during construction of a building or structure for which a valid building permit exists is exempt from these provisions. Any such material or equipment shall be removed from the site within 30 days of the issuance of the certificate of occupancy or similar notice of completion.
 12. Except as may be otherwise provided for in this section, the outdoor storage or outdoor display for permitted principal uses in all residential zoning district are exempt from these provisions.

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- C. **General provisions.** Outdoor storage and outdoor display areas shall comply with the following general provisions.
1. Outdoor storage and outdoor display areas shall be prohibited in all floodplains, wetlands, drainage easement, parking stalls, and in areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the building official.
 2. Outdoor storage and outdoor display areas shall not interfere with fuel station operation, obstruct doorways, occupy loading zones, or conceal views into the site's interior which are necessary for public safety surveillance.
 3. The use of a public address/outdoor speaker system in connection with outdoor storage and outdoor display areas is prohibited. This section shall not prevent the temporary use of a public address/outdoor speaker system used in connection with a special event such as, but not necessarily limited to, auctions.
 4. No outside storage of unlicensed vehicles shall be permitted on any residential lot. The outside storage of machinery or equipment shall also be prohibited on any residential lot. No stored machinery, commercial equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials, either discarded, unsightly, or showing a need for repair, shall be stored, parked, abandoned, or junked in any open area that is seen from any public right-of-way or private road easement, zoned or planned residential area, or any open-space area accessible to the public.
- D. **Outdoor storage and outdoor display requirements for uses requiring special approval in residential zones.** Outdoor storage and outdoor display requirements for uses requiring special approval in residential zones are as follows:
1. Outdoor storage shall be permitted only as an accessory use on the same lot or tract of land as the permitted use.
 2. No outdoor storage shall be permitted in any required yard.
 3. Outdoor storage shall not be seen from any public right-of-way, zoned or planned residential area, or any open space area accessible to the public. All stored items shall be screened by solid fences, walls, buildings, landscaping, or by any combination of screening elements, which comply with the requirements of this Chapter.
 4. No outdoor display shall be permitted except on a temporary basis for duly authorized events such as, but not limited to, garage sales.
- E. **Outdoor storage and outdoor display requirements for nonresidential zones.** Outdoor storage and outdoor display requirements for nonresidential zones are as follows:
1. Outdoor storage or display shall be permitted only as an accessory use on the same lot or tract of land.
 2. Outdoor storage shall not be located in the front yard or nearer than ten feet to any abutting existing or planned residential area.
 3. **Outdoor display shall be prohibited in the RO-1 restricted office district.** Except as provided in [subsection 7](#), an outdoor display area in the C-1 local business district, the C-2 planned shopping center district, the M-1 light industrial district, and the M-2 general industrial district shall not exceed an area equal to ten percent of the total at grade (first floor) area of the principal structure, or 2,000 square feet, whichever is less.



4. Items within an outdoor storage area shall not exceed a height of eight feet.
 5. Outdoor storage or outdoor display areas shall not be seen from any neighboring zoned or planned residential area. All such outdoor stored or outdoor displayed items shall be screened from neighboring existing or planned residential area views by solid fences, walls, buildings, greenbelts, or any combination or screening elements, which comply with the requirements of this chapter.
 6. The following merchandise, if for sale or rent on the premises, may be displayed outdoors during the hour of business operation without screening except along property lines that abut residentially zoned or used lots.
 - a. Flowers and plants;
 - b. Food products;
 - c. Handcrafted products and goods;
 - d. Artwork and pottery;
 - e. For rent recreational equipment;
 - f. Items commonly associated with periodic “sidewalk sales” and similar special events.
 7. Retail establishments having an at-grade (first floor) area of the principal structure of 20,000 square feet or more may be permitted an outdoor display area subject to the following conditions:
 - a. The outdoor display area shall be located immediately adjacent to the principal structure, with direct access to the outdoor display area available from the principal structure.
 - b. The outdoor display area shall be located within an area capable of being secured to trespass (compound).
 - c. The placement of merchandise shall be arranged and presented in an “open market” atmosphere and generally accessible to customers; however, this requirement shall not prevent the stacking of merchandise on racks, shelving, and similar platforms which may only be accessible by customers with the assistance of an employee. In no instance shall the height of stacked material exceed 20 feet.
 - d. The compound shall be enclosed on its sides by the principal building and an ornamental barrier equal to the height of the material being displayed, but not less than eight feet. The first four feet of the barrier, measured from grade shall consist of a solid decorative wall. If the barrier does not entirely consist of a solid decorative wall, the barrier height above four feet shall consist of a decorative fence (other than chainlink fencing) having an opacity of at least 75 percent.
- F. **Outdoor display requirements for vehicle dealerships.** The outdoor display of inoperable vehicles is prohibited. The outdoor display of operable vehicles (e.g., automobiles, recreational vehicles, boats, motorcycles, and trucks) for sale, where authorized by existing zoning, shall not be permitted unless the method of display conforms to the following requirements:
1. Vehicle display areas located within 100 feet of a property line shared with a zoned or planned residential area shall be located behind a landscaped greenbelt at least 15 feet wide between such property line and the display area. (See also [Section 5.18.F Greenbelts.](#))

Section 5.14.F

2. An undulating earthen berm, ranging in height not less than one foot and at least three feet in height, shall be installed as a buffer between the display area and all streets or private road easements which extend along its frontage. The berm shall maintain an average height of 18 inches and have a 3:1 slope in accordance with [Section 5.18.F.2.a.IV](#). It shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height. The berm shall also be planted with intermediate evergreen shrubs in the ratio of three shrubs for every ten feet of berm length. Such landscaping shall be in addition to front yard landscaping, also required by this section. (See also [Section 5.18.G](#).)
3. Not more than one vehicle display pad, which may be elevated up to three feet in height, shall be permitted for every 100 feet of road frontage directly associated with that parcel or unit.
4. Outdoor display areas shall not be located between the principal structure and the front lot line.
5. Outdoor display areas shall be hard surfaced, consisting of asphalt or concrete surfacing, brick pavers, or a grass paver system.

△ [Ord. No. 156-A-214](#)

5.15 Lighting

- A. **Purpose.** The purpose of this section is to protect the public health, safety, and general welfare by regulating lighting levels, eliminating glare, promoting safety and security within the community, enhancing the appearance of the township, discouraging energy waste, decreasing urban sky glow, and reducing light trespass.
- B. **Scope of application.** Except as is otherwise provided below, these lighting requirements shall apply to all multi-family and nonresidential uses in all zoning districts. Certain portions of the following lighting requirements, however, apply to all uses in all zoning districts. Any lighting in existence before the effective date of the ordinance from which this section is derived that does not comply with its requirements shall be considered legally non-complying and may remain, except for lighting subject to [subsection O](#) of this section and the following provisions:
1. **Alterations to existing lighting.**
 - a. When poles and support structures are removed and replaced, or destroyed by any means to an extent of more than 50 percent of their replacement value at time of destruction, they must be replaced with poles and supports that comply with this section; and
 - b. When luminaries are removed and replaced, or destroyed by any means to an extent of more than 50 percent of their replacement value at time of destruction, they must be replaced with luminaries that comply with all provisions of this section.
 2. **Removal and replacement of parking lot surface.** When less than 50 percent of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50 percent of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section. A parking lot or portion thereof is “removed and replaced” when any portion of the existing parking surface material is removed and a new surface is installed.
 3. **New parking lots or parking lot additions.** When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.
 4. **New structures, additions, or replacements.** When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting and the parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement by [Section 5.9.A Parking requirements](#). In the event that the new structure, addition, or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under [Section 5.15.C](#) or [Section 5.15.B](#) whichever is greater.
 5. **Change of type of occupancy.** When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, as necessary, to comply with this section for the structure and the parking lot for the parking required for occupancy as established in [Section 5.9.A Parking requirements](#). For purposes of determining the type of occupancy of a site, the occupancy classifications of the North American Industry Classification System (NAICS) shall be utilized.
 6. **Unoccupied sites.** When a site has been abandoned for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.

Section 5.15.C - D

- C. **Exemptions.** The following outdoor lighting fixtures are exempt from the requirements of this section:
1. Fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns, gas lamps, or fire pits.
 2. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
 3. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
 4. Holiday lighting.
 5. Unshielded luminaries that have a maximum output of 260 lumens per fixture, regardless of number of bulbs, (equal to one 20-watt incandescent light), provided the fixture has an opaque top to keep light from shining upward.
 6. Shielded luminaries that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs, (equal to one 60-watt incandescent light).
 7. Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
 8. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
 9. Lighting used to illuminate a flag of the United States continuously displayed over a 24-hour period, subject to [Section 5.15.M.5](#) of this section.
- D. **Prohibitions.**
1. Uplighting is prohibited, except in cases where the luminaire is contained by a roof, overhang, shielding or canopy (see [subsection I](#) of this section), for illuminating a flag of the United States (see [Section 5.15.M.5](#) of this section), or for ground-mounted decorative fixtures designed to enhance site landscaping or plant materials.
 2. All neon, argon, or krypton outdoor lighting fixtures are prohibited.
 3. Light trespass caused by any outdoor fixture that creates a nuisance for residentially zoned or used property that is either adjacent to or that is within a direct line from the light source. Light trespass is considered a nuisance if it creates consequential interference with viewing of the night sky, elimination of the ability to have darkness on the property, or illuminates any area on or within residentially zoned or used property that is either adjacent to or that is within a direct line from the light source. A light trespass nuisance shall be deemed to exist when the judgment of the building official, utilizing procedures outlined in [subsection E](#), finds lighting levels have created a condition or situation which impedes or prevents the intended use and enjoyment of the interior of the complainant's home, or the complainant's property.
 4. Lighting fixtures shall not be mounted directly to the building facade, except for signage illumination, or as indicated in [subsection J](#) of this section for loading zones and [subsection H](#) of this section for pedestrian doorways.

E. Compliance.

1. All site plans submitted in accordance with [6.1 Site plan review](#) of this chapter shall provide the following information.
 - a. A photometric plan showing footcandle readings every ten feet within the subject site and ten feet beyond the property lines.
 - b. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures.
 - c. The location of all exterior lights, including but not limited to light poles, building-mounted lights, and canopy lights.
 - d. The height of all light fixtures and poles.
 - e. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture. Note: Site plan lighting shall be designed so as to avoid light trespass as defined elsewhere in this subsection through means such as shielding or directional positioning.
2. Procedure for assessing violations of the light trespass prohibition:
 - a. The building official shall make a determination of light trespass nuisance through an on-site, nighttime inspection of the interior of the complainant's home and property. Such on-site, nighttime inspection shall not be taken when there is significant moonlight present in the night sky or during periods of precipitation such as, but not limited to, rain, snow, or fog which may interfere with an accurate assessment and evaluation of lighting levels.
 - b. Any determination of light trespass shall be made through the quantitative measurement utilizing a standard yardstick (three feet by 1½ inches). The yardstick shall be placed at the required building setback line in the complainant's yard. The yardstick shall be in contact on the ground or may be raised to the window height of the complainant's dwelling, and the yardstick shall be held in a vertical position. The person taking the measurement shall then determine if a clearly discernable shadow is cast by the light source within the complainant's home, or on his or her property beyond the required yard setback line. Such an incidence shall be a determination of light trespass.
 - c. The yardstick, and property or interior room(s) where the consequential interference with the viewing of the night sky and/or the elimination of the ability to have darkness on the property is said to occur, must be aligned with the light source alleged to cause such nuisance. For new developments, or where the nuisance light trespass has been confirmed, additional landscaping may be required by the building official to provide light screening between the light source and affected residential zones to help prevent light trespass. The cost of additional landscaping is the responsibility of the landowner responsible for the light trespass. Where landscaping is used for light screening, the building official shall take into consideration the applicable landscape standards found elsewhere in this chapter, the creation of excessive shadows or dark spaces, and views into or out of the site.

Section 5.15.E - F

- d. Residents believing that light trespass exists on their property such that it creates a nuisance may make a complaint to the building official. The complaint should be accompanied by information, affirmation and evidence, which is collected in accordance with the procedures outlined herein. If, in the view of the building official, a potential violation exists, the official will make a formal determination.
 - e. Residents may appeal decisions of the township official made under [subsection a](#) of this section to the township planning commission.
 - f. A determination of light trespass shall exclude light originating from holiday lighting displays or temporary construction lighting.
- F. **General provisions.**
1. Whenever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
 2. Except as provided by [subsection B](#) of this section, when an outdoor lighting plan is being modified, extended, expanded, or added to as part of an amended site plan, the entire outdoor lighting installation shall be subject to the requirements of this article.
 3. Electrical service to freestanding outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles. (See [5.27 Underground utilities](#).) No electrical service for surface mounted building lights shall be exposed.
 4. For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the top of the lighting fixture. Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination at said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.
 5. All outdoor lighting shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cutoff design with horizontally aligned flush-mounted (non-protruding) lens. (See [“Examples of “Full Cutoff” Outdoor Lighting Fixtures”](#).) ✍
 6. All general parking area lighting is to be reduced to an average of 0.4 footcandle at four feet zero inches above the parking surface, with a uniformity ratio of 10:1, after established hours of operation. These hours are to be indicated during the site plan review and filed with the township building department. Any change in these hours of operation is to be refiled with the building department. Established hours of operation are defined as one-half hour before and one-half hour after the published business hours. At the time of site plan review, the applicant can define the specific nature of after hours operation that require an additional need for limited lighting above the permitted 0.4 footcandle necessary for purposes of maintenance and/or shipping and receiving activities. Such areas and levels of lighting shall be delineated on the site plan.



EXAMPLES OF "FULL CUTOFF" OUTDOOR LIGHTING FIXTURES

Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures is available in many styles.

Same fixture as above mounted incorrectly - defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.

Forward - Throw Style. Exposed bulb in the forward direction produces some direct glare.

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7. All landscape material is to be trimmed so that it does not interfere with the intent of the fixture.
8. No sound shall be emitted from the fixture that is detectable on any adjacent property or roadway. This sound is to be measured with a calibrated decibel meter using the A scale.
9. All exterior installations must be provided with ground fault circuit interrupters (GFCI).
10. Exterior lighting installation shall be designed to avoid harsh contrasts in lighting levels.
11. Light poles used to support a luminaire for the purpose of illuminating residential yards shall not exceed a height of ten feet.

Section 5.15.F - G

12. The planning commission may allow high-pressure sodium or metal halide luminaires required under this section to be replaced by LED fixtures meeting the following correlated color temperature (CCT) and color rendering index (CRI) values:

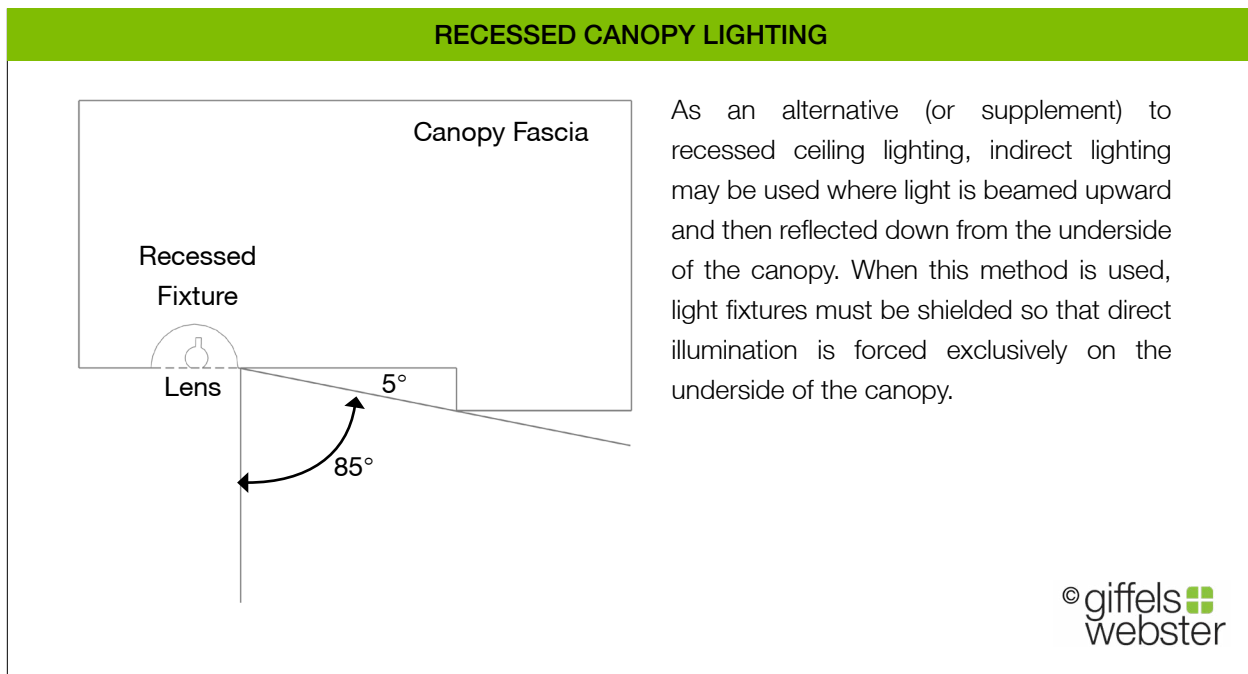
| Table 5.15.F.12 | | | | | |
|---|--------------|---|--|-------------|-------------------|
| CCT and CRI Requirements for LED Fixtures | | | | | |
| Outdoor Fixtures | Lamp Wattage | Estimated Luminaire Light Output (lumens) | Estimated Luminaire Efficacy (lumens per watt) | Typical CRI | Typical CCT Range |
| Outdoor area/roadway, Parking | | | | | |
| High Pressure Sodium (HPS) | 150 | 8,000 - 13,000 | 46 - 75 | 20 | 2000K - 3000K |
| | 250 | 12,000 - 18,000 | 42 - 63 | | |
| | 400 | 25,000 - 40,000 | 54 - 87 | | |
| Metal Halide (MH) | 150 | 6,000 - 10,000 | 35 - 58 | 65 | 3000K - 6000K |
| | 250 | 11,000 - 18,000 | 38 - 63 | | |
| | 400 | 20,000 - 32,000 | 43 - 70 | | |
| Outdoor wall-mounted | | | | | |
| High Pressure Sodium (HPS) | 100 | 5,000 - 7,000 | 43 - 61 | 20 | 2000K - 3000K |
| | 150 | 8,000 - 13,000 | 46 - 75 | | |
| Metal Halide (MH) | 100 | 5,000 - 7,000 | 35 - 61 | 65 | 3000K - 6000K |
| | 150 | 6,000 - 10,000 | 35 - 58 | | |
| Bollards | | | | | |
| High Pressure Sodium (HPS) | 50 | 1,000 - 2,000 | 17 - 35 | 20 | 2000K - 3000K |
| | 100 | 2,000 - 4,000 | 17 - 35 | | |
| Metal Halide | 70 | 1,000 - 3,000 | 12 - 37 | 65 | 3000K - 6000K |
| | 100 | 2,000 - 4,000 | 17 - 35 | | |

G. Parking lots.

1. Any open area used for motor vehicle parking, storage or access shall be illuminated with decorative, freestanding luminaries and fixtures. Freestanding luminaries are permitted to be a maximum height of 25 feet; however, they shall be no higher than 15 feet for installations within 50 feet of residentially zoned or used property.
2. Lighting shall be arranged in an overlapping pattern of light at a height of about seven feet above grade throughout the off-street parking areas. Lighting levels shall respond to site hazards such as steps, ramps and steep embankments. Posts and standards should be placed so that they do not create hazards for pedestrians or vehicles including obstructing the view of an oncoming pedestrian or car.



3. The parking area shall be illuminated so that the minimum horizontal illuminance on pavement is 0.2 footcandle and no more than 4.0 footcandles. The uniformity ratio shall be no greater than 20:1.
 4. The luminaire shall be of a metal halide type.
- H. **Signs.** Signs may be lighted only in accordance with [5.21 Signs](#), [5.22 Temporary signs](#), and [5.23 Nonconforming signs](#) of this chapter.
- I. **Canopy lighting and lighting of service stations.**
1. Lighting of such areas shall not be used to attract attention to the business.
 2. Lighting levels shall be adequate to facilitate the activities taking place in such locations.
 3. In order to minimize the extent of direct glare, light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture of the edge of the canopy so that light is restrained to 85 degrees or less from vertical. (See [“Administration & Enforcement”](#).)



4. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
5. Lights shall not be mounted on the top or sides (fascias) of the canopy. The sides shall not be illuminated in a manner other than that prescribed under the section of these regulations regulating signs.
6. Areas around service station pump islands shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 footcandle and no more than 5.0 footcandles. The uniformity ratio shall be no greater than 4:1.

Section 5.15.J - M

J. Loading areas.

1. Loading areas shall be illuminated with wall mounted light fixtures located not more than 15 feet above grade, directed downward and confined to the loading area.
2. The luminaire shall be of a high pressure sodium type.

K. Pedestrian walkways and doorways.

1. The illumination of pedestrian doorways (man-doors) when proposed, shall be illuminated with a wall-mounted decorative light fixture. The means of egress illumination shall not be less than one footcandle, or more than 1.5 footcandle at the floor level, regardless of the type of light source utilized. Such lighting shall be shielded to reduce glare, and directed downward.
2. Lighting for pedestrian walkways shall be a minimum of 2.0 footcandles and shall not exceed a height of four feet above the walkway surface.
3. All pedestrian walkways, sidewalks, and aisles located along major thoroughfares shall be illuminated with:
 - a. Decorative fixtures. The fixtures shall be manufactured by Hadco, Vm71A TONECE, modified or approved equal.
 - b. Ten- to 15-foot maximum height to the top of fixture or pole. The posts shall be manufactured by Hadco, Model #174088 or approved equal.
 - c. Luminaire. The lamp shall be a h45dl4050DX or approved equal.
 - d. The planning commission may, however, recommend an approved equal as a substitute fixture during the site plan review process.

L. Landscape islands and greenbelts around buildings.

1. Landscape islands shall be illuminated with:
 - a. Ground-mounted decorative fixtures directed at required landscape or plant material.
 - b. Thirty-six-inch maximum height to the top of the fixture.
 - c. The luminaire shall be of a metal halide type.
2. Landscape or greenbelts around buildings shall be illuminated with:
 - a. Ground-mounted decorative fixtures designed to enhance landscape or plant material.
 - b. Thirty-six-inch maximum height to the top of the fixture.
 - c. The luminaire shall be of a metal halide type.

M. Architectural accent lighting.

1. Fixtures used to accent architectural features, materials, colors, style of buildings, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded so as to minimize light spill into the dark night sky. The planning commission may recommend, and the township board may approve, exceptions to this provision if minimal light escapes into the dark night sky or onto adjacent properties.
2. If illuminated, exterior building facades shall be illuminated with a ground-mounted decorative fixture, extending not more than 12 inches above grade. Luminaires shall be of a mercury vapor or metal halide type.



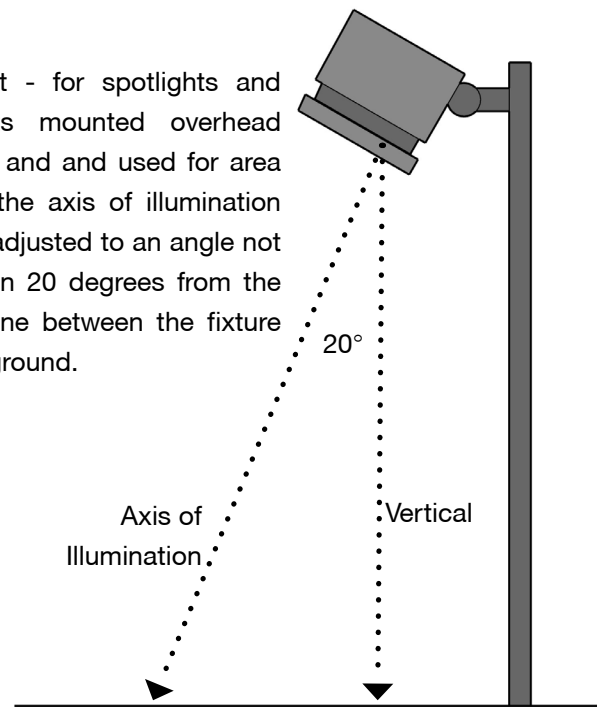
3. The maximum illumination of any vertical surface or angular roof surface in dark surroundings shall not exceed one footcandle.
 4. The maximum illumination of any vertical surface or angular roof surface in lighted surroundings shall not exceed three footcandles.
 5. Only minimal lighting shall be used to illuminate a flag of the United States, statutes, or any other objects mounted on a pole, pedestal or platform. Such lighting shall consist of full cutoff or directionally shielded lighting fixtures that are aimed and controlled so that the direct light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light.
- N. **Lighting of public and private outdoor sport facilities.**
1. Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, shall be shielded as well as is practicable to reduce glare, safety hazards, light trespass, and light pollution; and shall provide levels of illuminance consistent with nationally recognized standards; and shall be operated on a schedule that coincides with scheduled events.
 2. Each outdoor recreation facility pursued under this section shall meet the following requirements and standards for exterior lighting.
 - a. The main lighting of the facility (spotlighting or floodlighting, etc.) shall be turned off no later than 45 minutes after the end of the day's activities or event. A low-level lighting system shall be installed to facilitate patrons leaving the facility, cleanup, nighttime maintenance, etc. The low-level lighting system shall provide an average horizontal illumination level, at grade level, of no more than 1.0 footcandle.
 - b. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

Section 5.15.O

- O. Nonconforming lights causing light trespass or light pollution. Existing nonconforming lights causing light trespass or light pollution shall be allowed to continue, subject to the following provisions:
1. To reduce glare, safety hazards for drivers and pedestrians, light trespass, and light pollution, all existing spotlights, floodlights, and wall packs shall be adjusted in accordance with the following provisions, excepting the lights at existing sports facilities used temporarily during a scheduled sporting or related events:
 - a. For spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground. ✍

AXIS OF ILLUMINATION FOR EXISTING OUTDOOR LIGHTING FIXTURES

Floodlight - for spotlights and floodlights mounted overhead on poles and used for area lighting, the axis of illumination shall be adjusted to an angle not more than 20 degrees from the vertical line between the fixture and the ground.



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- b. For spotlights and floodlights mounted at or near ground level and used to light a building, billboard, or other structure, the axis of illumination shall be adjusted to minimize the amount of light escaping above, below, and to the sides of the illuminated object.
- c. Wallpacks shall be adjusted where possible to minimize the amount of light emitted above the horizontal.

2. It shall be the responsibility of the township to disseminate the ordinance from which this section is derived by appropriate means; to identify those spotlights, floodlights, and wallpacks requiring adjustment; and to inform their owners of these provisions. Required adjustments made as part of [subsection 1](#), shall be completed within six months from the effective date of the ordinance from which this section is derived. Any owner who fails to comply with these provisions shall be issued a warning notice. Any owner who further fails to comply after 30 days from the issuance of such warning shall be subject to a fine as may be established by resolution of the township board for each day of noncompliance. It is not the intent of this section to require an additional investment in order to comply with these provisions. Existing light fixtures, other than spotlights, floodlights, and wallpacks, installed prior to the effective date of the ordinance from which this section is derived may continue in service without adjustment or modification through the remainder of their useful lives.
3. Should the building official or his authorized designee determine that a legal nonconforming lighting fixture results in light pollution or light trespass, the building official may require the light to either be shielded, filtered, redirected, replaced with a less intense light source or otherwise modified (including removal if necessary) to eliminate the light pollution or light trespass. (See [subsection F.4](#) of this section).
4. In those cases where the building official has determined that light pollution or light trespass exists, the building official or an authorized designee, may grant additional time for the property owner to remedy the light pollution or light trespass where a hardship exists. In determining if a hardship exists, the following factors shall be considered:
 - a. The degree of difficulty in accessing the fixture;
 - b. Financial difficulty or cost of correcting the light pollution or light trespass;
 - c. Degree of light pollution or light trespass; and
 - d. Other similar issues.
5. When a hardship exists and a request for temporary relief from immediate compliance of a remedy action has been submitted to the building official, the following findings must be made to grant the relief:
 - a. There are special circumstances or conditions applying to the land, building, or outdoor light fixtures for which temporary administrative relief is sought, which circumstances or conditions are peculiar to such land, buildings, or outdoor light fixtures and do not apply generally to the land, buildings or outdoor light fixtures in the general vicinity; and
 - b. The granting of the temporary administrative relief will generally be in harmony with the intent of this section and will not be injurious to properties within the general vicinity or otherwise detrimental to the public welfare.

Section 5.15.O

6. When a request for temporary relief has been submitted to the building official in a hardship case, the building official, or his authorized designee shall make a determination within ten business days from the date of the submission of the request and promptly notify the applicant in writing of his decision. Temporary relief shall not exceed a period of 90 days. The building officials' determination may be appealed to the planning commission within ten days of the decision. Should additional time be required, the request shall be forwarded to the planning commission for review and consideration through the special approval use permit process and requirements. (See [6.2 Special land use approvals](#).)
7. The building official, or his authorized designee, may forward the request for temporary relief to the planning commission based upon the degree of light pollution or light trespass, costs for correcting the light pollution or light trespass, or other similar issues.
8. In those cases where the building official has determined that light pollution or light trespass exists, and that adjustment or removal of the nonconforming light structure is required, he or his authorized designee shall fix a time for the adjustment or removal of the nonconforming lighting fixture commensurate with the investment value and related to the depreciated value of the lighting fixture. Such determination may only be made after notice to the owner.
9. Where the building official, or his authorized designee, has determined the continued existence of a nonconforming light is detrimental to the public health, safety or general welfare, or is a public nuisance, the use of such light could be immediately terminated or abated in accordance with the following procedure. A public hearing before the planning commission shall be used to process the termination or abatement. Such hearing shall be noticed in accordance with section 103 of Public Act No. 110 of 2006 (MCL 125.3103). A notice of termination and a copy of the findings shall be sent to the property owner at least 30 days prior to the public hearing. If a termination is ordered, the planning commission may provide for a reasonable period of time to amortize any lawfully existing lighting on the site. Extensions of this time period may be granted for good cause shown on later application to the reviewing authority by any affected person.



5.16 Fences, walls, and other protective barriers

All fences of any type or description shall conform to the following regulations:

- A. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the zoning administrator as to their conforming to the requirements of the zoning districts wherein they are required because of land use development, and the requirements of this section.
- B. Fences which are not specifically required under the regulations for the individual zoning districts shall conform to the following requirements:
 1. No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six feet or less than three feet in height above the grade of the surrounding land.
 2. No fence shall hereafter be located in a front yard, that being the area between the building front facade and the abutting road right-of-way or easement, except as noted in subsections 3 and 4 of this section.
- C. Except as may otherwise be provided below for fencing located in the R-1-R and R-1-S districts, all fences located within the front-yard setback as defined by [2.2 Definitions](#) shall be decorative fencing with the finished side of the fence facing the nearest boundary of adjacent property, street, or road; however, the supporting side of a decorative fence used to confine livestock may face either the interior or the exterior of the site. Decorative fencing shall not exceed a height of five feet as measured from grade; however, the applicant, in lieu of meeting this requirement, may request administrative approval for decorative fencing up to eight feet in height. Such exception may be granted by the building official. The granting of the exception shall be based upon evidence provided by the property owner demonstrating the additional height is warranted owing to changes in site topography, the existence of fencing presently exceeding five feet in height on or immediately adjacent to the site, or to meet generally accepted standards for the caring and raising of livestock including horses, cattle, captive cervidae, and similar animals. In the R-1-R district and R-1-S district, only fences located within the established front-yard setback shall be required to be decorative fencing. For purposes of this section, the established front-yard setback shall be calculated as the average depth of the front yards for the principal building found on the subject site and principal buildings located within 1,320 feet of the subject site, which are on the same side of the street. However, in no instance shall the established front-yard setback be less than the minimum required front-yard setback established for either the R-1-R district or R-1-S district in the [District Summary Table](#) §. In all cases, barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence are prohibited except that barbed wire cradles may be placed on top of fences enclosing public utility buildings. Fences enclosing public utility buildings may exceed five feet in height and be located in the front yard wherever deemed necessary in the interests of the public safety, provided that shrubs or evergreens are planted which will eventually screen such barbed wire cradles. The use of wire capable of conveying electrical current or charge is also prohibited except when used to confine livestock. In such instances, electrical fencing shall be installed in a manner to prevent or otherwise minimize unwanted human contact. It shall also be designed and constructed to mimic post and rail fencing, or post and board fencing, commonly associated with rural and agricultural settings. At a minimum, electrical fencing shall be constructed of not less than two-inch wide posts which are a maximum of five feet in height, connected with a top rail feature not less than three inches wide. Warning signs shall be placed at not greater than 300-foot intervals along the fence line when electrical fencing is used.

Section 5.16.D - 5.17

- D. Where security fencing is desired around property in M-1, M-2 and M-3 districts other than in the front yard, same shall be located on the inside of any required berm at a maximum height of eight feet.
- E. No fence, wall, or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of landscaping within such corner triangular areas described in this section, provided they are planted in accordance with the following requirements. Shrubs located in the triangular area shall not be permitted to grow to a height of more than 30 inches above the centerline elevation of abutting pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of 30 inches above the centerline elevation of abutting pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface except that not more than two trees with trunks of more than 30 inches in diameter each, and clear of any branches for such heights may be located within such area. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of a driveway.
- F. Chain link fencing, post and wire fencing, or razor wire or rope, when used as a part of a decorative fence, are expressly prohibited. The use of wire capable of conveying electrical current or charge is also prohibited except when used to confine livestock. In such instances, electrical fencing shall be installed in a manner to prevent or otherwise minimize unwanted human contact. It shall also be designed and constructed to mimic post and rail fencing, or post and board fencing, commonly associated with rural and agricultural settings. At a minimum, electrical fencing shall be constructed of not less than two-inch by two-inch wide posts which are a maximum of five feet in height, connected with a top-rail feature not less than three inches wide. Warning signs shall be placed at not greater than 300-foot intervals along the fence line when electrical fencing is used.

5.17 Trash containers

Outside trash containers shall be installed in R-2, RO-1, C-1, C-2, M-1 and M-2 districts subject to the following requirements:

- A. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- B. A solid ornamental screening wall shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen such containers, the maximum height of which shall not exceed six (6') feet.

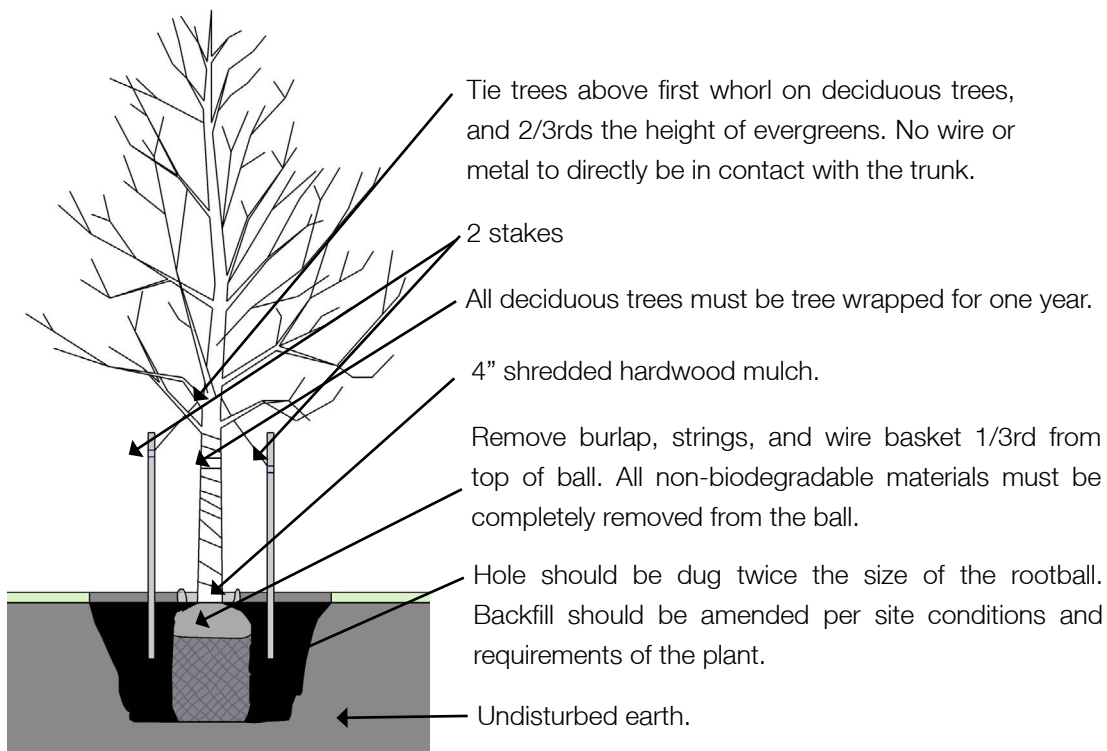
△ Ord. No. 156-A-226



5.18 Landscaping

- A. **Plan requirements.** All landscape plans must contain the following information:
1. Botanical name (genus and species) and common name, including any cultivars or varieties.
 2. Size of plant material at time of installation.
 3. Quantity of plant materials.
 4. Spacing.
 5. Amount and type of mulch used.
 6. Scale, written and graphic.
 7. North arrow.
- B. **Installation standards.**
1. All plant material shall meet the current standards set forth by the American Association of Nurserymen Standards.
 2. Plant materials shall be free of weeds, insects and disease.
 3. All burlap, string and wire shall be removed from the top third of the root ball. All rot-proof materials shall be completely removed from the root ball.
 4. All plants are to be guaranteed for one year from time of installation. All dead plant material must be removed and replaced.
 5. Planting details specifying four inches of mulch and staking practices for all large trees and evergreens. (See [“Administration & Enforcement”](#).)

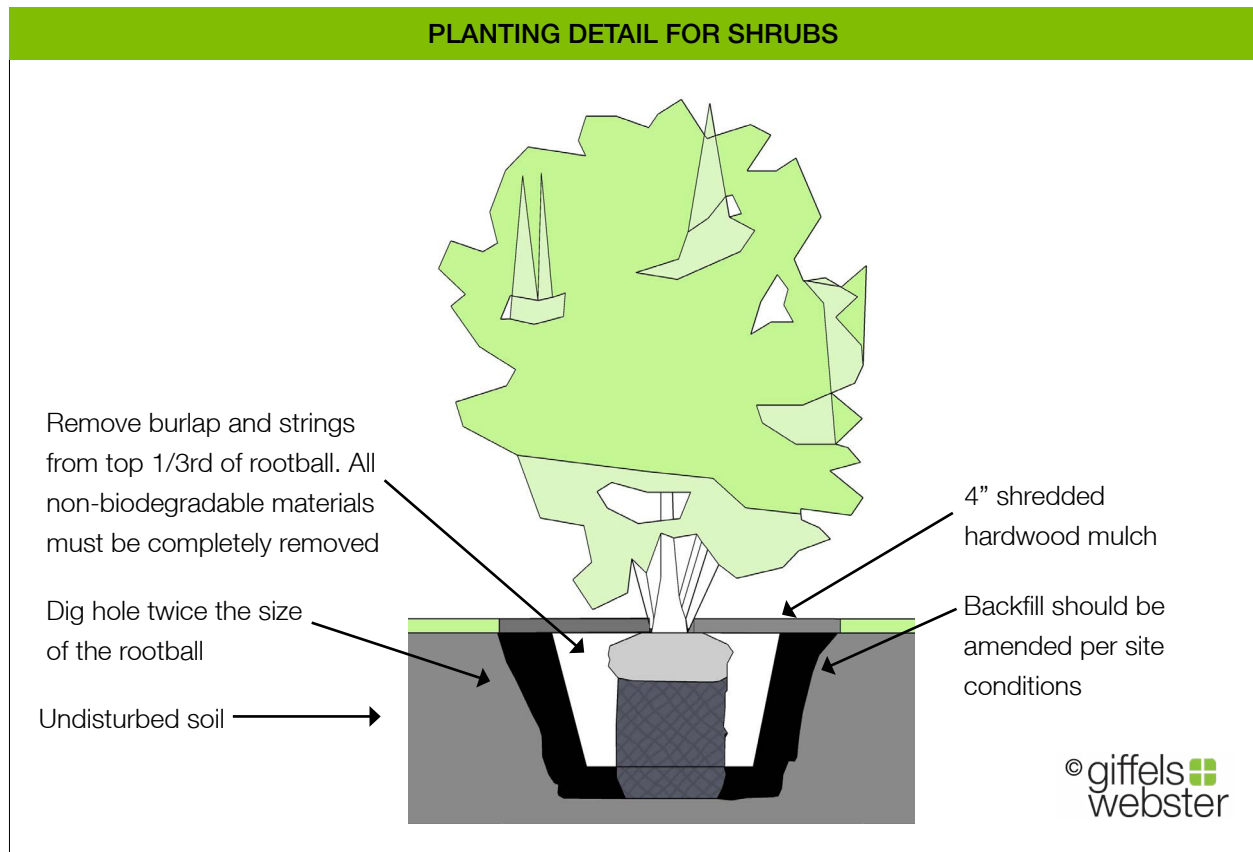
PLANTING DETAIL FOR DECIDUOUS, EVERGREEN TREES



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Section 5.18.B - C

PLANTING DETAIL FOR SHRUBS



C. Plant material schedule.

1. Submitted plant materials will be evaluated on hardiness, invasive qualities, susceptibility to disease and insect damage, susceptibility to breakage and suitability to location per soil and site conditions.

The following are suggestions for species which are approvable:

- a. Evergreen trees. Those species which will reach a mature height of at least 30 feet:
 - I. Fir *Abies*
 - II. Spruce *Picea*
 - III. Pine *Pinus*
 - IV. Hemlock *Tsuga*
 - V. Douglas fir *Pseudotsuga*
- b. Narrow evergreen trees. Those species which will meet a mature height of at least ten feet, and its width will remain less than one-half of its height:
 - I. Cedar *Juniperus virginiana*
 - II. Arborvitae *Thuja*

- c. **Large deciduous trees.** Those trees which have mature height to of at least 30 feet:
 - I. Oak *Quercus*
 - II. Maple *Acer* (hard varieties, including Red)
 - III. Beech *Fagus*
 - IV. Linden *Tilia*
 - V. Ash *Fraxinus*
 - VI. Ginkgo *Ginkgo* (male only)
 - VII. Honeylocust *Gleditsia* (seedless and thornless varieties)
- d. **Small deciduous trees.** Those trees which have a mature height of no more than 30 feet:
 - I. Kousa Dogwood *Cornus kousa*
 - II. Hawthorn *Crataegus*
 - III. Magnolia *Magnolia*
 - IV. Hornbeam *Carpinus*
- e. **Large shrubs.** Those shrubs which reach a mature height of at least six feet:
 - I. Deciduous:
 - i. Lilac *Syringa*
 - ii. Sumac *Rhus*
 - iii. Dogwood *Cornus* (shrub forms)
 - iv. Viburnum *Viburnum*
 - v. Burning Bush *Euonymous alatus*
 - II. Evergreen:
 - i. Hicks Yew *Taxus x media 'Hicksii'*
 - ii. Mugo Pine *Pinus mugo*
 - iii. Large Junipers *Juniperus*
- f. **Small shrubs.** Those shrubs which reach a mature height of no more than six feet:
 - I. **Deciduous:**
 - i. Compact Burning Bush *Euonymous alatus 'Compactus'*
 - ii. Fragrant Sumac *Rhus aromatica*
 - iii. Quince *Chaenomeles*
 - iv. Cotoneaster *Cotoneaster* (low forms)
 - II. **Evergreen:**
 - i. Spreading Yews *Taxus denisformis*
 - ii. Spreading Juniper *Juniperus*
 - iii. Euonymous *Euonymous fortunei, kiautschovicus* (Wintercreeper, Spreading)
- g. **Existing vegetation.** Plant materials existing on the site can be used towards landscape or screening requirements in accordance with [Section 6.1.B](#), if the following conditions apply:
 - I. Plant material is healthy.
 - II. The plant materials are listed as being saved on the plan and protected with snow fencing during construction.
 - III. Opacity requirements are met for screening.

Section 5.18.C

- h. **Prohibited species.** Those plants which are not allowed due to problems associated with them such as brittle wood, disease susceptibility, or invasive qualities:
- I. Boxelder *Acer negundo*
 - II. Poplar *Populus*
 - III. Catalpa *Catalpa*
 - IV. Elm *Ulmus*
 - V. Flowering Crabapple *Malus* (large fruiting varieties)
 - VI. Horse Chestnut *Aesculus* (nut-bearing)
 - VII. Silver Maple *Acer saccharinum*
 - VIII. Tree of Heaven *Ailanthus*
 - IX. Willows *Salix*
 - X. Olive *Elaeagnus*
 - XI. Honeysuckle *Lonicera*
 - XII. Buckthorn *Rhamnus*
 - XIII. Purple Loosestrife *Lythrum salicaria*
- i. **Nuisance tree.** The following species of trees shall be considered nuisance species:

| Table 5.18.C.1.i | | |
|-------------------|----------------------------|---------------------------|
| Nuisance Trees | | |
| Common Name | Botanical Name | Problem |
| Box elder | <i>Acer negundo</i> | Fast growing weak wooded |
| Cottonwood/Poplar | <i>Populus sp.</i> | Fast growing weak wooded |
| Silver maple | <i>Acer saccharinum</i> | Weak wooded, storm damage |
| Tree of heaven | <i>Ailanthus altissima</i> | Weak wooded, aggressive |
| Mulberry | <i>Morus sp.</i> | Litter, aggressive |
| Willow | <i>Salix sp.</i> | Weak wooded, storm damage |
| Siberian elm | <i>Ulmus pumila</i> | Weak wooded, storm damage |

- j. **Landmark trees.**

| Table 5.18.C.1.j | | |
|------------------|-----------------------------|-------------------------|
| Landmark Trees | | |
| Common Name | Botanical name* | Size D.B.H |
| Arborvitae | <i>Thuja spp.</i> | 18" |
| American beech | <i>Fagus grandifolia</i> | 18" |
| Birch | <i>Betula spp.</i> | 18" (sum of all trunks) |
| Black gum | <i>Nyssa sylvatica</i> | 12" |
| Blue beech | <i>Carpinus caroliniana</i> | 8" |
| Cedar, red | <i>Juniperus virginiana</i> | 12" |
| Chestnut | <i>Castanea spp.</i> | 10" |
| Crabapple | <i>Malus spp.</i> | 12" |



- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement

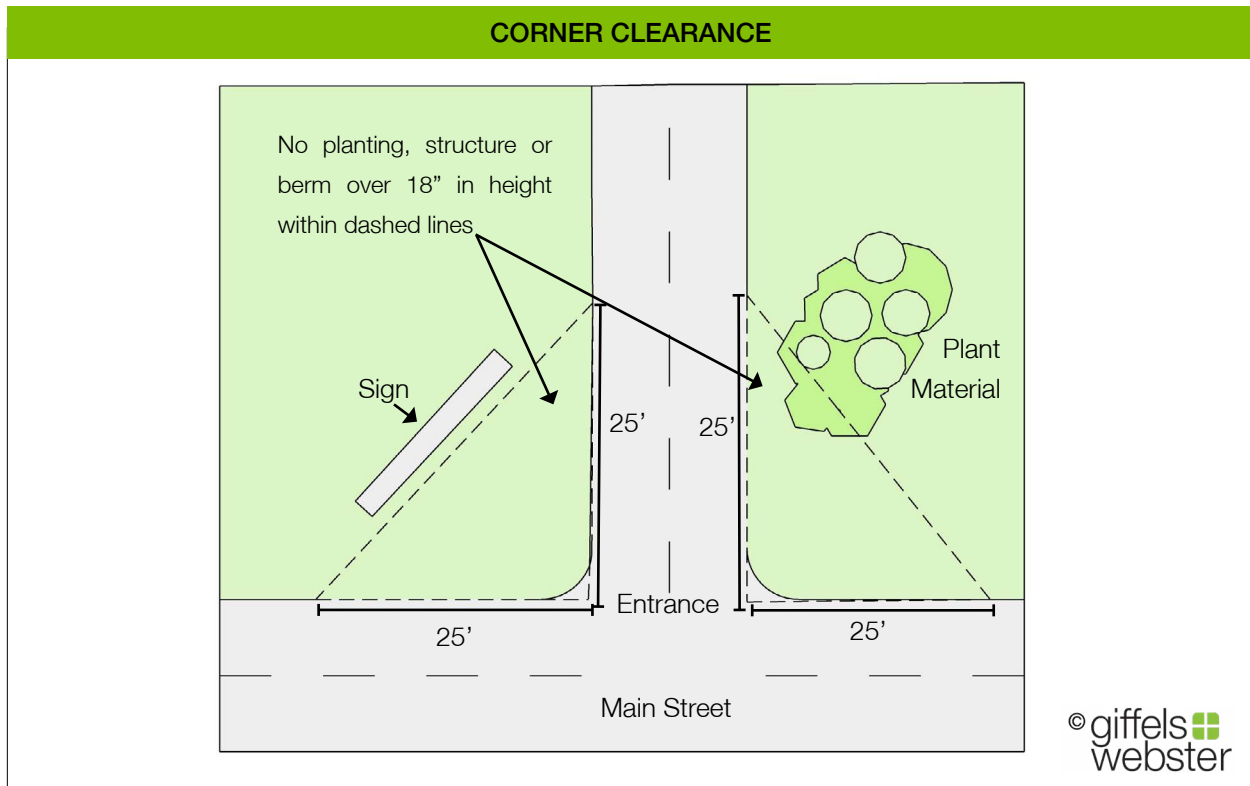
| Table 5.18.C.1.j | | |
|------------------------|-------------------------|------------|
| Landmark Trees | | |
| Common Name | Botanical name* | Size D.B.H |
| Dogwood | Cornus spp. | 8" |
| Douglas fir | Pseudotsuga menziesii | 18" |
| Fir | Abies spp. | 18" |
| Ginkgo | Ginkgo bilboa | 18" |
| Hawthorn | Crataegus spp. | 12" |
| Hemlock | Tsuga spp. | 18" |
| Hickory | Carya spp. | 18" |
| Hornbeam | Ostrya spp. | 8" |
| Horse chestnut/Buckeye | Aesculus spp. | 18" |
| Kentucky coffeetree | Gymnocladus dioicius | 18" |
| Larch/Tamarack | Larix spp. | 12" |
| London plan/Sycamore | Platanus spp. | 18" |
| Magnolia | Magnolia spp. | 8" |
| Maple, red | Acer rubrum | 18" |
| Maple, sugar | Acer saccharum | 18" |
| Maple, black | Acer nigrum | 18" |
| Oak | Quercus spp. | 18" |
| Pine | Pinus spp. | 18" |
| Redbud | Cercis canadensis | 8" |
| Sassafras | Sassafras albidum | 15" |
| Serviceberry | Amelanchier | 8" |
| Spruce | Picea spp. | 8" |
| Sweetgum | Liquidambar styraciflua | 16" |
| Tulip tree | Liriodendron tulipifera | 18" |
| Walnut | Juglans spp. | 20" |
| Black cherry | Prunus serotina | 18" |
| Witch hazel | Mamelis virginiana | 8" |

2. See the following table for determining minimum standards for size and range of spacing for the plant material schedule requirements:

| Table 5.18.C.2 | | | | | | |
|--|----------------|-----------------------|----------------------|----------------------|-------------|-------------|
| Minimum Standards for Size and Range of Plant Material Spacing | | | | | | |
| | Evergreen Tree | Narrow Evergreen Tree | Large Deciduous Tree | Small Deciduous Tree | Large Shrub | Small Shrub |
| Minimum Size | 5' ht. | 4' ht. | 2" cal. | 1.5" cal. | 24" ht. | 18" ht. |
| Minimum Spacing | 10' | 5' | 20' | 8' | 4' | 2' |
| Maximum Spacing | 25' | 15' | 40' | 20' | 10' | 6' |

Section 5.18.D - E

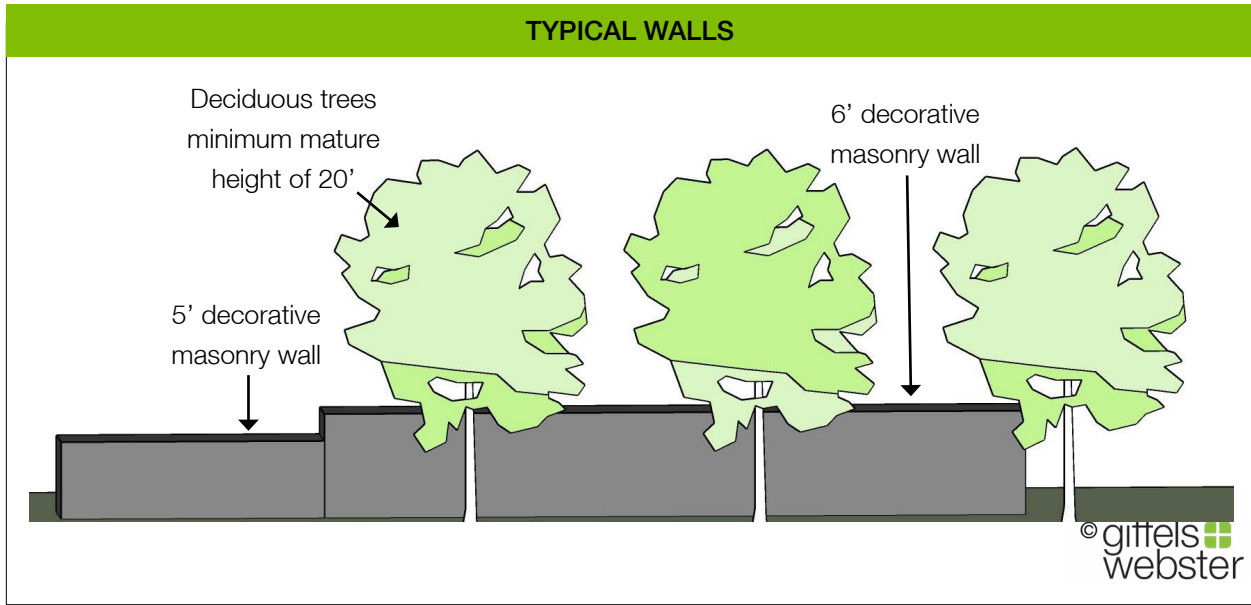
- D. **Maintenance for all plantings.** All plants and landscaped areas shall consist of permanent, living plant materials and when planted to completion, shall be maintained in an attractive and presentable condition, free of weeds, refuse and debris, and shall be maintained in a healthy and growing condition, per the approved final landscape plan.
- E. **Landscaping for off-street parking.**
1. A corner clearance must be maintained as specified in [Section 5.16.C](#). (See “[Corner Clearance](#)”.)



2. Landscaped island space shall be provided as specified in [Section 5.18.H](#).

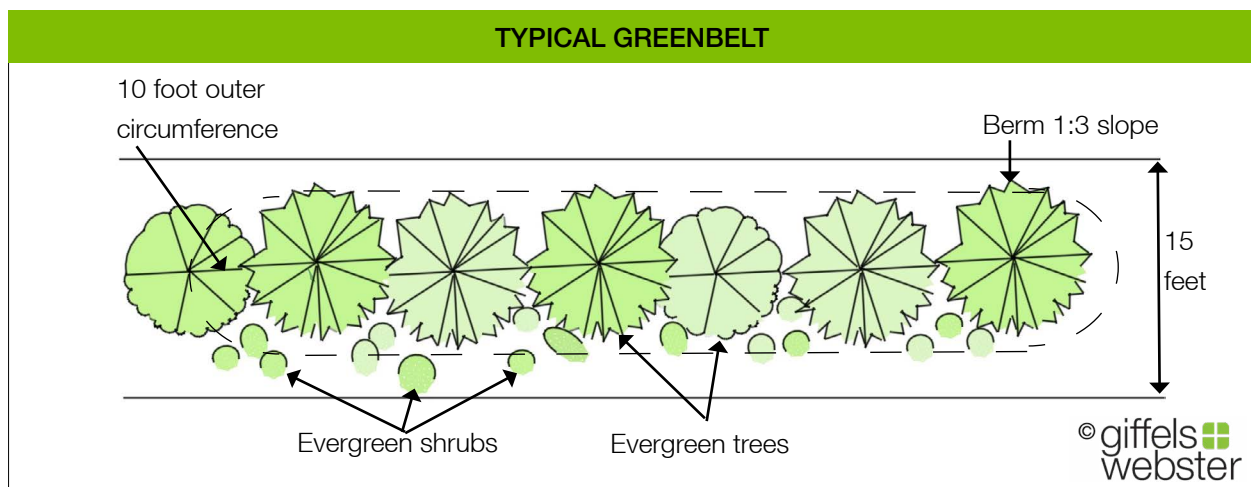
F. **Greenbelts.** Greenbelts shall contain:

1. Masonry, ornamental wall of five feet in height, or when a C-2 district abuts a residential district a six-foot high ornamental wall is required and deciduous trees with a minimum height of 20 feet, unless alternate screening, in [Section 5.18.F.2](#) below, is selected. No structure or paving shall be within 15 feet from a residential district. (See “[Typical Walls](#)”.)



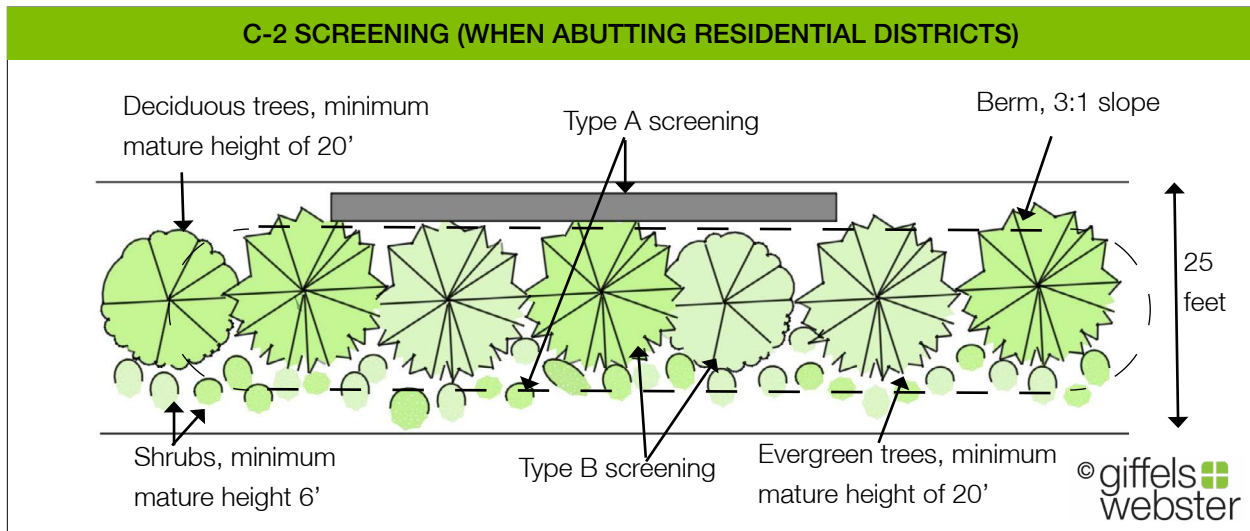
2. **Plant materials:**

- a. For general buffering requirements in lieu of a wall all of the following items must be included:
 - I. Evergreen trees having a minimum height of five feet placed ten feet on center.
 - II. Three intermediate evergreen shrubs placed between each evergreen tree.
 - III. All plant materials per the plant material schedule, [Section 5.18.C](#).
 - IV. Where a landscape buffer is used in lieu of an ornamental wall for screening purposes there will be a three-foot-high earth berm having a 3:1 slope in addition to the planting requirements. A detail shall be submitted.
 - V. Planting area width to be no less than 15 feet. (See “[Administration & Enforcement](#)”.)



Section 5.18.F

- b. Where required, when a C-2 district abuts a residential district, all of the following plant requirements will be required for screening:
 - I. Opaque screening height of six feet, which may contain any combination of shrubs, evergreens, fences, walls and berms.
 - II. Intermittent height of 20 feet in mature height to be accomplished in five years from the planting date. This can be accomplished with deciduous trees and large shrubs.
 - III. Buffer width of at least 25 feet. (See “C-2 Screening (when abutting residential districts)”.)



- c. Where required when an open storage use in an M-2 district abuts a residential district, refer to [Section 3.14.C.7 Outdoor storage](#) for screening standards.
3. Alternatives to required walls and berms may be approved by the planning commission if a similar screening effect is accomplished and fits the character of the township. If natural features in the form of trees of six inches DBH (diameter at breast height) or greater along perimeter of site exist, a berm may be designed in a natural format. The berm itself may be divided and formed on either side or continue around the existing trees. The plantings are to be primarily evergreen trees on the crest of the berm. These may be supplemented with shrubs that regenerate on each side of the berm; (i.e. Red Twig Dogwood, Fragrant Sumac, Arrowhead Viburnum). The berm shall be hydroseeded. Opacity requirements are to be 80 percent in winter and 90 percent in summer within two years after planting of any needed supplemental trees and shrubs. The planning commission may waive the requirement for an earth berm or obscuring wall adjacent to a residential use district when the proposed development includes the retention of an existing wooded area adjacent to the residential district provided:
 - a. The retained wooded area will provide effective screening consistent with the opacity requirements of this chapter and intent of this section. Supplemental plant material may be added to meet the screening requirements;
 - b. The failure to retain the wooded area will have a negative impact on the preservation of woodlands within the township; and

- c. The retained wooded area has been inspected by the township as part of the site plan review process relative to the health and desirability of the existing plant materials and found to be healthy and desirable.

The planning commission may require, during construction phases as a condition to the waiver, additional plantings and/or the erection of a temporary chainlink fence within or adjacent to the preserved wooded area.

- G. **Front yard landscaping.** All required front yard setbacks or side yard setbacks where the lots are corner lots and abut a side street or road shall be landscaped according to the following standards:
 1. One large deciduous shade tree, three-inch minimum caliper, placed 30 feet on center for the length of the setback or lot line shall be planted. No property shall contain less than one tree.
 2. One seven-foot minimum height evergreen tree or flowering decorative tree with the quantity calculated at one tree per every 25 feet of length of the setback or lot line shall be planted.
 3. Three intermediate evergreen shrubs shall be planted for each evergreen tree or flowering decorative tree planted pursuant to subsection 2 above, of this section.
 4. All setbacks shall be properly graded and covered with lawn (sod or seed), mulch, bark, or other approved decorative landscape material.
 5. All plant materials shall conform to the schedule, in [Section 5.18.C Plant material schedule](#), unless subject to overhead power lines in which case an alternative species having a mature height of less than 30 feet may be used. Required plant materials may be planted at uniform intervals, at random, or in groupings.
 6. Any existing on-site stand of vegetation which meets the intent of this section shall satisfy the planting requirements as specified herein so long as it is demonstrated to the planning commission that such vegetation is free from disease and will not be affected from grade changes, trenching, excavation, building construction, or other site improvements. Such acceptance by the planning commission shall concurrently assign the property owner and their successors in title the responsibility of replacing plant materials lost through disease, natural disaster, site work or similar events to the extent necessary to achieve the original landscaping effect.
 7. All front yard landscaping shall have an irrigation (water sprinkler) system installed to help maintain plant materials in a livable condition. Such irrigation systems shall be designed to prevent, to the greatest extent practicable, the watering of buildings, parking lots, loading zones, pedestrian ways, and similar use areas.

Section 5.18.H - 5.19.C

- H. **Landscaped islands.** Islands shall be provided to aid in traffic flow, control speeds and break up the visual monotony of parking lots. The ratio of island space shall be a minimum of 150 square feet of island space per every ten parking spaces. Landscaped islands shall be curbed, designed to protect landscaping from damage by vehicles, be a minimum of 300 square feet and maximum of 600 square feet in an area, be a minimum of eight feet in width per tree proposed, and be distributed throughout the parking lot. A minimum of one tree per [Section 5.18.C](#) and [Section 5.18.D](#) shall be provided per each 300 square feet required. All islands shall be planted and maintained with landscape materials and kept free of debris per the approved landscape plan. Each landscape island shall be provided with an irrigation system. All island areas are to have four inches to six inches of topsoil and are to be crowned six inches higher than the adjacent curb or walks after any settling of the earth. Shredded hardwood bark and deciduous or evergreen shrubs, perennials, bulbs or annual flowers or ornamental grasses that reach a mature height of over 30 inches maximum may be used in the islands so that a clear area of visibility occurs. Deciduous trees may be used if the first branches are trimmed up to 36 inches. No evergreen trees or types of rock mulch may be used. Fire hydrants shall be kept clear of obscuring plant materials. Alternative designs to this requirement may be approved where the planning commission finds the proposed design as an acceptable alternative upon evaluation of the landscape plan.

5.19 Tree protection and woodland preservation

- A. **Intent.** The township finds that trees and woodlands are important for the maintenance of the natural ecosystem, beneficially contribute to the aesthetic and rural character of the community, constitute important recreation and economic assets, and positively improve the quality of life for its residents, businesses, and visitors. The preservation of trees and woodlands also provide health benefits to the public by lessening air pollution, increasing dust filtration, reducing heat, glare, and noise. The township, however, also recognizes its responsibility to protect the private property rights of landowners - the possession, control, and enjoyment of real and personal property and how these resources are used. Therefore, it is not the intent to regulate single-family residences. It is the intent of the township to provide the minimum regulation necessary to ensure trees and woodlands are preserved wherever possible while accommodating the landowners' property rights to make reasonable use of their property through compliance with the standards, requirements, and procedures enumerated herein.
- B. **Tree permit required.** Unless otherwise excepted in subsection D below, a tree permit shall be required for the following:
1. The removal, relocation, or destruction of any protected tree.
 2. The removal, relocation, or destruction of a landmark tree.
- C. **Additional prohibitions.**
1. The harvesting of more than 25 percent of the tree canopy cover prior to the approval of any land use activity is expressly prohibited.
 2. Clear cutting or grubbing shall not occur within five years from the date of property ownership.

- D. **Exceptions.** The following activities are allowed without application for a tree permit, unless otherwise prohibited by statute or ordinance:
1. A tree permit shall not be required for legal lots of record that seek to perform routine yard maintenance and/or alteration to property that is not subject to site plan review and approval for building permit. Clear-cutting is not included in this exemption.
 2. Tree removal on an occupied, single-family lot on which a valid certificate of occupancy has been issued.
 3. All agricultural/farming operations or commercial nursery/tree farm operations.
 4. Activities of utility companies or public tree trimming agencies occurring on property under their authority or control.
 5. The removal of hazardous trees whether the damage resulted from an accident or non-human cause.
 6. The trimming or care of trees provided that the work is accomplished in accordance with standardized forestry and horticultural practices as established by the American National Standards Institute (ANSI) A300 or International Society of Arboriculture.
 7. Actions made necessary by an emergency such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation, or other man-made or natural disaster, in order to prevent injury or damage to persons or property.
 8. Tree removal in order to perform maintenance or repair of lawfully located roads, sewers, structures, and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services.
 9. The following trees shall be exempt from the provisions of this section, provided that they are not landmark trees, they do not comprise the predominant species within the woodland or vegetated area, they do not contribute to the overall vigor of the woodland or have significant value for watershed or erosion control or are considered an invasive species/nuisance species.
 - a. *Acer negundo* (box elder);
 - b. *Acer saccharinum* (silver maple);
 - c. *Ailanthus altissima* (ailanthus/tree-of-heaven);
 - d. *Catalpa speciosa* (catalpa);
 - e. *Elaeagnus spp* (autumn/Russian olive);
 - f. *Fraxinus spp* (ash);
 - g. *Populus deltoides* (cottonwood);
 - h. *Rhamnus spp* (buckthorn);
 - i. *Salix spp* (willow, except horticultural varieties);
 - j. *Ulmus spp* (elm, except American elm).
 10. The removal of any tree with a health/condition score of nine or less (see [Table 5.19.E](#), below).

Section 5.19.E - F

E. **Health/condition scoring.** A health/condition scoring must be clearly included on a tree survey, in accordance with the following table.

| Table 5.19.E | | | |
|---|------------------------------------|---------------------------------------|---|
| Health Condition/Scoring for Tree Surveys | | | |
| Evaluation Factor | Scoring | | |
| | 3 | 2 | 1 |
| Trunk | Sound or solid | Sections of bark missing | Extensive damage or hollow |
| Growth rate | More than six-inch twig elongation | Two to six-inch twig elongation | Less than two-inch twig elongation |
| Structure | Sound | One major or several minor limbs dead | Two or more major limbs dead |
| Disease | No disease or infestation present | One disease or infestation present | Two or more diseases and/or infestation present |
| Crown/development | Full and balance | Full but unbalanced | Unbalanced and lacking full crown |
| Remaining life expectancy | Over 30 years | 15 to 30 years | Less than 5 years |

- F. Tree permit application submittal and review requirements.
1. A person seeking permission to remove or relocate protected or landmark trees shall submit a tree permit application on forms supplied by the township along with a tree survey, prepared by an arborist, to the building department, and pay the application and permit fee as established by resolution of the township board.
 2. Upon receipt of a complete application, the building official may conduct or authorize the completion of a field investigation to review and verify the accuracy of information received. The receipt of a tree permit application shall constitute permission from the owner of the property to conduct such on-site investigation.
 3. All trees proposed to be removed shall be identified on-site by fluorescent orange spray paint (chalk-based) or by fluorescent flagging tape. Trees selected to be relocated shall be flagged with a separate distinguishing color.
 4. If a tree permit application relates to a proposed development or activity on a site necessitating site plan review, special land use, planned unit development, or plat approval by the township, the township shall consider said application concurrent with its review of the related site plan or other approval. If the township approves a site plan which conforms with the requirements of this article, that approval together with any additional terms and conditions attached thereto, will be considered to have fulfilled the requirements for a tree removal permit.
 5. When a tree permit application is not related to a development or activity necessitating review and approval by a township board or commission, the township building official shall be responsible for granting or denying the application.

1. Purpose & Intent

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- G. **Review standards.** The following standards shall be used to review the application to remove, relocate, or destroy any protected or landmark tree.
1. The preservation and conservation of trees, woodland areas, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures, or other site improvements.
 2. The tree shall be evaluated for effect on the quality of the area of location, including tree species, habitat quality, health and vigor of tree, tree size and density. Consideration must be given to scenic assets, wind blocks, erosion control, and noise buffers.
 3. The trees and surrounding area shall be evaluated for the quality of the involved area by considering the following:
 - a. Soil quality as it relates to potential tree disruption.
 - b. Habitat quality.
 - c. Tree species (including diversity of tree species).
 - d. Tree size and density.
 - e. Health and vigor of tree stand.
 - f. Understory species and quality.
 - g. Other factors such as value of the trees as an environmental asset (i.e., cooling effect, etc.).
- H. **Limitations to tree removal or relocation.**
1. The removal or relocation of trees shall be limited to instances:
 - a. Where necessary for the location of a structure or site improvement and when no reasonable or prudent alternative location for such structure or improvement can be had without causing undue hardship.
 - b. When the tree is hazardous or interferes with existing utility service, interferes with safe vision clearances or conflicts with other ordinances or regulations.
 - c. Where removal or relocation of the tree is consistent with good forestry practices, as outlined in an approved forestry management plan.
 2. The burden of demonstrating that no feasible or prudent alternative location or improvement without undue hardship shall be upon the applicant.
 3. Tree removal shall not commence prior to approval of a site plan, special land use, planning unit development, or final preliminary plat for the subject property.

Section 5.19.I - L

- I. **Replacement or relocation of trees.** The applicant will be required to replace all protected or landmark trees being removed subject to the following conditions:
 1. The applicant shall relocate or replace the trees on a one-to-one basis on-site.
 2. Replacement trees shall be at least two-inch caliper or six feet in height for evergreens. Protected or landmark trees must be replaced with a tree that is a minimum three-inch caliper or eight feet in height for evergreens. Diversity of tree species shall be maintained where essential to preserving a wooded area.
 3. Trees required to be planted in accordance with this section shall be in place and properly supported prior to the issuance of a final certificate of occupancy.
 4. All purchased replacement trees shall satisfy ANSI A300 standards.
 5. Where the township finds it is not reasonable or desirable to relocate or replace trees on site, relocation or replacement may be made at another approved location within the township.
 6. Where the township finds it is not reasonable, practical, and desirable to relocate or replace trees on site or at another approved location within the township, the township may direct the applicant to pay into a township tree fund.
 - a. The cost estimate shall be calculated as follows: at two times the wholesale cost from an established local nursery catalog with a current publish date, submitted by the applicant, and approved by the township; or, as a quote from an established local nursery for plants and installation.
 - b. Use of the tree funds for various township-wide beautification and/or tree preservation efforts including, but not limited to, gypsy moth management program, diplodia spraying and similar preservation efforts will be at the sole discretion of the township board.
- J. **Tree protection measures.**
 1. A tree protection zone (TPZ) shall be established around the drip line of each tree or group of trees to be protected during construction. The TPZ shall be established prior to any excavation, grading, trenching or boring, or demolition work, and remain in place until the completion of all work that may impact its zone. The demarcation of a TPZ shall be accomplished by physical barriers or soil protection layers or treatments. Not more than 33 percent of a TPZ may be disturbed during construction.
 2. The developer or builder shall be required to replace trees originally intended to be preserved when such trees are damaged during construction.
- K. **Display of tree permit.** The tree permit grantee shall conspicuously display the permit on-site. The grantee shall display the tree permit conspicuously while trees are being removed or replaced or while activities authorized under the permit are performed. The tree permit grantee shall allow township representatives to enter and inspect the premises at any reasonable time. Failure to allow inspection shall constitute a violation of this section.
- L. **Variances.** Any person denied a tree permit may appeal the decision to the zoning board of appeals in accordance with [7.11 Zoning board of appeals](#).

5.20 Design flexibility allowances for the preservation of environmental quality

- A. **Intent.** The intent of this section is to preserve natural resources in exchange for granting design flexibility allowances to applicants seeking site plan approval pursuant to [Section 6.1](#) .
- B. **Nuisance tree.** The following species of trees shall be considered nuisance trees:

| Table 5.20.B | | |
|-------------------|----------------------------|---------------------------|
| Nuisance Trees | | |
| Common Name | Botanical Name | Problem |
| Box elder | <i>Acer negundo</i> | Fast growing weak wooded |
| Cottonwood/Poplar | <i>Populus sp.</i> | Fast growing weak wooded |
| Silver maple | <i>Acer saccharinum</i> | Weak wooded, storm damage |
| Tree of Heaven | <i>Ailanthus altissima</i> | Weak wooded, aggressive |
| Mulberry | <i>Morus sp.</i> | Litter, aggressive |
| Poplar/Cottonwood | <i>Populus sp.</i> | Fast growing weak wooded |
| Willow | <i>Salix sp.</i> | Weak wooded, storm damage |
| Siberian Elm | <i>Ulmus pumila</i> | Weak wooded, storm damage |

- C. **Applicability.** In any zoning district, an applicant for site plan approval may request the township board to reduce or modify requirements contained within the zoning chapter applicable to building setbacks, building separation, lot width, lot coverage, and land area in order to preserve, mitigate, or eliminate negative effects to natural resources.
- D. **Application procedure.**
- Applications shall be processed in accordance with the requirements of [Section 6.2 Special land use approvals](#).
 - A natural resources analysis shall be submitted by and at the expense of the applicant to the township as part of its review of the site plan submitted in accordance with [Section 6.1 Site plan review](#).
- E. **Natural resources analysis.** The natural resources analysis shall include the following information:
- Site conditions of the subject property indicating the location, size, and type of existing natural resources. Such information shall be displayed on a map in relation to the subject parcel's property lines and existing development pattern.
 - A project description which, in narrative form, shall describe the proposed development in terms of use, density, building coverage, height, gross floor area, number of units, parking, landscaping, internal site circulation, traffic to be generated, and other applicable design features.

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3. The applicant shall provide a full analysis and description of the proposed project's impact on the natural resources existing on the site. This analysis shall include an evaluation of alternatives affecting the natural resources in terms of alternative site location or actions. The analysis shall also assess the impact of affecting the natural resources in terms of the natural environment (topography, habitat, hazards, etc.), social concerns (aesthetics, historic and cultural values, etc.), and legal constraints (permits required, intergovernmental review, conformance with local plans/ordinances, etc.). These factors shall be evaluated in terms of both positive and negative impacts, direct and indirect impacts, as well as longterm vs. shortterm effects.
4. The applicant shall identify measures to mitigate or eliminate negative effects to natural resources identified in [Section 5.20.E.3](#) above.

F. Approval authority and requirements.

1. Modification of ordinance standards shall be determined in the final instance by the township board as authorized by MCL 125.3503 and shall be predicated on the simultaneous approval of the following by the township board:
 - a. A specific site plan submitted in accordance with [Section 6.1 Site plan review](#); and
 - b. A natural resources analysis submitted in accordance with [Section 5.20.E](#) above.
2. The natural resources analysis must demonstrate to the satisfaction of the township board that the measures proposed by the applicant adequately eliminate or reduce negative effects on natural resources in consideration of the standards presented in [Section 5.20.F.3](#) below. Approval of a natural resources analysis shall be a condition of site plan review and approval for affected properties.
3. The following standards shall govern the acceptance or rejection of a natural resources analysis by the township board:
 - a. The preservation and conservation of natural resources has been demonstrated in the natural resources analysis to have priority over development where there are feasible and prudent location alternatives on the site for proposed buildings, structures, and other site improvements;
 - b. Where the proposed activity requires a natural resource to be altered, changed, transformed, or otherwise varied, it shall be to the maximum extent feasible, limited to designated street rights-of-way, drainage and utility areas, and areas necessary for the construction of buildings, structures, or other necessary site improvements. It is the intent of this subsection to limit unnecessary site clearing, grading and similar activities to the maximum extent practicable; and
 - c. The proposed activity shall, to the extent reasonable feasible, be designed and constructed to blend into the natural setting of the landscape.

4. The standards of [Section 6.2 Special land use approvals](#) shall govern the acceptance or rejection of a site plan by the township board. As part of its review and approval of a site plan, the township board may (except as provided by [subsection 5](#) of this section), reduce or modify requirements contained within the zoning chapter applicable to building setbacks, building separation, lot width, lot coverage, and land area provided all of the following conditions are found to be true:
 - a. The conditions and circumstances which motivate such modification result from the unique natural characteristics of the property which are not similarly applicable to other nearby properties;
 - b. Strict enforcement of the provisions of the zoning chapter would cause an unnecessary hardship and deprive the owner of virtually all development rights enjoyed by other property similarly zoned unencumbered by natural resources;
 - c. The circumstances and conditions of the property motivating such modification were not created by the owner or his predecessor in title; and
 - d. The requested modification will not be contrary to the spirit and intent of this zoning chapter.
 5. Where landmark trees are permitted to be removed, replacement trees may be required by the planning commission. They shall be selected from the list of landmark trees specified in the definition of the term “tree” in [Section 2.2 Definitions](#), and be provided on a 2:1 ratio, provided that all replacement trees are of a 2.5-inch or greater diameter measured four feet above grade.
- G. Natural feature setback regulations.**
1. It is further the intent of this section to establish a natural vegetated buffer system along all perennial watercourses and wetlands part of a project granted relief to zoning chapter requirements as specified in this section in order to meet the following objectives:
 - a. To create a natural right-of-way for streams that protect aquatic ecosystems and provide a safe conduit for potentially dangerous floodwaters;
 - b. To treat stormwater and prevent drainage problems for adjacent property owners; and
 - c. To provide valuable wildlife habitat and act as wildlife corridors for smaller mammals and bird species which are present in urban areas.

Within the established natural feature setback specified in subsection 2 below of this section, unless and only to the extent determined to be in the public interest by the township board of trustees, there shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing. This prohibition shall not apply with regard to those activities exempted below.
 2. The following setbacks shall apply:
 - a. A 25-foot setback from the boundary or edge of a wetland.
 - b. A 25-foot setback from the ordinary high-water mark of a watercourse, herein defined to include a lake, pond, river, stream, or creek.
 3. Regulation under this section shall be exempted if and to the extent the township is prohibited by other ordinances and/or law from regulating the proposed activity in or on the respective natural feature. In addition, the following activities shall be exempted; however, it is not the intent of this provision to exempt regulation by other ordinance provisions relative to the natural feature itself:
 - a. Installation of a fence within a setback area;
 - b. Maintenance of previously established lawn areas;

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- c. Grading and filling necessary in order to conform to express requirements imposed by the township engineer;
 - d. Installation of seasonal recreational structures for watercourse use; and
 - e. Planting of trees and other vegetation, but not the use of fertilization.
4. In determining whether proposed construction or operations are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state, and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed project and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
- a. The relative extent of the public and private need for the proposed activity.
 - b. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
 - c. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural features and/or natural feature setback provides.
 - d. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural feature to be protected.
 - e. The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on fish, wildlife, and the public health.
 - f. The size and quantity of the natural feature setback being considered.
 - g. The amount and quantity of the remaining natural feature setback.
 - h. Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type, and the nature of the natural feature to be protected.
 - i. Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
 - j. The necessity for the proposed construction and/or operation.
- H. Wetlands regulations. Notwithstanding the above, wetlands shall also be subject to the regulations of chapter 14, article II, of this Code.
- I. Nullification and conflict of authority. Nothing contained herein shall relieve the project's sponsor from complying with other land development or environmental standards established by other public agencies having jurisdiction.

5.21 Signs

- A. **Intent.** The township finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and/or general welfare of the residents of the community, and that the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising. The township finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the township, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the township and may cause deterioration of business and residential areas of the community.
- B. **Purpose.** The purpose of this section and the subsections thereunder is to:
1. Permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display endanger public health and/or safety, confuse or mislead traffic, or obstruct vision necessary for traffic and pedestrian safety;
 2. Regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses;
 3. Keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products;
 4. Keep signs within a reasonable scale with respect to the buildings to which they relate;
 5. Prevent off-premises signs from conflicting with business, residential and public land uses; and
 6. Prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the zoning district in which they are located, but also upon the overall existing aesthetic character of the township.
- C. **Signs not requiring a permit:**
1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations. Numbering of buildings shall conform to the requirements of section 6-84 of this Code.
 2. Flags and insignia of any government except when displayed in connection with commercial promotion.
 3. Legal notices or identification, informational or directional signs erected or required by governmental bodies.
 4. Integral decorative or architectural features of buildings, including ornamental banners used at a private residence, except letters, trademarks, moving parts or moving lights.
 5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 6. Yard sale signs; provided, that no person shall attach in any way posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the township; and that no person shall put up any notice upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property. The maximum time limit for all yard sale signs is three consecutive days within six calendar months.
 7. Gasoline price signs; provided, the total sign area is less than 12 square feet.

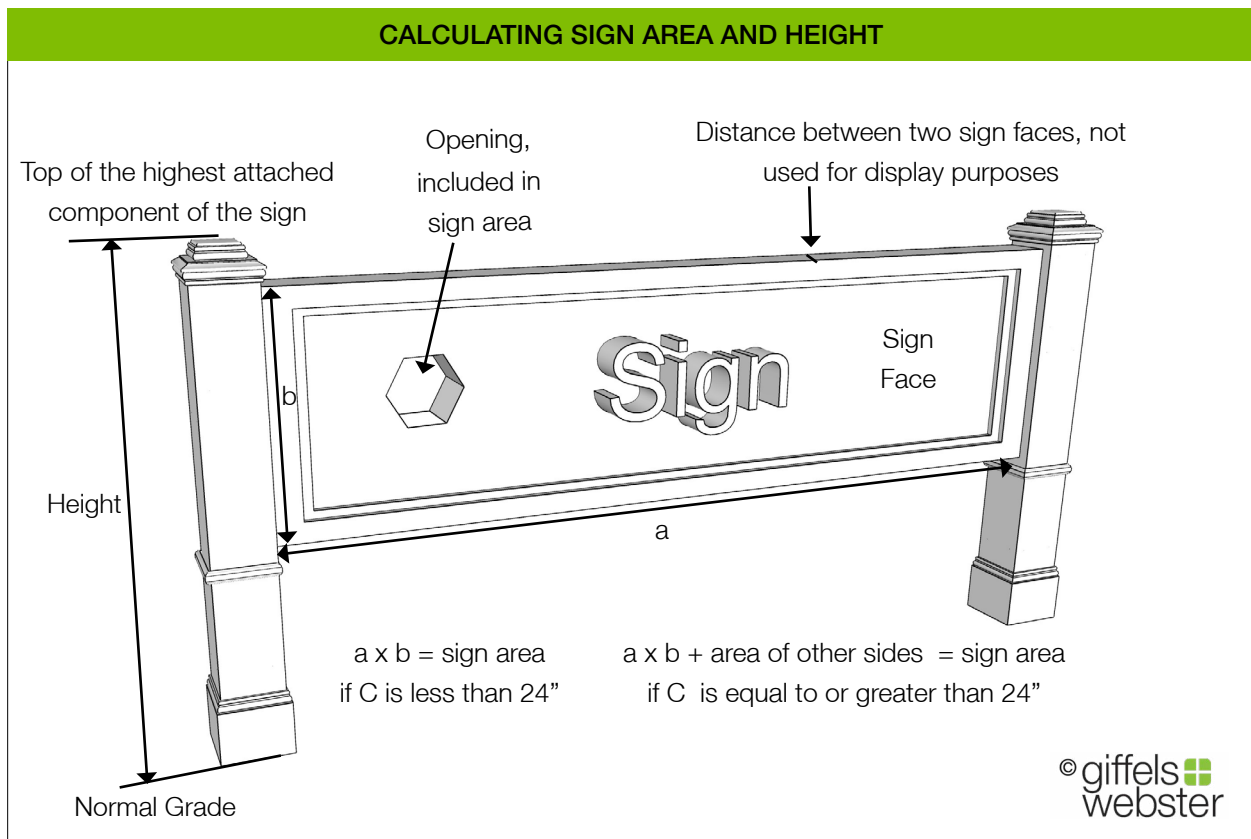
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8. At gasoline stations, corporate identification signs of less than ten square feet for each side of the canopy, attached directly to a canopy providing coverage to pump islands.
 9. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein, not exceeding two square feet in area.
 10. Wall murals and similar graphics containing no direct advertisement, subject to the review and approval of the planning commission.
 11. All incandescent light sources shall be shielded from view of a residential property.
- D. **Prohibited signs.** The following signs are prohibited in the township:
1. Marquee, projecting or roof signs.
 2. Permanent exterior banners, pennants, spinners, and streamers.
 3. Exterior string lights used in connection with commercial premises, other than holiday decorations.
 4. Any sign which is structurally or electrically unsafe.
 5. Signs painted directly on structures or signs painted on, attached, or affixed to any tree, rock, or similar organic or inorganic natural matter.
 6. Freestanding signs, except as may be provided by [Section 5.21.I](#).
 7. Nonaccessory signs, except as provided under temporary signs in [5.22 Temporary signs](#).
 8. There shall be no flashing, oscillating, intermittent or running circulatory lights on any sign in the township, except that time/weather/stock market signs may be permitted provided the frequency of the message change shall be not less than every ten seconds, the illumination of the sign shall be no brighter than one footcandle measured four feet from the sign, and the area displaying time/weather/stock market messages is included within the maximum sign area permitted on site. (See also [2.2 Definitions](#), [Changeable copy sign](#).)
 9. There shall be no red, blue or green illumination on any sign located in the same line of vision as a traffic control system, no interference with vision clearance along any highway, street or road or at any intersection of two or more streets. No sign shall be so located, directed, or constructed as to be a hazard to pedestrians or vehicular traffic safety as determined by the county sheriff or township building official.

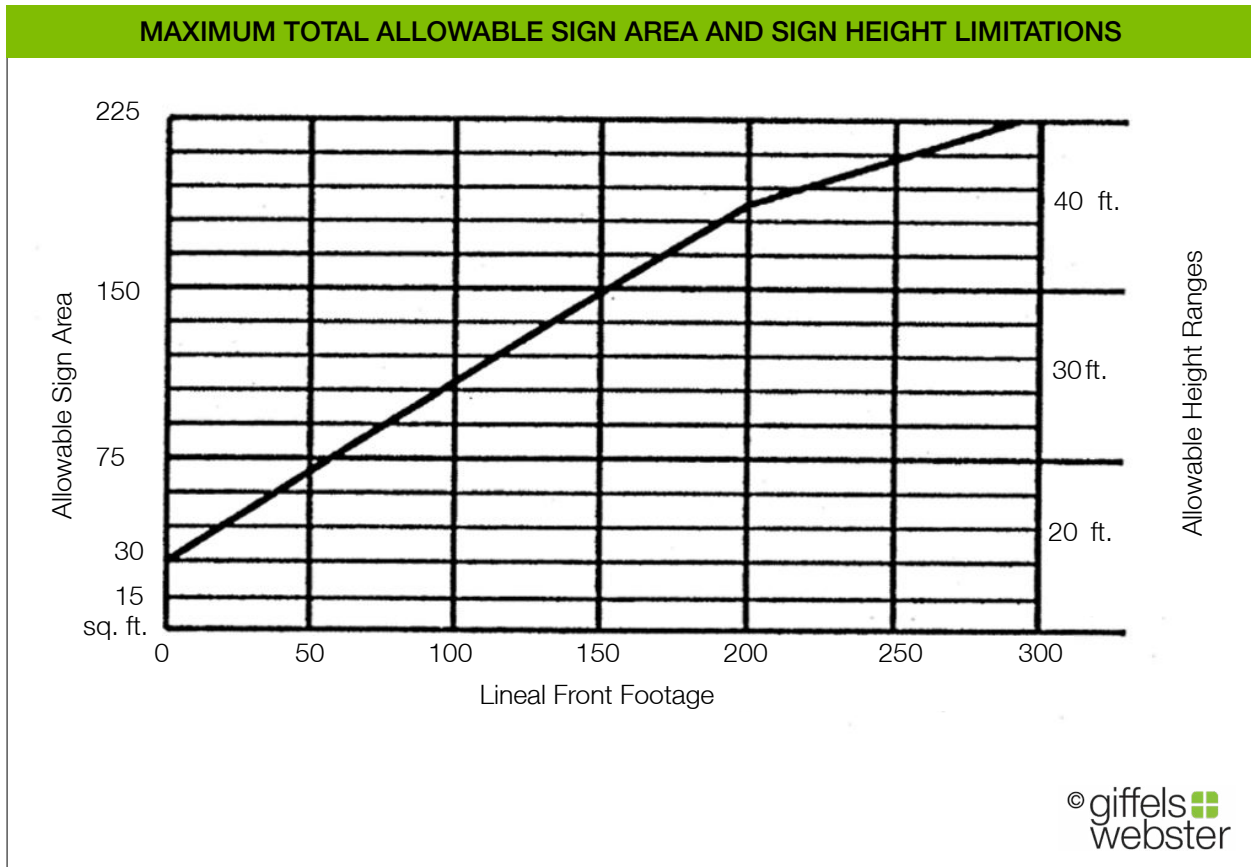
- E. **General Conditions.** Except as otherwise provided, the following conditions shall apply in all districts:
1. A building permit shall be required for the erection, construction or alteration of any sign, except as herein provided, and each such sign shall be approved by the township building official as to its conforming to the requirements of the zoning district wherein such sign is to be located and the requirements of this section.
 2. No sign, except those placed and maintained by the township, county or state shall be located in, overhang or encroach upon any public right-of-way.
 3. Historical marker signs of a recognized township, state, county or federal historical preservation agency are permitted in any zoning district provided they do not exceed ten square feet in area on each side, seven feet in height, and provide a minimum ten-foot setback from any property line. Signs may be freestanding signs or placed on a wall face.
 4. Illumination of signs shall be in accordance with the following standards:
 - a. In no case shall any sign exceed a lighting level of 800ths (0.08) footcandles and a luminous brightness of 2,400 foot lamberts, when measured at the property line. For purposes of this section, the term “foot lambert” shall be defined as the average brightness of any surface emitting or reflecting one lumen per square foot.
 - b. The background color of sign panels which are part of freestanding internally illuminated signs shall be designed so as to reduce the transmission of light and to prevent glare, and to meet the illumination standards of [Section 5.21.E.4.a](#) above. The reduction of light and glare may be accomplished by varying the thickness of the sign panel material, the use of a darker (higher opacity) color, or other like-means of construction producing the desired effect. No direct view of the light source (lamp) shall be observed from any adjacent property or roadway.
 - c. Signs in residential districts shall not be internally illuminated; instead, such lighting may only be provided by a projecting light source which is shielded to reduce glare and so arranged to reflect lights away from neighboring residences. In addition, all illuminated signs shall be located not less than 100 feet from an abutting residentially zoned property.
 5. All site plans submitted in accordance with [6.1 Site plan review](#) shall identify the location, height, type, and size of all existing and proposed signs.
 6. Signs shall contain no wording, symbol, figure, or similar form expressing obscene, immoral, pornographic, or otherwise offensive and objectionable reference.
 7. Any sign, which is placed in a manner to attract the attention of the general public outside of the building, whether the sign is located inside of the building or installed on the exterior of the building is to be considered a wall sign/window sign and shall comply with all applicable sections of the zoning chapter.

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- F. **Methodology for calculating sign area and height.** The methodology for sign area and height calculations are as follows:
1. **Sign area.** The area of sign shall be computed as including the entire area within a regular geometric form or combination of such forms suitable as the display area of the sign and including all of the elements of the matter displayed. An area so created shall include all solid surfaces including cladding, as well as all openings. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back, parallel to one another, and less than 24 inches apart, the area of the sign shall be the area of one face. Where a sign has two or more faces, that portion of the sign structure connecting the sign faces shall not be used for display purposes. (Refer also to sign types area calculations diagram in [Section 5.21.G.](#)) For purposes of this section, sign surface area and signage shall have the same meaning. ✍
 2. **Sign height.** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the existing grade prior to construction; or, the newly established grade after construction, both exclusive of or not credited toward any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower. ✍



- G. **Maximum total allowable sign surface area, sign height and sign placement restrictions.** Unless otherwise provided in this section, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs, shall be included in this calculation.
 - 1. The maximum total allowable signage permitted on any single-family residential lot or parcel shall be two square feet.
 - 2. The maximum total allowable signage allowed, and sign height above grade, shall not exceed the amounts specified in the graph [Maximum total allowable sign area and sign height limitations](#) below.



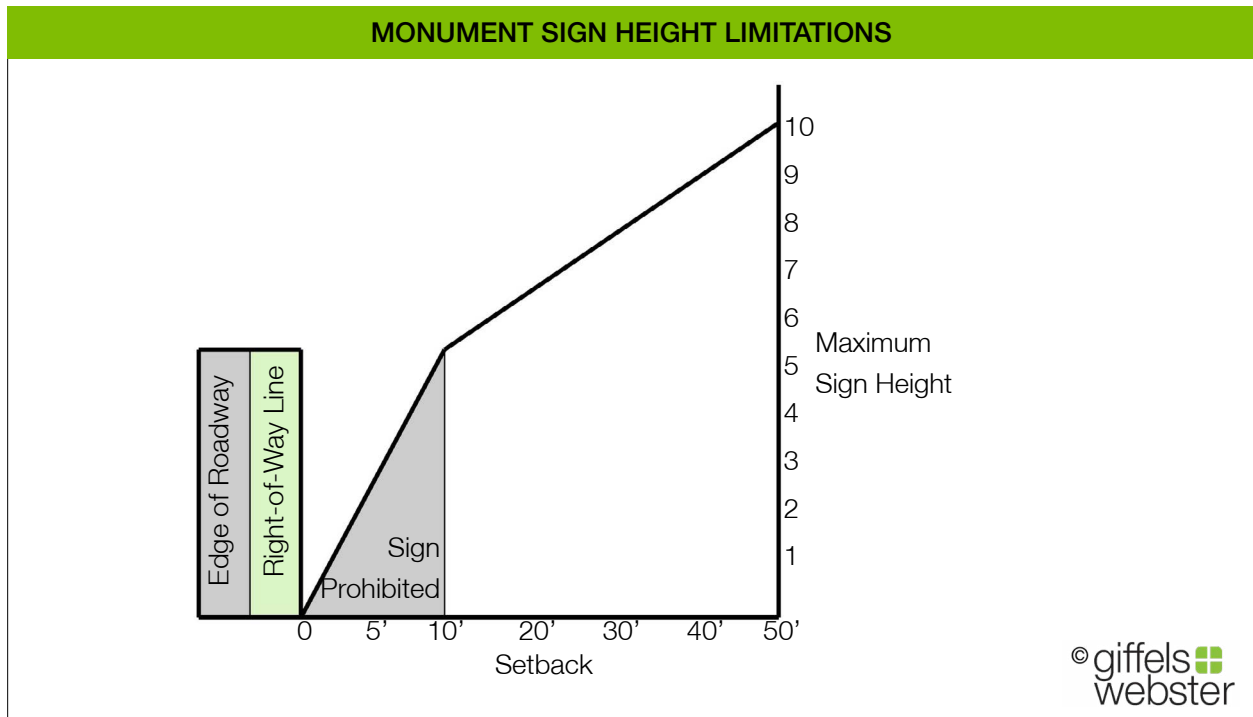
- 3. If a lot has frontage on more than one major thoroughfare, then the maximum total allowable signage permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the maximum allowable total signage that is oriented toward a particular street may not exceed the portion of the lot's maximum total allowable sign surface area allocation that is derived from frontage on the street.

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4. Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the maximum total allowable signage permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one street and the closest lot boundary to this street for determining the maximum total allowable signage permitted. However, the applicant shall be given the opportunity to determine the one street used in the calculations.
5. The sign surface area of any sign located on a wall of a structure may not exceed 20 percent of the total surface area of the wall on which the sign is located.
6. Except as may otherwise be provided herein, freestanding and monument signs shall be setback a minimum of ten feet back of the property line, except that such signs shall not be located closer than a distance equal to its height to an abutting residential district.
7. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space.
8. No sign attached to a building may project more than 14 inches from the building wall.
9. Monument signs shall not exceed a height of ten feet and shall be subject to height and setback limitations imposed by the [“Administration & Enforcement”](#). ✍

MONUMENT SIGN HEIGHT LIMITATIONS



- H. **Permitted signs in residential districts and the REC district.** Signs are allowed in the R-1, R-1-R, R-1-S, R-2, R-3 and REC districts subject to the following: See “[Lots, yards and open spaces](#)” and “[Table 5.21.H.9](#)”.
1. One unlighted sign announcing a home occupation, or professional service, not-to-exceed two square feet in area shall be permitted. The sign shall be attached flat against the front wall of the building, or placed immediately adjacent to the main driveway serving the site.
 2. Residential development signs indicating only the name of the development and the management/ developer thereof, shall be permitted, subject to the following:
 - a. The residential development signs shall be monument signs.
 - b. There shall not be more than one residential development signs for each major point of vehicular access to a development.
 - c. Residential development signs shall not exceed 32 square feet in gross surface area.
 - d. Residential development signs may be located in any required yard but shall not extend over any lot line or within 15 feet of any point of vehicular access from a zoning lot to a public roadway or private easement. The location and arrangement of all residential development signs shall be subject to the review and approval of the building official.
 - e. Residential development signs shall not project higher than eight feet.
 - f. Residential development signs may be located within a public right-of-way of a local or collector residential street provided it is sited within a landscaped entryway island and located no closer than five feet to the right-of-way of the intersecting street.
 3. Two signs consisting of a combination of wall, and/or monument signs (or freestanding sign if approval under [Section 5.21.H.8](#) identifying a park, school, farms, church, public building, and any other authorized use shall be permitted subject to the following:
 - a. Each sign shall not exceed 24 square feet in area, except that on sites of 40 acres or more, signs up to 50 square feet shall be allowed.
 - b. Freestanding or monument signs shall not exceed five feet in height, and placed no closer to the street right-of-way line than one-third the minimum authorized front yard depth.
 4. One unlighted sign announcing a bed and breakfast establishment or similar use not-to-exceed two square feet in area shall be permitted. The sign shall be attached flat against the front wall of the building.
 5. Scoreboard or nonaccessory signs made an integral part of a recreational building or athletic field shall be allowed, provided that such signs do not exceed a maximum area of 100 square feet.
 6. **Residential entranceway structures.**
 - a. In all residential districts, so called entranceway structures including, but not limited to, walls, columns and entrances marking single-family developments or multiple housing projects may be permitted and may be located in a required yard, except as provided in [Section 5.16.E](#) for corner clearance, provided that such entranceway structures shall comply to all codes of the township, and be approved by the building official and the fire chief and that a permit is issued.
 7. In the R-2 district, one monument sign indicating the name of the multiple-family development shall be allowed. It shall not exceed eight feet in height, a sign area of 32 square feet, and placed no closer than one-third the minimum authorized front yard depth.

Section 5.21.H

8. In the R-1-R district, one temporary sign, in addition to the signs in Table 5.21.H, is permitted for advertising sale of agricultural produce. Such sign shall not exceed 12 square feet in area and shall be removed from its roadside location during the season that it is not in use. Such sign shall be set back at least ten feet from the highway right-of-way.

| Table 5.21.H.8 | | | |
|---|---|--|---|
| Regulations for Permitted Signs in the Residential Districts | | | |
| Area and Dimensions | Placement | Number | Other Specifications |
| Residential development signs (monument signs) | | | |
| Maximum area: 2 sq. ft | Attached flat against the front wall of the building or placed immediately adjacent to the main driveway serving the site | | Unlighted. |
| Maximum area: 32 sq. ft. in gross surface area Maximum height: 8 ft. | May be located in any required yard but shall not extend over any lot line or within 15 feet of any point of vehicular access from a zoning lot to a public roadway or private easement. The location and arrangement of all residential development signs shall be subject to the review and approval of the building official. May be located within a public right of way of a local or collector residential street provided it is sited within a landscaped entryway island and located no closer than five feet to the right of way of the intersecting street. | Not more than one for each major point of vehicular access to a development. | Can indicate only the name of the development and the management/developer thereof. |
| Signs identifying a park, school, farm, church, public building, or any other authorized use consisting of a combination of wall, and/or monument signs | | | |
| Maximum area: 24 sq. ft. (sites that are greater than 40 acres can have signs up to 50 sq. ft.) Maximum height: 5 feet | No closer to the street right of way line than one-third the minimum authorized front yard depth. | Two | |

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| Table 5.21.H.8 | | | |
|---|--|--------|---|
| Regulations for Permitted Signs in the Residential Districts | | | |
| Area and Dimensions | Placement | Number | Other Specifications |
| Announcing a bed and breakfast | | | |
| Maximum area: 2 sq. ft. Maximum area: 100 sq. ft. | Attached flat against the front wall of the building. | | Unlighted. |
| Indicating the name of the multiple family development | | | |
| Maximum area: 32 sq. ft. Maximum height: 8 feet | Placed no closer than one-third the minimum authorized front yard depth. | One | R-2 District only |
| Temporary, seasonal sign for advertising the sale of agricultural products | | | |
| Maximum area: 12 sq. ft. | Must be set back at least 10 feet from the highway right-of-way | One | Must be removed in during the season it is not in use |

9. Signs in the REC district shall be allowed subject to the following:
 - a. One monument sign shall be permitted for each primary point of vehicular access from a public right-of-way and/or parkway street. Monument signs shall not exceed a height of eight feet and 50 square feet in area per sign face. Monument signs may be located anywhere back of the property line, provided, however, that such signs shall not be placed closer than 50 feet to any residential district or another freestanding sign, or a distance equal to its height to an adjacent public right-of-way and/or parkway street, or adjacent nonresidential property.
 - b. One wall sign shall be permitted for each building on the building side having the primary entrance. Wall signs shall be attached to, and parallel to, the wall of the building. The maximum size of any such sign shall not exceed ten percent of the building face to which it is attached, however, in no instance shall such sign exceed 100 square feet.
 - c. Scoreboards or nonaccessory signs shall be permitted by right provided they are made an integral part of a recreational stadium or similar use area and do not exceed a maximum area of 100 square feet.

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- d. The following additional types of signs are permitted without limitation as specified in this subsection.
 - I. Monument signs erected to designate hours of activity or conditions of use for parks, parking lots, recreational areas, and other similar use areas provided they do not exceed 24 square feet in area per sign face.
 - II. Directional signs used in conjunction with trails, drives or off-street parking areas, provided any such sign does not exceed four square feet in area per sign face, is limited to traffic control functions, does not obstruct traffic vision, and does not contain any advertising copy or logo.
 - III. Menu boards, not exceeding 20 square feet in total area, when used in conjunction with a food service area or concession stand.
 - IV. Signs used for public convenience identifying public restrooms, first aid stations, telephones, and similar use areas, provided they do not exceed four square feet in area per sign face.
 - V. Informational kiosks intended for public or semi-public use not exceeding a height of ten feet or 20 square feet in area, per sign face.

| Table 5.21.H.9 | | | |
|--|---|---|----------------------|
| Regulations for Permitted Signs in the REC District | | | |
| Area and Dimensions | Placement | Number | Other Specifications |
| Identifying primary point of vehicular access from a public right of way and/or parkway street | | | |
| Maximum area: 50 sq. ft. per sign Maximum height: 8 ft. | Located anywhere back of the property line but not closer than 50 feet to any residential district or another freestanding sign, or a distance equal to its height to an adjacent public right of way and/or parkway street, or adjacent nonresidential property. | Equal to the number of primary points of vehicle access from a public right of way and/or parkway street. | |
| Wall sign | | | |
| Maximum area: 10% of the building face to which it is attached; must not exceed 100 sq. ft. | On the building side having the primary entrance. Signs shall be attached to, and parallel to, the wall of the building. | One | |

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| Table 5.21.H.9 | | | |
|--|-----------------|-----------------|---|
| Regulations for Permitted Signs in the REC District | | | |
| Area and Dimensions | Placement | Number | Other Specifications |
| Scoreboard or non accessory signs as part of a recreational stadium or similar use | | | |
| Maximum area: 100 sq. ft. | | | |
| Monument signs used to designate hours of activity or conditions of use for parks, parking lots, recreational areas, and other similar use areas | | | |
| Maximum area: 24 sq. ft. per sign face | No limitations. | No limitations. | |
| Directional signs used in conjunction with trails, drives, or off-street parking areas | | | |
| Maximum area: 4 sq. ft. per sign face | No limitations. | No limitations. | Limited to traffic control functions. Must not obstruct traffic vision. May not contain any advertising copy or logo. |
| Menu boards used in conjunction with a food service area or concession stand | | | |
| Maximum area: 20 sq. ft. | No limitations. | No limitations. | |
| Signs used for public convenience identifying public restrooms, first aid stations, telephones, and similar use areas | | | |
| Maximum area: 4 sq. ft. per sign face | No limitations. | No limitations. | |
| Informal kiosks intended for public or semi-public use | | | |
| Maximum area: 20 sq. ft. per sign face Maximum height: 10 ft. | No limitations. | No limitations. | |

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Section 5.21.I

- I. **Permitted signs in the nonresidential districts.** Signs are allowed in the RO-1, C-1, C-2, M-1, M-2 and M-3 districts subject to the following conditions (See [Table 5.21.I](#)):
 1. **Number of signs permitted.** Except as may be otherwise specified herein, there shall not be more than two signs allowed for any one business establishment or composite of businesses under single ownership or control with frontage on a single public street or dedicated easement or three signs allowed for any one business or composite of businesses under single ownership or control with frontage on more than one public street or dedicated easement.
 2. **Wall signs.**
 - a. Flat wall signs shall be attached to, and be parallel to, the wall of the building to which they are attached and may not be painted or otherwise imprinted directly upon any building wall.
 - b. Wall signs shall be limited in number to one wall sign for each business having an individual means of customer access. The maximum size of any such sign shall not exceed 20 percent of the applicable building face area to which it is attached provided, however, that no such individual sign shall exceed 100 square feet in area.
 - c. In the instance of several tenants utilizing a common public entranceway, such as in the case of a shopping mall or multi-story office building, a common wall sign not exceeding 20 percent of the building face to which it is attached shall be permitted. Only one such sign per side of building having an individual means of customer access shall be permitted.
 3. **Canopy signs.**
 - a. Canopy signs may be installed in lieu of wall signs provided the canopy structure, to which they are a part, do not extend into a public right-of-way or encroach over abutting property lines.
 - b. The maximum size of any canopy sign shall not exceed 20 percent of the building facade to which they are pertinent, however, no such sign shall exceed 100 square feet in area.
 - c. Any such canopy structure shall not be less than two feet from any vehicular parking space or maneuvering lane.
 - d. A minimum underclearance of seven feet shall be maintained above the sidewalk by all canopy structures.
 - e. Canopies hereafter erected shall, whenever practicable, match the established underclearance height and projection of canopies which exist on abutting parcels and/or businesses.
 - f. Only the copy area of the canopy should be identified as sign area used for calculation purposes.



4. Monument signs.

- a. Except as authorized by this subsection, no development may have more than one monument sign; however, a freestanding sign may be approved in its place by the planning commission only when consistent with the intended use of the property and upon an affirmative finding of facts that monument signs will not provide adequate identification of the premises owing to restricted sight visibility caused by area topographic conditions, the desire to preserve plant materials on site, the juxtaposition of existing signs and/or buildings in the vicinity, or roadway geometrics.
- b. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets and/or dedicated easements, then the development may have not more than one monument sign or freestanding sign if approved under [Section 5.21.I.4.a](#), along each side of the development bordered by such streets or easements.
- c. If a development is located on a lot that is bordered by two public streets and/or dedicated easements that do not intersect at the lot's boundaries (double frontage lot), then the development may have not more than one monument sign or freestanding sign if approved under [Section 5.21.I.4.a](#), on each side of the development bordered by such streets or easements.
- d. The maximum sign area allowed for freestanding signs if approved under [Section 5.21.I.4.a](#), shall be 50 square feet, except that a maximum sign area of up to 100 square feet shall be permitted for planned shopping centers containing a gross floor area of not less than 50,000 square feet. In addition, the area of a monument sign may be increased in size by 20 percent over that allowed for freestanding signs as an incentive to reduce overhead visual clutter and to improve site aesthetics on township business properties.
- e. Notwithstanding the above limitations, the planning commission may permit additional monument signs or freestanding signs when approved under [Section 5.21.I.4.a](#), which shall be found to meet the following conditions:
 - I. That the sign shall be related and reasonably necessary or convenient for the satisfactory and efficient operation of a complete and integrated planned shopping center;
 - II. That the sign shall be of such character, size and location as not to adversely affect vehicular or pedestrian traffic; and
 - III. That the sign shall be of such character and design as to uphold and enhance the character of the planned shopping center district and its peculiar suitability for particular uses and to conserve property values.

Section 5.21.I

5. Window signs and changeable copy signs.
 - a. Additional window signs shall be permitted in the C-1 or C-2 districts provided they do not, in combination with any wall signs which may also be used, exceed 20 percent of the building face area to which they are a part, and do not exceed 50 percent of the window surface area to which they are attached. In addition, windows providing interior views to passersby shall maintain such views equal to not less than 50 percent of horizontal straight line measurement of the total window width.
 - b. A changeable copy sign shall be allowed in the C-1 and C-2 districts in addition to the conditions of this subsection provided the ownership identification or advertising copy does not exceed ten percent of the total sign area and further provided that the total sign area does not exceed 32 square feet.
6. In addition, one sign advertising the uses of the premises and the name of the establishment provided that such sign shall not exceed 20 square feet in area and provided that such sign shall be either mounted along the face of the building or it shall be freestanding. Signs that are mounted along the face of a building shall not project beyond the wall or any permanent architectural feature by more than one foot and shall not project more than two feet above the highest point of the roof or parapet and shall not come closer than three feet from either side corner of the face of the building. Freestanding advertising signs shall not be over 20 feet in height.

| Table 5.21.I | | | |
|--|---|---|-------|
| Regulations for Permitted Signs in the Nonresidential Districts | | | |
| Area and Dimensions | Placement | Number | Other |
| Wall Signs | | | |
| Maximum area: No more than 20% of the applicable building face area to which it is attached; this shall not exceed 100 sq. ft. | Attached and parallel to the wall of the building to which they are attached and may not be painted or otherwise imprinted directly upon any building wall. | One wall sign for each business having an individual means of customer access; In the instance of several tenants utilizing a common public entranceway, one sign per side of building having an individual means of customer access shall be permitted | |

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| Table 5.21.I | | | |
|---|---|--|--|
| Regulations for Permitted Signs in the Nonresidential Districts | | | |
| Area and Dimensions | Placement | Number | Other |
| Canopy Sign | | | |
| <p>Maximum area: 20% of the building facade to which they are pertinent; must not exceed 100 sq. ft.</p> <p>Only the copy area of the canopy should be identified as sign area used for calculation purposes.</p> | <p>Canopy structure shall not extend into a public right of way or encroach over abutting property lines.</p> <p>Located no less than two feet from any vehicular parking space or maneuvering lane. A minimum underclearance of seven feet shall be maintained above the sidewalk.</p> <p>Whenever practicable, canopies shall match the established underclearance height and projection of canopies which exist on abutting parcels and/or businesses.</p> | <p>There shall not be more than 2 signs allowed for any one business establishment or composite of businesses under single ownership or control with frontage on a single public street or dedicated easement or three signs allowed for any one business or composite of businesses under single ownership or control with frontage on more than one public street or dedicated easement.</p> | <p>Installed in lieu of wall signs</p> |
| Monument Sign | | | |
| <p>Freestanding Signs: Maximum area: 50 sq. ft. (100 sq. ft. for planned shopping centers with a gross floor area of at least 50,000 sq. ft.)</p> <p>Monument Signs: May be increased by 20% of that allowed for freestanding signs on township business properties</p> | | <p>No development may have more than one; a freestanding sign may be approved in its place by the planning commission only when consistent with the intended use of the property and upon an affirmative finding of facts that monument signs will not provide adequate identification of the premises owing to restricted sight visibility^{1,2,3,4}</p> | |

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| Table 5.21.I | | | |
|--|---|--------|--------------------------------------|
| Regulations for Permitted Signs in the Nonresidential Districts | | | |
| Area and Dimensions | Placement | Number | Other |
| Window Signs | | | |
| Maximum area: 20% of the building face area to which they are a part and 50% of the window surface area to which they are attached | | | |
| 50% of the window surface area for windows providing interior views to passerby ⁵ | | | |
| Changeable Copy Signs | | | |
| Maximum area: 32 sq. ft.; changeable copy signs must not exceed 10% of total sign area | | | Allowed in the C-1 and C-2 districts |
| Sign advertising the use of the premises and the name of the establishment | | | |
| Maximum area: 20 sq. ft. | Mounted along the face of the building ⁶ or freestanding | One | Allowed in the M-3 district |
| Maximum height for freestanding signs: 20 ft | | | |

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5.22 Temporary signs

- A. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the township building official. In evaluating such a petition, the township building official shall consider the following standards:
 1. The size, character, and nature of the display or sign shall consider the proposed site of display for proper scale and relationship with the site and adjoining properties.
 2. The duration of the time period during which the display or sign will be utilized shall coincide with the purposes for which it was approved.
 3. The arrangements made for the removal of the sign or display after the termination of the event.
 4. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
 5. Whether or not the sign or display will constitute a traffic hazard.
- B. Temporary signs for up to four special events per year such as grand openings, fairs and festivals, and announcements of new products, service, or management shall be permitted subject to the following:
 1. Non illuminated portable signs shall be permitted subject to the following:
 - a. They do not exceed 40 square feet in area on any side.
 - b. They are not located closer than ten feet to a public right-of-way.
 - c. No portable sign shall exceed ten feet in height.
 - d. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - e. Only one portable sign per lot shall be permitted.
 2. Search lights, twirling signs, sandwich board signs, sidewalk or curb signs, or inflatable signs are permitted, provided they are located only in an office, business or industrial district, or a residential development site containing more than 20 acres.
 3. Banners, pennants, spinners, or streamers are permitted provided they are located only in an office, business, or industrial district.
 4. Special event signage shall be limited to not more than 14 days per event.
- C. Temporary construction signs identifying construction projects to occur or occurring, subject to the following:
 1. There shall not be more than one temporary on-site construction sign for each project or development, except that where a project or development abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted.
 2. Not more than two temporary off-site construction signs for each project or development are permitted.
 3. On-site temporary construction signs shall not exceed 64 square feet. Off-site temporary construction signs shall not exceed 24 square feet.
 4. Temporary construction signs may be located in any required yard but shall not extend over any lot line or within 15 feet of any point of vehicular access or public roadway.
 5. Temporary construction signs shall not project higher than 15 feet.

Section 5.22.C - E

6. Temporary construction signs shall be permitted only as accessory to an approved project or development. Temporary construction signs may be erected and maintained for not more than a six-month period and shall be removed within 14 days of the termination of construction of the project or development, except that the planning commission may at its discretion, upon application by the owner and for cause shown, provide extensions, each no longer than six months in duration.
 7. The site where off-site construction signs are installed shall not contain such signs which exceed a ratio of one off-site construction sign per acre of land. In addition, such signs shall be located not less than 100 feet apart from each other or from any other sign on the same premises or adjoining property.
- D. Political signs promoting political parties, candidates, or proposals shall be permitted within any zoning district for a maximum of 10 days after the election. Signs in residentially zoned areas shall not exceed 32 square feet in total for all signs so provided on each zoning lot.
- E. Real estate signs shall be permitted subject to the following:
1. In areas principally zoned for single-family residential use, there shall be not more than one sign not more than six square feet in area per parcel or lot (developed or undeveloped) and such sign shall not require a permit.
 2. In areas principally zoned for other than single-family residential use, there shall be not more than one sign not more than 32 square feet in area. The sign must be located on the property which is offered for sale, rent, or lease. The sign may be a wall or ground sign.
 3. Real estate signs shall be removed immediately after the property is sold, rented, or leased. Modifications of the sign by placing a “sold,” “rented,” or “leased” sticker or similar exhibit indicating the property is no longer for sale, rent, or lease is prohibited. For purposes of this section, a property shall be considered sold, rented, or leased when a purchase agreement or similar document which limits the availability of the property has been executed by all parties in interest.

5.23 Nonconforming signs

Any sign which was of record on the effective date of the ordinance from which this section is derived (September 19, 2001) that could not be established under the terms of this section may be continued so long as it remains otherwise lawful. Nonconforming signs, however, shall not:

- A. Be re-established after the activity, business, or use to which it relates has been discontinued for 90 days or longer.
- B. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign. This shall not preclude the general maintenance and repair of nonconforming signs to keep them in a safe condition and in good repair.
- C. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50 percent of the replacement cost as determined by the township building official. If a nonconforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted at that site for a period of 14 days, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, the owner of the property where the sign is located, or other party having control over such sign. In case of a violation of this section, the sign owner, the owner of the property, and any other party having control over such sign may be prosecuted.

5.24 Dry hydrant requirements

A dry hydrant constructed to National Fire Protection Association (NFPA) standards shall be installed on the subject site anytime there is a capability and legal right to draw water yearround at a rate of 250 gallons of water per minute.

5.25 Filling operations

It shall be unlawful for any person to use land for filling with materials of any kind without approval of the township board and subject to requirements as may be appropriate.

5.26 Excavation or holes

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

Section 5.27 - 5.29.A

5.27 Underground utilities

All public and private utilities distributed by wire or cable located on property proposed for development or material redevelopment shall be placed underground. This provision applies to distribution lines, as well as on-site leads and service lines. The conduits and cables for such lines shall be placed within private easements provided to the service provider by the developer, or placed within dedicated public rights-of-way. All facilities placed in dedicated public easements shall be planned so they do not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. Underground utility installations which traverse privately owned property shall be protected by easements granted by the proprietor.

5.28 Fire protection requirements

All applications, plans and specifications for any land use or uses requiring site plan review under [Section 6.1](#) shall be checked by the township fire chief and building inspector to ensure that the following requirements have been met:

- A. Size of water lines. Site must have sufficient size water line to building for efficient fire protection. No less than an eight-inch water line shall be provided.
- B. Location of hydrants. Location of hydrants in relation to driveways, streets, doors, windows, etc., must be indicated.
- C. Spacing of hydrants. Distance of hydrants apart shall not exceed 300 feet around a building complex. The water line shall be connected to another water line to form a loop if possible.

5.29 Noise

The purpose of noise control is to minimize the exposure of citizens to the physiological and psychological damages of excessive noise and to protect, promote, and preserve the public health, safety, and welfare and to control the level of noise in a manner which promotes the use, value, and enjoyment of property, sleep and repose, and the quality of the environment.

- A. Requirements.
 1. A person shall not cause, emit, or allow to be emitted, sound from any source or combination of sources, other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described in this section exceeds the sound level limits as set forth below, or other acts and noises which offend the public peace as described in [Section 5.29.D Other acts and noises](#).
 2. Except as provided below in [Section 5.29.A.3](#) for impulsive (peak) noise, a violation shall be deemed to exist only if the sound level measured with the sound source or combination of sources of interest in operation is at least four decibels greater than the sound level measured with the sound source or sources not in operation.
 3. A single noise event of one second or less which causes a high peak noise level that exceeds the maximum sound level as set forth below in ["Table 5.29.A.3"](#) shall be permitted.



| Table 5.29.A.3 | | | | |
|---|-------------------------------------|------------------|-------------------------------------|------------------|
| A-Weighted Sound Levels Limits in Decibels | | | | |
| Duration as a Fraction (Percent) of Any One-Hour Period | Districts | | | |
| | R-1, R-1-S, R-2, R-3, R-1-R, REC | | RO-1, C-1, M-2, C-2, E, M-1, M-3 | |
| | Night ¹ | Day ² | Night ¹ | Day ² |
| 50% or greater | 45 | 50 | 55 | 65 |
| More than 10% but less than 50% | 50 | 55 | 60 | 70 |
| 10% or less | 55 | 65 | 70 | 75 |
| Maximum, any duration | 65 | 75 | 80 | 80 |

¹ Night - after 10:00 p.m. until 7:00 a.m.
² Day - after 7:00 a.m. until 10:00 p.m.

B. Measurements.

1. Measurement of sound level shall be made at a height of four feet, plus or minus one-half foot, at a horizontal distance of five feet, plus or minus one-half foot, from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located.
2. The minimum measurement period for any measurements conducted under this section shall be one hour. Measurements shall be taken in time increments no exceeding five minutes.
3. During each measured time increment, observations shall be made of the meter reading each five seconds. The measured sound level shall be equal to the average of the observations so obtained.
4. Reported duration associated with the reported sound level is that amount of time encompassing all measurements taken to obtain the sound level.
5. All measurements shall be made using a sound level meter which meets the requirements of the American National Standards Institute (ANSI) S1.4-1961, "Specification for General Purpose Sound Level Meters," and which has been set for fast meter response and the A-weighted network.

- C. Exceptions. No exceptions to the nighttime limits specified for R-1-R, R-1, R-1-S, R-2, R-3, and RO-1 districts shall be made. Authorization to EXCEED the other limits by as much as 15 decibels may be granted by the Township Supervisor for temporary use of equipment not normally used in the applicable districts. Such authorization shall be granted only after a written application for an exception has been submitted to and approved by the township supervisor. Approval of the exception by the supervisor shall only be granted under one or more of the following conditions: the noise is caused by work of an urgent necessity undertaken in the interest of the public health, safety, and welfare, or in the performance of emergency work; the activity, operation, or noise source will be of a temporary nature and cannot otherwise be done in a manner that complies with the sound level limits of this ordinance; or, compliance with the requirements of this section from which exemption is sought would be impractical and produce serious hardship without equal or great benefit to the public. The period over which an exception may be granted shall be limited to 90 days.

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Section 5.29.D

- D. Other acts and noises. The following acts and noises shall also be considered to the public nuisance.
1. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.
 2. The creation of frequent, repetitive, or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.
 3. Yelling, shouting, hooting, whistling, or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.
 4. Frequent, repetitive, or continuous sound plainly audible within any dwelling unit which is located within the R-1, R-1-S, R-2, R-3, or R-1-R zoning districts, which sound is of such loudness as to unreasonably disturb the peace, comfort, and repose of the owners or possessors of such dwelling units living or residing therein, and which emanates from any source including without limitation from any device designed for sound production or reproduction or sound that emanates from an manufacturing, commercial, or industrial operation or from the use of any tools or equipment.
 5. The noisy operation of any automobile, truck, motorcycle, or other vehicle in such a non-emergency manner to cause the squealing of tires by the rapid and careless acceleration of a vehicle; the loud and continuous grinding, bumping, or grading noises from trucks or other commercial vehicles; the engine compression noise from the unmuffled or poorly muffled compressing braking of trucks; the sound from any motor vehicle audio sound system such as tape players, radios, and compact disc players at volumes so as to be audible greater than 50 feet from the vehicle itself; and, loud, excessive engine or exhaust noise from unmuffled vehicles operating with inadequate muffle systems to prevent unreasonable loud noises.
 6. Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.
 7. The playing or causing to be of any automatic or mechanical musical instrument for the attraction of customers played in front of any building where any show, moving picture exhibition, or theatrical performance is given or in the open vestibule or area of any building.
 8. The loud or frequent or habitual barking, yelping, or howling by any animal which makes noise continuously and/or incessantly for a period of ten minutes or makes such noise intermittently for 30 minutes or more to the disturbance of any person any time of the day or night, regardless of whether the animal is physically situated in or upon private property; provided, however, that at the time the animal is making such noise, no person is trespassing or threatening to trespass upon private property in or upon which the animal is situated, nor is there any other legitimate cause which justifiably provoked the animal.



Chapter 32 | Article 6

Development Procedures

Article 6 - Development Procedures

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6.1 Site plan review

Prior to erection of any building or structure in any zoning district in the township, other than single-family detached residences and accessory buildings, structures, and uses thereto, the following site plan review procedures shall be complied with:

- A. The owner or owners of subject property shall submit an application in 22 copies for site plan review to the planning commission accompanied by the following information, maps and plans as deemed necessary by the planning commission.
 1. A legal description of the property under consideration.
 2. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development.
 3. A fully dimensioned map of the land showing topographic information at a contour interval of two feet or less.
 4. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites and other significant features of the community where appropriate.
 5. A general development plan with at least the following details shown to scale and dimensioned:
 - a. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between building and lot lines, setback lines and approximate location of entrances and loading points.
 - b. The location and design of all lots to be subdivided and the approximate dimensions of all lot lines.
 - c. All streets, driveways, service aisles and parking areas, including general layout and design of parking lot spaces.
 - d. All pedestrian walks, malls and open areas for parks, recreation and light and air to be dedicated to the public or to be retained by an acceptable property owners' association.
 - e. Location and height of all fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping concept. (Refer to [Section 5.18 Landscaping](#).)
 - f. Architectural sketches, at an appropriate scale, showing building heights, elevations, and other features of the development.
 - g. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
 6. Preliminary site engineering plans as prepared by a registered engineer or architect indicating:
 - a. Existing grades, water runoff drainage uses, existing utilities and easements and all other existing, pertinent site features (site survey).
 - b. Method of servicing project with sanitary and water systems (lines, wells, septic, structures, public or private water or sanitary systems, general description and engineering plans).
 - c. Proposed general grading plan and all surface or physical improvements.
 - d. Proposed stormwater system including overland flow arrows, lines, structures, stormwater retention/detention areas, public or private storm sewers, existing and proposed drainage courses and general effects of proposed development in adjacent lands, drainage patterns or watercourses.
7. Other information as may be reasonably required by the planning commission to base an opinion of the proposed development.

Section 6.1.A - B

8. The planning commission may submit site plans to other local agencies or departments so that they might comment on any problems the plans might pose.
 9. All site plans shall be prepared by a state registered architect, civil engineer, land surveyor, or landscape architect, as may be appropriate. Each plan sheet so submitted shall contain the registration number and seal of the design professional in accordance with the laws of the state.
 10. A color perspective rendering of the principal building which illustrates the types of materials to be used and their colors, accompanied by samples of major building materials to be used.
- B. Preliminary site engineering plans shall be submitted with the plan application. The township engineer shall review the preliminary site engineering plans and submit comments and recommendations to the planning commission and township board during their review of any site plan application being considered by them. The planning commission shall first review the site plan application and provide its recommendations to deny it, approve it, or approve it with conditions, to the township board. Except for the administrative approval of a minor change to an approved site plan authorized under [Section 6.1.J](#), the township board shall have final authority to approve or disapprove the site plan application with any modifications or conditions. In reviewing a site plan application, the planning commission and township board shall consider the following standards:
1. The applicant is legally authorized to apply for site plan approval, and all required information has been provided.
 2. The proposed development is in compliance with the standards and requirements imposed by chapter 32 of the Code of Ordinances for the Charter Township of Milford (Zoning Ordinance), the policies of the Milford Community Master Plan, and other applicable township ordinances.
 3. The site plan meets the applicable standards of other governmental agencies having jurisdiction and necessary outside agency approvals have been obtained or are assured.
 4. The proposed site plan will be harmonious with, and not be harmful, injurious, or objectionable to existing and planned future uses in the immediate area.
 5. The proposed development will be coordinated with improvements serving the subject property and with other developments in the vicinity.
 6. The proposed development will preserve the integrity of natural resources as defined by [2.2 Definitions](#) (see [Natural resources](#)) to the maximum extent practicable. Grading or filling must not adversely affect the character of the property or surrounding lands.
 7. The movement of vehicular, bicycle, and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient and not adversely affect the flow of traffic on adjacent roads or create pedestrian-vehicle conflicts.
 8. Adequate ingress to and egress from the site and all buildings or group of buildings is provided for emergency vehicles, and has been approved by local public safety officials.
 9. Development phases are in a logical sequence so that any phase is not dependent upon a subsequent phase for access, utilities, drainage or erosion control.
 10. Placement and height of buildings, structures, and off-street parking areas preserve existing views to lakes, wetlands, woodlands, and other significant visual resources to the greatest extent practicable.
 11. The design of a building, its location on the site, and site layout adequately respond to site conditions and are appropriate for the size and shape of the lot or parcel.



12. Noise, vibration, odor, light, glare, noise and other external effects expected to be generated from the proposed use will not have a detrimental effect on neighboring property.
 13. All preliminary site engineering plans for water supply, sewage disposal or treatment, storm drainage, and site grading have been recommended for approval by the township engineer.
 14. The proposed development and related improvements are designed to protect land and water resources from pollution, including pollution of soils, groundwater, and water features.
 15. The location, height, and nature of walls and fences, and the nature and extent of new landscaping proposed for the site, will not hinder or discourage the proper development and use of adjacent land or impair the value thereof.
- C. The planning commission may recommend such changes or modifications in the site plan as are needed to achieve conformity to the standards as herein specified. Upon the finding by the planning commission that all of the standards herein specified have been met to its satisfaction, it shall recommend approval of the plan to the township board subject to the modifications it may impose. Any modifications of the site plan desired by the planning commission shall be so stated to the township board. Site plan approval may be granted by the township board contingent upon the revision of said site plan by the petitioner to the satisfaction of the township board. If any part of the site plan is in conflict with any section of this chapter in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must be obtained from the zoning board of appeals prior to final site plan approval by the township board or the site plan must be amended to meet all requirements of this chapter. Three copies of the final approved site plan, with its modifications, shall be on record in the township offices. Each copy shall have the signature of the planning commission chairman and the township supervisor. If variances have been granted, the site plan shall also show the signature of the chairman of the zoning board of appeals. The three copies shall be distributed, as follows:
1. One copy to the secretary of the planning commission.
 2. One copy to the township clerk.
 3. One copy to the township building department.
- D. After recommendation by the planning commission, the township board shall approve or disapprove the application with any additional modifications or conditions. If approval is granted by the township board, the following conditions shall apply:
1. In those instances in which platting is required by law, the owner shall thereafter submit preliminary and final plats for the proposed development for approval in compliance with Public Act No. 288 of 1967 (MCL 560.101 et seq.) as may be amended, and with all ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the planning commission and township board.
 2. Such plats shall be in strict conformity with the approved site plan, the conditions attached hereto, and the provisions of this chapter.

Section 6.1.E - I

- E. Any application for site plan approval and review of the site engineering plans shall be accompanied by a fee as may be determined by the township board. Such fee may be utilized by the township board to obtain the services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable township ordinances, policies and standards, and for investigation and report of any objectionable elements which are of concern to the planning commission. Such consultants should report to the planning commission as promptly, as possible. After the proposed development application has been approved or disapproved by the township board, the balance of the fee which is left shall be returned to the applicant.
- F. Any site plan approval may be revoked when the construction of the development is not in conformance with the approved plans, in which case, the township board shall give the applicant notice of intention to revoke such permit at least ten days prior to review of the permit by the township board. After conclusion of such review, the township board may revoke its approval of the development if the board feels that a violation in fact exists and has not been remedied prior to such hearing.
- G. For any approved site plan, a building permit must be obtained within 12 months of the date of site plan approval or else the site plan approval shall be deemed null and void without any further action by the township, unless an extension is requested by the petitioner in writing prior to the expiration date of the site plan approval. A request for an extension may be administratively approved for cause shown by the building official or, at his or her discretion, be forwarded for final consideration by the planning commission. The request for extension shall be reviewed in relationship to any change in chapter requirements, development of surrounding land uses and adjacent properties, and the extension or provision of public or private facilities and utilities (roads, sewers, etc.). A time extension shall not exceed one year.
- H. Location, height and type of fixture of all outdoor lighting. (Refer to [5.15 Lighting](#).)
- I. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to this activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning chapter received the mutual agreement of the landowner and the township board. The execution of a site maintenance agreement by the petitioner having such form and content as may be established by resolution of the township board, as may be amended, shall be a requirement of site plan approval to provide for the continued care and maintenance of the property and improvements thereto.



- J. Minor changes to an approved site plan may be approved by the building official without requiring a resubmittal to the planning commission and township board, as required by [Section 6.1.C](#), provided that the applicant or property owner notifies the building official of any proposed amendment to such approved site plan prior to making said change on the site and the building official determines the proposed revision does not alter the basic design, the standards of approval, any specified conditions of the approved site plan, nor require a variance from the zoning board of appeals. Where the modifications are not determined to be minor, then the site plan shall require resubmittal to the planning commission and township board as required for approval as a site plan amendment. For purposes of interpretation, the following shall be considered minor changes.
1. Interior remodeling not causing an exterior alteration to the building for the same use.
 2. Tree and plant material substitution and placement in accordance with the requirements of [5.18 Landscaping](#).
 3. The relocation of trash containers within the rear yard meeting the design requirements of [5.17 Trash containers](#).
 4. The placement of storage tanks intended for flammable liquid materials meeting the requirements of [5.27 Underground utilities](#).
 5. The placement of accessible parking spaces for the physically handicapped consistent with the shortest accessible route of travel design criteria of the Americans with Disabilities Act.
 6. Modification to landscaped islands meeting the intent of [Section 5.18.H](#).
 7. The substitution of “like” building materials meeting the requirements of [5.3 Building facade](#).
 8. The placement of signs meeting the requirements of the sign standards in [Article 5 - Site Standards](#).
 9. The substitution of hard surfacing pavement materials required by [5.3 Building facade](#).
 10. Roof-top architectural projections such as, but not necessarily limited to roof-top mechanical equipment screens, elevator penthouses, chimneys and ventilator shafts, meeting the requirements of [Section 3.22.B Permitted height](#).
 11. The substitution of fence materials meeting the requirements of [5.16 Fences, walls, and other protective barriers](#).
 12. The reconfiguration or relocation of outdoor storage areas meeting the requirements of [5.14 Outdoor storage and outdoor display](#).
 13. Improvements to site access and interior circulation meeting the requirements of [Section 6.1.B.2](#).
 14. The installation of bike paths or trailways open to the general public.
 15. The construction of accessory buildings not greater than 400 square feet in area meeting the requirements of [Section 5.7 Accessory buildings, structures, and swimming pools](#).
 16. Adjustments in building setbacks not greater than ten feet.
 17. The construction of vestibules for year-round use resulting from the enclosure of existing roofed areas covering not more than 150 square feet.
 18. Outdoor seating, eating, and smoking stations used principally for the benefit of employees not exceeding 400 square feet in area.
 19. Changes required or requested by public agencies deemed necessary for public safety.
 20. Adjustments to landscape lighting meeting the requirements of [5.15 Lighting](#).
 21. Situations similar to the above.

Section 6.2.A - F

6.2 Special land use approvals

The township board shall have the following specific powers and duties concerning special approval:

- A. **Purpose.** In hearing and deciding upon special approvals, the township board shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the township into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such special uses fall into two categories:
 1. Uses either municipally operated or operated by publicly regulated utilities or uses traditionally effected with a public interest; and
 2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. **Authorization.** The special approval of specific land uses and activities, as required under various sections, may be authorized by the township board provided that no application for special approval shall be acted upon by the township board until after a written report and recommendation is prepared and filed with the township board by the township planning commission, which report shall become a part of the record, and after a public hearing is held thereon by the township board.
- C. **Application.** An application for special approval for a land use shall be filed and processed in the manner prescribed in [6.1 Site plan review](#) and shall be in such form and accompanied by such information as shall be established from time to time by the township board. Any application for special approval shall be filed simultaneously with an application for site plan review for the subject use.
- D. **Notice of request for special approval.** Notice of a request for special approval of a land use shall be given as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- E. **Hearing.** At the initiative of the township board or upon the request of the applicant for special approval of a land use, or a property owner or occupant of a structure located within 1,000 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval, as provided in [Section 6.2.D Notice of request for special approval](#), shall be held before a decision on the special approval request which is based on discretionary grounds. If the applicant or the township board request a public hearing, only notification of the public hearing need be made. A decision on a special approval request which is based on discretionary grounds shall not be made unless notification of the request for special approval, or notification of a public hearing on a special approval request is given as required by this section.
- F. **Standards.** No special approval shall be granted by the township board unless the special use:
 1. Will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the township as a whole.
 2. Is necessary for the public convenience at that location.
 3. Is compatible with adjacent uses of land.
 4. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.



5. Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area.
 6. Will not cause injury to other property in the neighborhood in which it is to be located.
 7. Will consider the natural environment and help conserve natural resources and energy.
 8. Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for special approval uses.
 9. Is related to the valid exercise of the township's police power and purposes which are affected by the proposed use or activity.
- G. **Approval.** The township board may deny, approve or approve with conditions, requests for special approval of land use. The decision on a special approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- H. **Record.** The conditions imposed with respect to the special approval of a land use or activity shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the township board and the landowner. The township board shall maintain a record of changes granted in conditions.

6.3 Condominium projects

- A. **Application.** The following regulations shall apply to all condominium projects within the township.
- B. **Initial information.** Concurrently with notice required to be given the township pursuant to section 71 of Public Act No. 59 of 1978 (MCL 559.171 et seq.), a person intending to develop a condominium project shall provide the following information with respect to the project:
1. The name, address and telephone number of:
 - a. All persons with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
 2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 3. The acreage content of the land on which the condominium project will be developed.
 4. The purpose of the project (for example, residential, commercial, industrial, etc.).
 5. Approximate number of condominium units to be developed on the subject parcel.
 6. Whether or not a community water system is contemplated.
 7. Whether or not a community septic system is contemplated.
- C. **Information kept current.** The information shall be furnished to the zoning administrator and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to [7.5 Certificates of occupancy](#)

Section 6.3.D - G

- D. **Site plans for new projects.** Prior to recording of the master deed required by section 72 of Public Act No. 59 of 1978 (MCL 559.172 et seq.), a new condominium project shall undergo site plan review and approval pursuant to [6.1 Site plan review](#). In addition, the township shall require appropriate engineering plans and inspections prior to the issuance of any certificate of occupancy.
- E. Site plans for expandable or convertible projects. Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to [6.1 Site plan review](#).
- F. **Master deed, restrictive covenants and as-built survey to be furnished.** The condominium project developer or proprietor shall furnish the zoning administrator with the following: One copy of the recorded master deed, one copy of all restrictive covenants and two copies of an as-built survey. The as-built survey shall be reviewed by the township engineer for compliance with township ordinances. Fees for this review shall be established by resolution of the township board in addition to those required at [7.7 Fees](#).
- G. **Monuments required at site condominium projects.** All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this section.
1. Monuments shall be located in the ground and made according to the requirements in [Section 6.3.G.2](#), but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 2. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at all intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of reserve curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
 6. All required monuments shall be placed flush with the ground where practicable.
 7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
 8. The township board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the township clerk cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total. Such cash, certified check to be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- H. **Monuments required for all condominium projects.** All condominium projects shall be marked at their boundaries with monuments meeting the requirements of [Section 6.3.G.2.](#)
- I. **Compliance with law.** All condominium projects shall comply with federal and state statutes and local ordinances.
- J. **State and county approval.** The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the freshwater system for the proposed project and with regard to the wastewater disposal system for the proposed project.
- K. **Temporary occupancy.** The zoning administrator may allow occupancy of the condominium project before all improvements required by this chapter are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the township.
- L. **Streets.** All streets located within a condominium project shall be constructed in accordance with the standards and specifications of the county road commission for subdivisions comparable in use, frontage, etc., to the condominium project.
- M. **Copy of site plan.** After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the township a copy of the site plan on a Mylar sheet at least 13 by 16 inches with an image not to exceed 10½ inches by 14 inches.
- N. **Inspections.** Prior to issuance of a final certificate of occupancy by the township, the township engineer shall inspect all site improvements, including roads, water, sanitary and storm sewer facilities, grading and road signs, and determine compliance with all applicable township ordinances and requirements.

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

5. Site Standards

6. Development Procedures

7. Administration & Enforcement

[Intentionally Blank]



Chapter 32 | Article 7

Administrative & Enforcement

1. Purpose & Intent

2. Definitions

3. Zoning Districts

4. Use Standards

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6. Development
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7. Administration &
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Article 7 - Administration & Enforcement

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- 1. Purpose & Intent
- 2. Definitions
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- 6. Development Procedures
- 7. Administration & Enforcement



7.1 Administration and enforcement

Enforcement. The provisions of this chapter shall be administered and enforced by the zoning administrator or any other employees, inspectors and officials as the zoning administrator may delegate to enforce the provisions of this chapter.

7.2 Duties of the zoning administrator

- A. The zoning administrator shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this chapter. It shall be unlawful for the zoning administrator to approve any plans or any permits for any excavation, construction, moving or alteration, or use of land until he/she has inspected such plans in detail and found them in conformity with this chapter. To this end, the zoning administrator shall require every permit application to be accompanied by a written statement and plans or plats drawn to scale, in triplicate, in sufficient detail drawn to scale, to enable the zoning administrator to ascertain whether the proposed work or use is in conformance with this chapter. Except as provided in [7.4 Temporary land use permits](#), every application for a permit for excavation, construction, moving, alteration or change in type of use or the type of occupancy or construction of an accessory building or structure greater than two hundred (200) square feet shall show the following:
 1. The actual shape, location and dimensions of the lot.
 2. The shape, size and location of all primary and accessory buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
 3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 4. The signature of the fee holder owner of the premises concerned.
 5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- B. If the proposed excavation, construction, moving or alteration, or use of land, as set forth in the application, is in conformity with the provisions of this chapter, the zoning administrator shall issue a permit. If any application for such permit is not approved, the zoning administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter.
- C. The zoning administrator is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this chapter to any person making application to excavate, construct, remove, alter or use either buildings, structures or land within the township.
- D. The zoning administrator is under no circumstances permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his duties as zoning administrator.
- E. The zoning administrator shall not refuse to issue a permit when the conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of such permit.
- F. The zoning administrator shall record all nonconforming uses existing at the effective date of the ordinance from which this chapter is derived.

△ Ord. No. 156-A-225

Section 7.3 - 7.4.A

7.3 Permits

- A. The following shall apply in the issuance of any permit:
1. **Permits required.** It shall be unlawful for any person to commence excavation for, or construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building or construction of an accessory building or structure greater than two hundred (200) square feet in area, without first obtaining a permit from the zoning administrator. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter and with the state construction code.
 - a. No plumbing, electrical, drainage or other permit shall be issued until the zoning administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.
 - b. Alteration or repair of an existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes not involving any of the aforesaid provisions.
 2. **Permits for new use of land.** A permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
 3. **Permits for new use of buildings or structures.** A permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
 4. **Permits for accessory structures and buildings.** A permit shall also be obtained for construction or addition of any new accessory buildings or structures greater than two hundred (200) square feet in area. A permit is not required for structures less than two hundred (200) square feet. However, the building official may require a conceptual sketch or an exhibit indicating the location, shape, size, height and other standards to verify compliance with applicable ordinance standards.

Δ [Ord. No. 156-A-225](#)

7.4 Temporary land use permits

Except as provided below, the zoning administrator shall have the power to grant temporary use permits.

- A. **Permitted temporary uses.** Temporary use permits shall be restricted to the following uses:
1. Seasonal sales of produce, firewood, Christmas trees, and similar seasonal items; or,
 2. Uses which do not require the erection of any capital improvement of a structural nature (such as, but not necessarily limited to art fairs, carnivals, exhibitions, and civic festivals). In classifying uses not requiring capital improvement(s), the zoning administrator shall determine that any improvement consists of: demountable structures related to the use of land; recreational developments (such as, but not limited to, a golf driving range); or, structures which do not require a foundation or connection to a public utility.



- B. **Application and submittal requirements.** The application for a temporary use permit shall be signed by the owner of the property or their officially designated representative, and shall include the expected duration of the temporary use event. The application shall be accompanied by a plot plan, drawn to scale, showing the following:
1. The shape, location, and dimensions of the lot, including the shape, size, and location of buildings or other structures on the lot, off-street parking layout, and the designation of any designated fire lane;
 2. The location of all buildings intended to be occupied and structures to be erected or moved onto the lot, including all tents, tables, stands, display racks, trash receptacles, and portable toilets; and
 3. The anticipated automobile traffic flow pattern to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, and the anticipated flow of non-motorized traffic upon area sidewalks, paths or trails.
- C. **Time limitations.**
1. Except as provided below, a temporary use permit shall not exceed three consecutive months or three months within a single calendar year.
 2. Thirty-day extensions may be granted by the zoning administrator, for cause shown. Periods of extension granted by the zoning administrator shall be commensurate with the cause of action; however, no series of extensions shall exceed six months in total.
 3. A request to extend a temporary use time period shall be made in writing by the applicant not less than 30 days prior to the established expiration date, and contain specific reason(s) believed to justify the time extension.
 4. Each request for a time period extension shall constitute a new application.
 5. Time limitations for repeating annual events. The township board may issue a permit authorizing a temporary use activity in multiple, consecutive calendar years, subject to the following:
 - a. Such authorization shall be limited to repeating annual events occurring on the same property, such as, but not necessarily limited to, church fairs, arts and crafts festivals, sidewalk sales, and exhibitions;
 - b. The annual time period authorized shall not exceed 90 days; and
 - c. The original temporary use permit issued by the township board shall specify the number of calendar years which are governed by the terms of the permit. In no instance shall such approval exceed five consecutive years. The temporary use permit holder shall, however, be entitled to re-apply for the approval of a temporary use activity planned for multiple, consecutive years after the expiration of the originally approved permit. Such reapplication shall occur in accordance with the original application and submittal requirements.

Section 7.4.D

D. Approval requirements.

1. **Approval criteria.** In consideration of all temporary use permit requests, the zoning administrator (or the township board when a temporary use permit is being sought for a repeating annual event) shall consider the criteria of [Section 7.4.B Application and submittal requirements](#) and review each permit application individually as to its applicability to each of the following guidelines so that the proposed use of land:
 - a. Provides adequate light and ventilation between buildings and structures;
 - b. Assures safety and convenience of both vehicular and non-motorized traffic, both within the site and in relation to access streets;
 - c. Provides adequate lot access for public safety purposes;
 - d. Avoids uses, activities, process, materials, equipment, and conditions of operation that will be detrimental or hazardous to any persons, property, or the general welfare of the community;
 - e. Maintains land use compatibility. For purposes of this section, land use compatibility shall be defined as the characteristics of the temporary use such as, but not necessarily limited to, building height, scale, mass, color and bulk, that permit it to be located in harmony and without conflict with neighboring land uses located in the vicinity.
2. Special approval requirements for the temporary parking or storage of commercial motor vehicles and equipment in residential areas.
 - a. The temporary parking or storage of commercial vehicles or equipment having a gross vehicle weight of 10,000 pounds or more in residential areas may only be permitted for circumstances demonstrated to the satisfaction of the township board to be outside the ordinary control of the applicant. Such circumstances may include, but are not necessarily limited to, the following:
 - I. Unexpected delays in securing agency approvals and permits for permanent off-site construction or occupancy;
 - II. Systemic, underlying economic issues such as, but not necessarily limited to, prolonged recessionary periods.
 - b. The township board approval of the temporary parking or storage of commercial vehicles or equipment in residential areas is non-renewable. The township board may, however, approve the temporary parking or storage of commercial vehicles or equipment in residential areas beyond 30 days upon a finding that the applicant can fully comply with applicable local zoning requirements as a permanent permitted land use at the end of 90 days. The township board may request sufficient financial information as part of its deliberation in order to ensure the applicant has the capacity to operate as a permanent permitted land use within this time period.
3. **Public hearing.** Upon receipt of a temporary use permit application, the township board may hold a public hearing if it considers it necessary. Notice of such public hearing shall be given in a manner as required in [6.2 Special land use approvals](#).
4. **Conditions or limitations of approval.** The granting of a temporary use permit shall be provided in writing, stipulating all conditions or limitations which may be imposed as to time, nature of development permitted, and arrangements for removing the use at the expiration of such authorized temporary use period.



5. **Exceptions.** A temporary use permit shall not be required for temporary uses which are deemed by the zoning administrator to be accessory to, and customarily found in connection with, an existing legally established use of the property or for a use which is currently permitted by district regulations under local zoning. Such uses shall include, but not necessarily be limited to: fundraising events such as silent auctions, car washes, and baked-goods sales; special events such as back yard weddings, bridal/baby showers, corporate picnics, performing arts recitals and Special Olympic competitions; chamber of commerce events; and, acts of charity such as food drives, blood drives, health expositions (wellness screening), disaster relief, and environmental clean-up activities. Requests under this subsection shall be accompanied by a plot plan drawn to scale and containing the information required under [Section 7.4.B Application and submittal requirements](#).
6. **Fees.** The township board may, from time to time, prescribe and amend by resolution, a reasonable fee schedule to be charged to an applicant for the processing of the initial temporary use permit application or, for a permit renewal. The fee shall be paid at the time of application; however, financial relief may be requested by the applicant. The township board may grant a hardship waiver of fees, in full or in part, for cause shown.

7.5 Certificates of occupancy

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

- A. **Certificate of validity.** The certificate of occupancy, as required for new construction of, or renovations to existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this chapter.
- B. **Certificates for existing buildings.** Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing use of land if after inspection it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- C. **Temporary certificates.** Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than 30 days, nor more than five days after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the building or structure are in conformity with the provisions of this chapter.
- D. **Records of certificates.** A record of all certificates of occupancy shall be kept in the office of the zoning administrator, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- E. **Certificates for accessory buildings to dwellings.** Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

Section 7.5.F - 7.7

- F. **Application for certificates.** Certificates of occupancy shall be applied for in writing to the zoning administrator coincidentally with application for building permits and shall be issued within five days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within such five-day period.
- G. **Temporary trailer use.** The zoning administrator shall have the authority to issue an on-site temporary trailer use permit for a period of not longer than six months during the construction of the principal dwelling. Wherever and whenever such permit is issued, a cash deposit in an amount as set by resolution of the township board shall be paid by the petitioner, such amount to be sufficient to ensure the orderly removal of the trailer and site improvements, and also to guarantee that the trailer is of neat appearance when in use.

7.6 Final inspection

The recipient of any building permit, for the erection, construction, alteration, repair or moving of any building, structure or part thereof, shall notify the zoning administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

7.7 Fees

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this chapter shall be collected by the township clerk in advance of the issuance of such permits or certificates.



7.8 Amendments

The township board may, upon recommendation from the planning commission, revise, change, add, delete, or otherwise amend the text of the zoning ordinance, or change a zone classification or zoning district boundary to one or more properties upon the zoning districts map, pursuant to the authority granted by Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and according to the procedures set forth herein. Changes shall be based upon the criteria of [6.2 Special land use approvals](#) specified below, and serve to effectuate change which is consistent with the purposes of the Milford Community Master Plan.

- A. **Initiation of amendment.** Requests to amend the zoning ordinance text or change a zone classification or zoning district boundary to one or more properties upon the zoning districts map may be initiated by the township board, planning commission, or zoning administrator, or by petition from one or more residents or property owners of the township. Whenever a petitioner requests a change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map he/she shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his/her petition.
- B. **Application.** Amendment petitions shall be initiated by submission of a complete and accurate application to the township clerk using forms made available by the township. Any applicant seeking an amendment to a zone classification or zoning district boundary to one or more properties upon the zoning districts map shall, with his/her application for such amendment, deposit a sum established by resolution of the township board with the township clerk at the time the application is submitted to cover public hearing notice publication expenses, township processing and administrative fees, and any consulting fees associated with such a request. In the case of a proposed change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map, the following additional information shall accompany the application and fee:
 1. A legal description and street address of the subject property, together with a current boundary survey prepared by a professional land surveyor registered in the state containing the registration number and seal of the design professional, and a location map identifying the subject property in relation to surrounding properties.
 2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
 3. The existing and proposed zoning district designation of the subject property.
 4. A narrative response to the rezoning criteria of [Section 7.8.E Criteria for review](#) which must be met to gain approval to change a zone classification or zoning district boundary to one or more properties upon the zoning districts map.
 5. A concept development plan, drawn to scale and dimensioned, showing the location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories and dwelling units (if applicable), gross building areas, distances between building and lines, setback lines, the number and location of off-street parking areas, and the approximate location of entrances and loading points.

Section 7.8.C

- C. **Hearing and notice requirements.** Before submitting its recommendation to the township board concerning an amendment to the zoning ordinance text or change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map, the planning commission shall hold one public hearing.
1. Notice of the public hearing shall be given not less than 15 days before amendments to the regulation or the district boundaries of this chapter will be considered by the planning commission.
 2. Notices under this section shall: describe the nature of the amendment; indicate the property that may be subject of the request; state when and where the public hearing will be held; include the places and times at which the text and/or map amendment may be examined; and, indicate when and where written comments will be received concerning the request. In addition, if an individual property or ten or fewer adjacent properties are proposed for rezoning, the notice shall include a listing of all 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. Notice of the public hearing shall be published in a newspaper of general circulation in the township. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district or zone affected, and the manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
 4. Except for any group of adjacent properties numbering 11 or more, notice shall be personally delivered or delivered by mail or other public or private delivery service to the owner(s) of property that is subject of the request. Notice shall also be delivered to all persons to whom real property is assessed within 1,000 feet of the property that is subject of the request and to the occupants of all structures within 1,000 feet of the subject property regardless of whether the property or structure is located in the township. If the name of the occupant is unknown, the term “occupant” may be used in making notification.
 5. 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.
 6. A hearing notice provided under this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
 7. An applicant seeking a proposed change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map shall, within ten days of filing the application, post a notification sign. The sign shall not be less than 32 square feet in area. Its message shall consist of black letters on a white background. It shall be placed to be visible to passersby and contain the following information: “This Property Proposed to be Rezoned”; the existing and proposed zoning district designations; and, township contact information (department and telephone number) where additional information on the rezoning application may be obtained. The notification sign shall be removed within ten days after a final decision on the rezoning application has been reached by the township board.



D. Process.

1. Following its public hearing, the planning commission shall transmit to the township board: a summary of the comments it received at the public hearing; supporting materials applicable to its findings of fact; and its recommendation on the proposed amendment to the zoning ordinance text or proposed change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map.
2. The township board, after its receipt of the planning commission's information and recommendation from the planning commission, shall approve or deny the request to amend the zoning ordinance text or proposed change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map. The township board shall refer any proposed change to the zoning ordinance text or to the zoning districts map back to the planning commission for additional consideration and comment within a time specified by the board. The township board may also hold additional hearings it considers necessary. In such instances, the hearing notice shall be given in the same manner required in the original notification.
3. The township board shall grant a hearing on a proposed zoning ordinance text amendment or proposed change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map to an interested property owner who requests a hearing by certified mail, addressed to the township clerk. In such instances, a hearing notice need only be given to the interested property owner not less than 15 days before the date the request will be considered by the township board. The notice shall be personally delivered or delivered by mail or other public or private delivery service.
4. At a regular meeting or at a special meeting called for that purpose, the township board may adopt, by a majority vote of its members, a proposed change to a zoning ordinance text or to the zoning districts map. Except as may otherwise be provided under Section 402 of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), pertaining to protest petitions, an amendment shall take effect upon the expiration of seven days after publication or at such later date after publication as may be specified by the township board.
5. The amendment to the zoning ordinance text or to the zoning districts map shall be filed with the township clerk, and one notice of ordinance adoption shall be published in a newspaper of general circulation in the township within 15 days after adoption. The notice of ordinance adoption shall include either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment. The notice of ordinance adoption shall also include the effective date of the amendment, and the place and time where a copy of the amendment may be purchased or inspected. A copy of the notice of ordinance adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the township clerk for the purpose of receiving such notice.
6. Amendments to the zoning ordinance text or to the zoning districts map to conform to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the township board and the notice of the adopted amendment published without referring the amendment to the planning commission or to any other board or agency provided for under Public Act No. 110 of 2006 (MCL 125.3101 et set.). Such modified amendment and referral procedures shall be restricted to amendments required by court decree.

Section 7.8.D - E

7. There shall be a 12-month waiting period between a township board denial of a proposed change to a zone classification or zoning district boundary to one or more properties upon the zoning districts map and the submittal of an application seeking the same change, unless the zoning administrator determines that one or more of the following conditions has been met.
 - a. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application such as, but not necessarily limited to: the adoption of a new master plan; the installation of public utilities now capable of adequately serving the subject site; or, a substantive change to the land area of the subject site.
 - b. New or additional information is available that was not available at the time of the review.
 - c. The new application is materially different from the prior application.
- E. **Criteria for review.** In considering an amendment to a zone classification or zoning district boundary for one or more properties upon the zoning districts map, the planning commission shall consider not less than the following criteria in making its recommendation to the township board.
1. Appropriateness of the proposed district boundary change; that is, whether the proposed use could be better accommodated by amending the zoning ordinance text itself to allow the use as a permitted principal use or as a permitted use after special approval.
 2. Evidence of a changed condition. This evidence can be provided in terms of an evaluation of land use trends in the vicinity or through the submittal of a marketing study.
 3. Consistency with the adopted master plan. This includes the future land use plan map, any adopted sub-area development plan, as well as for consistency with the master plan narrative.
 4. Compatibility with the existing land use pattern. The planning commission should consider whether the uses in the proposed zone are equally, less or better suited to the area.
 5. Ability for the proposed use to be built on the subject site if it were rezoned, taking into consideration such issues as parcel size, environmental restrictions (i.e., soils, wetlands, floodplains) that would make the site unbuildable, or that the property cannot be used as presently zoned due to these limitations.
 6. Adequacy of existing public facilities or the ability of the petitioner to provide them.
 7. Availability of nearby sites that are already properly zoned that can be used for the intended purposes.
 8. Consistency with the established zoning pattern and that the proposed district boundary change does not represent spot zoning. For purposes of this chapter, spot zoning shall be defined as the assignment of a zoning classification different from the surrounding zoning classifications to a relatively small land parcel, intended to benefit a particular property owner, which is incompatible with the surrounding area and is also in violation of the community's master plan.
 9. Appropriateness of a lesser district classification; for example, the petitioner is requesting a C-2 district for purposes of establishing a beauty salon; however, a C-1 district would also permit the proposed use.
 10. The availability of other remedies authorized by this chapter that are better suited to the circumstances of the petition.



7.9 Conditional rezoning

It is recognized that there are certain instances where it would be in the best interests of the township, as well as advantageous to property owners seeking a change in zoning district boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of Public Act No. 110 of 2006 (MCL 125.3101 et seq.) by which an owner seeking a rezoning may voluntarily propose conditions or limitations on the use and/or development of land as part of the rezoning request. The following procedures shall apply to all conditional rezoning requests within the township.

A. Application and offer of conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The offer of conditions may not serve to obviate or supplant special approval use permit procedures. Any use or development proposed as part of an offer of conditions that would require a special approval use permit under the terms of this chapter may only be commenced if a special approval use permit for such use or development is ultimately granted by the township board in accordance with the provisions of this chapter.
5. The offer of conditions may not serve to obviate or supplant variance procedures. Any development proposed as part of an offer of conditions that would require a variance under the terms of this chapter may only be commenced if a variance for such development is ultimately granted by the zoning board of appeals in accordance with the provisions of this chapter. In no instance shall an offered condition which is subsequently approved by the township board be repealed by the actions of the zoning board of appeals.
6. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted by the township board in accordance with the provisions of this chapter.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of his offer of conditions any time prior to final rezoning action of the township board, provided that, if such withdrawal occurs after the planning commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.
8. The township may not consider an offer of conditions for property subject to a decree of a court of competent jurisdiction, unless such authorization is expressly permitted by such court decree.

Section 7.9.B - D

- B. **Planning commission review.** The planning commission, after a public hearing and in consideration of the factors for rezoning set forth in [Section 7.8.E Criteria for review](#), may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- C. **Township board review.** Following its public hearing, the planning commission shall transmit to the township board: a summary of the comments it received at the public hearing; supporting materials applicable to its findings of fact; its recommendation on the proposed change to a zone classification or zoning district boundary for one or more properties upon the zoning districts map; and, its recommendation of any offer of conditions to the township board. After receipt of the planning commission's information and recommendations, the township board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The township board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in [Section 7.8.E Criteria for review](#) of this section. If the township board considers amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the township board shall, as authorized by Section 401 of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), refer such amendments to the planning commission for a report thereon within a time specified by the township board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.
- D. **Approval and statement of conditions.** If the township board finds the rezoning request and offer of conditions acceptable and meeting the intent of this section, the offered conditions shall be incorporated into a formal written statement of conditions prepared by the applicant in a form acceptable to the township attorney and conforming to the provisions of this section.
1. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the township board to accomplish the requested rezoning.
 2. The statement of conditions shall be in a form recordable with the county register of deeds, or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the township board.
 3. The statement of conditions shall contain a legal description of the land to which it pertains.
 4. The statement of conditions shall contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 5. The statement of conditions shall incorporate by attachment or reference any diagram, plans or other approved documents that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 6. The statement of conditions shall contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the township with the county register of deeds.
 7. The statement of conditions shall contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.



- E. **Record of approval.**
1. Upon the rezoning taking effect, the official zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The township clerk shall maintain a listing of all lands rezoned with a statement of conditions.
 2. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the township with the county register of deeds. The township board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the township or to any subsequent owner of the land.
 3. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- F. **Compliance with conditions.**
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation in accordance with [7.15 Penalty for violation](#).
 2. No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
- G. **Time period for establishing development or use.** Unless another time period is specified in the ordinance rezoning the subject land, the approved construction and/or use of the land pursuant must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the township board if:
1. It is demonstrated to the township board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and,
 2. The township board finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. **Reversion of zoning.** If approved construction and/or use of the rezoned land does not occur within the timeframe specified under [Section 7.9.F Compliance with conditions](#) above, then the land shall revert to its former zoning classification as set forth in Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The reversion process shall be initiated by the township board requesting that the planning commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

Section 7.9.I - L

- I. **Subsequent rezoning of land.** When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to this section above or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the township clerk shall record with the county register of deeds a notice that the statement of conditions is no longer in effect.
- J. **Amendment of conditions.**
 - 1. During the time period for commencement of an approved development or use specified pursuant to [Section 7.9.I Subsequent rezoning of land](#) above, or during any extension thereof granted by the township board, the township shall not add to or alter the conditions in the statement of conditions.
 - 2. The statement of conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and statement of conditions.
- K. **Township right to rezone.** Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the township from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with Public Act No. 110 of 2006 (MCL 125.3101 et seq.) and the provisions of this section.
- L. **Failure to offer conditions.** The township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

7.10 Township planning commission

As previously designated by the township board in 1966 (PC-1), the township planning commission is hereby designated as the zoning board and shall perform the duties of such board as provided in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), in connection with the amendment of this chapter. The election, term and duties of the commission is as follows:

- A. The planning commission shall consist of nine members who shall be representative of major interests as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the township board shall be a member of the planning commission.
- B. All members of the planning commission shall be appointed by the township supervisor with the approval of township board. Members may be removed by the township supervisor, after a hearing, with the approval of the township board.
- C. The term of each member shall be for three years, except that of the members first appointed, one-third shall serve for one year, one-third for two years and one-third for three years. A successor shall be appointed not more than one month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.
- D. The planning commission shall elect a chairperson, a vice-chairperson and a secretary from its members, and may 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 term of all officers shall be for one year.
- E. The planning commission shall hold at least four regular meetings each year, and by resolution shall determine the time and place of such meetings. Special meetings may be called by two members upon written request to the secretary or by the chairperson. The secretary shall send written notice of any special meetings to all members at least 48 hours in advance of the meeting and comply with all provisions of the open meetings act (MCL 15.261 et seq.). All meetings shall be open to the public.
- F. The planning commission shall make recommendations to the township board on all amendments proposed for this chapter pursuant to amendatory procedures specified under Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- G. The planning commission may engage the service of a township planning expert for zoning studies with the consent of the township board, with compensation paid from appropriations made by the township board, pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- H. The planning commission shall make use of such information and counsel which may be furnished by appropriate public officials, departments or agencies, and all public officials, departments and agencies having information, maps and data pertinent to township zoning are hereby directed to make the same available for the use of the planning commission pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.).
- I. The planning commission shall review and recommend to the township board desirable course of action to take concerning proposed special approval of specified land uses, [subsection 6.2](#); and site plan reviews, [subsection 6.1](#).

Section 7.10.J - 7.11>A

- J. The planning commission may establish the amount and type of performance guarantees pursuant to authorization in [subsection 7.12](#) in those instances where requested by the township board or board of appeals.
- K. The planning commission, in addition to preparing and adopting long range use plans for the township shall have the responsibility as may be delegated by the township board to review any other planning, zoning or development issue and report its findings and conclusions to the township board.

7.11 Zoning board of appeals

- A. **Creation.** There is hereby established a board of appeals, which shall perform its duties and exercise its powers, as provided by Public Act No. 110 of 2006 (MCL 125.3101 et seq.), in such a way that the objectives of this chapter shall be observed, public safety, morals and general welfare ensured and substantial justice done. The board of appeals shall consist of seven members, as follows:
 1. The township board shall appoint members of the board of appeals, pursuant to section 601 of Public Act No. 110 of 2006 (MCL 125.3601).
 - a. The first member shall be a member of the township planning commission.
 - b. The second member shall be a member of the township board who may not be the chairperson of the board of appeals.
 - c. The remaining members shall be electors of the township selected and appointed by the township board from among the electors, residing in the unincorporated area of the township, who shall be representative of the population distribution and of the various interests present in the township. No employee or contractor, of the township board, may serve simultaneously as a member or employee of the board of appeals.
 2. A member of the zoning board of appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
 3. Terms of members of the board of appeals shall be for three years, except for members serving because of their membership on the planning commission or township board, whose terms shall be limited to the time they are members of the township planning commission or township board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
 4. The board of appeals shall elect a chairperson, a vice-chairperson and a secretary from its members and may create and fill such other offices or committees as it may deem advisable. The board of appeals may appoint advisory committees outside of its membership. The terms of all officers shall be for one year.



- B. **Meetings.** All special meetings of the board of appeals shall be held at the call of the chairperson, and regular meetings at such times as the township board may determine. All meetings of the board of appeals shall be open to the public. The board of appeals shall keep minutes of its proceedings, showing the vote of each member on each question; or if absent or failing to vote, indicating such fact, and shall keep records of its finding, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the township clerk and shall be a public record.
- C. **Appeals**
1. An appeal may be taken to the board of appeals by any person affected by a decision of the zoning administrator. Such appeals shall be taken within such time as shall be prescribed by the township board by resolution by filing with the zoning administrator and with the board of appeals, a notice of appeal, specifying the grounds thereof and the payment of a fee established by the township board.
 2. The zoning administrator shall forthwith transmit to the board of appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the circuit court on application, on notice to the zoning administrator and on due cause shown.
 3. The power or authority to alter or change this chapter or zoning map is reserved to the township board, as is provided by law.
 4. The board of appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
- D. **Notice of hearing.** Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice shall be given as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

Section 7.11.E

- E. **Powers concerning administrative review and variances.** The board of appeals is a body of limited powers. The board of appeals shall have the following specific powers and duties:
1. **Purpose.** To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by township officials in the enforcement of this chapter, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter so that the spirit of this chapter shall be observed, public health and safety secured, and substantial justice done.
 2. **Authorization.** In hearing and deciding appeals, the board of appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this chapter, so that public health, safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, accompanying this chapter, where street layout actually on the grounds varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the board of appeals shall interpret the zoning map after recommendation from the planning commission.
 - b. Permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the board of appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.
 - c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the planning commission.
 - d. Permit such modification of the height, lot area, yard setbacks, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the board of appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.
 3. **Conditions.** The board of appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the zoning administrator from whom the appeal is taken.



- F. **Standards.** In consideration of all appeals for variances, the zoning board of appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:
1. Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
 2. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.
 3. Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibrations, smoke or lights.
 4. Will be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.
 6. Is necessary for the public convenience at that location.
 7. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
 8. Will not cause injury to the value of other property in the neighborhood in which it is located.
- G. **Board of appeals approval.** The board of appeals may require the appellant to submit all necessary surveys, plans or other information necessary for the board of appeals to investigate thoroughly the matter before it. The board of appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this chapter.
- H. **Approval periods.**
1. No order of the board of appeals permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
 2. No order of the board of appeals permitting a use of a building or premises shall be valid for a period longer than six months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

Section 7.11.I

I. Circuit court appeal.

1. The decision of the board of appeals shall be final. However, a person having an interest affected by this chapter may appeal to the circuit court. Upon appeal, the court shall review the record and decision of the board of appeals to ensure that the decision:
 - a. Complies with the constitution and laws of the state.
 - b. Is based upon proper procedure.
 - c. Is supported by competent material and substantial evidence on the record.
 - d. Represents the reasonable exercise of discretion granted by law to the board of appeals.
2. If the court finds the record of the board of appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the board of appeals, the court shall order further proceedings before the board of appeals on conditions which the court considers proper. The board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decisions shall be filed with the court.
3. As a result of the review required by this section, the court may affirm, reverse or modify the decision of the board of appeals.
4. An appeal under this section shall be filed within 30 days after the zoning board of appeals certifies its decision in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

7.12 Performance guarantee

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

7.13 Fee schedule

The township board may, from time to time, set by resolution all fees called for in the zoning chapter and may by resolution, establish amounts to be reimbursed to the township for costs incurred in the implementation of any process set forth herein.

Section 7.14.A

7.14 Nonconformance

- A. **Intent;** discourage continuance; prohibit expansion.
1. Within the districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use which were lawful prior to March 23, 1971. It is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
 2. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after March 23, 1971, by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, the nature of which would be prohibited in the district involved.
 3. Any property, lot, or structure which is rendered nonconforming by the action of a public agency in opening, closing, widening, paving or improvement of any public street shall, absent any other reason of nonconformity, be exempt from the provisions of this article.
- B. **Certificate of occupancy.**
1. At any time after March 23, 1971, should the township become aware of a nonconforming use, the owner of such nonconforming use shall be notified by the zoning administrator of the provisions of this article that his property constitutes a nonconforming use.
 - a. Within 30 days after confirmed receipt of such notice, the owner shall apply for and be issued a certificate of occupancy for the nonconforming use. The application of such certificate shall designate the location, nature and extent of the nonconforming use and such other details as may be necessary for the issuance of the certificate of occupancy.
 - a. If the owner of a nonconforming use fails to apply for a certificate of occupancy within 30 days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this article. The zoning administrator and the township attorney shall take appropriate action to enjoin such violation.
 2. If the zoning administrator shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law or if he finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the state construction code or this article in effect at the time of construction or alteration, he shall not issue the certificate of occupancy but shall declare such use to be in violation of this article.



3. The certificate of occupancy issued by the zoning administrator for nonconforming use shall state the use may be continued for a period of 12 months. The certificate of occupancy may be renewed.
 4. After March 23, 1971, or the date of adoption of any amendments to this article, the building inspector shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the township clerk.
- C. **Nonconforming structures.** Where a lawful structure exists on March 23, 1971, that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 2. Should such nonconforming structure or nonconforming portions of structure be destroyed by any means to an extent of more than 50 percent of its state equalized valuation at time of destruction, exclusive of the foundation, at the time such damage occurred, it shall not be reconstructed except in conformity with the provisions of this article. Notwithstanding anything heretofore required, this regulation does not apply to single-family residential structures on parcels of record located in an R-1-R, R-1-S or R-1 district, provided such building, rebuilding or reconstruction meets all other requirements of the R-1-R, R-1-S or R-1 districts, whichever is applicable, as regards lot coverage, height, yards and other dimensional requirements.
 3. Should such structure be moved for any reason whatever, it shall hereafter conform to the regulations for the district in which it is located after it is moved.
- D. **Nonconforming uses of land.**
1. Where, on March 23, 1971, lawful use of land exists which would not be permitted by the regulations imposed by this article, and where such use involves no individual structure with a state equalized valuation exceeding \$500.00, the use may be continued so long as it remains otherwise lawful, provided:
 - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on March 23, 1971, or the effective date of amendment of the chapter.
 - b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on March 23, 1971, or the effective date of amendment of this chapter.
 - c. If any such nonconforming use of land ceases for any reason for a period of more than six months any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
 - d. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

Section 7.14.D - E

2. The purpose of this section is to prohibit the expansion of a nonconforming use; however, for purposes of this section, an expansion or extension of a legal nonconforming use resulting from the natural expansion and growth of trade shall be permitted. Such determination shall be made by the board of appeals in consideration of the following criteria:
 - a. The proposed expansion or extension reflects the nature and purpose of the original legal nonconforming use.
 - b. The proposed expansion or extension does not constitute a use different in character, function, or kind.
 - c. The proposed expansion or extension does not have a substantially different effect upon the neighborhood.
 - d. The proposed expansion or extension is the minimum necessary to respond to current market conditions.
 3. Notwithstanding the above enumerated provisions of [Section 7.14.D Nonconforming uses of land](#), certain nonconforming uses may be entitled to the status of preferred class of nonconforming use. The structure housing a use obtaining such preferred status may be enlarged or altered provided such enlargement or alteration is subsequently presented in a site plan and approved in accordance with the submittal and processing requirements of [6.1 Site plan review](#).
 4. The property owner shall first seek approval as a preferred class of nonconforming use by the board of appeals. Such status shall be granted provided all of the following criteria are satisfied:
 - a. The use does not adversely affect the public health, safety, and welfare.
 - b. The use does not adversely affect the purposes of the district in which it is located.
 - c. No useful purpose would be served by the strict application of the provisions or requirements of the chapter with which the use does not conform.
 5. A nonresidential use in a residential district shall not be eligible for preferred status designation.
- E. Use of structures.**
1. If lawful use involving individual structures with a state equalized valuation of \$500.00 or more or of structure and premises in combination exists on March 23, 1971, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use on March 23, 1971, or at the time of amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that approval is secured from the board of appeals and that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.



- d. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located. A nonconforming use of a structure, or structure and premises in combination shall be considered abandoned:
 - I. When the intention of the owner to discontinue the use is apparent by lack of property maintenance and upkeep;
 - II. When the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment and furnishings; or
 - III. When it has been replaced by a conforming use.
 - e. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purpose of this section, is defined as damaged to an extent of more than 50 percent of its state equalized valuation exclusive of the foundation, at the time such destruction occurred.
- F. **Repairs and maintenance.**
- 1. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 40 percent of the current state equalized valuation of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.
 - 2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the zoning administrator to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulation of the district in which it is located.
 - 3. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the zoning administrator.
- G. **Buildings damaged by fire, etc.** Except as provided in [Section 7.14.C Nonconforming structures](#), for certain single-family residential structures, any nonconforming use or nonconforming building which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of 50 percent of its state equalized valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this chapter. Where such destruction or damage has occurred, removal of the nonconforming use of a building also shall eliminate the nonconforming use status of the land on which such building is located. If such damage is less than 50 percent of its state equalized valuation before such damage occurred, exclusive of the foundation, then such structure may be restored to the same nonconforming use or nonconforming building as existed before such damage, provided that such restoration shall be subject to the approval of the board of appeals. Such restoration shall be commenced within one year of the date of such partial destruction and shall be diligently carried on to completion.

Section 7.14.H - 7.15

- H. **Change of tenancy or ownership.** There may be a change in tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.

7.15 Penalty for violation

- A. Any person who shall violate any of the provisions of this chapter, or who fails to comply with any of the regulatory measures or conditions of the board of appeals, or the township board, adopted pursuant thereto, is responsible for a municipal civil infraction, subject to payment of a civil fine as specified in section 1-17 of this Code, plus costs and other sanctions, for each infraction. Each day such violation continues shall be deemed a separate offense.
- B. Repeat offenses shall be subject to increased fines as provided by section 1-17 of this Code. The imposition of any fine shall not exempt the offender from compliance with the requirements of this chapter.
- C. Uses of land, and dwellings, buildings, or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed or converted in violation of any provisions of this chapter are hereby declared to be a nuisance per se. The court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home or land may be adjudged guilty of maintaining a nuisance per se.

- 1. Purpose & Intent
- 2. Definitions
- 3. Zoning Districts
- 4. Use Standards
- 5. Site Standards
- 6. Development Procedures
- 7. Administration & Enforcement



Chapter 76 | Appendix A

Schedule of Amendments

Appendix A - Schedule of Amendments

Ord. No. 156-A-210

Adopted August 21, 2021

| Section No. | Description |
|------------------------------|--|
| Section 3.14 | M-1 and M-2 district standards, subsection D (amended) |

Ord. No. 156-A-211

Adopted August 18, 2021, Effective August 25, 2021

| Section No. | Description |
|------------------------------|--|
| Section 5.13 | Outdoor vehicle storage in residential districts (amended) |

Ord. No. 156-A-212

Adopted August 18, 2021, Effective August 25, 2021

| Section No. | Description |
|-----------------------------|--|
| Section 2.2 | Definitions, Lot lines* – “Front lot line” and “Side lot line” (amended) |

Ord. No. 156-A-213

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|------------------------------|---|
| Section 3.1 | 3.1.12 M-2 General Industrial , A. Purpose (amended) |
| Section 3.1 | 3.1.12 M-2 General Industrial , B. Permitted uses (amended) |
| Section 3.14 | M-1 and M-2 district standards, subsection C.7 . Open/Outdoor storage (amended) |
| Section 5.14 | Outdoor storage and outdoor display (amended) |

Ord. No. 156-A-214

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|------------------------------|---|
| Section 3.14 | M-1 and M-2 district standards, subsection C.7 . Open/Outdoor storage (amended) |

Ord. No. 156-A-215

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|-----------------------------|--|
| Section 2.2 | Definitions, Principal use (added) |

Ord. No. 156-A-216

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|------------------------------|--|
| Section 4.45 | Unlisted use determination (new section) |

Ord. No. 156-A-217

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|-----------------------------|--|
| Section 3.1 | 3.1.11 M-1 Light Industrial , B. Permitted Uses, subsection re: other uses of a similar and no more objectionable character (repealed) |

Ord. No. 156-A-218

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|-----------------------------|--|
| Section 3.1 | 3.1.11 M-1 Light Industrial , B. Permitted Uses, subsection re: other uses of a similar and no more objectionable character (repealed) |

Ord. No. 156-A-219

Adopted November 17, 2021, Effective November 24, 2021

| Section No. | Description |
|------------------|-------------------------------|
| Entire ordinance | Amended to Clearzoning format |

Ord. No. 156-A-222

Adopted September 21, 2022, Effective September 28, 2022

| Section No. | Description |
|-----------------------------|---|
| Section 3.1 | 3.1.1 R-1-R Rural Residential , B. Permitted Uses, 14. Keeping and raising of horses, cattle, fowl, rabbits or other small animals §4.5 |

Ord. No. 156-A-223

Adopted November 17, 2021, Effective December 1, 2021

| Section No. | Description |
|-----------------------------|---|
| Section 4.5 | Keeping and raising of horses, cattle, fowl, rabbits or other small animals (amended) |

Ord. No. 156-A-224

Adopted December 21, 2022, Effective January 4, 2023

| Section No. | Description |
|-----------------------------|---|
| Section 5.7 | Accessory building, structures, and swimming pools in residential districts (amended) |

Ord. No. 156-A-225

Adopted December 21, 2022, Effective January 4, 2023

| Section No. | Description |
|-----------------------------|--|
| Section 7.2 | Duties of the zoning administrator (amended) |
| Section 7.3 | Permits (amended) |

Ord. No. 156-A-226

Adopted December 21, 2022, Effective January 4, 2023

| Section No. | Description |
|------------------------------|----------------------------|
| Section 5.17 | Trash containers (amended) |

Appendix A - Schedule of Amendments

Ord. No. 156-A-227

Adopted December 21, 2022, Effective January 4, 2023

| Section No. | Description |
|-----------------------------|---|
| Section 2.2 | Definitions, Accessory building and Accessory structure (amended) |
| Section 2.2 | Definitions, "Building, Accessory" (repealed) |

Ord. No. 156-A-228

Adopted December 21, 2022, Effective January 4, 2023

| Section No. | Description |
|------------------------------|--|
| Section 5.13 | Outdoor vehicle storage in residential districts (amended) |





