

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. CZ17-02

An Ordinance to amend the Zoning Ordinance, Chapter 26 of the Charter Township of West Bloomfield Code of Ordinance, Table of Contents with Sections, How to Use this Ordinance, Article 2 Definitions, Article 3 Zoning Districts, Table of Contents, Section 3.1.1, Section 3.1.2, Section 3.1.3, Section 3.6.1, Section 3.9, Section 3.10, Section 3.11; Article 4 Use Standards, Table of Contents Section 4.1, Section 4.2, Section 4.23, Section 4.47; Article 5, Site Standards, Table of Contents, Section 5.1, Section 5.5, Section 5.13, Section 5.17, Section 5.18, Section 5.19, Section 5.20, and Section 5.21; and Article 7, Administration, Appeals, and Enforcement, Section 7.16.3 to add and modify language related to Accessory Use and Accessory Buildings and Structures

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

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Section 2 of Ordinance

Chapter 26, How to Use this Ordinance, 3. Use Matrices, is hereby amended to read as follows:

3. USE MATRICES

Below is a reference table that summarizes the uses listed in the Ordinance. Uses are listed in Section 3.2, which should be consulted as certain conditions may apply. If there are any conflicts between this table and the uses listed in Section 3, the latter will control.

RESIDENTIAL DISTRICTS	R-10	R-12.5	R-15	RM
Apartment building				P
Bed and breakfast establishment	S	S	S	
Cemetery	S	S	S	
Child care center	S	S	S	
Community recreation center, community building, or social club (serving the nearby neighborhood)	S	S	S	
Elementary school, public or private/parochial (nonprofit)	P	P	P	P
Family daycare home	P	P	P	P
Farm	P	P	P	P
Fire station	S	S	S	
Group daycare home	P	P	P	P
Intermediate schools, public or private/parochial (nonprofit)	S	S	S	
Library, public	S	S	S	
Multiple dwelling building				P
Municipal office building	S	S	S	
Non-motorized pathways or trails	P	P	P	P
Nursing or convalescence home	S	S	S	S
Park or parkway, public	S	S	S	
Park, private or similar private recreation area	S	S	S	
Place of Worship	S	S	S	
Police station	S	S	S	
Public utility facility serving the immediate vicinity	S	S	S	
Recreational facility (public)	S	S	S	
Senior assisted living	S	S	S	S
Senior housing	S	S	S	S
Single-family detached dwelling	P	P	P	P
Stables, public	S	S	S	
Swimming pool club (private)	S	S	S	
Two-family dwellings/duplexes				P

P = Principal Use Permitted S= Special Land Use

COMMERCIAL DISTRICTS	B-1	B-2	B-3	B-4
Accessory alcoholic liquor licenses, establishments with	S	P	P	P
Accessory building or use ancillary to principal permitted use	P	P	P/S	P
Accessory massage therapy establishments	P	P	P	P
Auto wash			S	
Automobile service station			P	
Automobile service station (no repair work done on-site)	S	S	P	
Automobile service station (including repair work)				S
Automotive service garage (without overnight storage of cars)				S
Bank, credit union, saving and loan, financial office building				P
Bowling alley, dance hall, gymnasium, or other recreation/entertainment facility			P	S
Bus passenger station			S	P
Business school (for profit)			P	
Car wash establishment (enclosed)				S
Clinic			P	
Coin-operated amusement business			P	
Delicatessen or other business selling prepared food for carry-out (without drive-in or drive-thru)				P
Drive-in business			S	
Fortune telling for payment			P	
Funeral home	S	P	P	S
Governmental office or use			P	P
Massage therapy establishments	S	S	S	S
Motel			S	S
Neighborhood service establishment (shoe repair, tailor shop, beauty parlor, barber shop, etc)	P	P	P	
New car sales office or showroom (enclosed)			P	
New or used car sales or showroom (enclosed)				S
Non-motorized pathways or trails	P	P	P	P
Office building (executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales)				P
Open-air business or use			P	S
Outdoor sales (cars, homes, campers, utility trailers)			S	
Parking and loading, required off-street				P
Pawnshops			S	
Personal service establishments	P			
Physical culture or health service facility				P

Place of Worship	S	P	P	P
Pool and billiard halls			S	
Private club or lodge	S	P	P	S
Private school (for-profit)			P	
Professional office (doctor, dentist, chiropractor, osteopath, lawyer)	P	P	P	
Publicly-owned building, transformer station, exchange, substation and public utility office (not including storage yards)	S	S	P	

P = Principal Use Permitted S = Special Land Use

COMMERCIAL DISTRICTS	B-1	B-2	B-3	B-4
Public utility building or structure (without storage yard or water/sewage pumping station)	S	S	P	S
Restaurant, carry-out	P	P	P	P
Restaurant, drive-in			S	S
Restaurant, drive-through				S
Restaurant, standard	P	P	P	P
Restaurants with outdoor seating			P	
Retail business (general)		P	P	P
Retail business, neighborhood-oriented (groceries, meats, dairy, drugs, hardware, etc.)	P	P	P	
Second hand dealers			S	
Service establishment (general)		P		P
Sexually oriented business			P	
Signs				P
Smoking lounges			S	
Studio, radio or television				P
Tattoo and body art facilities			S	
Theater, assembly hall, concert hall, and similar place of assembly		P		P
Tobacco retail store			S	
Tobacco retail specialty store			S	
Trucking facility				
Veterinary clinic (enclosed)			P	S

P = Principal Use Permitted S = Special Land Use

OFFICE AND INDUSTRIAL DISTRICTS	O-1	O-2	OR-1	OR-2	R-0	I-L	I-OP
Accessory alcoholic liquor licenses, establishments with			P	P			P
Accessory building or use ancillary to principal permitted use	P	P	P	P	P	P	P

Accessory massage therapy establishments	P	P	P	P	P		
Animal shelter, registered							P
Automobile repair garage						P	
Bank, credit union, saving and loan, financial office building		S	P				
Blueprinting, photostating, photoengraving, printing, publishing, and bookbinding							P
Bowling alley, dance hall, gymnasium, or other recreation/entertainment facility				S			
Building material sales and storage						P	
Business school (for profit)				P			
Clinic					P		
Club (not carried on as a business)			P				
Drive-up window for full-service restaurant							S
Fortune telling for payment							P
Funeral home		S	P	P	P		
Hospital (general)					P		
Laboratory						P	
Light manufacturing, research, assembly, testing, and repair							P
Manufacturing, compounding, processing, packaging, and treatment of products and/or merchandise						P	
Massage therapy establishments			S	S			
Medical laboratory				P			
Medical office, including clinic	P	P	P	P	P		
Motel				P			
New car sales office or showroom (enclosed)				S			
Non-motorized pathways or trails	P	P	P	P	P	P	P
Office building (executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales)	P	P	P	P	P		P
Pet boarding facilities							P
Place of Worship		S	P	S			
Power generation plant						P	
Private club or lodge		S		P			
Private school (for-profit)				P			
Professional entertainment establishment				S			
Professional office (doctor, dentist, chiropractor, osteopath, lawyer)				P			
Publicly-owned building, transformer station, exchange, substation and public utility office (not including storage yards)	P	P	P		P		

P = Principal Use Permitted

S = Special Land Use

Section 3 of Ordinance

Chapter 26, Article 2 Definitions, Section 2.1, hereby amends the following definitions. All other definitions remain the same:

Accessory building or structure means a building or structure subordinate to a primary building/structure.

Deck is an open (attached or detached) constructed platform generally used for outdoor gathering.

Landscape Wall means a wall thirty (30) inches or less in height installed for the purpose of defining landscaped areas.

Pool (private), means a pool and the apparatus and equipment pertaining to the pool maintained by an individual for the sole use of his/her household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

- A. In-ground pool – a pool constructed primarily under the ground that does not project more than thirty (30) inches above grade.
- B. Above-ground pool – a pool constructed primarily above the ground that projects more than thirty (30) inches above grade for more than fifty (50) percent of the perimeter of the pool wall.
- C. Infinity/zero edge pool – a pool that is constructed primarily under the ground with less than fifty (50) percent of the perimeter pool wall exposed.

Private Athletic Court means a permanent basketball court, tennis court, volleyball court, or other sport court/facility. Temporary basketball hoops or temporary volleyball nets are not considered private athletic courts.

Residential Entry Feature means an accessory structure consisting of wall(s), gate(s), or other structure(s) that is intended to serve as a decorative entry marker for an individual lot or parcel.

Retaining Wall means a wall in excess of thirty (30) inches built to retain a mass of earth, boulders, etc. and designed to resist lateral soil loads and surcharge loads.

Sign means any use of words, numbers, figures, devices, designs or trademarks visible to the general public.

1. Accessory sign means a sign which is directly related to the principal use of the premises, such as the name and nature of the use and which does not advertise products or goods sold or produced on the premises.
2. Awning or Canopy sign means either 1) a sign that is printed or painted on the drip edge of a straight shed awning above a business door or window; or 2) an awning sign is comprised of individual letters that are attached to the top front edge of a flat awning or canopy above a business door or window.
3. Business frontage means the portion of a building operating under single ownership or single tenancy that faces or is visible from the front lot line or an exterior side (street-

facing) lot line. For a multi-tenant building, the portion of the building facing the front lot line or exterior lot line that is dedicated to a tenant is the business frontage. The primary business frontage is one that contains a customer/visitor entrance measured at the ground floor in a straight line. If a building has more than one (1) business frontage with a customer/visitor entrance, the property owner must designate one (1) of them as the primary business frontage; in this case, the other street-facing frontage is the secondary business frontage.”

4. Community special event sign means temporary signs and banners, including decorations and displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, non-profit, or school activities and events.
5. Construction sign means a temporary ground sign that may be displayed throughout the active construction period that identifies the project name, owner, architect, engineer, general contractor, and/ or sub-contractor names, with phone numbers and addresses.
6. Festoon signs mean a sign consisting of strings of exposed incandescent light bulbs or strings of pennants hung overhead to draw attention to items on display.
7. Hanging sign means a sign that is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy.
8. Identification sign means a sign which identifies by number an individual building or parcel, not to exceed two (2) square feet.
9. Incidental sign means a temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to entrance and exit signs, building numbers, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs.
10. Information sign means those signs which have the sole function of providing information and direction, and are not larger than two (2) square feet, and are not oriented to motorized traffic on public rights-of way. Such signs would include, but are not limited to, tree names, putting green information, clubhouse direction and others of this type used on the interior of a project and designed for those using that area.
11. Lot frontage means, for the purpose of calculating allowable monument sign area, the portion of a lot contiguous with a street right-of-way.
12. Monument sign means a sign extending upward from grade which is attached to a permanent foundation for a distance of not less than 50 percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights. Such support structures shall be decorative and integral to the sign and building design.
13. Non-accessory sign means a sign which is either indirectly related or not related to the principal use of the premises, such as the advertising of products sold or produced.
14. Outline tubing sign means an arrangement of exposed gaseous tubes (i.e., neon tubes), LED lights, or other similar lighting that outlines and calls attention to the sign.
15. Political election sign shall mean a sign relating to the election of a person to public office or relating to a political party, or a matter to be voted upon at an election called by a public body.
16. Political sign (other than election) shall mean a sign which is displayed for the purpose of conveying a message which is a political expression unrelated to an election, and unrelated to a promotion for commercial purposes.

17. Portable sign means a sign and sign structure which is designed to facilitate the movement of the sign from one (1) location to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. Political election and political signs are excluded from the definition of portable signs.
18. Projecting sign means a sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.
19. Pylon sign means a freestanding sign which is located more than five (5) feet but a maximum of twenty (20) feet above the ground.
20. Real estate development sign means a sign which offers for sale, rent or lease more than four (4) lots or parcels or dwelling units.
21. Real estate sign means a sign which offers for sale, rent or lease a single lot, parcel, residence or any other single building.
22. Residential development identification sign means a sign used to identify, by name, the complex of lots and/or residences within a specific development.
23. Sign band means an integral part of the building design, as illustrated on an approved site plan, located between the highest point of windows or door openings on the first floor and the bottom of the eave line or cornice on a one-story building, or up to the lowest point of window or door openings of a second floor for a multi-story building.
24. Temporary sign means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or building, but not including decorative displays for holidays or public demonstration. Temporary signs include but are not limited to grand opening, special events, coming soon, special sales and occasion, change of business and promotional signs.
25. Wall sign means a sign visible to the general public through display from the exterior wall of a structure and that is mounted flush and fixed securely to or painted on a building wall, projecting no more than twelve (12) inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.
26. Wall sign, Primary means a wall sign in the Township Center District placed within an approved sign band that is larger than all other wall signs on the primary business frontage.
27. Window sign means an accessory or nonaccessory sign that is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors including those placed or posted within twenty (20) feet of the window that are visible from the exterior.

Temporary building or use means a structure or use permitted to exist during a specified period of time.

Section 4 of Ordinance

Chapter 26, Article 3 Zoning Districts, Table of Contents, is hereby amended to read as follows:

ARTICLE 3.0 ZONING DISTRICTS

- 3.1 Zoning Districts Enumerated
- 3.2 Zoning Map; District Boundaries
- 3.3 Zoning of Vacated Areas
- 3.4 District Requirements
- 3.5 Notes to District Standards
- 3.6 Special District Provisions
- 3.7 Height Limitations
- 3.8 Lots Adjoining Alleys
- 3.9 Projections into Yards
- 3.10 Reserved
- 3.11 Reserved
- 3.12 Development Options
- 3.13 Planned Unit Development Option

Section 5 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.1.1, is hereby amended to read as follows:

A. INTENT

The one-family residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the master plan of residential development in the township. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this section.

B. PRINCIPAL USES PERMITTED

- i One-family detached dwelling
- ii Farms
- iii Public, parochial and other private elementary schools offering courses in general education and not operated for profit
- iv Family daycare and group daycare homes
- v Non-motorized pathways or trails

C. SPECIAL LAND USES

- i Places of worship § 4.32
- ii Publicly owned and operated libraries, parks, parkways and recreational facilities § 4.37
- iii Municipal office building, police and fire stations § 4.24
- iv Cemeteries § 4.9
- v Public riding and/or boarding stables § 4.38

- vi Child care centers § 4.10
- vii Nursing and convalescent homes § 4.26
- viii Senior housing § 4.45
- ix Senior assisted living § 4.46
- x Utility and public service transformer facilities, regulator stations and uses (without storage yards) when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity
- xi Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit
- xii Privately owned and operated parks, picnic groves or similar facilities for outdoor recreation not operated for profit § 4.31
- xiii Private (nonprofit) swimming pool club § 4.34
- xiv Community building or social club intended to serve the nearby residential neighborhood
- xv Bed and breakfast establishments § 4.6

D. ACCESSORY USES

- i Accessory buildings and structures § 5.1
- ii Home Occupation § 4.19

E. DEVELOPMENT STANDARDS

Lot Size

- Minimum lot area: 10,000 sq ft
- Minimum lot width: 70 ft

Lot Coverage

- Maximum building coverage: 30%
- Maximum impervious surface coverage: 60%

Setbacks

- Minimum front yard setback: 30 ft
- Minimum rear yard setback: 35 ft
- Minimum side yard setback: 8 ft (16 ft combined)
- Minimum distance between principal buildings: N/A
- Minimum distance between building and accessory use: 10 ft

Building Height

- Maximum building height: 35 feet

Per Unit Living Area

- Minimum per unit living area:
- 1 story: 840 sq ft

1.5 story:	720 sq ft
2 story:	600 sq ft

Section 6 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.1.2, is hereby amended to read as follows:

A. INTENT

The one-family residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the master plan of residential development in the township. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this section.

B. PRINCIPAL USES PERMITTED

- i One-family detached dwelling
- ii Farms
- iii Public, parochial and other private elementary schools offering courses in general education and not operated for profit
- iv Family daycare and group daycare homes
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C. SPECIAL LAND USES

- i Places of worship § 4.32
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- iv Cemeteries § 4.9
- v Public riding and/or boarding stables § 4.38
- vi Child care centers § 4.10
- vii Nursing and convalescent homes § 4.26
- viii Senior housing § 4.45
- ix Senior assisted living § 4.46
- x Utility and public service transformer facilities, regulator stations and uses (without storage yards) when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity
- xi Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit
- xii Privately owned and operated parks, picnic groves or similar facilities for outdoor recreation not operated for profit § 4.31

- xiii Private (nonprofit) swimming pool club § 4.34
- xiv Community building or social club intended to serve the nearby residential neighborhood
- xv Bed and breakfast establishments § 4.6

D. ACCESSORY USES

- i Accessory buildings and structures § 5.1
- ii Home Occupation § 4.19

E. DEVELOPMENT STANDARDS

Lot Size

- Minimum lot area: 12,500 sq ft
- Minimum lot width: 80 ft

Lot Coverage

- Maximum building coverage: 30%
- Maximum impervious surface coverage: 60%

Setbacks

- Minimum front yard setback: 35 ft
- Minimum rear yard setback: 35 ft
- Minimum side yard setback: 10 ft (20 ft combined)
- Minimum distance between principal buildings: N/A
- Minimum distance between building and accessory use: 10 ft

Building Height

- Maximum building height: 35 feet

Per Unit Living Area

- Minimum per unit living area:
- 1 story: 1200 sq ft
- 1.5 story: 900 sq ft
- 2 story: 800 sq ft

Section 7 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.1.3, is hereby amended to read as follows:

A. INTENT

The one-family residential districts are designed to provide for one-family dwelling sites and residentially related uses in keeping with the master plan of residential development in the township. The preservation of natural terrain and wooded areas is reflected in the controls set forth in this section.

B. PRINCIPAL USES PERMITTED

- i One-family detached dwelling
- ii Farms
- iii Public, parochial and other private elementary schools offering courses in general education and not operated for profit
- iv Family daycare and group daycare homes
- v Non-motorized pathways or trails

C. SPECIAL LAND USES

- i Places of worship § 4.32
- ii Publicly owned and operated libraries, parks, parkways and recreational facilities § 4.37
- iii Municipal office building, police and fire stations § 4.24
- iv Cemeteries § 4.9
- v Public riding and/or boarding stables § 4.38
- vi Child care centers § 4.10
- vii Nursing and convalescent homes § 4.26
- viii Senior housing § 4.45
- ix Senior assisted living § 4.46
- x Utility and public service transformer facilities, regulator stations and uses (without storage yards) when operating requirements necessitate the locating of the facilities within the district in order to serve the immediate vicinity
- xi Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit
- xii Privately owned and operated parks, picnic groves or similar facilities for outdoor recreation not operated for profit § 4.31
- xiii Private (nonprofit) swimming pool club § 4.34
- xiv Community building or social club intended to serve the nearby residential neighborhood
- xv Bed and breakfast establishments § 4.6

D. ACCESSORY USES

- i Accessory buildings and structures § 5.1
- ii Home Occupation § 4.19

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	15,000 sq ft
Minimum lot width:	100 ft

Lot Coverage

Maximum building coverage: 30%
Maximum impervious
surface coverage: 60%

Setbacks

Minimum front yard setback: 40 ft
Minimum rear yard setback: 35 ft
Minimum side yard setback: 12.5 ft (25 ft combined)
Minimum distance between
principal buildings: N/A
Minimum distance between
building and accessory use: 10 ft

Building Height

Maximum building height: 35 feet

Per Unit Living Area

Minimum per unit living area:
1 story: 1300 sq ft
1.5 story: 1100 sq ft
2 story: 900 sq ft

Section 8 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.6.1, is hereby amended to read as follows:

3.6 SPECIAL DISTRICT PROVISIONS

1. RM Multiple Family.

- i Site coverage. There shall be no greater than thirty (30) percent of the multiple family site covered by principal and accessory buildings. Decks and balconies that project beyond the footprint of the building shall be calculated in the site coverage.
- ii Notes limiting height, bulk and area for the RM district.
 - i. In the RM district, the total number of units in a multiple-family district shall not be more than six (6) units per acre exclusive of the following areas: subaqueous or submerged bottom land of lakes or streams, wetlands and floodplains as stipulated in Subsection (ii) below.
 - ii. On parcels containing wetlands or floodplains or both, only twenty-five (25) percent of the wetlands or floodplain may be included within the total site area for the computation of density; however, in no instance shall that portion of the wetlands or floodplain which exceeds the size of the upland area of the multiple-family parcel be eligible for computation of density. If a density adjustment is allowed for a wetland or floodplain, then no wetlands permits shall be approved for dwelling units and appurtenant structures; however, the construction of sewer and water systems and roads may be permitted subject to the provisions of Chapter 12.

- iii. In order to preserve the general open character of the district, structures shall be limited in length to one hundred sixty (160) feet and the maximum number of dwellings in any one (1) building shall be six (6), and the concentration of units shall not exceed eight (8) within any square acre, unless an exception is approved by the planning commission. In approving such an exception, the planning commission shall consider adequate circulation and access to all units for fire protection, the preservation of terrain and natural features which may exist on the site and convenience of the residents and adequate light and air for both the units proposed and any adjacent use.
- iv. In the multiple-family residential districts, the minimum distance between any two (2) buildings shall be regulated. The following minimum standards for distance between buildings shall be the basis for site plan approval by the planning commission:
 - a. Yard standards between buildings:
 - (1) Side yard between single detached dwelling units-ten (10) feet.
 - (2) Side yard between two-unit buildings or two-unit and a single detached unit-fifteen (15) feet.
 - (3) Side yard between three-unit buildings or three-unit and one- or two- or three-unit building--thirty (30) feet.
 - (4) Minimum side yard width may be reduced by the commission on an individual building-by building basis up to twenty (20) percent; provided, that the average side yard width between buildings shall meet the minimum standard.
 - (5) Rear yard to rear yard—sixty five (65) feet.
 - (6) Rear yard to side yard—forty (40) feet.
 - (7) Front yard to front yard—sixty (60) feet.
 - (8) Front yard to side yard--fifty(50) feet.
 - b. Yard standards from property lines:
 - (1) Minimum building setback – fifty (50) feet.
 - (2) Minimum building setback from public road right-of-way--fifty (50) feet.
 - (3) Average minimum building setback from public road right-of-way--sixty (60) feet.
 - c. Yard standards from private roads:
 - (1) Minimum building setback – twenty (20) feet.
- v. For terraces, decks and balconies in the Multiple Family Residential District: An open, unenclosed paved terrace, patio or attached deck or balcony shall not project more than ten (10) feet into a minimum yard; however, in no instance shall a building or deck be closer than five (5) feet from another building or deck.

- vi. The petitioner shall clearly designate the front, side and rear of each building within the multiple-family site plan. The yard area shall be determined by the prolongation of the exterior walls. The intersection of any part of the yard created by the prolonged walls with an adjacent building shall be the basis of applying the minimum spacing between buildings as provided in this section. In no instance shall the distance between two (2) buildings be less than thirty (30) feet.

2. Special Provisions

- i. In the RM district, the planning commission may allow modification with respect to height regulations on developments which have topography characterized by severe changes of grade. The planning commission shall find that such modification would result in the preservation of natural terrain features such as steep topography and stands of large trees and that such modifications would not have detrimental effect on adjoining property with the building height as viewed from said property or adjoining public road generally being in conformance with the normal height restrictions of the RM districts. An individual building within a development so considered shall be located on land having an average natural grade change of at least fifteen (15) percent from one (1) side of the building to the opposite side and the number of habitable stories shall not exceed one (1) additional story with a maximum height of twelve (12) feet, or shall be located on land having an average natural grade change of at least twenty-five (25) percent from one (1) side of the building to the opposite side and the number of habitable stories shall not exceed two (2) additional stories each with a maximum height of twelve (12) feet.
- ii. The density, setback and size requirements of this section shall not preclude the replacement of a multiple -family building, constructed in conformance with a final site plan approval granted prior to October 28, 1988, in the event of destruction by fire or act of God.

Section 9 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.9, is hereby amended to read as follows:

3.9 PROJECTIONS INTO YARDS

- 1. Building Projections: The following permitted building projections are intended to accommodate minor exterior design features of a larger building mass. It is not intended to permit additional floor area, or a substantial portion of a building wall to project into required setbacks.
 - a. Architectural features may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard not to exceed sixteen (16) inches, and may extend or project into a required front or rear yard not more than three (3) feet. Architectural features shall not include those details which are normally demountable.

- b. The roof overhang on a principal building, including but not limited to the roof overhang on such features as bay windows, may extend not more than sixteen (16) inches into a required side yard.
- c. The roof overhang on a principal building, including but not limited to the roof overhang on such features as bay windows, shall not project into the required front or rear yard more than three (3) feet.
- d. The roof overhang on accessory buildings shall not project more than sixteen (16) inches into a required yard.
- e. Basement window wells that are required by applicable construction codes in order to provide emergency egress shall be permitted to encroach up to forty-eight (48) inches into a required front, rear or side yard setback, only as necessary to comply with applicable construction codes, providing that the window well structure does not project more than eight (8) inches above finished grade.

Section 10 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.10, is hereby amended to read as follows:

RESERVED

Section 11 of Ordinance

Chapter 26, Article 3 Zoning Districts, Section 3.11, is hereby amended to read as follows:

- 1. RESERVED

Section 12 of Ordinance

Chapter 26, Article 4, Use Standards, Table of Contents is hereby amended to read as follows:

ARTICLE 4.0 USE STANDARDS

- 4.1 One-Family Detached Dwellings
- 4.2 Reserved
- 4.3 Archery
- 4.4 Automobile Service Stations
- 4.5 Auto Wash
- 4.6 Bed and Breakfast
- 4.7 Bowling Alley
- 4.8 Carry-Out Restaurant
- 4.9 Cemeteries
- 4.10 Child Care Centers
- 4.11 Clinics
- 4.12 Coin-Operated Amusement Device Business
- 4.13 Drive In Business
- 4.14 Drive-In and Drive-Through Restaurants
- 4.15 Essential Services
- 4.16 Funeral Homes
- 4.17 General Hospitals

- 4.18 Golf Courses and Driving Ranges
- 4.19 Home Occupations
- 4.20 Housing and Keeping of Animals
- 4.21 I-L Limited Industrial Principal Uses Permitted
- 4.22 Motels
- 4.23 Multiple Dwellings or Apartment Buildings
- 4.24 Municipal Office Buildings, Police and Fire Stations
- 4.25 New Car Office, Salesroom or Showroom
- 4.26 Nursing and Convalescent Homes
- 4.27 Open-Air Business Uses
- 4.28 Outdoor Sales Space for Vehicles or Trailers
- 4.29 Outdoor Seating Areas
- 4.30 Parking and/or Storage of Large Trucks, Equipment, Merchandise, Vehicles, and Vehicle Repair on Residentially Zoned Property
- 4.31 Parks, Picnic Groves, or Similar Facilities for Outdoor Recreation
- 4.32 Places of Worship
- 4.33 Private Clubs or Lodge Halls
- 4.34 Private (Nonprofit) Swimming Pool Club
- 4.35 Private Recreational Areas, Institutional or Community Recreation Centers, Community Buildings or Social Clubs
- 4.36 Publicly or Privately Owned Swimming and Wading Beaches
- 4.37 Publicly Owned and Operated Libraries, Parks, Parkways and Recreational Facilities
- 4.38 Public Riding and /or boarding Stables
- 4.39 Repealed
- 4.40 Retail and Personal Services
- 4.41 Retail Uses in the I-OP District
- 4.42 Retail Uses in OR-2
- 4.43 Retail Uses Which Have An Industrial Character
- 4.44 Sand, Gravel, Topsoil, Ore and Minerals
- 4.45 Senior Housing
- 4.46 Senior Assisted Living
- 4.47 Temporary Structures and Uses During Construction
- 4.48 Uses Not Otherwise Included Within a Specific District
- 4.49 Veterinary Hospitals or Clinics
- 4.50 Waterfront Property
- 4.51 Animal Shelters Not Operated for Profit
- 4.52 Pet Boarding Facilities
- 4.53 Pawnshops, Pool and Billiard Halls, Second Hand Dealers, Smoking Lounges, Tattoo and Body Art Facilities, Tobacco Retail Stores, and Tobacco Specialty Retail Stores
- 4.54 Sexually Oriented Businesses
- 4.55 Fortune Telling for Payment
- 4.56 Massage Therapy Establishments

Section 13 of Ordinance

Chapter 26, Article 4 Use Standards, Section 4.1, is hereby amended to read as follows:

4.1 ONE-FAMILY DETACHED DWELLINGS

In addition to the development regulations from Article 3, One-Family Residential Dwellings shall be subject to the following:

1. Garages – a minimum of a one-car garage shall be provided for each dwelling unit.
 - a. Attached garages shall be required for each residential new construction and shall not exceed fifty (50) percent of the first floor area of the dwelling to which they are attached.
 - b. Detached garages shall comply with the area, placement and height requirements of accessory buildings as described in Section 5.1.5
2. Asphalt or concrete driveways shall be provided for any garage (attached or detached) . For side entrance garages, the minimum driveway width between the main entrance to the garage and the side lot line shall not be less than twenty-two (22) feet and shall also include an additional two-foot wide swale drain to be located along the side lot line to ensure adequate storm drainage. The requirement for a two-foot-wide swale drain may be modified or waived by the engineering department if alternative means of storm drainage are provided.
3. Accessory buildings and structures shall be permitted subject to Section 5.1.5.
4. Lakefront and Lakeview properties shall comply with the regulations of Section 4.50.

Section 14 of Ordinance

Chapter 26, Article 4 Use Standards, Section 4.2, is hereby amended to read as follows:

4.2 RESERVED

Section 15 of Ordinance

Chapter 26, Article 4 Use Standards, Section 4.23, is hereby amended to read as follows:

4.23 MULTIPLE DWELLINGS OR APARTMENT BUILDINGS

Multiple dwellings shall be subject to the following:

1. Planning commission review and approval of a site plan is required prior to the issuance of a building permit by the building inspector.
2. Subsequent developments of the site shall comply with the approved site plan which may permit single detached dwelling units and attached dwelling units in buildings containing two (2), three(3), four (4) or more residential units subject to the standards contained in Section 26-3.1.4.D of this chapter.
3. The intent of site plan review for multiple dwellings is to minimize the possibility of adverse effects on adjacent property, and furthermore, to develop proper relationships between development features as they relate to traffic safety of service roads, driveways and parking areas and also to properly relate principal buildings, accessory buildings and

uses and open spaces to one another and to the traffic pattern effective within the surrounding development. Multiple dwellings shall be further subject to the following:

- A. All multiple dwellings shall be served by a public sewer system.
 - B. The proposed site shall have at least one (1) property line abutting a major or secondary thoroughfare and all access shall be directly from said thoroughfare.
 - C. Garages, attached to or as part of the principal buildings, shall be provided for at least one (1) automobile for each unit.
 - D. Where streets providing access to multiple-family developments are to be privately owned, the owner or developer shall provide the township with a right-of-easement for emergency vehicles to use said streets. The owner or developer shall also provide the township with evidence that the maintenance of the streets serving the multiple-family development will be assured, thus avoiding township responsibility in the future. Such evidence shall be approved by the township attorney prior to the issuance of any building permits.
 - E. Roads within a multiple-family development shall be at least twenty-four (24) feet wide (back of curb to back of curb).
4. Accessory buildings and structures shall be permitted subject to the requirements of Section 5.1.6.

Section 16 of Ordinance

Chapter 26, Article 4 Use Standards, Section 4.47, is hereby amended to read as follows:

4.47 TEMPORARY STRUCTURES

1. Construction Trailers

Trailers and/or temporary structures and temporary uses primarily for the temporary storage of equipment or materials or for other temporary construction purpose including but not limited to the construction of residential developments, non-residential structures, institutional structures, roads, sewers, water mains or other public utilities or public work shall be permitted by the Building Official as follows:

- A. The trailer shall be appropriately screened and skirted.
- B. Temporary landscape elements such as potted plants shall be provided for the trailer and the trailer site.
- C. One (1) wall or ground sign identifying the use of the trailer shall be permitted. Such sign shall not exceed twenty-five (25) square feet.
- D. Any lighting shall not interfere with traffic or be hazardous to drivers in the vicinity and shall be subject to the lighting requirements of Section 5.6.
- E. When such above-described trailers and/or temporary structures and temporary uses are to be located off the construction site, The Building Official may impose additional requirements deemed necessary to protect the public's health, safety, and environment.
- F. A permit fee and bond shall be deposited with the Township prior to the issuance of a permit.
 - i. The bond shall be in an amount sufficient to restore the property after the use is completed.

- G. A separate permit shall be required for each structure or construction trailer and for each parcel of property upon which a temporary use is being constructed.
 - H. All permits shall expire thirty (30) days after construction is completed, but no permit shall be valid for a period of more than one (1) year.
 - I. The construction trailer and area surrounding the construction trailer shall be maintained in a neat and orderly fashion, clear of all debris and rubbish.
2. Temporary Sale Trailers
- Temporary sales trailers for new residential developments may be permitted by the building official when located within a development site, subject to the following conditions:
- A. Not more than one (1) temporary sales trailer shall be permitted for each new single-family residential development.
 - B. Site improvements, including, but not limited to, the installation of sewer, water, roads and other utilities, shall be completed and dedicated (for the phase or approved portion of the development) prior to the approval and use of a temporary sales trailer.
 - C. A permit shall be required for the use of a temporary sales trailer. The duration of the permit shall be the shorter of the following: until the construction and final inspection of a model home to be used for sales purposes; or until the expiration of six (6) months from the date of permit issuance. A permit for one (1) additional three (3) months may be issued upon review and approval of the building official if it is demonstrated that there is good cause for the failure to complete construction of a model home for sales purposes within the initial six month period.
 - D. A permit fee and bond shall be deposited with the Township prior to the issuance of a permit.
 - i. The bond shall be in an amount sufficient to restore the property after the use is completed.
 - E. The trailer shall be appropriately screened and skirted.
 - F. Temporary landscape elements such as potted plants shall be provided for the trailer and the trailer site.
 - i. It is the responsibility of the property owner to maintain the landscaping installed so that it is healthy, neat and orderly in appearance and is free from refuse and debris.
 - G. In addition to the real estate development sign regulations of Section 5.15.4.D, one (1) wall or ground sign identifying the residential development and use of the trailer may be provided on the lot where the trailer is located subject to the following:
 - i. The use of sign illumination shall be prohibited.
 - ii. The sign shall not exceed twenty-five (25) sq. ft.
 - iii. If a monument/ground sign is used, the sign shall be placed within fifteen (15) ft. of the sales trailer and shall not obstruct vehicular or pedestrian traffic. Such monument/ground sign shall comply with the corner clearance provisions of Section 5.3.
 - H. Any trailer mounted lighting shall not interfere with traffic or be a hazard to drivers in the vicinity and shall not be used for the illumination of any sign.

- I. A temporary driveway and parking area with a minimum of five (5) parking spaces shall be provided on the trailer site. The driveway and parking area shall be surfaced at a minimum with gravel or other similar material.
3. Existing Structures/Uses During Construction

When construction involves the demolition and termination of existing structures on a development site, the existing structures and uses may continue during the construction process, subject to the following:

 - A. The new development on the site will not prevent or inhibit the use and operation of the existing structure(s).
 - B. A bond is posted for the demolition of the existing structures. The bond shall be determined based on a value of construction for the structures to be demolished. All bonds shall be paid prior to the issuance of any permit.
 - C. The continued use of existing structures shall not create a situation that will result in a detriment to public health, safety, and welfare as determined by the Fire, Building, or Planning Departments; including ensuring there is adequate fire protection and access to the site.
 - D. The temporary building or structure shall be removed prior to the issuance of a Certificate of Occupancy.
 4. Temporary Structures/Use

Except as specifically mentioned above, all other proposed temporary structures/uses are prohibited unless an administrative site plan is submitted and approved by the Planning Department as referenced in Section 6.1. In reviewing a request for a temporary structure/use, the Planning Department shall examine the following:

 - A. The location, placement, and size of the proposed structure in relationship to the parcel/lot or development site.
 - B. The existing zoning district and proposed use of the temporary structure/use.
 - C. The impact of the structure on traffic, light, public health, safety, and welfare of citizens, surrounding residences, and surrounding businesses.
 - D. The duration of time needed for the proposed temporary structure/use.
 - i. In no case shall temporary structures or uses exceed six (6) months. In unique circumstances as determined by the Planning Department, a maximum of two (2), three (3) month extensions may be granted for the proposed structure/use.
 1. In no case shall a temporary structure or use be permitted for more than twelve (12) months within any eighteen (18) month period.

Section 17 of Ordinance

Chapter 26, Article 5 Site Standards, Table of Contents, is hereby amended to read as follows:

ARTICLE 5.0 SITE STANDARDS

- 5.1 Accessory Buildings and Structures
- 5.2 Access to Major or Secondary Thoroughfare to Allow Access to a Side Street Under Certain Conditions
- 5.3 Corner Clearance
- 5.4 Environmental Features Setback

- 5.5 Exterior Appliances
- 5.6 Outdoor Lighting
- 5.7 Lot Accessibility
- 5.8 Parking Requirements
- 5.9 Off-Street Parking Space Layout, Standards, Construction, and Maintenance
- 5.10 Off-Street Loading and Unloading
- 5.11 Performance Standards
- 5.12 Screening Requirements (Fences, Walls, Berms, and Landscape Buffers)
- 5.13 Greenbelts and Obscuring Fences/Walls - Placement, Design, and Dimensions
- 5.14 Landscaping, Environmental Provisions, and Trees
- 5.15 Signs
- 5.16 Trash
- 5.17 Reserved
- 5.18 Reserved
- 5.19 Reserved
- 5.20 Reserved
- 5.21 Reserved
- 5.22 Condominium Subdivision Site Standards
- 5.23 Safety Paths
- 5.24 Underground Utilities

Section 18 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.1, is hereby amended to read as follows:

5.1 ACCESSORY BUILDINGS AND STRUCTURES

1. General Provisions for accessory buildings and structures:
 - A. Accessory buildings or structures are permitted in the R-10, R-12.5, R-15, and RM districts subject to the limitations specified for each district except as provided for in this section. Detached accessory buildings and structures in all other districts may be permitted with site plan review and approval except as provided for in this section.
 - B. Where an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard and height regulations of this chapter applicable to main buildings except as provided for in this section.
 - C. No detached accessory building or structure in a residential zoning district shall exceed one (1) story or fifteen (15) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in the districts, subject to the final action by the approving body of the site plan.
 - D. In no instance shall an accessory building or structure be located within a dedicated easement or right-of-way.
2. Anything in this section to the contrary notwithstanding, citizens band and amateur radio towers may be permitted in all use districts and business radio towers may be permitted in zoning districts other than residential districts provided the tower is centrally located on the parcel. The dimension from the base of the tower to all points on each property

line shall be greater than the height of the tower and any extension thereof. Additionally, the straight line distance from the base of the tower to all points on any overhead utility wires traversing the parcel shall be greater than the height of the tower and any extension thereof.

- A. When citizens band and amateur radio towers are located in residential zoning districts, the towers shall be located in the rear yard.
 - B. Business radio towers are expressly prohibited in all residential zoning districts.
3. Solar energy systems that only service the energy needs of the property where the structure is located shall be allowed as an accessory structure subject to the following requirements:
- i Roof-mounted solar panels are permitted on buildings and structures in all zoning districts and may include solar panels integrated as part of the surface layer of the roof structure with no additional apparent change in relief or projection, or separate flush mounted solar panels attached to the roof.
 - ii All solar energy systems shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system.
 - iii Separate, flush-mounted solar panels that are not integrated as part of the roof surface shall be located on a roof that does not face any public street or township recognized street or approved private road, unless such installation is proven to be ineffective or impractical due to the orientation of the structure to the sun. In such instances the Building Department may permit the panels to be located on other roof faces if not visible to any such street or road.
 - iv Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation.
 - v Solar panels shall not project higher than the permitted building height in the zoning district in which it is located.
 - vi All solar panels shall consist of a color designed to blend with the surrounding environment as much as possible.
 - vii Unless required by state or federal law, signage on solar panels shall be prohibited. Where such signage is required, it shall be limited to the minimum necessary to display the required information.
 - viii Existing non residential uses may replace existing light fixture poles with poles that use solar or a hybrid (multiple energy sources that include solar and/or wind) system provided they meet the regulations of section 26-5.6.
 - ix Any solar energy system not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the property owner, at the property owner's expense.
 - x Upon request, the Planning Commission may grant waivers of the requirements of this section, upon determining that the waiver will not present any undue hardships on adjoining properties. The Planning Commission shall take into consideration the support or opposition of adjacent property owners in granting waivers.
 - xi Prior to making a determination on the waiver, the Planning Commission shall conduct a public hearing, at least thirty (30) days notice of which shall be given

by publishing in a newspaper of general circulation in the township and by mail or personal delivery to the owner of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property considered, to occupants of all structures within three hundred (300) feet of that boundary, and to the subdivision association if applicable. The notice shall describe the nature of and indicate the property which is the subject of the request, give the date, time and place of the hearing and indicate where written comments can be received concerning the request.

4. Wind energy conversion systems (WECS) that only service the energy needs of the property where the structure is located shall be allowed as an accessory structure subject to the following requirements:
 - i WECS are permitted on buildings and structures in all zoning districts and may include a tower, body, rotor, and blades.
 - ii WECS shall not be erected or commenced without first obtaining a building permit as provided in this subsection and chapter and any other permits or approvals required by federal, state and other governmental laws or agencies.
 - iii Notification of the WECS request shall be provided by mail or personal delivery to the owner of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property considered, to occupants of all structures within three hundred (300) feet of that boundary, and to the subdivision association if applicable. The notice shall describe the nature of and indicate the property which is the subject of the request, indicate where and how any written objections to the request may be submitted and that if no written objections are received by the Building Department by a specified date that is at least thirty (30) days after the notice is given, that a building permit may be issued. If any timely objections are received by the Building Department, the request shall be forwarded to the Planning Commission for review and approval after a public hearing is held. At least fifteen (15) days notice of the public hearing shall be given by publishing in a newspaper of general circulation in the township and by mail or personal delivery to the same persons that were required to be notified of the request as provided in this subsection. The notice shall describe the nature of and indicate the property which is the subject of the request, give the date, time and place of the hearing and indicate where written comments can be received concerning the request.
 - iv All WECS shall be constructed, operated and maintained in a manner that is safe, reasonably minimizes adverse visual impacts and protects against adverse environmental impacts. A building permit shall not be issued by the Building Department or approved by the Planning Commission unless the WECS complies with all requirements in this subsection (4) and all other provisions in this chapter. In considering a request, the following standards shall be considered and may be a basis for denying the request or imposing conditions based on specifically identified individual facts or features of the WECS and/or property upon which it will be located:
 - i Whether the proposed location on the lot creates adverse aesthetic, safety or environmental impacts that could be avoided or minimized in a different location.

- ii Whether any evidence of specifically identified and likely adverse effects to lawful existing uses in the immediately surrounding area has been presented.
 - iii Whether any evidence of specifically identified and likely hazards to people, property or animals from the use has been presented.
- v v. A plot plan in accordance with Section 26-7.4 shall be submitted in addition to the following information:
 - i An elevation drawing of the proposed WECS and all necessary equipment superimposed in the proposed location.
 - ii Specification sheets for all equipment, identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturers electrical plans and specifications.
 - iii Any other information or evidence required by the Township to confirm compliance with the requirements of this chapter.
- vi Only one (1) WECS shall be permitted on a lot, which must be at least one (1) acre in size. Additional WECS may be permitted by the Planning Commission provided they meet all requirements specified in this section and their number and placement is appropriate for the site and is architecturally and visually compatible with the surrounding area.
- vii Existing non-residential uses may replace existing light fixture poles with poles that use WECS or a hybrid (multiple energy sources that include solar and/or wind) system provided they meet the regulations of section 26-5.6.
- viii Height
 - i The height of the WECS shall not exceed twice the maximum permitted height for principal structures in the zoning district in which it is located. The total system height shall include the height above grade of the fixed portion of the tower to the heights vertical extension of any blades or rotors.
 - ii Roof-mounted wind energy facilities may exceed the tallest part of the roof to which it is attached by no more than ten (10) feet.
- ix Location
 - i WECS shall not be located within a yard facing a public street or township recognized or approved private road in any residential zoning district.
 - ii WECS shall be set back a distance at least equal to the height of the WECS from all lot lines. The height shall be measured to the top of the blade at its highest point.
 - iii Clearance from any moving parts shall be at least twenty (20) feet above ground level and at least twenty (20) feet from any overhead utility lines or vegetation.
 - iv WECS shall maintain the sight lines on lakefront and lakeview lots as regulated for main buildings in Section 26-3.5.2.N.i.a
- x Noise emissions from the operation of a WECS shall not exceed sixty-five (65) decibels on the DBA scale as measured at the nearest lot line or road right of way.

- xi Screening of ground mounted mechanical equipment through the use of evergreen trees and/or shrubs is required to mitigate aesthetic impacts.
 - xii All WECS shall consist of a neutral, non-reflective exterior color designed to blend with the surrounding environment.
 - xiii WECS shall not be illuminated.
 - xiv Unless required by state or federal law, signage on WECS shall be prohibited. Where such signage is required, it shall be limited to the minimum necessary to display the required information. All utility connections for and from the WECS shall be located underground. Electrical transformers for utility interconnections may be above ground if required by utility provider but must be screened according to the Zoning Ordinance.
 - xv The WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.
 - xvi All WECS shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present. To prevent unauthorized climbing, the WECS must provide an anti-climb device.
 - xvii The applicant shall be required to secure and maintain sufficient liability insurance covering loss or damage to persons or property from the WECS and provide written proof of that insurance before a permit is issued, and thereafter annually on the anniversary of the date the permit was issued.
 - xviii The applicant shall be required to provide a maintenance plan that ensures the upkeep and maintenance for the WECS, compliance with which will be a permit condition.
 - xix Any WECS not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property by the owner of the WECS, at the property owner's expense.
5. Regulations for accessory buildings and structures including animal enclosures in the R-10, R-12.5, and R-15 one-family residential districts:
- A. General Requirements
 - i In the R-10, R-12.5, and R-15 zoning districts, accessory buildings and structures shall only be permitted accessory to a one-family dwelling located on the same lot. In no case shall an accessory building or structure be located on a lot without a one-family dwelling located on the same lot. For other principal or special land uses listed in Section 3.1.1, 3.1.2, 3.1.3, accessory buildings or structures may be permitted subject to site plan review and approval (Section 6.1)
 - ii Unless otherwise stated in Section 5.1.5.B-K below, a building or structure accessory to a residential building shall not be erected in any yard except a rear yard. Detached garages are excepted from this provision and may be located in the side yard, providing setback requirements of the main building are maintained (see Section 26-4.50, Waterfront properties).
 - iii Subject to the limitations of Section 26- 4.50 for waterfront properties, detached accessory buildings shall not occupy more than twenty-five (25) percent of a required rear yard, plus twenty (20) percent of any nonrequired

rear yard, with the total floor area of all detached accessory buildings limited to six hundred (600) square feet or one-half of the ground floor area of the main building, whichever is greater.

- iv Unless otherwise stated in Section 5.1.5.B-K below, a detached building or structure accessory to a residential building shall be located no closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one (1) foot to such rear lot line.
- v When a building or accessory structure to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the building or structure shall not project beyond the front yard setback required on the lot to the rear of such corner lot. An accessory building or structure shall in no case be located nearer than ten (10) feet to a street right-of-way line.

B. **Private stables** are permitted accessory to a one-family dwelling subject to the following conditions:

- i A minimum lot size of two (2) acres is required for one (1) horse and for each additional horse stabled thereon one (1) acre of land shall be provided.
- ii All confinement areas and/or stables shall in all instances be located in the rear yard.
- iii In no instance shall a horse be confined nearer than seventy-five (75) feet to any property line; provided, however, that this provision shall not apply to any property line which separates lots of at least two hundred (200) feet in width and of three (3) acres in area.

C. **Private pools** are permitted accessory to a one-family dwelling, subject to the following:

- i General Requirements:
 - a. There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
 - b. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - c. No swimming pool shall be located less than thirty five (35) feet from any front lot line.
 - d. On a corner lot, pools shall comply with the side yard setback identified in Section 3.5.2.
 - e. No swimming pool shall be located in an easement.
 - f. All pools shall comply with the impervious surface requirements of Section 3.5.V.
 - g. For the protection of the general public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods;

provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the building department upon inspection and approval.

1. The exposed wall of an infinity edge/zero edge pool may be utilized to comply with the above mentioned barrier/fence requirement so long as the exposed side of the pool wall has a minimum height of four (4) feet above grade.
 - h. In no case shall any pool wall project more than five (5) feet above grade.
 - i. In no case shall pool water be discharged into any wetland, stream, or lake, without obtaining all necessary Township, County, State, or Federal Permit(s). The discharge of pool water shall comply with all rules and regulations adopted pursuant to the Natural Resources Environmental Protection Act, MCL 324.101 et seq. Under no circumstance shall pool water be discharged to the sanitary sewer.
 - j. All pool equipment (heaters, filters, etc.) shall be subject to the location and screening requirements of Section 5.5 *exterior appliances*.
 - k. Air-supported structures covering swimming pools are prohibited in lots less than three (3) acres in size.
- i Pools (Non-Lakefront/Non-Lakeview)
 - a. Location – In-ground, above-ground, or infinity edge pools shall only be permitted within a rear yard.
 - ii Pools (Lakefront/Lakeview)
 - a. Location – In-ground or infinity edge pools shall be permitted within a front yard (lakeside), subject to the following regulations.
 - i. Above-ground pools are prohibited.
 - ii. A pool and any required barrier/fence shall be permitted to project up to twenty-five (25) feet into the main building sightline setback as defined in Section 3.5.2.N.i provided the following requirements are met:
 1. If fencing is used to comply with barrier requirements, such fencing shall be a maximum of four (4) feet in height and shall be constructed of transparent glass or other non-opaque material/design. The use of chain-link fencing shall be prohibited.
 2. In no case shall the pool or any required barrier be located within any environmental feature setback as defined in Section 5.4.

D. **Fences** - Decorative and privacy fences shall be permitted accessory to a one-family dwelling subject to the following:

i General Requirements:

- a. The use of woven wire, razor, barbed wire, electrified fences, spikes, and similar materials on any fence shall be prohibited.

- b. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any material capable of providing habitat for pests or vermin.
 - c. Where one side of a fence has more finished or decorative appearance than the other, the side with the more finished or decorative appearance shall face the road or adjacent lots.
 - d. Fence height shall be measured from the natural grade adjacent to the highest point of the fence.
- ii Fence on Non-Lakefront/Non-Lakeview properties
 - a. Location. Fences may be constructed within a minimum rear yard or side yard, but not within the front yard or minimum front yard setback. On a corner lot, the front yard or side yard abutting a street shall be considered as one (1) continuous front yard for the purpose of this section.
 - b. Height. The maximum height shall be six (6) feet.
 - iii Fences on Lakefront/Lakeview properties
 - a. Location. On lots bordering upon a lake, river, or canal, fences may be constructed within the side yard only except as provided in Section 5.1.5.C *Private Pools*
 - b. Height. The maximum height shall be four (4) feet.
- E. **Decks** – Residential decks are permitted accessory to a one-family dwelling subject to the following:
- i General Requirements:
 - a. Height. The average deck height shall be the sum of the deck heights at each corner divided by the total number of corners. The yard grades used for this measurement shall be those existing prior to any grading for landscaping purposes.
 - b. Multi-level Decks: The use of double level decks or stacking decks is prohibited, unless the lower level deck is at grade and is constructed of stone, concrete, or paver material.
 - c. Coverings: The use of coverings over decks, including, but not limited to, canopies, awnings and trellises, are not permitted within required yard setbacks, except as provided in Section 3.9 Projections.
 - d. Storage under decks is not permitted unless the storage area is completely obscured from view.
 - e. Unenclosed: The area under a deck shall remain unenclosed.
 - ii Attached Decks
 - a. Decks attached to a one-family residence shall comply with all required yard setbacks except as follows:
 - 1. Non-Lakefront/Non-Lakeview
 - i. Projection
 - 1. Decks with a maximum height of twelve (12) feet shall be permitted to encroach into the required rear yard setback for a maximum distance of ten (10) feet. An

exception shall be permitted for the properties developed as a PSO or an average lot size option that rear property line are adjacent to a dedicated open space or dedicated park, in which, decks shall be permitted to encroach into a require rear yard setback for a maximum distance of fifteen (15) feet.

ii. Area

1. The total area of attached decks shall be subject to the maximum building lot coverage of Section 3.5.2.V.

2. Lakefront/Lakeview Decks

i. Projection

1. Decks with an average height of less than three (3) feet (including any required railing) may project up to ten (10) feet into the required building sightline setback.
2. Decks with an average height greater than three (3) feet but less than twelve (12) feet (including any required railing) shall be subject to the projection requirements of Section 3.5.2.N.

ii. Area

1. The total area of attached decks shall be subject to the maximum building lot coverage of Section 3.5.2.V.

iii Detached Decks

- a. Detached decks that are at grade and have no guard rail/railing or covering are permitted within any yard, so long as the proposed structure complies with the impervious surface coverage requirements of Section 3.5.2.V.
- b. Except for decks surfaces adjacent to retaining walls, detached decks that are required to have a guard rail/railing shall comply with the placement requirements of Section 5.1 *accessory buildings*.

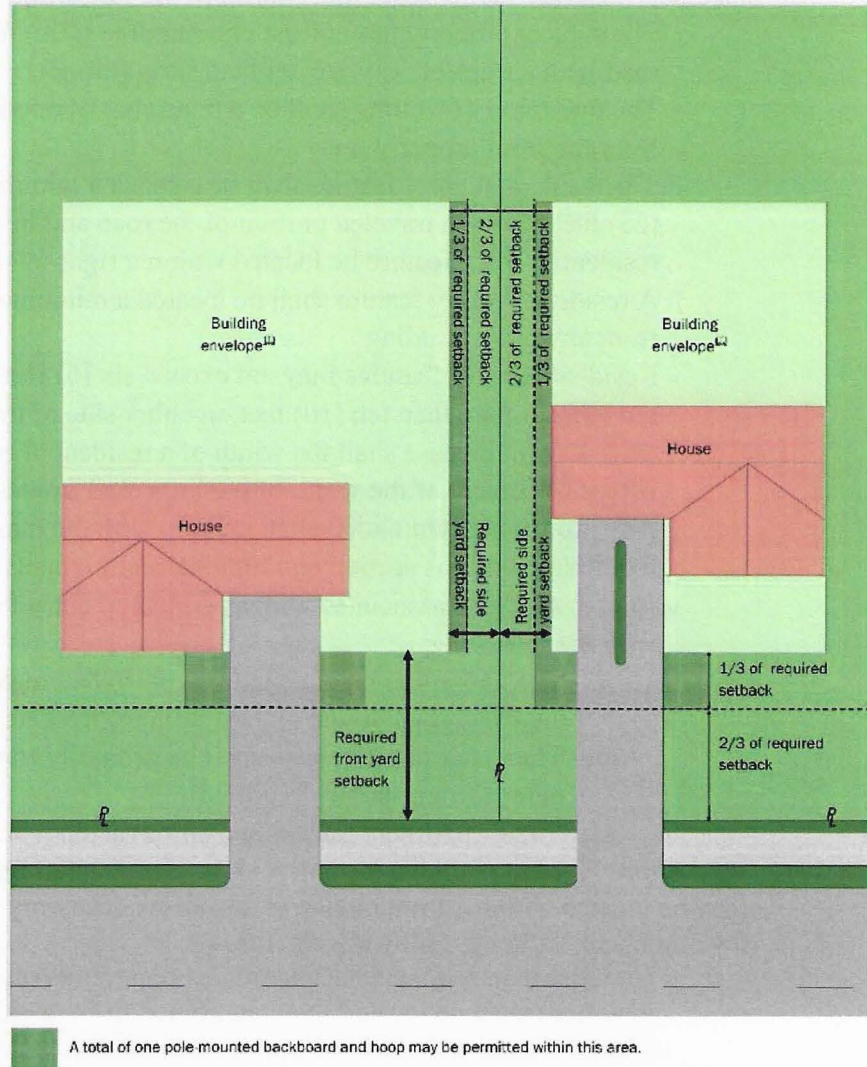
iv Docks

- a. Seasonal docks installed pursuant to the requirements and standards of Section 12-92(5) of the West Bloomfield Code of Ordinances shall be a permitted accessory structure provided the watercraft moored at the dock shall be registered/owned or licensed to the owner or occupant of the residential dwelling to which such dock is accessory.

F. **Landscape Walls/Retaining Walls** – All landscape walls and retaining walls accessory to a one-family dwelling shall comply with the following:

- i All landscape walls and retaining wall shall be maintained in a good condition and neat appearance. Rotted, deteriorated, or damaged elements shall be repaired, replaced, or removed.
- ii Landscape walls
 - a. Landscape walls shall not exceed thirty (30) inches in height above the lowest adjacent grade level.
 - b. In no case shall any wall be located within the twenty-five (25) foot environmental feature setback without first obtaining approval as required in Section 5.4.
 - c. Tiered landscape walls shall be permitted provided they are separated by a minimum distance of three (3) feet (measured between the face of each wall).
 - d. Not more than two (2) tiered landscape walls shall be permitted within fourteen (14) lineal feet, measured from the face of each wall.
- iii Retaining walls
 - a. All walls shall comply with Chapter 8 Article XII Grading and Drainage of the Code of Ordinances.
 - b. In no case shall any wall be permitted where it would disrupt natural drainage patterns, except where it is demonstrated that a proposed change in drainage will not have an adverse impact on adjoining properties or cause a threat to public health, welfare, or safety as determined by the Development Services Department.
 - c. Retaining walls shall be prohibited within eight (8) feet from a property line. Only landscape walls (Section 5.1.4.F.ii) shall be permitted within eight (8) feet of a property line.
 - d. Retaining wall shall not exceed four (4) feet in height above the lowest adjacent grade level.
 - e. Tiered retaining walls having a horizontal separation of less than eight (8) feet shall be reviewed as one (1) wall, and shall not exceed four (4) feet in combined height.
 - f. In no case shall any wall be located within the twenty-five (25) foot environmental feature setback without first obtaining approval as required in Section 5.4.
 - g. Landscaping required – A landscape plan shall be submitted for review and approval by the Development Services Department that identifies the size and species of plantings adjacent to retaining walls. The review shall ensure that the proposed landscaping is appropriate for the material and size of the retaining wall.

- G. Residential Entry Feature** – Residential entry features shall be permitted accessory to a one-family dwelling, subject to the following:
- i The subject property has at least one-hundred (100) feet of frontage on a road with a right-of-way greater than sixty (60) feet.
 - ii The one-family dwelling shall be a minimum of one-hundred (100) feet from the front property line.
 - iii The residential entry feature shall be setback a minimum of twenty-five (25) feet from the traveled portion of the road and in no instance shall a residential entry feature be located within a right-of-way.
 - iv A residential entry feature shall be located a minimum of ten (10) feet from any other building.
 - v Residential entry features may not exceed six (6) feet in height and may not extend more than ten (10) feet on either side of the residential driveway. In no case shall the width of a residential entry feature exceed fifty (50) percent of the width of the lot's road frontage.
 - vi Any proposed illumination shall comply with the maximum height requirement of this section and lighting requirements of Section 5.6.
 - vii Any gate associated with a residential entry feature shall comply with the following:
 - a. The maximum height shall be six (6) feet measured from the adjacent grade to the highest point of the gate.
 - b. The material of the gate shall be primarily transparent fifty (50) percent transparency required).
 - c. Fire Department review and approval shall be required.
- H. Basketball Hoops** – Building or pole-mounted basketball backboards or hoops may be located within a front or side yard setback accessory to a one-family dwelling; subject to the following conditions:
- i No more than one such backboard or hoop (either garage or pole-mounted) shall be located in all combined front or side yards' setbacks of a lot except as provided in a private athletic court (Section 5.1.5.I).
 - ii A pole-mounted backboard and hoop shall be located within the one-third (1/3) of a front yard setback nearest the dwelling and contiguous to the driveway or within the one-third (1/3) side yard nearest the dwelling.



- I. **Private Athletic Courts** – private athletic courts shall be permitted accessory to any one-family residential dwelling, subject to the following:
- i The site has a minimum of two-hundred (200) feet of street frontage.
 - ii The site contains a minimum of three (3) acres.
 - iii Private athletic courts may be permitted within any non-required side, rear, or front yard.
 - iv When a private athletic court is located in the front yard (lakeside) of a residence it shall comply with the required sightline setback requirement.
 - v The use of exterior lighting is prohibited.
 - vi Athletic courts shall permit fencing subject to:
 - a. Setbacks conforming to that of the district.
 - b. The fence height shall not exceed ten (10) feet.
 - c. All fencing shall be non-opaque
- J. **Playhouses/Treehouses:**

- i Playhouses and treehouses shall be permitted accessory to any one-family dwelling. The playhouse/treehouse may not exceed fifteen (15) feet in height (measured from natural grade at the base of the structure or tree to the highest point of the structure) and are subject to the placement requirements of Section 5.1.5. A
 - ii Playhouse and treehouses shall be constructed and maintained in a safe condition. The regulations of this section in no way prevent the removal of an unsafe or deteriorated structure.
- K. **Satellite dish antennas.** The following regulations apply to satellite dish antennas with a diameter of one meter (39.37”) or greater. Subject to all FCC regulations, satellite television receiving dish antennas may be permitted in the one-family residential zones provided the following minimum criteria are satisfied:
 - i Such antennas shall be permitted only in the rear yard and shall be subject to the same side and rear yard setbacks as applicable to the main buildings, or on the rear roof or lake side roof of the principal building with the height of the antenna not to exceed the highest ridge of the building.
 - ii Where it is shown that a usable signal, as verified by a qualified person, cannot be obtained for a dish antenna subject to the location limitations of this section, a waiver of setback may be granted by the building department when the proposed location is shown to be the least obtrusive possible and subject to the screening and materials provision of this section.
 - iii Receiving dish antennas shall be constructed of open mesh metal painted a flat dark color (i.e.: black, grey, drab green) and shall be reasonably screened with evergreen landscaping or materials compatible with existing architecture.
 - iv Permits must be secured from the building department prior to placement of the receiving dish antenna on any residentially zoned site. Permit requests must be accompanied by a plot plan showing the proposed location of the dish antenna, relationship to setbacks and structures, a detail of the proposed screening, the orientation of the dish antenna and the proximity of the antenna to structures on adjacent properties.
- 6. Regulations for accessory buildings and structures including animal enclosures in the RM Multiple Family residential districts:
 - A. In the RM multiple family residential district satellite television dish antennas with a diameter of one meter (39.37”) or greater are considered to be accessory structures and may be permitted only with the approval of the Planning Commission.
 - B. A building or structure accessory to a residential building shall not be erected in the required front, side or rear yard (perimeter) of a multiple development.
 - C. Landscaping and/or screening of the accessory building or structure may be required by the Planning Commission.

Section 19 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.5, is hereby amended to read as follows:

5.5 EXTERIOR APPLIANCES

It is the intent of the ordinance from which this section derives, to burden the property served by the exterior appliance with the noise and other nuisances resulting from such outdoor units.

1. Location:

- A. Exterior appliances and any required screening shall only be permitted within a side or rear yard and may project within a required side or rear yard setback a maximum of three (3) feet; however, in no case shall an exterior appliance and any required screening be located closer than five (5) feet from a property line. On a corner lot or the front or side yard abutting a street shall be considered as one (1) continuous front yard for the purpose of this section.
- B. Appliances within a side yard or in a rear yard (lakeside): In addition to the regulations above, all units located within any side yard or rear yard (lakeside) shall be completely screened on all sides by any combination of the following: 1.) building wall, 2.) opaque fence, or 3.) opaque or evergreen landscaping. All screening shall be at least the height of the appliance and must comply with the following:
 - i. The sound generated by one (1) or the cumulative sound generated by one (1) or more exterior appliances shall not exceed sixty-five (65) decibels when measured at a height of five (5) to seven (7) feet at any point on the property line, as determined by the township at the cost of the property owner.
 - ii. Such units shall be provided with air discharge outlet directed vertically upwards, with the exception of auxiliary power generators that may discharge from the side.
 - iii. Following installation, no operation shall be permitted until a noise test is administered by the township, with the exterior appliances under load for the purpose of ensuring that the noise requirement of this section is met, at the cost of the property owner.

2. Roof Appliances

- A. Roof appliances, in all zoning districts, shall be screened on all sides by an opaque screen, which shall be at least the height of the appliance and shall be compatible with the architectural design of the building. All proposed screening shall be illustrated on the applicable plans submitted to the Township. Roof appliances shall include, but not be limited to, air conditioners, heating units, duct works, filters, power generators, compressors and transformers. Not included in this category are chimneys, flagpoles and antennas.
 - i. One-Family Residential: Roof appliances and any required screening shall not exceed the height requirement of the district and shall be compatible with the architectural design of the building.
 - ii. Non-residential/multiple family: Rooftop equipment may cover no more than fifteen (15) percent of the total area of the rooftop, provided that such equipment does not exceed fifteen (15) feet in height. All such rooftop equipment shall be screened from the public view with materials that

complement the building and setback at least fifteen (15) feet from the edge of the roof if the screening height is greater than five (5) feet. If used, a parapet shall not exceed three (3) feet in height.

3. Generators

- A. In addition to the placement and screening requirements listed above, auxiliary power generators shall use natural gas as their fuel and shall be enclosed within a cabinet that is sufficiently insulated so that such devices comply with the noise standards of subsection 5.11.6. Periodic cycling, e.g., testing or maintenance, shall be permitted only between 9:00 a.m. to 5:00 p.m., Monday through Friday.

Section 20 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.13, is hereby amended to read as follows:

5.13 GREENBELTS AND OBSCURING FENCES/WALLS – PLACEMENT, DESIGNS AND DIMENSIONS

1. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purpose of screening effectively. Required walls may, upon approval of the Planning Commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Planning Commission in reviewing such request. Prior to any waiver or change in wall requirements, the Planning Commission shall hold a hearing in accordance with Section 26-6.3.
2. Obscuring fences shall have no openings for vehicular traffic or other purposes except as provided in this chapter or as required for public safety as determined during site plan review. All required obscuring fences shall be constructed of brick or have brick veneer on the side facing the residential district, or be constructed of poured concrete which simulates standard brick facings on both sides of the wall.
3. Whenever a masonry obscuring fence is required to be constructed such wall shall be constructed prior to the backfilling of any foundation or prior to any construction that extends above the height of the foundation wall, whichever occurs first.
4. The Planning Commission may waive or modify the foregoing requirements subject to the following conditions:
 - A. Wall height when required may not be less than five (5) feet as measured from either side of the wall.
 - B. The adjacent residential area must have a nonresidential future use per the master plan for future land use or a similar determination.
 - C. Permanent wall waivers, once granted, are not subject to further review by the Planning Commission.
 - D. The planning commission shall hold a public hearing in accordance with Section 26-6.3 prior to any waiver in wall requirements.

5. In the I-OP industrial-office park districts, fences and/or walls, other than those approved by the Planning Commission, may be permitted only with zoning board of appeals review and approval.

Section 21 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.17, is hereby amended to read as follows:

RESERVED

Section 22 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.18, is hereby amended to read as follows:

RESERVED

Section 23 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.19, is hereby amended to read as follows:

RESERVED

Section 24 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.20, is hereby amended to read as follows:

RESERVED

Section 25 of Ordinance

Chapter 26, Article 5 Site Standards, Section 5.21, is hereby amended to read as follows:

RESERVED

Section 26 of Ordinance

Chapter 26, Article 7 Administration, Appeals, and Enforcement, 7.16.3, is hereby amended to read as follows:

7.16.3 JURISDICTION.

The Board of Appeals, in conformity with the provisions of this Section and the Michigan Zoning Enabling Act, MCL 125.3601 et seq., has the following authority:

- A. Appeals. To hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official charged with enforcement of the zoning ordinance.

- B. Ordinance and map interpretations. To hear and decide questions related to the interpretation of the zoning ordinance or zoning maps.
- C. Non-use variances. To grant non-use variances according to the provisions of this section and the Michigan Zoning Enabling Act, MCL 125.3601, et seq.
- D. Uses permitted by ordinance only with required approval. To grant approval of the use of property for a specific use that is only permitted by the zoning ordinance after the applicant has demonstrated compliance with all criteria listed and the Zoning Board of Appeals has granted the required approval.

Jurisdictional limits. Nothing contained in this section shall be construed to grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the zoning map, such power and authority being reserved to the Township Board in the manner provided by law

Section 27 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this Ordinance, be declared by the Courts to be invalid, it shall not affect the validity of the remainder of the Ordinance or any part other than the part invalidated.

Section 28 of Ordinance

Within fifteen (15) days after adoption, a notice of ordinance adoption shall be published in a newspaper of general circulation in the Township including the effective date of the amendment and the place where and time when a copy of the amendment may be purchased or inspected.

Section 29 of Ordinance

Pursuant to the Michigan Zoning Enabling Act, MCL 125.3401(6), this Ordinance shall take effect upon the expiration of seven (7) days after publication.

CERTIFICATION

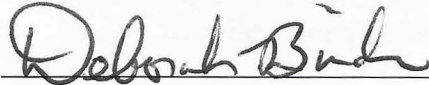
STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, the duly elected Clerk for the Charter Township of West Bloomfield, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Township Board for the Charter Township of West Bloomfield at a meeting held on the 25th of June, 2018, the original of which is on file in the Office of the Township Clerk.

I affix my official signature/seal this 25th day of June, 2018.

By: 
Deborah Binder, Township Clerk

INTRODUCED: 06-11-2018

ADOPTED: 06-25-2018

EFFECTIVE: 07-11-2018

PUBLISHED: 07-04-2018