CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION AGENDA
Wednesday, October 26, 2016 – 7:30 PM
Board of Trustees Room

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES:

ITEM #1: Approval of minutes from the regular meeting of October 12, 2016.

CORRESPONDENCE:

PUBLIC HEARING:

ITEM #1: **16-003 – SPECIAL LAND USE APPROVAL**

TITLE: **THE APPLICANT, JASON KISHMISH, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 10573 BELLEVILLE ROAD, VAN BUREN TOWNSHIP, MI 48111.**

LOCATION: Parcel number V-125-83-059-01-0020-000 (10573 Belleville Road.) The site is approximately 0.862 acres. It is located in the C-1, General Business district. This site is located on the east side of Belleville Road between I-94 and Tyler Road.

A. Presentation by the applicant.
B. Presentation by the Township Staff and Consultants.
C. Public Comment
D. Planning Commission discussion.

ITEM #2: **16-028 – SPECIAL LAND USE APPROVAL**

TITLE: **THE APPLICANT, MICHAEL BERRY, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 11175 HAGGERTY ROAD, VAN BUREN TOWNSHIP, MI 48111.**

LOCATION: Parcel number V-125-83-051-99-0003-005 (11175 Haggerty.) The site is approximately 1.68 acres. It is located in the C-1, General Business district. This site is located on the east side of Haggerty Road between I-94 and Tyler Road.

A. Presentation by the applicant.
B. Presentation by the Township Staff and Consultants.
C. Public Comment
D. Planning Commission Discussion.

UNFINISHED BUSINESS:

NEW BUSINESS:

ITEM #1: 14-022 – TREE PERMIT

TITLE: **THE APPLICANT, BELLEVILLE DEVELOPMENT, INC., IS REQUESTING APPROVAL FOR A TREE PERMIT FOR ASSOCIATED SITE IMPROVEMENTS AND CONSTRUCTION OF A HOTEL.**

LOCATION: Parcel numbers V-125-83-064-99-0002-002, also known as 11105 Quirk Road, and V-125-83-064-99-0002-003, which is vacant, are the two (2) subject parcels of this project. Parcel V-125-83-064-99-0002-002 measures approximately 7.421 acres and Parcel V-125-83-064-99-0002-003 measures approximately 3.895 acres. These parcels are located northeast of the intersection of Quirk Road and N. I-94 Service Drive.

A. Presentation by the applicant.
B. Presentation by the Township staff.
C. Planning Commission discussion.
D. Planning Commission considers approval of Permit.

ITEM #2: 14-022 – FINAL SITE PLAN APPROVAL

TITLE: **THE APPLICANT, BELLEVILLE DEVELOPMENT, INC., IS REQUESTING FINAL SITE PLAN APPROVAL TO CONSTRUCT A HOTEL AND SITE IMPROVEMENTS AS REQUIRED IN SECTION 12.02 OF THE ZONING ORDINANCE 06-02-92, AS AMENDED.**

LOCATION: Parcel numbers V-125-83-064-99-0002-002, also known as 11105 Quirk Road, and V-125-83-064-99-0002-003, which is vacant, are the two (2) subject parcels of this project. Parcel V-125-83-064-99-0002-002 measures approximately 7.421 acres and Parcel V-125-83-064-99-0002-003 measures approximately 3.895 acres. These parcels are located northeast of the intersection of Quirk Road and N. I-94 Service Drive.

E. Presentation by the applicant.
F. Presentation by the Township staff.
G. Public Comment
H. Planning Commission discussion.
I. Planning Commission considers approval of Final Site Plan.

ITEM #3: 16-028 – SPECIAL LAND USE APPROVAL

TITLE: **THE APPLICANT, MICHAEL BERRY, IS REQUESTING A SPECIAL USE PERMIT TO OPERATE A DRIVE THRU RESTAURANT AT 11175 HAGGERTY ROAD, VAN BUREN TOWNSHIP, MI 48111.**

LOCATION: Parcel number V-125-83-051-99-0003-005 (11175 Haggerty.) The site is approximately 1.68 acres. It is located in the C-1, General Business district. This site is located on the east side of Haggerty Road between I-94 and Tyler Road.

A. Presentation by the applicant.
B. Presentation by the Township Staff and Consultants.
C. Public Comment

D. Planning Commission considers recommendation of the special use to the Board of Trustees

ITEM #4: **16-028 – FINAL SITE PLAN APPROVAL**

TITLE: **THE APPLICANT, MICHAEL BERRY, IS REQUESTING FINAL SITE PLAN APPROVAL TO OPERATE A DRIVE THRU RESTAURANT AT 11175 HAGGERTY ROAD, VAN BUREN TOWNSHIP, MI 48111.**

LOCATION: Parcel number V-125-83-051-99-0003-005 (11175 Haggerty.) The site is approximately 1.68 acres. It is located in the C-1, General Business district. This site is located on the east side of Haggerty Road between I-94 and Tyler Road.

A. Presentation by the applicant.
B. Presentation by the Township Staff and Consultants.
C. Public Comment
D. Planning Commission discussion.
E. Planning Commission considers approval of Final Site Plan.

ITEM #5: **ZONING ORDINANCE UPDATE**

TITLE: **THE VAN BUREN TOWNSHIP PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT HAS PROPOSED A COMPREHENSIVE UPDATE OF THE ZONING ORDINANCE. THE DEPARTMENT WILL EVENTUALLY ASK THE COMMISSION FOR A RECOMMENDATION FOR THE UPDATED ZONING ORDINANCE TO THE TOWNSHIP BOARD OF TRUSTEES.**

INFORMATION: The updated Zoning Ordinance is presented to the Planning Commission for eventual review and recommendation to the Township Board of Trustees. The Ordinance is being presented in multiple parts to the Commission. At this meeting, the discussion will focus on the following sections...

A. Article 3 (Zoning Districts and Permitted Uses)
B. Article 4 (Schedule of Regulations)
C. Article 5 (Development Standards for Specific Uses)

GENERAL DISCUSSION:

ADJOURNMENT

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
OCTOBER 12, 2016
MINUTES - DRAFT

Chairperson Thompson called the meeting to order at 7:35 p.m.

ROLL CALL:
Present: Jackson, Boynton, Kelley, Atchinson, Budd, Franzoi and Thompson.
Excused: None.
Staff: Director Akers, Deputy Director Best and Secretary Harman.
Planning Representatives: McKenna Associate, Patrick Sloan.
Audience: Three (3).

APPROVAL OF AGENDA:
Motion Kelley, Jackson second to approve the agenda of October 12, 2016 as presented. Motion Carried.

APPROVAL OF MINUTES:
Motion Kelley, Budd second to approve the regular meeting minutes from September 28, 2016 as presented. Motion Carried.

NEW BUSINESS:

ITEM # 1 **ZONING ORDINANCE UPDATE**

TITLE: **THE VAN BUREN TOWNSHIP PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT HAS PROPSED A COMPREHENSIVE UPDATE OF THE ZONING ORDINANCE. THE DEPARTMENT WILL EVENTUALLY ASK THE COMMISSION FOR A RECOMMENDATION FOR THE UPDATED ZONING ORDINANCE TO THE TOWNSHIP BOARD OF TRUSTEES.**

INFORMATION: **THE UPDATED ZONING ORDINANCE IS PRESENTED TO THE PLANNING COMMISSION FOR EVENTUAL REVIEW AND RECOMMENDATION TO THE TOWNSHIP BOARD OF TRUSTEES. THE ORDINANCE IS BEING PRESENTED IN MULTIPLE PARTS TO THE COMMISSION. AT THIS MEETING, THE DISCUSSION WILL FOCUS ON THE FOLLOWING SECTIONS:**

1. **ARTICLE 12 (ADMINISTRATIVE PROCEDURES)**
2. **ARTICLE 13 (ADMINISTRATIVE ORGANIZATION)**
3. **ARTICLE 14 (NONCONFORMITIES)**

McKenna Associate, Patrick Sloan gave the Zoning Ordinance Update presentation. The Zoning Ordinance received a technical review in 2014 identifying strengths, weaknesses and areas improvement. The update is in Microsoft word format to allow more consistent updating and the addition of graphics, tables, links and cross-references. Mr. Sloan displayed a PowerPoint presentation discussing the changes to Article 12 – Administrative Procedures, Article 13 – Administrative Organization and Article 14 – Nonconformities.

Commissioners thanked the subcommittee for their hard work. Commissioners discussed the site plan review process, performance guarantees, bonds versus cash or deposits, bank letters of credit, a tracking system for bonds, public hearing procedures and public hearing notification requirements.

No comments from the audience.

GENERAL DISCUSSION:

ITEM #1 CASE #16-033 – COUNTRY WALK ARCHITECTURAL

Director Akers gave the update on the Country Walk architectural request. Staff met with Gilbert Homes regarding the concerns discussed at the 9-28-16 Planning Commission meeting. Staff will review every home elevation, the applicant will install brick to the belt core on all four (4) sides, the applicant brought in roof and brick samples consistent with existing homes, staff found no porch size requirements in the PRD, vinyl siding above the garage is consistent with existing homes, staff found no requirements in the PRD regarding the bump out fireplace and the applicant has agreed to plant an evergreen or arborvitae to screen the bump out from the road.

Commissioner inquired about the cost of evergreens and the expense to the homeowner or developer.

No comments from the audience.

Motion Boynton, Jackson second to adjourn at 8:22 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
October 26, 2016
7:30 P.M.
PUBLIC HEARING

The Charter Township of Van Buren Planning Commission will hold a public hearing at Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 for the following special use request at the October 26, 2016 regular meeting:

1. Case 16-003: A request by Jason Kishmish, 10573 Belleville (Parcel ID# V-125-83-059-01-0020-000) for a special use approval to operate a drive thru restaurant at 10573 Belleville Road, Van Buren Township, MI 48111.

2. Case 16-028: A request by Michael Berry, 11175 Haggerty Road (Parcel ID# V-125-83-051-99-0003-005) for a special use approval to operate a drive thru restaurant at 11175 Haggerty Road, Van Buren Township, MI 48111.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or via email at rakers@vanburen-mi.org. All materials relating to this request are available for public inspection at the Van Buren Township Hall prior to the hearing.

Van Buren Township will provide necessary reasonable auxiliary aides and services to individuals with disabilities who are planning to attend. Please contact the Van Buren Township Planning & Economic Development department at 734-699-8913 at least seven (7) days in advance of the meeting if you require assistance.

Posted: September 22, 2016
Published: September 29, 2016

PLANNING & ZONING APPLICATION

Case number _____ *Date Submitted* 1/15/16

APPLICANT INFORMATION

Applicant RA CHIESA ARCHITECTS Phone (586) 263-5519
Address 43260 GARFIELD RD Fax STE 210 (586) 263-5529
City, State CLINTON TWP, MI Zip 48038
E:mail chiesaarch@sbcglobal.net Cell Phone Number _____
Property Owner JASON KISHMISH Phone (248) 217-1234
(If different than applicant)
Address 31333 SOUTHFIELD STE Fax 210
City, State BEVERLY HILLS, MI Zip 48025
Billing Contact _____ Phone _____
Address _____ Fax _____
City, State _____ Zip _____

SITE/PROJECT INFORMATION

Name of Project MULTI-TENANT RETAIL BUILDING
Parcel Id No. V125-83-14-17-452-006 Project Address 10513 BELLEVILLE RD
Attach Legal Description of Property
Property Location: On the EAST Side of BELLEVILLE Road; Between TYLER Road
and I-94 Road. Size of Lot Width 100' Depth 317 Ft. 60'
Acreage of Site .86 Total Acres of Site to Review .86 Current Zoning of Site C-1
Project Description: PROPOSED 4,950 SF RETAIL BUILDING
1 STORY, W/ DRIVE-THRU UNIT

Is a re-zoning of this parcel being requested? NO YES (if yes complete next line) NO
Current Zoning of Site C-1 Requested Zoning _____

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? YES (if yes complete next line) NO
Section of Zoning Ordinance for which you are applying _____

Is there an official Woodland within parcel? _____ Woodland acreage _____
List total number of regulated trees outside the Woodland area? _____ Total number of trees _____
Detailed description for cutting trees _____

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNERS AFFIDAVIT

Jason Kishmish
Print Property Owners Name

_____
Signature of Property Owner

1-12-2016
Date

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and data are in all respects true and correct.

Subscribed and sworn before me this 12th day of January 2016.
Kenneth Bakko Notary Public, Macomb County, Michigan My Commission expires September, 2017
Rev 1/12/16

KENNETH BAKKO
Notary Public, State of Michigan
County of Macomb
My Commission Expires 09-27-2017
Acting in the County of Macomb

R.A. CHIESA ARCHITECTS, P.C.

Member Of
The American Institute
Of Architects

August 11, 2016

Mr. Ron Akers, Director of Planning and Economic Development
Mr. Mathew Best, Deputy Director of Planning and Economic Development
Belleville Department of Building and Planning
46425 Tyler Rd
Belleville, MI 48111

Dear Sirs,

The following responses are in regards to the review comments we have received from your various agencies regarding the Proposed Multi-Tenant Retail Building located at 10573 Belleville Road. To address the project concerns from our meetings with your departments the Site Plan has been altered to meet the criteria that has been requested from us. The major issues from our discussions were the approach location and its proximity to Belle Tire and providing 15 stacking spaces for the drive-thru lane. We also want to clarify, in writing at this time, what we have communicated verbally to you. We have contacted the representatives from Belle Tire and were told there would be no consideration for a shared approach from their site that would provide the only access to our project. With that decision made we have moved our approach further north to provide greater separation from the Belle Tire approach. Our project cannot be denied an access from Belleville Road so we have tried to accommodate the communities concerns and moved the approach as far as we could from Belle Tire. The remaining revisions to our most recent Site Plan are to address the items needed to meet your ordinance.

The comments below address the review by the Van Buren Fire Department(6/2/16):
Our responses to the Fire department review are as follows:

- Comments 1 thru 6 of the review are typical items addressed during the project approval and construction and no further comment or clarifications are needed at this time.
- Our response to Comment 7 is we had to move the approach to create greater separation from Belle Tire as the community requested. The turning radius at the rear of the property has been designed for emergency and semi-truck vehicles. The requested 16.5' aisle or greater has been maintained throughout the site.

Based on these conditions we feel the project has satisfied the requirements of the Department. We have met with you and your staff to review the plans over the past year and have tried to blend the ordinance requirements with the desired plan design of the Fire Department and we feel the plan as submitted does meet the requirements requested.

The comments below address the review by McKenna Associates(7/13/16 SPR):
As an overview the building design as proposed has not changed from our meetings held at your office. We have not had any negative feedback regarding the building design and its multi-tenant use during those meetings. Our plans have evolved regarding the Site Plan to meet the various criteria desired by your department, the necessary drive-thru standards and to meet your zoning ordinance. Our responses to the McKenna review are as follows:

- Comment 1 regarding a detailed description of the tenants and specifics cannot be provided until the project is approved and the building can be marketed for leasing.
- Comment 2 & 3 require no further response.
- Comment 4a offers a viewpoint of potential vehicle and pedestrian conflicts which we do not agree with. The size of the site cannot be changed. The site is zoned C-1 and developed according to the allowed standards. The building as designed is 4,950s.f. and would typically have tenants that are smaller users and generate minimal customer traffic as evidenced by the required parking of 40 spaces + 2 RV. The parking actually required for a building of this type is usually about 30 spaces. The parking required by your community/ordinance is very conservative and requires extra parking. The "CVS" building(11,000s.f.) south of our site which is greater than 2X our building area and has a much more intense use has 60 parking spaces that are typically only 40% occupied (24 spaces).
- Comment 4b & 4c addresses the approaches allowed on commercial sites. We meet the requirement of 1 approach per site for legal access. Our approach has 90' of separation from the nearest approach (Belle Tire) and has no approaches directly opposite Belleville Road to cause traffic conflict. The Site Plan has been designed with cross access for vehicular traffic to the adjacent properties if required by the community.
- Comment 4d requires no further response.
- Comment 4e cannot be addressed until the project is approved and plans are submitted to the local DTE Service Planner for design consideration. They will not issue a job ticket or discuss the project until a project has SPA, so no further action can be taken at this time.
- Comment 4f has been addressed earlier. The area provided in the rear allows emergency vehicles, semi-truck and recreation vehicle traffic. The turning path for the largest vehicle is shown on the Site Plan.
- Comment 5a requires no further response.
- Comment 5b is regarding the proposed drive-thru user. No further information can be determined until the plan is approved and can be marketed. The preliminary discussions for this unit are from 1,800 to 2,000s.f. We used the larger tenant area for our calculations for a worse case scenario. We have a total of 42 parking spaces which is the required total for the development.
- Comments 5c-e requires no further response.
- Comment 6a has been addressed with the "Dense Yews" specified as 24"-30" at the time of planting so they will meet the screening height requirement of 36" with-in 12 months of planting.
- Comment 6b regarding the vehicular surface landscaping has been addressed and the adjusted tree count provided per the areas as detailed in the ordinance.
- Comment 6c covers the open space areas of the ordinance. Because of the size of the site there are no proposed open space areas. Landscaping is met for the frontage and parking lot landscaping as required in the ordinance.
- Comment 6d addresses the screening from the residential properties adjacent to the site. The plan calls out a decorative concrete screen wall 6' high with a simulated brick pattern along the east property line. This wall is a typical standard that is accepted throughout the industry as a screen wall for this application. We have included a detail of the wall in case there is a lack of familiarity. We are using evergreen trees (6) located in this area to screen the wall and dumpster area. We are intentionally specifying narrow growth trees to not impact the lifting and emptying of the dumpster. Canopy trees in this area would not be a good design choice or option. The trees also offer a visual change to the existing established mature canopy trees on the adjacent properties. A decorative vinyl fence 6' high is specified along the north property line to screen the current residential property which is zoned C-1. Per our meetings

and discussions with the Planning Staff for the past year it has been agreed that this is the best solution for this application. The fence is easily removed when the adjacent property is developed as a commercial use per the ordinance. We again have included a detail of the fencing for those who may be unfamiliar with the product.

- Comment 6e references landscape statements which are already noted on our plans.
- Comment 7a requires no further remarks.
- Comment 7b requests building material samples to be provided at the Site Plan Approval Meeting. This would be part of our typical presentation at that meeting to present the project to the Planning Commission. A color rendering has not been requested by the Planning Staff or deemed a requirement for submission and approval.
- Comment 7c addresses the screening of the rooftop equipment. The building facade and parapet as designed provides a natural screening for the HVAC equipment.
- Comment 7d requires no further remarks.
- Comment 7e is addressed and noted on our plans. We have the required green area located at the pedestrian seating and circulation path visible from the building and ROW sidewalk.
- Comment 8 requires no further remarks.
- Comment 9 addresses the trash dumpster. The dumpster is designed per the ordinance and follows the requirements of the ordinance as detailed on page 113, paragraph I sections 1,2 & 3. The ordinance allows the dumpster to be 10' from the adjacent residential zoning to the east.
- Comment 10 is regarding the project signs. All signage is provided by others and must be submitted for approval at the proper time. This is noted on the plans. It is typical of most, if not all, projects at this time of plan submission to not have the project monument sign or tenant wall signs designed based on not having tenants secured. Tenants cannot be fully secured for this project until the project is approved and a schedule is established.
- Comment 11 is regarding engineering information. We have provided basic preliminary engineering information at this time for the project. Complete and detailed engineering cannot be provided until the project is approved at the Site Plan Approval level by the Commission. We have worked with the local community staff for over a year now and have had to adjust the plan to meet the requirements of one department, only to find the plan changes then do not meet the requirements of another department. This back and forth design process has resulted in revised plans. With that being said our engineer is really at a stop until a Site Plan is approved.

Based on the response comments regarding the above conditions we feel the project has satisfied the requirements of the McKenna review. The Site has been designed to meet the local ordinance requirements and per our meeting discussions with the communities planning staff.

The comments below address the review by McKenna Associates(7/13/16 SLU):

The project is designed with a drive-thru tenant space and as we have discussed this would require a Special Land Use. Per our meetings and discussions over the past year we feel the project has been designed to meet the zoning ordinance and satisfy the comments you had during our meetings. The following remarks address the comments by your consultant.

- Comment 1a addresses overcrowding the site and traffic conflicts. We disagree with your consultant greatly on this. The site is a small commercial parcel that actually can support a larger retail building that meets the requirements of your ordinance. We have designed a multi-tenant retail building that is smaller than allowed for a retail development on the site because of the drive-thru tenant space and the requirements needed for that use. The building will generate a low volume of internal site activity as the typical tenants that would fit this type of development are smaller and less intensive regarding customer traffic. Obviously any new development on any roadway will increase traffic and that is typically what communities want. That generally is viewed as a positive for a community and increases the economic impact also. So to view the site as socially and economically not desirable is a very surprising viewpoint by your consultant!

- Comment 1b recommends a shared access with Belle Tire. As we have stated in our prior conversations Belle Tire has no interest or desire to share their approach with our development. That would create a liability and maintenance problem that no property owner would agree to be a part of. As you are aware no parcel can be denied an access to a roadway or be landlocked. To create a greater separation we have moved our approach further from Belle Tire's approach to create 90' of separation, which is greater than the approach separation McDonalds has on their site which is only 43' and 70' from other approaches.
- Comment 1c addresses screening the residential property to the east which is already shown on our plans clearly and per our meetings.
- Comment 1d again raises the issue of a shared approach with Belle Tire. We have previously addressed that point. There are no easements recorded for the shared use of the approach at Belle Tire and they cannot be forced to do so. The development is small so we again disagree with the consultant's negative view of the project as it relates to the health, safety and public welfare.
- Comment 1e is regarding the turning radius at the rear for trucks and its impact on public safety. We have adequate areas for the turning radius needed for both trucks and emergency vehicles. The public is not at risk. As with any large or small commercial project there are not going to be large open areas that are not used for parking, aisles or greenbelts. We have designed the site per your ordinance and are limited by the size and shape of the commercial parcel but the scale, proportion and development of it are consistent with any site development regardless of the parcel size.
- Comment 1f states the project could cause adverse effects to the existing uses and marketability of property in the area. We are proposing a new multi-tenant retail building on a commercially zoned property that is currently the site of a vacant older residential home fronting on a retail district roadway that your community desires to be an up-scale retail corridor. We are not in agreement with your consultant again that the project is a negative for the community. The development is consistent with the zoning and it will increase the property values in the surrounding area and not be detrimental as stated by your consultant.
- Comment 1g requires no further comment.
- Comment 1h states the site design is too intense and does not meet the ordinance. We again do not agree with your consultant's viewpoint. This is a small site with a small building. We have met with you on this project multiple times and have never been told or have you implied that the project was not feasible as designed and that we did not meet the ordinance requirements. Again the shared approach with Belle Tire is mentioned in this comment and as stated previously it is not possible. We have shown on our plans a cross access area for site transfer from our site to both adjacent sites for internal circulation. Also in this comment and as previously responded, our civil engineering design will follow an approved Site Plan.
- Comment 1i requires no further comment.
- Comment 2a requires no further comment.
- Comment 2b requires no further comment.
- Comment 2c addresses the site lighting which as designed meets all requirements. Also a comment questioning the design of the 6' high screen wall along the east property line is addressed on the plans already - 6' high decorative concrete with a simulated brick pattern.
- Comment 2d requires no further comment.

We have designed the project based on the criteria of your zoning ordinance and our meetings over the past year. Based on the above responses we feel the project does meet the criteria for Special Land Use.

The comments below address the review by Wade Trim(1/29/16):
The plans completed at this time for review are the Architectural Plans for Site Plan Approval. Basic engineering information is shown for project intent. The actual engineering information will be provided in detail by the Civil Engineer for the project - Gateway Engineering & Surveying.
Our responses to the Wade Trim review (Based On An Out-Dated Site Plan) are as follows:

General-

- Comment 1 - The engineering plans will be signed and sealed by a professional engineer once developed.
- Comment 2 - All permits will be secured as required.
- Comment 3 - The notes as specified are included on the plans.
- Comment 4a - Utilities(existing) are shown on the Site Plan.
- Comment 4b - The rim elevations are shown on the Site Plan. Invert elevations will be shown on the Civil Engineering Plans to be completed after Site Plan Approval.
- Comment 4c - No further information is required at this time.
- Comment 4d - The legal description provided on the plans is from information obtained from the local community and per the engineers Boundary and Topo Plan.
- Comment 4e - Basic topography is on the Site Plan for informational purposes at this time.
- Comment 4g&h - Proposed new utility locations are shown for reference.
- Comment 4i - The existing utilities to the house are noted to be removed as required.
- Comment 4j - Typical paving sections/details are shown on the plans for reference use. Engineering Plans will have details and information in greater detail.

Water Main-

- Comment 1&2 - The proposed water main extension is shown on the Site Plan.
- Comment 3 – Requires no further comment.

Sanitary Sewer-

- The proposed location to the building is shown on the Site Plan.

Storm Water Management-

- Storm water design shall be provided by the Civil Engineer during the engineering design phase. All storm water retention, if required, shall be designed as below grade pipe storage. Proposed Catch Basin locations are shown for reference use at this time.

Site Layout/Paving/Grading-

- Comment 1 - The Site Plan shows the Cross Access location we have proposed on our site to both adjacent parcels. It is 24' feet wide and aligns with the future Belle Tire Access location based on information we have at this time. The paving was not installed by Belle Tire and the area has landscaping and a DTE utility pole that prohibits the access drive at this time.
- Comment 2 - The plans we have provided to the community have an Aerial Plan that shows all approaches that are located in the project area.
- Comment 3 - The plans provided have a note that calls out the parking space striping design required by the community. This comment has been addressed previously in the planners review.
- Comment 4 - The plans clearly indicate that curb and gutter are to be provided per local requirements with asphalt paving. The areas of curbed islands are shown on the plan. Parking spaces adjacent to paved areas without islands are designed for better traffic circulation and ease of snow removal.
- Comment 5 - Pedestrian cross walk areas are clearly indicated on the plans submitted.
- Comment 6a - The site as designed has adequate turning radii for emergency vehicles and is shown on the plans. This comment also has been previously addressed in the planners review.
- Comment 6b - The plan as designed meets the zoning requirements for parking space and aisle dimensions. The flow of traffic will be limited on this site based on the size of the parcel and the building. Maneuvering in and out of parking spaces on any site temporarily restricts or stops vehicular circulation.
- Comment 6c - Does not apply to the plans submitted. Plans have been revised.
- Comment 6d - Does not apply to the plans submitted. Plans have been revised.

- Comment 6e - The one way traffic direction is clearly indicated by the painted pavement markings and parking space angled direction.
- Comment 6f - Does not apply to the plans submitted. Plans have been revised.

We have designed the project based on the criteria of your zoning ordinance and our meetings over the past year. We have revised our plans to meet the recommendations discussed during those meetings. Based on the above responses we feel the project does meet the requirements of your ordinance and the information provided for a Site Plan Approval submittal. We are in the early design phase of the plans so to require further engineering design beyond what has been submitted is not practical. The Civil Engineer cannot begin their work until an approved Site Plan is granted by the local community so they know what they are designing.

In closing, we have provided direct responses to the plan review comments that you recently provided to us (7/14/16 & 8/5/16) that were done by your various departments and outside consultants. The consultant's comments seem to not follow our discussions we have had on this project with you directly. We have had to clarify numerous design issues that we reviewed and worked through during our meetings at your office and many telephone conversations. Their reviews and comments also seem to overlap into each other's areas of project review. The planner and engineer seem to address many of the same items so we have had to respond at a minimum of twice on the same design issues. We feel we have addressed all of the comments regarding the project design and hope the project can finally move forward through the Site Plan Approval process at this time. Hopefully, if there are other details that still need to be resolved, we can do that as the plans are developed and submitted for permit review.

We are still early in the plan development phase of the project both architecturally and engineering after 1 year of working with your community. My client is at a standstill with marketing the project and securing tenants because we still have no idea of a time frame yet for this project. We have pointed out from the initial meeting we had on this project that a drive-thru at the site was the only way the project was a viable development to market and secure tenants. My client has closed on the property because he was under the impression the project was one that the community would welcome to be located along the upscale retail corridor the community desires on Belleville Road. The project site is small in scale but we feel the development would be an aesthetically pleasing asset and economic boost to the surrounding properties and to the community of Belleville.

We thank you for your cooperation and assistance regarding this project to date and look forward to continuing to work together to get this project to an approval and building construction completion

Sincerely,

Ronald A. Chiesa

Ronald A. Chiesa, AIA
President

McKenna ASSOCIATES COMMUNITY PLANNING AND DESIGN

August 26, 2016

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, Michigan 48111

Subject: VBT-16-003 SPR; Multi-Tenant Building at 10573 Belleville Road; Site Plan Review #3; Plans Revision Dated August 11, 2016; Received August 15, 2016

Dear Commissioners:

The applicant, RA Chiesa Architects, proposes to demolish an existing house and shed at 10573 Belleville Road, and to build a multi-tenant commercial building. The building is proposed to be divided into three units: Unit A is 1,980 square feet, Unit B is 1,800 square feet, and Unit C is 1,170 square feet for a total of 4,950 square feet. There is a proposed unidentified drive-through use at Unit A. The site is zoned C-1 General Business District, which permits the drive-through use through Special Land Use approval. Our comments on the special land use application for the proposed drive-through are in a separate letter.

The site plans are dated August 11, 2016 and a letter from Ronald Chiesa, the applicant's architect, is dated August 11, 2016. We have reviewed the site plan for compliance with the Township's Zoning Ordinance and with sound planning and design principles, and we offer the following comments for your consideration:

COMMENTS

1. **Use.** A variety of commercial uses are permitted in the C-1 District. Drive-through restaurants may be permitted subject to special use approval recommendation by the Planning Commission and approval of the Township Board. As discussed in our accompanying Special Use Review letter, all of the specific standards of Section 12.03.d of the Zoning Ordinance that apply to drive-through facilities must be met. Preliminary and final site plan approval by the Planning Commission is required as well. There is no written description provided of the proposed uses on this site plan. A detailed description, including the hours of operation, the floor plans for each of the tenant spaces, and other similar information must be submitted once the information is known. At this time, the floor plans of the tenant spaces should be known by the applicant and shown on the architect's plans. This is necessary to determine compliance with regulations including parking.

2. **Dimensional Requirements.** Building setback requirements are satisfied.

3. **Specific Use Standards.** As discussed in our special approval review, the specific standards of Section 12.03.d that apply to drive-through facilities have all been satisfied.

4. **Site Layout and Circulation.**

   a. Section 4.37 of the Zoning Ordinance requires safe and convenient vehicular and pedestrian traffic within the site. The narrowness of the access aisles and the one-way circulation pattern proposed creates the potential for conflicts between vehicles and pedestrians. The overdevelopment of the site proposed on the site plan does not provide for safe and convenient access, particularly on the east side. Although a turn radius is shown on the site plan, the dimensions of this turn radius were not labeled by the applicant's architect. Therefore, we measured the radius and discovered that it would not be sufficient for a 53-foot long trailer or for many other types of large delivery vehicles. Additionally, in his letter dated August 15, 2016 the Van Buren Township Fire Marshal raises concerns regarding whether the turn radius and aisle width is sufficient for a fire truck. It is worth noting that these issues were raised at the first Staff Review meeting on February 3, 2016. We recommend that the applicants redesign the east side of the site to provide for sufficient aisle width and turn radius. Also, the radius must be dimensioned and labeled on the plans. This redesign will likely result in reducing the number of parking spaces and, thus, reducing the size of the building.

   b. There is one access drive proposed at the north part of the site's frontage along Belleville Road. Section 12.04.a. limits sites in the C-1 District to no more than one point of ingress and egress per 500 feet. Additionally, the Planning Commission has a policy of reducing the number of curb cuts on Belleville Road, which has resulted in many sites using indirect access via shared drives. The proposed curb cut on Belleville Road is acceptable because it is the only curb cut on the lot.

   c. Consistent with Township policy and in satisfaction of Section 12.04.a. described above, the applicant must provide a cross access easement to the parcels on the north and south and allowing users to access Belleville Road through the site's driveway. This easement should align with Belle Tire's recorded cross access easement so that the traffic flow is direct, not offset. Easement documents and legal descriptions must be submitted in recordable form for Township review and approval prior to a final site plan approval, and must be recorded prior to permits being issued for the site.

   d. Sidewalks are proposed on the west, south, and east of the building, as well as a crosswalk to connect them to the public sidewalk along Belleville Road. The sidewalk in front of the building is 8 feet wide to account for vehicle overhang for those parking spaces. Details of the sidewalk ramps are also provided.

   e. The existing overhead electrical wires are proposed to be relocated in coordination with the utility company. Their intended new location must be added to the site plan.

5. **Parking and Loading.** Parking and loading requirements are calculated as follows:

   a. **Retail Establishments.** *1 space per 200 square feet usable floor area.* Of the 2,970 sq. ft. of gross floor area of Unit A, the site plan states that 2,400 sq. ft. (i.e., 80.81%) is usable floor area. Therefore, 12 spaces are required, which are included on the site plan. However, because no floor plans were submitted, this cannot be verified.

b. **Drive-Through Restaurant.** *22 spaces per 1,000 square feet of usable floor area, plus 5 stacking spaces between the pick-up window and order station, plus 10 stacking spaces that do not conflict with access to any required parking spaces, plus 1 space for each employee at the largest shift, plus two spaces for RVs or semi-trucks (because the site is within ½ mile of I-94).* The site plan states that 30 spaces (including 2 RV spaces) are needed to meet these requirements, which implies the usable floor area is 1,000 square feet of the total area of 1,980 square feet in this unit. This information must be verified.

A total of 42 spaces are proposed. The site's circulation is very tight and aisles are narrow and other issues with the truck turning radius and site circulation will affect the parking lot configuration, which may need to be reduced as discussed earlier. Section 6.01(10) of the Zoning Ordinance permits the Planning Commission to modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable because of the level of current or future employment and/or level of current or future customer traffic. At this time, there is insufficient information regarding whether a modification in the numerical requirements can be considered.

c. **Barrier Free Spaces.** Two (2) barrier free spaces are included, as the required barrier free spaces for a parking lot of 26-50 spaces.

d. **Parking Spaces.** All parking spaces must be clearly striped with four (4) inch wide double lines spaced 24 inches apart. This must be noted on the plan.

e. **Loading.** A 10' by 55' loading area is shown on the north side of the site next to the drive-through stacking lane.

6. **Landscaping.** This site is located in the Township's signature Belleville Road corridor and "downtown," planned as a high-image attractive mixed use area. Considerable public and private investment has been made in streetscape plantings, decorative lighting, amenities and aesthetic improvements, and these characteristics have been successfully mirrored in the newer developments on the corridor. All sites are strongly encouraged to exceed the Ordinance minimums in landscaping, site design, building appearance, and access/cross access provisions, among others.

The landscape requirements must be met individually, so trees cannot be double counted to fulfill different requirements. We encourage the use of shrubs and perennials to add interest to the site. All ground cover must be identified. Our comments follow:

a. **Landscaping Adjacent to the Right-of-Way.** Section 4.40.3.b. requires a minimum of 1 tree per 50 feet of road frontage. Based on the site's 100-foot frontage, 2 trees are required and are shown on the plan. The parking lot must be screened from view from the right-of-way with a continuous landscape screen or a decorative wall at least 3 feet tall. A row of dense yews, planted at a height of 24"-30", is proposed to create the 3-foot high screen within 12 months of planting.

b. **Vehicular Surface Landscaping.** Section 4.40.3.d of the Zoning Ordinance requires internal landscaped area to be at least 5% of the paved area, which is calculated as 1,450 sq. ft. The plan shows 1,629 sq. ft. of landscaped area proposed. There must be 1 tree per 100 sq. ft. of proposed vehicular surface landscape area, and 16 trees are proposed. Each landscaped

island must be at least 360 sq. ft. and must have at least 1 tree. The island in the middle of the south side of the site must be dimensioned to show that it is at least 360 sq. ft.

c. **General Landscaping.** Section 4.40.3.a.2 requires 1 tree per 3,000 sq. ft. of landscape open space. The applicant has indicated that there are no proposed open spaces, so this requirement may not be applicable.

d. **Screening of Single-Family Residential Areas.** Section 4.40.3.c requires either a continuous masonry wall or chain link fence with dense landscaping 6 feet in height, or a continuous landscape buffer strip no less than 25 feet wide for nonresidential lots adjacent to single-family residential land uses. The lots to the east are zoned as R-1B; the site plan proposes a 6-foot tall concrete wall with brick stamping and 3 trees along the rear (east) lot line, and an elevation detail of the wall was submitted. We recommend the trees at the rear be oak, maple or another large canopy tree rather than fir trees that have a narrower shape in order to provide for better screening in this area especially around the dumpster. Any canopy trees around a dumpster can be adequately trimmed so as to not interfere with its function.

   A 6-foot vinyl privacy fence is proposed between the site and the single-family dwelling to the north zoned C-1. While vinyl fence has not generally been approved as an acceptable screen, Section 4.40.3.a.4 allows the Planning Commission to modify screening standards provided that any modification is in keeping with the intent of the Zoning Ordinance. The applicant provided an elevation detail of the fence, and stated that it will easily be removed once the site to the north is redeveloped as a commercial use.

e. **Other Requirements.** The site plan must indicate the landscape maintenance statement guaranteeing annual replacement of dead or diseased plant materials, and other notations required by Section 4.33 – Physical Features 16.a. of the Zoning Ordinance. Screening or buffering for the transformer must be addressed.

7. **Architecture and Facade Materials.**

a. The colors of all façade materials must be described on building elevations. The Planning Commission has consistently required new and renovated buildings along Belleville Road to reflect with the DDA's palette of red-brown brick, natural stone and limestone accents, and natural non-reflective façades. Samples of materials and colors must be presented to the Planning Commission for approval upon final site plan review, including a color rendering of all the elevations.

b. Sheet A-3 shows that the parapet walls on the west, north, and south sides will be higher than the rooftop equipment. However, the means for screening rooftop equipment from view on the east side must be shown on the site plan, including raising the parapet on the east side or showing lines of sight from the perspective of people standing east of the site.

c. All sites in commercial districts must provide on-site amenities, such as DDA-standard seating, bike racks, pedestrian plaza/respite areas, and similar features on the Belleville Road frontage to enhance the site for all future users. The site plan shows a bench and sitting area on the front lot line next to the crosswalk connection from the sidewalk on Belleville Road to the front of the building.

d. Open space on the site must be provided, as required by Section 11.05(d)(i), at a rate of not less than 1 sq. ft. per 25 sq. ft. of principal building or 250 sq. ft., whichever is greater. Required open space shall be independent of sidewalks, pedestrian circulation areas, and required landscape areas, visible from the building and public right-of-way, and connected to the pedestrian system. The size of the building indicates 250 sq. ft. of open space is required. The open space around the bench may meet this standard if it is not included as part of the landscaping requirement. The design of this space must be submitted to determine compliance with this requirement.

8. **Lighting.** A photometric plan is included on Sheet A-1A with details of light poles and fixtures. The photometric plan shows that the light trespass does not exceed 1.0 foot-candles at the lot lines, and the fixtures are shielded.

9. **Trash Enclosure.** The proposed dumpster enclosure is concrete with a simulated brick pattern, and a gate with rough sawn wood or decorative slats. The Zoning Ordinance requires the gates to be steel-reinforced wood that is either pressure treated or wolmanized, so the dumpster enclosure detail must be revised to meet this requirement. Also, Section 4.14(D)(2)(c)(iii) of the Zoning Ordinance requires dumpster enclosures to be at least 20 feet from a residential district, and the proposed dumpster is only 10 feet from the boundary of the R-1B district to the east. Therefore, the dumpster must be relocated to meet this requirement. While the applicant has stated that Section 4.40(3)(l)(3) of the Zoning Ordinance requires a 10-foot setback from any residential property line or zoning district, whenever any provisions of the Zoning Ordinance conflict, the most restrictive provision applies.

10. **Signs.** Details must be given on the proposed monument sign including dimensions, material to be used, colors, and elevations. Even if exact signage will be determined later by tenants, an elevation of the monument sign showing dimensions and materials of the base of the structure must be submitted.

11. **Engineering.** The applicant has provided storm water calculations on sheet A-1. While Mr. Chiesa's letter of August 11, 2016 states that the storm water retention will be designed as below grade pipe storage, Section 4.33 – Physical Features 8 of the Zoning Ordinance requires a description of a feasible storm water drainage system and proposed storm sewer facilities including catch basins, outlets, enclosed or open ditches, and proposed swales. We will defer to the Township Engineer regarding the appropriate level of information required to comply with this requirement and whether the site design is feasible.

RECOMMENDATION

Although the applicant has revised the plan and addressed some of our previous comments, several key issues remain unresolved. While the site plan is still missing several required items, we are more concerned that many requirements of the Zoning Ordinance are not met due to the proposed intense development of the site. In Mr. Chiesa's letter of August 11, 2016, he states that the applicant is limited by the size and shape of the commercial parcel. To be clear, the applicant is not limited by the size and shape of the commercial parcel, which is 100 feet wide, 375 feet deep, and a perfect rectangle; the applicant is simply proposing a development intensity that is typically found on lots that are much larger. Thus, the applicant should reduce the amount of development on the site to comply with the Zoning Ordinance or acquire more property to accommodate the intensity of development proposed.

We recommend the Planning Commission defer action on the preliminary site plan until the applicant has revised the site plan to address the following requirements:

1. Floor plans for each of the tenant spaces must be shown to determine parking requirements.
2. The turning radius must be dimensioned and labeled on the plans to show how an emergency vehicle or large delivery vehicle will make the turn without infringing on parking spaces, the dumpster, or landscaping. This will likely result in reducing the number of parking spaces and, thus, reducing the size of the building.
3. The intended new location of the electric lines must be added to the site plan.
4. All parking spaces must be clearly striped with four (4) inch wide double lines spaced 24 inches apart.
5. We recommend the trees at the rear be oak, maple or another large canopy tree rather than fir trees that have a narrower shape in order to provide for better screening in this area especially around the dumpster.
6. The site plan must indicate the landscape maintenance statement guaranteeing annual replacement of dead or diseased plant materials, and other notations required by Section 4.33 – Physical Features 16.a. of the Zoning Ordinance. Screening or buffering for the transformer must be addressed.
7. The colors of all façade materials must be described on building elevations.
8. The means for screening rooftop equipment from view on the east side must be shown on the site plan, including raising the parapet on the east side or showing lines of sight from the perspective of people standing east of the site.
9. The design of the public space required by Section 11.05(d)(i) of the Zoning Ordinance must be submitted to determine compliance with the requirement.
10. The gates of the trash enclosure must be steel-reinforced wood that is either pressure treated or wolmanized.
11. Per Section 4.14(D)(2)(c)(iii) of the Zoning Ordinance, the dumpster enclosure must be at least 20 feet from the residential district to the east.
12. Details must be given on the proposed monument sign including dimensions, material to be used, and elevations.
13. Per Section 4.33 – Physical Features 8 of the Zoning Ordinance, a description of a feasible storm water drainage system and proposed storm sewer facilities including catch basins, outlets, enclosed or open ditches, and proposed swales are required on the site plan. We will defer to the Township Engineer regarding the appropriate level of information required to comply with this requirement and whether the site design is feasible.

Respectfully submitted,

McKENNA ASSOCIATES

Patrick J. Sloan, AICP
Senior Principal Planner

Stephen Hannon
Assistant Planner

McKenna ASSOCIATES COMMUNITY PLANNING AND DESIGN

August 26, 2016

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: VBT-16-003 SLU; Multi-Tenant Building at 10573 Belleville Road; SLU Review #3; Plans Dated August 11, 2016; Received August 15, 2016

Dear Commissioners:

The applicant proposes to demolish an existing house and shed at 10573 Belleville Road, and to build a multi-tenant commercial and retail use building on the site. The site is 0.86 acres in area. The building is proposed to be divided into three units: Unit A is 1,980 square feet, Unit B is 1,800 square feet, and Unit C is 1,170 square feet for a total of 4,950 square feet. There is a proposed drive-through restaurant use at the Unit A. The site is zoned C-1 General Business District, and drive-through uses require special use approval in the C-1 District.

COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Section 12.03.d. and the discretionary standards listed in Section 18.08.f. of the Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings and accepted principles of good planning and design.

1. **General Standards for Special Approval.**

   a. **Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site is on the east side of Belleville Road, just north of the I-94 North Service Drive. This road is characterized by a variety of commercial uses along the corridor. To the east is a residential neighborhood and to the north are other single-family residences. The demolition of the house (a non-conforming use) and construction of a commercial building is generally compatible with the surrounding uses. However, the proposed development does not meet the requirements of the Zoning Ordinance, mostly because the proposed building and parking lot are too large for the site. While the proposed drive-through facility, by itself, would likely fit on the site if properly designed, the addition of two (2) other commercial uses and the associated parking will overcrowd the site. Specifically, as the site is currently designed, the turning radius in the rear is not sufficient for emergency vehicles and large delivery vehicles. Therefore, the proposed design of the site is not socially or economically desirable.

   b. **Is necessary for the public convenience at that location.** Belleville Road is a major commercial thoroughfare and the site's location near I-94 makes a drive-through restaurant potentially convenient for consumers. The lot is very narrow, and an entrance from Belleville Road would be about 90 feet from the Belle Tire entrance. Section 12.04.a. of the Zoning Ordinance states that points of ingress and egress shall be placed no closer than 500 feet apart, and that the Planning Commission can recommend shared access drives. However, the Zoning Ordinance

allows for 1 curb cut on Belleville Road and the applicant's proposed driveway is located on the north side of the site as previously requested. While Belle Tire will not permit the applicant to access its driveway, Belle Tire has a recorded access easement on its site for future cross access. With the applicant's driveway located on the north part of the site and recorded access easements on both the north and south sides of the site, public convenience at the site will be achieved.

c. **Is compatible with adjacent uses of land.** The C-1 District permits a wide range of land uses, including drive-through uses by special approval. The site abuts R-1B Single-Family Residential land to the east, other C-1 uses to the south, sites zoned C-1 but used as single-family housing on the north, and C-2 Extensive Highway Business District to the west. Altering the use on the site from residential to commercial would fit with adjacent and surrounding land uses. Our accompanying Site Plan Review letter dated August 24, 2016 includes several comments with respect to screening and setbacks requirements on the east side of the site that have not yet been met.

d. **Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** As stated previously in this letter and in our accompanying Site Plan Review letter dated August 24, 2016, the site as currently design is overcrowded. The intensity of the uses and development exceeds the sites ability to accommodate them in a manner that protects the public health, safety, and welfare.

e. **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.** The site's demand for public services and facilities will be commensurate with a commercially used site, and will not likely adversely affect public services to existing uses in the area. The inadequate truck turning radius at the rear of the site could negatively impact Fire Department's ability to maneuver a fire truck on the site. This could diminish the Fire Department's ability to provide timely emergency response to the site and within the site.

f. **Will not cause injury to other property in the neighborhood in which it is to be located.** Unless the recommended and required improvements are made to the site circulation and landscaping (see comments in this letter and our accompanying Site Plan Review letter dated August 26, 2016), the site may cause adverse effects to users of the site and adjacent properties.

g. **Considers the natural environment and helps conserve natural resources and energy.** There are no anticipated adverse effects on the area's natural resources. The site does not appear to be located near wetlands or other sensitive natural features.

h. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** The site plan has several major items that do not comply with the Zoning Ordinance and are unresolved (please refer to our accompanying Site Plan Review letter dated August 26, 2016), which is mostly a result of the applicant proposing more development on the site than can be accommodated under the requirements of the Zoning Ordinance.

i. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.

2. **Specific Standards for Special Approval.** Section 12.03.d provides specific standards for drive-in uses in the C-1 District. The proposal's compliance with those standards is evaluated below.

   a. **Entrances and exits must be 100 feet from the intersection of any two streets.** There are no streets within 100 feet of this site, so this standard is met.

   b. **Must have direct access to a major thoroughfare.** The site has direct access to Belleville Road, which is a major thoroughfare.

   c. **No lighting or illuminated display shall reflect onto a residential zone.** The site abuts an R-1B residential zoning district to the east. The photometric plan shows that light trespass will not exceed 1.0 foot-candles into the residential district. The proposed screening for this site from the residential district is a 6-foot tall concrete wall with a simulated brick pattern. The applicant still must submit elevation details of this wall with the site plan.

   d. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** The site is located near other similar commercial uses. Although there are single-family dwellings to the east and north, most of these do not directly connect to Belleville Road and those that do would not facilitate congregation of large number of children. There are no anticipated adverse effects regarding traffic safety and sanitation in relation to places of congregation for children.

RECOMMENDATION

Based on the above and our accompanying Site Plan Review letter of August 26, 2016, we find the multi-tenant building does not meet the criteria for a special land use approval as currently proposed, based on the intensity of uses on the site and its impact on general site circulation. We recommend that the applicant revise the site plan to address the concerns outlined in this letter, and to design the site in accordance with the Zoning Ordinance requirements to more closely fit with the character of the surrounding sites.

Respectfully submitted,

McKENNA ASSOCIATES

Patrick J. Sloan, AICP
Senior Principal Planner

Stephen Hannon
Assistant Planner

WADETRIM

August 30, 2016

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: Multi-Tenant Building
Site Plan Review #2

Dear Mr. Taylor:

At your request, we have reviewed the preliminary site plan package received August 15, 2016 for the multi-tenant building located at 10573 Belleville Road. The Project involves the construction of a 4,950 SF building, supplemental parking area and drive-thru. Our comments on the preliminary site plan are as follows:

General

1. The plans should be signed and sealed by a Professional Engineer licensed in the State of Michigan. This is a requirement for both site plan submittal and engineering submittal.

2. As previously requested, a list of required permits should be provided on the plans. The list should include, but is not limited to, the following:
   - Wayne County Right-of-Way Permit
   - Wayne County Storm Water Permit
   - MDEQ Water Supply Permit (for extension of public water main; see Water Main comments)

3. A full survey of the site should be performed at this stage and all invert elevations of existing utilities should be shown. While we understand the Designer would like to simplify the preliminary site plan stage by providing all survey requirements at the engineering stage, we recommend the outlet points for proposed utilities be investigated. Existing storm sewer inverts, in particular, can greatly impact the design and cost of development, especially if the storm water outlet must be pumped.

Water Main

The Designer has provided the proposed water service for the property. The service cannot be connected into a valve and should be tapped directly from the water main. We also recommend the entire service be located within the property limits; as currently proposed, the service runs through the property to the east.

Wade Trim Associates, Inc.
25251 Northline Road
P.O. Box 10
Taylor, MI 48180

734.947.9700
800.482.2864
734.947.9726 fax
www.wadetrim.com

Storm Water Management

Storm water detention will be required for this site which must be designed in conformance with both Van Buren Township Standards and Wayne County Storm Water Standards. As stated in the Van Buren Township Engineering Standards Manual, and as previously stated in our first site plan review letter, preliminary storm water conveyance and detention design must be provided with the site plan submittal.

The Designer has indicated that underground detention will be provided and designed during the engineering design phase. We would like to reiterate the importance of a preliminary design and review of a storm water management system at this phase. Approximately 5,600 CF of storage, along with a pretreatment system, is required for this site. All site run-off must pass through the pretreatment system before entering the detention system which greatly effects the storm sewer layout of the site which may, in-turn, effect the overall site layout. Due to the very small and narrow site area, the actual size of the underground detention system should be considered to ensure adequate space is available.

The above stated issues all have the potential to affect the site layout and ultimate approval process from both Van Buren Township and other jurisdictions. In addition, an underground detention and pretreatment system can incur large costs for the development, particularly when trying to fit it within a small area.

Chapter V and VI of the Engineering Standards Manual outline the storm water management requirements for the community. The standards manual is available at the following link:

http://www.vanburen-mi.org/wp-content/uploads/2013/08/2014-04-VBT-Engineering-Standards-Manual.pdf

We also recommend the Designer review the Wayne County Storm Water Manual to ensure that all requirements are being met in order to obtain a permit.

Site Layout/Paving/Grading

1. The Designer has indicated that Belle Tire will not allow for a paved access between their site and the subject site within the existing cross-access easement. The proposed drive approach has been shifted as far north as possible to maximize distance from the Belle Tire approach. This causes the drive approach to be located directly adjacent to the residential drive to the north, with no separation.

2. As previously noted, we do not feel the site has adequate space to provide all required parking spaces while still allowing for proper site circulation, particularly emergency vehicles. We recommend the Designer investigate the following areas:

    a. While a circulation diagram has been provided to outline the turning radii of emergency vehicles and semi-trucks, the turning radii shows the wheel paths

running directly through parking spaces. Should there be a car or RV parked in these spaces (#11, #41), an adequate radius will not be available for an emergency vehicle.

b. Parking spaces #41 and #42 are designated for RV use. Maneuvering in and out of these tight spaces with an RV will be very difficult. As previously requested, circulation diagrams for personal vehicles and larger vehicles (RV) should be provided to demonstrate the circulation pattern of the site.

Recommendation

While we understand the Designer has put extensive effort into meeting requirements on such a small site, we do not feel comfortable recommending approval of this preliminary site plan without having all necessary information. Approval of this preliminary site plan is not recommended at this time. We anticipate additional comments may be forthcoming based on the comments noted above. If you have any questions regarding this review, please contact our office at 734.947.2793.

Very truly yours,

Wade Trim Associates, Inc.

Carmelle Tremblay, EIT

David M. Nummer, PE

DMN:CGT:ka
VBN 2265-01T
20160830Taylor.docx

cc: Mr. Ron Akers, Director of Planning and Economic Development
Mr. Mathew Best, Deputy Director of Planning and Economic Development

David C. McInally II
Fire Marshal
O: 734-699-8900 ext 9416

Van Buren Fire Department
46425 Tyler Rd
Belleville, MI 48111

8-15-2016

Department Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Multi-Tenant Building
10573 Belleville Rd

16-003 SUSPR

To whom it may concern:

I have reviewed a set of plans drawn and submitted to me by R.A. Chiesa Architects, P.C. 43260 Garfield Township, Michigan 48038 (586)-263-5519

Project Overview:

The proposal is to build a multi-tenant building. The plan set was reviewed for Fire and Life Safety using the township adopted fire code NFPA 1 and NFPA 101 2012 editions.

Again, please note that **all** applicable **NFPA** codes and standards apply as adopted by the Township of Van Buren. These should be referenced before moving forward with this project.

~~1. Knox Box will need to be ordered and installed by owner where fire department indicates prior to occupancy.~~ **www.knoxbox.com**

~~NFPA 1 16.3.4.3~~

~~2. Any openings between occupancies need to be protected.~~

~~NFPA 101 8.4.3~~

~~3. Fire extinguishers will be mounted with signage per Fire Marshal.~~

~~NFPA 101 38.3.5~~

~~4. Monitored smoke alarm for each occupancy.~~ ~~NFPA 1 AHJ~~

~~5. The building shall include the building address on the building. The address shall be a **minimum of** 6" high letters of contrasting colors and be clearly visible. The location and size shall be verified prior to installation. AHJ~~

~~6. A digital site plan layout will be required at final inspection.~~

~~AHJ~~

Items one thru 6 will be addressed during the construction process per letter from Architect dated August 11th 2016

7. This plan has changed since last submittal and now raises further questions.
   a. ~~Lane change as you pass the building~~
   b. Turning radius at rear of the property
   c. The VERY narrow lane between the loading zone/RV spots and stacked cars on the North side of the drive (12ft per print). I had already said in previous meeting that 16.5ft was the minimum that we would concede from the required 20ft fire lane per code.

The revised plan still shows a 12ft path between RV parking spot 41 and the stacking lane of the drive thru cars. The actual turning radius is not shown on the print, just says turning radius. The turning radius also is coming across two of the stacked spots for the drive thru. **NFPA 1 2012 18.2.4.1.1** The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.

Due to item number 7, plans are still denied as submitted.

If you have any questions about this plan review report, please feel free to contact me

Respectfully submitted,

David C McInally
Fire Marshal
Van Buren Fire Department

PLANNING & ZONING APPLICATION

Case number 16-028 *Date Submitted* 8-26-16

APPLICANT INFORMATION

Applicant	Michael Berry	Phone	313-282-2856
Address	11175 Haggerty rd	Fax	
City, State	Van Buren Township	Zip	48111
E:mail	Berryma13@yahoo.com	Cell Phone Number	313-282-2856
Property Owner (if different than applicant)	Abdel Berry	Phone	313-468-5202
Address	14611 Longacre	Fax	734-941-9332
City, State	Dearborn, MI	Zip	48126
Billing Contact	Michael Berry	Phone	
Address		Fax	734-699-011
City, State		Zip	48111

SITE/PROJECT INFORMATION

Name of Project BP/ Tim Hortons

Parcel Id No. V125-83- Project Address 11175 Haggerty rd Van Buren 48111

Attach Legal Description of Property

Property Location: On the Haggerty Side of I94 Service Drive Road; Between Road and Road.

Size of Lot Width Depth

Acreage of Site Total Acres of Site to Review Current Zoning of Site

Project Description: Proposed existy restaurant to Tim Hortons.

Is a re-zoning of this parcel being requested? N YES (if yes complete next line) NO

Current Zoning of Site Requested Zoning

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? YES (if yes complete next line) NO

Section of Zoning Ordinance for which you are applying Drive Thru

Is there an official Woodland within parcel? Woodland acreage

List total number of regulated trees outside the Woodland area? Total number of trees

Detailed description for cutting trees

If applicable application MUST be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

Abdel Berry

Print Property Owners Name

Signature of Property Owner

9/26/16

Date

STATE OF MICHIGAN
COUNTY OF WAYNE

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this _____ day of _____ 20___.

_____ Notary Public, _____ County, Michigan My Commission expires _____, 20___.

Rev 1/11/05

TIM HORTONS # 6631
BP Station
11175 Haggerty Rd.
Belleville, MI 48111

APPROVAL: _____

DATE: _____

custom SIGN Center, inc.

SIGN PACKAGE REV 1

REV#	REV. DESCRIPTION HISTORY	REQUESTED BY	CSC DESIGNER	DATE
0	PRELIM SIGN PKG	Michael Berry	CHRISTINA RANSBURGH	9/16/16
1	REVISED WITH CBS WALL SIGN	Michael Berry	CHRISTINA RANSBURGH	9/30/16

MODEL - VINYL OVERLAY ON PYLON

SIGN TYPE	SPECIFICATIONS
■ SINGLE FACE ■ NON-ILLUM. ■ GROUND	REPLACEMENT FACES - EXISTING TENANT VINYL TO BE REMOVED - DIGITALLY PRINTED VINYL WITH LAMINATE TO BE INSTALLED ON EXISTING TENANT PANELS

COLORS

- ■ PMS 485 C
- ■ PMS 7622 C
- ■ PMS 4975 C
- ▨ PMS 465 C
- ☐ PMS 9120 C (PASTEL)
- ▨ TH GOLD

SIGN SURVEY

- ☐ FACE TRIMS
- ☐ FASCIA COLOR
- ☐ RADIUS DIM.
- ☐ BUILDING DIM.
- ☐ FACADE ANGLE
- ☐ OTHER

Description Here for Other Items

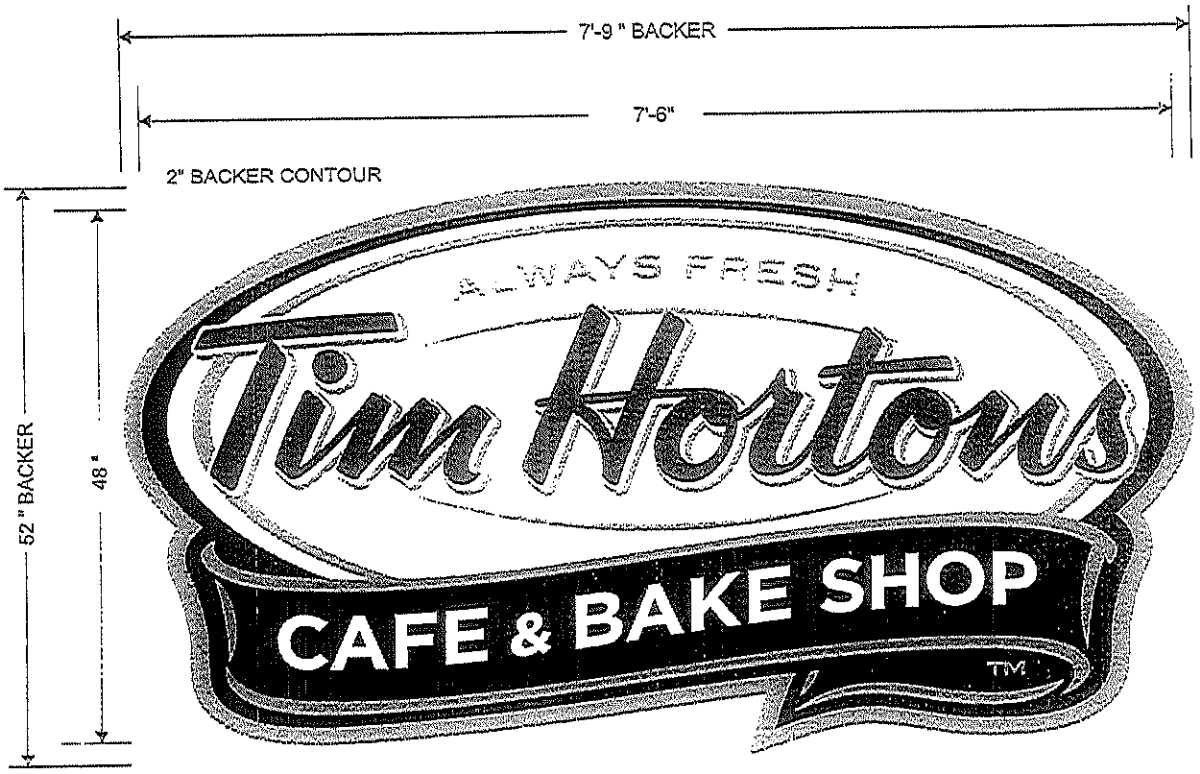
DATE: 5/4/2012
DGNR: CR

SCALE: 1/2"=1'
SALES: SHEEHY

custom SIGN Center, Inc. Full Service Sign Company
3200 Valleyview Drive
PH: 614-279-8700
Columbus, OH 43204
FX: 614-279-7525

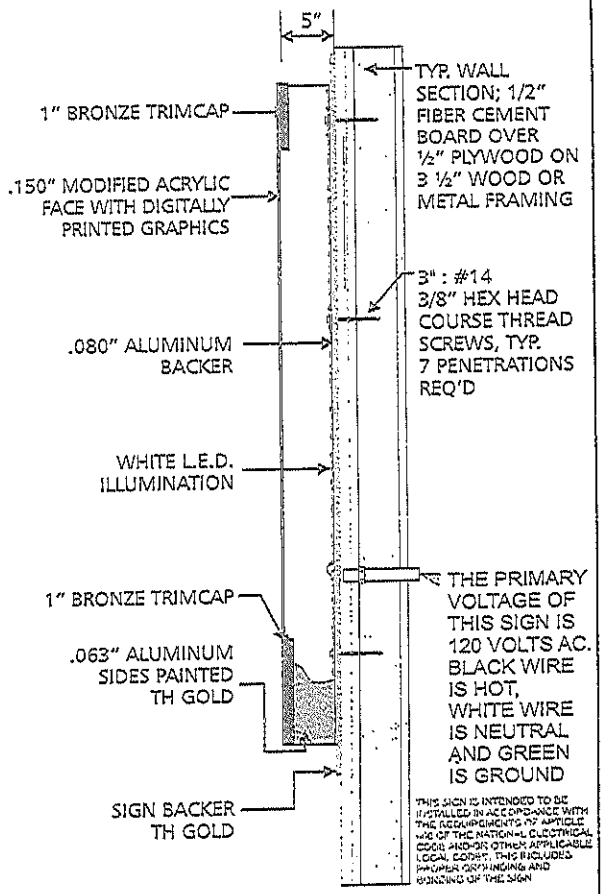
This original design and all information herein are the property of Custom Sign Center, Inc. Artwork is subject to return if not purchased. Any unauthorized use is forbidden. © Copyright 2012 All rights reserved.

MODEL- CBS-48-V4
Tim Hortons Café & Bake Shop



S/F ILLUMINATED WALL SIGN DETAIL
30 SQ.FT. WALL SIGN ONLY.
33.58 SQ.FT. INCLUDING BACKER

SCALE: 3/4"=1'



SECTION THRU/MOUNTING DETAIL
WITH TYPICAL L.E.D
NOT TO SCALE

SIGN TYPE	SPECIFICATIONS
■ SINGLE FACE ■ ILLUMINATED ■ WALL	CHANNEL LETTER WALL SIGN - .063" ALUMINUM SIDES PAINTED TH GOLD - .080 ALUMINUM BACKS PAINTED TH GOLD - 1" BRONZE TRIMCAP - .150" MODIFIED CLEAR ACRYLIC FACE W/ DIGITALLY PRINTED GRAPHICS APPLIED 2ND SURFACE BACKED WITH WHITE - SIGN MOUNTS ON TH GOLD SIGN BACKER - WHITE L.E.D. ILLUMINATION

COLORS
- ■ PMS 485 RED
- ☐ PMS 9120 IVORY
- ■ PMS 465 BEIGE
- ■ PMS 4975 DARK BROWN
- ☐ WHITE *BACKER*
- ☐ CLEAR ACRYLIC *FACE*
- ■ BRONZE *TRIMCAP*
- ■ TH GOLD *RETURN / SIGN BACER*

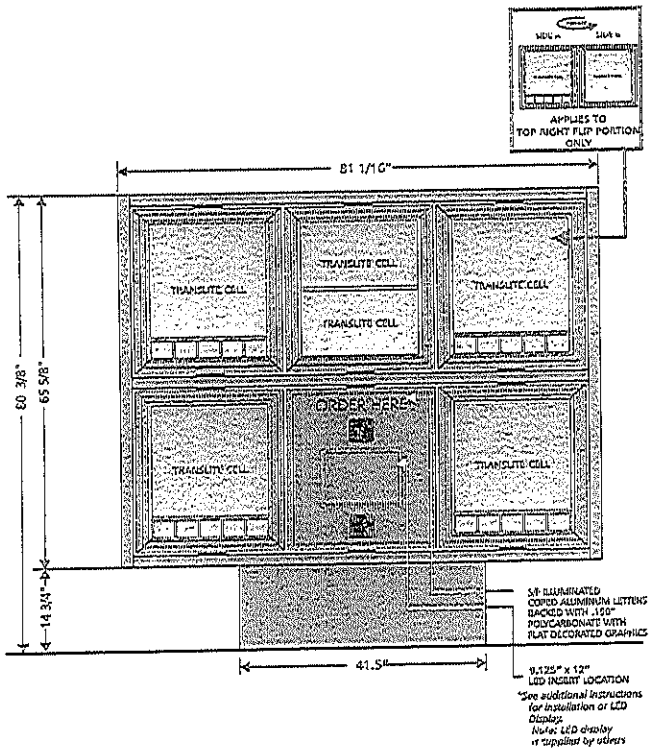
SIGN SURVEY
- ☐ FACE TRIMS
- ☐ FASCIA COLOR
- ☐ RADIUS DIM.
- ☐ BUILDING DIM.
- ☐ FACADE ANGLE
- ☐ OTHER

DATE: 5/31/12
DGNR: RV
SCALE: 3/4"=1"
SALES: SHEEHY

custom Full Service Sign Company
SIGN Center, Inc.
3200 Valleyview Drive
PH: 614-279-5700
Columbus, OH 43204
FX: 614-279-7525

This original design and all information herein are the property of Custom Sign Center, Inc. Artwork is subject to return if not purchased. Any unauthorized use is forbidden. © Copyright 2012 All rights reserved

MODEL: TH-ISMB-MENU

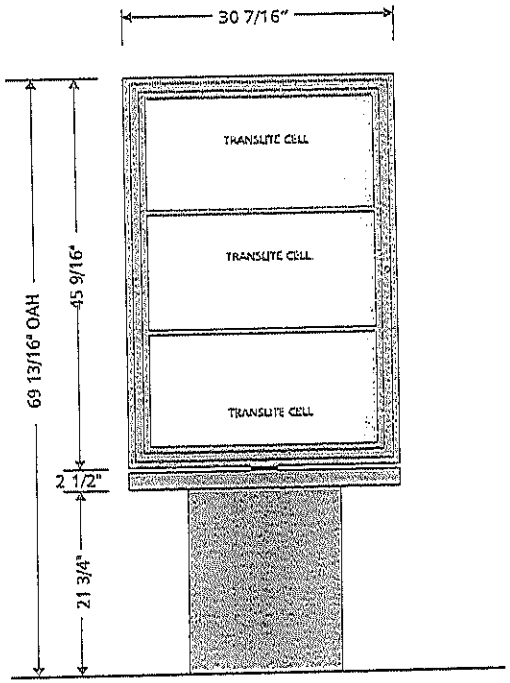


SIGN TYPE	SPECIFICATIONS	COLORS	SIGN SURVEY
☒ DOUBLE FACE	EXTERIOR MENU SYSTEM - FABRICATED STEEL TUBE FRAMEWORK PAINTED DESERT TAN	CABINET ☒ DESERT TAN ☒ PMS 495 RED	☐ FACE TRIMS ☐ FASCIA COLOR ☐ RADIUS DIM. ☐ BUILDING DIM. ☐ FACADE ANGLE ☐ OTHER *Description Here for Other Items*
☒ ILLUMINATED	- EXTRUDED ALUMINUM CABINETS PAINTED DESERT TAN - WHITE LED ILLUMINATION - LOCKING SECURITY DOORS		
☒ GROUND	- FABRICATED ALUMINUM POLE COVER PAINTED DESERT TAN - EQUAL QUADRANTS - ROTATING MENUS - INTEGRATED SPEAKER / MIC/ OCS - S/F ILLUMINATED COPED ALUMINUM SIGN CABINET BACKED WITH .150" POLYCARBONATE WITH FLAT DECORATED GRAPHICS TO READ "ORDER HERE"		

DATE: 1/10/13
DGNR: CMR
SCALE: 1/2"=1'
SALES: SHEEHY

custom SIGN Center, inc.

MODEL - TH-PRESELL-FLIP

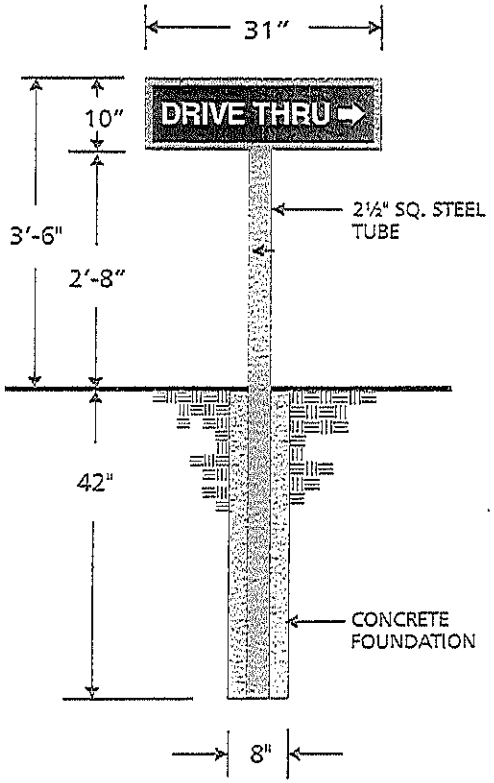


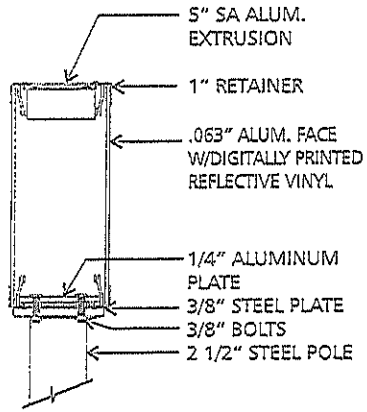
SIGN TYPE	SPECIFICATIONS	COLORS	SIGN SURVEY
☒ DOUBLE FACE ☒ ILLUMINATED ☒ GROUND	**EXTERIOR MENU SYSTEM** - FABRICATED STEEL TUBE FRAMEWORK PAINTED DESSERT TAN - EXTRUDED ALUMINUM CABINET PAINTED DESSERT TAN - WHITE LED ILLUMINATION - LOCKING SECURITY DOORS - FABRICATED ALUMINUM POLE COVER PAINTED DESSERT TAN	CABINET ☒ DESSERT TAN	☐ FACE TRIMS ☐ FASCIA COLOR ☐ RADIUS DIM. ☐ BUILDING DIM. ☐ FACADE ANGLE ☐ OTHER *Description Here for Other Items*

DATE: 1/10/13 SCALE: 3/4"=1'
DGNR: CMR SALES: SHEEHY

Custom Sign Center, Inc.

STANDARD DIRECTIONAL MODEL





ARTWORK FOR REPRESENTATION ONLY NOT FOR PRODUCTION USE

CALCULATED SQUARE FOOTAGE: 2.SF

SIGN TYPE	SPECIFICATIONS
■ SINGLE FACE ■ DOUBLE FACE ■ NON-ILLUMINATED	**STANDARD DIRECTIONAL** - FABRICATED ALUMINUM CABINET/SUPPORT POLE PAINTED TH GOLD - .063" ALUMINUM FACES WITH DIGITALLY PRINTED REFLECTIVE VINYL
■ GROUND	

COLORS

- ■ PMS 485 RED
- ■ TH DRK RED
- ☐ PMS 9120
- ☐ WHITE
- ☒ TH GOLD

SIGN SURVEY

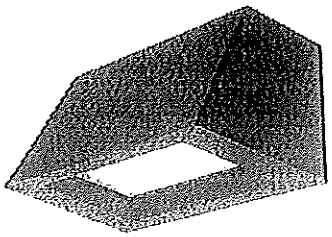
- ☐ FACE TRIMS
- ☐ FASCIA COLOR
- ☐ RADIUS DIM.
- ☐ BUILDING DIM.
- ☐ FACADE ANGLE
- ☐ OTHER

Description Here for Other Items

DATE: 12/5/13
DGNR: CR
SCALE: 1/2"=1'
SALES: SHEEHY

custom SIGN Center, Inc. Full Service Sign Company
3200 Valleyview Drive
PH: 614-279-6700
Columbus, OH 43204
FX: 614-279-7525

This original design and all information herein are the property of Custom Sign Center, Inc. Artwork is subject to return if not purchased. Any unauthorized use is forbidden. © Copyright 2013 All rights reserved



WST LED
Architectural Wall Sconce

Catalog Number

Notes

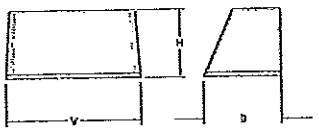
Type

Introduction

The WST LED is designed with the specifier in mind. The traditional, trapezoidal shape offers a soft, non-pixilated light source for end-user visual comfort. For emergency egress lighting, the WST LED offers six battery options, including remote. For additional code compliance and energy savings, there is also a Bi-level motion sensor option. With so many standard and optional features, three lumen packages, and high LPW, the WST LED is your "go to" luminaire for most any application.

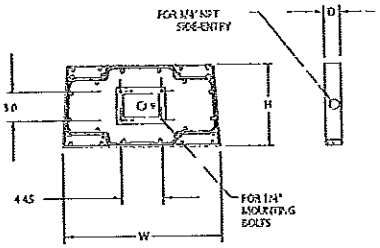
Specifications
Luminaire

Height:	8-1/2" (21.59 cm)
Width:	17" (43.18 cm)
Depth:	10-3/16" (25.9 cm)
Weight:	20 lbs (9.1 kg)



Optional Back Box (BBW)

Height:	4" (10.2 cm)
Width:	5-1/2" (14.0 cm)
Depth:	1-1/2" (3.9 cm)



Ordering Information

EXAMPLE: WST LED P1 40K VF MVOLT DDBTXD

WST LED

Series	Performance package	Color temperature	Distribution	Voltage	Mounting	Options	Finish (required)
WST LED	P1 1,500 Lumen package P2 3,000 Lumen package P3 6,000 Lumen package	27K 2700K 30K 3000K 40K 4000K 50K 5000K	VF Visual comfort forward throw VW Visual comfort wide	MVOLT[1] 120[1] 208[1] 240[1] 277[1] 347 480	Shipped included (blank) Surface mounting bracket Shipped separately BBW Surface-mounted back box PBBW Premium surface-mounted back box[9] LCE Left side conduit entry[3] RCE Right side conduit entry[3]	PE Photocontrol, button type PER NEMA twist-lock receptacle only PERS Five-wire receptacle only PER7 Seven-wire receptacle only PIR Motion/Ambient Light Sensor, 8-15' mounting height[4] PIR1FC3V Motion/ambient sensor, 8-15' mounting height, ambient sensor enabled at 1fc[4] PIRH 180° motion/ambient light sensor, 15-30' mounting height[4] PIRH1FC3V Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 1fc[4] SF Single fuse (120, 277, 347V)[5] DF Double fuse (208, 240, 480V)[5] DS Dual switching[5] E7WH Emergency battery backup (7W)[7] E7WC Emergency battery backup (cold, 7W)[7,8] E7WHR Remote emergency battery backup (remote 7W)[6,7] E20WH Emergency battery backup (20W)[7,9] E20WC Emergency battery backup (cold, 20W)[7,8,9] E23WHR Remote emergency battery backup (remote 20W)[6,7] Shipped separately RBPW Retrofit back plate VG Vandal guard WG Wire guard	DDBXD Dark bronze DBLXD Black DNAXD Natural aluminum DWHXD White DSSXD Sandstone DDBTXD Textured dark bronze DBLBXD Textured black DNATXD Textured natural aluminum DWHGXD Textured white DSSTXD Textured sandstone

NOTES

1. MVOLT driver operates on any line voltage from 120-277V (50/60 Hz). Specify 120, 208, 240 or 277 options only when ordering with photocell (PE), fusing (SF, DF), or dual switching (DS).
2. Top conduit entry standard.
3. Not available with BBW.
4. Not available with PE, PER, PER5, PER7, VG or WG.
5. Not available with MVOLT option. Button photocell (PE) can be ordered with a dedicated voltage option. Single fuse (SF) requires 120, 277 or 347 voltage option. Double fuse (DF) requires 208, 240 or 480 voltage option.
6. Not available with E7WH, E7WC, E7WHR, E20WC, E20WH, or E23WHR. Used with inverter system. Not available with 347/480V. Not available with PE, PER, PER5 & PER7.
7. Not available with 347/480V.
8. Battery pack rated for -20° to 40°C.
9. Comes with PBBW.
10. Warranty period is 3-years.

© 2011-2016 Acuity Brands Lighting, Inc. All rights reserved.

Emergency Battery Operation

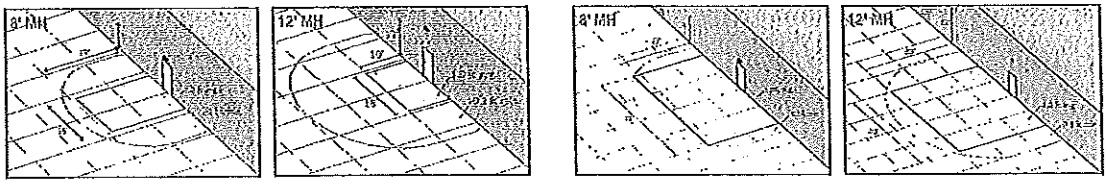
The emergency battery backup is integral to the luminaire - no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product.

All emergency backup configurations include an independent secondary driver with an integral relay to immediately detect AC power loss, meeting interpretations of NFPA 70:NEC 2008 - 700.16

The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of three hours) from the time supply power is lost, per International Building Code Section 1006 and NFPA 101 Life Safety Code Section 7.9, provided luminaires are mounted at an appropriate height and illuminate an open space with no major obstructions.

The examples below show illuminance of 1 fc average and 0.1 fc minimum of the P1 power package and VF distribution product in emergency mode.

10' x 10' Gridlines
8' and 12' Mounting Height



WST LED P1 27K VF MVOLT E2WH | WST LED P2 40K VF MVOLT E20WH

Performance Data

Lumen Output

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown, within the tolerances allowed by Lighting Facts.

P1	12W	VF	1,494	0	0	0	125	1,529	0	0	0	127	1,639	0	0	0	137	1,639	0	0	0	137
		VW	1,513	0	0	0	126	1,548	0	0	0	129	1,660	0	0	0	138	1,660	0	0	0	138
P2	25W	VF	3,167	1	0	1	126	3,235	1	0	1	129	3,468	1	0	1	139	3,468	1	0	1	139
		VW	3,202	1	0	0	128	3,277	1	0	0	131	3,512	1	0	0	140	3,512	1	0	0	140
P3	50W	VF	6,023	1	0	1	120	6,164	1	0	1	123	6,607	1	0	1	132	6,607	1	0	1	132
		VW	6,100	1	0	1	122	6,242	1	0	1	125	6,691	1	0	1	134	6,691	1	0	1	134

Lumen Ambient Temperature (LAT) Multipliers

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

0°C	32°F	1.03
10°C	50°F	1.02
20°C	68°F	1.01
25°C	77°F	1.00
30°C	86°F	0.99
40°C	104°F	0.98

Projected LED Lumen Maintenance

Values calculated according to IESNA TM-21-11 methodology and valid up to 40°C.

	0	25,000	50,000	100,000
	1.0	>0.95	>0.92	>0.87

Electrical Load

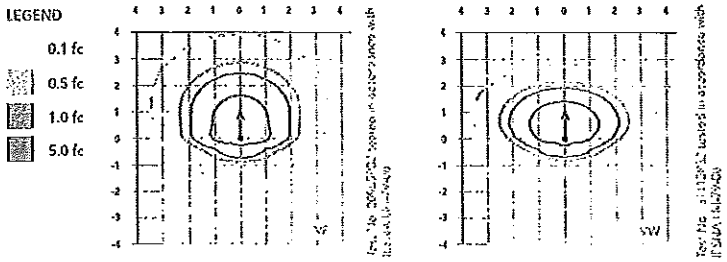
P1	11	0.1	0.06	0.05	0.04	—	—
	14	—	—	—	—	0.04	0.03
P1 DS	14	0.12	0.07	0.06	0.05	—	—
P2	25	0.21	0.13	0.11	0.1	—	—
	30	—	—	—	—	0.09	0.06
P2 DS	25	0.21	0.13	0.11	0.1	—	—
P3	50	0.42	0.24	0.21	0.19	—	—
	56	—	—	—	—	0.16	0.12
P3 DS	52	0.43	0.26	0.23	0.21	—	—

© 2011-2016 Acuity Brands Lighting, Inc. All rights reserved.

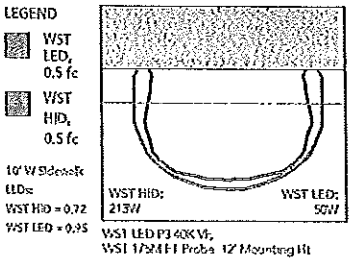
Photometric Plots

To see complete photometric reports or download .ies files for this product, visit Lithonia Lighting's WST LED homepage.

Isofootcandle plots for the WST LED P3 40K VF and VW. Distances are in units of mounting height (10)



Distribution overlay comparison to 175W metal halide.



FEATURES & SPECIFICATIONS

INTENDED USE
The classic architectural shape of the WST LED was designed for applications such as hospitals, schools, malls, restaurants, and commercial buildings. The long life LEDs and driver make this luminaire nearly maintenance-free.

CONSTRUCTION
The single-piece die-cast aluminum housing integrates secondary heat sinks to optimize thermal transfer from the internal light engine heat sinks and promote long life. The driver is mounted in direct contact with the casting for a low operating temperature and long life. The die-cast door frame is fully gasketed with a one-piece solid silicone gasket to keep out moisture and dust, providing an IP65 rating for the luminaire.

FINISH
Exterior parts are protected by a zinc-infused Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Standard Super Durable colors include dark bronze, black, natural aluminum, sandstone and white. Available in textured and non-textured finishes.

OPTICS
Well crafted reflector optics allow the light engine to be recessed within the luminaire, providing visual comfort, superior distribution, uniformity, and spacing in wall-mount applications. The WST LED has zero uplight and qualifies as a Nighttime Friendly™ product, meaning it is consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight

ELECTRICAL
Light engine(s) consist of 98 high-efficacy LEDs mounted to a metal core circuit board and integral aluminum heat sinks to maximize heat dissipation and promote long life (100,000 hrs at 40°C, L87). Class 2 electronic driver has a power factor >90%, THD <20%. Easily-serviceable surge protection device meets a minimum Category B (per ANSI/IEEE C62.41.2).

INSTALLATION
A universal mounting plate with integral mounting support arms allows the fixture to hinge down for easy access while making wiring connections.

LISTINGS
CSA certified to U.S. and Canadian standards. Luminaire is IP65 rated. PIR options are rated for wet location. Rated for -30°C to 40°C ambient.

DesignLights Consortium® (DLC) Premium qualified product. Not all versions of this product may be DLC Premium qualified. Please check the DLC Qualified Products List at www.[illegible].com to confirm which versions are qualified.

WARRANTY
5-year limited warranty. Complete warranty terms located at:
www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx.

Note: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

© 2011-2016 Acuity Brands Lighting, Inc. All rights reserved.

McKenna ASSOCIATES COMMUNITY PLANNING AND DESIGN

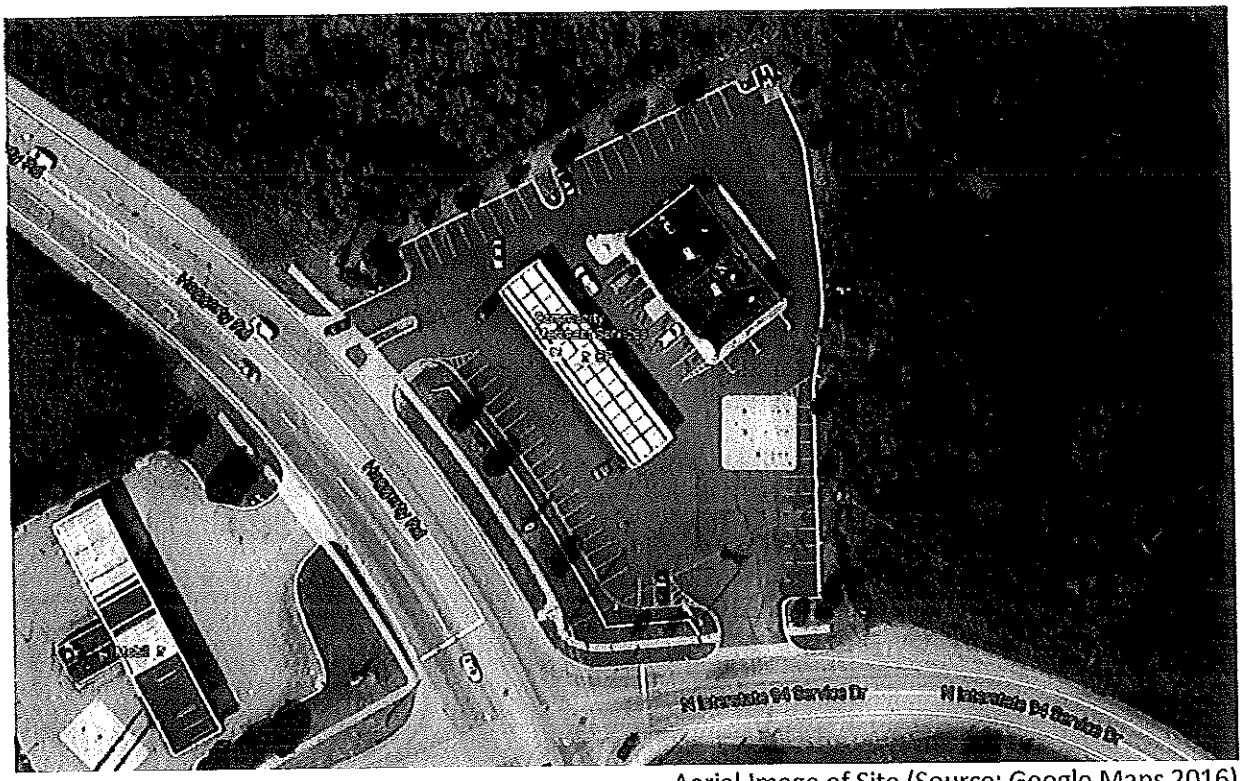
October 21, 2016

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, Michigan 48111

Subject: VBT-16-028 SPR; Tim Hortons Drive-Through at 11175 Haggerty Road; Site Plan Review #2; Plans Revision Dated September 30, 2016

Dear Commissioners:

The applicant proposes to add a drive-through Tim Hortons to an already existing BP gas station at 11175 Haggerty Road, which is located at the northeast corner of the intersection of Haggerty Road and North I-94 Service Drive. The site is 1.66 acres in area. The site is zoned C-1 (General Business District), which permits drive-through uses via Special Land Use approval. Our comments on the special land use application for the proposed drive-through are in a separate letter.



Aerial Image of Site (Source: Google Maps 2016)

We have reviewed the site plan for compliance with the Township's Zoning Ordinance and with sound planning and design principles, and we offer the following comments for your consideration:

COMMENTS

1. **Use.** Drive-through restaurants are permitted by special use approval in the C-1 District, subject to a recommendation by the Planning Commission and final action by the Township Board of Trustees. Site plan approval by the Planning Commission is also required. A use statement has been added to the plan, stating that the Tim Hortons will occupy the space previously used by the drive-thru Tubby's sub sandwich shop. Tim Horton's will be open 24 hours per day.

2. **Dimensional Requirements.** The required setbacks in the C-1 district are: 75 ft. front yard, 15 ft. side yards, and 25 ft. rear yard. All setback requirements are noted on the plan and met by the existing building and canopy, and no changes to these structures are proposed.

3. **Specific Use Standards.** Please refer to our special use approval letter for a discussion on the specific standards of Section 12.03.d that apply to drive-through facilities.

4. **Site Layout and Circulation.**

   a. **Stacking Spaces and Drive-Through Bypass Lane.** The required 15 drive-thru stacking spaces are shown, and are now all located on the same side of the access drive from North I-94 Service Drive. This was done by removing the 7 parking spaces within this area of the site and by using more of the existing pavement for a wider turning radius near the building at the drive-thru windows.

   b. **Drive-Through Turn Radius.** The drive-through turn radius near the building has been widened to allow easier vehicle turns at this part of the site. The drive-through lane is designed to leave enough space for the loading area and for access to the dumpster.

   c. **Sidewalks.** There are existing sidewalks along frontages adjacent to Haggerty Road and North I-94 Service Drive. Because of the current lack of pedestrian activity, a sidewalk connecting to the building entrance is not necessary at this time. Adding sidewalks can be revisited in the future if development in the area generates more pedestrian activity.

5. **Dumpster.** Section 4.14 of the Zoning Ordinance requires the dumpster to be enclosed on three sides by a brick or decorative concrete wall that matches or complements the building, with the fourth side enclosed by steel-reinforced pressure treated or wolmanized gate. There is an existing dumpster enclosure in the northeast corner of the site. Sheet SP-1 states that this dumpster is enclosed with 6-foot high brick faced walls and a steel gate with inserts. We recommend that pictures be added to the plans and that the gate be changed to a steel-reinforced pressure treated or wolmanized gate. The proposed access to the dumpster has been improved with the reconfiguration of the drive-through lane and addition of an escape area between two of the stacking spaces.

6. **Landscaping and Screening.**

   a. **Landscaping Adjacent to the Right-of-Way.** Section 4.40(3)(b) of the Zoning Ordinance requires that parking spaces adjacent to rights-of-way to be screened by a continuous landscape screen of at least 3 feet in height or a 3-foot high decorative screening wall. The

parking area is screened by an existing 3-foot high brick wall. One tree is required for each 50 linear feet of frontage. The site has 436 feet of frontage and thus requires 9 trees. There are 11 trees proposed and existing for in front of the wall.

b. **Landscaping Schedule and Other Landscaping Requirements.** The site plan shows 20 "existing deciduous" trees and 10 "existing evergreen" trees. There are 3 Serviceberry trees, 3 Maple trees, and 65 total shrubs proposed to be added on site. The site plan must include the landscape calculations to confirm compliance with the landscaping requirements of Section 4.40 of the Zoning Ordinance, including general landscaping, vehicular surface landscaping, and loading area landscaping. The height or caliper of existing trees and shrubs must also be included.

c. **Maintenance.** Per Section 4.42 of the Zoning Ordinance, provisions for irrigation and maintenance of landscape material must be noted.

7. **Parking and Loading.** Requirements per Section 6.01(C) of the Zoning Ordinance are as follows:

Standard	Applicable Measurement	Number of Spaces Required	Number of Spaces Provided
Gas Station/Convenience Store			
2 spaces per gasoline pump island	5 pump islands	10	10
1 space per 200 sq. ft. of gross floor area	2,766 sq. ft. of gross floor area for retail sales	14	20
1 space per employee in maximum shift	2 at maximum shift	2	
Drive-Through			
22 spaces per 1,000 sq. ft. usable floor area	270 sq. ft. of usable floor area for drive-through use	6	6
1 space per employee in maximum shift	4 at maximum shift	4	4
2 longer spaces for RVs	2 located on north side of site	2	2
Drive-Through Stacking			
5 stacking spaces between pick-up window & order station	5 provided	5	5
10 stacking spaces per order station	10 provided	10	10

a. **Floor Plans and Employee Information.** A floor plan was provided showing the layout of the convenience store and drive-through use. There will be two employees on the maximum shift at the convenience store, and four employees on the maximum shift at the drive-through use.

b. **Parking Space Dimensions.** The length of parking spaces must be shown as a typical dimension. All 90° and 60° spaces must be 9.5 feet wide and 20 feet deep.

c. **Loading Area.** A 10 foot x 25 foot loading area is provided behind the building next to the reconfigured drive-through lane.

8. **Architecture and Facades.** Building elevations are now provided, which show brick and wall pack as the main materials used. The building is 20 feet tall at its highest point. There are two existing rooftop mechanical units which are not shown on the elevations. These units should be added, and the plans should demonstrate how they are shielded from the view of people at ground level.

9. **Open Space.** Open space must be set aside on the site, as required by Section 11.05(d)(i), in the amount of not less than 1 sq. ft. per 25 sq. ft. of principal building. This open space shall be independent of sidewalks, pedestrian circulation areas, and required landscape areas, visible from the building and public right-of-way, and connected to the pedestrian system. Based on the building area of 4,166 sq. ft., 167 sq. ft. of open space is required. There is an existing patio area near the building designated, which is 240 square feet and is the open space for this site. It is our understanding that there is an existing table and seating area on this patio, so we recommend noting this on the plans.

10. **Lighting.** A photometric plan is included with the site plan. The most intense light is under the gas canopy at 10.0 foot candles. A new light pole will be installed near the drive-through order window. Sheet SP-2 includes details of the light pole, which will be 14 feet high and contain a fixture that is directed downward. Light trespass onto neighboring properties on into the right-of-way generally does not exceed 1.0 foot candles, which is appropriate for a commercial site surrounded by a mostly vacant area or other commercial sites.

11. **Signs.** There is an existing monument sign and signs on the building and canopy for the existing gas station use. Details are required for all existing and proposed signs, including dimensions, materials, colors, and lighting. Signs in the C-1 District are regulated by Section 20.409(4) of the Zoning Ordinance.

12. **Additional Items.** The plans do not scale according to the scale indicated on the plans. The plans must be printed at the appropriate scale.

RECOMMENDATION

The applicant has revised the site plan and responded to several items from the previous review. While there are still some outstanding items, we believe these can be handled during final site plan review. Therefore, we recommend that the Planning Commission approve the preliminary site plan with the following conditions:

1. Pictures of the existing dumpster enclosure be added to the plans and that the gate be changed to a steel-reinforced pressure treated or wolmanized gate.
2. The site plan must include landscape calculations to confirm compliance with the landscaping requirements of Section 4.40 of the Zoning Ordinance, including general landscaping, vehicular surface landscaping, and loading area landscaping.
3. The height or caliper of existing trees and shrubs must also be included.
4. Provisions for irrigation and maintenance of landscape material must be noted.
5. The length of parking spaces must be shown as a typical dimension.
6. Rooftop units should be added to the elevation drawings and the plans should demonstrate how they are shielded from the view of people at ground level.

7. That the existing table and seating area on the patio be added to the plans.
8. Details are needed for all existing and proposed signs, including dimensions, materials, colors, and lighting.
9. The plans must be printed at the appropriate scale.

Respectfully submitted,
McKENNA ASSCOCIATES

Patrick J. Sloan, AICP
Senior Principal Planner

Stephen Hannon
Assistant Planner

October 21, 2016

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Subject: **VBT-16-028 SLU; BP Tim Hortons at 11175 Haggerty Road; SLU #2; Plans Dated September 30, 2016.**

Dear Commissioners:

The applicant proposes to construct a drive-through Tim Hortons at an already existing BP gas station at 11175 Haggerty Road, which is located at the northeast corner of the intersection of Haggerty Road and North I-94 Service Drive. The site is zoned C-1 (General Business District) and is 1.66 acres in area. The drive-through use requires special use approval in the C-1 District.

COMMENTS

Special approval uses must meet both the specific non-discretionary standards of Section 12.03(d) and the discretionary standards listed in Section 18.08(f) of the Ordinance. We have reviewed the proposal and have the following comments based on the requirements of the Zoning Ordinance, observation of the site and surroundings, and accepted principles of good planning and design.

Section 18.08(f): General Standards for Special Approval.

1. **Promotes the use of land in a socially and economically desirable manner for those persons who will use the proposed land or activity; for those landowners and residents who are adjacent; and for the Township as a whole.** The site is zoned C-1 and located at the corner of Haggerty Road and North Interstate 94 Service Drive. Another gas station is located immediately across the street, otherwise the site is surrounded by vacant land. Drive-thru uses are economically and socially desirable near freeway interchanges.

2. **Is necessary for the public convenience at that location.** Haggerty Road is a major commercial thoroughfare and the site's location near I-94 makes a drive-thru use potentially convenient for customers and the general public.

3. **Is compatible with adjacent uses of land.** The site is surrounded by vacant woodlands, so the drive-thru use is well-screened from any future development on adjacent land. All of the surrounding land is also zoned C-1.

4. **Is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.** The drive-thru area is designed to allow for the smooth flow of cars using the drive-thru and other users of the site. The public health, safety, and welfare will be protected based on the current site design.

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.** The site's demand for public services and facilities will be commensurate with a commercially used site, and will not likely diminish or adversely affect public services to existing uses in the area.

6. **Will not cause injury to other property in the neighborhood in which it is to be located.** The site as currently designed is not anticipated to cause any adverse effects to the existing uses, marketability, or desirability of the other commercial and residential properties in the area. The site has functioned successfully as a gas station and convenience store for many years, and we are not aware of injury caused to any property in the area as a result of the site's use.

7. **Considers the natural environment and helps conserve natural resources and energy.** Because of the relatively minor site changes, there are no anticipated adverse effects on the area's natural resources. The site does not appear to be located near wetlands or other sensitive natural features. The site's existing and proposed landscaping is covered in our site plan review letter.

8. **Is within the provisions of uses requiring special approval in the zoning district, is in harmony with the purposes and conforms to applicable regulations of the zoning district, and meets applicable site design standards for special approval uses.** The site design has been greatly improved since the previous iteration, addressing several outstanding concerns. Any further concerns with the site plan are covered in our site plan review letter, in which we recommend preliminary site plan approval with conditions.

9. **Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.** The Township has the authority to approve a drive-through special land use in the C-1 district, so this standard is met.

Section 12.03(d): Specific Standards for Special Approval. Section 12.03(d) provides specific standards for drive-in uses in the C-1 District; the proposal's compliance with those standards is evaluated below.

1. **Entrances and exits must be 100 feet from the intersection of any two streets.** There are two (2) existing entrance/exit drives to the site: one at Haggerty Road and one at North I-94 Service Drive. The driveway at Haggerty Road is almost 200 feet from the intersection. The driveway at N. I-94 Service Drive is approximately 104 feet from the intersection if the distance is measured from the driveway to the pavement (not the right-of-way) of Haggerty Road. Although the definition of "intersection" is not defined in the Zoning Ordinance, we believe that the existing driveway on at N. I-94 Service Drive satisfies that 100-foot setback requirement from the intersection.

2. **Must have direct access to a major thoroughfare.** The site has direct access to Haggerty Road and N. I-94 Service Drive, both of which are major thoroughfares.

3. **No lighting or illuminated display shall reflect onto a residential zone.** All adjacent properties are zoned C-1, so this standard is not applicable.

4. **Consideration must be given to proximity of existing places of congregation of children regarding traffic safety and sanitation.** There are no places that children congregate near the site, so there are no potential issues with this standard.

RECOMMENDATION

Based on the above, we find the proposed drive-thru use meets the standards for special use approval, provided the ±104-foot distance from the driveway at N. I-94 Service Drive to the intersection with Haggerty Road is acceptable. We recommend that the Planning Commission recommend special use approval for the drive-thru to the Township Board, subject to the condition of preliminary and final site plan approval.

Respectfully submitted,

McKENNA ASSOCIATES

Patrick J. Sloan, AICP
Senior Principal Planner

Stephen Hannon
Assistant Planner

WADE TRIM

October 13, 2016

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Ms. Carol Thompson, Chairperson
Van Buren Township Planning Commission

Re: Tim Horton's – 11175 Haggerty Road
Recommendation for Approval

Dear Ms. Thompson:

At your request, we have reviewed the preliminary site plan package for the Tim Horton's drive-thru project located at 11175 Haggerty Road.

The site improvements involve minor parking re-striping and the addition of a small curbed island in order to facilitate a drive-thru. Proposed site circulation has been evaluated and found acceptable. All parking spaces shall be double-striped and the existing parking area has a curbed perimeter. There are no utilities or additional paving proposed with this site plan.

Recommendation
Due to the very minor site changes that do not necessitate an engineering review, we would like to offer our recommendation for both preliminary and final site plan approval, accepted at the discretion of the Planning Commission.

If you have any questions regarding this project, please contact our office at 734.947.2768.

Very truly yours,

Wade Trim Associates, Inc.

Carmelle Tremblay, E.I.T.

David M. Nummer, PE

DMN:CGT:jel
VBN 2274-01T
10122016Thompson.docx

cc: Mr. James Taylor, Director of Public Works
Mr. Ron Akers, Director of Planning and Economic Development
Mr. Mathew Best, Deputy Director of Planning and Economic Development

Wade Trim Associates, Inc.
25251 Northline Road
P.O. Box 10
Taylor, MI 48180

734.947.9700
800.482.2864
734.947.9726 fax
www.wadetrim.com

WADE TRIM

October 13, 2016

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: Tim Horton's – 11175 Haggerty Road
Recommendation for Approval

Dear Mr. Taylor:

At your request, we have reviewed the updated preliminary site plan package for the Tim Horton's drive-thru project located at 11175 Haggerty Road. The Project involves minor site changes to provide a drive-thru for an existing building.

The Designer has removed the additional parking spaces west of the drive-thru lane which, as initially proposed, hindered site circulation. As updated, a drive-thru and by-pass lane are provided with adequate space for circulation.

There are no utilities or additional paving proposed as part of this site plan.

Recommendation
We are recommending preliminary approval of the site plan at this time. Due to the very minor site changes that do not necessitate an engineering review, we would also like to offer our recommendation for final site plan approval, accepted at the discretion of the Planning Commission.

If you have any questions regarding this review, please contact our office at 734.947.2793.

Very truly yours,

Wade Trim Associates, Inc.

Carmelle Tremblay, EIT

David M. Nummer, PE

DMN:CGT:jel
VBN 2274-01T
10122016Taylor.docx

cc: Mr. Ron Akers, Director of Planning and Economic Development
Mr. Mathew Best, Deputy Director of Planning and Economic Development

Wade Trim Associates, Inc.
25251 Northline Road
P.O. Box 10
Taylor, MI 48180

734.947.9700
800.482.2864
734.947.9726 fax
www.wadetrim.com

David C. McInally II
Battalion Chief / Fire Marshal
O: 734-699-8900 ext9416

Van Buren Fire Department
46425 Tyler Rd
Van Buren Twp., MI 48111

October 3, 2016

Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Tim Horton's
11175 Haggerty
Belleville, Mi. 48111
16-028

I reviewed the plans given to your office on 8-26 and to me on 8-30 from Ziad El-Baba Engineering, 674 Gauthier Tecumseh, Ontario N8N3P8 Canada

1. ~~Where the drive thru is coming to a point at the building on the South East corner is a problem. I would want striping and signage that indicates fire lane and not to block drive with waiting cars.~~

2. A Knox Box is required on the building for both tenants. The Knox Box location will be verified prior to the installation on the building. www.knoxbox.com NFPA 1 18.2.2.1

With the above considerations, the plan set is approved as submitted.

A digital cad layout of the building is required by this department prior to our final C of O inspection.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes.

Respectfully Submitted,
David C McInally

Fire Marshal
Van Buren Fire Department

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

PLANNING & ZONING APPLICATION

Case number RZ14-005 *Date Submitted* RECEIVED SEP 10 2014 BY

APPLICANT INFORMATION

Applicant BELLEVILLE DEVELOPMENT, INC. Phone 248.544.2900
Address 31100 STEPHENSON HWY. Fax 248.544.8600
City, State MADISON HEIGHTS, MI Zip 48071
E:mail RHANNA@AMHOSPITALITY.COM Cell Phone Number 248.821.2161
~~Property Owner~~ ~~SAME~~ Remy Hanna (if different than applicant) Phone 248-821-2161
Address 46194 N I-94 Service Road Fax
City, State Belleville MI Zip 48111
Billing Contact ANDY ANDRE R.H. 2/25/15 Phone 810 695 0793 ANDY@BUDDESIGN.COM
Address 10775 S SAGINAW ST. SUITE B Fax 810.695.0569
City, State GRAND BLANC, MI Zip 48439

CONTACT

SITE/PROJECT INFORMATION

Name of Project TOWNE PLACE SUITES HOTEL
Parcel Id No. V125-83-064-99-0002-002 Project Address 11055 QUIRK ROAD

Attach Legal Description of Property

Property Location: On the NORTH Side of N. I-94 SERVICE DR. Road; Between BELLEVILLE Road and QUIRK Road. Size of Lot Width _____ Depth _____
Acreage of Site 7.421 Total Acres of Site to Review 7.421 Current Zoning of Site R-1B
Project Description: NEW HOTEL DEVELOPMENT WHICH INCLUDES LONG-TERM PARKING.

Is a re-zoning of this parcel being requested? YES (YES) (if yes complete next line) NO
Current Zoning of Site R-1B Requested Zoning C-2

SPECIAL PERMIT INFORMATION

Does the Proposed Use Require Special Approval? NO YES (if yes complete next line) (NO)
Section of Zoning Ordinance for which you are applying _____

Is there an official Woodland within parcel? NO Woodland acreage _____
List total number of regulated trees outside the Woodland area? _____ Total number of trees _____
Detailed description for cutting trees _____

If applicable application **MUST** be accompanied with a Tree Survey or statement of no trees, which incorporates all the requirements listed in Section 4.45 of Zoning Ordinance 6-2-92, as amended.

OWNER'S AFFIDAVIT

Rimson Hanna
Print Property Owners Name

[signature] 9/10/14
Signature of Property Owner Date

STATE OF MICHIGAN
COUNTY OF WAYNE
The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.
Subscribed and sworn before me this 10 day of Sept 20 14
[signature] Notary Public Wayne County, Michigan My Commission expires 9/25, 20 19
K.A. ADAMS NOTARY PUBLIC, STATE OF MI COUNTY OF WAYNE MY COMMISSION EXPIRES Sep 25, 2019
Rev 1/12/05

McKenna ASSOCIATES COMMUNITY PLANNING AND DESIGN

October 21, 2016

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, Michigan 48111

Subject: VBT-14-031 SPR; Towne Place Suites Hotel; Site Plan Review #6; Plans Dated October 14, 2016

Dear Commissioners:

The applicant proposes to develop a new 121-room suites hotel at the northeast corner of Quirk Road and the North I-94 Service Road. At the Planning Commission meeting on March 9, 2016, the site plan was granted preliminary approval with conditions. We have reviewed the final site plan for adherence to these conditions, and we offer the following comments for your consideration.

COMMENTS

The preliminary site plan was approved with conditions including those from the McKenna review letter dated February 11, 2016. These conditions are described as follows:

1. **Correcting the zoning labels on the site plan.** Sheet C2.0 still shows two labels on Parcel II with R-1B zoning and one with C-2 zoning. This entire parcel is zoned C-2; and the zoning label must to be corrected on this sheet. This condition has not been met.

2. **Application for lot combination prior to final site plan approval and completion of that combination before any construction permits are granted for the site.** It is our understanding that the applicants have not yet applied for a lot combination, so this condition has not yet been met.

3. **The landscape plan shall be revised and comply with all the requirements noted in Comment 4 above.** The individual landscaping comments are as follows:

   a. *The landscape plan should distinguish between those trees used for right-of-way landscaping and those which are used for parking lot landscaping.* This distinction has been indicated on the plan. This condition has been met.

   b. *There should also be one additional tree on the east side of the parking lot entrance to continue the street tree line there.* No tree is shown in this location. This condition has not been met.

   c. *Calculations must be included for the landscaping adjacent to residential area standard, and compliance addressed.* This calculation is not included on the landscape plan. This condition has not been met.

d. *We recommend that the applicant submit landscape cross-sections (at the same horizontal and vertical scale) for two locations: west to east from Lot 42 of the Willow Gardens subdivision to the building, and northwest to southeast from Lot 46 of the Willow Gardens subdivision to the building.* No cross-sections were included with the landscape plan. This condition has not been met.

e. *The plan must label which trees are being counted to satisfy the vehicular surface landscape requirement, and these trees must be located in and around the parking lots.* These distinctions have been indicated on the plan. This condition has been met.

f. *There appear to be about 60 trees in and around the parking lots, and thus it is likely that more will be needed to comply.* There are 84 trees required and 86 were counted on the plans, so this condition has been met. However, the plan states that there are 87 parking lot trees planted, so we recommend that the applicants correct this discrepancy.

g. *Additional trees may be required to satisfy the intent of the regulations and for required tree replacements. The landscape plan should be updated to include all of the required trees.* The calculation for landscaping adjacent to residential areas must be included to determine if this condition has or has not been met.

h. *All shrubs in the landscape buffer along the North Service Road must be spaced no farther than 4 feet on center.* The plan still notes that these will be spaces at 5 feet on center. This condition has not been met.

4. **Redesign of the storm water pond to have a more naturalized shape and fencing, subject to the determination of the Planning Commission.** The pond has been redesigned with a similar shape as the previous plan. However, Wayne County storm water engineering requirements limit the options to effectively design a naturalized shape for a storm water pond. Therefore, the pond as proposed has an appropriate shape. There are still no details on any fencing around the pond, which is required for the safety of guests and children who will be on site. This condition has not been met.

5. **The cross access easement documents with corresponding legal descriptions must be submitted for Township review and approval prior to final site plan approval, and recorded required prior to permits being issued for the site.** It is our understanding that these legal documents have not yet been submitted to the Township, so this condition has not been met.

6. **Addition of a sidewalk along the access drive to the parking lot at the back of the site.** The final site plan shows no changes from the previous plan. This condition has not been met.

7. **Building elevations are subject to the approval of the Planning Commission. Color renderings of the elevations should be presented at the meeting along with samples of proposed façade materials for Planning Commission review and approval. The brick used should be true clay brick as required for other developments in the area. The materials and color of the roof and windows must also be noted on the elevations.** Building elevations were not included as part of this submittal. We recommend that the elevations be included in the plan set and that the material samples and colors be presented at the next Planning Commission meeting.

8. **Addition of a crosswalk from the patio area to the building. Measures to enhance the appearance of the area near the pedestrian overpass structure must be addressed to the Commission's satisfaction.** There is a walkway leading from the patio area to the building, but there still must be a crosswalk designated through pavement markings, stamped concrete, or some other method. Additional landscaping or some other enhancement near the overpass would also help make this corner an attractive entryway to the area, and is still needed on the site plan. This condition has not been met. Finally, we recommend that the "Walking Path" shown on sheet C3.0 from the building sidewalk to the parking lot curb be barrier free.

9. **Details of all proposed signs, as described in Comment 11 above.** Details of all proposed signs including entrance, directional, and wall signs with height, dimensions, area calculations, and means of lighting still must be submitted. This condition has not been met.

10. **Tree permit approval prior to final site plan approval.** It is our understanding that the tree permit has not yet been submitted by the applicants, so this condition has not yet been met.

11. **Approval of the Township engineer and all agencies with jurisdiction.** We defer to each of the agencies and the Township engineer for their approvals.

Finally, the final site plan has been modified to show new sidewalk that was recently installed by the DDA along the N. I-94 Service Drive. Although this is a different location than the proposed sidewalk on the preliminary site plan, the changed sidewalk location did not substantively change the site plan.

RECOMMENDATION

There are several conditions of preliminary site plan approval that have not been satisfied on the final site plan. Although many of these conditions are minor and could be adopted as conditions of final site plan approval, there are many missing items at this time that will impact the appearance of the site such as required landscaping, storm water pond fencing or screening, tree replacement, and sidewalks. Therefore, we recommend the applicant resubmit the final site plan addressing the conditions of preliminary site plan approval.

McKENNA ASSCOCIATES

Patrick Sloan, AICP
Senior Principal Planner

Stephen Hannon
Assistant Planner

WADE TRIM

October 12, 2016

Charter Township of Van Buren
46425 Tyler Road
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: Towne Place Suites
Recommendation for Final Approval

Dear Mr. Taylor:

At your request, we have reviewed the engineering site plan package received digitally by our office on September 27, 2016, and the supplementary pump details received October 10, 2016 for the Towne Place Suites located on the I-94 Service Drive. The Project involves the construction of a new hotel with supplemental parking, utilities and storm water management. Our comments on the engineering site plan are as follows:

General

As previously requested, the following required easements should be called out on the plans:

a. Construction easement and agreement for any work outside the property limits and public right-of-way;
b. Storm water easement and agreement for Towne Place Suites' storm system to be located and maintained within the Hampton Inn property limits; and,
c. Storm water agreement stating that the Towne Place Suites property accepts drainage from the Hampton Inn property.

Water Main

All of our water main comments have been addressed and the approved water main plans were submitted to MDEQ for a water supply permit on October 11, 2012.

Sanitary Sewer

1. The buried manhole in the right-of-way at the southwest corner of the site should be uncovered and raised to grade, and this should be noted on the plans.

2. The Designer has proposed a retaining wall for the sanitary manhole within the influence of the west berm. This is not ideal for maintenance in the event that the sanitary sewer must be repaired. We recommend raising the manhole to grade (berm grade), in place of a retaining wall. The Designer has also provided an access drive for this manhole, as requested. The access drive should be paved as previously requested.

Wade Trim Associates, Inc.
25251 Northline Road
P.O. Box 10
Taylor, MI 48180
734.947.9700
800.482.2864
734.947.9726 fax
www.wadetrim.com

Storm Water Management

1. A duplex pump system with two pumps designed for 130 GPM (each pump sized for half allowable outflow) at 10-foot head has been proposed for the storm water outlet. After evaluating the proposed pump with the expected system curves, we believe two pumps will provide less than 220 GPM (actual outflow that the pond is designed for). However, at an outflow slightly less than 220 GPM, the design elevation of the pond should still be less than the 5-foot maximum ponding depth and, therefore, we find the pump design acceptable.

   We have also previously requested that a third (back-up) pump be provided so that the FIRM capacity of the pump station is equivalent to the actual outflow that the pond is designed for. A back-up pump has not been provided as recommended, however, at 130 GPM outflow (one pump), the design elevation of the pond should still be less than the 5-foot maximum ponding depth. Therefore, the pond appears to be sized adequately for the 100-year storm even if one pump fails. The discrepancy in outflow does not affect the bankfull and first flush outlet sizing and, therefore, we find the overall pond design acceptable (with the exception of the minor forebay comment outlined below). The Designer should be aware, however, that the outflow and 100-year elevation will ultimately be restricted by the pump and not by the design storm orifice restrictor sizing.

2. The H-avg used for the forebay outlet design is 1.20 feet, when it should be 1.80 feet (Zff - Zout = 684.30 - 682.50 = 1.80). This ultimately affects the first flush holding time and makes it approximately 21 hours, which is less than the required 24 hours. The Designer should review and update the forebay outlet sizing to meet requirements.

3. The pond has been designed conservatively with approximately 80,000 CF of excess storage and, therefore, an emergency storm situation is unlikely. However, we would like to reiterate that, in the event of an emergency storm situation greater than the basin and pump can handle, the site may become inundated due to the fact that there is no overflow provided.

4. The discharge elevation of the 4-inch force main differs on sheet 5.3 (685.90 on detail vs. 687.00 in calculations). If the discharge elevation is 685.90, crossing UC11 is not depicted accurately on the profile and the force main will be in direct conflict with the storm sewer from CB-3 to CB-10. If the discharge elevation is 687.00, there will be an approximate 1-foot clearance. The actual discharge elevation should be clarified and the maximum clearance at utility crossings should be represented on the plans.

Paving/Grading

Twelve-inch culverts have been added to pick-up drainage from the west side of the berms along the west property line. Detailed grading in the area between the berm and the pond has not been provided. We request the Designer evaluate the overland drainage pattern and provide evidence that whatever storm water is picked up from these culverts is directed properly to the pond without causing low points on-site.

Recommendation

We are recommending approval of these plans contingent on the above noted comments. A PDF copy of the plans, once updated, may be forwarded for final review and approval. Should the Designer/Developer choose to submit through the project extranet, we request to be notified by email or phone.

Please contact our office if you have any questions regarding this Project.

Very truly yours,

Wade Trim Associates, Inc.

Carmelle Tremblay, EIT

David M. Nummer, PE

DMN:CGT:ka
VBN 2247-01T
20161012Taylor.docx

cc: Mr. Ron Akers, Director of Planning and Economic Development
Mr. Mathew Best, Deputy Director of Planning and Economic Development
Mr. Remy Hanna, Belleville Development, Inc.
Mr. Andrew Andre, PE, Bud Design & Engineering Services, Inc. (Enclosure)

David C. McInally II
Fire Marshal
O: 734-699-8900 ext9416

Van Buren Fire Department
46425 Tyler Rd
Van Buren Twp., MI 48111

October 17, 2016

Building and Planning
46425 Tyler Road
Belleville, MI 48111

Re: Town Place Suites and Hotel SPR 14-031SPR

I have reviewed the plans by Bud Design & Engineering Services, Inc. for the above referenced project. **NFPA 1** Fire Code (2012 Edition), **NFPA 13** (2007 Edition) and **NFPA 101**, Life Safety Code (2012 Edition), and **NFPA 72** Fire Alarm Code (2007 Edition), were the primary reference documents used for this review. Please note at that all NFPA standards apply as adopted by Van Buren Twp.

In the last review it was missed by this department that a standpipe was also required on every level in the West stairwell as well. The plan reviewed today did not include the standpipe in the West stairwell as requested in previous reviews. I spoke with Jeff Peltier from Bud Design. He was emailed the previous review letter and said he would email the change to the building department. He also indicated construction plans will reflect the change when submitted. **With these corrections the plans are approved, once the building department confirms the change.**

The plans reference new construction for a four story extended stay, hotel.

Below are the following items of concern:

1. ~~The FDC for the building on the submitted plan notes a location on the north wall, east side of the structure. Please relocate the FDC to the north side of the east exterior wall.~~

AHJ

2. ~~The FDC connection will be a 4 inch Stortz fitting with a 30 degree downturn as required by the AHJ.~~ **NFPA 13 6.8.1.2**

3. ~~Hydrants shall be two 4 inch Stortz connections not threaded.~~

AHJ

4. ~~The building shall be provided with an automatic sprinkler system in accordance with NFPA 13, *Standard for the Installation of Automatic Sprinkler Systems.*~~

NFPA 1 13.3.2.27.2

5. ~~The building shall include the building address on the building. The address shall be a minimum of 6" high letters of contrasting colors and be clearly visible. The location and size shall be verified prior to installation.~~

AHJ

6. ~~The location of a key box, (Knox Box) shall be indicated on future submittal. The Knox Box location will be verified prior to the installation on the building.~~

NFPA 1 18.2.2.1

7. ~~Please verify that construction and finish components comply with NFPA 101, specifically chapter 28, as adopted by the Township of Van Buren.~~

AHJ

8. Standpipe with 1 ½ inch connection in the East stairwell for each floor **as well as the West stairwell.**

AHJ

The fire department requires involvement in the continuing plan review, inspection, and Certificate of Occupancy process and will require various inspections during the construction phases and immediately prior to opening to verify compliance with the appropriate codes. One set of as built construction drawings, schedules, and details, as it relates to construction, fire protection and response, will be required, as well as **a digital cad layout** of the building by this department prior to our final C of O inspection.

Review and approval by the Authority Having Jurisdiction shall not relieve the applicant of the responsibility of compliance with these codes. Van Buren Fire Department reserves the right to request changes if a life safety issues are found during final walk through.

Respectfully Submitted,

David C McInally- Fire Marshal

McKenna ASSOCIATES COMMUNITY PLANNING AND DESIGN

MEMORANDUM

TO: Charter Township of Van Buren Planning Commission

CC: Ron Akers, Director of Planning & Economic Development
Matt Best, Deputy Director of Planning & Economic Development

FROM: Patrick Sloan, AICP, Senior Principal Planner

SUBJECT: Zoning Ordinance Update –Article 3 (Zoning Districts and Permitted Uses), Article 4 (Schedule of Regulations), and Article 5 (Development Standards for Specific Uses).

DATE: October 21, 2016

Introduction. At the September 28, 2016 Planning Commission meeting, we discussed the ongoing updates to the existing Zoning Ordinance and proposed a series of 6 meetings to review all of the proposed articles. At the first meeting on October 12th, we reviewed Article 12 (Administrative Procedures), Article 13 (Administrative Organization), and Article 14 (Nonconformities). If time permits, the second meeting is proposed during the regular Planning Commission meeting on October 26th and will include review of the following proposed articles:

- Article 3 (Zoning Districts and Permitted Uses)
- Article 4 (Schedule of Regulations)
- Article 5 (Development Standards for Specific Uses)

Please note that each section of the Draft Zoning Ordinance includes a reference of the current section of the existing Zoning Ordinance or a reference that it is a new section. This will allow the user to refer to the existing Zoning Ordinance. Proposed deletions are located in the margins and proposed additions are underlined.

Major Changes Proposed. The following are the major changes proposed to Articles 3-5:

Article 3. Zoning Districts and Permitted Uses. This is a new article that consolidates current Articles 3 and 7-17 into a single article that includes the following significant changes:

- Deletion of the AG-A district, as there are no areas currently zoned AG-A and the regulations of the AG-A district are exactly the same as the AG district except for the minimum lot size (the minimum lot size of the AG-A district is 2 acres and the minimum lot size of the AG district is 1 acre). The AG district is retained.
- Consolidation of the RM, RM-1, and RM-2 districts into a single RM district, as there is no areas zoned RM-1 and RM-2 and many of the permitted uses and development standards are the same.
- Addition of a new section that includes provisions for the zoning of filled or accreted land. Water is oftentimes unzoned, so having provisions for filled or accreted land is important for any zoning ordinance.
- A table (Table 1) that organizes all of the uses regulated by the Zoning Ordinance into a simple table that shows in what districts those uses are permitted. In the far right column, the associated development standard is linked. Currently, the Zoning Ordinance includes a long list of permitted and conditional land uses, which makes for several pages of duplicated and unnecessary text. Table 1 simplifies this, and the development standards are moved to Article 5 (addressed later in this memo). While several land use changes are proposed, the most notable changes include:
  - Making non-restaurant drive-thru uses (e.g., banks, pharmacies, dry cleaners, etc.) special land uses in the C-1 and C-2 districts.

  - Making Regulated Uses special land uses in the M-1 district. Currently, Regulated Uses are not associated with a zoning district, so they should be put into a district.
  - Creating a new "Vehicle Service, Major" use and making it a special land use in the M-1 and M-2 districts.
  - Making Places of Assembly and Religious Institution uses the same for all districts so that religious and non-religious places of assembly are not treated differently.
  - Making schools permitted in more commercial districts.
  - *In a future draft, we will recommend making Indoor Recreation a permitted use in the M-1 district, as industrial buildings are often ideal for indoor recreation uses such as rock climbing, trampoline facilities, and indoor paintball facilities.*
- Footnotes to Table 1 were taken from some of the supplemental district regulations of current Articles 7-17.
- Sections 3.106 through 3.119 include a section for each zoning district that includes a table format of the following:
  - Intent
  - Permitted Land Uses and Special Land Uses (taken from Table 1)
  - Required conditions or architectural standards applicable to the district (taken from the footnotes to Table 1)
  - Dimension Regulations (taken from proposed Article 4)

  While Sections 3.106 through 3.119 duplicate the regulations of Table 1 and Article 4, they are a simple, concise way to communicate the standards for each district. Many of the land uses have editorial comments noting that they have associated definitions in Article 2. By making the land use concise and putting all of the descriptive text in the associated definitions in Article 2, the length of the Zoning Ordinance was shortened.
- A new Mixed-Use (M-U) district was included which promotes mixing compatible land uses and requiring superior site and building design. To assist the Township and applicants with the implementation of the M-U district, we have included graphics of building types and a sample Regulating Plan (i.e., a layout plan of how the standards would look on a site plan). The establishment of mixed-use areas is a goal of the Master Plan and is illustrated on the Township's Future Land Use map. At this time, only the text of the M-U district is proposed and no properties are proposed to be rezoned to M-U during the Zoning Ordinance adoption process.

<u>Article 4. Schedule of Regulations.</u> There are no changes proposed to the requirements for lot area, floor area, lot width, lot depth, lot coverage, setbacks, and building height. Some of the landscaping and use standards were deleted and relocated to Article 10 and Article 5, respectively.

<u>Article 5. Development Standards for Specific Uses.</u> Currently, the development standards for specific uses are scattered throughout several areas of the Zoning Ordinance (e.g., in the zoning district articles, General Provisions, footnotes, definitions, and elsewhere. This makes the standards difficult to enforce when they cannot be easily locate or, worse, when they conflict with each other. The new Article 5 consolidates all of the development standards for specific uses into one article with a section for each use. The following are the most notable changes to the use standards:

- **Apartment Houses and Multiple-Family High Rises.** These are currently listed as separate uses in 4 different areas, but with similar development standards. To make the development process easier, the development standards for these 2 uses were merged.
- **Banks and Financial Institutions with a Drive-Through.** While only 2 drive-through lanes are currently permitted, we recommend allowing up to 4 lanes because most financial institutions require more lanes for faster service and less stacking.

- **Bed and Breakfast Operations.** Additional standards were added, including common practices such as requiring owner-occupancy, limiting the number of guest rooms (5) and guests (10), and requiring a separation distance from another bed and breakfast operation (1,000 feet).
- **Child Care Centers.** While child care centers are required to have frontage on a paved public road, we recommend that the site have ingress and egress through the same.
- **Day Care or Child Care, Group Home.** Additional standards were included to comply with State Law. Also, this use is currently regulated in 3 different areas of the Zoning Ordinance, so the regulations are consolidated into one section.
- **Dwelling, Single-Family Residential Attached.** This use is currently regulated in 5 different areas of the Zoning Ordinance, so the regulations are consolidated into one section to eliminate redundancy and promote consistency.
- **Greenhouses and Nurseries.** Currently, the maximum height of outdoor materials is 6 feet. While we recommend preserving this limit for stacks and piles, we recommend raising the minimum height to 14 feet for materials that are packaged or wrapped, neatly stacked, not accessible to customers, and are on a rack designed to safely store the materials. This will allow greenhouses and nurseries to safely store materials over 6 feet, which will reduce the footprint of the operation.
- **Junk Yard.** Additional standards were added requiring the surrounding wall to be 8 feet in height or 1 foot above the height of the piles, whichever is greater. Also, the greenbelt buffering standards were removed and references to the applicable standard in Article 10 (Landscaping and Screening) were included. The greenbelt buffering standards will be addressed in more detail when we discuss Article 10, but we can review the greenbelt buffering standards during the discussion of the junk yard regulations to ensure that the greenbelt buffering standards are sufficient.
- **Keeping of Pets and Livestock.** Provisions were added stating that many of these regulations were not applicable to farm operations regulated under the Michigan Right to Farm Act. Also, the current regulations that exempted the current horses in existence took effect on January 20, 2000. Because the Zoning Ordinance is now being amended, we recommend referring to the specific date of that amendment.
- **Kennels and Raising of Fur Bearing Animals.** The minimum lot area for these uses was reduced from 40 acres to 10 acres, as 40 acres is prohibitive. Also a minimum setback of 50 feet is proposed for outdoor runs and breeding areas.
- **Outdoor Storage of Building or Contracting Equipment and Supplies.** This use is currently regulated in 4 different areas of the Zoning Ordinance. Like the proposed regulations for greenhouses and nurseries, we recommend raising the minimum height to 14 feet for materials that are packaged or wrapped, neatly stacked, not accessible to customers, and are on a rack designed to safely store the materials.
- **Regulated Uses.** Currently, any business that provides massage is a regulated use, including health clubs, tanning salons, gyms, and other uses. While this requirement was originally adopted to address public safety issues, we recommend allowing the Planning Director or Planning Commission to allow massage use as a minor accessory use to a principal use that is a health or exercise club, spa, or medical office.
- **Religious Institutions and Places of Assembly.** Because the federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) prohibits restrictions on religious land uses that do not also apply to general places of assembly, we recommend merging the regulations of religious land uses and places of assembly so that places of assembly cannot be favored over religious land uses.
- **Temporary Produce Sales Building.** Text was added to state that a temporary produce sales building on a farm may sell produce raised off-site, provided produce raised on-site is also offered for sale.
- **Wireless Communication Facilities.** The administrative review standards were relocated to Article 12 (Administrative Procedures) and a reference was included.

If time permits at the October 26, 2016 Planning Commission meeting, we will give a PowerPoint presentation summarizing these major changes and including other notable changes to Articles 3-5.

Article 3 Zoning Districts and Permitted Uses

Section 3.101 Zoning Districts (currently 3.01)

There are hereby established zoning districts in the Charter Township of Van Buren to be known as follows:

R-1A SINGLE-FAMILY RESIDENTIAL DISTRICTS

R-2A SINGLE-FAMILY RESIDENTIAL DISTRICTS

R-1B SINGLE-FAMILY RESIDENTIAL DISTRICTS

R-1C SINGLE-FAMILY RESIDENTIAL DISTRICTS

RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

RMH MOBILE HOME PARK DISTRICT

AG AGRICULTURAL AND ESTATE DISTRICT

C LOCAL BUSINESS DISTRICT

C-1 GENERAL BUSINESS DISTRICT

C-2 EXTENSIVE HIGHWAY BUSINESS DISTRICT

O-T OFFICE TECHNOLOGY

MT INDUSTRIAL TRANSPORTATION

M-1 LIGHT INDUSTRIAL DISTRICT

M-2 GENERAL INDUSTRIAL DISTRICT

AP AIRPORT DISTRICT

FS FREEWAY SERVICE DISTRICT

M-U MIXED-USE DISTRICT

Commented [PS49]: We recommend consolidating the RM, RM-1, and RM-2 districts into one RM district, as there is no land zoned RM-1 and RM-2 and many of the permitted use are similar.

Deleted: SINGLE-

Deleted: RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT¶ ¶ RM-2 . MULTIPLE FAMILY RESIDENTIAL DISTRICT¶ ¶

Commented [PS50]: We recommend consolidating the AG-A and AG districts. There is no land zoned AG-A and it is unlikely that any land will ever be rezoned to AG-A; therefore, the dimensional regulations of the AG district are maintained and all uses in both districts are incorporated into this district.

Deleted: AG-A AGRICULTURAL AND ESTATE DISTRICT - A¶ ¶

Section 3.102 Zoning Map (currently 3.02)

The boundaries of these districts are shown upon the map attached hereto, which map is designated as the Zoning Map of the Charter Township of Van Buren. A copy of the Zoning Map shall be on file in the office of the Clerk of the Charter Township of Van Buren. The Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance and shall have the same force and effects as if the Zoning Map and all such notations, references and other information shown thereon was set forth or described herein.

Deleted: said

Section 3.103 Interpretation of Zoning Map (currently 3.03, 4.05, and 4.06)

(A) General (currently 3.03). Except where a reference on the Zoning Map to a street or other line shall indicate otherwise, the zoning district boundary lines on the Zoning Map shall follow lot lines, the center lines of streets or alleys or railroads, or such lines extended and the corporate limits of the Township of Van Buren as they existed at the time of adoption of this Ordinance. When, due to the scale, lack of detail or illegibility of the Zoning Map or of any other maps which shall be employed to determine zoning district boundaries there is an uncertainty, contradiction or conflict as to the exact location of district boundary lines, such questions shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it.

(B) Zoning of Streets, Alleys, and Railroad Right-of-Way (currently 4.05). All streets, alleys and railroad right-of-way, if not otherwise specifically designated on the Zoning Map, shall be deemed to be in the same district as the property immediately abutting upon such streets, alleys or railroad right-of-way. Where the center line of a street or alley is designated as a district boundary, each part of such street or alley shall be deemed to be in the same district as that of the property abutting it.

(C) Zoning of Divided Lots (currently 4.06). Where a district boundary line, as established in this Section or as shown on the Zoning Map, divides a lot which was in a single ownership and of record on the date of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within twenty-five (25) feet of the dividing district boundary line.

Deleted: at

Deleted: time

Deleted: said

(D) Zoning of Filled or Accreted Land. Whenever fill is placed in any lake, river, or stream or land is created by accretion, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this ordinance for such adjoining lands. Use of the surface of any lake or stream shall not be permitted for any purpose not permitted on the land from which the use emanates.

Commented [PS51]: This section is new and is added to account for land that is created via filling or accretion, which is the natural creation of land.

Section 3.104 Permitted Uses by District (Table of Land Uses, which includes applicable sections of Articles 7-17)

The following *Table 1* lists the permitted uses and special land uses in each district. Refer to *Article 2* for a description of the uses listed in the following *Table 1.*

Whenever a specific development standard is included for a particular use in *Table 1*, any development must comply with the requirements of the referenced section. All development standards for specific uses are listed in *Article 5.*

Refer to the footnotes to the Table of Permitted Uses and Special Land Uses in *Section 3.105.* Footnotes applicable to each zoning district are indicated in parentheses after the zoning district title in the *Table 1.*

Finally, refer to *Article 6* for the requirements applicable in zoning districts not listed in *Table 1.*

Table 1: Table of Permitted Land Uses and Special Land Uses by District

Key: ■ Principal Permitted Use O Special Land Use [blank] Use Not Permitted

USE	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B) (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)	M-U	DEVELOPMENT STANDARD
RESIDENTIAL USES															
Accessory Caretaker Dwelling				O	O	O	O	O	O	O	O	O	O		Section 5.117
Apartment Houses		O												O	Section 5.103
Multiple Family High Rise Dwelling		O													Section 5.103
Single-Family Attached Dwelling		■												■	Section 5.116
Single-Family Detached Dwelling	■			■										■	Section 5.114
Single-Family Farm Dwelling Related to Agricultural Operations				■											
Mobile Home Parks			■												Section 5.127
Mobile Home Subdivisions			■												Section 5.128
Planned Residential Developments	O			O										O	
Two-Family Dwelling		■												■	
LODGING USES															
Bed and Breakfast	O													O	Section 5.106
Motels and Hotels						■	■	■	O					■	Section 5.121
OFFICE USES															
Financial Institution, No Drive-Thru					■	■	■		■					■	
Financial Institution, With Drive-Thru					O	O			O						Section 5.105
High Tech, Data Processing, and Computer Center									■						
Offices of Manufacturing Agents, Sales Representatives, and Others Requiring Display Area and Limited Warehousing									■						Section 5.129
Office, Medical or Dental					■	■	■		■					■	
Office, Professional					■	■	■		■					■	
Veterinary/Animal Clinics and Hospitals				O		■	■			■				■	
COMMERCIAL USES															
Automobile Rental and Leasing Agencies					O	O									Section 5.104

Deleted: *(D)*

Deleted: *(C)*

Deleted: *(C)*

Deleted: *(F)*

Commented [PS52]: Single-Family Residential Dwellings include manufactured homes that meet the requirements of the corresponding section in Article 5.

Deleted: *Section 5.126*

Deleted: *Section 5.127*

Deleted: Planned Senior Developments ...

Deleted: *Section 5.106Section 5.106*

Deleted: *Section 5.121Section 5.121*

Commented [PS53]: This is a new use that will be treated like other similar commercial and office uses.

Commented [PS54]: This is a special land use in the OT district, but a new use elsewhere that will be treated like other similar commercial and office uses.

Deleted: *Section 5.105Section 5.105*

Deleted: *Section 5.128Section 5.128*

Commented [PS55]: Veterinary clinics are currently permitted in the AG district due to the agricultural component. Because of the possible uses of a veterinarian clinic, we recommend making them a special land use in the AG district.

Key: ■ Principal Permitted Use O Special Land Use [blank] Use Not Permitted

USE	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B), (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)	M-U	DEVELOPMENT STANDARD
Automobile Wash Establishment, Automatic						O	O			O					
Automobile Wash Establishment, Self-Serve										■					
Contractor Establishment, Indoor						■	■							■	
Drive-In Theaters							■			O		O			Section 5.113
Event Facilities						■	■	■							
Gasoline Filling Stations						■	■	■							
Gasoline Service Stations								■							
Greenhouses and Nurseries				■	O	O	O							O	Section 5.119
Grocery Store						■	■	■						■	
Health or Exercise Club or Spa						■	■							■	
Mini-Warehouse (Self Storage Facility)						O	O								Section 5.126
Mortuary Establishments						■	■							■	
Outdoor Storage of Building or Contracting Equipment and Supplies						O	O			O		O			Section 5.133
Open Air Business Uses						O	O								Section 5.130
Outdoor Vehicle Sales						O	O								Section 5.134
Planned Shopping Centers						O	■							O	Section 5.135
Printing Shops and Establishments						■	■		■					■	
Private Clubs						■	■			O				■	Section 5.136
Private Indoor Instructional Institutions					■	■	■							■	
Public Auction Rooms						■	■							■	
Recreational Vehicle Storage Yards						O	O			O		O			Section 5.130
Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors)										O					Section 5.139
Regulated Uses (Sexually Oriented Businesses)												O	O		Section 5.139
Restaurant, Drive-Thru or Drive-In						O	O								Section 5.137
Restaurant, Carry-Out						■	■	■		■				■	
Restaurant, Outdoor Dining						■	■							■	Section 5.138
Restaurants, Sit-Down (no entertainment)					■	■	■	■		■				■	
Restaurant, Sit-Down (with entertainment)						■	■	■		■				■	
Retail Sales, Indoor					■	■	■	■		■				■	
Service Establishment, Office, Showroom, or Workshop (No Retail Required)						■	■							■	
Service Establishment, Office, Showroom, or Workshop (Retail Required)					■	■	■							■	
Service Establishment, Personal Services					■	■	■			■				■	
Studios					■	■								■	
Truck Stops								O							
Vehicle Service, Major										O		O			Section 5.142
Vehicle Service, Minor						O	O								Section 5.142
Vehicle Showrooms						■	■								
Wholesale Sales						O	■			■	■	■			
INDUSTRIAL USES															
Accessory Outdoor Industrial Storage										■	■	■			Section 5.101
Air Freight Forwarders												O			
Distribution Centers											■	■			Section 5.112
Instructional Services, Outdoor										O					

Deleted: (D)

Deleted: (C)

Deleted: (C)

Deleted: (F)

Deleted: Section 5.125

Deleted: Section 5.131

Deleted: Section 5.129

Deleted: Section 5.132

Deleted: Section 5.133

Deleted: Section 5.134

Deleted: Section 5.129

Commented [PS56]: "Regulated Uses" are currently not associated with a Zoning District, but we recommend limiting tattoo establishments, pawnshops, pool and billiard halls, and massage parlors and making them special land uses in the M-1 District. Sexually Oriented Businesses, while currently Regulated Uses, will be regulated as a separate use but will have the same development standards as Regulated Uses.

Deleted: Section 5.137Section 5.136

Deleted: Section 5.135

Deleted: Section 5.136

Commented [PS57]: We recommend adding "Vehicle Service, Major" as a new use, which is a use that does engine repair, painting, and body work. We recommend making the use a Special Land Use in the M-1 and M-2.

Deleted: Stations and Commercial Garages

Deleted: Section 5.140

Deleted: Stores and Related Facilities

Deleted: Section 5.101Section 5.101

Deleted: Section 5.112Section 5.112

Deleted: Indoor and

Key: ■ Principal Permitted Use O Special Land Use [blank] Use Not Permitted

USE	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B), (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)	M-U	DEVELOPMENT STANDARD
Junk Yards												O			Section 5.122
Laboratories, Minor						■	■		■	■	■	■		■	
Laboratories, Major										■	■	■			
Manufacturing and Processing, Light										■	■	■			
Manufacturing and Processing, Heavy												■			
Medical Marihuana Cultivation Facilities												O			Section 5.125
Retail Dry Cleaning Plants and Laundries										■		■			
Truck Repair and Maintenance Facility, Major												O			
Truck Repair and Maintenance Facility, Minor										O		O			
Truck and Railroad Terminals												■	■		
Warehousing (Excluding Outdoor Storage and Distribution Center)							■								
Warehousing (Excluding Distribution Center)										■	■	■			
COMMUNITY, EDUCATION, AND INSTITUTIONAL USES															
Adult Day Care Center	O		O	O	O	O	O	O						O	Section 5.110
Adult Foster Care, Family Home	■		■		■									■	
Adult Foster Care, Large Group Home			O											O	
Adult Foster Care, Small Group Home			O											O	
Bus Passenger Station							■	■	■					■	
Cemeteries					■										
Child Care Centers	O		O	O	O	O	O	O						O	Section 5.108
Day Care or Child Care, Family Home	■		■	■	■									■	
Day Care or Child Care, Group Home	O		O		O									O	Section 5.111
Hospitals and Nursing Homes			■											O	Section 5.120
Places of Assembly	O		O	■	O		■	■	O					■	Section 5.140
Public Buildings and Uses	■				O	■	■		O					■	
Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (excluding storage yards) when necessary to serve the immediate vicinity	O		■	■	O	O	■	■		■	■	■		O	
Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (including storage yards) when necessary to serve the immediate vicinity										■	■	■			
Religious Institutions	O		O	■	O		■	■	O					■	Section 5.140
School, College or University and Public or Non-Profit	■		■	■		■	■	■	■					■	
School, College or University, Private							■	■	■					■	
School, Primary or Secondary	■		■	■		■	■	■						■	
School, Vocational or Technical							■	■	■						
RECREATION USES															
Campgrounds				■			O	O							Section 5.107
Country Clubs					O										Section 5.132
Golf Courses	O				O										Section 5.118
Golf Driving Ranges	O				O										Section 5.132
Gun Clubs					O										Section 5.132
Horses for Personal, Non-Commercial Use	■				■										Section 5.123

Deleted: (D)

Deleted: (C)

Deleted: (C)

Deleted: (F)

Deleted: Section 5.122Section 5.122

Deleted: Section 5.110

Commented [PS58]: The Michigan Zoning Enabling Act requires Family Foster Care Homes to be permitted similar to single-family homes in residential districts.

Commented [PS59]: The Michigan Zoning Enabling Act requires Family Foster Care Homes to be permitted similar to single-family homes in residential districts.

Deleted: Section 5.108

Deleted: Section 5.111

Deleted: Section 5.120

Commented [PS60]: See comment below regarding RLUIPA and religious land uses. We recommend regulating religious land uses and places of assembly the same so that there is not a restriction on a religious land use that is also not on a place of assembly.

Deleted: Section 5.138

Commented [PS61]: The federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) prohibits restrictions on religious land uses that do not also apply to general places of assembly. Because "Places of Assembly" are permitted land uses in the C-1 and C-2, and special land uses in the O-T, we recommend treating religious land uses the same.

Deleted: Section 5.138Section 5.137

Commented [PS62]: The OT district does not explicitly allow colleges and universities, but a colleges and universities fulfill the purpose of the OT district.

Commented [PS63]: The OT district does not explicitly allow colleges and universities, but colleges and universities fulfill the purpose of the OT district.

Commented [PS64]: The C-1 and C-2 districts do not explicitly allow vocational and technical schools, but a vocational and technical schools fulfill the purpose of the C-1 and C-2 district.

Deleted: Section 5.107Section 5.107

Deleted: Section 5.130

Key: ■ Principal Permitted Use ○ Special Land Use [blank] Use Not Permitted

USE	R-1A, R-2A, R-1B, and R-1C	RM (A)	RMH	AG	C (B), (C)	C-1 (C)	C-2 (C)	FS	OT (D)	M-1 (E)	M-T (F)	M-2	AP (G)	M-U	DEVELOPMENT STANDARD
Indoor Recreation						○	■							○	
Outdoor Recreation, Amusement						○	○								Section 5.131
Private Clubhouse		■												○	
Private Parks				○											Section 5.132
Private Swimming Pools	■	■		■										■	Section 7.206
Publicly-Owned Recreational Facilities	■								■					■	
ANIMAL AND AGRICULTURAL USES															
Agricultural Retail Sales				○											Section 5.102
Commercial Agriculture Operations and Buildings				■											
Keeping of Pets and Livestock				■											Section 5.123
Kennels and Raising of Fur Bearing Animals				○											Section 5.124
Public and Private Stables and Riding Academies				■											
Temporary Produce Sales Building				■											Section 5.141
Truck Gardening				■											
AIRPORT USES															
Airports and Related Facilities													■		
Assembly and fabrication plants which use an airplane taxiway from the main airport runway directly to the manufacturing firm.													■		
Airport Commercial and Service Establishments													■		
Transportation facilities including truck and rail terminals, bus depots, and similar uses													■		
Laboratories Related to Aviation Industry													■		
Package Expediting Services													■		
Wholesaling and Warehousing Establishments Requiring Air Transport													■		
OTHER USES															
Commercial Radio and Television Towers						○	○								Section 5.109
Drive-Thru Facility (accessory to any principal use)						○	○								
Home Occupations	■			■										■	
Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth				○									○		
Off-Street Parking Lots (Principal Use)													■		
Parking Garages									■				■	■	
Wireless Communication Facilities	○		○	○	○	■	■	■	■	○	■	■	■	■	Section 5.143

Deleted: (D)

Deleted: (C)

Deleted: (C)

Deleted: (F)

Deleted: Section 5.130

Deleted: Section 5.140Section 5.139

Deleted: Section 5.109Section 5.109

Commented [PS65]: This is a new use that would cover uses not already mentioned (i.e., restaurants and banks). This use would apply to drive-thru pharmacies and any other permitted uses in the C-1 and C-2 districts.

Commented [PS66]: We recommend making Home Occupations a permitted use in the AG district.

Deleted: Section 5.141Section 5.140

Section 3.105 Footnotes to the Table of Permitted Uses and Special Land Uses by District (supplemental district regulations taken Articles 7-17)

(A) **Required Conditions of the RM, Multiple Family Residential District**

(1) **Community Garages.** Community garages are permitted, provided they serve the principal residential building, and they contain space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.

(2) **Maintenance and Management Buildings.** Maintenance and management buildings are permitted, provided they serve multiple dwellings.

(3) **Accessory Buildings and Uses.** Accessory buildings and uses must be located on the same lot as the main use and shall not involving any business, profession, trade or occupation.

Deleted: serving

Deleted: containing

Deleted: to

Deleted: when

(B) **Required Conditions of the C, Local Business District**

(1) **Restrictions on Uses:** All permitted uses shall be subject to the following restrictions:

(a) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced or processed on the premise shall be sold at retail on premises where produced and/or processed for customers of the premises.

(b) All business activities, including servicing and processing, except for off-street parking or loading, shall be conducted within completely enclosed building.

(c) No drive-in or drive-through uses shall be permitted.

(d) No use involving the sales of alcohol for consumption on premises shall be permitted.

(e) No meat or poultry stores where slaughtering is done on the premises shall be permitted.

Deleted: said

(2) **Buildings.** Buildings in the Local Business District shall be subject to the following limitations:

(a) **Building for Permitted Uses.** No single use may occupy a building or portion of a building greater than five thousand (5,000) square feet and no building occupied by more than one (1) use may be larger than ten thousand (10,000) square feet.

(b) **Other Buildings.** Building including one (1) or more uses permitted by right and/or permitted after special approval, which are larger in area than those permitted above shall be subject to special land use review and the following provisions:

(i) Such building shall be located on a site not less than three (3) acres in area.

(ii) No single use may occupy a building or portion of a building greater than ten thousand (10,000) square feet.

(iii) No building occupied by more than one (1) use may be larger than thirty thousand (30,000) square feet.

(iv) No main or accessory building shall be situated less than fifty (50) feet from any residential district, or from any property line which abuts a residential district or use.

Deleted: per Section 11.03 (c).

(3) **Fabrication and Storage Areas.** Any such building and use shall not have more than forty percent (40%) of the floor area therein devoted to fabricating or storage areas.

(4) **Garages.** Garages shall be permitted only when used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of not more than a gross vehicle weight rating of ten thousand (10,000) pounds for use in connection with the primary use.

Commented [PS67]: The gross vehicle weight rating is a published rating for all vehicles, which is a better standards than "rated capacity." The GVWR is the maximum operating weight of a vehicle as specified by the manufacturer including the weight of the vehicle, fluids, accessories, driver and passengers, and cargo, but excluding trailers. For comparison, the Ford F-150 has a GVWR of under 10,000 pounds and the Ford Super Duty truck has 1 version that is under 10,000 pounds and 1 version that is over 10,000 pounds

Deleted: one and one half (1½) ton capacity

(C) **Architectural Standards Applicable to All Commercial Districts.** All buildings in commercial zoning districts shall meet the following requirements:
  (1) Brick or another material of similar architectural quality and appearance as determined by the Planning Commission, shall be the principal material for exterior building surfaces.
  (2) Buildings shall incorporate roof articulation, projection and relief, covered walkways into facades which include entrances or display windows or which are adjacent to parking or visible from rights-of-way.

(D) **Required Conditions of the OT, Office Technology District**
  (1) **Prohibited Uses in the OT District.**
    (a) Any use which provides a drive through, drive up, or pick up window as either principal or accessory to the permitted or special approval use, except as otherwise permitted.
    (b) Any use which uses stamping in the manufacturing or assembly process of any product or material.
    (c) Any use which involves manufacturing, processing and assembling from basic raw material.
    (d) Terminals, including truck, rail or bus.
    (e) Retail sales except as otherwise provided.
    (f) Petroleum storage, sales, processing or production.
    (g) Hazardous materials handling and similar related uses.
    (h) Outdoor storage of goods or materials.
    (i) The following uses or similar uses which may create unusual danger for fire, explosion, toxic or noxious matter, radiation or which may cause noxious, offensive, unhealthful or harmful odors, fumes, dust, smoke, lights, waste, noise or vibration shall be considered as not meeting the minimum standards of this Ordinance as to performance and potential negative impact on surrounding properties:
      (i) Processing of corrosive acid, cement, lime, gypsum or plaster.
      (ii) Distillation of bone, tar, petroleum refuse, grain or wood.
      (iii) Processing or storage of explosives.
      (iv) Processing of fertilizer or storage of compost.
      (v) Processing of products from animal refuse or offal including glue, size or gelatin.
      (vi) Processes using steam or board hammers or forging presses.
      (vii) Tanning, curing or storage of skins or hides.
      (viii) Processing sulphurous, sulfuric, nitric, picric, carbolic, hydrochloric or other corrosive acid.
  (2) **Permitted Accessory Uses in the OT District.** The following accessory uses are permitted when comprising up to thirty percent (30%) of the contiguous land area and when at least two (2) principal buildings have been developed or are under construction:
    (a) Office supply sales and rental, office equipment sales and rental.
    (b) Business services such as printing, copying, mailing, messenger services, and delivery services limited to drop-off and pick-up facilities. Processing, sorting, or distribution functions other than to serve the district and areas immediately nearby are prohibited.
    (c) Restaurants, Sit Down.
    (d) Child Care Centers.
    (e) Indoor Recreation (Permitted for employees only and prohibited to general public).

Deleted: and

(f) Motels and Hotels.

(3) Development Standards for All Uses in the OT Zoning District.

(a) Indoor Use Only (currently 14.05(1)(c)). All aspects of operations for permitted uses and uses permitted with special approval shall be conducted within a completely enclosed building except for required off-street parking.

(b) Overnight Parking (currently 14.05(1)(d)). There shall be no overnight parking of semi-tractor trailers in the district.

(c) Cross Access (currently 14.05(2)(c)). Vehicular and pedestrian cross access agreements shall be provided from a development site to connect streets, driveways or other circulation systems on adjoining sites as determined by the Planning Commission.

(d) Paved Access (currently 14.05(2)(e)). All access to an OT development shall be only by paved roads developed to the standards as established by the Township engineer.

(e) Building Design (currently parts of 14.05(3)).

(i) All building elevations visible from a public right-of-way or residential district shall be designed to incorporate vertical design elements, building off-sets, facade articulations, overhangs, shadows or other techniques to break up the horizontal mass of the building and to reflect an office or administrative appearance. Variations in the form of a building, including horizontal or vertical indentations and projections, which contribute to a non-box like appearance are also considered facade articulation.

(ii) All exterior building facades and accessory building shall be integrated, harmonious and compatible with the finished material used on the front facade design features. Reflective glass or metal panels shall not be the predominant exterior material. The use of paint, smooth concrete masonry units and stained concrete masonry units shall not be deemed as in compliance with this section.

(iii) Rear entrance facades shall be of finished quality and constructed of the same material as the front facade. When parking is located in the rear of the building, the rear entrance shall respond to the same needs as the front facade, only at a reduced scale. This shall include minimal identification signage, an attractive entry and pedestrian sidewalks.

(iv) Roofs that are peaked or have the appearance to being peaked are encouraged. The roof shape and materials shall be architecturally compatible with the rest of the building. Flat roof buildings are discouraged.

(v) A maximum of three (3) truck docks shall be permitted for loading and unloading purposes per building. Overhead doors used to accommodate trucks, loading docks, and truck wells shall be located on the side or rear of the building, screened from view from a public right-of-way or residential zoning. Such areas shall be screened with landscaping per *Article 10* or another alternative acceptable to the Planning Commission. If the required parking is located to the rear of the building, the loading and unloading area should be screened by attractive wings walls that are extended from the building and integrated into the structure or other means acceptable to the Planning Commission.

(vi) The use of decorative brick pavers, decorative benches, fountains, and corporate and governmental flags surrounded by landscaping and low lights is strongly encouraged to accentuate and enhance the entrance to each building within the district.

Commented [PS68]: While most of the OT standards of current Section 14.05 of the Zoning Ordinance have been incorporated into the general standards (e.g., parking, lighting, landscaping, etc.), the remaining items unique to the OT district are preserved here.

(vii) In no case shall the number of permitted flag poles on site exceed three. Flag poles may exceed the height of the principal building on site by a maximum of ten (10) feet. In no case shall a proposed flag pole exceed the maximum height of the district.

(viii) The Planning Commission shall review the proposed building elevations in accordance with the existing development within the OT district. The Planning Commission may, at its discretion, require that common architectural elements from buildings within the district be incorporated, consistent signage, landscape treatments and other devices be used to achieve a campus environment. The planning Commission may require color renderings of the elevations, material samples, and other information deemed necessary to determine compatibility.

(ix) Building elevations provided on sites which abut a limited access highway or Wayne County primary road shall be of equal importance and present an attractive appearance, comparable to the building front.

(f) Parking (currently part of 14.05(4)). No parking shall be permitted in the required front yard, no in the five (5) foot yard space abutting the rear property line. If site characteristics require a parking lot to be constructed in the front of the building, the amount of parking in that location should be minimized to the greatest extent possible.

(g) Site Amenities (currently 14.05(5)). Development within the OT District shall incorporate to the greatest extent possible site amenities consistent with the Premiere Community Amenity Plan adopted by the Township in 2000.

(h) Storm Water Management (Currently 14.05(6)). Storm drainage and detention/retention basins shall be designed and located to function as an amenity feature of the site. This shall be accomplished by integrating and designing them as an integral part of a site's open space, incorporating fountains or aesthetic improvements to the water quality.

(E) Permitted Retail and Service Establishments in the M-1, Light Industrial District that are Intended to Support and Provide Services to Other Uses and Visitors to the District.

Commented [PS69]: This is from Section 15.02(i), with modifications to make the uses clearer.

(1) Restaurants (Sit-Down or Take-Out), provided no single business shall occupy more than five thousand (5,000) sq. ft. and no structure housing more than one (1) business shall exceed ten thousand (10,000) sq. ft.

(2) Service Establishments, Personal Service

(3) Veterinary Clinics and Hospitals

(4) Automobile Wash Establishment, Self-Serve

(5) Retail (Food, Beverage, and Convenience Items) with no on-premise consumption. No single business shall occupy more than a three thousand (3,000) square foot gross floor area and no structure having more than one (1) retail business shall exceed ten thousand (10,000) square feet.

(F) Required Conditions of the M-T, Industrial Transportation District.

(1) Prohibited Uses in the M-T District. The following uses shall be prohibited in the M-T District:

(a) The assembly manufacture, fabrication, packaging or treatment of materials that would require the use of the following chemicals, compounds and/or materials: asbestos, bactericides, cadmium, chlorinated hydrocarbons, chlorofluorocarbons (CFC's), fungicides, lead, mercury, pesticides, polychlorinated biphenyls (PCB's), or

radioactive compounds, as well as other chemicals, compounds, and/or materials that could negatively impact the environment and/or the health, safety, or general welfare of residents of the Township.

(b) The blending, compounding or repackaging of cleaning products, paint or petroleum.
(c) The re-manufacturing of engines or transmissions.
(d) Low or high volume production operations involving grinding, heat treatment or machining processes.
(e) Metal finishing operations utilizing materials such as iron, manganese, phosphates or zinc.
(f) Sheet metal plating and all other plating operations.
(g) High volume paint operations.
(h) Dry cleaning plants and laundries.
(i) Any use which involves sand blasting or shot peening processes.

(2) **Architectural Standards Applicable to the M-T District.** Building elevations, where visible from residential districts or public rights-of way, shall incorporate vertical design elements such as spandrel glass, columns, pilasters and/or piers, so as to break up the horizontal mass of the building.

(G) Required Conditions of the AP, Airport District. (currently 16.03A)

(1) The area, height and placement regulations of any airport, landing area, runway, taxiway, aircraft hanger, terminal or tie down area, approach surface, transitional surface or other facility for the operation of aircraft shall be in accordance with current Federal Aviation Agency, Michigan Aeronautics Commission and the Detroit Metropolitan Wayne County Airport Zoning Board of Appeals' regulations.

(a) Public Airport. If the airport is owned by a public governmental agency, that agency shall have control of the location and design of the permitted uses on the property zone AP, Airport, provided all of the requirements of this Ordinance are met.

(b) Private Airport. If the airport is privately owned, development of the permitted uses shall meet all of the requirements of this Ordinance. Additionally, the effect of airport traffic on surrounding land uses shall be determined, including the possibly detrimental effect of truck traffic moving through primarily residential areas and if the effect is found to be detrimental to the surrounding properties or the general Township, uses creating such traffic shall not be permitted to located with the airport.

Commented [PS70]: Many of the standards of Section 16.03.A are redundant and are proposed for deletion.

Deleted:

Deleted: . The public agency shall meet the following requirements:¶
¶
. 1. . Uses located on airport zoned property shall meet the area, height and placement regulations of the district they are customarily located in as indicated by Article XVII.¶
¶
. 2. . Uses located on airport zoned property shall meet the parking and loading requirements of Article VI.¶
¶
. 3. . Uses located on airport zoned property shall meet the Industrial performance standards of Section 16.06.

Deleted: be in accordance with the following provisions:¶
. 1. . T

Deleted: . 2. . Uses located on airport zoned property must meet the area, height and placement regulations of the zone they are customarily located in as indicated by Article XVII.¶
. ¶
. 3. . Uses located on airport zoned property must meet the parking and loading requirements of Article VI.¶
¶
. 4. . Uses located on airport zoned property must meet the Industrial performance standard of Section 4.45.¶

Section 3.106 R-1A, R-2A, R-1B, and R-1C, Single-Family Residential Districts (currently Article 7)

(A) STATEMENT OF PURPOSE
The purpose of this Section is to provide districts for single-family dwellings and to prohibit business, commercial, industrial and any other use which would substantially interfere with development or continuation of single-family dwelling in these districts. This Section is further intended to discourage: (1) existing uses that would not be permitted as new uses under the provisions of this Ordinance; (2) uses which would generate traffic on minor or local streets in excess of normal traffic to serve residents thereon; and (3) uses which would require public services such as fire and police protection, water supply and sewerage, substantially in excess of requirements and costs if the district were developed solely for single-family dwellings.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Single-family detached dwellings	• Child care centers
• Publicly-owned recreational facilities.	• Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity.
• Local governmental buildings and similar uses.	• Golf courses
• School (Primary or Secondary)	• Bed and breakfast operations
• School (College or University, Public or Non-Profit)	• A group day care
• Private swimming pools	• Religious Institutions
• Accessory building and uses	• Adult day care centers
• Home occupations	• Planned Residential Developments
• Adult foster care, family home	• Wireless Communication Facilities
• Horses for personal non-commercial use	
• Family day care home	
• Accessory structures and uses customarily incidental to the above permitted uses	

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) DIMENSION REGULATIONS									
Lot Standards	*R-1A*	*R-2A*	*R-1B*	*R-1C*	*Minimum Setbacks*	*R-1A*	*R-2A*	*R-1B*	*R-1C*
Min. Lot Area (sq. ft.)	20,000	15,000	10,000	8,400	*Front Yard*	30	30	30	30
Min. Lot Width (ft.)	100	90	80	70	*Side Yard (one)*	10	10	10	10
Min. Lot Depth (ft.)	*(C)*	*(C)*	125	120	*Side Yard (total of 2)*	25	25	25	25
Max. Lot Coverage (%)	15	20	30	30	*Rear Yard*	35	35	35	35
Min. Floor Area/Unit (ft.)	1,800 *(B)*	1,800 *(B)*	1,500 *(B)*	1,250 *(B)*					
Max. Building Height (ft.)	30	30	30	30					
Max. Bldg. Height (stories)	2	2	2	2					
Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.									

Deleted: Article

Deleted: Article

Commented [PS71]: Any definition or development standard text in Article 7 has been relocated to definitions (Article 2) and/or the development standards (Article 5). This list will be repeated in Article 6, with a link to applicable development standards.

Deleted: and operated parks, playfields, playgrounds, libraries and other

Deleted: other

Deleted: Public, parochial and private elementary schools, intermediate schools, high schools and/or schools or colleges offering courses in general education and not operated for profit.

Deleted: , exclusively for the use of residents or guests, subject to all yard space requirements of the of the Article XVII and in accordance with Section 4.29 and 4.30.

Deleted: when located on the same lot as the main use and not involving any business, profession, trade or occupation.

Deleted: as limited and defined in Article II.

Deleted: Churches or places of religious worship

Deleted: <#>Off-street parking in accordance with the requirements of Article VI.¶
<#>Uses permitted under Section 7.04.¶

Deleted: small group

Deleted: providing supervision or care or both to six (6) or less persons.

Deleted: , subject to requirements of Section 4.47.

Section 3.107 RM, Multiple Dwelling Residential District (currently Articles 8, 8-A, and 8-B)

(A) STATEMENT OF PURPOSE

The Multiple Dwelling Residential District is designed to permit an intensive residential use of land, including attached dwelling units on a single parcel. Multiple Dwelling areas shall be located near major thoroughfares for good accessibility and may be located between single-family residential areas and other non-residential uses. It is intended that various sizes of residential accommodations, of ownership and rental, shall be provided to meet the need of the community.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Dwelling, Single-Family Residential Attached	• Dwelling, Multiple Family High Rise
• Dwellings, Two-Family	• Adult foster care, small group
• Swimming Pools, Private	• Adult foster care, large group.
• Clubhouse, Private	• Day Care, Group Home
• Hospitals and nursing homes	• Apartment Houses
• School (Primary or Secondary)	• Religious Institutions
• School (College or University, Public or Non-Profit)	• Child care center
• Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, but not including storage yards, when necessary to serve the immediate vicinity.	• Adult day care center
• Adult foster care, family home	• Wireless Communication Facilities
• Family day care home.	
• Accessory structures and uses customarily incidental to the above permitted uses	

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) REQUIRED CONDITIONS OF THE RM, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- Community garages are permitted, provided they serve the principal residential building, and they contain space for no more than two (2) passenger vehicles for each dwelling unit in the principal building on the lot.
- Maintenance and management buildings are permitted, provided they serve multiple dwellings.
- Accessory buildings and uses must be located on the same lot as the main use and shall not involving any business, profession, trade or occupation.

(E) DIMENSION REGULATIONS

Lot and Dimensional Standards	*RM*	*Single-Family, Attached (G)*	*Apartments (G)*	*Multi-Family High Rise (G)*
Min. Lot Area (sq. ft.)	10 acres (O)	4,200 (up to 1 bedroom) (A) 5,000 (2 bedroom) (A) 6,200 (3+ bedrooms) (A)	2,800 (up to 1 bedroom) (A) 3,500 (2 bedroom) (A) 4,800 (3+ bedrooms) (A)	(I)
Min. Lot Width (ft.)	400	(H)	(H)	(H)
Min. Lot Depth (ft.)	--	(H)	(H)	(H)
Max. Lot Coverage (%)	30	--	--	15
Min. Floor Area/Unit (ft.)	--	500 (efficiency) (B) 700 (1 bedroom) (B) 900 (2 bedroom) (B) 1,100 (3+ bedrooms) (B), (E)	500 (efficiency) (B) 700 (1 bedroom) (B) 900 (2 bedroom) (B) 1,100 (3+ bedrooms) (B), (E)	500 (efficiency) (B) 700 (1 bedroom) (B) 900 (2 bedroom) (B) 1,100 (3+ bedrooms) (B), (E)
Max. Building Height (ft.)	30	--	--	150
Max. Bldg. Height (stories)	2.5	--	--	15
Min. Front Yard Setback	35	(I)	(I)	75 (K), (L)
Min. Side Yard (one) Setback	20 (F)	(I)	(I)	50 (K), (L)
Min. Side Yard (total of 2) Setback	40 (F)	(I)	(I)	110 (K), (L)
Min. Rear Yard Setback	35	(I)	(I)	50 (K), (L)

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Commented [PS72]: This RM District merges the R-M1 and R-M2 districts which have similar use and development regulations, but there are no areas zoned R-M1 and R-M2. While the maximum densities for R-M1 and R-M2 are 4 units per acre and 8 units per acre, respectively, these densities can be achieved under the current dimensional regulations for attached single-family units.

Commented [PS73]: Any definition or development standard text in Articles 8, 8-A, and 8-B has been relocated to definitions (Article 2) and/or the development standards (Article 5). This list will be repeated in Article 6, with a link to applicable development standards.

Deleted: Attached single-family (townhouse) dwellings

Deleted: Two-family dwellings

Deleted: Public, parochial or private schools.

Commented [PS74]: The Michigan Zoning Enabling Act requires Family Foster Care Homes to be permitted similar to single-family homes in residential districts.

Commented [PS75]: These are copied from the footnote in Section 3.105.

Section 3.108 RMH, Mobile Home Park District (currently Article 9)

(A) STATEMENT OF PURPOSE
Areas in the Mobile Home Park District shall be provided with adequate space and facilities for healthful living conditions for occupants of such mobile home parks. All mobile home parks shall have access to a paved road for easy accessibility. Suitable water, sewer, police and fire protection facilities shall also be provided in accordance with applicable State, County and Township regulations and statues

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Mobile Home Parks • Mobile Home Subdivisions • School (Primary or Secondary) • School (College or University, Public or Non-Profit) • Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, but not including storage yards, when necessary to serve the immediate vicinity. • Religious institutions • Campgrounds • Family day care home • Accessory structures and uses customarily incidental to the above permitted uses	• Child care centers • Adult day care centers • Wireless Communication Facilities

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) DIMENSION REGULATIONS			
Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	5,530	*Front Yard*	35 *(R)*
Min. Lot Width (ft.)	55	*Side Yard (one)*	25 *(R)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	50 *(R)*
Max. Lot Coverage (%)	50	*Rear Yard*	35 *(R)*
Min. Floor Area/Unit (ft.)	720		
Max. Building Height (ft.)	30		
Max. Building Height (stories)	2		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Commented [PS76]: Any definition or development standard text in Article 9 has been relocated to definitions (Article 2) and/or the development standards (Article 5). This list will be repeated in Article 6, with a link to applicable development standards.

Section 3.109 AG, Agricultural and Estate District (currently Article 10)

Deleted: AG-A and

Commented [PS77]: This is a combination of the AG-A and AG districts. There is no land in the AG-A district and it is unlikely that any land will ever be rezoned to AG-A; therefore, the dimensional regulations of the AG district are maintained and all uses in both districts are incorporated into this district.

(A) STATEMENT OF PURPOSE

Areas in the Agricultural and Estates District are intended primarily to accommodate agricultural uses and residential development at a low density for residents who prefer exurban, estate living and are willing to assume the costs and effort of providing many of their own services and amenities. The standards in this district are intended to assure that the agricultural and residential uses are harmonious with each other. It is intended that developments in this district be designed to preserve significant natural features. Preservation of agriculture, open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Single-family detached dwelling	• Kennels and Raising of Fur Bearing Animals
• Single-family farm dwellings related to agricultural operations	• Day Care, Group Home
• Commercial agriculture buildings and greenhouses	• Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth
• Commercial agriculture operations	
• Keeping of Pets and Livestock	• Agricultural Retail Sales
• Truck gardening	• Golf Courses
• Greenhouses and Nurseries	• Golf Driving Ranges
• Public and private stables, and riding academies	• Private Parks
• Veterinary/Animal Clinics and Hospitals	• Country Clubs
• Swimming pools, private	• Gun Clubs
• Cemeteries	• Religious Institutions
• Temporary Produce Sales Building	• Child Care Centers
• Family day care home	• Adult day care centers
• Adult foster care, family home	• Planned Residential Developments
• Home Occupations	• Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity.
• Accessory structures and uses customarily incidental to the above permitted uses	• Wireless Communication Facilities

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

Commented [PS78]: Any definition or development standard text in Article 10 has been relocated to definitions (Article 2) and/or the development standards (Article 5). This list will be repeated in Article 6, with a link to applicable development standards.

Deleted: Soil, sand, clay, gravel or similar removal operations, quarry, excavation, and filling of land

Deleted: Farm

Deleted: Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming and similar bona fide agricultural enterprises or use of land and structure, subject to Section 4.47

Commented [PS79]: The Michigan Zoning Enabling Act requires Family Foster Care Homes to be permitted similar to single-family homes in residential districts.

(D) DIMENSION REGULATIONS

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	43,560	*Front Yard*	50
Min. Lot Width (ft.)	150	*Side Yard (one)*	10
Min. Lot Depth (ft.)	*(C)*	*Side Yard (total of 2)*	25
Max. Lot Coverage (%)	15	*Rear Yard*	35
Min. Floor Area/Unit (ft.)	2,000 *(B)*		
Max. Building Height (ft.)	30		
Max. Building Height (stories)	2		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.110 C, Local Business District (currently Article 11)

(A) STATEMENT OF PURPOSE

The Local Business District intended to permit retail business and service uses which are needed to serve nearby residential areas. In order to promote such business development, uses are permitted which would not create hazards, offensive and loud noises, vibration, smoke, glare or excessive truck traffic. The intent of this district is also to encourage the concentration of local business in appropriate locations for the mutual benefit of businesses and patrons. It is intended that marginal strip business development along major streets be discouraged.

(B) PERMITTED USES

- Service establishment, personal services
- Service establishment, office, showroom or workshop (retail required)
- Office, Professional
- Office, Medical and Dental
- Grocery store
- Restaurants, Sit Down with no entertainment
- Retail Sales, Indoor
- School (Primary or Secondary)
- School (College or University, Public or Non-Profit)
- Private Indoor Instructional Institutions
- Adult day care centers
- Wireless Communication Facilities
- Banks and Financial Institutions, No Drive-Thru
- Accessory structures and uses customarily incidental to the above permitted uses

(C) SPECIAL LAND USES

- Publicly owned buildings and uses
- Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity.
- Child care centers
- Greenhouses and Nurseries
- Accessory Caretaker Dwelling

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) REQUIRED CONDITIONS OF THE C, LOCAL BUSINESS DISTRICT

- **Restrictions on Uses:** All permitted uses shall be subject to the following restrictions:
  - All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced or processed on the premise shall be sold at retail on premises where produced and/or processed for customers of the premises.
  - All business activities, including servicing and processing, except for off-street parking or loading, shall be conducted within completely enclosed building.
  - No drive-in or drive-through uses shall be permitted.
  - No use involving the sales of alcohol for consumption on premises shall be permitted.
  - No meat or poultry stores where slaughtering is done on the premises shall be permitted.
- **Buildings. Buildings in the Local Business District shall be subject to the following limitations:**
  - **Building for Permitted Uses.** No single use may occupy a building or portion of a building greater than five thousand (5,000) square feet and no building occupied by more than one (1) use may be larger than ten thousand (10,000) square feet.
  - **Other Buildings.** Building including one (1) or more uses permitted by right and/or permitted after special approval, which are larger in area than those permitted above shall be subject to special land use review and the following provisions:
    - Such building shall be located on a site not less than three (3) acres in area.
    - No single use may occupy a building or portion of a building greater than ten thousand (10,000) square feet.
    - No building occupied by more than one (1) use may be larger than thirty thousand (30,000) square feet.
    - No main or accessory building shall be situated less than fifty (50) feet from any residential district, or from any property line which abuts a residential district or use.
- **Fabrication and Storage Areas.** Any such building and use shall not have more than forty percent (40%) of the floor area therein devoted to fabricating or storage areas.
- **Garages.** Garages shall be permitted only when used exclusively for the storage of passenger motor vehicles and/or commercial vehicles of not more than a gross vehicle weight rating of ten thousand (10,000) pounds for use in connection with the primary use.

Commented [PS80]: Any definition or development standard text in Article 11 has been relocated to definitions (Article 2) and/or the development standards (Article 5). This list will be repeated in Article 6, with a link to applicable development standards.

Commented [PS81]: "Service Establishment, Personal Services" will be defined in Article 2 and will include the clothing service uses and personal service uses stated in Section 11.02.

Commented [PS82]: "Service Establishment, Office, Showroom, or Workshop (retail required)" will be defined in Article 2 and will include all of the office, showroom, and workshop service establishments stated in Section 11.02 as well as similar uses in Article 12 that have a retail adjunct per the requirements of the C District.

Commented [PS83]: "Office, Professional" will be defined in Article 2 and will include the office uses stated in Section 11.02 and in the OT District

Commented [PS84]: "Office, Medical and Dental" will be defined in Article 2 and will include the OT district language for these uses.

Commented [PS85]: "Retail Sales, Indoor" will be defined in Article 2 and will include all of the indoor retail uses stated in Section 11.02, including "retail plumbing shops without open yard storage" which is permitted in the C district.

Commented [PS86]: "Private Indoor Instructional Institution" will be defined in Article 2 and will include the uses stated in Section 11.02

Commented [PS87]: The "other similar uses" text is deleted because the process of adding "other similar uses" is similar to a zoning amendment. Also, now that the uses are defined more broadly in Article, some uses can be added to the larger class if they are similar in nature.

Deleted: Other similar uses consistent with the purpose and intent of this district, subject to approval by the Township Board of Trustees, following a recommendation from the Planning Commission, with such uses to be appended to the applicable list of permitted uses in this Ordinance following the final determination by the Township Board of Trustees.

Commented [PS88]: These are copied from the footnote in Section 3.105.

Deleted: said

Deleted: per Section 11.03 (c).

(E) ARCHITECTURAL STANDARDS APPLICABLE TO ALL COMMERCIAL ZONING DISTRICTS
All buildings in commercial zoning districts shall meet the following requirements: • Brick or another material of similar architectural quality and appearance as determined by the Planning Commission, shall be the principal material for exterior building surfaces. • Buildings shall incorporate roof articulation, projection and relief, covered walkways into facades which include entrances or display windows or which are adjacent to parking or visible from rights-of-way.

Commented [PS89]: These are copied from the footnote in Section 3.105.

(F) DIMENSION REGULATIONS (C, LOCAL BUSINESS DISTRICT)			
Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	--	*Front Yard*	75 *(N)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	15 *(M)*, (P)
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	15 *(M)*
Max. Lot Coverage (%)	--	*Rear Yard*	25
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	40		
Max. Building Height (stories)	4		
Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.111 C-1, General Business District (currently Article 12)

(A) STATEMENT OF PURPOSE

The General Business District, as established in this Section is intended to permit a wider range of business and entertainment activities than those permitted in the Local Business District. The permitted uses are intended to provide business and services usually found in major shopping centers and central business districts at the junction of major streets. These uses generated large volumes of vehicular traffic, require substantial access for off-street parking and loading and require detailed planning, particularly as to relationships with adjacent residential areas.

(B) PERMITTED USES

- All Permitted Uses in the C, Local Business District (*Section 3.110*)
- Vehicle Showrooms
- Printing Shops and Establishments
- Bus Passenger Stations
- School (College or University, Private)
- School (Vocational or Technical)
- Service establishment, office, showroom or workshop (no retail required)
- Retail Sales, Indoor
- Event Facilities
- Motels and Hotels
- Studios
- Laboratories, Minor
- Private Clubs
- Public Auction Rooms
- Religious Institutions
- Places of Assembly
- Mortuary Establishment
- Publicly owned buildings and uses
- Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations but not including storage yards, when necessary to serve the immediate vicinity.
- Health or Exercise Club or Spa
- Restaurants, Sit Down with entertainment
- Restaurant, Carry-Out
- Veterinary/Animal Clinics and Hospitals
- Contractor Establishment, Indoor
- Gasoline Filling Stations
- Accessory structures and uses customarily incidental to the above permitted uses.

(C) SPECIAL LAND USES

- All Special Land Uses in the C, Local Business District (*Section 3.110*)
- Automobile Wash Establishment, Automatic
- Indoor Recreation
- Commercial Radio and Television Towers
- Restaurants, Drive-Thru and Drive-In
- Vehicle Service, Minor
- Open Air Business Uses
- Recreational Vehicle Storage Yards
- Outdoor Vehicle Sales
- Wholesale Sales
- Planned Shopping Centers
- Campgrounds
- Mini-Warehouse (Self Storage Facility)
- Outdoor Recreation, Amusement
- Outdoor Storage of Building or Contracting Equipment and Supplies
- Automobile Rental and Leasing Agencies
- Banks and Financial Institutions with a Drive-Thru
- Drive-Thru Facility (accessory to any principal use)

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) ARCHITECTURAL STANDARDS APPLICABLE TO ALL COMMERCIAL ZONING DISTRICTS

All buildings in commercial zoning districts shall meet the following requirements:

- Brick or another material of similar architectural quality and appearance as determined by the Planning Commission, shall be the principal material for exterior building surfaces.
- Buildings shall incorporate roof articulation, projection and relief, covered walkways into facades which include entrances or display windows or which are adjacent to parking or visible from rights-of-way.

(E) DIMENSION REGULATIONS

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	--	*Front Yard*	75 *(N)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	15 *(M), (P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	15 *(M)*
Max. Lot Coverage (%)	--	*Rear Yard*	25
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	40		
Max. Building Height (stories)	4		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Commented [PS90]: Any definition or development standard text in Article 12 has been relocated to definitions (Article 2) and/or the development standards (Article 5). This list will be repeated in Article 6, with a link to applicable development standards.

Commented [PS96]: "Places of Assembly" will be defined in Article 2 and will include "theater, dance halls, assembly halls, or similar places of assembly."

Deleted: Stations and Commercial Garages

Deleted: stores and related facilities

Commented [PS97]: "Health or Exercise Club or Spa" will be defined in Article 2 and will include "physical, culture, or health establishments, including gymnasiums, reducing salons, masseurs, or steam baths" but it will exclude Regulated Uses (massage parlors, etc.)

Commented [PS91]: "Service Establishment, Office, Showroom, or Workshop (no retail required)" will be defined in Article 2 and will include all of the office, showroom, and workshop service establishments stated in Section 11.02 as well as similar uses in Article 12 that have are not required to have a retail adjunct, including "musical instrument repair", "photographic developing", "taxidermist shops", "television, audio, or household repair shops", "typewriter or other small business machine repair shops", "umbrella repair shops", "sign shops", and "moving or storage offices."

Commented [PS92]: "Retail Sales, Indoor" will be defined in Article 2 to include "floor covering stores", "clothing and costume rental", "department stores", "furniture stores", "interior decorating establishments", "upholstery shops", "window shade and awning shops", "office or business machine sales or rental stores", "monument sales with incidental facilities but excluding the shaping of headstones."

Commented [PS93]: "Event Facilities" will be defined in Article 2 and will include "wedding chapels and banquet halls."

Commented [PS94]: "Studios" will be defined in Article 2 and will include "radio and television studios", "studios for music, dancing, and theatrical instruction"

Commented [PS95]: "Laboratories, Minor" will be defined in Article 2 and will prohibit anything that involves danger of fire, explosion, offensive noise, vibration, smoke, odors, heat, humidity, glare, or objectionable effects.

Commented [PS98]: "Contractor Establishment, Indoor" will be defined in Article 2 to include current definition and "exterminators"

Commented [PS99]: "Banks and Financial Institutions" (both with and without drive-throughs) will be defined in Article 2 based on the text in current Section 14.03(3)

Deleted: <#>¶

Deleted: Other uses similar to the above, subject to the following restrictions:¶
All establishments shall be business or service establishments dealing directly with customers.¶
All business, servicing, processing or fabrication, except for off-street parking, loading and those open air uses permitted under special approval, shall be conducted within completely enclosed buildings.

Commented [PS100]: These are copied from the footnote in Section 3.105.

Section 3.112 C-2, Extensive Highway Business District (currently Article 13)

(A) STATEMENT OF PURPOSE

The Extensive Highway Business District, as established in this Section, is intended to permit extensive business uses along heavily traveled highways. The permitted uses require large parcels of property and are intended to serve the general needs of all Township residents. The purpose of this zone is to provide a development pattern along designated major thoroughfares which will avoid unsafe conditions by eliminating numerous curb cut along the highway. Large required property depths and acreage are intended to encourage business uses which employ large lots.

Deleted: Article

(B) PERMITTED USES	(C) SPECIAL LAND USES
• All Permitted Uses in the C-1, General Business District (*Section 3.111*)	• All Special Land Uses in the C, Local Business District (*Section 3.110*) and C-1, General Business District (*Section 3.111*)
• Indoor Recreation	
• Drive-In Theaters	
• Planned Shopping Centers	
• Warehousing (Excluding Outdoor Storage and Distribution Center)	
• Wholesale Sales	
• Accessory structures and uses customarily incidental to the above permitted uses	

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

Deleted: *Section 3.111Section 3.111*

Deleted: *Section 3.110Section 3.110*

Deleted: *Section 3.111Section 3.111*

Deleted: stores and related facilities

(D) ARCHITECTURAL STANDARDS APPLICABLE TO ALL COMMERCIAL ZONING DISTRICTS

All buildings in commercial zoning districts shall meet the following requirements:

- Brick or another material of similar architectural quality and appearance as determined by the Planning Commission, shall be the principal material for exterior building surfaces.
- Buildings shall incorporate roof articulation, projection and relief, covered walkways into facades which include entrances or display windows or which are adjacent to parking or visible from rights-of-way.

Commented [PS101]: These are copied from the footnote in Section 3.105.

(E) DIMENSION REGULATIONS

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	--	*Front Yard*	35 *(N)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	25 *(P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	50
Max. Lot Coverage (%)	--	*Rear Yard*	20*
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	40		
Max. Building Height (stories)	4		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.113 FS, Freeway Service District (currently Article 13-A)

(A) STATEMENT OF PURPOSE
The FS Freeway Service District is designed to provide for servicing the needs of automobile highway traffic at the interchange areas of feeder roads and freeway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange area and on the freeway and the protection of adjacent properties in other zones from the adverse influences of traffic are prime considerations in the application of this district.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Gasoline Filling Stations • Gasoline Service Stations • Parking Garages • Bus Passenger Stations • Retail Sales, Indoor • Restaurants, Sit Down with Entertainment • Restaurants, Sit Down with No Entertainment • Restaurants, Carry Out • Motels and Hotels • Accessory structures and uses customarily incidental to the above permitted uses	• Truck Stops • Accessory Caretaker Dwelling

Deleted: <#>Other uses similar to the above¶

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) DIMENSION REGULATIONS			
Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	--	*Front Yard*	75 *(N)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	75 *(P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	150
Max. Lot Coverage (%)	--	*Rear Yard*	75
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	30		
Max. Building Height (stories)	3		
Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.114 OT, Office Technology (currently Article 14)

(A) STATEMENT OF PURPOSE

The Office/Technology District is intended to provide a community of office, research, technology and related uses, while specifically excluding incongruous uses. The uses permitted within this district are distinct from other industrial districts since the uses are generally lower intensity with minimal impact outside of the principal building. The OT District is also intended to permit processing, manufacturing and assembly limited to that necessary for testing, development and prototype. Production or assembly for either wholesale or retail shall not be permitted. Accessory uses which complement and support the principal uses are allowed when meeting the standards of this district.

The OT District is intended to create a campus-type environment with low intensity land coverage, generous landscaping, preserving significant natural features and attractive buildings. The campus-type environment shall be created by the mixing of uses, interconnected sidewalks, vehicular and pedestrian cross access, site amenities and common architectural and landscaping elements within the developments of the OT District.

The OT District is intended to be located so that uses will be developed without creating negative impacts on adjacent uses from characteristics and conditions such as heavy truck traffic, excessive noise, glare, air pollution, waste water pollution or emissions, which are commonly found in a traditional industrial district. Suitable areas for the OT District are often visible from freeways and in other high image locations.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Office, Professional	• Wireless Communication Facilities
• Office, Medical and Dental	• Banks and Financial Institutions with a Drive-Thru
• School (Vocational or Technical)	• Places of Assembly
• High Tech, Data Processing, and Computer Centers	• Accessory Caretaker Dwelling
• Laboratories, Minor	• Religious Institutions
• Publicly owned buildings	• Hotels and Motels
• Offices of Manufacturing Agents, Sales Representatives, and Others Requiring Display Area and Limited Warehousing	
• Publicly-owned recreational facilities	
• Printing Shops and Establishments.	
• Banks and Financial Institutions, No Drive-Thru	
• School, College or University and Public or Non-Profit	
• School, College or University, Private	
• Accessory structures and uses customarily incidental to the above permitted uses.	

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) PERMITTED ACCESSORY USES IN THE OT DISTRICT WHEN COMPRISING UP TO 30% OF THE CONTIGUOS LAND AREA AND WHEN AT LEAST TWO (2) PRINCIPAL BUILDINGS HAVE BEEN DEVELOPED OR ARE UNDER CONSTRUCTION

- Office supply sales and rental, office equipment sales and rental.
- Business services such as printing, copying, mailing, messenger services, and delivery services limited to drop-off and pick-up facilities. Processing, sorting, or distribution functions other than to serve the district and areas immediately nearby are prohibited.
- Restaurants, Sit Down
- Child Care Centers

Commented [PS102]: "Office, Professional" will be defined in Article 2 and will include the office uses stated in Section 11.02 and in the OT District

Commented [PS103]: "Office, Medical and Dental" will be defined in Article 2 and will include the OT district language for these uses. Also, "pharmacies, medical equipment rental and sales" were removed as permitted uses in the OT and instead added as accessory uses to the definition of "Office, Medical and Dental."

Commented [PS106]: "Banks and Financial Institutions" (both with and without drive-throughs) will be defined in Article 2 based on the text in current Section 14.03(3)

Commented [PS104]: "School (Vocational or Technical)" will be defined in Article 2 and will include the text from the OT District.

Commented [PS105]: "High Tech, Data Processing, and Computer Centers" will be defined in Article 2 to include the text in current Sections 14.02(5), (6), and (8)

Deleted: Any other use of the same nature or class of uses listed in this District as either a principal use permitted or a use subject to special conditions which the Planning Commission find not to be inconsistent with the purpose of this Article and which will not impair the present or potential use of adjacent properties. When considering other uses, the Planning Commission shall review the nature and function of the use and its proposed location to ensure that said use will not present a potential conflict with principal permitted office technology uses.

Deleted: <#>Messenger services, mailing services, delivery services shall be limited to drop off and pick up facilities. Processing, sorting or distribution functions other than to serve the district and areas immediately nearby shall not be allowed.¶ <#>Other similar uses consistent with the purpose and intent of this district¶

Deleted: Stand alone structures housing uses permitted in category (7) shall not exceed five thousand (5,000) square feet gross floor area and shall be accessible only from parking area or internal roadways in a complex or development. All signage shall be so oriented as to be most visible from areas other than the public right-of-way.

Deleted: and

Deleted: Restaurants or other places serving food and/or beverages in a principal building or within a building containing one (1) or more principal uses and comprising no more than twenty-five (25) percent of the total floor area of the principal building; except that restaurants with open front windows, drive-ins or drive through service are prohibited.

- Indoor Recreation (Permitted for employees only and prohibited to general public)
- Motels and Hotels

Deleted: Corporate fitness centers, health spas, racquetball clubs, bowling alleys or similar forms of indoor recreation intended for employees only and not the general public. A maximum of ten percent (10%) of the total floor areas devoted to such as use may be used for a cafeteria or restaurant. The Planning Commission may permit indoor recreational facilities in a separate building accessory to a principal use, provided required on-site parking is provided.

(E) PROHIBITED USES (OT, OFFICE TECHNOLOGY DISTRICT)

- Any use which provides a drive through, drive up, or pick up window as either principal or accessory to the permitted or special approval use, except as otherwise permitted
- Any use which uses stamping in the manufacturing or assembly process of any product or material
- Any use which involves manufacturing, processing and assembling from basic raw material.
- Terminals, including truck, rail or bus
- Retail sales except as otherwise provided
- Petroleum storage, sales, processing or production
- Hazardous materials handling and similar related uses
- Outdoor storage of goods or materials
- The following uses or similar uses which may create unusual danger for fire, explosion, toxic or noxious matter, radiation or which may cause noxious, offensive, unhealthful or harmful odors, fumes, dust, smoke, lights, waste, noise or vibration shall be considered as not meeting the minimum standards of this Ordinance as to performance and potential negative impact on surrounding properties:
  - Processing of corrosive acid, cement, lime, gypsum or plaster.
  - Distillation of bone, tar, petroleum refuse, grain or wood.
  - Processing or storage of explosives.
  - Processing of fertilizer or storage of compost.
  - Processing of products from animal refuse or offal including glue, size or gelatin.
  - Processes using steam or board hammers or forging presses.
  - Tanning, curing or storage of skins or hides.
  - Processing sulphurous, sulfuric, nitric, picric, carbolic, hydrochloric or other corrosive acid.

(F) DEVELOPMENT STANDARDS APPLICABLE TO THE OT ZONING DISTRICTS

Commented [PS107]: These are copied from the footnote in Section 3.105 and are in parts of current Section 14.05 of the Zoning Ordinance.

- **Indoor Use Only (currently 14.05(1)(c)).** All aspects of operations for permitted uses and uses permitted with special approval shall be conducted within a completely enclosed building except for required off-street parking.
- **Overnight Parking (currently 14.05(1)(d)).** There shall be no overnight parking of semi-tractor trailers in the district.
- **Cross Access (currently 14.05(2)(c)).** Vehicular and pedestrian cross access agreements shall be provided from a development site to connect streets, driveways or other circulation systems on adjoining sites as determined by the Planning Commission.
- **Paved Access (currently 14.05(2)(e)).** All access to an OT development shall be only by paved roads developed to the standards as established by the Township engineer.
- **Building Design (currently parts of 14.05(3)).**
  - All building elevations visible from a public right-of-way or residential district shall be designed to incorporate vertical design elements, building off-sets, facade articulations, overhangs, shadows or other techniques to break up the horizontal mass of the building and to reflect an office or administrative appearance. Variations in the form of a building, including horizontal or vertical indentations and projections, which contribute to a non-box like appearance are also considered facade articulation.
  - All exterior building facades and accessory building shall be integrated, harmonious and compatible with the finished material used on the front facade design features. Reflective glass or metal panels shall not be the predominant exterior material. The use of paint, smooth concrete masonry units and stained concrete masonry units shall not be deemed as in compliance with this section.
  - Rear entrance facades shall be of finished quality and constructed of the same material as the front facade. When parking is located in the rear of the building, the rear entrance shall respond to the same needs as the front facade, only at a reduced scale. This shall include minimal identification signage, an attractive entry and pedestrian sidewalks.
  - Roofs that are peaked or have the appearance to being peaked are encouraged. The roof shape and materials

shall be architecturally compatible with the rest of the building. Flat roof buildings are discouraged.

- o A maximum of three (3) truck docks shall be permitted for loading and unloading purposes per building. Overhead doors used to accommodate trucks, loading docks, and truck wells shall be located on the side or rear of the building, screened from view from a public right-of-way or residential zoning. Such areas shall be screened with landscaping per Article 10 or another alternative acceptable to the Planning Commission. If the required parking is located to the rear of the building, the loading and unloading area should be screened by attractive wings walls that are extended from the building and integrated into the structure or other means acceptable to the Planning Commission.
- o The use of decorative brick pavers, decorative benches, fountains, and corporate and governmental flags surrounded by landscaping and low lights is strongly encouraged to accentuate and enhance the entrance to each building within the district.
- o In no case shall the number of permitted flag poles on site exceed three. Flag poles may exceed the height of the principal building on site by a maximum of ten (10) feet. In no case shall a proposed flag pole exceed the maximum height of the district.
- o The Planning Commission shall review the proposed building elevations in accordance with the existing development within the OT district. The Planning Commission may, at its discretion, require that common architectural elements from buildings within the district be incorporated, consistent signage, landscape treatments and other devices be used to achieve a campus environment. The planning Commission may require color renderings of the elevations, material samples, and other information deemed necessary to determine compatibility.
- o Building elevations provided on sites which abut a limited access highway or Wayne County primary road shall be of equal importance and present an attractive appearance, comparable to the building front.

- **Parking (currently part of 14.05(4)).** No parking shall be permitted in the required front yard, no in the five (5) foot yard space abutting the rear property line. If site characteristics require a parking lot to be constructed in the front of the building, the amount of parking in that location should be minimized to the greatest extent possible.
- **Site Amenities (currently 14.05(5)).** Development within the OT District shall incorporate to the greatest extent possible site amenities consistent with the Premiere Community Amenity Plan adopted by the Township in 2000.
- **Storm Water Management (Currently 14.05(6)).** Storm drainage and detention/retention basins shall be designed and located to function as an amenity feature of the site. This shall be accomplished by integrating and designing them as an integral part of a site's open space, incorporating fountains or aesthetic improvements to the water quality.

(G) DIMENSION REGULATIONS (OT, OFFICE TECHNOLOGY DISTRICT)

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	--	*Front Yard*	*(D), (T), (U)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	20 *(D), (P), (V)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	40 *(D)*
Max. Lot Coverage (%)	--	*Rear Yard*	30 *(D), (V)*
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	45		
Max. Building Height (stories)	3 *(W)*		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.115 M-1, Light Industrial District (currently Article 15)

(A) STATEMENT OF PURPOSE
In the M-1 District, it is intended that limitations placed upon the degree of noise, smoke, glare and other features of light industrial operations shall make such uses compatible with nearby commercial and residential uses. It is further intended that some light industrial uses shall act as a transition between heavy industrial uses and non-industrial uses and shall not require railroad access or major utility facilities. Certain commercial uses which are desirable to serve the employees and visitors of the industrial uses are also permitted in this district.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Wholesale Sales	• Automobile Wash Establishment, Automatic
• Warehousing (excluding Distribution Centers)	• Drive-In Theaters
• Manufacturing and Processing (Light)	• Private Clubs
• Laboratories, Minor	• Recreational Vehicle Storage Yards
• Laboratories, Major	• Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors)
• Retail Dry Cleaning Plants and Laundries	• Outdoor Storage of Building or Contracting Equipment and Supplies
• Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and including storage yards, when necessary to serve the immediate vicinity.	• Instructional Services, Outdoor
• Accessory Outdoor Industrial Storage	• Truck Repair and Maintenance Facility, Minor
• Accessory structures and uses customarily incidental to the above permitted uses	• Accessory Caretaker Dwelling

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) PERMITTED RETAIL AND SERVICE ESTABLISHMENTS THAT ARE INTENDED TO SUPPORT AND PROVIDE SERVICES TO OTHER USES AND VISITORS TO THE DISTRICT
• Restaurants (Sit-Down or Take-Out), provided no single business shall occupy more than five thousand (5,000) sq. ft. and no structure housing more than one (1) business shall exceed ten thousand (10,000) sq. ft.
• Service Establishments, Personal Service
• Veterinary Clinics and Hospitals
• Automobile Wash Establishment, Self-Serve
• Retail (Food, Beverage, and Convenience Items) with no on-premise consumption. No single business shall occupy more than a three thousand (3,000) square foot gross floor area and no structure having more than one (1) retail business shall exceed ten thousand (10,000) square feet.

(E) DIMENSION REGULATIONS			
Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	--	*Front Yard*	50 *(O)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	40 *(P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	80
Max. Lot Coverage (%)	35	*Rear Yard*	40
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	30 *(S)*		
Max. Building Height (stories)	2.5 *(S)*		
Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.			

Deleted: salesStores and Related Facilities

Commented [PS108]: The definition of "warehouse" in Article 2 will be expanded to include the descriptive text in Section 15.02.

Commented [PS109]: "Manufacturing and Processing (Light)" will be defined in Article 2 to include the assembly, fabrication, manufacture, packaging, or treatment of the products described in Section 15.02 as well as "publishing, printing, forming of boxes and cartons, and manufacturing of cardboard products."

Commented [PS110]: "Regulated Uses" are currently not associated with a Zoning District, but we recommend limiting tattoo establishments, pawnshops, pool and billiard halls, and massage parlors and making them special land uses in the M-1 District. Sexually Oriented Businesses, while currently Regulated Uses, will be regulated as a separate use but will have the same development standards as Regulated Uses.

Commented [PS111]: This is from Section 15.02(i), with modifications to make the uses clearer.

Section 3.116 M-T, Industrial Transportation District (currently Article 15-A)

(A) STATEMENT OF PURPOSE

The intent of the M-T Industrial Transportation District is to provide locations, sufficiently separated from adjacent neighboring uses, sufficiently separated from adjacent neighboring uses and rights-of-way, for more intensive industrial uses, especially larger scale trucking operations, including interstate and intrastate motor carriers whose activities are most suitably placed in appropriate locations close to complementary uses and similar operations. In addition, this district is intended to be applied to those areas of the Township which are illustrated in the Township's Master Plan and coordinated with the Township's Planned Thoroughfare System. Finally this district is intended to include properties which are located adjacent to and have access to major thoroughfares of sufficient capacity and improvements, which accommodate large building setbacks for large buildings as outlined herein and which result in minimum visual and physical impacts on adjacent and neighboring uses and public right-of-way, all as determined by the Township.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Wholesale sales • Warehousing (excluding Distribution Centers) • Manufacturing and Processing (Light) • Laboratories, Minor • Laboratories, Major • Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations and including storage yards, when necessary to serve the immediate vicinity. • Accessory structures and uses customarily incidental to the above permitted uses	• Distribution Centers • Accessory Caretaker Dwelling

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

Deleted: <#>Other similar uses consistent with the purpose and intent of this district¶

(D) PROHIBITED USES

- The assembly manufacture, fabrication, packaging or treatment of materials that would require the use of the following chemicals, compounds and/or materials: asbestos, bactericides, cadmium, chlorinated hydrocarbons, chlorofluorocarbons (CFC's), fungicides, lead, mercury, pesticides, polychlorinated biphenyls (PCB's), or radioactive compounds, as well as other chemicals, compounds, and/or materials that could negatively impact the environment and/or the health, safety, or general welfare of residents of the Township.
- The blending, compounding or repackaging of cleaning products, paint or petroleum.
- The re-manufacturing of engines or transmissions.
- Low or high volume production operations involving grinding, heat treatment or machining processes.
- Metal finishing operations utilizing materials such as iron, manganese, phosphates or zinc.
- Sheet metal plating and all other plating operations.
- High volume paint operations.
- Dry cleaning plants and laundries.
- Any use which involves sand blasting or shot peening processes.

(E) ARCHITECTURAL STANDARDS APPLICABLE TO THE M-T ZONING DISTRICTS

Building elevations, where visible from residential districts or public rights-of way, shall incorporate vertical design elements such as spandrel glass, columns, pilasters and/or piers, so as to break up the horizontal mass of the building.

Commented [PS112]: These are copied from the footnote in Section 3.105 and are in current Section 15.05A(a) of the Zoning Ordinance.

(F) DIMENSION REGULATIONS

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	-	*Front Yard*	50 *(O)*

Min. Lot Width (ft.)	--	*Side Yard (one)*	50 *(P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	100
Max. Lot Coverage (%)	35	*Rear Yard*	50
Min. Floor Area/Unit (ft.)	*(B)*		
Max. Building Height (ft.)	35		
Max. Building Height (stories)	3		
Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.			

Section 3.117 M-2, General Industrial District (currently Article 16)

(A) STATEMENT OF PURPOSE

The intent of this Section is to provide suitable locations for manufacturing, assembling and fabricating uses, including large-scale or specialized industrial operations requiring good access by road and/or railroad and public and utility services.

Deleted: Article

(B) PERMITTED USES	(C) SPECIAL LAND USES
• All Permitted Uses in the M-1, Light Industrial District (Section 3.115) • Manufacturing and Processing (Heavy) • Truck and Railroad Terminals • Accessory structures and uses customarily incidental to the above permitted uses	• Outdoor storage of Building or Contracting Equipment and Supplies • Drive-In Theaters • Mining, excavating, or other removal of sand, earth, minerals, or other materials naturally found in the earth • Air Freight Forwarders • Junk Yards • Medical Marihuana Cultivation Facilities • Recreational Vehicle Storage Yards • Truck Repair and Maintenance Facility, Minor • Truck Repair and Maintenance Facility, Major • Accessory Caretaker Dwelling • Regulated Uses (Sexually Oriented Businesses)

Deleted: Section 3.115Section 3.115

Commented [PS113]: "Manufacturing and Processing (Heavy)" will be defined in Article 2 to include the uses defined in current Section 16.02(b)

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) DIMENSION REGULATIONS

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	-	*Front Yard*	60 *(O)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	50 *(P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	100
Max. Lot Coverage (%)	35	*Rear Yard*	50
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	40 *(S)*		
Max. Building Height (stories)	4 *(S)*		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.118 AP, Airport District (currently Article 16-A)

(A) STATEMENT OF PURPOSE

The intent of this District is to create an area of open land suitable for airport activity, including land uses customarily associated with this activity, such as runways, landing areas or other facilities.

(B) PERMITTED USES	(C) SPECIAL LAND USES
• Airports and related facilities. • Airport commercial and service establishments. • Wholesaling and warehousing establishments requiring air transport. • Laboratories, Related to Aviation Industry • Transportation facilities including truck and rail terminals, bus depots, and similar uses • Assembly and fabrication plants which use an airplane taxiway from the main airport runway directly to the manufacturing firm. • Off-Street Parking Lots (Principal Use) • Parking Garages • Package Expediting Services • Accessory structures and uses customarily incidental to the above permitted uses	• Regulated Uses (Sexually Oriented Businesses) • Accessory Caretaker Dwelling

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

Commented [PS114]: "Airport and related facilities" will be defined in Article 2 to include "airports, heliports, landing areas, runways, taxiways, aircraft hangers and tie down areas, approach surface and transitional surfaces" and "terminals."

Commented [PS115]: "Airport commercial and service establishments" will be defined in Article 2 to include "commercial and service establishments catering primarily to persons using the airport including sit-down restaurants, barber shops, automobile rental and leasing agencies, banks, travel agencies and similar uses."

(D) REQUIRED CONDITIONS OF THE AP, AIRPORT DISTRICT

The area, height and placement regulations of any airport, landing area, runway, taxiway, aircraft hanger, terminal or tie down area, approach surface, transitional surface or other facility for the operation of aircraft shall be in accordance with current Federal Aviation Agency, Michigan Aeronautics Commission and the Detroit Metropolitan Wayne County Airport Zoning Board of Appeals' regulations.

- **Public Airport.** If the airport is owned by a public governmental agency, that agency shall have control of the location and design of the permitted uses on the property zone AP, Airport, provided all of the requirements of this Ordinance are met.
- **Private Airport.** If the airport is privately owned, development of the permitted uses shall meet all of the requirements of this Ordinance. Additionally, the effect of airport traffic on surrounding land uses shall be determined, including the possibly detrimental effect of truck traffic moving through primarily residential areas and if the effect is found to be detrimental to the surrounding properties or the general Township, uses creating such traffic shall not be permitted to located with the airport.

Commented [PS116]: These are copied from the footnote in Section 3.105

(E) DIMENSION REGULATIONS

Lot Standards		*Minimum Setbacks*	
Min. Lot Area (sq. ft.)	250 acres	*Front Yard*	100 *(O)*
Min. Lot Width (ft.)	--	*Side Yard (one)*	50 *(P)*
Min. Lot Depth (ft.)	--	*Side Yard (total of 2)*	100
Max. Lot Coverage (%)	--	*Rear Yard*	100
Min. Floor Area/Unit (ft.)	--		
Max. Building Height (ft.)	--		
Max. Building Height (stories)	--		

Footnotes: Refer to Section 4.102 wherever a footnote is referenced in parentheses after one of the design regulations.

Section 3.119 M-U, Mixed-Use District (new Section)

(A) STATEMENT OF PURPOSE

The Mixed-Use District intended to encourage and facilitate redevelopment by implementing the following mixed-use policies of the South Side Master Plan, Belleville Road District Plan and Market Analysis, and Haggerty Road and Ecorse Road Corridor Plan:

1. Mix of Land Compatible Land Uses. Permit a range of compatible land uses, such as residential (from single-family to multi-family), public, institutional, office, retail, personal services uses, and appropriate general business uses.
2. Walkability. Create a walkable, pedestrian-oriented development that does not conflict with motorized traffic.
3. Building Location and Site Design. Ensure that buildings have a strong relationship to the street by requiring development to be human-scale through appropriate building location and site design, including developing areas that include civic spaces and pedestrian amenities and requiring on-street parking along interior streets.
4. Use of Buildings. Allow compatible mixed uses to be located in a single building.
5. Land Assembly for Development. Because frontage land on major roads tends to have higher property values, the mixed-use standards in this Section create a strong economic incentive to combine shallower frontage land with land behind the frontage. By allowing lots to extend deeper into frontage property, typical strip development will be discouraged and a more sustainable mix of land uses will be permitted.

(B) PERMITTED USES

- Single-Family, Attached Dwelling
- Single-Family, Detached Dwelling
- Two-Family Dwelling
- Hotels and Motels
- Financial Institution, No Drive-Through
- Office, Medical or Dental
- Office, Professional
- Veterinary/Animal Clinics and Hospitals (no breeding, boarding, or training)
- Contractor Establishment, Indoor
- Grocery Store
- Health or Exercise Club or Spa
- Mortuary Establishment
- Printing Shops and Establishments
- Private Clubs
- Private Indoor Instructional Institutions
- Public Auction Rooms
- Restaurant, Carry-Out
- Restaurant, Outdoor Dining
- Restaurant, Sit-Down (with or without entertainment)
- Retail Sales, Indoor
- Retail Sales, Limited Indoor
- Service Establishment, Office, Showroom, or Workshop (No Retail Required)
- Service Establishment, Office, Showroom, or Workshop (Retail Required)
- Service Establishment, Personal Services
- Studios
- Laboratories, Minor
- Adult Foster Care, Family Home
- Bus Passenger Station
- Day Care Home, Family Home
- Places of Assembly
- Public Buildings and Uses
- Religious Institutions
- School (College or University, Public or Non-Profit)
- School (College or University, Private)
- School (Primary or Secondary)
- Private Swimming Pools
- Publicly-Owned Recreational Facilities
- Home Occupations
- Parking Garages
- Accessory structures and uses customarily incidental to the above permitted uses

(C) SPECIAL LAND USES

- Apartment Houses
- Planned Residential Developments
- Bed and Breakfast
- Greenhouses and Nurseries
- Planned Shopping Centers
- Adult Day Care Center
- Adult Foster Care, Large Group Home
- Adult Foster Care, Small Group Home
- Child Care Centers
- Day Care Home, Group
- Hospitals and Nursing Homes
- Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (excluding storage yards) when necessary to serve the immediate vicinity
- Indoor Recreation
- Private Clubhouse

The above list is a summary of uses permitted by right or special land use approval in the district. Refer to Section 3.104 (including footnotes) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in Section 3.104 (including footnotes), then Section 3.104 shall prevail. Refer to Article 2 for definitions of uses and refer to Article 5 for development standards for specific uses.

(D) STREET TYPE STANDARDS

All streets adjacent to and within the Mixed-Use District shall meet the following requirements when a site is developed under the standards of this District. If the street is existing and does not meet the following requirements, it must be upgraded to the extent possible.

Street Type Name	Street Right-of-Way Width	Street Pavement Width	Location	Allowable Building Types	On-Street Parking
BV-120-46	120 ft.	46 ft.	Major Roads, such as Belleville Road, Ecorse Road, and Tyler Road	Mixed Use Retail Building Liner Apartment	No
ST-70-40	70 ft.	40 ft.	Perpendicular to BV-120-46	Mixed Use Retail Building Liner Cottage Retail (Corner Only) Apartment Rowhouse Duplex Single-Family Home Detached Garages (Residential)	Yes
ST-66-36	66 ft.	36 ft.	Perpendicular to BV-120-46 or interior to the site	Single-Family Home Detached Garages (Residential)	Yes

(E) ALLOWABLE MIXED-USE SUBAREAS

All areas within the Mixed-Use District or any area developed in the Belleville Road Overlay District in accordance with the Mixed-Use District shall include any or all of the following three (3) subareas and proportions:

(1) Neighborhood Center. Between 10%-30% of the site area.
(2) Neighborhood General. Between 30%-60% of the site area.
(3) Neighborhood Edge. Between 10%-30% of the site area.

See the Building Types standards in *Section 3.119(G)* for the indication of particular Subarea within which each Building Type is allowable. Allowable Building Types, and their associated parameters, shall define these Subareas.

The Subareas shall be determined at the time of site plan review. The Planning Commission may modify the minimum and maximum Subarea proportion requirements based on superior site design or limited development potential of a Subarea.

(F) BUILDING TYPE SCHEDULE OF REGULATIONS

Building Type Name	Front Setback	Side Setback	Rear Setback	Height	Allowable Street Types	Allowable Subareas	Maximum Lot Size
Mixed Use	Max.: 0 ft. along ST-70-40 55 feet along VB-120-46	Min.: 0 ft.	Min.: 0 ft.	Max.: 40 ft./ 4 Stories	BV-120-46 ST-70-40	Center General	None
Retail Building	Max.: 0 ft. along ST-70-40 55 feet along VB-120-46	Min.: 0 ft.	Min.: 0 ft.	Max.: 18 ft./ 1 Story	BV-120-46 ST-70-40	Center General	Width: 50 ft. Depth: 150 ft.
Liner	Max.: 0 ft. along ST-70-40 55 feet along VB-120-46	Min.: 0 ft.	Min.: 0 ft.	Max.: 30 ft./ 2 Stories	BV-120-46 ST-70-40	Center General	None
Cottage Retail	Max.: 10 ft.; Min.: 0 ft.	Min.: 0 ft.	Min.: 10 ft.	Max.: 30 ft./ 2.5 Stories	ST-70-40 (Corner Lots Only)	General (Corner Lots Only)	Width: 50 ft. Depth: 150 ft.
Apartment	Min.: 10 ft.	Min.: 10 ft.	Min.: 10 ft.; 0 ft. at alley easements	Max.: 40 ft./ 4 Stories	BV-120-46 ST-70-40	Center General	Width: 100 ft. Depth: 150 ft.
Rowhouse	Min.: 25 ft. Porches may encroach up to 12 ft. into setback	Min.: 10 ft.	Min.: 10 ft.; 4 ft. at alley easements	Max.: 30 ft./ 2.5 Stories	ST-70-40	General	Width: 140 ft. Depth: 150 ft.
Duplex	Min.: 25 ft. Porches may encroach up to 12 ft. into setback	Min.: 10 ft.	Min.: 10 ft.	Max.: 30 ft./ 2.5 Stories	ST-70-40	General	Width: 50 ft. Depth: 150 ft.
Single-Family Home	Min.: 25 ft. Porches may encroach up to 12 ft. into setback	Min.: 10 ft.	Min.: 10 ft.	Max.: 30 ft./ 2.5 Stories	ST-70-40 ST-66-36	General Edge	Width: 50 ft. in General; 100 ft. in Edge Depth: 150 ft.
Detached Garage (Residential)	At least 10 ft. behind the front wall of the home.	Min.: 3 ft.	Min.: 3 ft.	See *Section 7.202-Section 7.204*	ST-70-40 ST-66-36	General Edge	N/A, but must be on same lot as residence

(G) BUILDING TYPE STANDARDS. A range of Building Types permitted in the Mixed-Use District are described and illustrated in this section. Each Building Type incorporates a private frontage type that accommodates pedestrian access while supporting a lively and interesting street environment. Each Building Type contains a mix of allowable uses by floor, with retail always at the ground floor level of non-residential buildings. Building frontage orientation is coordinated with street frontages in the Building Type illustrations. Such orientation of building fronts and frontages must be followed with the use of each Building Type, though architectural variation that achieves these objectives is permitted.

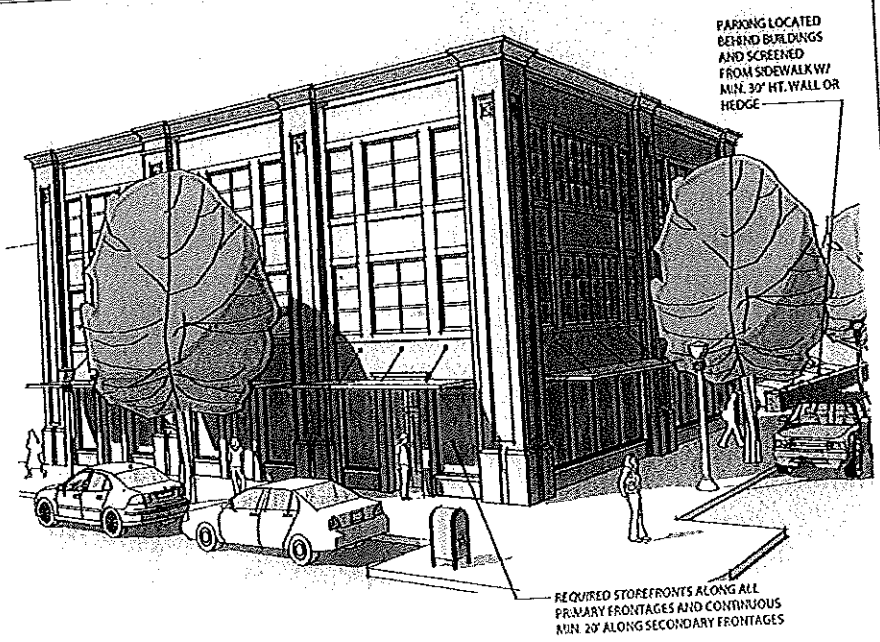
(1) BUILDING TYPE STANDARDS: MIXED USE BUILDING

Description. The Mixed Use Building Type is a multi-story Building Type with storefronts along all primary frontage lines. This Building Type is ideal for downtowns and the retail segments of downtown shopping streets.

Permitted Uses and Special Land Use. Ground floor permitted uses are restricted to non-residential uses, while the upper floors may have any use permitted in the district.

Design. The design of Mixed Use Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. Additionally, storefronts shall be located along all primary frontage lines and extend from a primary frontage a minimum of twenty (20) feet into any secondary frontage that has been assigned setbacks at frontage lines of a maximum of zero (0) feet.

Parking. Parking must be located behind Mixed Use Buildings and screened from the sidewalk with a minimum thirty (30)-inch high shrub hedge or masonry wall constructed or red or brown brick or stone.



MIXED-USE BUILDING TYPE

(2) BUILDING TYPE STANDARDS: RETAIL BUILDING

Description. The Retail Building Type is a single-story, limited-use building with storefronts along all primary frontage lines. This Building Type is ideally configured for downtowns and in retail segments of downtown shopping streets, though they may also be used for single-use, suburban areas.

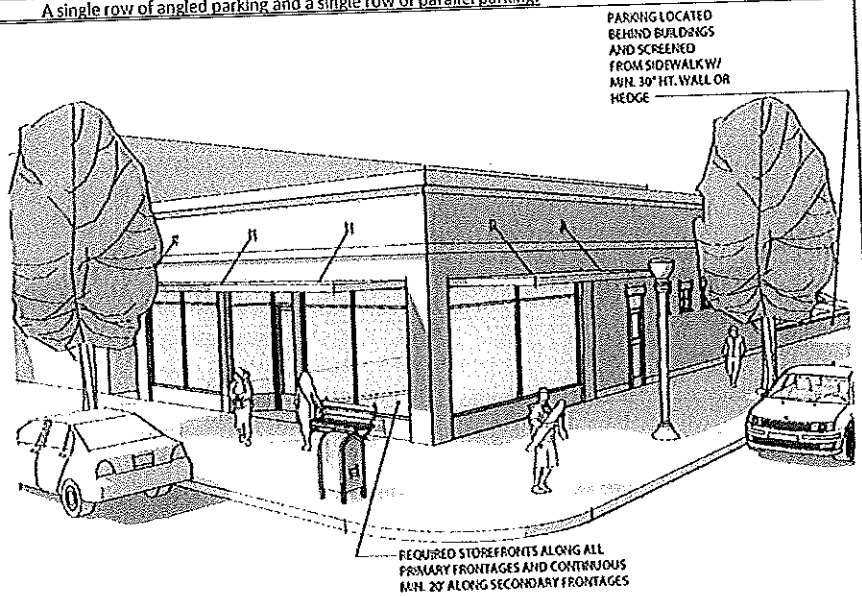
Permitted Uses and Special Land Uses. Non-residential uses only.

Design. The design of Retail Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. Additionally, storefronts shall be located along all primary frontage lines and extend from a primary frontage a minimum of twenty (20) feet into any secondary frontage that has been assigned setbacks at frontage lines of a maximum of zero (0) feet.

Parking. Parking must be located behind Retail Buildings and screened from the sidewalk with a minimum thirty (30)-inch high shrub hedge or masonry wall constructed or red or brown brick or stone. Along VB-120-46 street frontages, front yard parking shall only be permitted as follows:

a. A single row of perpendicular parking; or

b. A single row of angled parking and a single row of parallel parking.



RETAIL BUILDING TYPE

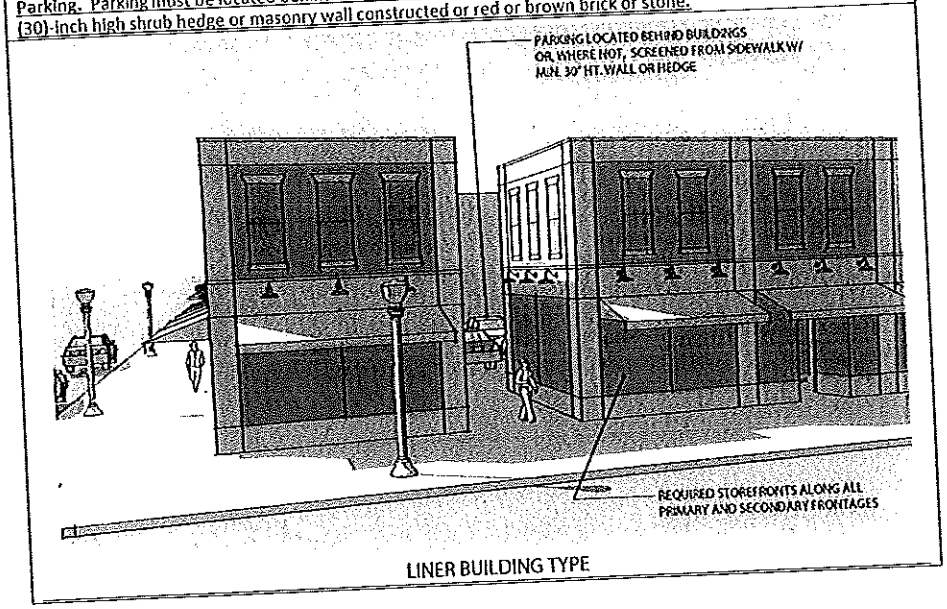
(3) BUILDING TYPE STANDARDS: LINER BUILDING

Description. The Liner Building Type is merely a Mixed Use or Retail Building Type that has been limited in depth and used to conceal parking behind. This Building Type is ideally configured for mid-block conditions, secondary streets in downtown areas, and adjacent to – or located toward the edge or – the retail segments of shopping streets.

Permitted Uses and Special Land Use. Ground floor permitted uses are restricted to non-residential uses, while the upper floors may have any use permitted in the district.

Design. The design of Liner Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. Additionally, storefronts shall be located along all primary and secondary frontage lines, and secondary frontages shall be between twenty (20) and thirty-six (36) feet in depth.

Parking. Parking must be located behind Liner Buildings and screened from any sidewalk with a minimum thirty (30)-inch high shrub hedge or masonry wall constructed of red or brown brick or stone.



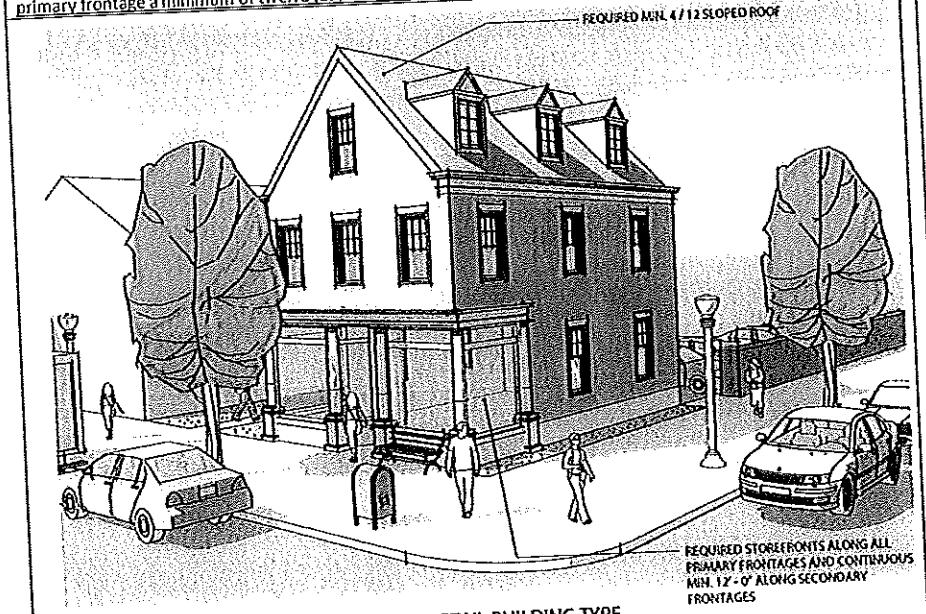
LINER BUILDING TYPE

(4) BUILDING TYPE STANDARDS: COTTAGE RETAIL BUILDING

Description. The Cottage Retail Building Type is a mixed-use building type with a residential building form that permits storefronts along all primary frontage lines and extending down the sides of the secondary frontage line. This building type emulates or repairs a building form that has often evolved to become an existing condition in older neighborhoods adjacent to formal retail centers. The resulting form is a modestly-scaled building, including a gable and a pitched roof, usually with a storefront at the ground floor.

Permitted Uses and Special Land Use. Non-residential uses may only be permitted in the front of the building on the ground floor. Other areas of the building, including upper stories, must be single-family residential.

Design. The design of Cottage Retail Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. Roofs must have a minimum slope of 4:12. Storefronts shall be located along all primary frontage lines and extend from a primary frontage a minimum of twelve (12) feet into any secondary frontage.



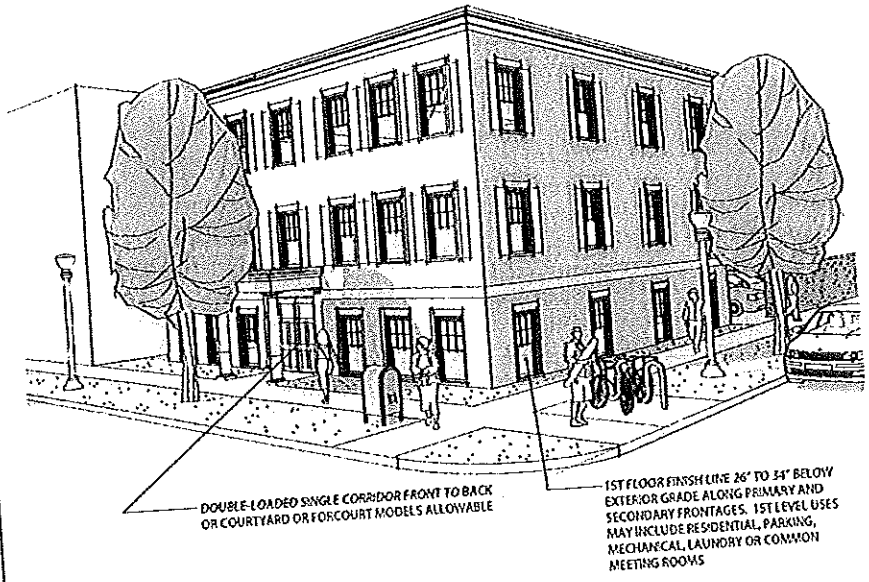
COTTAGE RETAIL BUILDING TYPE

(5) BUILDING TYPE STANDARDS: APARTMENT BUILDING

Description. Apartment buildings may take on a small variety of multi-family building configurations, three units or more, that do not correspond to the rowhouse configuration. For instance, apartment buildings do not have units continuous from the ground floor to the roof. This small variety of configurations includes shotgun (one or two units wide, front to back), courtyard, and forecourt configurations.

Permitted Uses and Special Land Use. Residential uses only.

Design. The design of Apartment Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. Where the lowest level is partially below grade, the floor shall be between twenty-six (26) inches and thirty-six (36) inches below the exterior grade.



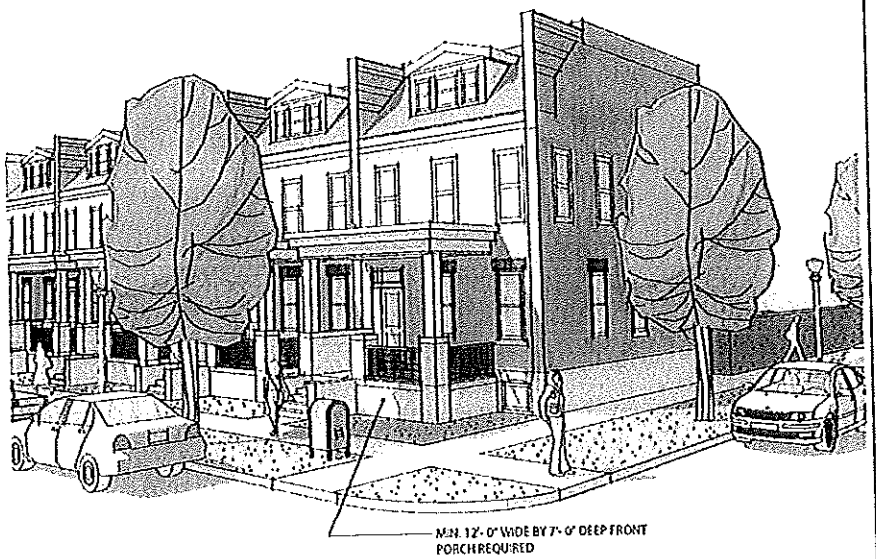
APARTMENT BUILDING TYPE

(6) BUILDING TYPE STANDARDS: ROWHOUSE BUILDING

Description. The Rowhouse Building Type consists of a contiguous row of individual residential units (three or more) side-by-side, sharing common walls with one another, and with each unit extending front to back and continuously from below grade through to the roof. Another term for rowhouses is townhouses. Additionally, each unit features a main exterior entrance along a frontage line, and typically in The Midwest, such buildings are set back from that frontage line with individual or shared front porches accessed from each unit.

Permitted Uses and Special Land Use. Residential uses only.

Design. The design of Rowhouse Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. A front porch of at least twelve (12) feet wide and seven (7) feet deep is required.



ROWHOUSE BUILDING TYPE

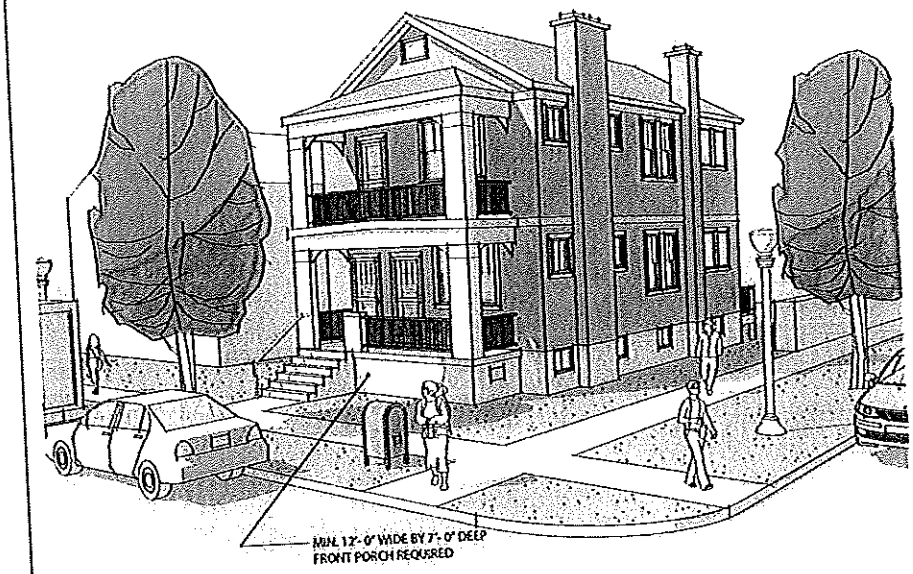
(7) BUILDING TYPE STANDARDS: DUPLEX BUILDING

Description. The Duplex Building Type is any independent building configuration consisting of exactly two residential units, usually surrounded by a private or common yard, meeting minimum room quantity and size requirements as dictated by the local building code, zoning, or both.

The units can be side-by-side (similar to rowhouses) or stacked one above the other. Similarl to single-family residential buildings, duplex buildings include front porches that encroach into the established building setback and optional detached garages.

Permitted Uses and Special Land Use. Residential uses only.

Design. The design of Duplex Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. A front porch of at least twelve (12) feet wide and seven (7) feet deep is required.



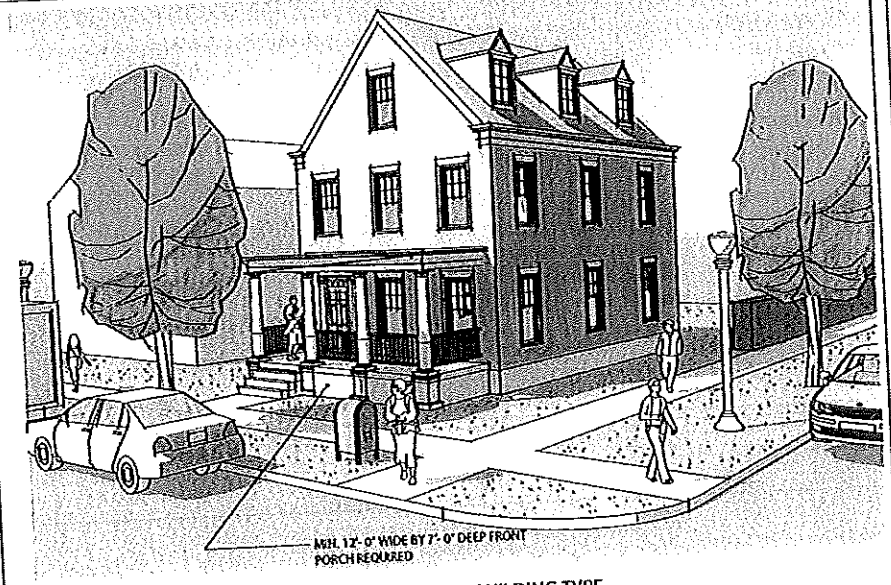
DUPLEX BUILDING TYPE

(8) BUILDING TYPE STANDARDS: SINGLE-FAMILY BUILDING

Description. A Single-Family Building Type consists of a detached building containing one residential unit, usually surrounded by a private or common yard, and meeting minimum room quantity and size requirements as dictated by the local building code, zoning, or both. Similar to duplex residential building types, these buildings include front porches that encroach into the established building setback and optional detached garages.

Permitted Uses and Special Land Use. Residential uses only.

Design. The design of Single-Family Residential Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 4*), even if the site is not located in the Belleville Road Overlay District. A front porch of at least twelve (12) feet wide and seven (7) feet deep is required.



SINGLE-FAMILY HOME BUILDING TYPE

(H) BLOCK STANDARDS

For larger sites that will develop ST-70-40 and ST-66-36 streets, the use of an interconnected network (or grid) of thoroughfares is required within the Mixed-Use District. Therefore, from this network, a block structure will inevitably emerge. Blocks shall meet the following requirements:

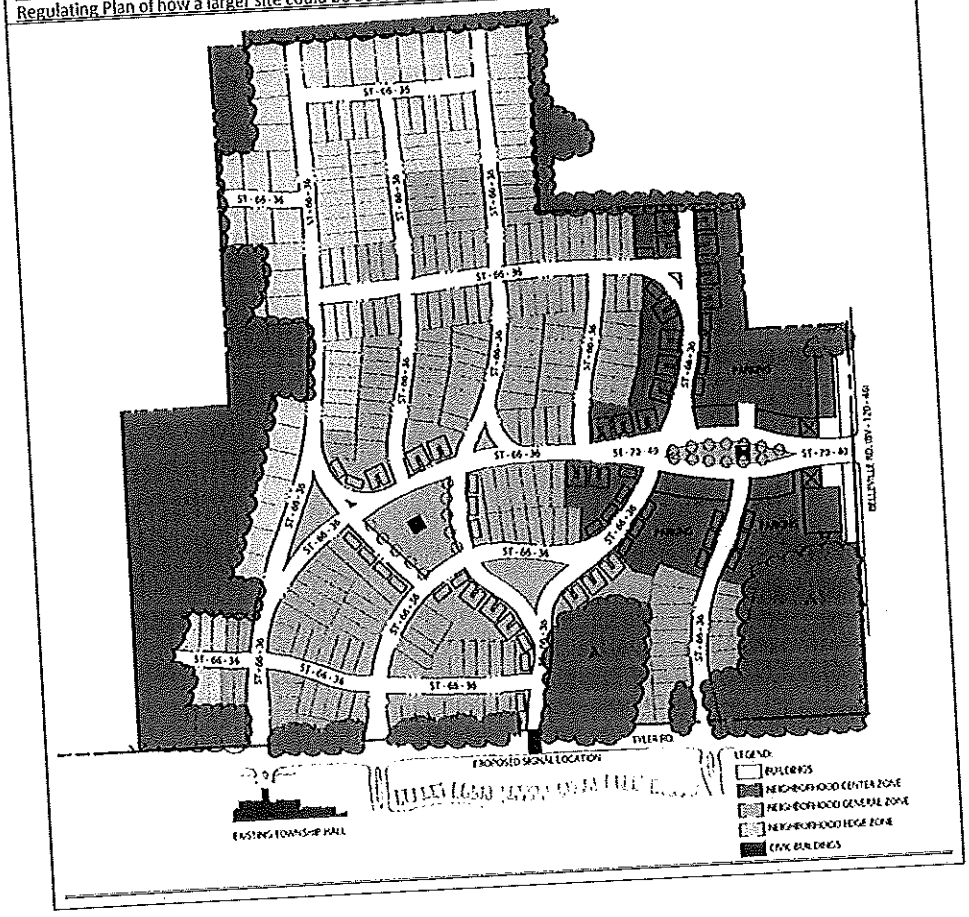
(1) Maximum Block Width. The width of blocks on the narrow sides shall not exceed 400 feet.

(2) Maximum Block Perimeter. The perimeter of blocks shall not exceed 2,400 feet.

(3) Exceptions. Blocks containing shared parking lots may be larger to the extent required to conceal the required quantity of parking spaces.

(I) REGULATING PLAN

A Regulating Plan designates the locations where different Building Type and Street Type standards apply, based on the physical character of the area site. A Regulating Plan must be submitted with each site plan application and shall show Subareas, Street Types, and connectivity to adjacent roads and sites. The following is an example of a Regulating Plan of how a larger site could be developed in accordance with the Mixed-Use District standards.



Article 4 Schedule of Regulations

Section 4.101 Statement of Purpose (currently 17.01)

The purpose of this Article is to provide area, height, and placement regulations for districts established by this Zoning Ordinance.

Section 4.102 Schedule of Regulations (currently 17.02)

Unless otherwise provided in this Ordinance, area, height and placement regulations under this Ordinance shall be in accordance with the Schedule of Regulations in *Table 2* and footnotes thereto, which schedule and footnotes hereby made a part of this *Section 4.102*.

Deleted: *Table 2Table 2*

Deleted: 2

Deleted: 87,210

Table 2, Schedule of Regulations

Schedule of Regulations												
	Lot Area, Lot Coverage, and Dwelling/Business Unit Standards					Minimum Yard Setbacks				Maximum Building Height	
Zoning District	Minimum Lot Area (sq. ft.)	Minimum Floor Area Per Dwelling Unit (sq. ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Maximum Lot Coverage (%)	Front (ft.)	Side (ft.)	Total of 2 Sides (ft.)	Rear (ft.)	Feet	Stories
AG, Agricultural and Estates	43,560	2,000 *(B)*	150	*(C)*	15	50	10	25	35	30	2
R-1A, Single-Family Residential	20,000	1,800 *(B)*	100	*(C)*	15	30	10	25	35	30	2
R-2A, Single-Family Residential	15,000	1,800 *(B)*	90	*(C)*	20	30	10	25	35	30	2
R-1B, Single-Family Residential	10,000	1,500 *(B)*	80	125	30	30	10	25	35	30	2
R-1C, Single-Family Residential	8,400	1,250 *(B)*	70	120	30	30	10	25	35	30	2
RM, Multiple Family Residential	10 acres *(Q)*	See below	400	--	30	35	20 *(E)*	40 *(E)*	35	30	2.5
RM Attached Single-Family:											
Efficiency Units	4,200 *(A)*	500 *(B)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
One Bedroom Units *(G)*	4,200 *(A)*	700 *(B)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
Two Bedroom Units *(G)*	5,000 *(A)*	900 *(B)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
Three or More Bedroom Units *(G)*	6,200 *(A)*	1,100 *(B)*, *(E)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
RM Apartments:											
Efficiency Units	2,800 *(A)*	500 *(B)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
One Bedroom Units *(G)*	2,800 *(A)*	700 *(B)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
Two Bedroom Units *(G)*	3,500 *(A)*	900 *(B)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
Three or More Bedroom Units *(G)*	4,800 *(A)*	1,100 *(B)*, *(E)*	*(H)*	*(H)*	--	*(I)*	*(I)*	*(I)*	*(I)*	30	2.5
RM Multiple-Family High Rise:											
Efficiency Units	*(J)*	500 *(B)*	*(H)*	*(H)*	15	75 *(K)*,*(L)*	50 *(K)*,*(L)*	150 *(K)*,*(L)*	50 *(K)*,*(L)*	150	15
One Bedroom Units *(G)*	*(J)*	700 *(B)*	*(H)*	*(H)*	15	75 *(K)*,*(L)*	50 *(K)*,*(L)*	150 *(K)*,*(L)*	50 *(K)*,*(L)*	150	15
Two Bedroom Units *(G)*	*(J)*	900 *(B)*	*(H)*	*(H)*	15	75 *(K)*,*(L)*	50 *(K)*,*(L)*	150 *(K)*,*(L)*	50 *(K)*,*(L)*	150	15
Three or More Bedroom Units *(G)*	*(J)*	1,100 *(B)*, *(E)*	*(H)*	*(H)*	15	75 *(K)*,*(L)*	50 *(K)*,*(L)*	150 *(K)*,*(L)*	50 *(K)*,*(L)*	150	15
RMH, Mobile Home Park	5,550	720	55	--	50	35 *(R)*	25 *(R)*	50 *(R)*	35 *(R)*	30	2
C, Local Business	--	--	--	--	--	75 *(N)*	15 *(M)*, *(P)*	15 *(M)*	25	40	4
C-1, General Business	--	--	--	--	--	75 *(N)*	15 *(M)*, *(P)*	15 *(M)*	25	40	4
C-2, Extensive Highway Business	--	--	--	--	--	35 *(N)*	25 *(P)*	50	20	40	4
FS, Freeway Service	--	--	--	--	--	75 *(N)*	75 *(P)*	150	75	30	3
OT, Office Technology	--	--	--	--	--	*(D)*, *(T)*, *(U)*	20 *(D)*, *(P)*, *(V)*	40 *(D)*	30 *(D)*, *(V)*	45	3 *(W)*
M-1, Light Industrial	--	--	--	--	35	50 *(O)*	40 *(P)*	80	40	30 *(S)*	2.5 *(S)*
M-2, General Industrial	--	--	--	--	35	60 *(O)*	50 *(P)*	100	50	40 *(S)*	4 *(S)*
MT, Industrial Transportation	--	*(B)*	--	--	35	50 *(O)*	50 *(P)*	100	50	35	3
AP, Airport	250 acres	--	--	--	--	100 *(O)*	50 *(P)*	100	100	--	--

Section 4.103 Footnotes to Schedule of Regulations

(A) In computing minimum lot size, only land devoted to a residential use shall be utilized, including: (1) land proposed for streets and alleys necessary to serve the lot; and (2) land which is part of a multiple-family lot. Land shall be excluded from such computation which is used or intended for use, whether by easement, deed, dedication or other method, as: (1) public parks, playgrounds, school yards or other open spaces or land open to the public; (2) land not usable for residential purposes, such as ravine and swampland; and (3) other land devoted to a non-residential use.

(B) Minimum floor area for single-family dwellings shall not include decks, patios, porches, breezeways, attached garages, basements and other spaces not heated or intended for dwelling purposes. The area of a ground floor where more than one-half (½) of the height of the ground floor is above the average finished lot grade and the area is finished as living area, may be included as floor area. Dwellings with a second story may count the second story as living area. In no case will the footprint of the living area be less than two-thirds (2/3) of the minimum floor area. For apartments, attached single-family dwellings, and multiple-family high-rise, only areas exclusively used by the occupants of a dwelling unit shall be calculated in the floor area. Enclosures for mechanical equipment and plumbing equipment shall not be included in the computation. Decks, patios, porches, breezeways, attached garages, basements, and similar spaces shall not be included.

Deleted: one

Deleted: two

Deleted: row, terrace, townhouse units

(C) The lot depth shall not be greater than four (4) times the lot width.

(D) Notwithstanding these yard space requirements, minimum front, side and rear yard setbacks shall in all cases be not less than the height of the main building.

(E) For apartments and attached single-family units in excess of three (3) bedrooms, additional lot area requirement of eighty (80) square feet per room over four (4) rooms, excluding kitchen, bathrooms and lavatories, shall be provided.

Deleted: townhouses

(F) Side yards shall be at least twenty (20) feet wide. Each side yard shall be increased beyond the required yard spaces indicated by one (1) foot for each ten (10) feet or parts thereof, by which the length of the structure exceeds forty (40) feet in length in overall dimension along the adjoining lot line.

(G) Any room in an apartment or attached single-family unit other than a kitchen, bathroom, living room or dining room shall be considered a bedroom.

Deleted: townhouse

(H) Lot width and depth for individual units is based upon lot area requirements.

(I) Where two (2) or more apartment or attached single-family buildings are erected upon the same lot, a minimum yard space of twenty (20) feet in width shall be provided between structures. Those apartment or townhouse units having common yards shall have a minimum of forty (40) feet provided between structures and shall be increased by two (2) feet for each ten (10) feet or part thereof, by which the apartment or townhouse dwelling exceed forty (40) feet in length on that side of the dwelling facing the common yard.

Deleted: townhouse

Deleted: said

(J) See *Section 5.103* for additional regulations. The number of dwelling units per acre of land shall be as follows:

Type of Unit	Units Per Acre
Efficiency unit	40
One bedroom unit	40
Two bedroom unit	32
Three or more bedroom units	25

The area of land shall be computed in accordance with the provisions of footnote *(A)* of this Article regarding computing minimum lot size.

(K) The minimum front, side and rear yard setback from any property line shall be not less than the height of the building, provided that no yard setback shall be less than fifty (50) feet. The area within setbacks greater than fifty (50) feet, when adjacent to a public street, may be used for off-street parking and vehicle access drives, provided that setbacks which abut a single-family residential district and setbacks not used for off-street parking and vehicles drives shall be maintained as landscaped open space unoccupied and unobstructed by any sign, building, paving or any other use or activity incompatible with the single-family residential uses.

(L) Where two (2) or more multiple family structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be fifty (50) feet plus one (1) foot for each two (2) feet, or part thereof the total combined height of the two (2) structures.

(M) On a corner which borders on a residential district, there shall be provided a setback twenty (20) feet on the side of the residential street.

(N) Off-street parking shall be permitted to occupy a portion of the required front yard setback provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways and the nearest right-of-way line.

(O) Off-street parking for visitors, over and above the number of spaces required under *Section 9.102* may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front line.

(P) Off-street parking shall be permitted in a required side yard setback.

(Q) For two-family dwellings in a RM district the minimum required lot size for each two-family dwelling use shall be ten thousand (10,000) square feet. For development of multiple-family residential units in a RM district (e.g., apartments, attached single-family residential) a minimum overall development site of ten (10) acres is required and the number of units, therein allowed, is controlled by the size of dwelling units and required lot per unit.

(R) Front, side and rear yard setbacks for mobile homes shall be established in *Section 5.127* and *Section 5.128*.

(S) Buildings of greater than the maximum height allowed in *Section 4.102* may be allowed in the M-1 and M-2 districts provided front, side and rear yards are increased by one (1) foot for each additional foot of building height that exceeds the maximum height allowed. Buildings of

Deleted: Section 8.03

Deleted: "a"

Commented [PS118]: The deleted landscaping standards in footnote (P) will be relocated to the Landscaping article.

Commented [PS119]: The deleted hotel/motel standards in footnote (Q) will be relocated to the development standards in Article 5

Deleted: . p. Where any C or C-1 zoned adjoin residentia zoned property an the time of construction of commercial use there shall be provided and maintained, according to the specification of the Planning Commission in the course of site plan review, a continuous unpierced masonry wall six (6) feet height or a chain link fence and a densely planted evergreen hedge or similar trees not less than six (6) feet in height, with said fence adjacent to the residentially zoned property, to adequately screen such commercial areas from residential areas. Where such commercial development occurs on C or zoned property, separated from residentially zoned property a public alley, said wall or fence shall be located on the commercially used side of the alley

Deleted: . q. . Where motels are permitted in a C-1 Dist a minimum of three hundred and fifty (350) square feet of f space per motel unit shall be provided as indicated in Articl Where kitchen facilities are provided, a minimum of four hundred fifty (450) square feet of floor space shall exist

Commented [PS121]: The regulations of current footnote and (U) will be relocated to the loading section in the Parking Loading article.

Deleted: ¶
<#> . s. No rear yard is required wherever a twenty (20 alley exists.¶
¶
. t. . Loading space shall be provided in the rear yard ar subject to the requirements of Article VI.

Deleted: ¶
¶
. u. Loading spaces shall be provided in the rear or side y be subject to the requirements of Article VI.

Deleted: as indicated on the Thoroughfare Plan

Deleted: Section 6.01

Deleted: townhouses

Deleted: Section 9.02

Deleted: Article XVII, Schedule of Regulations,

greater than the maximum height allowed in *Section 4.102* may be allowed in the M-T district provided front, side and rear yards, as well as all other area requirements of the district including but not limited to those listed in *Section 5.112* and *Section 10.103(E)*, are increased by two (2) feet for each additional foot of building height that exceeds the maximum height allowed.

Deleted: Article XVII, Schedule of Regulations,

Deleted: Sections 15.03A (a)(1) through 15.03A (a)(5), inclusive,

Deleted: 15.06A (a)(3) and 15.06A (b)(1)

(T) A minimum seventy-five (75) foot front yard setback shall be required adjacent to a highway, state trunk line, or major thoroughfare as defined in the Master Plan.

Deleted: super

(U) A minimum fifty (50) foot front yard shall be required adjacent to a collector street or local street as defined in the Master Plan, or when adjacent to a private or internal road.

(V) When an OT District is adjacent to a residential district and not separate therefrom by a street, a side yard and/or a rear yard of not less than fifty (50) feet shall be provided.

(W) Additional stories up to a maximum of five (5) may be permitted according to the following calculation: The building height may be increased one (1) foot for each one (1) foot by which its setback is in excess of the required yard setbacks, within the maximum height permitted not to exceed 60 feet.

Article 5 Development Standards for Specific Uses (new)

Commented [PS122]: This article consolidates existing development standard sections scattered throughout the Zoning Ordinance, as well as include existing development standards buried in definitions or permitted/special use descriptions.

Section 5.101 Accessory Outdoor Industrial Storage (currently 15.02.k)

Accessory outdoor industrial storage of materials, equipment, products, containers and any other goods shall be clearly incidental and subordinate to a principal industrial use of the property that is conducted entirely indoors. However, bulk storage of loose or aggregate materials, or building or contracting equipment and supplies shall require special land use approval in accordance with *Section 5.133* of this Ordinance.

Deleted: that are

Deleted: *Section 5.131*

(A) Accessory outdoor storage areas shall be located such that no materials, equipment, products or goods being stored outdoors are visible from a public right-of-way.

(B) Accessory outdoor storage areas shall be set back a minimum of one hundred fifty (150) feet from any residential district or use, and shall be completely screened from view from any residential district or use by a decorative masonry wall matching the materials used on the principal structure or a dense landscaping buffer on all sides necessary to completely obstruct the view of the stored materials from the adjacent residential district or use. Compliance with this requirement may require the applicant to exceed the greenbelt landscaping requirements of *Article 10* of this Ordinance.

Deleted: Section 4.40

(C) Accessory outdoor storage areas shall be located only in a rear or side yard, but shall not be located in a required setback area. In the case of a site with multiple buildings, the rear or side yard shall be based on the configuration of all buildings on the site having a single common front, side, and rear yard instead of calculating yards for each building individually.

Deleted: non-required

Deleted: non-required

(D) Accessory outdoor storage areas may not cover an area larger than twenty percent (20%) of the area of the ground floor area of the principal building. The Planning Commission may permit accessory outdoor storage areas up to thirty-three (33%) of the area of the ground floor area of the principal building following a public hearing held in accordance with the requirements of *Article 12, Chapter 6* if the expanded area complies with all of the requirements of this section and will not create any deleterious impacts on neighboring or nearby properties.

(E) The maximum height for stored materials is as follows:

(1) Materials being stored in a rear yard area and located more than three hundred (300) feet from a residential district or use shall be no higher than six (6) feet below the eaves line of the principal building in the case of a pitched roof or the top of the roof elevation of the principal building in the case of a flat roof. In no case shall the stored materials exceed a height of twenty-four (24) feet.

Deleted: set back

Deleted: '

(2) Materials being stored in a side yard or stored in a rear yard and located between 150 and 300 feet from a residential district or use shall not exceed a height of eight (8) feet.

(F) Accessory outdoor storage areas shall be located such that they do not impede or obstruct any parking, traffic, circulation, or landscaping area on the site.

(G) Accessory outdoor storage must be maintained in an orderly manner with no junk, trash, or debris. Materials shall be stored in durable containers. Non-durable containers and containers beyond their useful life or in a state of disrepair are prohibited in accessory outdoor storage areas.

(H) Outdoor storage areas shall comply with all federal, state, county and local fire safety regulations. Adequate emergency access lanes shall be maintained around and through the storage area and to the building.

(I) Outdoor storage areas shall be located on paved impervious surfaces and shall have adequate storm water management systems.

Section 5.102 Agricultural Retail Sales (currently 10.02.e)

The retail sales of goods or products to the general public shall be clearly incidental and accessory to the legitimate farming operation. Food concessions and facilities used on a seasonal basis primarily intended for the convenience, enjoyment and use of the persons using the principal use shall also be permitted. Food service and/or retail sales facilities shall be subject to the following provisions:

(A) The maximum permitted building size for food service and/or retail sales facilities shall not exceed a gross floor area of three thousand five hundred (3,500) square feet. That portion devoted to food service and preparation shall not exceed a gross floor area of five hundred (500) square feet.

(B) All buildings shall be set back no less than one hundred (100) feet from all lot lines.

(C) A twenty-five (25) foot wide greenbelt per *Section 10.103(E)* shall be provided along any side lot line where the adjoining lot is used and/or zoned for residential purposes.

(D) All ingress to and egress from the site shall be located at least fifty (50) feet from the intersection of any two (2) streets, measured from the right-of-way, and one hundred (100) feet from an adjacent residential driveway located on the same side of the street.

(E) A minimum of five (5) off-street parking spaces shall be provided in accordance with *Article 9*,

Section 5.103 Apartment Houses (currently 8.03.d and 8.05) and Multiple-Family High Rise Dwelling (currently 8.03.a and 8.05)

(A) Standards Applicable to All Apartment Houses and Multiple-Family High Rise Dwellings.

(1) All site plans shall have two (2) means of ingress and egress throughout the project to permit adequate circulation for safety equipment.

Deleted: that are

Deleted: permitted provided that the sale of such items is

Deleted: bounding property

Deleted: *Section 10.103(D)Section 10.102*

Deleted: to

Deleted: , or

Deleted: Section 6.02

Commented [PS123]: These 2 uses are regulated in s
different areas of the Zoning Ordinance. Because the regu
are mostly the same for these 2 uses, they are combined i
section and each use has a sub-section that distinguishes
their regulations differ within the existing Zoning Ordinan

(2) In all multiple projects of over one hundred (100) dwelling units, parking shall not be allowed along the main circulation drive.

(3) All parking lots must be a minimum of sixty-two (62) feet in width and if through traffic is permitted through the lot, the width must be increased to sixty-four (64) feet.

(4) All structures shall be developed on a combined site of at least ten (10) acres in area.

(5) The proposed site shall have at least one (1) property line, at least four hundred (400) feet in length, abutting at least one (1) county primary road or major thoroughfare. All ingress and egress shall be directly from a county primary road or major thoroughfare.

Deleted: a

Deleted: on to or from that road or thoroughfare

(6) The entire site area shall be designed to serve the residents of the development and any accessory buildings or uses shall be developed primarily for the use of the residents of the development. Uses deemed accessory include, but are not limited to, parking structures, swimming pools, recreation areas, and pavilions.

(7) No more than five percent (5%) of the dwellings may be efficiency units. The remaining units shall have at least one (1) bedroom.

Deleted: 5

(B) **Standards Applicable to Apartment Houses.**

(1) An apartment house shall not exceed two hundred (200) feet in length.

(C) **Standards Applicable to Multiple-Family High Rise Dwellings.**

(1) All dwelling units shall be provided in structures not more than fifteen (15) stories or one hundred fifty (150) feet in height, whichever is less.

(2) Retail or service uses shall be permitted on the site when clearly accessory to the multiple-family, use, within the walls of the multiple-family structure(s), and totally obscured from any exterior view. Any identifying sign for any such business or service use shall be small enough so that it is not visible from any exterior view. Such businesses or services shall not exceed fifty percent (50%) of the total floor area of either the first and second floor and shall be prohibited on all floors above the second floor.

Deleted: No

Deleted: (50)

Section 5.104 Automobile Rental and Leasing Agencies (currently 12.03.o)

(A) All vehicles shall be in an operable condition.

(B) The agency shall have direct access to paved major thoroughfare and shall not access to a local or collector road.

Deleted: it

Deleted: have

(C) No vehicles shall be stored in the required front yard setback.

(D) The use, including vehicle storage, shall be located at least two hundred (200) feet from any residential district.

Deleted: Such uses

(E) All automobile rental and/or leasing agencies shall occupy a site containing no less than two (2) acres.

Section 5.105 Banks and Financial Institutions with a Drive-Through (currently 14.03.3)

Commented [PS124]: This use is currently only regulated in the OT district. Therefore, we recommend adopting standards that apply wherever drive-thru banks are permitted.

(A) The drive-thru use shall be accessory to the principal use of the bank or financial institution.

(B) No more than four (4) drive-thru windows or tellers (including any exterior automatic tellers) are permitted.

Commented [PS125]: Most drive-thru banks have 3 or 4 lanes to allow convenient access and minimize stacking.

Deleted: two (2)

(C) No freestanding or kiosk type of automatic teller machine shall be permitted unless located inside the principal building.

Section 5.106 Bed and Breakfast Operations (currently 7.03.d)

Bed and breakfast operations shall be limited and defined as a home occupation under and also subject to the following conditions:

(A) Not more than twenty-five percent (25%) of the total floor area shall be used for bed and breakfast sleeping rooms, and the number of bed and breakfast sleeping rooms shall not exceed five (5).

(B) There shall be no separate cooking facilities used for bed and breakfast stay.

(C) Occupancy by guests shall be restricted from one (1) to seven (7) days.

Deleted: (Refer also to definition of boarding home)

(D) One (1) additional parking space shall be provided on the lot for each guest room on-site. Further, the parking shall not be permitted within a required front yard setback.

Deleted: said

(E) The property owner must reside in the home.

(F) The number of guests shall not exceed ten (10).

(G) The home must meet all setback requirements of the zoning district.

(H) The separation distance between lots that contain bed and breakfast operations must be at least one thousand (1,000) feet.

(I) The owner must obtain and maintain proof of compliance with all applicable construction and fire codes.

Section 5.107 Campgrounds (currently 9.02.f)

(A) Minimum campground size shall be five (5) acres. The campground shall provide vehicular access to a public street or road.

(B) Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste container and shower facilities, shall be provided, uniformly throughout the campground at a ratio of not less than one (1) such station for each twenty (20) sites.

(C) No commercial enterprises shall be permitted to operate in the campground, except that convenience goods shopping may be provided.

(D) Each campground shall include a hard-surfaced, dust-free vehicle parking area for campsite occupants and guests. Such parking area shall be located within four hundred (400) feet of the campsites it is intended to serve (except in the case of sites specifically designated only for tent camping.)

(E) Each campsite shall contain a minimum of one thousand five hundred (1,500) square feet, except that the minimum size for sites specifically designated for tents shall be three thousand (3,000) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.

(F) A minimum distance of fifteen (15) feet shall be provided between all tents or combinations thereof.

Section 5.108 Child Care Center (currently 7.03.a)

(A) **Licensing.** In accordance with applicable State laws, all child care centers shall be licensed by the State of Michigan.

Deleted: Division of Child Care Licensing in the Michigan Bureau of Regulatory Services

(B) **Emergency care.** Each child care center employ a staff person with current CPR and first aid training and shall meet other State emergency care requirements.

(C) **Hours of operation/care.** Hours of operation may be up to twenty-four (24) hours a day, with not more than twelve (12) hours of continuous care at any time for any child.

(D) **Separate building/parcel.** Each child care center shall be located in its own distinct building and on its own separate parcel, except where proposed as accessory to a principal permitted use (e.g. a church with a child care center), in which case it must be located entirely within the principal building exclusive of outdoor recreation areas as otherwise required.

Deleted: in a residential district

(E) **Outdoor recreation area.** A minimum of one hundred fifty (150) square feet of outdoor recreation area shall be provided and maintained per child, provide that the overall size of the recreation area shall not be less than five thousand (5,000) square feet. The outdoor recreation area shall be contiguous to and directly accessible from the building containing the child day care centers and shall not be separate from the building by parking, fire lane, or other vehicular circulation. The outdoor recreation area shall further be completely fenced and enclosed and shall be suitable screened from any adjoining residentially-zoned or -used land by a greenbelt as required in *Section 10.103(E)*.

Deleted: residentially

Deleted: *Section 10.103(D)Section 10.102*

(F) **Frontage.** Child care centers shall have frontage on a paved County primary or secondary road and shall have ingress and egress through the same.

Deleted: front onto a

(G) **Setbacks.** In addition to all other setback requirements of the district, child care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

Deleted: c

Section 5.109 Commercial Radio and Television Towers (currently 4.24.a)

(A) Commercial AM/FM radio and television towers shall be sited to provide yard setbacks as required by the zoning district in which such tower is located. Required yard setbacks shall increase one (1) foot for each five (5) feet of tower height along property boundaries which are adjacent to agricultural or residential zoning districts.

(B) All guyed wires used to anchor such a tower shall be located within the same parcel as the tower and not encroach upon adjacent properties. Anchors shall be located at least five (5) feet from all side or rear property lines and shall conform to the front yard setback requirement for the district.

(C) No signage or lighting may be attached to, or be part of any tower of the antenna except as required by State of Federal Law. The effect of required lighting shall be considered during the approval process when such tower is adjacent to an agricultural or residential zoning district.

Section 5.110 Day Care or Child Care, Adult Center (currently 7.03.g)

(A) **Licensing.** In accordance with applicable State laws, all adult day care centers shall be licensed by the State of Michigan.

Deleted: Division of Child Care Licensing in the State of Michigan Bureau of Regulatory

(B) **Emergency care.** Each adult care center shall demonstrate a working relationship with a hospital and/or other health care facility, to assist participants in obtaining planned or emergency health care services as needed.

(C) **Hours of operation/care.** Hours of operation may be up to twenty-four (24) hours a day, with not more than twelve (12) hours of continuous care at any time for any adult.

(D) **Separate building/parcel.** Each adult day care center shall be located on its own distinct building and on its own separate parcel, except where proposed as accessory to a principal permitted use (e.g. a church with an adult day care center), in which case it must be located entirely within the principal building, exclusive of outdoor recreation areas as otherwise required.

Deleted: in a residential district

(E) **Services.** Each adult day care center shall have kitchen facilities adequate to serve hot meals on a daily basis. Such kitchen shall secure any necessary permits from Wayne County for its operation. In addition, each facility shall have adequate recreational facilities including a minimum of three thousand (3,000) square feet of usable outdoor recreation area, which shall be provided, equipped, and maintained on the premises of an adult day care center. The

outdoor recreation area shall be suitably screened from any adjoining residentially-zoned or used land by a greenbelt as required in *Section 10.103(E)*.

Deleted: residentially

Deleted: *Section 10.103(D)Section 10.102*

(F) **Frontage.** Adult day care centers shall have frontage on a paved County primary or secondary road and shall have ingress and egress through the same.

Deleted: front onto

(G) **Setbacks.** In addition to all other setback requirements of the district, adult day care centers shall have a minimum side yard setback of at least twenty-five (25) feet.

Deleted: A

Section 5.111 Day Care or Child Care, Group Home (currently 7.03e, 8.03.c, and 10.02.c)

(A) Group day care homes shall not be located closer than one thousand five hundred (1,500) feet to any of the following:

Deleted: It is

Deleted: provisions

(1) Another licensed group day care home.

(2) Adult foster care, small group home or large group home as defined in this Ordinance and by the State of Michigan.

Deleted: licensed under the adult foster care facility licensing act, Act 218 of the Public Acts of 1979, being Sectio 400.701 to 400.737 of the Michigan compiled laws

(3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.

Deleted: under Article VI of the Public Health Code, Act 36 of the Public Acts of 1978, being Section 333.6101 to 333.65 of the Michigan compiled laws

(4) A community correction center, residence home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Federal or State Department of Corrections.

Deleted: d

Deleted: corrections

(5) Child care centers, subject to the requirements of *Section 5.108*.

(6) Adult day care centers, subject to the requirements of *Section 5.110*.

Deleted: Section 7.03(g) (specific conditions) and Section 4.31 (site plan review)

Deleted: (Amended by Ord. 9-5-00, Eff. 9/28/00.)

(B) It has appropriate fencing for the safety of the children in the group day care home as determined by the Planning Commission.

Deleted: Township

(C) It maintains the property consistent with the visible characteristics of the neighborhood.

(D) It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.

(E) The group day care home operator shall provide off-street parking for his or her employees in accordance with *Article 9*, in the ratio of one (1) parking space for each employee.

Deleted: *Article 9*

Section 5.112 Distribution Centers (currently 15.03.A.a)

Deleted: ¶

(A) A building containing a distribution center shall be located not less than two hundred fifty (250) feet from any residential zoning district and five hundred (500) feet from any residential dwelling.

Deleted: such a use

(B) Any building containing a distribution center shall be located not less than four hundred fifty (450) feet from any public right-of-way, with all buildings conforming to all other minimum requirements. Off-street parking and loading shall be located relative to the building as otherwise required in this Ordinance.

(C) Truck docks, overhead doors and trailer staging areas accessory to a distribution center shall be located not less than three hundred fifty (350) feet from and residential district. Truck docks, overhead doors, and trailer staging areas accessory to a distribution center shall be oriented away from, or shall be reduced in number and sufficiently screened where oriented toward, all residential districts and public rights-of-way. Where building layouts incorporate multiple buildings, buildings shall be designed and oriented such that truck docks, overhead doors and trailer staging areas in adjacent building face one another.

(D) All other off-street parking and loading areas, access drives and paved surfaces accessory to such a use, shall be located not less than eighty (80) feet from any residential district.

Deleted: such a use

Deleted: such a use

Deleted: such a use

Deleted: where oriented toward

Deleted: from,

Deleted: In

Deleted: incorporating

Commented [PS126]: The 250-foot setback from a residenti district was relocated to the beginning of this section in the same sub-section as the 500-foot setback requirement from a resident unit.

Deleted: <#>Any building containing such a use shall be located not less than two hundred fifty (250) feet from any residential district.¶

¶

Section 5.113 Drive-In Theaters (currently 15.03.a and 16.03.b)

(A) A drive-in theater shall be adjacent to and accessed by a major thoroughfare with a right of way of not less than one hundred twenty (120) feet in width.

(B) There shall be no vehicular access to any residential street.

(C) In addition to the landscaping requirements of *Article 10*, additional screening may be required by the approving authority to ensure that there shall be no headlight or other illumination directed toward any residentially-zoned or -developed property.

(D) The picture shall not be visible from a major thoroughfare.

(E) Drive-in theaters shall be located no closer than one thousand (1,000) feet to any residentially-zoned or -developed property.

Deleted: Suitable

Deleted: shall be provided

Deleted: residentially

Section 5.114 Dwelling, Single Family Residential (All dwellings)

(A) All single-family dwellings shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.

(B) All single-family dwellings shall have a minimum width across front, side and rear elevations of twenty-four (24) feet and comply in all respects with the building code. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the building code, then and in that event such Federal or State standards or regulations shall apply.

(C) All single-family dwellings shall be firmly attached to permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions as the dwelling and construct of such materials and type as required in the

Commented [PS127]: Nonconformities are addresse Article 14.

Deleted: The provisions of the Section shall not hav effect of making single-family dwelling which exist as effective date of this amendment, non-conforming.

applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, 24 CFR, Part 1700 to end, Part 3280 et. seq., and pertinent State statues and regulations, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premise by an anchoring system or device complying with all Federal and State rules and regulations and shall have a perimeter wall as required above. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed on a permanent foundation with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.

Deleted: mobile
Deleted: Mobile
Deleted: . S
Deleted: the
Deleted: of the Michigan Mobile Home Commission

(D) The single-family dwelling shall be connected to public sewer and water supply. Where public sewer and water is not available, the dwelling shall be connected to such private facilities approved by the local health department.

Deleted: or

(E) The single-family dwelling shall contain storage area in a basement located under the dwelling, in an attic area, in closet areas, or in a separately constructed building of equal or of better quality than the principal dwelling. The required storage area shall be equal to ten (10) percent of the square footage of the dwelling or two hundred (200) square feet, whichever shall be less.

Deleted: capability
Deleted: structure of stand construction
Deleted: to
Deleted: This

(F) The single-family dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity. All such dwellings shall be either designed, positioned on a site or provided with front yard landscaping as to prevent monotony in appearance. 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 thirty (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 this definition of single-family dwelling as well as the character, design and appearance of one (1) 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 design home.

Deleted: said

(G) All single-family dwellings shall have a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

(H) All single-family dwellings shall have not less than two (2) exterior doors with permanently attached porches or decks with steps connected to the door areas where a difference in elevation requires the same.

Deleted: said

(I) The dwelling shall contain no additions or rooms or other areas which are not constructed with a quality or workmanship equal to the original structure, including permanent attachments to the principal structure and construction of a foundation as required herein.

(J) The dwelling shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(K) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law, or otherwise specifically required in the Township Zoning Ordinance pertaining to such parks.

(L) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

Section 5.115 Dwelling, Single-Family Residential (All Site Condominiums and Subdivisions) (currently 4.54)

(A) **Purpose and Intent.** These standards establish minimum requirements for the architectural design of single family residential structures in all site condominiums and subdivisions. Standards are intended to encourage greater design variety and less repetition of design elements between neighboring structures. Limiting the repetition of design of individual buildings, as well as less repetition from structure-to-structure to avoid design monotony within neighborhoods.

Standards are also established for materials used to finish exterior walls. These standards are intended to reduce the use of materials that are less permanent and/or that are not consistent with the residential appearance. Less permanent materials are discouraged because they tend to degrade more quickly and require greater maintenance over time. The use of more durable materials, such as brick and stone are encouraged. Materials that tend to be easily damaged or that will quickly degrade, such as metal and plastic sidings and materials that convey a non-residential image, such as unfinished concrete are discouraged.

(B) **Application of standards.**

(1) **New Site Condominium and Subdivisions.** The following standards and definitions shall apply to site condominiums approved under *Article 6, Chapter 1* of this Ordinance and residential subdivisions approved under Chapter 78 of the Township's Code of Ordinances subsequent to the adoption of this amendment.

Deleted: *Article 6Chapter 1Section 6.101*

(2) **Covenants and Restrictions and Master Deed.** The following standards and definitions shall be included in the covenants and restrictions and/or master deed of any development subject to these standards. The covenants and restrictions or master deed shall be submitted for review by the Township to ensure compliance with the standards of this Section. These documents shall be recorded in the Office of the Wayne County Register of Deeds.

(3) **Planned Residential Developments.** In the case of a planned residential development approved under *Article 6, Chapter 3* of this Ordinance, the standards of this Section shall also be included as conditions of PRD approval and applied during the review and approval of building plans and elevations submitted during the PRD approval process.

Deleted: *Article 1Chapter 1Section 6.104*

(4) **Architectural Control Committee.** The covenants and restricts or master deed shall establish an Architectural Control Committee (ACC). The authority and responsibility of

the ACC to apply architectural standards as required herein shall be entirely vested with the owner/developer of the project unit the completion of all residential buildings on all lots or sites within the project. Upon completion of the project, the authority of the Architectural Control Committee shall be transferred to residents of the project.

(5) **Architectural Control Committee Approval.** No approval shall be granted by the Architectural Control Committee of an application to erect, construct, alter or remodel any building or structure within the site condominium or subdivision, unless the proposed structure is determined by the Architectural Control Committee to be substantially different, as herein defined, from any neighboring structure and unless materials proposed for exterior walls comply with minimum and maximum standards set forth in this Section.

(6) **Definitions.** Terms used in this Section shall have the following meanings:

(a) **"Neighboring structure"** means any existing structure or any proposed structure for which Architectural Control Committee approval has been granted, which is situated on any one (1) of the following lots, relative to the proposed construction:

(i) Any lot within three (3) lots, on the same side of the street on either side of the proposed construction, without regard to intersecting street lines;

(ii) Any lot within three (3) lots of the property directly across the street from the proposed construction on the opposite side of the street, without regard to intersecting street lines; or

(iii) Any lot within two (2) lots of the proposed construction, provided such lot is abutting a street intersecting the street upon which the proposed construction will be located and that the front elevations of the subject structure structures will be approximately ninety (90) degrees to each other.

(b) **"Substantially different"** means that a structure, when compared to another structure, differs from that structure as measured by three (3) or more of the following five (5) criteria:

(i) **Roof style.** Roof style is determined by location and orientation of the principal ridge line and adjacent sloping sections. Different roof styles include but are not limited to gable, reverse gable, Cape Cod, gambrel, hip, mansard and flat, etc.

(ii) **Roof pitch.** Roof pitch is determined by measuring the ratio of vertical to horizontal units in the sloping segments of the principal section of the roof of a structure. Different roof pitches are three (3) or more vertical units in twelve (12) from each other including, for example, 6:12 and 9:12 or 8:12 and 11:12, etc.

Deleted: .

(iii) **Exterior Material.** Exterior material describes the material present area of structure. Different exterior materials include but are not limited to horizontal siding, vertical siding, shingles/shakes, brick, stone and stucco, etc.

(iv) **Location of Major Design Features Relative to Main Mass.** Major design features include but are not limited to attached garages, porches, porticos, breeze-ways, gables, dormers and/or similar major features. Different locations of major design features relative to the main mass of a structure include but are not limited to in front of, beside, on top of, and/or in some other location relative to the main mass of the structure.

(v) **Location of Windows Doors Relative to Main Mass.** Windows and doors on a structure can take on various configurations. Different location of windows and doors relative to the main mass of a structure include but are not limited to center door, off-center door and no door, with windows on either or both sides of and/or above the door.

(7) **Exterior Building Walls.** In addition to the requirement that a structure be found to be substantially different as defined herein, the following schedule regulating exterior building walls shall apply to all structures granted approval by the Architectural Control Committee:

Maximum Permitted % of Material *(a)*	100	75	50	25
MASONRY/STONE: *(c), (d), (e)*				
Face (clay) brick	X			
Glazed brick	X			
Ceramic tile			X	
Split ribbed block (fluted block) *(d)*				X
Granite		X		
Marble		X		
Limestone		X		
CONCRETE:				
Precast (patterned)				X
Formed in place				X
METALS:				
Standing seamed				X
Ribbed panels				X
Flat sheets *(b)*			X *(b)*	
VINYL:				
Vinyl siding			X	
GLASS:				
Tinted			X	
Reflective			X	
Glass block			X	
WOOD:				
Wood siding (inclusive of beveled, lap, T & G batten, etc. not including T-111 siding)		X *(d)*		
FINISHES:				
Cementitious (textured or patterned)			X	

Stucco			X	
Cement plaster			X	

Footnotes to schedule regulating exterior building walls:

(a) All exposed exterior surfaces of a building, inclusive of window and door surfaces, shall be included in the calculation to determine the total exposed building wall area. That total area shall represent one hundred percent (100%) of the exterior building wall area. Wall area includes the entire vertical surface of all exterior walls, including the flat area of a gable end, but not the fascia or any part of the roof.

(b) Includes all common types of aluminum siding and all other aluminum, porcelain, stainless steel, steel or metal siding.

(c) At least fifty percent (50%) of the total wall area of residential structures shall be finished with brick or stone. The fifty percent (50%) minimum requirement for brick includes the area of all exterior walls and may be met by any combination of brick or stone on each wall, provided that the total area of all walls is at least fifty percent (50%) brick or stone. An exception to this minimum requirement may be granted for structures which meet the criteria specified in footnote *(d)*.

(d) Where homes are proposed to reproduce a bona fide historical period in order to create a theme (e.g., traditional New England Colonials or Saltbox, Victorian, Queen Ann, Early American Bungalow, or Farmhouse styles), the Township may vary the standards in this schedule in order to allow a consistent stylistic theme. Reproductions must be true to the historic style and "false" or pseudo-historic reproductions shall not qualify for a variance from the standards of this Section.

(e) Scored block shall not be constructed to be included in the category of shadow pattern or split face block. Scored block may be used for architectural accents only and shall not exceed ten percent (10%) of the exposed exterior wall area.

(8) **Garage Door Orientation.** In addition to the requirement that a structure be found to be substantially different as defined herein, at least thirty percent (30%) of all structures within a proposed residential plat or site condominium project shall have the garage door oriented other than to the front of the lot (i.e., oriented to the side or rear of the lot).

Section 5.116 Dwelling, Single-Family Residential Attached (currently 8.05, 8.13, 8.14, 8.20, and 8.21)

Commented [PS128]: These sections all address attach single-family dwellings, and they are merged to eliminate redundancy and promote consistency while having the sam regulatory effect. Major regulatory changes are noted.

(A) Access. All site plans shall have two (2) means of ingress and egress throughout the project to permit adequate circulation for safety equipment.

(B) Public Parking.

(1) In all multiple projects of over one hundred (100) dwelling units, parking shall not be allowed along the main circulation drive.

(2) All parking lots must be a minimum of sixty-two (62) feet in width and if through traffic is permitted through the lot, the width must be increased to sixty-four (64) feet.

(C) **Attached Garage Required.** All units shall have an attached garage with an area no less than four hundred eighty (480) square feet and so designed to enclose two (2) standard private passenger cars. Such garage units shall have direct interior access from the living area. Each garage area shall be exclusively for the use of one (1) dwelling unit. The garage space shall remain as a garage and shall not be converted to living space.

(D) **Maximum Attached Units Per Building and Building Length.** The maximum number of dwelling units which may be attached in a single building is ten (10). Additionally, no building elevation shall have a dimension greater than two hundred (200) feet.

(E) **Building Lines.** There shall be no more than two (2) continuous, attached dwelling units with the same building line. No building lines in any continuous attached row shall, when extended, be closer than two (2) feet, measured perpendicularly, to any other such building line.

Deleted: three

Deleted: 3

(F) **Minimum Building Spacing.** Minimum spacing between buildings shall be twenty (20) feet when the two (2) buildings are end to end or the closest wall are garage walls or dwelling unit sidewalls. In all other situations minimum separation shall be forty (40) feet.

(G) **Minimum Setbacks from Roads and Pedestrian Ways.** No building shall be closer than thirty (30) feet to a public right-of-way or internal roadway, and no building shall be located closer than twenty (20) feet to a pedestrian way.

(H) **Outdoor Patio Areas.** All dwelling units must be constructed to permit the development of an individual outdoor patio area not less than one hundred (100) square feet in area, either when the units are first developed or at some later date.

(I) **Direct Outdoor and Common Area Access.** All dwelling units shall have their main ingress/egress directly to the outdoors and a common area. Open porches, landings and stairs may be shared by more than one (1) dwelling unit.

(J) **Landscaping.** Landscaping shall be required pursuant to *Article 10*.

Deleted: *Article 10*

(K) **Sidewalks.** Sidewalks shall be provided parallel to all roadways whether public or private and shall further be provided to the satisfaction of the Planning Commission to allow for convenient and safe pedestrian traffic throughout the complex.

(L) **Lighting.** Lighting shall be provided to allow for a safe use of sidewalks during non-daylight hours and shall meet the requirements of *Section 8.105*.

(M) **Common Areas.** Common open areas shall be provided for the use and enjoyment of the residents within the development. This area shall be provided as set forth in *Article 4* of this Ordinance. In the case of condominium development a limited common area may be created for each dwelling unit.

(N) **Density and Dwelling Unit Size.** The maximum density and minimum dwelling unit size shall meet the requirements of *Article 4*.

(O) Attachment. Attachment of the single-family dwelling units, one to another, may be by one (1) or more of the following:

(1) Through a common party wall which does not have over seventy-five (75) percent of its area in common with abutting dwelling units.

(2) By means of an architectural wall which does not form interior room space. When a wall is used for attachment, it shall be offset no less than seven (7) feet from the wall plane of the adjacent structures which it connects unless the wall plane of the two (2) structures it attaches shall be at an angle to each other of at least thirty (30) degrees.

(3) Through a common party wall in only the garage portion of an abutting structure. No dwelling unit may share more than fifty (50) percent of a common party wall with a garage unit which does not serve that dwelling unit, unless the garage unit is totally in the rear of the dwelling unit in which case the garage unit shall share no more than fifty (50) percent of the rear dwelling wall.

Section 5.117 Dwellings in Non-Residential Districts (currently 4.13)

No dwelling unit shall be erected in the M-1 (Light Industrial), M-2 (General Industrial), MT (Industrial Transportation), AP (Airport), O-T (Office Technology), C (Local Business), C-1 (General Business), or C-2 (Extensive Highway Business) Districts except for the living quarters for the living quarters of a watchman, caretaker or resident manager. Such dwelling units shall be subjected to the requirements of *Article 12, Chapter 2*, *Article 12, Chapter 3*, and the following conditions:

Deleted: RO (Restricted Office)

(A) Only one (1) dwelling unit shall be located within the principal structure.

(B) Dwelling units shall not exceed a floor area of one thousand two hundred (1,200) square feet.

(C) The required parking for the dwelling unit may be incorporated into the general parking for the facility.

Section 5.118 Golf Courses (currently 7.03.c and 10.02.f)

(A) The main and accessory buildings shall be setback at least one hundred fifty (150) feet from all property lines.

(B) The center of any fairway shall not be closer than fifty (50) yards to the nearest property line.

(C) A putting green shall not be closer than thirty (30) yards to the nearest property line.

(D) All ingress and egress shall be directly into a paved hard surface primary or secondary road.

Section 5.119 Greenhouses and Nurseries (currently 11.04.d)

(A) There shall be no maximum size limitation for a greenhouse structure. Lot coverage for all structures, including greenhouse structures, associated with such a use, however, shall not exceed forty (40) percent.

(B) All greenhouse structures shall conform in construction and design to the current accepted national industry standards for such structures, and shall be cleaned and maintained on a regular basis, including but not limited to a routine and spot replacement program for damaged, torn or faded materials and parts.

(C) Wholesale sales of annual and perennial plants shall be permitted, provided that retail sales shall also be a principal component of the use of the site.

(D) Greenhouse structures, if available for customer access, shall be accessed through the principal structure(s) and shall be linked to the principal structure(s) by means of covered, screened and/or enclosed paths between the structures.

(E) In addition to all environmental and performance requirements in this Ordinance, fertilizing and other similar application processes shall conform to all applicable Federal, State or other environmental guidelines.

(F) Operating hours of such uses shall be limited to normal business hours and may be permitted to vary dependent upon location, season and amount of daylight. All such limits shall be noted on the site plan.

(G) All mechanical or motorized equipment operated in conjunction with such uses shall be stored in an enclosed buildings, shall be operated only in areas adequately screened from rights-of-way and adjacent residentially zoned or used properties and shall be operated outdoors only between the hours of 7:00 a.m. and 9:00 p.m.

(H) Merchandise or materials shall be stored in an enclosed building or sufficiently screened from rights-of-ways and adjacent residentially-zoned or -used properties to minimize noise, odor, smoke, dust, visual, storm water runoff and other impacts. The only exceptions to this requirement shall be for planted or seasonal, ground- or bench-level, displays, not exceeding five (5) feet in height, not extending out more than five (5) feet from the front of the building and not greater in length than the length of the front of the building, of low annual or perennial plants, subject to such terms as shall be designated and noted on and approved with the site plan and subject to such other requirements of this Ordinance as may be applicable. Temporary sales and seasonal sales of holiday trees and similar items shall be subject to such other requirements of this Ordinance as may be applicable.

(I) All outdoor sales or display areas, as well as all floor walkway surfaces of greenhouse structures which shall be available for retail access, shall be surfaced with asphalt or concrete or other similar dust-proof surface, to minimize noise, odor, smoke, dust, visual, storm water runoff and other impacts.

(J) Outdoor stacks and piles of bulk materials, including but not limited to soil, sand, mulch, peat moss and stones, as well as bagged and/or boxed items, shall not be located in front of principal building(s), shall not be located where visible from any right-of-way or residential district or use, shall not be located within any required rear or side yard setbacks, shall be enclosed on at least three (3) sides by retaining walls or other permanent containment structures with concrete bases, and shall be covered at all times with material capable of

Deleted: Piles

Deleted: shall be not greater than six (6) feet in height

minimizing smoke, dust, storm water runoff and other impacts. All outdoor stacks and piles shall be not greater than six (6) feet in height, except materials may be stacked up to a height of fourteen (14) feet provided the materials above six (6) feet in height are packaged or wrapped, neatly stacked, not accessible to customers, and are on a rack designed to safely store the materials.

(K) Sidewalks and off-street parking and loading areas, whenever located, shall at all times be kept clear and free of all merchandise, materials and use-related vehicles and equipment.

Section 5.120 Hospitals and Nursing Homes (currently 8.02.f)

(A) The proposed site for a hospital or nursing home shall be at least five (5) acres.

(B) No parking is permitted in the front yard setback.

(C) The site must be adjacent to a major thoroughfare and have ingress and egress through the same.

Section 5.121 Hotels and Motels (currently 13.02.A.3 and footnote a of 17.02)

(A) Motels and hotels do not include trailer camps or tent sites.

(B) Each unit shall contain not less than two hundred fifty (250) square feet of floor area. However, motels shall have a minimum of three hundred and fifty (350) square feet of floor space per motel unit shall be provided. Where kitchen facilities are provided, a minimum of four hundred fifty (450) square feet of floor space shall exist.

(C) No guest shall establish permanent residence for more than thirty (30) days in any one (1) calendar year.

Deleted: ,

Deleted: , and Transient Lodging Facilities

Deleted: ,

Deleted: and transient lodging facilities

Deleted: Where

Deleted: are permitted in the C-1 District,

Deleted: as indicated in Article II

Commented [PS129]: The added area provisions are from footnote "a" of currently Section 17.02 and the current definition "Motel."

Section 5.122 Junk Yards (currently 16.03.e)

Junk yards are subject to compliance with Ordinance No. 3-14, Township Junk Yard Ordinance, the provisions of all Township codes and Ordinances and safety standards of the State and County, and the following requirements which are intended to protect the environment, ensure pure air and clean groundwater and otherwise protect nearby residential, business, office, industrial and institutional uses form hazards and from noise, dust or other radiated disturbances:

(A) Where a junk yard is adjacent to residential-, business- or office-zoned properties or has frontage on a road or highway, a solid masonry obscuring wall of eight (8) feet in height or one (1) foot above the height of the piles, whichever is greater, of one (1) uniform color and meeting the Building Code standards, shall be constructed at least fifty (50) feet from the side and rear lot line. A greenbelt shall also be planted and maintained outside of the wall pursuant to *Section 10.103(E)*. Where a junk yard is adjacent to industrial- or airport-zoned properties, a masonry wall, as described above, or a solid obscuring fence at least eight (8) feet in height shall be constructed on the side and rear property lines adjacent to the industrial or airport zoned property.

Deleted: at least

Deleted: Township

Deleted: *Section 10.103(D)Section 10.102*

Deleted: said

(B) Where a junk yard has frontage on a road or highway, a solid masonry obscuring wall of eight (8) feet in height or one (1) foot above the height of the piles, whichever is greater, of one (1) uniform color and meeting the Building Code standards, shall be setback not less than one hundred fifty (150) feet from the road or highway right-of-way or easement line. A greenbelt shall also be planted and maintained outside of the wall pursuant to *Section 10.103(E)*, except where entrance and exit driveways are located, in order to screen the junk yard activities from the road or highway. A sales and or office building for keeping business records of the junk yard operation is permitted in the setback area noted above provided that front and side setback requirements for buildings in a M-2 District are compiled with.

(C) Junk material shall be stored a minimum distance of twenty (20) feet from any industrial or airport zoned property line. Storage of such materials on any site shall not be piled higher than eight (8) feet. A roadway shall be provided, paved, graded and maintained from the street to the rear of the property to permit free access of fire trucks at any time.

(D) There shall be no burning of tires, vehicle bodies, wiring, oil or waste products on the site, and all industrial processes, including the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

(E) All trucks and other vehicles shall be stored or parked within the required walled or fenced enclosure.

(F) All truck loading and unloading shall be performed within the required walled or fenced enclosure.

(G) The operator of the junk yard shall be responsible to clean up all debris and junk accidentally deposited on any public right-of-way within one (1) mile of the junk yard site.

(H) There shall be compliance with all industrial performance standards as specified under *Article 8* as well as site plan review requirements under *Article 12, Chapter 2*.

Section 5.123 Keeping of Pets and Livestock (currently 4.47)

(A) Minimum Lot Area. The minimum land area required for the keeping of livestock shall be five (5) acres and shall be located outside of a platted subdivision or site condominium, except as otherwise provided by this Ordinance. The commercial raising of fur bearing animals, including mink, rabbit, cat, and similar animals shall require a minimum site of ten (10) acres, per *Section 5.124*. The minimum lot area shall not apply to a commercial farm operating in accordance with the Michigan Right to Farm Act (Public Act 93, 1981, as amended) and Generally Accepted Agricultural and Management Practices (GAAMP's).

(B) Horses. The keeping of horses for recreational purposes shall be permitted in the R-1A, R-2A, R-1B, R-1C, and AG districts upon a parcel of no less than five (5) acres provided that such use shall be for the private personal use of the owner or lessee of such land, his family and friends and shall not constitute a commercial occupation nor a public stable. At least one (1) acre shall be provided for each additional horse kept, except that those horses currently in existence on each parcel that existed for recreational purposes on January 20, 2000 may be

Deleted: the

Deleted: said

Deleted: and a twenty (20) foot greenbelt planting strip, composed of evergreen or deciduous trees and shrubs as described in Section 20.433, shall be planted and maintained outside of said wall

Deleted: (see Section 20.803)

Deleted: Said twenty (20) foot setback shall be landscaped and bermed pursuant to requirements of Section 20.433, Greenbelts. Such greenbelt may eliminate all or part of the aforementioned greenbelt planting strip requirements adjacent to the solid masonry wall if in the opinion of the Planning Commission, at time of site plan review, sufficient screening is provided.

Deleted: the height of the

Deleted: foot masonry wall or fence

Commented [PS130]: There are no parcels zoned AG-A, we recommend merging the AG-A and AG districts.

Deleted: AG-A

Deleted: the

Deleted: number of

Deleted: now

Deleted: existing in

Deleted: where horses are presently

Deleted: kept

continued under the nonconforming use provisions of this Ordinance subject to all conditions therein.

Foals born on parcels where horses are presently kept may be kept on the parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the limit stated above, but in no case shall there be more than one (1) horse and one (1) foal per acre.

(C) Livestock Setbacks and Locations. All land used for the keeping of livestock, except for bona fide commercial farm operations regulated under the Michigan Right to Farm Act, shall be located in the rear yard of the lot, no closer than fifty (50) feet from any abutting property line, and encompassed by a suitable fence or enclosure around the entire premises reserved for outside use of animals.

(D) Structure Setbacks and Locations. No barns, pens, corrals or animal enclosure shall be located closer than one hundred (100) feet to any residentially-zoned district or fifty (50) feet from any other lot line or closer than fifty (50) feet from any dwelling on the same premises. All such structures shall be located behind any residence on the property.

(E) Open Area in Front of Dwelling. There shall be provided, for any bona fide farm operation containing a dwelling unit, an open space unobstructed by buildings or equipment in the front of every dwelling unit equal to the width of the dwelling extending to the front lot line.

(F) Nuisances. The keeping of any animal is prohibited if the same became obnoxious by reason of odor, noise or other nuisance. The determination of the Ordinance enforcement officer shall, in the absence of fraud, be conclusive on the question of whether the same are obnoxious under the terms of this Ordinance and consistent with the provisions of Michigan Right to Farm Act (Public Act 93, 1981, as amended).

Section 5.124 Kennels and Raising of Fur Bearing Animals (currently 10.02.a)

Kennels and the raising of fur bearing animals, including mink, rabbit, cat and canine establishments, shall meet the following requirements:

(A) The use shall be located on a continuous parcel of land ten (10) acres or more in area.

(B) All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height.

(C) All outdoor runs and breeding areas shall be located at least fifty (50) from any lot line and shall be not be located in the front yard.

Section 5.125 Medical Marihuana Cultivation Facilities

(A) Purpose.

Commented [PS131]: The Zoning Ordinance amendment regulating pre-existing horses became effective on January 20, 2000. Because the live cycle of a horse can exceed 30 years, we recommend keeping a starting date in the Zoning Ordinance.

Deleted: said

Deleted: one (1) horse per five (5) acre limitation

Deleted: bounding

Deleted: poultry, hogs, horses, livestock or dogs and/or cats

Deleted: The

Deleted: commercial dog kennels,

Commented [PS132]: A minimum lot area of 40 acres is prohibitive. 10 acres is appropriate with proper setbacks.

Deleted: Said

Deleted: forty (40)

(1) It is the intent of this section to provide reasonable conditions for the cultivation of marihuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended (MMMA). Due to conflicts between the federal Controlled Substances Act and the MMMA, the cultivation of medical marihuana is a specialized land use with ramifications that need to be addressed by a local ordinance. Although some specific uses of marihuana may not be prosecuted according to the MMMA, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marihuana. Due to its conflicting legal status, such businesses are generally not funded, financed or supported by banks and similar financial institutions as other federally lawful enterprises may be. As a consequence, medical marihuana enterprises are primarily cash-based operations, making them targets for crime and theft. The regulations set forth herein are intended to take into account these issues and thereby take steps to protect public safety and welfare of the community at large.

(2) It is further the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana cultivation to the district that is most compatible with this use. Additional regulations in this section are intended to provide reasonable restrictions within a zoning district so that this use does not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in the district.

(3) While the MMMA generally allows a primary caregiver to grow medical marihuana on his/her own property in accordance with the Act, there are negative impacts and circumstances that could be deemed a nuisance including, but not limited to, the inadequacy of the property or home for safe growing of medical marihuana, and noxious odors from medical marihuana plants and growing that impact neighboring residents in violation of Township ordinances. Therefore, providing for and regulating medical marihuana cultivation facilities allows primary caregivers to cultivate medical marihuana at a non-residential facility that is better-suited for such use.

(B) **Medical Marihuana Definitions.** Some of the words and phrases defined below are also defined in the MMMA, MCL 333.26421 et seq, as amended. If the definition of a word or phrase set forth below conflicts with the definition in the MMMA or if a term is not defined below but is defined in the MMMA, then the definition in the MMMA shall apply. The words and phrases below are defined as follows:

(1) **Marihuana.** That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.

(2) **Medical Use.** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(3) **Primary Caregiver.** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

(4) **Qualifying Patient.** A person who has been diagnosed by a physician as having a debilitating medical condition.

(5) **Registry Identification Card.** A document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.

(6) **Medical Marihuana Cultivation Facility ("Cultivation Facility").** A building other than the personal residence of a primary caregiver where one or more primary caregivers are growing medical marihuana in compliance with the MMMA. A medical marihuana cultivation facility may also be referred to as growing facility. A "medical marihuana cultivation facility" shall not include a primary caregiver or a qualifying patient growing medical marihuana at his/her personal residence in accordance with the Michigan Medical Marihuana Act and all applicable Township ordinances including, but not limited to, ordinances prohibiting noxious odors.

(7) **Medical Marihuana Dispensary ("Dispensary").** A building, part of a building, a facility, a club or other set-up where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended. A "dispensary" shall not include a primary caregiver assisting a qualifying patient with whom he/she is connected through the Michigan Department of Community Health's registration process with the medical use of marihuana in the qualifying patient's residence in accordance with the Michigan Medical Marihuana Act.

(8) **Plant.** Any marihuana plant with not more than one readily observable root formation.

(9) **Unit.** A portion of a building that is separate from the remainder of the building by a fireproof wall, and accessible only through an exterior door.

(C) **Medical Marihuana Dispensaries Prohibited.** Medical marihuana dispensaries are prohibited in all districts.

(D) **Special Site Design and Use Standards.**

(1) **Indoor Growing.** The growing of medical marihuana at a cultivation facility shall be indoors only and shall not be visible from any point outside the medical marihuana cultivation facility.

(2) **Drive-Through Prohibited.** The medical marihuana cultivation facility shall not be permitted to have drive-through facilities.

(3) **Setback From Protected Areas.** The lot lines of a cultivation facility shall be no less than one thousand (1,000) feet from the nearest lot lines of the following: a religious institution, a public park, a residential zoning district, a residential land use, a child care facility, a public or private educational facility including but not limited to pre-schools, nurseries, elementary, secondary and high schools. The setback distance shall be measured as a straight line from the nearest points of the lot lines.

(4) **Maximum Number of Cultivation Facility Buildings Per Lot.** There shall be not more than one (1) building housing a medical marihuana cultivation facility per lot.

(5) **Setback From Other Cultivation Facilities.** The lot lines of a cultivation facility shall be at least one thousand (1,000) feet from the lot lines of another cultivation facility, as measured from the edges of the property on which the use is located.

(6) **State and Local Licensing.** Medical marihuana cultivation facilities shall comply with all applicable state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval.

(7) **On-Site Consumption Prohibited.** No smoking, inhalation, or other consumption of marihuana shall take place on the premises of a medical marihuana cultivation facility.

(8) **On-Site Transfer Prohibited.** Any person-to-person transfer of marihuana is prohibited at a cultivation facility. All transfers of medical marihuana between persons shall take place off-site only and in accordance with the MMMA and this Ordinance.

(9) **Retail Sales Prohibited.** Retail sales, including sales of products customarily incidental to the use of medical marihuana, is prohibited at medical marihuana cultivation facilities.

(10) **Indoor Activities Only.** All activities of medical marihuana cultivation facilities shall be conducted indoors.

(11) **Outdoor Storage Prohibited.** Outdoor storage is prohibited.

(12) **State and Local Compliance.** Medical marihuana cultivation facilities shall comply with all applicable provisions of this Ordinance, all other Township ordinances, regulations, and codes, and the MMMA. This section preempts any other section of this Ordinance when there is a conflict between this section and another section. This section does not preempt the Michigan Medical Marihuana Act.

(13) **Maximum Units and Maximum Plants Per Unit.** The maximum number of individual plants permitted within a single unit shall not exceed seventy-two (72) plants, and there shall be no more than six (6) primary caregivers or units in any building housing a medical marihuana cultivation facility.

(14) **Security.** A security system shall be installed in each unit of a medical marihuana cultivation facility which shall include monitoring cameras with audio capability which are operating continuously. Recordings and data from the security system shall be kept a

minimum of three hundred and sixty five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

(15) **Odors.** Odors generated by the medical marihuana cultivation facility shall be contained within the building or the portion of building used by the medical marihuana cultivation facility. The primary caregiver's proposed method of addressing odors generated through use of air filters or air scrubbers must be demonstrated and found to be satisfactory to the Township.

(16) **Access to Minors Prohibited.** No minors under the age of eighteen (18) are permitted on the site.

(17) **Limited Accessibility to the Site.** The medical marihuana cultivation facility shall not be accessible to anyone but the primary caregiver lawfully growing medical marihuana in the cultivation facility and lawful visitors to the site, which include contractors working on the site and representatives of the Township administering or enforcing an ordinance or law.

(18) **Parking.** Off-street parking shall be provided consistent with that of "Industrial Establishments, Assembly, Processing" set forth in *Section 9.102(E)(1)* of Off-Street Parking Requirements of this Ordinance.

(E) **Access & Identification.** Each primary caregiver growing medical marihuana in a medical marihuana cultivation facility shall assign an identifying number to each qualifying patient for whom that primary caregiver intends to grow and cultivate medical marihuana including the primary caregiver if the primary caregiver is also a qualifying patient. The primary caregiver shall keep a list identifying the registry identification card of the qualifying patient to whom a number is assigned which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

(1) **Separate Grow Areas.** The primary caregiver shall keep the marihuana plants grown for each qualifying patient of the primary caregiver separate from the marihuana plants grown for any other qualifying patient. Each qualifying patient's plants shall be kept in a separate enclosed locked facility to which only the primary caregiver has access. The identifying number of the qualifying patient for whom the medical marihuana is grown and cultivated shall be prominently and permanently displayed on each enclosed locked facility.

(2) **Access Log.** Each primary caregiver shall keep a written log including the identifying number, date and time of every person entering the medical marihuana cultivation facility, which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant. Each primary caregiver shall also keep a written log including the date and time marihuana was removed by the licensed caregiver from the enclosed locked facility and the amount of marihuana removed.

(3) **Correct and Accurate Records.** The primary caregiver shall certify under oath that the written records kept are correct and accurate.

(F) **Inspections.**

(1) **Initial Inspection.** A cultivation facility shall be subject to the same inspections as all other buildings and uses as required by this Ordinance and the Charter Township of Van Buren Code of Ordinances.

(2) **Inspections.** The cultivation facility may be inspected annually by the Township to confirm that it is being operated in compliance with the MMMA and any Township ordinance. The cultivation facility may be inspected more frequently at the discretion of the Township. Representatives of the Township for the on-site inspection include, but are not limited to, the Planning Director, Building Official(s), and Public Safety Department. The Township shall limit its inspection to only those issues associated with compliance with the MMMA and Township ordinances, and shall not make inquiry into the identity of any qualifying patient. The cultivation facility shall be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. Eastern Time upon two (2) hours notice.

(G) **Application Requirements and Review.** In addition to the application for and review of a site plan in accordance with *Article 12, Chapter 2* and a special land use permit for a medical marihuana cultivation facility in accordance with *Article 12, Chapter 3*, the following shall also be required:

(1) **Security Plan.** A security plan and floor plan shall be submitted with the special land use application. The security plan shall:

(a) Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.

(b) The security plan shall identify the number of plants to be grown, the location of the secured locked facilities assigned to qualifying patients, the location where chemicals and fertilizers are stored, and the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of Information Act unless required by the Act.

(2) **Waste Disposal Plan.** A waste disposal plan shall be included with all applications for a medical marihuana cultivation facility, which shall detail plans for chemical disposal and plans for plant waste disposal. The Township Building Official shall determine whether the waste disposal plan meets all Township requirements and may require the applicant to provide proof the disposal plan satisfies county and state requirements.

(3) **Proof of Ownership or Leasehold Interest.** Proof of an ownership or leasehold interest in the building housing the medical marihuana cultivation facility.

(H) **Medical Marihuana State Law.**

(1) **Medical Marihuana Act.** This Ordinance shall not limit an individual's rights under the MMMA. The MMMA supersedes this Ordinance where there is a conflict between the Act and this Ordinance.

(2) **Medical Marihuana Registered Qualifying Patient.** A qualified patient with a registry identification card may grow and use medical marihuana for his or her own use in accordance with the Michigan Medical Marihuana Act.

(3) **Medical Marihuana Registered Primary Caregiver.** A primary caregiver with a registry identification card may grow medical marihuana in accordance with the Michigan Medical Marihuana Act except that two or more primary caregivers with a registry identification card who seek to grow medical marihuana on the same site are subject to the requirements of this section.

(I) **Unlawfully Established Medical Marihuana Cultivation Facilities.** A medical marihuana cultivation facility which purports to have engaged in the cultivation of marihuana either prior to enactment of this Ordinance, or after enactment of said Ordinance but without having an approved site plan and special land use permit, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance.

(J) **Penalty.** Any violation of the site plan, special land use, or conditions under which the permit for operating a medical marihuana cultivation facility is granted shall subject to the penalty provisions of this Ordinance.

Section 5.126 Mini-Warehouse (Self Storage Facility) (currently 12.03.k)

(A) The minimum lot area is three (3) acres.

(B) Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front-to-rear or equal to the building height, whichever is greater.

(C) The total lot coverage of all structures may exceed the limits of the zoning district, but shall be limited to fifty (50) percent of the total lot area.

(D) A sight-proof barrier shall be provided around the perimeter of the development. The barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a wall or fence. If a wall or fence is provided, it shall be a minimum of six (6) feet in height and shall be constructed of brick, stone, masonry units or wood products which are determined by the building inspector to be durable and weather resistant.

(E) A ten (10) foot wide landscaped greenbelt (see *Section 10.103(E)*) shall be provided along all lot lines where they abut a street frontage or residential district.

(F) Two (2) parking spaces shall be provided for the manager's residence plus one (1) parking space for each twenty-five (25) storage units, to be located at the office at the storage complex. In no instance shall less than five (5) parking spaces be provided on-site.

Commented [PS133]: We recommend deleting the setback requirements, which means the minimum setbacks would defau to the district which will be greater.

Deleted: <#>Building setbacks shall be as follows: front ya not less than twenty (20) feet; side and rear yard not less th ten (10) feet.¶

¶

Deleted: said

Deleted: *Section 10.103(D)Section 10.102*

(G) Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.

(H) All ingress and egress from this site shall be directly onto a collector or major thoroughfare.

(I) Building height shall not exceed one (1) story or fifteen (15) feet, whichever is lower, except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories or twenty-five (25) feet, whichever is lower.

(J) No single storage building shall exceed five thousand (5,000) square feet.

(K) All storage on the property shall be kept within an enclosed building.

Section 5.127 Mobile Home Parks (currently 9.02.a)

Mobile home parks shall be subject to the requirements of Public Act 419 of 1976, as amended, the Van Buren Township Mobile Home Park Ordinance No 8-1, as amended, and the following provisions:

(A) All mobile home parks shall be enclosed by a greenbelt in a yard setback area not less than twenty (20) feet in width. Such greenbelt, which may include berms, fences and walls and can be used as required rear yard space for individual mobile homes, shall comply with the standards in *Section 10.103(E)* and be approved by the Planning Commission pursuant to the site plan review requirements in *Article 12, Chapter 2*. Where a mobile home park has provided greenbelt adjacent to vacant property and when the vacant property is subsequently proposed for development, the Planning Commission shall, in site plan review of such new development, consider methods to consolidate any required greenbelt for the new development with that already provided by the mobile home park and require reimbursement to the park by the new developer in consideration of the cost savings by not having to install a new greenbelt.

Deleted: *Section 10.103(D)Section 10.102*

Deleted: said

(B) The mobile home park shall be developed with mobile home sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square foot requirement may be reduced by twenty percent (20%) provided that an individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through reduction of the site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space which shall be added to the two percent (2%) open space requirement in *Section 5.127(F)*. Minimum yard spaces for any individual mobile home shall be as follows:

Deleted: *Section 5.126(F)*

(1) Twenty (20) feet from any or part or attached structure of another mobile home and used for living purposes.

(2) Ten (10) feet from any attached or detached structure not used for living purposes and on-site parking on an adjacent mobile home site.

(3) Fifty (50) feet from a permanent building.

(4) One hundred (100) feet from a baseball or softball field.

(5) Ten (10) feet from the edge of an internal road and seven and one half (7½) feet from a parking bay.

(6) Seven (7) feet from a common pedestrian walkway.

(7) Ten (10) feet from a natural or manmade lake or other natural or manmade objects or waterways.

(8) Twenty-five (25) feet from any public right-of-way.

(9) A mobile home site length may vary depending on park design and layout and the mobile home to be installed; however, the minimum standards pertaining to distance between mobile homes shall be compiled with. Site dimensions may be computed with consideration given to anticipated add-a-room attachments to a placed mobile home or expand or similar expansions.

(C) All internal roads in a mobile home park shall be hard-surfaced and designed as to access, curvature, intersections and pavement width, considering one (1) or two (2) way traffic and parking or non-parking situations, as is required under R 125.1920, Rule 920 and R 125.7926 Rule 926 (5) of Michigan Administrative Code or successor regulations. Rule 920 requires twenty-one (21) foot driving surface for two (2) way roads with no parking and thirteen (13) foot driving surface for one-way roads with no parking. Greater width, if off-street parking bays are provided, is required depending upon schedule in Rule 926.

(D) A mobile home park shall be constructed and/or maintained on a lot or a parcel which can provide principal entrances and exists to an all-weather paved road having at least a twenty-four (24) foot wide pavement with no parking permitted, thereon, meeting construction and design standards of the Wayne County Road Commission. A mobile home park must be at least ten (10) acres in size.

(E) All vehicular and pedestrian circulation system within a mobile home park shall be lighted at night pursuant to illumination standards in R 125.1929, Rule 929 of Michigan Administrative Code or successor regulation. Further, lighting emitted will not be directed onto adjacent residentially zoned or developed areas or create a driving hazard on streets or roads abutting the mobile home park property.

(F) A minimum of two percent (2%) of the total land area shall be left in open space for recreation purposes. Such open space shall not include roads, sidewalks, greenbelts or lands under water and shall be graded and developed so as to have adequate drainage and usability by residents of the park. A landscape plan of the proposed recreation area is to be submitted to and proceeded by Planning Commission with the site plan required by *Article 12, Chapter 2*. Performance guarantee to assure completion of all improvements shall be as provided under *Section 12.211* of this Ordinance and Section 22.037 of Ordinance 8-11-64.

Deleted: *Section 12.210Section 12.209*

(G) All utilities in a mobile home park shall be underground and shall comply with R 125.1932, Rule 932 through R 125.1940, Rule 940 of Michigan Administrative Code or successor regulation. Fire hydrants shall be placed at five hundred (500) foot intervals measured along roadways.

Section 5.128 Mobile Home Subdivisions (currently 9.02.b)

Mobile home subdivisions shall be subject to all the provisions of *Section 5.127*, and minimum lot sizes and yard spaces in such subdivision shall be according to the following table:

Deleted: *Section 5.126*

	Lot Width	Lot Area	Min. Front Yard	Min Side Yard	Min. Rear Yard
Sites for single-width mobile home	55 ft.	6,000 sq. ft.	20 ft.	10 ft.	25 ft.
Sites for double-width mobile home	65 ft.	7,800 sq. ft.	20 ft.	20 ft.	25 ft.

Section 5.129 Offices of Manufacturing Agents, Sales Representatives and Others Requiring Display Area and Limited Warehousing (currently 14.02.10)

(A) Display areas shall not be for selling to the general public. Display areas shall be for restricted use of wholesaler buyers and specialized merchandise which will not be available to the public. Examples of permitted display are: medical equipment for sale to the medical profession, processing equipment sold to manufactures and testing laboratories. The display areas shall be supportive of sales to a restricted group of buyers and not to the public. All display areas shall be totally within an enclosed structure.

(B) Warehousing shall be accessory to the office, sales or display area. It shall be limited to quantities to support the display area and sales staff. Warehousing in the OT District is not intended to support a widespread distribution or sales staff. Outbound shipment by tractor trailer or semi-truck type vehicles is prohibited.

Section 5.130 Open Air Business Uses (currently 4.27)

Open air business uses, where permitted in this Zoning Ordinance, not otherwise regulated elsewhere in this Ordinance (e.g., *Section 5.131, Section 5.133, Section 5.134*), shall be subject to the following regulations:

Deleted: a C-1 or C-2 District

Deleted: by Article XIX

Commented [PS134]: "Open Air Businesses" overlap with "Outdoor Recreation, Amusement," "Outdoor Storage of Building or Contracting Equipment," and "Outdoor Vehicle Sales," so these regulations should be called out.

(A) Approval of the use must be obtained from the Planning Commission subsequent to submission or a site plan showing entrances and exits to site, parking areas, fencing, lighting and other design features.

(B) The minimum area of the site shall be ten thousand (10,000) square feet.

(C) The minimum street frontage shall be one hundred (100) feet.

(D) There shall be provided around all sides of the lot, except at entrances, exits and along sides enclosed by buildings, a fence or wall six (6) feet in height, capable of intercepting windblown trash and other debris. Where the site abuts any residential district, the requirements for greenbelt, fencing and/or protective screening shall be located on the commercial or industrial sides of alleys, if any exist at such boundaries. To the extent that the requirements for the particular zoning district in which the site is located are more stringent than the requirements of this Sub-section, the more stringent requirements shall also be applicable.

(E) Off street parking areas and aisles, as required under *Article 9*, shall be paved in accordance with the requirements of *Section 9.104* unless an acceptable substitute is approved by the Board of Zoning Appeals.

Deleted: *Section 9.104Section 9.102*

(F) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets and will not cause direct illumination on adjacent properties.

(G) All open air business shall comply with all Township and County health regulations regarding sanitation and general health conditions.

(H) Christmas tree sales shall be regulated under *Section 7.120*.

Section 5.131 Outdoor Recreation, Amusement (currently 12.03.m)

(A) Go-kart tracks, batting cages, paint-ball courses, and similar forms of intense outdoor recreation are subject to the following requirements:

(1) Because race tracks, batting cages, paint-ball courses, and similar intense outdoor recreation uses develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only in C-1 and C-2 Districts and shall be located on a parcel of land which is abutting land zoned for commercial or industrial purposes on all sides and shall be subject further to other controls as deemed necessary by the Township to promote health, safety and general welfare:

(2) All parking shall be provided as off-street parking within the boundaries of the development.

(3) Access to the site and parking area shall be directly from a major thoroughfare.

(4) All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot greenbelt planting and fence or wall so as to obscure from view all activities within the development.

Section 5.132 Outdoor Recreation, Private (Private Parks, Country Clubs, Gun Clubs, and Golf Driving Ranges) (currently 10.02.b, and 15.03.b)

(A) Private parks, country clubs, gun clubs, and golf driving ranges are subject to the following requirements:

(1) The minimum lot area is five (5) acres.

(2) Any structure on the site shall be located at least two hundred fifty (250) feet from a lot line of any adjacent R-1A, R-2A R-1B, or R-1C District.

(3) All ingress and egress from the site shall be from a public road having a right-of-way not less than one hundred twenty (120) feet in width.

(4) Any areas designated for discharging firearms, paintball guns, or any similar devise shall be located at least two hundred and fifty (250) feet from any lot line. All gun clubs and firearm ranges must follow the generally accepted operation practices adopted by the State of Michigan Natural Resources Commission.

Section 5.133 Outdoor Storage of Building or Contracting Equipment and Supplies (currently 12.03.n, 13.03.c, 15.03.d, and 16.03.a)

All outdoor storage of building or contracting equipment and supplies, sand, gravel, stone, equipment and other supplies, are subject to the following provisions:

(A) Such storage shall be located within an area no closer than one hundred (100) feet from any street right-of-way line and two hundred (200) feet from any residential district.

(B) No yard setback areas shall be used for outdoor storage.

(C) A roadway(s) shall be provided, graded, surfaced and maintained from the street to the rear of the property to permit free access of public safety vehicles at any time.

(D) All such open storage shall be screened from all streets and on all sides pursuant to *Section 10.103(E)*. The Planning Commission may require a six (6) foot high permanent wall or additional landscaping with a fence.

Deleted: which border residentially- or commercially-zoned property, by

(E) All stored materials shall not be piled to a height of more than six (6) feet, except materials may be stacked to a height of fourteen (14) feet provided the materials above six (6) feet in height are packaged or wrapped, neatly stacked, not accessible to customers, and are on a rack designed to safely store the materials.

(F) That portion of the land used for open storage shall be surfaced in a manner acceptable to the Planning Commission, demonstrated to be appropriate for its intended use.

(G) The owner shall be responsible for ensuring that mud and similar debris shall not be transported from the site and deposited onto adjacent roadways.

Section 5.134 Outdoor Vehicle Sales (currently 13.03.b)

The outdoor sale of new, uses, and secondhand automobiles, travel trailers, mobile homes, recreational vehicles, and boats shall be subject to the following requirements.

(A) All vehicles in an outdoor sales lot shall be operable.

(B) The use shall meet all applicable requirements of *Section 9.104* in regards to lot surfacing, drainage, protective curbing and adequate means of ingress and egress.

Deleted: Said

Deleted: *Section 9.104Section 9.102*

(C) Access to the outdoor sales area shall be at least one hundred (100) feet from the intersection of any two (2) streets.

(D) No major repair or major refinishing shall be done on the lot.

(E) No used auto parts may be displayed or sold on the lot.

(F) Motor homes, mobile homes, or other large vehicles shall not be displayed in the front yard unless the vehicle is new.

Deleted: rear portion of the lot

(G) All lighting shall meet the requirements of *Section 8.105* and shall be shielded from adjacent residentially used or zoned districts.

(H) An obscuring opaque wall or fence, of one (1) color only, five (5) feet in height and of fire resistant construction must be provided on lot lines which abuts districts which are zoned for residential use. The actual type of wall or fence shall be determined by the Planning Commission.

(I) A permanent, enclosed office building for records and supervision for a use permitted in this Section shall be provided on the same site.

Section 5.135 Planned Shopping Center (currently 12.03.i)

(A) Planned shopping center, when used in this context, shall mean a commercial development which has been designed to operate as a unit and meets the following requirements:

(1) Is on a site of more than six (6) and not more than twenty-five (25) acres;

(2) Has at least twelve (12) stores;

(3) Has a gross floor area over thirty thousand (30,000) square feet; and

(4) Has a major department store or junior department store as the major tenant.

(B) A greenbelt of dimensions and plant materials as determined by the Planning Commission in accordance with *Section 10.103(E)*, shall be provided around the entire perimeter of the site except for driveways onto the public street system and in addition an opaque masonry wall not less than five (5) feet high shall be constructed along lot lines which abut a residential district.

Deleted: *Section 10.103(D)Section 10.102*

(C) No main accessory building shall be situated less than fifty (50) feet from any residential district boundary or public street, except that such buildings may be situated within twenty (20) feet of a nonresidential district boundary which is not a public street.

(D) Off-street parking shall be provided in accordance with *Article 9* and internal system of roads and walks shall be provided to separate pedestrian and vehicular traffic.

Section 5.136 Private Clubs (currently 15.03.b)

Private clubs and lodges, subject to the following provisions:

(A) The minimum parcel size shall be five (5) acres.

(B) The site shall abut a planned major thoroughfare and all vehicular access shall be to and from that thoroughfare. No access shall be permitted to a residential street.

(C) All building and parking areas shall be setback a minimum of two hundred (200) feet from the front lot line and one hundred (100) feet from any side or rear lot line.

(D) A twenty (20) foot greenbelt shall be provided along all property lines which abut residentially zoned or used land and previously developed commercial, office or industrial zoned properties which lack screening in accordance with the provision of this Ordinance. Such greenbelt shall comply with the requirements of *Section 10.103(E)*, greenbelts, and shall form a complete visual barrier with the opacity of at least seventy-fie (75) percent at least five (5) feet high. All required trees in the greenbelt shall be evergreens.

Deleted: *Section 10.103(D)Section 10.102*

(E) Off-street parking provided shall be sufficient to accommodate not less than one-half (½) of the individual and family members, or one (1) parking space for each three (3) persons allowed within the maximum occupancy load of the building as established by local, County or State fire, building or health codes whichever is greater.

(F) Signage shall be limited to one (1) ground sign or garden ground sign and shall otherwise comply with *Article 11* of this Ordinance.

Section 5.137 Restaurants, Drive-Thru and Drive-In (currently 12.03.d)

Drive-thru and drive-in restaurants, or similar establishments serving food and/or beverages, shall meet the following requirements:

(A) The entrance to or exit from any such use shall be located at least one hundred (100) feet from the intersection of any two (2) streets.

(B) All such uses shall have direct ingress and egress through a paved major thoroughfare.

Deleted: access to

(C) All lighting or illuminated display shall not reflect onto any adjacent residential zoning district and shall meet the requirements of *Section 8.105*.

(D) The approving authority shall consider the proximity of the on-site use to existing places of congregation of children (e.g. schools) regarding traffic safety and sanitation.

Section 5.138 Restaurants, Outdoor Dining (currently 12.02.tt)

Outdoor dining and table service, including but not limited to patios and sidewalk cafes, are subject to the following requirements:

(A) The sales and service of food and beverages outdoors shall only be permitted as incidental to a similar principal use that is indoors and adjacent to the outdoor food and beverage sales and service.

(B) Outdoor dining areas shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements. Outdoor dining areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle. If outdoor dining areas are located on a sidewalk, a minimum 5 foot wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(C) Temporary or free-standing food service providers are not considered outdoor dining uses.

(D) Tables and chairs must remain within a well-defined and clearly marked area, separated from vehicular traffic. In instances where there is wait staff or alcohol service, such areas must be enclosed. Enclosures shall consist of metal railing, brick walls, landscape planters or other suitable materials using decorative, dark colored wrought iron-look fencing, or other materials consistent with the color and materials of the main building. The height of any barrier or landscaping enclosure shall not exceed three feet, six inches (3'6").

(E) All furniture and fixtures shall be removed November 1 through April 30. Outdoor dining furniture and fixtures shall not be stored or stacked on the exterior of the building.

(F) Signs are not allowed in the outdoor dining area with the exception of a menu sign.

(G) No amplified music shall be permitted if there are residential lots or dwellings within 300 feet, measured from the seating area to the adjacent residential lot line. The outdoor dining area must also abide by all noise ordinance restrictions of the Township.

(H) The hours of operation for the outside dining area shall be consistent with the hours of operation of the inside restaurant.

(I) No such use shall occupy any portion of a public right-of-way.

(J) For plans showing more than 20 occupants within the outdoor dining area, the off-street parking for the use shall be computed according to the standards contained in *Article 9*, as indicated for the indoor portion of the use. If the plans show 20 or fewer occupants, no additional parking shall be required unless required by the Planning Director as part of his administrative approval.

Deleted: Director of Planning and Economic Development

(K) If the outdoor dining area is proposed as part of a site plan application, or if it contains seating for more than 20 occupants, it shall require site plan review and approval by the Planning Commission. If the outdoor dining area is proposed to be added for an existing business and contains seating for 20 or fewer occupants, a plan providing sufficient information to determine compliance with this *Section 5.138* may be approved administratively by the Planning Director.

Deleted: *Section 5.136*

Deleted: Director of Planning and Economic Development

Section 5.139 Regulated Uses (currently 4.49)

(A) General requirements for regulated uses.

(1) It is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area (i.e., not more than two (2) such uses within one thousand (1,000) feet of each other which would create such adverse effect(s). Uses subject to these controls are as follows:

(a) Sexually oriented businesses (as defined in *Section 5.139(B)(2)* of this Section.)

Deleted: *Section 5.137(B)(2)Section 5.136(B)(2)*

(b) Tattoo establishments.

(c) Pawnshops.

(d) Pool and billiard halls.

(e) Any business that provides massage unless, in the determination of the Planning Director or Planning Commission, the massage use is a minor accessory use to a principal use that is a health or exercise club, spa, or medical office. When determining whether the massage use is a minor accessory use, the Planning Director or Planning Commission shall consider the intent of this Ordinance and other Township Ordinances, the floor areas devoted to the massage uses, the hours of operation of the massage use, and the past and current operations of the principal use.

Deleted: Health clubs, tanning salons, gyms and other business which provide massage

Deleted: .

(2) **Locational Requirements for Regulated Uses.** The Planning Commission must find that there is not presently more than one (1) such regulated use within one thousand (1,000) feet of the boundaries of the site of the proposed regulated uses, except that the Planning Commission may waive this locational provision for: tattoo establishments, pawnshops, pool or billiard halls, if the following findings are made:

(a) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of the Section will be observed.

(b) That the proposed use will not enlarge or encourage the development of a "skid-row" area in which the homeless, unemployed, transients or others may loiter or congregate for no gainful purpose.

(c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any plans for future development of the area.

(d) That all applicable regulations of this Section will be observed.

The Planning Commission may not waive this location provision for sexually oriented business as defined by this Ordinance.

(3) **Conditions of Approval.** The Planning Commission may recommend that the Township Board of Trustees impose such conditions or limitations upon the establishment, location, construction, maintenance or operation of the regulated use, as shall, in its judgment, be necessary for the protection of the public interest, except that any conditions, imposed on sexually oriented business as defined in this Section shall be limited to those conditions necessary to assure compliance with the standards with the standards and requirements in *Section 5.139(B)* of this Section Any evidence and guarantee may be required as proof that the conditions stipulated in the connection therewith will be fulfilled.

Deleted: *Section 5.137(B)Section 5.136(B)*

(4) **Time limits for review.** The following time limits shall apply to the review of an application by the Township Planning Commission and Township Board of Trustees for special approval of a sexually oriented business as defined in *Section 5.139(B)(2)* of this Section.

Deleted: *Section 5.137(B)(2)Section 5.136(B)(2)*

(a) The Planning Commission shall publish notice and hold a public hearing as required for special approval review (*Article 12, Chapter 3*) within sixty (60) days of receiving a completed special approval and site plan application as required by *Article 12, Chapter 2* of the Zoning Ordinance for a sexually oriented business as defined in *Section 5.139(B)(2)* of this Section.

Deleted: *Section 5.137(B)(2)Section 5.136(B)(2)*

(b) The Planning Commission shall rule on its recommendation regarding the special approval application for sexually oriented business at the next regularly scheduled meeting of the Planning Commission following the public hearing held to review the application.

(c) The recommendation of the Planning Commission shall be forwarded to the Township Board of Trustees within sixty (60) days of the meeting at which Planning Commission issues its recommendation. The Township Board of Trustees shall render its decision in a timely manner to grant or deny special approval of the sexually oriented business or to grant approval with conditions, as stipulated by the Zoning Ordinance at this meeting.

(d) Failure of the Township to act within the above specified time limits shall be deemed to constitute granting of special approval to the sexually oriented business.

(5) **Effect of Denial.** No applicant for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions.

Deleted: said

(6) **Revocations.** In any case where a building permit for a regulated use is required and has not been obtained within one (1) year after the granting of special approval by the Township Board of Trustees, the grant of special approval shall become null and void.

Commented [PS135]: Allowing up to 1 year to obtain a building permit will make the treatment of this use consistent with all other uses in the Site Plan Review chapter.

Deleted: six (6) months

(7) **Reconstruction of Damaged Regulated Uses.** Nothing in this Section shall prevent the reconstruction, repairing or rebuilding and continued use of any building or structure, the use of which makes it subject to the controls of this Section, which is damaged by fire,

collapse, explosion or act of God, provided that the expense of such reconstruction does not exceed fifty percent (50%) of the reconstruction cost of the building or structure at the time such damage occurred, provided that where the reconstruction repair or rebuilding exceeds the above-stated expense, the re-establishment of the use shall be subject to all provisions of this Section and further provided, that the re-established use complies with the off-street parking requirements of *Article 9*.

Commented [PS136]: We recommend making the requirement of 50% to be consistent with the general standard applicable to nonconforming uses and structures in the Nonconformities article.

Deleted: sixty

Deleted: 60

(B) Requirements for sexually oriented businesses.

(1) Purpose and Intent. It is the purpose of this Ordinance to regulate sexually oriented businesses to promote and protect the health, safety, morals and general welfare of this citizens of the Charter Township of Van Buren and to establish reasonable and uniform regulations to prevent a concentration of sexually oriented businesses with the Township. These regulations are intended to control the negative secondary impacts such businesses have been documents to have on the surrounding area and the community. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

(2) Definitions. The following definitions shall apply to sexually oriented businesses in this Section:

(a) "ACHROMATIC" means colorless or lacking in saturation or hue. The term includes but is not limited to grays, tans and light earth tones. The term does not include white, black or any bold coloration that attracts attention.

(b) "ADULT ARCADE" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specific anatomical areas."

(c) "ADULT BOOKSTORE or ADULT VIDEO STORE" means a commercial establishment which offers for sale or rental for any form of consideration, occupying fifteen (15) percent or more of the floor area of the establishment, any one or more of the following:

(i) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions slides or other visual representation which depict or describe "sexually explicit activities" or "specified anatomical areas"; or

(ii) instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities."

(d) "ADULT CABARET" means a nightclub, bar restaurant or similar commercial establishment which regularly features:

(i) persons who appear in a state of restricted nudity; or

(ii) live performance which are characterized by the partial exposure of "specified anatomical areas"; or

(iii) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."

(e) "ADULT MOTEL" means a hotel, motel or similar commercial establishment which:

(i) offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by the depiction or description of "sexually explicit activities" or "specific anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

(ii) permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or

(iii) offer a sleeping room for rent for a period of time that is less than ten (10) hours; or

(iv) allow a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(f) "ADULT MOTION PICTURE THEATER" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".

(g) "ADULT THEATER" means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities."

(h) "ESCORT" means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(i) "ESCORT AGENCY" means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

(j) "ESTABLISHMENT" means and includes any of the following:

(i) the opening or commencement of any sexually oriented business as a new business;

(ii) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(iii) the location or relocation of any sexually oriented business.

(k) "NUDE MODEL STUDIO" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

(l) "NUDITY or a STATE OF NUDITY" means the appearance of a human bare buttock, anus, male genitals, female genitals or female breast, as defined by MCL. 41.181 (4); MSA 5.45(3).

Deleted: 3

(m) "SEMI-NUDE" means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(n) "SEXUAL ENCOUNTER CENTER" means a business or commercial enterprise that, as one (1) of its primary business purposes, offers for any form of consideration:

(i) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(ii) activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web.

(o) "SEX EXPLICIT ACTIVITIES" means and includes any of the following:

(i) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(ii) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy:

(iii) masturbation, actual or simulated; or

(iv) excretory function as part of or in connection with any of the activity set forth in *(i)* through *(iii)* above.

(v) any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.

(p) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web.

(q) "SPECIFIED ANATOMICAL AREAS" means and includes and of the following:

(i) less than completely and opaquely covered human genitals, public region or pubic hair; buttock; or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or

(ii) human genitals in a state of sexual arousal, even if opaquely and completely covered.

(r) "SUBSTANTIAL ENLARGEMENT" of a sexually oriented business means the increase in floor area occupied by the business by more than ten percent (10%), as the floor area exists on March 11, 1999.

(s) "TRANSFER OF OWNERSHIP OR CONTROL" of a sexually oriented business means and includes any of the following:

(i) the sale, lease or sublease of the business;

(ii) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

(iii) the establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(3) Classification. Sexually oriented businesses are classified as follows:

(a) adult arcades;

(b) adult bookstores or adult video stores;

(c) adult cabarets;

(d) adult motels;

(e) adult motion picture theaters;

(f) adult theaters;

(g) escort and escort agencies;

(h) nude model studios;

(i) sexual encounter centers; and

(j) other sexually oriented business, as determined by the Township Board.

(4) **Location of Sexually Oriented Business.**

(a) A sexually oriented business site shall not be located closer than one thousand (1,000) feet to the property line of any of the following:

(i) a religious institution; Deleted: church

(ii) a public or private elementary or secondary school;

(iii) a residential zoning district;

(iv) a lot or parcel in residential use;

(v) a public park;

(vi) an existing sexually oriented business;

(vii) a child care facility, nursery or preschool.

(b) A sexually oriented business site shall not be located closer than five hundred (500) feet to the right-of-way of Interstate 94, Interstate 275, and a major or proposed major thoroughfare within Van Buren Township, as designated by the "Master Rights of Way Map," 1989 Van Buren Township Master Plan or successor Master Plan Map.

(c) A person is in violation of this Ordinance if he/she causes or permits the operations, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.

(d) A person is in violation of this Ordinance if he/she causes or permits the operation, establishment, or maintenance of more than one (1) sexually oriented business in the same building, structure or portion thereof or the substantial enlargement of any

sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(e) For the purposes of Section 5.139(B)(4)(a) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property site boundary of a sexually oriented business to the nearest property line of the premises of any use, district or right-of-way listed in sub-Section (1) above or public right-of-way line listed in Sub-section (b) above.

Deleted: Section 5.137(B)(4)(a)Section 5.136(B)(4)(a)

(f) For purposes of Sub-section (a) above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the site or property boundary in which each business is located.

(g) For the purposes of measuring the required distances and separations in Sub-section (a) and (b) above, access easements or portions of the parcel that are exclusively used to provide access to the site of the sexually oriented business shall be excluded from the parcel boundary in determining whether the site complies with the required separation. The intent of this exclusion is to allow sexually oriented businesses to comply with the separation requirement from major thoroughfares by means of an access easement or access strip of land from the site to the thoroughfare.

(h) Any business now classified as a sexually oriented business lawfully operating on March 11, 1999, that is in violation of a Sub-sections (a), (b) or (c) above shall be deemed a nonconforming use.

(i) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to special approval and site plan approval of the sexually oriented business, of any use listed in Sub-section (a) above one thousand (1,000) feet of the sexually oriented business.

(5) **Exterior Display and Signs.** A sexually oriented business is in violation of this Section if:

(a) The merchandise or activities of the establishment are visible from any point outside the establishment; or

(b) The exterior portions of the establishment or signs have any words, lettering, photographs, silhouettes, drawing or pictorial representatives of any specified anatomical area or sexually explicit activity as defined in this Ordinance.

(6) **License Required to Operate a Sexually Oriented Business.** Special approval and site plan approval shall be granted on the condition that the operator or owner of a sexually oriented business obtains a license to operate the business as required by Chapter 22, Article VII, Section 22-401 through 22-440.

(7) **Enforcement:** A violation of the provisions of this Section shall result, in addition to the remedies to provided herein, possible criminal violations consisting of a fine of five hundred dollars ($500) or a jail term of ninety (90) days, or both.

(8) **Injunction.** In addition to the provisions of this Section, the Township at its option may commence proceedings in the circuit court under the appropriate court rule or statue to enjoin any activity conducted by a sexually oriented business that is deemed to be in violation of these provisions.

Section 5.140 Religious Institutions and Places of Assembly (currently 7.03.f and 9.02.e)

(A) Religious institutions and places of assembly shall front upon and have all ingress and egress directly to a hard surface primary or secondary when, in the opinion of the Planning Commission, this requirement is deemed practical.

(B) If music, bells, carolers, chimes or similar audio presentation are to be used, the expected use, times, durations and volumes shall be disclosed on the site plan.

(C) All uses of the structure, facility and land shall be completely described in a full use statement on the site plan, such uses as outdoor recreation areas, pavilions, memorial gardens, memorials, gathering areas and similar uses or activities shall be identified on the site plan.

(D) When a use other than religious service, forms of worship, and/or other approved assembly exceeds an average of twenty (20) hours per week the site shall be considered to have two (2) or more principal uses involved. The Planning Commission shall consider the impact of each use upon surrounding parcels and shall require provisions in the site plan to minimize the effect of the uses on surrounding properties.

(E) The landscaping requirements of this Ordinance (*Article 10*) shall apply to religious institutions and places of assembly. The site shall be considered a non-residential site for the purposes of landscaping.

(F) No parking shall be permitted in the front yard setback when located in residential districts.

Section 5.141 Temporary Produce Sales Building (currently 10.01.m)

(A) One (1) temporary produce sales building is permitted on a commercial farm for the sale of the produce raised on the farm. A temporary produce sales building located on a commercial farm may sell produce raised off-site, provided produced raised on-site is also offered for sale.

(B) The temporary produce sales building shall be located not less than twenty-five (25) feet from the street or highway right-of-way line

(C) Open space for parking shall be provided for patrons of such roadside produce market and shall be located at least twenty-five (25) feet from the highway or street right-of-way.

Commented [PS137]: The federal Religious Land Uses and Institutionalized Persons Act (RLUIPA) prohibits restrictions on religious land uses that do not also apply to general places of assembly. Therefore, we recommend regulating religious land uses and places of assembly the same so that there is not a restriction on a religious land use that is also not on a place of assembly.

Commented [PS138]: As long as the minimum lot area requirements of the zoning district are met, we do not recommend additional lot area requirements for religious institutions and places of assembly.

Deleted: <#>Religious institution shall have a minimum lot area of two (2) acres.¶
¶
Churches or places of religious worship

Deleted: and/or

Deleted: Planning Commission shall consider the

Deleted: as having

Deleted: churches

Deleted: by any of the above agricultural uses

(D) The temporary produce sales building shall be of such a portable construction that the building shall be removed from its roadside location during the season that it is not in use as a roadside produce market.

Section 5.142 Vehicle Service (currently 4.15)

Deleted: Stations and Commercial Garages

(A) Service stations and commercial garages, where permitted, shall be located at least five hundred (500) feet from any entrance or exit to a lot on which public, parochial or private school or a playground, playfield or park is located.

(B) The minimum frontage on any one (1) public street shall be at least one hundred fifty (150) feet.

Section 5.143 Wireless Communications Facilities (currently 4.24.b)

Commented [PS139]: There are several formatting changes to this section, but the regulatory effect is the same. Many of the administrative review procedures have been relocated to Article 12, Chapter 2 because they have broad application that should apply to all administrative reviews.

(A) **Purpose and Intent.** The general purpose and intent of these regulations is to regulate the establishment of wireless communication facilities (WCF) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Charter Township of Van Buren. It is further the purpose and intent of these regulations to:

(1) Provide for appropriate location and development criteria for wireless communication support facilities and wireless communication antenna within the Township;

(2) Encourage the location of wireless communication support facilities in commercial and industrial zoning districts;

(3) Minimize the adverse effects of such facilities through careful design, siting and screening criteria;

(4) Maximize the use of existing and future wireless communication support facilities and encourage multiple uses on such facilities;

(5) Protect the character of residential areas throughout the Township from the effects of wireless communication facilities; and,

(6) Promote the public health, safety and welfare.

(B) **Zoning District Regulations.** In pursuit of the above purposes, wireless communication facilities and antenna shall be permitted in the following zoning districts according to the review and approval procedures indicated:

(1) **Wireless Communication Facility (WCF).**

(a) **Agricultural and residential zoning districts (AG, R-1A, R-2A, R-1B, R-1C, RM, RMH) and Office Technology (OT) district.** Permitted subject to special use and site plan approval according to *Section 5.143(D)*.

Deleted: RM-1, RM-2,

Deleted: *Section 5.141(D)Section 5.140(D)*

(b) **Commercial and Industrial Districts (C, C-1, C-2, M-1, M-2, M-T, FS, AP).** Permitted subject to site plan approval. However, sites located within (300) feet of property used or zoned for residential purposes require special use and site plan approval.

(2) **Co-Location of Wireless Communication Antenna(s) (WCA).** Permitted by administrative review, as described in *Section 5.143(C)(3)*, except as described in *Section 5.143(C)(2)*.

Deleted: *Section 5.141(C)(3)Section 5.140(C)(3)*

Deleted: *Section 5.141(C)(2)Section 5.140(C)(2)*

(3) **Replacement of an Existing Wireless Communication Support Facility (WCSF).**

(a) **Agricultural and residential zoning districts (AG, R-1A, R-2A, R-1B, R-1C, RM, RMH) and Commercial and Industrial Districts (C, C-1, C-2, M-1, M-2, M-T, FS, AP).** Permitted subject to site plan approval.

Deleted: , RM-1, RM-2

(b) **Office Technology (OT) district.** Permitted subject to special use and site plan approval.

(C) **Wireless Communication Antenna (WCA) Co-Locations and Modifications to Existing Wireless Communications Facilities (WCF).**

(1) **Permitted Accessory Use.** To encourage co-location and minimize the number of WCF's within the Township, WCA's shall be considered a permitted accessory use when placed or attached to any structure which constitutes a principal use, excluding single-family residences or an existing wireless communication support facility provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on which it is attached.

(2) **Planning Commission Review.**

(a) In any Zoning District, the Planning Commission shall review the installation of a WCA that meets one (1) or more of the following criteria:

(i) On a structure not previously approved for co-location.

(ii) Where the installation of the WCA requires an increase in the height of the structure by more than ten percent (10%) or twenty (20) feet (whichever is greater).

(iii) Increases the width of the support structure by more than the minimum necessary for structural capacity.

(iv) Increases the equipment compound to greater than 2,500 square feet

(b) Such review shall not require a public hearing.

(c) The Planning Commission shall review all such requests and take action consistent with the requirements of the Ordinance, including the following criteria:

(i) All WCA's shall be designed to blend into or meet the aesthetic character of the principal use and/or structure where reasonably practical, taking into consideration the location of the WCA, the line of sight angle and distance from the right-of-way and neighboring uses.

(ii) A WCA proposed to be located on a historic landmark that is not already approved for WCAs or in a designated historic district, may be denied, if the WCA would detract from the historic character of the historic landmark or district.

(3) **Administrative Approval.** The installation of a WCA on a structure that does not meet the criteria in *Section 5.143(C)(2)*, or the modification of a previously approved wireless communication facility, shall not require site plan review by the Planning Commission. Approval of such co-locations and modifications shall follow the process described in *Article 12, Chapter 2*, The Planning Director may administratively approve the placement of additional antenna(s) upon a wireless communication facility. However, the Planning Director may forward any application for a cell tower co-location to the Planning Commission for a standard site plan review upon finding that unique characteristics of the site or the application warrant such consideration.

Deleted: *Section 5.141(C)(2)Section 5.140(C)(2)*

Deleted: *Article 12, Chapter 2Article 12, Chapter 2*

Commented [PS140]: This language was relocated from elsewhere in the wireless regulations.

(a) **Application Completion and Approval.** After an application for the administrative review of a co-location has been filed with the Township, the Township shall have fourteen (14) business days to determine whether the application is complete. If, in those fourteen (14) business days, the Township determines that the application is incomplete and notifies the applicant of the deficiencies, the applicant shall fulfill all deficiencies. When the application is complete, the Township shall have sixty (60) days to issue an approval. If the Township has not acted within sixty (60) days, the application will be deemed approved.

(b) **Failure to Review Application in a Timely Manner.** If the Township fails to notify the applicant that the application is not complete within fourteen (14) business days, then the application shall be deemed complete and the Township shall have sixty (60) days to issue an approval. If the Township has not acted within sixty (60) days, the application will be deemed approved.

(c) **Administrative Review Application.** In addition to the application requirements of *Section 12.201(B)*, the administrative review application for a WCA shall include the following:

(i) The plans must include the location, dimensions, topography (minimum 2 foot contours), tower height, setbacks, easements, parking, fencing, landscaping, landscape maintenance agreement, adjacent uses, property lines, right-of-way lines, and an aerial photograph of the site taken within three years of the date of application.

(ii) The elevation drawings of the tower or support facility must show the location and height of existing and proposed wireless communication antenna arrays, and available locations for future co-locations. The scaled elevation drawings

shall label the operator of each existing wireless communication antenna array located on the wireless communication tower or support facility.

(iii) A structural analysis of the tower by a structural engineer registered in the State of Michigan that the tower can support the additional equipment.

(d) **Removal Security.** If approved, the applicant must provide the Township with a cash removal bond in an amount determined by the Planning Director to be sufficient for removal of the facility should it be abandoned or become obsolete.

(4) **Other Review.** This Section shall not exempt the applicant from such other government review and permitting procedures (i.e., FCC, FAA, etc.).

(D) Wireless Communication Facilities (WCF).

(1) **Zoning District Requirements.** Sites for WCFs shall meet the locational requirements of *Section 5.143(B)*, and may be located on property owned and used by:

Deleted: *Section 5.141(B)Section 5.140(B)*

Deleted: ¶
<#>WCFs shall be permitted by right in nonresidential districts and may be located on a zoning lot containing other principal uses. ¶
¶
<#>WCFs shall require special use approval in agricultural and residential districts. Further, WCFs may be located on property owned and used by:¶

(a) Federal, State or local government entities.

(b) Schools, colleges and universities.

(c) Utility companies.

(d) Cemeteries.

(e) Public parks and recreational facilities, golf courses and associated facilities (public and private).

(f) Religious and other institutional entities.

(2) **Lot Area Requirements.**

(a) In agricultural and residential zoning districts, WCFs shall be located on a zoning lot of not less than two (2) acres; though the portion of the zoning lot leased to a WCF may be less than two (2) acres.

(b) In nonresidential districts, WCF may be located within an area smaller than the required minimum lot area provided the zoning lot complies with the applicable minimum lot area for the existing principal use or is a nonconforming lot.

(c) In all zoning districts, that portion of the zoning lot leased for a WCF shall be subjected to the requirements of this Section, rather than the entire zoning lot, unless otherwise provided herein.

(d) To facilitate co-location, zoning lots or portions of zoning lots proposed to be occupied by a WCF shall be adequately sized and configured to allow the future placement of co-locator(s) equipment shelter(s).

(3) **Setback Requirements.** The WCF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this Section. Minimum yard requirements shall be measured from the boundary of the zoning lot to the closest portion of WCF.

(4) **Landscape Requirements.** All WCFs shall have a landscape buffer so that the base of the WCF and accessory equipment structure or storage area shall be screened from any right-of-way or adjacent property regardless of use or zoning district. Such landscape buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental benefits while at the same time providing the visual buffer required hereby. Such landscape buffer shall consist of shrubs planted leaf-to-leaf as a hedge which shall reach a height of not less than six (6) feet at maturity and conifers of a species approved by the Planning Commission unless safety requirements of the principal use required otherwise (i.e., utility substations).

(5) **Required Fencing.** Fencing shall be provided for protection of the support structure and the safety of children and other persons who may otherwise access facilities which may be unsafe. The Planning Commission shall determine the height of required fencing. Further, the Planning Commission may require the installation of decorative fencing based on the character of adjacent existing land use.

(6) **Sign Provisions.** A WCF shall not be used for advertising purposes and shall not contain any signs except one (1) sign which shall identify the service provided and emergency telephone numbers.

(7) **Personal Prohibition.** A WCF shall require no personnel on the premises except as necessary for maintenance and repair.

(8) **Off-Street Parking.** At least one (1) off-street parking space shall be provided for service vehicles.

(9) **Equipment Storage Shelter.** If a WCF requires an equipment storage structure, the storage shelter shall not be greater than fifteen (15) feet in height and shall meet all zoning requirements.

(10) **Standards for Wireless Communication Support Facilities (WCSF).**

(a) **WCSF Design.** The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the user or co-location. WCSF shall not have any shiny or metallic finish.

(b) **Height Limitation.** The maximum permitted height of WCSF shall be one hundred fifty (150) feet. Further, all WCSF's over one hundred (100) feet in height shall be designed for co-location.

(c) **Compliance with Structural Codes.** All WCSF shall be constructed in compliance with all applicable construction codes, which includes the Electronic Industries

Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.

(d) **Sign Provisions.** The WCSF shall not be used for advertising purposes and shall not contain any signs except one (1) sign which shall identify the service provider and emergency telephone numbers.

(e) **Compliance with Federal Regulations.** The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.

(f) **Replacement of Existing WCSF.** An existing WCSF which was lawful the time of its construction may be replaced for purposes of accommodating co-location of additional WCA's provided that:

(i) A replacement WCSF shall not exceed a total height of one hundred fifty (150) feet, or if the existing WCSF has an approved height greater than one hundred fifty (150) feet, the replacement WCSF shall not exceed the approved height.

(ii) 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.

(iii) The applicant shall cause the existing WCSF to be removed within ninety (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 one hundred eighty (180) days of the Township's final construction inspection of the replacement WCSF.

(iv) If the location of the replacement WCSF is such that the existing WCSF must be moved before replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the Township's final construction inspection of the replacement WCSF.

(11) **Planning Commission Review.** The installation of a WCF shall require site plan review and be subject to site plan approval by the Planning Commission. The Planning Commission shall review and take action on all such requests consistent with the requirements of this Ordinance. Further, any WCF proposed in a nonresidential district which is within three hundred (300) feet of a lot occupied by a residential use or a residential zoning district shall require special approval subject to *Article 12, Chapter 3* of this Ordinance. The distance between the WCF and residentially used lot or residential zoning district shall be measured in a straight line from the nearest property line upon which the proposed WCF is intended to be located to the nearest property line of the residential lot or residentially zoned property.

(a) After an application for site plan and/or special approval review has been filed with the Township, Township staff or consultants shall have fourteen (14) business days to determine whether the application is complete. If, in those fourteen (14) business days, the Township determines that the application is incomplete and notifies the applicant of the deficiencies, the applicant shall fulfill all deficiencies. When the application is complete, the Planning Commission shall have ninety (90) days to approve or deny the application. If the Planning Commission has not acted within ninety (90) days, the application will be deemed approved.

(b) If the Township fails to notify the applicant that the application is not complete within fourteen (14) business days, then the application shall be deemed complete and the Planning Commission shall have ninety (90) days to approve or deny the application. If the Planning Commission has not acted within ninety (90) days, the application will be deemed approved.

(12) Other Reviews. This Section shall not exempt the applicant from such other government review and permitting procedure (i.e. FCC, FAA, etc.).

(E) Application Requirements for WCFs.

(1) Site Plan Required.

(a) A site plan prepared in accordance with the requirements of *Article 12, Chapter 2* of this Ordinance shall be submitted.

(b) The site plan shall also include a detailed landscaping plan prepared in accordance with the requirements of this Ordinance.

(2) Engineer Certification. A certification by a State of Michigan licensed professional engineer which details the manner in which the proposed WCSF will fail, must be provided. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the WCSF and other structures.

(3) Site Justification.

(a) The application shall include a map showing existing and known proposed WCFs within Van Buren Charter Township, and further showing existing and known WCFs within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.

(b) The application shall include a map showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.

(c) If a proposed WCF is not entirely surrounded by nonresidential zoning districts, a written justification shall be submitted explaining why sites surrounded by developed commercial or industrial uses are not suitable.

(4) **Emergency Contacts.** 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 WCF is on the premises.

(5) **Co-location Commitment.**

(a) The application must include a statement in the application of its good faith intent to allow the co-location of the WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-location entity. If co-location is not part of the application then the applicant must demonstrate in the application why co-location not possible.

(b) A model co location lease agreement shall be provided for review.

(6) **Performance Guarantee.** A description of security to be deposited 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. In this regard, the security shall be in a form approved by the Township's attorney establishing the land in question as security for removal.

(F) **Review and Approval Criteria.**

(1) **Approval Criteria for all WCSF's.** A new WCF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCF which cannot be met by placing WCA on an existing WCSF or on other structures, or replacement of an existing WCSF. Information concerning the following factors shall be provided by the applicant and considered by the Planning Commission in determining that such a need exists:

(a) Insufficient structural capacity of existing WCSF's or other suitable structures and the feasibility of reinforcing or replacing an existing WCSF;

(b) Unavailability of suitable locations to accommodate system design or engineering on existing WCSF or other structures;

(c) Radio frequency interference or other signal interference problems at the existing WCSF or other structures;

(d) Other factors which demonstrate the reasonable need for the new WCSF;

(e) The denial of the application for the proposed WCF will result in unreasonable discrimination among providers of fundamentally equivalent personal wireless communication or services and/or will have the effect of prohibiting the provision of personal wireless communication services;

(f) The refusal of owners or parties who control the WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.

(2) Additional Criteria for WCF Requiring Special Use Approval.

(a) A WCF proposed to be located at the site of a historic landmark or in a designated historic district maybe denied if the WCF would detract from the historic character of the historic landmark or district.

(b) The Planning Commission may require a visual impact analysis to enable the Township to assess the visual impact of the WCSF. Such analysis may include graphic representations or other acceptable methods to demonstrate the visual impact of WCSF on the surrounding properties.

(G) Removal of Abandoned WCSFs.

(1) Required Removal. Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this Section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for one hundred eighty (180) days or more.

(2) Township Removal. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCF, or the Township may place a lien on the property to cover costs for the removal of the WCF. A lien on the property shall be superior to all other liens except taxes.

(H) Variances and Appeals.

(1) General Provisions. Variances from this Section may be requested from the Board of Zoning Appeals.

(2) WCSF Height Modification. Requests for additional height beyond the permitted maximum height in *Section 5.143(C)* to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for co-location of additional WCA, so long as such additional height does not exceed thirty (30) feet. Appeals of a Planning Commission decision shall be taken to the Board of Zoning Appeals.

Deleted: *Section 5.141(C)Section 5.140(C)*