CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
MAY 1, 2017 WORK STUDY MEETING 4:00 P.M.
TENTATIVE AGENDA

ROLL CALL:

Supervisor McNamara	_____	Trustee Miller	_____
Clerk Wright	_____	Trustee White	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Frazier	_____	Attorney McCauley	_____
Trustee Martin	_____	Secretary Montgomery	_____

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on Ordinance 5-2-17 (2) to rezone parcel V125-83-093-01-0021-001 (40631 Alden Dr.) from C-1 (General Commercial) to R-1C (Single Family Residential).
2. Discussion on Ordinance 5-2-17 (1) the Charter Township of Van Buren Zoning Ordinance.
3. Discussion on entering into the regional 2016 Assistance for Firefighters Grant Program and amendment to line item: 101-336-741-000.
4. Discussion on the inter-governmental agreement between the Charter Township of Van Buren and the City of Belleville for emergency dispatch and lockup services.
5. Discussion on the Summer Youth Employment Program (The REAL).
6. Discussion on developing a dog part at Riggs Park (12945 Martinsville Rd.) or other location.

PUBLIC COMMENT:

CLOSED SESSION:

ADJOURMENT:

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 5/01/17
1ST READING: 5/02/17
2ND READING: 5/16/17

Consent Agenda____ **New Business__X__** Unfinished Business_____ Public Hearing_____

ITEM (SUBJECT)	To consider approval of the 1st & 2nd reading of Ordinance #05-02-17 (2) to rezone parcel V125-83-093-01-0021-001, otherwise known as 40631 Alden Drive, from C-1 (General Commercial) to R-1C (Single Family Residential).
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers, AICP, Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	N/A

Agenda topic

ACTION REQUESTED

To consider approval of the 1st & 2nd reading of Ordinance #05-02-17 (2) to rezone parcel V125-83-093-01-0021-001, otherwise known as 40631 Alden Drive, from C-1 (General Commercial) to R-1C (Single Family Residential).

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

The Planning Commission has received an application to rezone the property located at 40631 Alden Drive from C-1 (General Commercial) to R-1C (Single Family Residential). I have prepared an analysis of this request in my staff report dated April 7, 2017.

The Planning Commission held a public hearing on this rezoning request on April 12, 2017 and at that meeting the Planning Commission recommended that the Township Board approve the rezoning request. I have attached the rezoning application, the public hearing mailing, minutes of the April 12, 2017 Planning Commission meeting, an area map, and the staff report prepared for the rezoning request for your review. I look forward to the Township Board's discussion on the matter.

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	If the 1st reading is approved the Township Board will have to conduct a 2nd reading of the Zoning Ordinance amendment.

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval

ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	J. McNamara

CHARTER TOWNSHIP OF VAN BUREN
WAYNE COUNTY, MICHIGAN
ORDINANCE 05-02-17(2)

AN ORDINANCE TO AMEND THE CHARTER TOWHSHIP OF VAN BUREN ZONING ORDINANCE 06-02-92, AS AMENDED, BY AMENDING THE ZONING MAP IN CONNECTION THEREWITH.

The Charter Township of Van Buren Ordains:

SECTION 1. ORDINANCE AMENDMENT.
The Zoning Map in connection with the Charter Township of Van Buren Zoning Ordinance shall be amended as follows:

> **Ordinance No. 05-02-17(2)**
> A request to amend the Charter Township of Van Buren Zoning Ordinance 06-02-92, as amended, to amend the zoning map by rezoning parcel V125-83-093-01-0021-001, otherwise known as 40631 Alden Drive, from C-1 (General Commercial) to R-1C (Single Family Residential).

This property is located on the south side of Alden Drive which is located off Haggerty Road between the I-94 South Service Drive and W. Huron River Drive.

SECTION 2. SEVERABILITY
In the event any article, section, paragraph, sentence, clause, or word of this ordinance is deemed invalid or unconstitutional by any court of competent jurisdiction, such portion deemed severable and shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. REPEALER.
Any and all ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 4. EFFECTIVE DATE.
The provisions of this Ordinance are hereby ordered to take effect seven (7) days after publication of the notice of adoption in a newspaper of general circulation within the Township. This Ordinance shall be immediately recorded by the Township Clerk in the Township Ordinance Book as soon as it is adopted, which record shall be authenticated by the signatures of the Supervisor and Clerk and shall be published in a newspaper of general circulation in the Township within fifteen (15) days of passage. A copy of this Ordinance may be purchased or inspected at the Clerk's Office, 46425 Tyler Road, Van Buren Township, MI 48111 during normal business hours.

This Ordinance is hereby declared to have been adopted by the Board of Trustees of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a Regular Meeting, called and held on the 16 day of May, 2017.

YEAS:
NAYS:
ABSENT:
ABSTAINED:

I hereby approve the foregoing Ordinance,

Leon Wright, Clerk

Kevin McNamara, Supervisor

Adopted: May 16, 2017
Published: May 25, 2017
Effective: June 02, 2017

PLANNING & ZONING APPLICATION

Case number 17-006 *Date Submitted* 2-7-17

Samantha

APPLICANT INFORMATION

Applicant Stephen Drahos Phone 734 507 9436 734-262-0437
Address 40631 Alden Fax
City, State Belleville, MI Zip 48111
E:mail stevedrahos1@icloud.com Cell Phone Number
Property Owner Same Phone
(if different than applicant)
Address Fax
City, State Zip
Billing Contact Same Phone
Address Fax
City, State Zip

SITE/ PROJECT INFORMATION

Name of Project
Parcel Id No. V125-83- 093-01-0021-001 Project Address 40631 Alden
Attach Legal Description of Property
Property Location: On the E Side of Haggerty Road; Between 194 Service Drive E. Road
and Huron River Road. Size of Lot Width Depth
Acreage of Site 0.39 Total Acres of Site to Review Current Zoning of Site Commercial
Project Description:
Rezone from commercial → Residential

Is a re-zoning of this parcel being requested? Yes YES (if yes complete next line) NO
Current Zoning of Site C-1 Requested Zoning R1-C

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? N 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

Stephen Drahos
Print Property Owners Name

Signature of Property Owner 1/30/17 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 1/11/06

Memo

DATE: April 7, 2017

TO: Planning Commission

FROM: Ron Akers, AICP – Director of Planning & Economic Development

RE: 17-006 Rezoning Request of 40631 Alden Drive

Staff Report

File Number: 17-006

Site Address: 40631 Alden Drive

Parcel Number: 125-83-093-01-0021-001

Parcel Size: 0.398 Acres

Location: Alden Road, East of Haggerty & South of I-94 South Service Drive

Applicant: Stephen Drahos, 40631 Alden Drive, Van Buren Township, MI 48111

Property Owner: Same as applicant.

Request: Applicant is requesting to rezone their existing property located at on Alden Drive from C-1, General Commercial to R1-C, Single Family Residential.

Zoning and Existing Use: C-1, Single Family Residential.

Adjacent Zoning and Existing Uses:

North: R1-C (Single Family Residential) & Single Family Residential
East: C-1 (General Commercial) & Single Family Residential
South: C-1 (General Commercial) & Vacant
West: R1-C (Single Family Residential) & Single Family Residential

Other: Public hearing notices were published in the Belleville Area Independent on March 23, 2017 and notices were sent to all property within 300' of the subject property prior to March 23, 2017 in accordance with the Michigan Zoning Enabling Act.

Summary:

The applicant has requested to rezone the above specified property from C-1, General Commercial to R1-C, Single Family Residential. The primary intent of the applicant is to eliminate the legal non-conforming use status of the property so they can construct an addition onto their home. Staff has reviewed this request based on the Township's Master Plan and current Zoning Ordinance. Please consider the following:

Master Plan:

The Southside Master Plan designates this area as having a future land use designation as Low Density Residential B. The Low and Medium Single Family future land use designation is described as follows:

"Low and Medium Density Single Family: The Low and Medium Density Single Family land use categories are intended to permit single family residential development consistent with recent development patterns between Hull Road and Belleville Lake. The permitted maximum density in the Single Family land use categories ranges from 1.75 to 4 units per acre, with the minimum lot area ranging from 10,000 to 20,000 square feet. The Low Density Single Family A category corresponds to the R-1A zoning district, the Low Density Single Family B category corresponds to the R-2A zoning district, and the Medium Density Single Family B category corresponds to the R-1B zoning district."

The Southside Master Plan also includes a table which address the densities of the Future Land Use Categories. This is as follows:

Table 6.1
Recommended Density and Minimum Lot Area
Single Family Residential Land Use Areas

Future Land Use Category	Recommended Density	Recommended Min Lot Area
Rural Settlement	1 unit/acre	1 acre
Low Density Single Family A	1.75 – 2 units/acre	20,000 sq. ft.
Low Density Single Family B	2.5 – 2.9 units/acre	15,000 sq. ft.
Medium Density Single Family A	3.5 – 4 units/acre	10,000 sq. ft.
Village Residential	4.1 – 5 units/acre	8,400 sq. ft.

The Township's Zoning Ordinance indicates that the minimum lot size for the R1-C zoning district is 8,400 square feet and the minimum required parcel width is 70 feet which is more consistent with the Village Residential zoning designation. The Low Density Residential B designation is more consistent with the R2-A zoning district which requires a minimum lot area of 15,000 square feet. The square footage of the subject property is approximately 17,300 square feet and the width is approximately 60 feet. Based on this the property would not be able to be split and take advantage of the smaller minimum lot area offered by the R1-C zoning district. Due to this and due to the same uses being allowed for all residentially zoned property, the rezoning of the property to R1-C would be consistent with the Township's Master Plan.

Additionally, the residentially zoned parcels in the surrounding area are currently zoned R1-C as well.

Zoning:

Existing C-1, General Commercial: The General Business District, as established in this Article 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.

This existing zoning district is not consistent with the low density residential designation in the South Side Master Plan nor is it consistent with the existing residential neighborhood in the immediate vicinity.

Proposed R1-C, Single Family Residential: The R1-C district primarily allows for single family residential uses on minimum 8,400 square foot lots. Permitted uses include single family detached dwellings; public parks; local governmental uses; schools; private swimming pools; home occupations; adult foster care; and family day care homes. Special uses in the district include child care centers; public utility buildings; golf courses; bed and breakfast establishments; group day care homes; churches; and adult day care centers.

Other Considerations:

The property is located in an existing residential neighborhood and has frontage on a gravel road. The surrounding properties are zoned R1-C which is consistent with many of the properties in the area around Belleville Lake. This property is adjacent to a property to the south which has frontage on Haggerty Road and C-1 General Commercial zoning. The property also is adjacent to the property to the east which also has a single family residential dwelling and is zoned C-1. Neither the subject parcel nor the parcel to the east are compliant with the Township's Master Plan and the current C-1 zoning is not consistent with the existing residential neighborhood.

The rezoning will have little if any additional impact on current traffic or infrastructure. The proposed R1-C district is consistent with how the property is currently being used and due to the width of the parcel on Alden Drive, it would not be able to be split without obtaining a variance from the Board of Zoning Appeals. The request should not hinder community need for commercial property as there are several vacant commercially zoned areas in the Township.

Recommendation:

Staff recommends that the Planning Commissions recommend approval of the request to amend the Township's Zoning Map by rezoning the property located at 40631 Alden Drive parcel #125-

83-093-01-0021-001 from C-1, General Commercial to R1-C, Single Family Residential based upon the following reasons:

A. The R1-C, Single Family Residential zoning district would be consistent with the residential properties in the immediate area.
B. The proposed rezoning would be consistent with the provisions in the Southside Master Plan which indicate that single family residential uses should be located in this area.
C. The applicant would be unable to split the property due to not having sufficient parcel width for two parcels so thus the applicant would have to maintain their existing parcel size.
D. The proposed rezoning would be more appropriate for the infrastructure on the residential road.
E. The proposed rezoning does not create any shortages of available vacant commercially zoned property in the Township.

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
PUBLIC HEARING

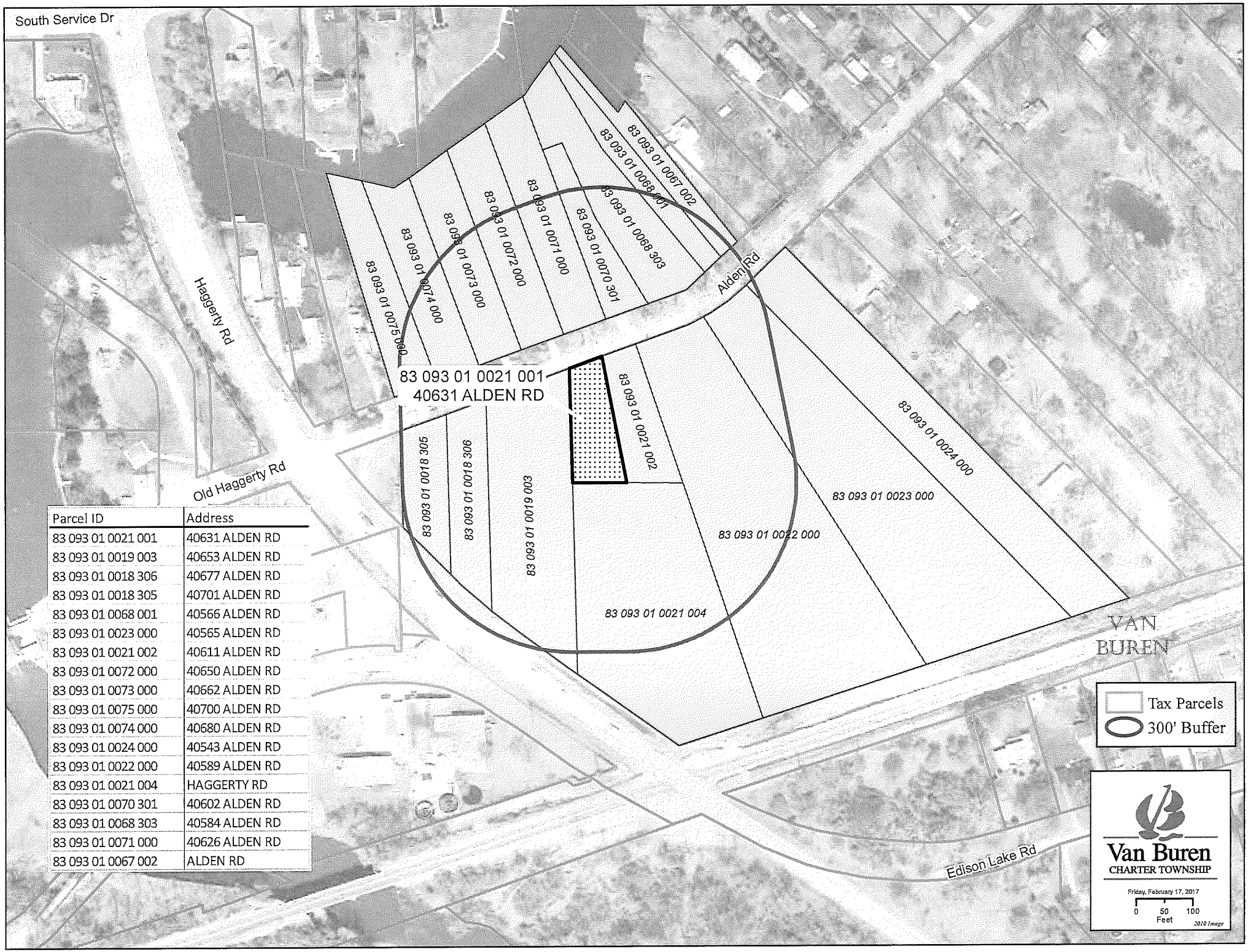
Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing on **Wednesday, April 12, 2017 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider a request to rezone the following described parcels.

Case 17-006: The property located at 40631 Alden Dr. (parcel tax ID number **V-125-83-093-01-0021-001),** is the subject parcel of this hearing. The subject parcel measures approximately 0.39 acres, and is located on Alden Drive, east of Haggerty Road. The Public Hearing is in regards to amending the Charter Township of Van Buren zoning map by rezoning the subject property from **C-1 (General Commercial) District to R1-C (Single Family Residential) District**.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48111 or by e-mail at rakers@vanburen-mi.org. Written comments will be accepted until 4:00 p.m. on the hearing date and 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: March 15, 2017
Published: March 23, 2017



Parcel ID	Address
83 093 01 0021 001	40631 ALDEN RD
83 093 01 0019 003	40653 ALDEN RD
83 093 01 0018 306	40677 ALDEN RD
83 093 01 0018 305	40701 ALDEN RD
83 093 01 0068 001	40566 ALDEN RD
83 093 01 0023 000	40565 ALDEN RD
83 093 01 0021 002	40611 ALDEN RD
83 093 01 0072 000	40650 ALDEN RD
83 093 01 0073 000	40662 ALDEN RD
83 093 01 0075 000	40700 ALDEN RD
83 093 01 0074 000	40680 ALDEN RD
83 093 01 0024 000	40543 ALDEN RD
83 093 01 0022 000	40589 ALDEN RD
83 093 01 0021 004	HAGGERTY RD
83 093 01 0070 301	40602 ALDEN RD
83 093 01 0068 303	40584 ALDEN RD
83 093 01 0071 000	40626 ALDEN RD
83 093 01 0067 002	ALDEN RD

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
APRIL 12, 2017
MINUTES - DRAFT

Chairperson Thompson called the meeting to order at 7:33 p.m.

ROLL CALL:
Present: Jackson, Boynton, Atchinson, Budd, Franzoi and Thompson.
Excused: Kelley.
Staff: Director Akers and Secretary Harman.
Planning Representatives: McKenna Associate, Patrick Sloan.
Audience: Three (3).

APPROVAL OF AGENDA:
Motion Jackson, Atchinson second to approve the agenda of April 12, 2017 as presented. Motion Carried.

APPROVAL OF MINUTES:
Motion Budd, Atchinson second to approve the regular meeting minutes of March 22, 2017 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 **ZONING ORDINANCE ADOPTION**

TITLE: **VAN BUREN TOWNSHIP IS CONDUCTING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A NEW ZONING ORDINANCE. THIS NEW ZONING ORDINANCE REFLECTS A COMPREHENSIVE UPDATE TO THE CURRENT ZONING ORDINANCE.**

Motion Boynton, Jackson second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his memo dated March 2, 2017 detailing the history of the zoning ordinance review process including meeting dates and sections of the zoning ordinance that were reviewed. Mr. Sloan summarized and discussed the major changes made to the ordinance.

No comments from the Commission or the audience.

Motion Boynton, Franzoi second to close the public hearing. Motion Carried.

ITEM # 2 **CASE #17-006**

TITLE: **REZONING 40631 ALDEN DRIVE (C-1, GENERAL COMMERCIAL TO R1-C, SINGLE FAMILY RESIDENTIAL)**

LOCATION: **THIS SITE IS LOCATED AT 40631 ALDEN DRIVE, WHICH IS LOCATED SOUTH OF THE I-94 SERVICE DRIVE AND EAST OF HAGGERTY ROAD.**

Motion Budd, Jackson second to open the public hearing. Motion Carried.

Owner/Applicant Steve Drahos gave the presentation. Mr. Drahos is requesting the rezoning of the property from C-1, General Commercial to R1-C, Single Family Residential to add an addition to the existing home. The rezoning of the property will allow for the size of the addition that the owner/applicant needs.

Director Akers presented his review letter dated April 7, 2017. Staff recommends that the Planning Commission recommend approval of the request to amend the Township's Zoning Map by rezoning the property located at 40631 Alden Drive from C-1, General Commercial to R1-C, Single Family Residential based upon the five (5) reasons referenced in his review letter.

No comments from the Commission or the audience.

Motion Atchinson, Jackson second to close the public hearing.

NEW BUSINESS:

ITEM # 1 **CASE #17-006**

TITLE: **REZONING 40631 ALDEN DRIVE (C-1, GENERAL COMMERCIAL TO R1-C, SINGLE FAMILY RESIDENTIAL)**

LOCATION: **THIS SITE IS LOCATED AT 40631 ALDEN DRIVE, WHICH IS LOCATED SOUTH OF THE I-94 SERVICE DRIVE AND EAST OF HAGGERTY ROAD.**

No questions or comments from the Commission or the audience.

Motion Jackson, Boynton second to recommend to the Township Board of Trustees approval of the request to amend the Township's Zoning Map by rezoning the property located at 40631 Alden Drive, parcel number V125-83-093-01-0021-001 from C-1, General Commercial to R1-C, Single Family Residential based upon the five (5) reasons referenced in Director Akers review letter dated March 3, 2017. Motion Carried.

Roll Call:
Yeas: Atchinson, Budd, Boynton, Jackson, Franzoi and Thompson.
Nays: None.
Absent: Kelley.
Motion Carried.

GENERAL DISCUSSION:

Director Akers discussed the Qualification Committee that interviewed three Planning firms to provide general planning services to the Township. The Committee is recommending McKenna Associates to the Board of Trustees next week.

Commissioner inquired about the status of the gas station at Michigan Avenue/Denton Road. Director Akers informed the Commission and the audience that building permits have been issued for the gas

station and the applicant has acquired the MDOT property for the sidewalk. Commissioner inquired about the status of the Township acquiring DNR lakefront property. Director Akers informed the township has submitted an application to acquire the DNR property and are awaiting a response.

Motion Boynton, Atchinson second to adjourn at 8:02 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: 05/01/17
1ST READING: 05/02/17
2nd READING: 05/16/17

Consent Agenda____ **New Business__X__** Unfinished Business_____ Public Hearing_____

ITEM (SUBJECT)	To consider approval of the 1st and 2nd reading of Ordinance #05-02-17(1) which is the Charter Township of Van Buren Zoning Ordinance.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers, AICP & Patrick Sloan, AICP
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Matthew Best, MS

Agenda topic

ACTION REQUESTED

To consider approval of the 1st and 2nd reading of Ordinance #05-02-17(1) which is the Charter Township of Van Buren Zoning Ordinance.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

This requested action is regarding the adoption of the newly updated Township Zoning Ordinance. Please see attached letters and supporting information for additional information.

BUDGET IMPLICATION	No direct impact on the budget
IMPLEMENTATION NEXT STEP	After 1st and 2nd reading are approved a notice of adoption will be posted in the paper.

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Will bring to 5/1/17 Work Study

ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

BOARD OF TRUSTEES

SUPERVISOR
Kevin McNamara

CLERK
Leon Wright

TREASURER
Sharry A. Budd

TRUSTEE
Sherry A. Frazier

TRUSTEE
Kevin Martin

TRUSTEE
Reggie Miller

TRUSTEE
Paul D. White

April 25, 2017

Township Board of Trustees
46425 Tyler Road
Van Buren Township, MI 48111

RE: Consideration of Ordinance 05-02-17(1) which is a comprehensive update to the Township's Zoning Ordinance.

Honorable Trustees,

The Township's Planning Commission has worked with McKenna & Associates and Township Staff since September of 2014 to work on a comprehensive modernization of the Township Zoning Ordinance. This action has comprehensively updated the existing Zoning Ordinance to ensure we are implementing best practices and to ensure we are compliant with state law. In addition to this the changes also transformed the format of the Ordinance so that it is user friendly and easy to use for developers and homeowners. This new Ordinance reflects several changes to the language of the existing Zoning Ordinance. We did not start from scratch for the process, but rather we built upon our existing Zoning Ordinance.

The Planning Commission assigned a subcommittee which reviewed the Zoning Ordinance section by section from late-2014 until early-2016. This subcommittee recommended several minor housekeeping changes to the Ordinance as well as some major updates to various sections in order to make it more consistent with the Township's Master Plan and sub-area plans. After this review was completed, the Planning Commission split the Zoning Ordinance into six (6) sections and reviewed the changes at their regular meetings between mid-2016 and now. As a result of these meetings the update to the Zoning Ordinance has been thoroughly vetted to ensure the quality of the document.

The Planning Commission held a public hearing at their April 12, 2017 meeting, with no comments from the public. They will consider making a recommendation at their April 26, 2017 regular meeting, which I will bring along with any additional comments received to the Township Board meeting on May 1, 2017. I have attached to this cover letter the public hearing notice for the new Zoning Ordinance, the minutes of the April 12, 2017 meeting, and a summary of the major changes from our planning consultant. Lastly, I have attached the marked up version of the new Zoning Ordinance which shows all of the proposed modifications to the current language.

If you have any questions or would like to discuss this matter further, please contact me.

Sincerely,

Ron Akers, AICP
Director of Planning and Economic Development

46425 Tyler Road, Van Buren Twp., MI 48111-5217 Website: vanburen-mi.org
Telephone 734-699-8900 Fax 734-699-5213

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 Public Hearing

DATE: March 2, 2017

Introduction. At the September 28, 2016 Planning Commission meeting, we discussed the ongoing updates to the existing Zoning Ordinance and proposed a series of meetings to review all of the proposed articles. So far, the following 5 meetings have been held:

- **Meeting 1 (October 12, 2016):** Review of Article 12 (Administrative Procedures), Article 13 (Administrative Organization), and Article 14 (Nonconformities).
- **Meeting 2 (October 26, 2016):** Review of Article 3 (Zoning Districts and Permitted Uses), Article 4 (Schedule of Regulations), and Article 5 (Development Standards for Specific Uses).
- **Meeting 3 (November 9, 2016):** Review of Article 8 (Environmental Performance) and Article 10 (Landscaping and Screening).
- **Meeting 4 (December 14, 2016):** Review of Article 9 (Parking, Loading, and Access Management) and Article 11 (Signs).
- **Meeting 5 (January 11, 2017):** Review of Article 6 (Supplemental Zoning District Standards) and Article 7 (General Provisions)
- **Meeting 6 (February 8, 2017):** Review of Article 2 (Definitions), Mixed-Use (M-U) District in Article 3, and Belleville Road Overlay District (BROD) in Article 6.

At the conclusion of the meeting on February 8th, the Planning Commission determined that the Zoning Ordinance was ready for a formal public hearing and scheduled the public hearing for March 8th. Throughout our meetings, the Planning Commission asked many great questions and made several changes to the draft Zoning Ordinance. In addition to many minor changes that have been made, the following major changes have been incorporated into the draft Zoning Ordinance dated February 16, 2017:

- In **Section 3.118(D)(1)**, additional standards were added to the Airport (AP) District to allow administrative review for certain activities at a public airport (i.e., Willow Run Airport). The proposed changes are intended to expedite plan review at Willow Run Airport to encourage additional economic development.
- In **Section 6.308(A)(3)**, additional text was added to allow the Planning Commission to increase or decrease the number of required bicycle parking spaces in the Belleville Road Overlay District based on expected demand and available areas lot locate bicycle parking. This will allow the Planning Commission the flexibility to adjust the standard on a site-by-site basis.
- In **Section 3.120**, the newly-adopted Belleville Lake Shoreline Districts was added.
- In **Section 3.119(F)**, the build-to line along major roads in the Mixed-Use District was increased from 55 feet to 65 feet to allow for the required 10 feet of landscape area between the sidewalk and the parking lot.

- The **Country Club** land use has been provided its own definition in **Article 2**, removed from the list of uses that include Outdoor Recreation, Private Parks, Gun Clubs, and Golf Driving Ranges in **Section 5.132**, and added as a Special Land Use in the R-1A, R-2A, R-1B, and R-1C districts in **Sections 3.104** and **3.106**. Please note that if a Country Club includes any other use (such as a golf course), it will also be subject to the standards of that other use.
- For **Planned Residential Developments (PRD's)**, **Section 6.209** has been modified to require the paving of the access road to be complete within 2 years of construction commencement or prior to the issuance of building permits for 80% of the dwelling units in the PRD, whichever occurs first. In **Section 6.220**, a new phase shall not commence until the preceding phase has been completed. These 2 changes will prevent some of the problems of the past when the developer would begin new phases without fulfilling his obligations to complete work required in the prior phases.
- In **Section 7.203(C)(2)**, provisions were added to allow open decks, paved terraces, and patios at or below the finished first floor level of the building to encroach up to 6 feet into the required front yard setback area. Although a railing and roof are also permitted, the roof may not be higher than the first story and shall not encroach more than 6 feet into the setback. This will allow older subdivision homes built at the front yard setback line (e.g., Haggerty Sub), to have a small open front porch.
- In **Section 5.116(D)**, the maximum number of attached single-family dwelling units permitted in a single building was reduced from 10 to 6. This will break up long stretches of building and provide a better appearance of a neighborhood. Because buildings with more than 6 attached units are rare in the current housing market, the proposed change will not discourage development.
- In **Section 7.207** (Solar Energy Systems) and **Section 7.208** (Wind Energy Systems), these 2 uses were put into their own sections because of their unique characteristics. Additionally, standards were added that prohibit these systems from interfering with aircraft communications systems or navigation equipment. These regulations are common and are even recommended by the solar and wind energy industries.

We look forward to the public hearing at the March 8, 2017 Planning Commission meeting.

CHARTER TOWNSHIP OF VAN BUREN
Planning Commission
April 12, 2017
7:30 P.M.
PUBLIC HEARING

The Charter Township of Van Buren Planning Commission will conduct a public hearing at Van Buren Township Hall, 46425 Tyler Road, Van Buren Township, MI 48111 to consider the adoption of a new Zoning Ordinance in Van Buren Township.

Please address any written comments to the Van Buren Township Planning Commission at, 46425 Tyler Road, Van Buren Township, MI 48116 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: March 16, 2017
Published: March 23, 2017

CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
APRIL 12, 2017
MINUTES - DRAFT

Chairperson Thompson called the meeting to order at 7:33 p.m.

ROLL CALL:
Present: Jackson, Boynton, Atchinson, Budd, Franzoi and Thompson.
Excused: Kelley.
Staff: Director Akers and Secretary Harman.
Planning Representatives: McKenna Associate, Patrick Sloan.
Audience: Three (3).

APPROVAL OF AGENDA:
Motion Jackson, Atchinson second to approve the agenda of April 12, 2017 as presented. Motion Carried.

APPROVAL OF MINUTES:
Motion Budd, Atchinson second to approve the regular meeting minutes of March 22, 2017 as presented. Motion Carried.

PUBLIC HEARING:

ITEM # 1 **ZONING ORDINANCE ADOPTION**

TITLE: **VAN BUREN TOWNSHIP IS CONDUCTING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A NEW ZONING ORDINANCE. THIS NEW ZONING ORDINANCE REFLECTS A COMPREHENSIVE UPDATE TO THE CURRENT ZONING ORDINANCE.**

Motion Boynton, Jackson second to open the public hearing. Motion Carried.

Patrick Sloan of McKenna Associates presented his memo dated March 2, 2017 detailing the history of the zoning ordinance review process including meeting dates and sections of the zoning ordinance reviewed at previous Planning Commission meetings. Mr. Sloan summarized and discussed major changes made to the ordinance including: standards added to the Airport District, added text to allow the Planning Commission the ability to increase or decrease the number of bicycle spaces required in the Belleville Overlay District, the addition of the newly adopted Belleville Lake Shoreline Districts, Mixed Use District changes, the addition of a Country Club land use definition, changes to Planned Residential Developments (PRD's) paving requirements and new phase requirements, reducing the maximum number of single-family dwelling units in a building and the addition of standards for solar energy systems.

No comments from the Commission or the audience.

Motion Boynton, Franzoi second to close the public hearing. Motion Carried.

ITEM # 2 **CASE #17-006**

TITLE: **REZONING 40631 ALDEN DRIVE (C-1, GENERAL COMMERCIAL TO R1-C, SINGLE FAMILY RESIDENTIAL)**

LOCATION: **THIS SITE IS LOCATED AT 40631 ALDEN DRIVE, WHICH IS LOCATED SOUTH OF THE I-94 SERVICE DRIVE AND EAST OF HAGGERTY ROAD.**

Motion Budd, Jackson second to open the public hearing. Motion Carried.

Owner/Applicant Steve Drahos gave the presentation. Mr. Drahos is requesting to rezone the property from C-1, General Commercial to R1-C, Single Family Residential to add an addition to the existing home. The rezoning of the property will allow for the size of the addition that the owner/applicant desires.

Director Akers presented his review letter dated April 7, 2017. Staff recommends that the Planning Commission recommend approval of the request to amend the Township's Zoning Map by rezoning the property located at 40631 Alden Drive from C-1, General Commercial to R1-C, Single Family Residential based upon the five (5) reasons referenced in his review letter.

No comments from the Commission or the audience.

Motion Atchinson, Jackson second to close the public hearing.

NEW BUSINESS:

ITEM # 1 **CASE #17-006**

TITLE: **REZONING 40631 ALDEN DRIVE (C-1, GENERAL COMMERCIAL TO R1-C, SINGLE FAMILY RESIDENTIAL)**

LOCATION: **THIS SITE IS LOCATED AT 40631 ALDEN DRIVE, WHICH IS LOCATED SOUTH OF THE I-94 SERVICE DRIVE AND EAST OF HAGGERTY ROAD.**

No questions or comments from the Commission or the audience.

Motion Jackson, Boynton second to recommend to the Township Board of Trustees for approval of the request to amend the Township's Zoning Map by rezoning the property located at 40631 Alden Drive, parcel number V125-83-093-01-0021-001 from C-1, General Commercial to R1-C, Single Family Residential based upon the five (5) reasons referenced in Director Akers review letter dated March 3, 2017 (letter attached):

1. **The R-1C, Single Family Residential zoning district would be consistent with the residential properties in the immediate area.**
2. **The proposed rezoning would be consistent with the provisions in the Southside Master Plan which indicate that single family residential uses should be located in this area.**

3. **The applicant would be unable to split the property due to not having sufficient parcel width for two parcels so thus the applicant would have to maintain their existing parcel size.**
4. **The proposed rezoning would be more appropriate for the infrastructure on the residential road.**
5. **The proposed rezoning does not create any shortages of available vacant commercially zoned property in Van Buren Township.**

Roll Call:
Yeas: Atchinson, Budd, Boynton, Jackson, Franzoi and Thompson.
Nays: None.
Absent: Kelley.
Motion Carried.

GENERAL DISCUSSION:

Director Akers discussed the Qualification Committee that interviewed three Planning firms to provide general planning services to the Township. The Committee is recommending McKenna Associates to the Board of Trustees next week.

Commissioner inquired about the status of the gas station at Michigan Avenue/Denton Road. Director Akers informed the Commission and the audience that building permits have been issued for the gas station and the applicant has acquired the MDOT property for the sidewalk. Commissioner inquired about the status of the Township acquiring DNR lakefront property. Director Akers informed the Commission and the audience that the township has submitted an application to acquire the DNR property and are awaiting a response.

Motion Boynton, Atchinson second to adjourn at 8:02 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary

DRAFT

Charter Township of Van Buren

Zoning Ordinance

DRAFT DATED: April 21, 2017

Amended: _____

Effective: _____

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Article 1 Short Title, Purpose, and Scope

Section 1.101 Short Title (currently Article 1)

This Ordinance shall be known as the Zoning Ordinance of the Charter Township of Van Buren.

Section 1.102 Purpose and Intent (currently at the beginning)

An Ordinance to regulate and restrict the use of land and buildings by dividing the Charter Township of Van Buren into districts; to define certain terms therein; to impose regulations, prohibitions and restrictions governing the location, erection and construction of structures and buildings to be used for business, industry, residence, social purposes and other specified purposes; to regulate and determine the use of lands including the size of yards and other open spaces; to regulate and limit the height and bulk of buildings and other structures; to regulate and limit the streets by providing for the off-street parking and loading of vehicles; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to establish the boundaries of districts; to create a Board of Zoning Appeals (BZA), to define and limit the powers and duties of the Board, and to set standards to guide actions of the Board; to provide the means of enforcing the Ordinance and to provide penalties for violation of the Ordinance.

Section 1.103 Preamble (currently at the beginning)

In accordance with the authority and intent of Act 110 of the Public Acts of 2006, as amended, the Charter Township of Van Buren desires to provide for the orderly development of the Township, which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce or residents. The Township further desires to meet the needs of the Township's residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships so as to avoid incongruous and incompatible uses of land; to limit the overcrowding of land and congestion of population, transportation systems and necessary off-street parking and loading areas for different types of land use and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service facility requirements; and to assure that all uses of land and buildings within the Charter Township of Van Buren be so related as to provide for economy in government and mutual support. This Ordinance is intended to implement and be in accordance with the Township's master plan in order to promote and protect the public health, safety, comfort, convenience and general welfare of all persons in the Charter Township of Van Buren.

Section 1.104 Interpretation (currently 20.01)

In interpreting and applying the provision of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, private deed restrictions, or other agreements between parties.

Commented [PS1]: This section is at the very beginning of the Zoning Ordinance, though it doesn't currently have a section number.

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Commented [PS2]: This section is at the very beginning of the Zoning Ordinance, though it doesn't currently have a section number.

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Commented [PS3]: The language regulating conflicts is in Section 1.106.

Deleted: , provided, however that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such Ordinance or agreements, the provision of this Ordinance shall control

Section 1.105 Validity and Severability (currently Article 22)

This Ordinance and the various articles, section, paragraph and thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 1.106 Conflicting Regulations (currently 4.02 and Article 23)

Whenever any provision of this Ordinance imposes more stringent requirements or limitations than are imposed by the provisions of the Township Building Code or of any other law or Ordinance, the provisions of this Ordinance shall govern. Where two (2) or more provisions of this Ordinance conflict, the more restrictive provision shall prevail.

Deleted: All other Ordinances and parts of Ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are

Deleted: hereby repealed.

Section 1.107 Repeal

All previous Zoning Ordinances and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of previous Zoning Ordinances and amendments thereto does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Commented [PS4]: The Zoning Ordinance should have a section repealing all previous Zoning Ordinances.

Section 1.108 Enactment and Effective Date (currently Article 24)

This is hereby declared to have passed second reading by the Township Board of the Charter Township of Van Buren, Wayne County, Michigan at a meeting thereof regularly scheduled and held and shall be effective upon publication in the manner prescribed by law.

FIRST READING:
SECOND READING:
PUBLISHED:

Article 2 Definitions

Section 2.101 General (currently 2.01)

When not inconsistent with the context, words used in the present tense include the future tense, words need in the singular number include the plural number and words need in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. Terms not herein defined shall have the meanings customarily assigned to them.

Section 2.102 Specific Terms (currently 2.02)

(A) The following terms shall have the following meaning:

(1) **ACCESSORY BUILDING**: A building or portion of a building subordinate to and on the same lot as a principal building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.

(2) **ACCESSORY STRUCTURE:** A structure, or portion of a structure subordinate to and on the same lot as the principal building(s) and occupied by or devoted exclusively to an accessory use.

(3) **ACCESSORY USE:** A use customarily incidental, subordinate and devoted exclusively to the principal use of the premises.

(4) **ADULT FOSTER CARE, FAMILY HOME:** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

(5) **ADULT FOSTER CARE, LARGE GROUP HOME:** An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.

(6) **ADULT FOSTER CARE, SMALL GROUP HOME:** An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

(7) **ADULT FOSTER CARE FACILITY:** A governmental or nongovernmental establishment that provides foster care to adults. Subject to Michigan Public Act 218 of 1979, as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, child caring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institution, and any other use excluded under Act 218 of 1979, as amended.

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Commented [PS5]: The last portion of the definition was deleted so that the definition in the Zoning Ordinance was the same as the definition in P.A. 218 of 1979.

Deleted: Beginning four (4) years after the effective date of Act 218, Public Act 1979 (approved January 16, 1980), an adult foster care large group home which is licensed by the State to provide foster care in each respective category may receive only those adults in a category whose primary need for services is based upon not more than one (1) of the following categories:¶
<#>¶
<#>**a.** Aged condition.¶
<#>¶
b. . Mental illness, developmental disability or physical handicap or a combination of mental illness, development disability or physical handicap.

Commented [PS6]: This is a modified definition in the State Act (218 of 1979, as amended) to help Van Buren Township better administer the Zoning Ordinance by more clearly defining what is (and is not) an "adult foster care facility."

(8) ADULT MOTION PICTURE THEATER: An enclosed building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas" (as defined below), for observation by patrons therein. "Specified Sexual Activities" for the purpose of this Section are defined as follows:

(a) Human male genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And "Anatomical areas" are defined as follows:

(a) **a.** Less than opaquely covered; (i) human genitals, pubic region, (ii) buttock and (iii) female breast below a point immediately above the top of the areola:

(b) **b.** Human male genitals in discernible turgid state, even if completely and opaquely covered.

(9) AIR FREIGHT FORWARDER: A premises and building utilized for the loading or unloading of trucks concerned with the delivery to or receipt of freight shipped via aircraft. Such facility may include, as an accessory use, warehouse space necessary for the transitory storage of air freight. An air freight forwarder that includes facilities designed to accommodate the simultaneous loading or unloading of more than one (1) truck per four thousand (4,000) square feet of gross floor area shall be considered a truck terminal and shall be subject to all restrictions of this Ordinance for truck terminals.

(10) AIRPORT AND RELATED FACILITIES: Airports, heliports, landing areas, runways, taxiways, aircraft hangers and tie down areas, approach surface, transitional surfaces, and terminals incidental to the airport operation.

(11) AIRPORT COMMERCIAL AND SERVICE ESTABLISHMENTS: 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."

(12) ALLEY: A public way which affords a secondary means of access to abutting property and which is not intended for general traffic circulation.

(13) ALTERATION: Any change, addition or modification in construction or type of occupancy of a building or any change in the structural members of a building, such as walls, partitions, columns, beams or girders. A structural alteration shall include any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

Commented [PS7]: This definition is from existing Section 16.02A.

Commented [PS8]: This definition is from existing Section 16.02A.

Commented [PS9]: This text is copied directly from the definition of "Structural Alteration" so that the terms don't conflict.

(14) APARTMENT OR APARTMENT UNIT: A room or suite of rooms in an apartment house arranged and intended as a place of residence for a single family living together as a single housekeeping unit.

(15) APARTMENT HOUSE: A building or portion thereof used or designed as a residence for three (3) or more families living in apartment units with two (2) or more units having common access to and from the building.

(16) ARCHITECTURAL FEATURE: Non-structural features of a building which are customarily permanent, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

(17) ASHES: The residue from burning of wood, coal, coke, refuse, wastewater or other combustible materials.

(18) AUTOMOBILE REPAIR: All general repair and reconditioning of motor vehicles, including engine rebuilding, repair of collision damage, overall painting and vehicle rust proofing. (see also definitions of "Vehicle Service, Major" and "Vehicle Service, Minor")

(19) AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof and surrounding area, the primary purpose of which is washing motor vehicles. Automatic automobile wash establishments shall be in a completely enclosed building. All automobile wash establishments may include steam cleaning but shall not include rustproofing.

(20) BALCONY: An exterior platform attached to the building.

(21) BANKS AND FINANCIAL INSTITUTIONS: Banks, credit unions, savings and loan associations, investment companies, brokerage firms, and similar financial institutions, including automatic teller machines as an accessory use.

(22) BARN: A farm building used for the storing of grain, hay and other farm products and/or for the sheltering of livestock and/or machinery used in the commercial production of farm products.

(23) BAY WINDOW: An architectural feature that is generally a U-shaped enclosure, extending the interior space of the building outward of the exterior building wall.

(24) BASEMENT: An area of a building having part, but not less than one-half (1/2) of its height below the average level of the adjoining finished grade on all sides of the building. A basement shall not be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet.

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(25) BED AND BREAKFAST ESTABLISHMENT: A private residence that offers rental sleeping accommodations to registered guests. The owner resides in the establishment while managing the renting of the rooms to registered guests. Food and/or beverages can be served at no extra cost/at an included cost to the registered guests.

(26) BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets or lying between one (1) intersecting street and a railroad right-of-way, un-subdivided acreage, river or live stream or lying between any of the foregoing and any other barrier to the continuity of development.

(27) BOARD: The Board of Trustees of the Charter Township of Van Buren.

(28) BUILDABLE AREA: That portion of space of a lot which does not include the minimum yard, open space, right-of-way, and easement requirements for the lot.

(29) BUILDING: A temporary or permanent structure of any kind, having a roof supported by columns or walls, not including tents or vehicles situated on private property. When any portion of a building is completely separated from the remainder of a building by division walls from the ground up without openings allowing access to the remainder of the building, each such portion shall be deemed a separate building.

(30) BUILDING, ACCESSORY: See definition of "Accessory Building."

(31) BUILDING, MAIN OR PRINCIPAL: The building in which is conducted the principal use of the lot on which it is situated.

(32) BUILDING DEPARTMENT: The Building Department of the Charter Township of Van Buren.

(33) BUILDING INSPECTOR: The official or inspector of the Township, or his/her authorized representative, responsible for administering and enforcing the applicable building codes.

(34) BUILDING LINE: A line established parallel to the front lot line which establishes the general limit of the projection of a building situated on a lot toward the front lot line.

(35) BUILDING PERMIT: A written permit issued by the Building Inspector authorizing the construction, removal, relocation or alteration of a building in conformity with the provisions of this Ordinance.

(36) BULKY WASTES: Large items of refuse, including but not limited to, appliances, vehicles, flotage, furniture, large auto parts, tires, trees, branches and stumps.

(37) CALIPER: The diameter of a tree trunk measured at eighteen (18) inches above the ground below.

(38) CAMPGROUND: An area for recreational camping in tents, travel trailers, pickup campers, motor homes, and folding tent trailers for periods not to exceed twenty (20) days.

(39) CAMPSITE: An area within a campground for use for camping by not more than two (2) tents or one (1) travel trailer, pickup camper, motor home, or folding tent trailer.

Commented [PS10]: There is a definition of "Billboard" in Article 11.

Deleted: <#>**BILLBOARD:** Any structure or portion thereof upon which a sign may be displayed outdoors to the general public.¶
¶

Commented [PS11]: "Boarding House" is not regulated anywhere in the Zoning Ordinance, so it is deleted and substituted with a definition of "Bed and Breakfast Establishment."

Deleted: <#>**BOARDING HOUSE:** A building, not including a hotel, motel or convalescent or nursing home, where meals, or combination of lodging and meals are offered on a commercial basis to three (3) or more persons by per-arrangement for defined periods of not less than one (1) week.¶
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Commented [PS12]: Text from the proposed "recreational vehicle" definition was added to be more inclusive.

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Commented [PS13]: Text from the proposed "recreational vehicle" definition was added to be more inclusive.

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(40) CARPORT: A building, not larger than the principal building on the lot, which is not completely enclosed and which is used primarily for the storage of motor vehicles for the private use of the occupants of the lot or for the private storage of such vehicles and not more than one (1) commercial vehicle not exceeding a gross vehicle weight rating of ten thousand (10,000) pounds.

(41) CLOSURE OF QUARRY OR SOLID WASTE FACILITY: The effective or actual completion of the planned operation of a quarry or solid waste facility as prescribed by the Township special use permit and other appropriate County or State permit applications.

(42) CLUB: A non-profit organization of persons for special purposes, such as the advancement of agricultural, sports, arts, science, literature or politics, or for social or recreational activities.

(43) CLUSTER HOUSING: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally sensitive areas.

(44) COLLECTION CENTER: A tract of land or structure used to collect and store junk motor vehicles and farm implements.

(45) CO-LOCATION: The use of a wireless telecommunication tower by more than one (1) wireless telecommunication provider.

(46) COMMERCIAL VEHICLE: All vehicles used for the transportation of passengers for hire or constructed or used for transportation of goods, wares or merchandise, including such as may be designed to draw or to be drawn by other vehicle.

(47) COMMISSION: The Charter Township of Van Buren Planning Commission.

(48) COMMON OPEN SPACE: An area of land and/or water within a Planned Residential Development (PRD) site intended for the use and enjoyment of all residents.

(49) CONDOMINIUM ACT: Public Act 59, 1978, as amended.

(50) CONDOMINIUM COMMON ELEMENTS: Portions of the condominium project other than the condominium units.

(51) CONDOMINIUM GENERAL COMMON ELEMENTS: includes:

(a) The land in the condominium project;

(b) The foundations, main walls, roofs, halls, lobbies, stairway entrances, exits or communication ways;

(c) The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;

Deleted: rated capacity of three-fourth (3/4) ton

Commented [PS14]: 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

Commented [PS15]: The closure of a quarry or solid waste facility will be determined by the State and the permit, as stated in Article 8.

Deleted: If a quarry or solid waste facility ceases operations for more than one hundred and eighty (180) days, it shall be deemed a closure.

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(d) The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated;

(e) The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air-conditioning, reservoirs, water tanks and pumps the like;

(f) The elevators, incinerators and, in general, all devices or installations existing for common use; and;

(g) All other elements of the condominium project owned in common and intended for the common use or necessary to the existence, upkeep and safety of the project (refer to attached diagram).

(52) CONDOMINIUM LIMITED COMMON ELEMENTS: Those common elements which are reserved in the master deed for the exclusive uses of less than all of the co-owners.

(53) CONDOMINIUM PROJECT: A plan or project consisting of not less than two (2) condominium units established in conformance with the condominium act.

(54) CONDOMINIUM SUBDIVISION PLAN: Site, survey and utility plans; floor plans; and Sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements. The condominium subdivision plan shall also include the adopted site plan and/or Exhibit B as required by P.A. 59 of 1978, as amended.

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(55) CONDOMINIUM UNIT: That portion of the condominium project designed and intended for separate fee simple ownership and use, as described in the master deed.

(56) CONTRACTOR ESTABLISHMENT, INDOOR: Electrical, glazing, painting, paper hanging, plumbing, roofing, exterminator, or ventilation contractors' establishments, excluding outside storage yards.

(57) CONVALESCENT OR NURSING HOME: A home which qualifies for a license under State law for the care of children or aged or infirm persons or as a place of rest or convalescence for those suffering from bodily disorders.

(58) COURT: An open, unoccupied space other than a yard which is located on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

(59) COUNTRY CLUB: A chartered, nonprofit membership club with recreation facilities for members, their families, and invited guests, provided that any related recreation activity (e.g., golf course, driving range, etc.) shall comply with its development standard and be reviewed in accordance with this Ordinance.

(60) DAY CARE FACILITIES: As used in this Ordinance, the following definitions shall apply to day care facilities:

(a) **DAY CARE OR CHILD CARE, FAMILY HOME:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All family day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

Deleted: DAY CARE

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(b) **DAY CARE OR CHILD CARE, GROUP HOME:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. All group day care homes shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

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(c) **DAY CARE CENTER, ADULT:** A center other than a private home where one (1) or more functionally impaired persons other than preschool or school age children are received for care and supervision and as further specified in this Ordinance. Convalescent homes, nursing homes and housing for the elderly are not included in this definition. Such businesses, however, may establish adult day care centers within their own facilities as a permitted accessory use, if such use is permitted within the district. All adult day care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency.

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(d) **DAY CARE CENTER, CHILD:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day and as further specified in the Ordinance. The facility also may be described as a day care center, a day nursery, nursery school, parent cooperative preschool, play room, before- or after-school program, or drop-in center. All child care centers shall be registered with or licensed by the Michigan Department of Licensing and Regulatory Affairs or successor agency. Refer to Public Act 116 of 1973, as amended, for a list of facilities that are excluded from the definition of "Child Care Center" or "Day Care Center."

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(61) DISTRIBUTION CENTER: Any building that meets one (1) or more of the following criteria:

(a) Any warehouse, or warehouse portion of a building, that measures more than two hundred fifty thousand (250,000) square feet in gross floor area.

(b) Any building measuring more than twenty-five thousand (25,000) square feet in area and incorporating any combination of uses, which is the origin and/or destination point of goods being transported for storing, transferring, loading and/or unloading and which is designed to accommodate the simultaneous loading or unloading of more than one (1) truck per eight thousand (8,000) square feet of gross floor area but not more than one (1) truck per four thousand (4,000) square feet of gross floor area. Such truck loading or unloading facilities shall include, but shall not necessarily be limited to, truck docking births, bays or any space inside or outside of a building or trans-shipment point designed for loading or unloading, but shall not include at-grade doors. Dock doors used exclusively for trash compactors shall also not be included. Any building, or portion of a building, that is designed to accommodate the simultaneous loading or unloading of more than one (1) truck per eight thousand (4,000) square feet of gross floor area shall be defined as a "Truck Terminal."

(62) DRIVE, SHARED ACCESS or DRIVE, CROSS-ACCESS: A private drive serving multiple businesses and/or multiple lots. These drives also provide access between abutting land and public roads. Shared access drives and cross-access drives offer a lower level of mobility than a street and are generally designed only for traffic generated by the properties served. A single site driveway is not considered a shared access drive.

(63) DRIVE-IN OR DRIVE-THRU ESTABLISHMENT: A retail or service establishment providing a driveway approach or parking spaces designed and used to service patrons remaining in motor vehicles, such as drive-in restaurants, cleaners, banks or theaters.

(64) DWELLING, MULTIPLE-FAMILY: A building or portion thereof containing three (3) or more dwelling units and designed for occupancy by one (1) family per dwelling unit living independently of each other, including apartment houses, row, terrace and townhouse dwellings, but not including mobile homes.

(65) DWELLING, MULTIPLE HIGH RISE: An apartment house higher than two and one-half (2.5) stories or thirty (30) feet.

(66) DWELLING, QUADRUPLEX: Four (4) attached dwellings in one (1) structure in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with adjoining unit or units.

(67) DWELLING, ROW, TERRACE OR TOWNHOUSE: One (1) or more dwelling units each of which is laterally attached to another by a common wall and each of which has a separate access outdoors.

(68) DWELLING, SINGLE-FAMILY: An attached building containing not more than one (1) dwelling unit designed for residential use of one (1) family only, provided the requirements of *Section 5.114* are met.

(69) DWELLING, TWO-FAMILY: A detached building containing two (2) dwelling units and designed for occupancy exclusively by two (2) families living independently of each other.

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<#>Any building of any size incorporating a warehouse, where the warehouse measures more than two hundred fifty thousand (250,000) square feet in gross floor area.¶

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Deleted: or more one (1) families

Deleted: not less than five (5) stories in height

Commented [PS16]: The maximum height of an apartment building is 2.5 stories or 30 feet, so a multi-family high rise would be any apartment building higher than this.

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Commented [PS17]: The definition of "Dwelling, Single-Family" contained development standards, which have been appropriately relocated to Article 5.

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¶
a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.¶
¶
b. . It has a minimum width across front, side and rear elevations of twenty-four (24) feet and complies in all respects with the Township 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 Township building code, then and in that event, such Federal or State standards or regulations shall apply: further provided that the provisions of the Section shall not have the effect of making single-family dwelling which exist as of the effective date of this amendment, non-conforming.¶
¶
c. It is firmly attached to permanent foundation constructed on the site in accordance with the Township 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 applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein Housing and Urban Development (HUD) Mobile 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 the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.¶
¶
d. . In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.¶
¶
e. The dwelling is connected to public sewer and water supply or to such private facilities approved by the local health department.¶
¶
f. . The dwelling contains storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of stand construction equal to or of better quality than the principal dwelling. This 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.¶
...

(70) DWELLING UNIT: Any house or building or portion thereof having cooking facilities which is designed for occupancy solely as the home, residence or sleeping place of one (1) family, either permanently or temporarily, not including a recreational vehicle, automobile chassis, or portable building. Where a building is occupied only in part as defined in the foregoing sentence, the part as occupied shall be deemed to be a dwelling unit or dwelling units.

Commented [PS18]: Because "travel trailer" and "tent" are included in the proposed "recreational vehicle" definition, this was changed to be more encompassing.

Deleted: travel trailer

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(71) EFFICIENCY UNIT: A dwelling unit consisting of one (1) room and having such facilities as kitchen, closets, bathrooms and hallways in or immediately adjoining such room.

(72) ELDERLY HOUSING - DEPENDENT: A multiple-family housing type with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities but must contain sanitary facilities. Includes but is not limited to the following:

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(a) CONGREGATE CARE: a housing type with individual cooking facilities in each dwelling unit but also has a central dining service option available. Limited medical is available.

(b) ASSISTED LIVING: a housing type without individual cooking facilities with only central dining service available. Limited medical care is also available.

(c) CONVALESCENT OR NURSING HOME: a housing type with sleeping rooms, where persons are housed or lodged and furnished with meals and 24 hour licensed nursing care.

(73) ELDERLY HOUSING – INDEPENDENT: A multiple family housing type with full facilities for self-sufficiency in each individual dwelling unit also known as a retirement village or community.

(74) ERECTED: Built, constructed, reconstructed, moved upon or otherwise made subject to any physical operations, including excavation, filling, drainage and similar operations.

(75) ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions of underground, surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, or collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including building, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience or welfare.

(76) EVENT FACILITIES: Facilities that host large events such as wedding chapels and banquet halls.

(77) EXCAVATING: The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever is higher.

(78) EXCAVATION OR SOIL EXCAVATION: The extraction, mining or quarrying of any kind of nature from the earth for sale or use by the operator of mineral aggregates such as soil, clay, sand, gravel or stone includes any processes such as crushing, screening, scalping, dewatering and blending.

(79) EXPANDABLE CONDOMINIUM: A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with the condominium regulations of the Zoning Ordinance and the Condominium Act.

(80) FAMILY: "Family" means either of the following:

(a) An individual or group of two (2) or more persons living together and related by the bonds of blood, marriage or adoption, together with foster children and domestic staff of the principal occupants and not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or

(b) The functional equivalent of the domestic family, that is, a collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuous, non-transient, domestic character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited determinable period.

(81) FARM: The land, buildings and machinery used in the commercial production of farm products, on site, containing no less than ten (10) contiguous acres. There shall be no minimum lot size for farms that meet all of the requirements of this Ordinance and the Michigan Right to Farm Act, as amended.

(82) FARM OPERATION: A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor in accordance with the Michigan Right to Farm Act, as amended.

(83) FARM PRODUCT: Those plants and animals useful to human beings and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish apiaries, equine and other similar products or any other product which incorporates the use of food, feed, fiber or fur in accordance with the Michigan Right to Farm Act, as amended. The phrase "farm product" shall not be interpreted to include the commercial slaughtering of farm animals.

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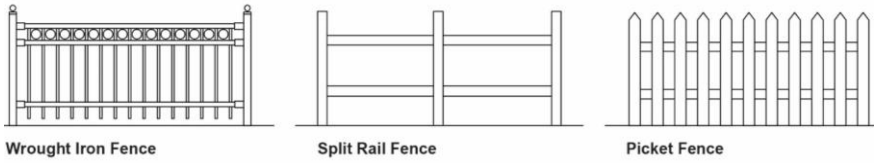
Commented [PS19]: The Michigan Court of Appeals has ruled against a municipality for imposing a minimum lot area for a farm because the lot area requirement conflicted with the Right to Farm Act. Therefore, if a farm complies with the Michigan Right to Farm Act and the district permits commercial agriculture, the minimum lot size cannot be enforced.

(84) FENCE: A structural barrier composed of posts carrying boards, rails, pickets, or wire or to iron structures consisting of a vertical or horizontal bars or open work.

(85) FENCE, DECORATIVE: An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. Examples of decorative fence include, but are not limited to, split rail fence, wrought iron fence, and picket fence with at least twenty-five percent (25%) of the area of its vertical plane open to light and air. Decorative fencing does not include chain link fence. (See *Figure 1* below)

Figure 1. Decorative Fence Examples



(86) FILLING: The depositing or dumping of any matter onto or into the ground, except depositing or dumping in connection with common household gardening.

(87) FLOOR AREA: The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center line of a wall separating two (2) buildings, including:

(a) Such area of a basement when more than one-half (½) of the basement height is above the average finished lot grade;

(b) Such area of any elevator shafts and stairwells at each floor;

(c) Such area used for mechanical equipment (except equipment, open or enclosed, located on a roof;

(d) Such area of any attic having headroom of seven (7) feet, ten (10) inches (7' -10") or more; and

(e) Such area of any interior balconies and mezzanines, but not including:

(i) Any such area devoted to off-street parking loading; or

(ii) The area of any room or space specifically excluded by this Ordinance.

(88) FLOOR AREA, USABLE. See definition of "Usable Floor Area."

(89) GARAGE, COMMERCIAL: A building used for the storage of motor vehicles and/or for the repair, rebuilding, reconstruction, greasing, washing or servicing of motor vehicles. (see also definitions of "Vehicle Service, Major" and "Vehicle Service, Minor")

(90) GARAGE, COMMUNITY: A building used for the storage of motor vehicles or residents of dwelling units on the same or adjacent block or blocks and includes community garages providing incidental services to stored vehicles.

(91) GARAGE, PRIVATE: An enclosed accessory building not larger than the principal building on the lot, used primarily for the storage of motor vehicles for the private use of the occupants of the lot or for the private storage of such vehicles and not more than one (1)

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commercial vehicle not exceeding a gross vehicle weight rating of ten thousand (10,000) pounds.

(92) GARAGE, STORAGE: Any premises except a private garage, used exclusively for the storage of motor vehicles.

(93) GASOLINE FILLING STATION: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the retail sale of minor accessories, but not including any automotive service repair.

(94) GASOLINE SERVICE STATION: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the retail sale of minor accessories and Minor Vehicle Service, but not Major Vehicle Services. (see also definitions of "Vehicle Service, Major" and "Vehicle Service, Minor")

(95) GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES: Those practices as defined by the Commission of Agriculture of the State of Michigan.

(96) GRADE: The natural or finished elevation of an area as determined by the Township Engineer or the Wayne County Road Commission.

(97) GREENBELT: An area of land which is planted and maintained in accordance with *Section 10.103(E)* of the Ordinance.

(98) GROSS LEASABLE AREA: The total floor area designed for occupancy and exclusive use of tenants, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

(99) HEALTH OR EXERCISE CLUB OR SPA: Physical, culture, or health establishments, including gymnasiums, reducing salons, masseurs, or steam baths" but excluding Regulated Uses (massage parlors, etc.).

(100) HEIGHT OF BUILDING: The vertical distance from the established grade of the center of the front of a building to the highest point of the roof surface of a flat roof to the deck line for a mansard roof or to the mean height level between the eaves and ridge for hip, gable and gambrel roofs. (See

Commented [PS20]: 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

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Deleted: including major automotive repair, such as body work, work with requires the removal of the engine and similar efforts

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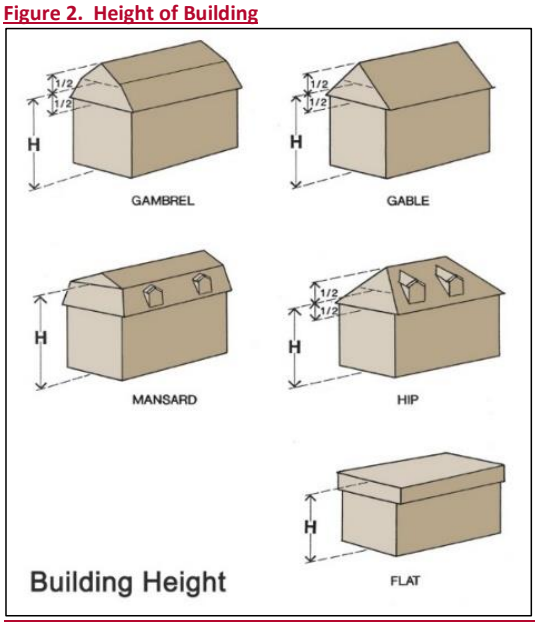
(101) Figure 2 below)

Figure 2. Height of Building



(102) HIGH TECH, DATA PROCESSING, AND COMPUTING CENTERS: Uses include, but are not limited to, alarm and security businesses, phone message centers, telemarketing businesses, data processing and computer centers (including service and maintenance of electronic equipment and other computer related services), and high technology service uses which have as their principal function the providing of services, including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services. "High Tech, Data Processing, and Computing Centers" that are smaller scale and are primarily office uses may be classified by the Planning Director as an "Office, Professional" use.

Commented [PS21]: "High Tech, Data Processing, and Computer Centers" includes the text in current Sections 14.02(5), (6), and (8)

(103) HOME OCCUPATIONS: Any use customarily conducted entirely within a dwelling unit by the inhabitant thereof which is incidental and secondary to the use of the dwelling unit for dwelling purposes not requiring internal or external alterations or construction features or the use of equipment, machinery, outdoor storage, or signs not customary in residential areas. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, bed and breakfast establishments, animal hospitals, kennels, millinery ships, and uses of similar character shall not be deemed to be home occupations.

(104) HOSPITAL: An institution providing medical or surgical or other health services primarily to inpatients, including integral related health facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff officers.

(105) HOTEL: A building occupied or used on a commercial basis as temporary residence for individuals or groups of individuals with or without meals, containing more than five (5) sleeping rooms and may also contain cooking facilities in any individual room.

(106) INDOOR RECREATION: Indoor commercial amusement services such as bowling alleys, skating rinks, billiard halls, stadium and sports arenas, movie theaters (excluding drive-in theaters), dance halls, and other indoor recreational facilities.

(107) INSTRUCTIONAL SERVICES, OUTDOOR: Instructional services which require all or some portion of their process or service to be conducted out of doors, such as truck driving ranges, construction equipment practices, physical fitness training center, and similar uses.

(108) JUNK: Any motor vehicles, machinery, appliances, products, merchandise, scrap metals or other scrap materials that are damaged, deteriorated, deficient or are in any condition which cannot be used for the purpose that the product was manufactured.

(109) JUNK YARD: Any area of more than two hundred (200) square feet used for the storage, keeping or abandonment of junk, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts, thereof, including wrecking yards but not including an area where performances of such activities are carried on entirely within enclosed buildings.

(110) KENNEL: Any lot or premises on which dogs are kept for any commercial purposes, including but not limited to boarding, breeding, and training.

(111) LABORATORY: A place devoted to experimental or routine scientific study, such as testing, research, design, pilot or experimental product development, and analytical operations, but not including a place used for any manufacturing purposes. See definitions of "Laboratory, Minor" and "Laboratory, Major."

(112) LABORATORY, MINOR. A laboratory that does not involve any danger of fire, explosion, offensive noise, vibration, smoke, odors, heat, humidity, glare, or objectionable effects.

(113) LABORATORY, MAJOR. A laboratory that may involve, or have a high probability of involving, any danger of fire, explosion, offensive noise, vibration, smoke, odors, heat, humidity, glare, or objectionable effects.

(114) LAKE, PRIVATE: Any body of water, except a public lake, which is entirely owned by one (1) person, group of persons, partnership or corporation.

(115) LAKE, PUBLIC: Any body of water which is open to the public and which is accessible to the public via publicly owned lands, waters or highways contiguous thereto or via the bed of a navigable stream, which may be used for navigation, fishing, hunting or other lawful purposes and which is reasonably cable of supporting a beneficial public interest.

(116) LANDFILL: Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used, and properly licensed and permitted, to collect, store,

Commented [PS22]: Although the current hotel regulations prohibit cooking in a room, many modern hotels now have kitchen facilities, especially for extended stay guests. Therefore, we recommend permitting kitchen facilities in hotels.

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Commented [PS23]: This is new definition because the uses in C-1 and C-2 provided the entire definition. Now, they will simply state "Indoor Recreation."

Commented [PS24]: This definition is from a description in Section 15.03(e).

Commented [PS25]: This definition is from a description in Section 12.02(p)

handle, dispose of, bury, cover over or otherwise accept or retain refuse as defined and described herein.

(117) LOADING SPACE: An off-street area on the same lot with a building or group of buildings used for temporary parking of a commercial vehicle during the loading and unloading of merchandise or materials.

(118) LOT: An area of land, which may consist of lots of record and/or parcels or parts thereof, occupied or intended for occupancy by not more than one main building or dwelling unit, unless otherwise specifically provided in this Ordinance. The definition of "lot" shall also include subdivision lots and site condominium unit lot.

(119) LOT AREA: The total horizontal area within the lot lines of a lot.

(120) LOT COVERAGE: The part of a lot occupied by buildings or roofed structures including accessory buildings or structures.

Commented [PS26]: "Lot Coverage" typically includes roofed structures (including awnings and breezeways) but excludes open patios and porches.

(121) LOT DEPTH: The mean horizontal distance from the front lot line to the rear lot line.

(122) LOT LINES: The property lines bounding the lot. Lot lines shall consist of front lot lines, rear lot lines, side lot lines, interior lot lines and street or alley lot lines as follows (See *Figure 4. Yard Terms*):

(a) FRONT LOT LINE: In the case of an interior lot abutting upon one public or private street, the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall mean that line separating the lot from that street which is designated as the front street in the plat and in the request for a building permit. In the case of a row of double frontage lots, the front lot line for each lot shall mean that line separating the lot from the street which is designated as the front street for all the lots in the plat and in the request for a building permit.

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(b) REAR LOT LINE: That lot line which is opposite and most distant from the front lot line, except that in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases not herein provided for, the rear lot line shall be designated by the Board.

(c) SIDE LOT LINE: Any lot line which is not a front lot line or a rear lot line.

(d) INTERIOR SIDE LOT LINE: The side lot line separating a lot from another lot or lots.

(e) STREET OR ALLEY LOT LINE: A lot line separating the lot from the right-of-way of a street or an alley.

(123) LOT TYPES. Lot types are as follows (refer to):

(a) LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees and a lot abutting upon a curved street or streets shall be considered a corner lot where the arc is of less radius than one hundred fifty (150) feet and the smallest interior angle formed by any two (2) tangents to the curve at points on the street frontage of the lot where the lot lines meet is less than one hundred thirty-five (135) degrees.

(b) LOT, DOUBLE FRONTAGE: An interior lot having frontages on two (2) approximately parallel streets.

(c) LOT, FLAG. A pre-existing nonconforming lot which uses a narrow, unbuildable strip of land that does not meet the frontage requirements of the district in which is it located, which provides access to, or legal frontage on, a public or private street.

(d) LOT, INTERIOR: A lot other than a corner lot, with only one (1) lot line fronting on a street.

Figure 3. Lot Types (Corner, Double Frontage, Flag, and Interior)

(124) LOT WIDTH: The horizontal distance between the side lot lines, measured at the two points where the front yard setback intersects the side lot lines.

(125) LOT, REVERSE FRONTAGE; A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

(126) LOT, SCENIC: A lot having frontage directly upon a scenic area such as a natural or man-made lake, river, pond, or other artificial impoundment of water, a park, or a golf course.

(127) LOT OF RECORD: An area of land which is designated as a lot of record in a subdivision plat or a site condominium unit lot recorded with the Register of Deeds of Wayne County

Commented [PS27]: We recommend measuring the width at the front yard setback line, which will standardize the minimum required width for each zoning district or sub-district.

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or a lot described by metes and bounds, the deed to which has been recorded in the Register of Deeds of Wayne County.

(128) MAJOR THOROUGHFARE: An existing paved highway having a right-of-way of not less than one hundred twenty (120) feet.

(129) MANUFACTURING AND PROCESSING (HEAVY): Includes the following uses and any other similar uses conducted entirely within a completely enclosed building:

Commented [PS28]: This definition is a combination of similar statements from existing Section 16.02, most of which are heavy industrial types of uses.

(a) The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware;

(b) Breweries, bump shops, distilleries, machine shops, metal buffing, plastering and polishing shops, lumber and planing mills, painting and sheet metal shops, undercoating and rust proofing shops and welding shops; and

(c) Accessory buildings and uses customarily incidental to the above uses, including living quarters of a watchman or caretaker.

(130) MANUFACTURING AND PROCESSING (LIGHT): Includes the following uses and any other similar uses conducted entirely within a completely enclosed building:

Commented [PS29]: This definition is a combination of similar statements from existing Section 15.02, most of which are light industrial types of uses.

(a) The assembly, fabrication, manufacture, compounding, processing, packaging, or treatment of such products as cutlery, food products, hardware, pharmaceuticals, toiletries, musical instruments, optical goods, toys, rubber stamps and other small molded rubber products, novelties, electrical instruments (e.g., electric or neon signs, appliances, computers, radios, phonographs, televisions and video recorders) and pottery, figurines, and other ceramic products using only previously pulverized clay;

(b) The manufacture, compounding, assembling, fabrication, packaging, or treatment of products, articles, or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fiberglass, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), sheet metal (excluding large stamping such as automobile fenders and bodies), and yarn;

(c) Tool and die shops, metal working machine shops involving the use of grinding or cutting tools, manufacturing shops for tools, dies, jigs, and fixtures, and the manufacture or assembly of light sheet metal products including heating and ventilating equipment, cornices, eaves and gutters; and

(d) Publishing, printing, forming of boxes and cartons and manufacturing of cardboard products.

(131) MARGINAL ACCESS DRIVE: A paved street within a lot for the purpose of facilitating traffic flow to the principal use of the lot and parking and loading areas thereon.

(132) MARINA: An establishment for the storage, maintenance and servicing of water craft, including docks and other structures and uses customarily incidental thereto.

(133) MASSAGE PARLOR: Any place of establishment where a massage is made available. A massage is any method of treating the superficial parts of a patron for medical, hygienic, exercise or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, or by the application of air, liquid or vapor baths of any kind whatsoever.

(134) MASTER DEED: The condominium document recording the condominium project as approved by the Planning Director to which is attached as exhibits and incorporated by reference and approved bylaws for the project and the approved condominium subdivision plan for the project.

(135) MOBILE HOME: A detached single-family dwelling unit, not including a travel trailer, exceeding twenty-four (24) feet in length, designed to be transported on its own wheels, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections suitable for attachment to appropriate external systems.

(136) MOBILE HOME PARK: A parcel of land designed for the placement of mobile homes for residential use.

(137) MOBILE HOME SITE: An area of land within a mobile home park designed for the accommodation of and occupancy by one (1) mobile home.

(138) MOBILE HOME SUBDIVISION: A subdivision plat recorded with the Register of Deeds of Wayne County, wherein each lot of record is, or is intended to be occupied by one (1) mobile home.

(139) MOTEL: A series of attached, semi-detached, or detached rental units having a separate entrance and containing bedroom, bathroom and closet space. A unit may also contain a kitchenette or kitchen.

(140) MOTOR VEHICLE: Any vehicle which is self-propelled.

(141) NON-CONFORMING BUILDING or NON-CONFORMING STRUCTURE: Any building or structure which was, prior to the effective date of this Ordinance, in existence and in conformance with the provision of all applicable laws, ordinances, regulations and other restrictions, but which does not conform to the provisions of this Ordinance.

(142) NON-CONFORMING USE: Any use of land, buildings or structures, which, prior to the time of the adoption of this Ordinance, was in existence and in conformance with the provisions of all applicable laws, ordinances, regulations and other restrictions, but which does not conform to the provisions of this Ordinance.

(143) NURSING HOME. See definition of "Convalescent or Nursing Home."

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Commented [PS30]: The minimum elevation with of a single-family home is 24 feet, so it would be unreasonable to require a larger width for a mobile home.

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Commented [PS31]: The square footage requirements are properly located in the development standards in Article 5.

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Deleted: shall contain not less than three hundred fifty (350) square feet of floor space and each unit with permitted kitchens or kitchenettes shall contain not less than four hundred and fifty (450) square feet of floor space in each rental unit

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(144) OCCUPIED: Presently occupied or arranged, designed, built, altered, converted to, rented or leased or otherwise intended and approved for the purpose of occupancy.

(145) OFF-STREET PARKING LOT: A facility providing parking spaces, adequate drives and aisles for maneuvering and entrance and exit access for the parking of not less than three (3) motor vehicles.

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(146) OFFICE, PROFESSIONAL: Offices for any of the following occupations: executive, administrative, professional, accounting, legal, insurance, real estate, bankers, writing, clerical or stenographic, drafting, architect, engineer, travel agent, similar occupations, corporate offices, regional or district offices, data processing, radio and television studios, and production and media facilities including printing operations when all phases of the operations are completely enclosed within a structure.

Commented [PS32]: This list of office uses is stated in current Section 11.02 and in the OT District.

(147) OFFICE, MEDICAL AND DENTAL: Medical and dental offices, clinics and research facilities, including auxiliary or accessory laboratories. Such uses may be include sport medicine, medicine, medical wellness, physical therapy, physical medicine, or principally for 24-hour emergency or urgent care. Permitted accessory uses include a pharmacy and medical equipment rental and sales.

Commented [PS33]: This list of office uses is stated in the current OT District.

(148) OPEN AIR BUSINESS USES: Uses not conducted from a wholly enclosed building and operated for profit, including the following uses:

(a) Bicycle, trailer, motor vehicle, mobile home, boat or home equipment sale or rental service, including used automobile sales when no more than six (6) automobiles are advertised for sale at one time.

Commented [PS34]: This text is from current section 12.03(f).

(b) Outdoor display and sale of garages, swimming pools, and similar structures.

(c) Retail sales of fresh fruit, vegetables, and other perishable foods. Permitted Agricultural Retail Sales and Temporary Produce Sales uses are not classified as Open Air Business Uses.

(d) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

(e) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park, outdoor swimming pools and skating rinks or similar recreational use.

(149) OPEN FRONT STORE: A business establishment so developed that service and sale to a patron may be accomplished outside the walls of the structure.

(150) OPEN STORAGE: Outdoor storage of sand, gravel, stone, lumber, equipment and other building materials and supplies.

(151) OTHER WASTES: Garbage, refuse, decayed wood, sawdust, shavings, bark, lime cinders, offal, oil, dye-stuffs, acids, chemicals and all discarded materials other than sewage or industrial waste.

(152) PARCEL: An area of land approved by the Township, which is described by a metes and bounds description and may include a lot of record.

(153) PARKING SPACE: An area meeting the minimum dimensions stated in *Article 9*, not including any necessary drivers, aisles, entrances or exits, which is accessible for the storage or parking of motor vehicles.

(154) PAWN SHOP: The shop of a pawnbroker or one who lends money at interest in exchange for personal property left with him as security.

(155) PERSON: An individual; sole proprietorship, partnership; association: corporation (public or private) that is organized or existing under the laws of Michigan or any other State, including a Federal corporation, any agency or department of the State of Michigan, or any municipality or County of Michigan.

(156) PLACES OF ASSEMBLY: Assembly halls, display halls, convention centers, or similar places of assembly, excluding movie theaters.

(157) PLANNED RESIDENTIAL DEVELOPMENT: An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity and containing one (1) or more residential clusters.

(158) POOL AND BILLIARD HALL: A room or establishment in which the game of pool or billiards is played as the primary source of business.

(159) PORCH, ENCLOSED: An entrance to a building or structure which entrance is covered by a roof, is totally and permanently enclosed and projects from the main wall of the building or structure.

(160) PORCH, OPEN: An entrance to a building or structure, which entrance is covered by a roof, is unenclosed except for columns supporting the roof and projects from the main wall of the building or structure.

(161) POST-CLOSURE OR END USE PLAN: A plan for use of the property after closure of a mine, quarry, or solid waste facility is complete. The plan shall describe all effort that is necessary to restore the site to a safe, attractive, and usable post-closure condition.

(162) PRINTING SHOPS AND ESTABLISHMENTS: Printing, publishing, duplicating, and photographic processing, including blueprinting.

(163) PRIVATE INDOOR INSTRUCTIONAL INSTITUTIONS: Private indoor schools and instructional institutions for uses such as arts and crafts, dance, gymnastics, martial arts and tutoring, but not including facilities where skills or trades of a manufacturing or similarly intense nature are taught.

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Commented [PS35]: The minimum dimensions are in Article 9, so the regulation should not be duplicated in the Definitions.

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Commented [PS36]: This definition is taken from Section 11.02(i).

(164) PROCESSING: The altering of materials including any change in nature of the material such as sifting, washing, grading, or crushing.

(165) PUBLIC UTILITY: A person, firm, corporation, municipal department, or board or commission duly authorized under Federal, State, or Municipal regulations to furnish to the public electricity, gas, steam, communications (excluding wireless communication facilities), transportation, or water service.

(166) QUARRY EXCAVATION: Any breaking of the ground to hollow out by cutting or digging or removing any soil, mineral or rock matter, not including common household gardening and general farm care.

(167) RECREATIONAL VEHICLE: Includes travel trailers, pickup campers, motor homes, folding tent trailers, boats, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment.

(168) REFUSE: Any putrescible or nonputrescible solid waste, except human excreta, but including garbage, rubbish, ashes, street cleaning, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction wastes resulting from the operation of a contractor.

(169) RELIGIOUS INSTITUTION: A Religious Institution or place of Religious Worship for the purpose of this Ordinance shall mean: an institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term "Religious Institution" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. Structures owned or operated by Religious Institutions located on parcels other than where the principal structure for religious services are held shall not, for the purpose of this Ordinance, be considered a Religious Institutions, and the principal use of this structure shall be its use and the use shall conform to the requirements of the district in which it is located.

(170) RESOURCE RECOVERY FACILITY: Machinery, equipment, structures or any parts or accessories of machinery, equipment or structures installed or acquired for the primary purpose of recovering materials or energy from the waste stream, including a mixed waste processing unit.

(171) RESTAURANT, CARRY-OUT: An establishment where food is prepared and served to a customer solely for the consumption off the premises.

(172) RESTAURANT, DRIVE-IN OR DRIVE-THRU: An establishment where food is prepared and served on the premises for the consumption within automobiles or an establishment with combined drive-in and sit-down facilities.

(173) RESTAURANT, SIT-DOWN: An establishment where food is prepared and served for consumption within the principal building, with or without carry-out facilities, including delicatessens, bakeries, and coffee shops.

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Commented [PS37]: A definition of "recreational vehicle" is needed. This includes "travel trailers" (currently defined elsewhere) and "utility trailers." Utility trailers are typically treated as recreational vehicles in most zoning ordinances.

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Commented [PS38]: The deleted text in the definition of "Religious Institution" is covered in Article 5.

Deleted: .Structures, facilities or lands which have Church operated, sponsored or sanctioned uses other than religious worship and such use exceeds an average of twenty (20) hours per week, the structure, facility or land may be considered to have more than one principal use

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(174) RETAIL SALES, INDOOR: The indoor sale of items at retail including, but not limited to, floor covering stores, grocery stores, meat markets, pharmacies, stationary and book stores, newsstands, florist shops, appliance shops, hardware stores, gift shops, art stores, clothing and costume sale and 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, and building materials establishments.

(175) RETAIL: Any use where a business is primarily characterized by the sale of goods to the public for personal, household, or business consumption, and rendering of services incidental to the sale of such goods. Retail use may also be incidental to entertainment or recreation businesses, or businesses engaged in the sale of food and/or beverages.

(176) RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied, or occupied by a road, utility and other similar uses.

(177) ROAD: See definition of "Street."

(178) ROOMING HOUSE: A building or part thereof other than hotel or motel where sleeping accommodations are provided for hire and where meals may regularly be furnished.

(179) SALVAGING: The lawful and controlled removal of reusable materials from solid waste.

(180) SCHOOL, VOCATIONAL OR TECHNICAL: Schools, instructional, or vocational institutions and any use charged with the principal function of technical training, provided that all phases of instruction, training, and instructional testing shall be conducted in a completely enclosed building.

Commented [PS39]: This list of uses is stated in the current the OT District.

(181) SEPARATE OWNERSHIP: Ownership of a parcel of property by a person who does not own adjoining property.

(182) SERVICE ESTABLISHMENT, OFFICE, SHOWROOM, OR WORKSHOP: Any service establishment of an office, showroom, or workshop nature, which may include musical instrument repair, photographic development, printing establishments, taxidermist shops, painter, electrician , plumber, upholster, television, audio, or household repair shops, typewriter or other small business machine repair shops, electronic motor repair, small engine repair, umbrella repair shops, sign shops (limited to 2,500 square feet per establishment), and moving or storage offices (storage limited to items for retail sale and limited to 1,500 square feet per establishment).

Commented [PS40]: This terms includes 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

(183) SERVICE ESTABLISHMENT, PERSONAL SERVICES. An establishment or place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, barber shops, beauty salons, beauty shops, photographic studios, dry cleaning and laundry pick-up stores, laundromats, baker, catering, shoe repair, millinery shops, and tailor and dressmaker shops.

Commented [PS41]: This definition is from existing Sections 15.02(i)(2) and (6).

(184) SETBACK: The minimum horizontal distance between a building or other structure, excluding allowable projections, and the lot line or right-of-way line.

(185) SEWAGE: Water-carried human or animal wastes from septic tanks, water closets residences, building, industrial and municipal establishments, or other places together with such ground water infiltration, subsurface water, mixtures of industrial wastes or other wastes as may be present.

(186) SITE: A parcel or unit of land.

(187) SITE CONDOMINIUM: A condominium development consisting of single-family detached residential dwelling units in which lots are defined as unit lots in the condominium documents and are individually owned.

(188) SITE CONDOMINIUM BUILDING SITE: That portion of a site condominium consisting of the condominium unit and limited common element, intended for the exclusive use or less than all the co-owners (refer to attached diagram).

(189) SOIL REMOVAL: Removal of a kind of soil or earth matter, including topsoil, sand, gravel, clay rock or similar materials or combination thereof, except common household gardening and general farm care.

(190) SOLID WASTE: Garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, municipal and industrial sludge, solid commercial and solid industrial waste and animal waste. Solid waste does not include the following:

(a) Human body waste.

(b) Liquid waste from a municipal sanitary sewer plant, leachate from another solid waste facility, or liquid that are toxic, hazardous or radioactive in nature.

(c) Ferrous or nonferrous scrap directed to a scrap metal processor or to a re-user of ferrous of nonferrous products.

(d) Slag or slag products directed to a slag processor or to a re-user or slag or slag products.

(e) Sludge and ash managed as recycled or non-detrimental materials appropriate for agricultural or silvicultural use pursuant to a plan approved by the Planning Director.

(f) Materials approved for emergency disposal by the Township Board.

(g) Source separated materials.

(h) Site separated material.

(i) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:

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Deleted: steps and unenclosed arches

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Commented [PS42]: The definitions related to Signs are in Article 11.

Deleted: <#>**SIGN:** A device using any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession or business and are visible to the general public.¶
¶
<#>**SIGN, ACCESSORY:** A sign which is related to the principal use of the premises. ¶
¶
<#>**SIGN, NON-ACCESSORY:** A sign which is not related to the principal use of the premises.¶
¶

(i) With a maximum of six (6) percent of unburned carbon as a component of concrete, grout, mortar, or casting molds.

(ii) With maximum of twelve (12) percent unburned carbon passing Michigan Department of Transportation (MDOT) test method of MTM 101 when used as a raw material in asphalt for road construction.

(iii) As aggregate, road or building material which in ultimate use will be stabilized or bonded by cement, limes or asphalt.

(iv) As a road base or construction fill which is covered with asphalt, concrete, or other material approved by the Township and which is placed at least four (4) feet above the seasonal groundwater table.

(v) As the solid material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the Township. In evaluating the site, the Township shall consider the physical and chemical properties of the ash including leachability and the engineering of the depository, including but not limited to the compaction, control of surface water and ground water that may threaten to infiltrate the site and evidence that the depository is designed to prevent water percolation through the material.

(vi) Other wastes regulated by statue.

(191) SOLID WASTE, GARBAGE: Any rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

(192) SOLID WASTE, INDUSTRIAL: Any waste substance or a combination thereof resulting from the operation of or from any process of industry, manufacturing, trade, or business or from the development of any agricultural or natural resources.

(193) SOLID WASTE, RUBBISH: Nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, including paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, or litter of any kin that may be a detriment to the public health and safety.

(194) SOLID WASTE CELL: An earthen solid waste containment subordinate, and devoted exclusively to the main use of the premises.

(195) SOLID WASTE CELL, AREA OF DISTURBANCE: The part of the solid waste cells which has been prepared to receive solid waste. Area of disturbance would include depressions, trenches or landfill cover. Area of disturbance does not include berms, buffers or landscaped areas located on top of undisturbed earth or non-filled areas.

(196) SOLID WASTE FACILITY; Any solid waste transfer facility, incinerator, sanitary landfill, processing plant or other waste handling or disposal facility system or process utilized in

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the disposal of solid waste including, but not limited to personnel, equipment and structures.

(197) SOLID WASTE HAULER: A person who owns or operates a solid waste transporting unit.

(198) SOLID WASTE PROCESSING PLANT: A tract of land, building, unit or appurtenance of a building or unit or a combination of land, buildings or units that is used or intended for the use for the disposal, or both, but does not include a plant engaged primarily in the acquisition, processing and shipment of ferrous or nonferrous metal scrap or a plant engaged primarily in the acquisition processing and shipment of slag or slag products.

(199) SOLID WASTE - SUPPORT SERVICE FACILITIES: Those structures and spaces necessary for the operation of the solid waste facility. Such support services shall be devoted exclusively to the facility to which they are adjacent. Such uses shall include, but not be limited to, the following: offices, employee locker rooms, lunch rooms, shower rooms, repair facilities for equipment used at the facilities, leachate treatment, storm water retention/detention scales, vehicle staging areas and garages for equipment used at the facility.

(200) SOLID WASTE - WORKING AREA: The part of the active cell currently receiving solid waste materials.

(201) STABLE, PRIVATE: A stable used to house horses owned by the occupant of a lot or parcel and not used for commercial purposes.

(202) STABLE, PUBLIC: Any stable other than a private stable.

(203) STATE EQUALIZED VALUATION: The value shown on the Township tax roll as equalized through the process of State and County equalization.

(204) STORMWATER DETENTION BASIN: Man-made surface waters designed to temporarily hold stormwater runoff to control peak flow rates and provide for pollutant removal through settling and plant uptake.

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(205) STORMWATER RETENTION BASIN: Man-made surface waters designed to store stormwater runoff and provide gravity settling of pollutants. Retention basins infiltrate stormwater into the soil rather that discharging it to surface water or a closed conduit.

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(206) STORY: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it, provided that a mezzanine shall be deemed a story when it covers more than fifty (50) percent of the area of the story underneath the mezzanine and/or when the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more, and provided further that portion of a building partly below grade shall be deemed a story if:

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(a) over fifty (50) percent of its average height from the surface of the floor to the floor next above it is above the grade from which the height of the building is measured; or

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(b) in any case, if the average distance from such grade to the next floor above it is five (5) feet or more;
(c) it is used for business purposes; or
(d) it is it used for dwelling purposes by any persons other than janitorial or domestic employees employed in the same building and their families.

(207) STORY, HALF: A part of a building between a pitched roof and the uppermost full story, having finished floor area which does not exceed one half (½) the floor area of the uppermost full story.

(208) STREET: A public or private thoroughfare which affords traffic circulation and the principal means of access to abutting property, including on avenue, place, way, drive, lane, boulevard, highway, road, right-of-way and any other thoroughfare, but not including an alley.

(209) STREET, ARTERIAL: A major thoroughfare which is generally designed to carry a large volume of traffic.

(210) STREET, COLLECTOR: A street or road that provides access to local roads and conveys traffic from specific areas of the Township and channel it to the arterials.

(211) STREET, LOCAL: A street or road that provides direct access to abutting land and to collector and arterial roads. These roads offer a lower level of mobility and through traffic is generally discouraged.

(212) STRUCTURE: Anything erected which requires permanent location on the ground or attachment to something having permanent location on the ground.

(213) STRUCTURE, ACCESSORY: See definition of "Accessory Structure."

(214) STRUCTURE, OUTDOOR, ADVERTISING: Any structure erected or maintained for outdoor advertising purposes upon which any outdoor sign or billboard may be placed, including advertising statuary.

(215) STUDIOS: Studios for radio, television, music, dancing, and theatrical instruction.

(216) SWIMMING POOL: Any permanent, non-portable structure or container intended for swimming or bathing, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

(217) TATOO ESTABLISHMENT: Any facility that provides, as its principle function, the service of providing a tattoo, an indelible mark or figure fixed upon the body by insertion of pigment, or dye under the skin, or by the production of scars.

(218) TENT: A shelter of canvas or similar material supported by poles and fastened by cords or pegs driven into the ground, not including tents designed solely for children's recreational purpose.

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Commented [PS43]: The definition of "Structural Alteration" has been incorporated into the definition of "Alteration" so that the 2 definitions don't conflict.

Deleted: <#>**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.¶
¶

(219) TEMPORARY USE, TEMPORARY BUILDING, TEMPORARY STRUCTURE: A structure building or use permitted by the Township Building Official or Planning Commission (pursuant to *Section 7.120*) to exist during periods of construction of the principal use for special events or purposes, which shall not exceed one (1) year unless otherwise permitted or extended by the Township Planning Commission. Temporary uses shall be only those which are clearly short duration and involve no permanent structures.

(220) TOWNSHIP BOARD: The Charter Township of Van Buren Board of Trustees.

(221) TRAVEL TRAILER: A vehicular, portable structure built, on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body not exceeding eight (8) feet in width or thirty-two (32) feet in length, and designed to be drawn by a motorized vehicle. See also definition of "Recreational Vehicle."

(222) TRUCK: Generally, any vehicle used to haul goods, material or equipment for commercial purposes, such vehicle having a gross vehicle weight rating of over ten thousand (10,000) pounds as rated by the State of Michigan Secretary of State, Motor Vehicle Division.

(223) TRUCK, SEMI OR TRACTOR TRAILER: Generally, a vehicle used to haul goods and materials for commercial purposes with a trailer attached to a tractor with a swivel hitch and/or having an overall wheel base of greater than twenty five (25) feet.

(224) TRUCK, SINGLE UNIT: Generally, any vehicle used to haul goods and materials for commercial purposes, such vehicle consisting of a single unit, not having a tractor with a separate trailer connected by a swivel hitch and not having an overall wheel base of greater than twenty five (25) feet.

(225) TRUCK REPAIR AND MAINTENANCE FACILITY, MAJOR: Any facility where major repairs are performed on trucks or maintenance or repair of any kind is performed on more than five (5) trucks at any one (1) time. Major repairs include engine rebuilding, rebuilding or reconditioning of trucks, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of trucks, major overhauling of engine requiring removal of cylinder head or crank case pan, recapping or retreading of tires or steam cleaning and similar activities.

(226) TRUCK REPAIR AND MAINTENANCE FACILITY, MINOR: A facility where minor maintenance and repairs are performed on not more than five (5) trucks at any one (1) time and where not more than five (5) trucks are stored for not more than forty eight (48) hours while awaiting repairs or maintenance. Facilities designed to perform maintenance or minor repairs on more than five (5) trucks at any one (1) time shall be considered a major truck repair facilities and subject to all restrictions on such facilities. Minor repairs and maintenance includes replacement of minor engine or body parts such as replacement of tires, ignition parts, air and oil filter, replacement of fluids and re fueling and cleaning and washing the body and engine. Heavy repairs such as engine or drive train replacement or rebuilding or painting or body work are not considered minor maintenance or repair and are considered major truck repair.

Commented [PS44]: "Tourist Home" is not regulated anywhere in the Zoning Ordinance, so it is deleted. This type of use is generally covered under "Bed and Breakfast."

Deleted: <#>**TOURIST HOME:** A dwelling in which overnight accommodations are provided or offered for transient guests on a commercial basis, without provision for meals.¶
¶

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Commented [PS45]: A "travel trailer" is often confused with a motor home; however, the difference is that travel trailers are not self-propelled and they are designed to be pulled by a motor vehicle. As the Zoning Ordinance is currently written, any "travel trailer" more than 32 feet in length is defined as a "mobile home."

(227) TRUCK STOP: An establishment which shall be located on a major thoroughfare and which shall be designed for and contain facilities to meet the needs of commercial truck traffic while in transit, including: restaurants and vehicle service (minor), but excluding storage buildings, warehouses, and repair shops.

Deleted: stations

(228) TRUCK STORAGE: Any facility designed to accommodate the storage of more than five (5) trucks as defined by this Ordinance.

(229) TRUCK TERMINAL: Any premises which is the origin and/or destination point of goods being transported for storing, transferring, loading and unloading and which is designed to accommodate the simultaneous loading or unloading of more than one (1) truck per four thousand (4,000) square feet of gross floor area. Such truck loading or unloading facilitates shall include, but not necessarily be limited to, truck docking births, bays or any space inside or outside of a building or trans-shipment point designed for loading or unloading trucks. Any building, or portion of a building, that is designed to accommodate the simultaneous loading or unloading of one (1) truck per eight thousand (4,000) or more square feet of gross floor area shall be defined as a "Distribution Center" or "Warehouse."

(230) USE: The employment of land, and/or objects thereon.

(231) USE, ACCESSORY: See definition of "Accessory Use."

(232) USABLE FLOOR AREA: That area used for or intended to be used for the sale of merchandise or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement shall be the sum of the horizontal areas of each floor of the building, measured from the interior faces of the exterior walls. Where these areas are yet undefined, usable floor area shall be considered eighty percent (80%) of the gross floor area.

(233) UTILITY ROOM: An area customarily used principally for the storage and operation of equipment and appliances, such as a room used principally for the storage and use of laundry equipment.

(234) VEHICLE: Every device in, upon, or by which any person or property is or maybe transported or driven upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

(235) VEHICLE SERVICE, MAJOR: Any facility where major repairs are performed on motor vehicles, including aircraft and watercraft but excluding semi trucks. Major repairs include engine rebuilding, rebuilding or reconditioning of vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of vehicles, overhauling of engine requiring removal of cylinder head or crank case pan, steam cleaning and similar activities.

(236) VEHICLE SERVICE, MINOR: Buildings or structures which are designed or used for the retail sale and furnishing fuel, lubricants, air, water and other operating commodities for motor vehicles, including aircraft and water craft, but excluding semi trucks, and which has space and facilities for: 1.) the storage of such fuel in underground tanks; 2.) the installation of such commodities on or in such vehicles, and the storage, minor repair or servicing of such vehicles, but which does not have a space and facilities for the major repair, bumping, painting, refinishing, overhauling, steam cleaning, rust proofing or high speed washing of such vehicles.

Commented [PS46]: This definition was relocated from "Service Station."

Deleted: STATION

(237) VEHICLE SHOWROOM: The indoor salesroom for automobiles, motorcycles, and recreational vehicles, including boats, snowmobiles, travel trailers, campers, and similar vehicles.

Commented [PS47]: Overlapping descriptions of "Vehicle Showroom" are currently in C-1 and C-2, so this definition standardizes the term.

(238) WALL: An artificially constructed upright barrier of any material or combination of materials erected to enclose, divide, screen or protect areas of land. The definition of "Wall" shall not include a fence or berm.

(239) WAREHOUSE: A building or part of a building used or intended to be used primarily for the storage of goods or chattels that are to be sold retail or wholesale from other premises or sold wholesale from the same premises, for the storage of goods or chattels to be shipped on mail order, for the storage of equipment or materials to be used or installed at other premises by the owner or operator of the warehouse, or for similar storage purposes. Any warehouse, or warehouse portion of a building, that measures more than two hundred fifty thousand (250,000) square feet in gross floor area, shall be defined as a "Distribution Center."

(240) WHOLESALE SALES: The sale at wholesale of automotive equipment, building materials, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing and heating equipment, machinery, tobacco products, beer, wine, distilled alcoholic beverages, paper, paper products, furniture, home furnishings, and any commodity the manufacture of which is permitted in the district.

Commented [PS48]: This definition is from existing Sections 15.02 and 15.02A. However, "petroleum" was removed from Section 15.02 text because the sale of petroleum would be covered under a separate gas station use or in the definition itself under "any commodity the manufacture of which is permitted in the district" if such a product is permitted to be manufactured in the district.

(241) WIRELESS COMMUNICATION ANTENNA (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communication by public emergency agencies, ham radio antennas, satellite antennas, those which receive video programming services via multipoint distribution services which are one meter (39 inches) or less in diameter and those which receive television broadcast signals.

(242) WIRELESS COMMUNICATION FACILITIES (WCF): All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included in this definition are citizen band radio facilities, AM/FM radio towers, television towers, satellite dishes, federally licensed amateur radio facilities, or other similar facilities which are exempt from local regulation.

(243) WIRELESS COMMUNICATION SUPPORT FACILITIES (WCSF): A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

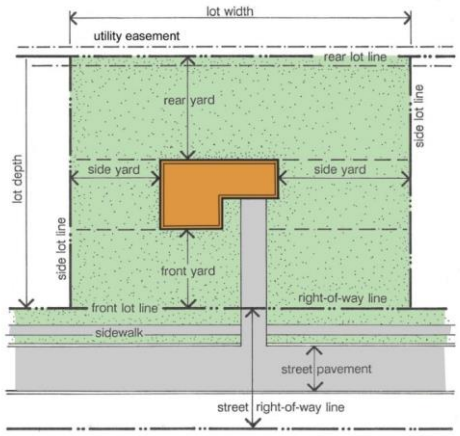
(244) YARD: An open space on the same lot with a principal building or group of buildings which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, unless otherwise provided in this Ordinance, subject to the following:

(a) FRONT YARD: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building (see *Figure 4* below).

(b) REAR YARD: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building (see *Figure 4* below).

(c) SIDE YARD: A yard between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is measured horizontally from the nearest point of the side lot line to the nearest point of the main building (see *Figure 4* below).

Figure 4. Yard Terms



Yard Terms

(245) ZONING DISTRICT or DISTRICT or ZONE: A portion of the Township within which certain uses of land and buildings are permitted on a uniform basis and with which certain requirements are established by this Ordinance.

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.

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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.

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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.

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(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 applicable requirements not listed in *Table 1*.

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

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
RESIDENTIAL USES															
Accessory Caretaker Dwelling					⭘	⭘	⭘	⭘	⭘	⭘	⭘	⭘	⭘		Section 5.117
Apartment Houses		⭘												⭘	Section 5.103
Multiple Family High Rise Dwelling		⭘													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	⭘			⭘										⭘	
Two-Family Dwelling		■												■	
LODGING USES															
Bed and Breakfast	⭘													⭘	Section 5.106
Motels and Hotels						■	■	■						■	Section 5.121
OFFICE USES															
Financial Institution, No Drive-Thru					■	■	■		■					■	
Financial Institution, With Drive-Thru						⭘	⭘		⭘						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				⭘		■	■			■				■	
COMMERCIAL USES															
Automobile Rental and Leasing Agencies						⭘	⭘								Section 5.104

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

Deleted: Planned Senior Developments ...

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.

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** ○ **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						○	○			○					
Automobile Wash Establishment, Self-Serve										■					
Contractor Establishment, Indoor						■	■							■	
Drive-In Theaters							■			○		○			Section 5.113
Event Facilities					■	■	■								
Gasoline Filling Stations						■	■	■							
Gasoline Service Stations								■							
Greenhouses and Nurseries				■	○	○	○							○	Section 5.119
Grocery Store					■	■	■							■	
Health or Exercise Club or Spa						■	■							■	
Mini-Warehouse (Self Storage Facility)						○	○								Section 5.126
Mortuary Establishments						■	■							■	
Outdoor Storage of Building or Contracting Equipment and Supplies						○	○			○		○			Section 5.133
Open Air Business Uses						○	○								Section 5.130
Outdoor Vehicle Sales						○	○								Section 5.134
Planned Shopping Centers						○	■							○	Section 5.135
Printing Shops and Establishments						■	■		■					■	
Private Clubs						■	■			○				■	Section 5.136
Private Indoor Instructional Institutions					■	■	■							■	
Public Auction Rooms						■	■							■	
Recreational Vehicle Storage Yards						○	○			○		○			Section 5.130
Regulated Uses (Tattoo establishments, pawnshops, pool and billiard halls, and massage parlors)										○					Section 5.139
Regulated Uses (Sexually Oriented Businesses)												○	○		Section 5.139
Restaurant, Drive-Thru or Drive-In						○	○								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								○							
Vehicle Service, Major										○		○			Section 5.142
Vehicle Service, Minor						○	○								Section 5.142
Vehicle Showrooms						■	■								
Wholesale Sales						○	■			■	■	■			
INDUSTRIAL USES															
Accessory Outdoor Industrial Storage										■	■	■			Section 5.101
Air Freight Forwarders												○			
Distribution Centers											○	■			Section 5.112
Instructional Services, Outdoor										○					

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.

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: Stores and Related Facilities

Deleted: Indoor and

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
Junk Yards												○			Section 5.122
Laboratories, Minor						■	■		■	■	■	■		■	
Laboratories, Major										■	■	■			
Manufacturing and Processing, Light										■	■	■			
Manufacturing and Processing, Heavy												■			
Medical Marihuana Cultivation Facilities												○			Section 5.125
Retail Dry Cleaning Plants and Laundries										■		■			
Truck Repair and Maintenance Facility, Major												○			
Truck Repair and Maintenance Facility, Minor										○		○			
Truck and Railroad Terminals												■	■		
Warehousing (Excluding Outdoor Storage and Distribution Center)							■								
Warehousing (Excluding Distribution Center)										■	■	■			
COMMUNITY, EDUCATION, AND INSTITUTIONAL USES															
Adult Day Care Center	○	○	○	○	○	○	○							○	Section 5.110
Adult Foster Care, Family Home	■	■		■										■	
Adult Foster Care, Large Group Home		○												○	
Adult Foster Care, Small Group Home		○												○	
Bus Passenger Station						■	■	■						■	
Cemeteries				■											
Child Care Centers	○	○	○	○	○	○	○							○	Section 5.108
Day Care or Child Care, Family Home	■	■	■	■										■	
Day Care or Child Care, Group Home	○	○		○										○	Section 5.111
Hospitals and Nursing Homes		■												○	Section 5.120
Places of Assembly	○	○	■	○		■	■		○					■	Section 5.140
Public Buildings and Uses	■				○	■	■		○					■	
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	○	■	■	○	○	■	■			■	■	■		○	
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	○	○	■	○		■	■		○					■	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			■			○	○								Section 5.107
Country Clubs	○			○											
Golf Courses	○			○											Section 5.118
Horses for Personal, Non-Commercial Use	■			■											Section 5.123
Indoor Recreation						○	■			■		■		○	
Outdoor Recreation, Amusement						○	○								Section 5.131

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.

Commented [PS60]: See comment below regarding RLUIPA and 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.

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.

Commented [PS65]: We recommend permitting Indoor Recreation uses in the M-1 and M-2 districts because industrial buildings are often ideal for indoor recreation uses such as rock climbing, trampoline facilities, and indoor paintball facilities.

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
Outdoor Recreation, Golf Driving Range	○			○											Section 5.132
Outdoor Recreation, Gun Club				○											Section 5.132
Outdoor Recreation, Private Park	○			○											Section 5.132
Private Clubhouse		■												○	
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

Commented [PS66]: 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 [PS67]: We recommend making Home Occupations a permitted use in the AG district.

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.

(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.

(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.

(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.

Deleted: serving

Deleted: containing

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Deleted: per Section 11.03 (c).

Commented [PS68]: 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 Subject to Special Land Use Review. The following accessory uses are permitted and subject to special land use review 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.

Deleted: and

(e) Indoor Recreation (Permitted for employees only and prohibited to general public).
(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

Commented [PS69]: 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.

strongly encouraged to accentuate and enhance the entrance to each building within the district.

(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 [PS70]: 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). 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.

(1) Public Airport. If the airport is owned by a public governmental agency, the application and site plan review procedures shall be as follows:

(a) Site plan review applications for permitted uses may be reviewed administratively by the Director of Planning & Economic Development or their designee pursuant to Administrative Review Procedures of *Section 12.201(B)* and their approval shall be required prior to the issuance of a building permit. These applications will not be required to be submitted to the Planning Commission for approval, but the Director of Planning & Economic Development or their designee shall notify the Planning Commission of all administrative approvals located at an airport owned by a public governmental agency. Site plan review regulations and procedures of *Article 12, Chapter 2* shall be modified by this section and the following provisions will specifically apply to the administrative review of permitted uses for airports owned by a public governmental agency:

(i) The public governmental agency which has ownership of the airport shall have control of the location and design of the permitted uses on the airport property with the following exceptions:

Commented [PS71]: Many of the standards of Section 16.03.A are redundant and are proposed for deletion.

Deleted:

Deleted: that agency shall have control of the location and design of the permitted uses on the property zone AP, Airport. 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.

a. Uses located on the airport property owned by a public governmental agency shall meet the area, height, and placement regulations, including setbacks, of the zoning district they are located in.

b. Uses located on the airport property owned by a public governmental agency shall meet the parking and loading requirements of *Article 9* in this Zoning Ordinance.

c. Uses located on the airport property owned by a public governmental agency shall meet the "Environmental Performance Standards Applicable to Specific Uses and Districts" of *Section 8.102* of this Zoning Ordinance.

d. If the proposed building/use is adjacent to Ecorse or Beck Roads the site plan shall be required to meet the "Frontage Landscaping" requirements in *Section 10.103*, the "Mechanical and Utility Equipment Screening" requirements in *Section 10.103*, the "Exterior Lighting" requirements in *Section 8.105*, and the "Garbage, Refuse, and Recycling Collection Areas" requirements in *Section 7.122* of this Zoning Ordinance.

(b) The Director of Planning & Economic Development or their designee may refer the application to the Planning Commission for review and approval at their discretion.

(2) 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.

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.	• Country Club
• School (Primary or Secondary)	• Golf courses
• School (College or University, Public or Non-Profit)	• Outdoor Recreation, Golf Driving Range
• Private swimming pools	• Outdoor Recreation, Private Park
• Accessory building and uses	• Bed and breakfast operations
• Home occupations	• A group day care
• Adult foster care, family home	• Religious Institutions
• Horses for personal non-commercial use	• Adult day care centers
• Family day care home	• Planned Residential Developments
• 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.

(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 [PS72]: 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: <#>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.

Deleted: Churches or places of religious worship

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 • Dwellings, Two-Family • Swimming Pools, Private • Clubhouse, Private • Hospitals and nursing homes • 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. • Adult foster care, family home • Family day care home. • Accessory structures and uses customarily incidental to the above permitted uses	• Dwelling, Multiple Family High Rise • Adult foster care, small group • Adult foster care, large group. • Day Care, Group Home • Apartment Houses • Religious Institutions • Child care center • Adult day care center • 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) 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 (Q)	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)	(J)
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 [PS73]: 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 [PS74]: 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 [PS75]: The Michigan Zoning Enabling Act requires Family Foster Care Homes to be permitted similar to single-family homes in residential districts.

Commented [PS76]: 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.

Commented [PS77]: 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.

(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.			

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

(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	• Agricultural Retail Sales
• Keeping of Pets and Livestock	• Golf Courses
• Truck gardening	• Outdoor Recreation, Golf Driving Ranges
• Greenhouses and Nurseries	• Outdoor Recreation, Private Parks
• Public and private stables, and riding academies	• Country Clubs
• Veterinary/Animal Clinics and Hospitals	• Outdoor Recreation, Gun Clubs
• Swimming pools, private	• Religious institutions
• Cemeteries	• Child Care Centers
• Temporary Produce Sales Building	• Adult day care centers
• Family day care home	• Planned Residential Developments
• Adult foster care, family home	• 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.
• Home Occupations	• Wireless Communication Facilities
• 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		***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.			

Deleted: AG-A and

Commented [PS78]: 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.

Commented [PS79]: 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 [PS80]: The Michigan Zoning Enabling Act requires Family Foster Care Homes to be permitted similar to single-family homes in residential districts.

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	(C) SPECIAL LAND 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	• 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 [PS81]: 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 [PS82]: "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 [PS83]: "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 [PS84]: "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 [PS85]: "Office, Medical and Dental" will be defined in Article 2 and will include the OT district language for these uses.

Commented [PS86]: "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 [PS87]: "Private Indoor Instructional Institution" will be defined in Article 2 and will include the uses stated in Section 11.02

Commented [PS88]: 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 [PS89]: 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 [PS90]: 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		(C) SPECIAL LAND 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.	• 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 [PS91]: 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 [PS97]: "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 [PS98]: "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 [PS92]: "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 [PS93]: "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 [PS94]: "Event Facilities" will be defined in Article 2 and will include "wedding chapels and banquet halls."

Commented [PS95]: "Studios" will be defined in Article 2 and will include "radio and television studios", "studios for music, dancing, and theatrical instruction"

Commented [PS96]: "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 [PS99]: "Contractor Establishment, Indoor" will be defined in Article 2 to include current definition and "exterminators"

Commented [PS100]: "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 [PS101]: 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*) • 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	• All Special Land Uses in the C, Local Business District (*Section 3.110*) and C-1, General Business District (*Section 3.111*)

Deleted: stores and related 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) 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 [PS102]: 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

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 uses similar to the above¶

(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	
• 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 SUBJECT TO SPECIAL LAND USE REVIEW 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 [PS103]: "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 [PS104]: "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 [PS107]: "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 [PS105]: "School (Vocational or Technical)" will be defined in Article 2 and will include the text from the OT District.

Commented [PS106]: "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 [PS108]: 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.

- 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.
- 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.
- 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.
- 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.
- 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
• Indoor Recreation	

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 [PS109]: The definition of "warehouse" in Article 2 will be expanded to include the descriptive text in Section 15.02.

Commented [PS110]: "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 [PS112]: "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]: We recommend permitting Indoor Recreation uses in the M-1 and M-2 districts because industrial buildings are often ideal for indoor recreation uses such as rock climbing, trampoline facilities, and indoor paintball facilities.

Commented [PS113]: 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 [PS114]: 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)

Commented [PS115]: "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 [PS116]: "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 [PS117]: "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.

(1) Public Airport. If the airport is owned by a public governmental agency, the application and site plan review procedures shall be as follows:

(a) Site plan review applications for permitted uses may be reviewed administratively by the Director of Planning & Economic Development or their designee pursuant to Administrative Review Procedures of *Section 12.201(B)* and their approval shall be required prior to the issuance of a building permit. These applications will not be required to be submitted to the Planning Commission for approval, but the Director of Planning & Economic Development or their designee shall notify the Planning Commission of all administrative approvals located at an airport owned by a public governmental agency. Site plan review regulations and procedures of *Article 12, Chapter 2* shall be modified by this section and the following provisions will specifically apply to the administrative review of permitted uses for airports owned by a public governmental agency:

(i) The public governmental agency which has ownership of the airport shall have control of the location and design of the permitted uses on the airport property with the following exceptions:

a. Uses located on the airport property owned by a public governmental agency shall meet the area, height, and placement regulations, including setbacks, of the zoning district they are located in.

Commented [PS118]: These are copied from the footnote in Section 3.105

Deleted: 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. Uses located on the airport property owned by a public governmental agency shall meet the parking and loading requirements of *Article 9* in this Zoning Ordinance.

c. Uses located on the airport property owned by a public governmental agency shall meet the "Environmental Performance Standards Applicable to Specific Uses and Districts" of *Section 8.102* of this Zoning Ordinance.

d. If the proposed building/use is adjacent to Ecorse or Beck Roads the site plan shall be required to meet the "Frontage Landscaping" requirements in *Section 10.103*, the "Mechanical and Utility Equipment Screening" requirements in *Section 10.103*, the "Exterior Lighting" requirements in *Section 8.105*, and the "Garbage, Refuse, and Recycling Collection Areas" requirements in *Section 7.122* of this Zoning Ordinance.

(b) The Director of Planning & Economic Development or their designee may refer the application to the Planning Commission for review and approval at their discretion.

(2) 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.

(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

(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		(C) SPECIAL LAND 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	• 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 65 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 65 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 65 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 3*), 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. 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.

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 3*), 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.

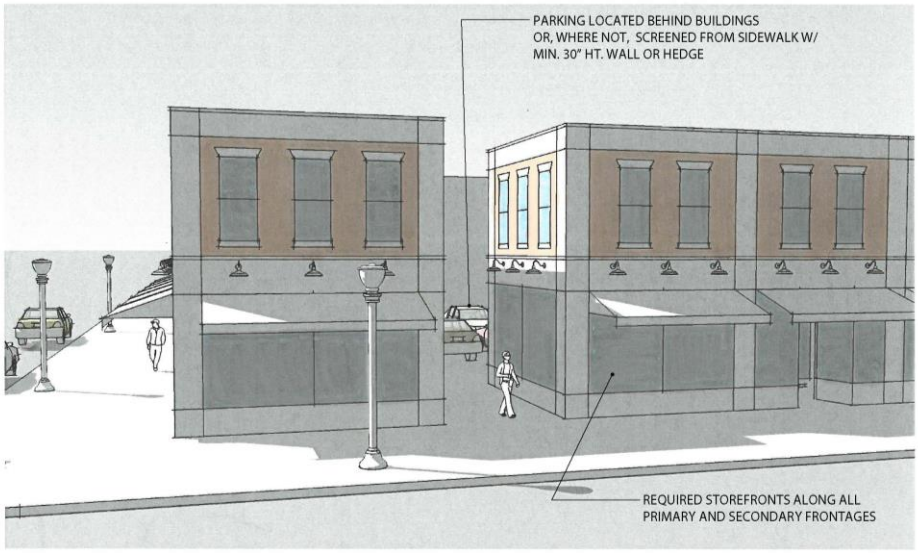
Permitted Uses and Special Land Use. Ground floor permitted uses are restricted to non-residential uses, while the upper floors may have any use permitted in the district.

Design. The design of Liner Buildings and sites shall meet the applicable requirements of the Belleville Road Overlay District (*Article 6, Chapter 3*), 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 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.



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 3*), 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 3*), 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 3*), 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 3*), 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 3*), 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.

Section 3.120 Belleville Lake Shoreline Districts

(A) Purpose. The Charter Township of Van Buren recognizes and concludes that the proper and safe use of Belleville Lake is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of the Lake in the Township, to preserve and protect the quality and safety of the Lake and shorelines and the rights of adjacent owners and users as well as the Township as a whole, to promote the public health, safety and welfare of all persons making use of the Lake within the Township and properties adjacent to the Lake in the Township, and to ensure compliance with federal and state laws in light of the Township's ownership of the land in and adjacent to Belleville Lake , as well as with the terms of the Federal Energy Regulatory Commission (FERC) license to operate the French Landing Dam. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the number and placement of docks, installation of sea walls, earth excavation or grading, and other matters with respect to Belleville Lake in the Township. It is further the intent of the Township Board to restrict the private use of Township-owned Lake property to those water-based uses and structures customarily accessory to a waterfront lot, and to affirm that abutting property owners are responsible for maintaining both their property at the periphery of the Lake and the Township- owned Lake property abutting to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license.

(B) Definitions. For the purposes of this section:

(1) "**Boardwalk**" means a walkway made of planking.

(2) "**Boat**" means every description of watercraft used or capable of being used as a means of transportation on water as defined under Part 801 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.80101.

(3) "**Boat cradle**", "**shore station**", "**boat hoist**" and "**boat lift**" means a device for the purpose of mooring, anchoring or holding a watercraft in, on or above the water in the Lake.

(4) "**Bottomland**" means the land area that lies below the normal high water mark.

(5) "**Catwalk**" means a narrow footway along the edge of a seawall or similar feature raised above the shoreline.

(6) "**Common use lot**" means any private site, platted lot or other parcel held in common by a subdivision, association, or similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use Lake access to non-Lakefront lots or land owners.

(7) "**Director**" means the Director of Planning and Economic Development of the Charter Township of Van Buren, or successor charged with enforcing this Ordinance.

(8) "**Dock**" means a structure, platform or fixture extending from the shore or bottomlands into a Lake.

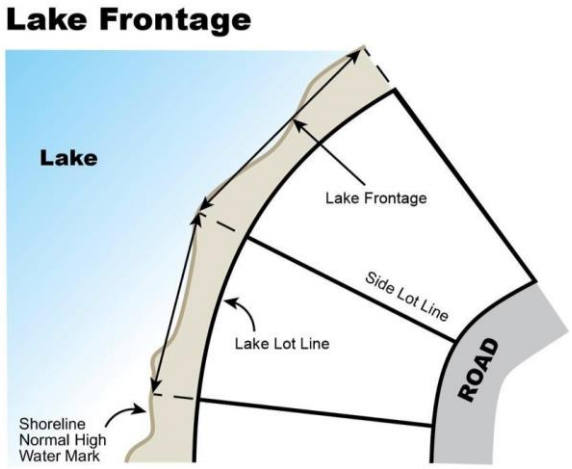
(9) "**Dock Stem**" means that portion of a dock or mooring structure that extends perpendicular to the shore.

(10) "**Docked**" or "docking" means the anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor or dock; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or anchoring or tethering to the bottomlands of a Lake.

(11) "**Lake**" or "**Belleville Lake**" means that portion of Belleville Lake within Wayne County.

(12) "**Lake Frontage**" or "**Frontage**" means the distance between the side lot lines of a lot or parcel as extended to the Belleville Lake shoreline, measured between their points of intersection with the shoreline at the normal high water mark (*Figure 5*).

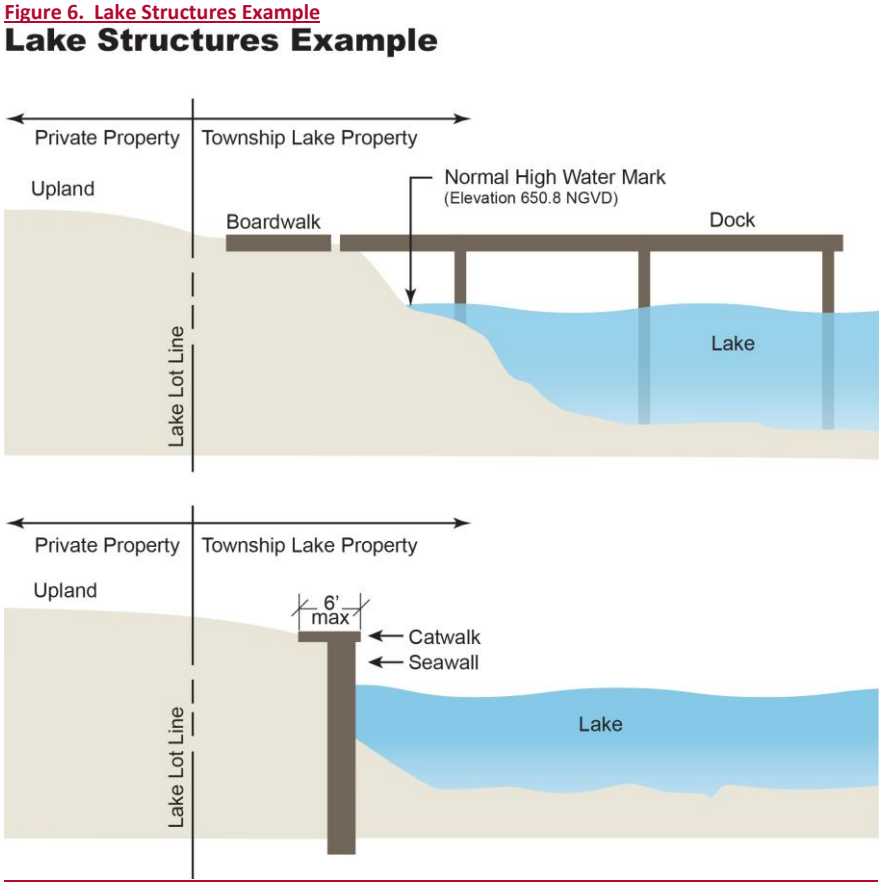
Figure 5. Lake Frontage



(13) "**Lake Lot Line**" means the boundary line of a lot or parcel of land, lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts the Township Lake property.

(14) "**Lake Structures**" means improvements constructed upon Township Lake property, as may be permitted by this *Section 3.120*. (*Figure 6*)

Figure 6. Lake Structures Example



(15) "**Marina**" means a facility that is owned or operated by an entity, extends into or over an inland Lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft.

(16) "**Moor**" or "**Mooring**" means the anchoring, tethering or docking of a boat directly to a pier, structure, platform, pole, anchor or dock, and also means the placement of a boat in a boat cradle or shore station, the regular or overnight beaching of a boat, or overnight anchoring or tethering to the bottomlands of the Lake.

(17) "**Non-Commercial Multi-Docking Facility**" means a facility used for docking or mooring from one or more Lake Frontage properties to serve more than one single family dwelling and limited to use by the residents of the property, such as at outlots (common use lots), mobile home parks, condominium and apartment developments, and other commonly owned or controlled points of access.

(18) "**Normal high water mark**" means the normal high water mark of the Lake as determined by the Federal Energy Regulatory Commission from time to time. Presently on Belleville Lake, "normal high water mark" means six hundred and fifty and eight-tenths (650.8) feet National Geodetic Vertical Datum (NGVD), 1929.

(19) "**Ramp**" or "**Launch**" means a short, hardened slope extending from the shoreline into the Lake for the purpose of launching or retrieving boats.

(20) "**Seawall**" or "**Bulkhead**" means a linear, rigid structure built along the shoreline to resist the erosion of the land caused by the Lake and which can also be used to moor boats and as a structure to receive and discharge a boat's passengers and cargo.

(21) "**Separate frontage**" means that portion of a lot or parcel of land lawfully existing on documentation recorded with the Wayne County Register of Deeds, which abuts or intersects with the normal high water mark of the Lake, whether such lot or parcel is owned by one or more persons, is commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

(22) "**Township Lake property**" means land owned by the Township at Belleville Lake, whether or not it is above the normal high water mark and is the property that exists below the Lake Lot Line and extends into Belleville Lake and is generally recognized as the property below the 655 ft. contour line (1929 NGVD) or brow of the hill.

(23) "**Upland**" means that the land area that lies adjacent to and above the Township Lake property.

(24) "**Watercraft**" means any boat, pontoon boat, hydrofoil, hovercraft, sailboat, Jet Ski, personal watercraft, jet boat, or similar vessel.

(C) Belleville Lake Shoreline Districts. Two Belleville Lake Shoreline Districts are established in this section: the Belleville Lake Shoreline District A - Single Family Residential (BLA), and the Belleville Lake Shoreline District B - Non-Single Family Residential (BLB). These zoning districts regulate the use of the Township- owned Belleville Lake property.

The BLA District shall generally abut Lake Frontage upland zoned R-1A, R-2A, R-1B, R-1C Single Family Residential districts, and AG or AG-A Agricultural and Estates districts. The BLB District shall generally abut Lake Frontage upland zoned or used for more intensive uses that are not accessory to a single dwelling on a single family lot, including but not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

Accordingly, no improvements, modifications, alterations, or structures of any kind shall be constructed, installed or made on Township Lake property within the BLA and BLB districts (other than seasonal structures as defined by the MDEQ) unless those actions comply with the regulations of the respective district, obtain the approval of the Township as provided herein, and the approval of all other agencies with jurisdiction.

(1) Belleville Lake Shoreline District A - Single Family Residential (BLA). The BLA District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses that are customarily accessory to an abutting single family dwelling on a separate lot with Lake Frontage.

(a) Uses Subject to Administrative Approval. In the BLA District, the following water-based uses and structures customarily accessory to one single family dwelling on a single family lakefront lot shall be permitted. All such uses shall be subject to Township administrative approval as described in *Section 3.120(F)*, herein.

(i) Docks, piers, landings, boardwalks and catwalks that can accommodate no more than 10 watercraft in total at one time on a single parcel.

(ii) Boat hoists, cradles and lifts.

(iii) Stairs and walkways located on Township Lake property.

a. Shall only be permitted if reasonably necessary to access the permitted uses.

b. Shall be subject to the maximum Lake Frontage coverage and other standards applicable to the use.

(iv) Embankments, bulkheads, gabion baskets, retaining walls and similar structures for erosion control to protect the existing shoreline.

(v) Minor excavation, grading or earth modifications, defined as those that do not exceed 5 cubic yards or disturb an area of 800 square feet or less within 100 feet of the normal high water mark of the Lake.

(vi) Navigational markers or buoys.

(vii) Any other use of the same nature or class of water-based uses listed in this district which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties. Any such use shall be limited to the use of the lakefront by a single family residential dwelling on an individual lot.

At the discretion of the Director, any BLA use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

(b) General Restrictions on all BLA Uses. All uses permitted in the BLA District shall be subject to the following restrictions:

(i) All uses and structures shall comply with the standards and requirements of *Section 3.120(D)*, herein.

(ii) No use or structure shall be permitted if there is not a single family dwelling on the abutting frontage lot.

(iii) Private ramps, launches or docks intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium or other development are prohibited.

(iv) No use or structure or combination thereof shall be permitted that can accommodate more than 10 watercraft at one time on a single parcel.

(v) All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLA District are limited solely for the use and quiet enjoyment of the abutting

frontage lot owners and their invited guests. No such facilities as listed above shall be rented or leased or by any other persons. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities.

(2) Belleville Lake Shoreline District B – Non-Single Family Residential (BLB). The BLB District is intended to provide for the use of the Township-owned Belleville Lake property for water-related uses customarily accessory to land zoned or used for more intensive uses than a single family dwelling on a separate lot with Lake Frontage. Such more intensive uses include, but are not limited to common use lots, multiple family, commercial, office, public, institutional and similar uses.

(a) Uses Subject to Administrative Approval. In the BLB District, the following water-based uses and structures shall be permitted subject to Township administrative approval as described in *Section 3.120(F)*, herein.

(i) Embankments, bulkheads, retaining walls and similar structures for erosion control, to protect the existing shoreline.

(ii) Minor excavation, grading or earth modifications, defined as those that do not exceed 5 cubic yards or disturb an area of 800 square feet or less within 100 feet of the normal high water mark of the Lake.

(iii) Navigational markers or buoys.

At the discretion of the Director, any BLB use may be referred to the Planning Commission for public hearing, recommendation to and special approval by the Township Board, and/or site plan review and approval in accordance with the provisions of this Ordinance.

(b) Uses Subject to Planning Commission Approval. In the BLB district, the following water-based uses and structures may be permitted, subject to Planning Commission site plan approval.

(i) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate no more than 6 watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.

(ii) Non-commercial multi-docking facilities that can accommodate no more than 6 watercraft in total at one time on a single parcel.

(iii) Decks, stairs, and walkways located on Township Lake property.

a. Shall only be permitted if determined necessary by the Township to access the permitted uses.

b. Shall be subject to the maximum lot frontage coverage and the other standards of *Section 3.120(D)*.

(c) Uses Subject to Special Approval. The following water-based uses and structures shall be permitted subject to special approval in accordance with the requirements

of *Article 12, Chapter 3* of this Ordinance. These uses shall require public hearing by the Planning Commission, recommendation to and special approval by the Township Board, and Planning Commission site plan review and approval.

(i) Non-commercial multi-docking facilities with docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than 6 watercraft in total, at one time on a single parcel.

(ii) Boat hoists, cradles and lifts as part of a non-commercial multi-docking facility permitted under *Section 3.120(C)(2)(c)(i)* that are under common ownership and are all of the same style.

(iii) Docks, piers, landings, boardwalks, catwalks or similar features that can accommodate more than 6 watercraft in total at one time on a single parcel. Such features shall serve an abutting upland parcel used for permitted commercial, office, public or institutional purposes, including but not limited to restaurants, public parks, private clubs, transient dockage under public ownership and control, and other uses determined similar in the discretion of the Planning Commission and not otherwise specifically provided for in this Article.

(iv) Marinas.

(v) Watercraft minor service uses, including sale of gasoline, only permitted as part of a marina.

(vi) Boat launches and ramps, for public access only.

(vii) Any other use of the same nature or class of water-based uses listed in this district as either a principal use permitted or a use subject to special approval which, in the determination of the Township is consistent with the purpose of this district and which will not impair the present or potential use of the Lake and adjacent properties.

(viii) Major excavation, grading or earth modifications, defined as those greater than 5 cubic yards or that disturb an area of more than 800 square feet within 100 feet of the normal high water mark of the Lake.

(d) General Restrictions on BLB Uses. All uses permitted by right or by special approval in the BLB District shall be subject to the following restrictions:

(i) No boat lifts, cradles or hoists shall be permitted at marinas.

(ii) No buildings or covered structures shall be permitted on the water or on Township Lake property.

(iii) All uses and structures shall comply with the standards and requirements of *Section 3.120(D)*, herein.

(iv) Private ramps or launches intended to provide access to the Lake for multiple non-abutting or back lots of a subdivision, site condominium, multiple family development or other non-frontage uses shall be prohibited.

(v) No signs shall be permitted other than those approved by the Township and necessary for public safety.

(vi) All watercraft, docks, boats, watercraft storage facilities including boat cradles, shore stations and boat lifts and other structures and facilities permitted in this BLB District are limited solely for the non-commercial use and quiet enjoyment of the abutting frontage lot owners, lessees, renters, and their invited guests. No such facilities as listed above shall be rented, leased or allowed to be used by any other persons unless approved by the Township in conjunction with a

marina. For purposes of this section, persons shall mean an individual, partnership, corporation, association and any other entity to which the law provides or imposes rights and responsibilities. For purposes of this section, commercial use shall mean the rental, lease or allowed use of docks, boat cradles, shore stations and boat lifts by persons who are not abutting frontage owners, lessees, or renters, excluding those facilities that are open to the public and operated by the Township, City or State of Michigan.

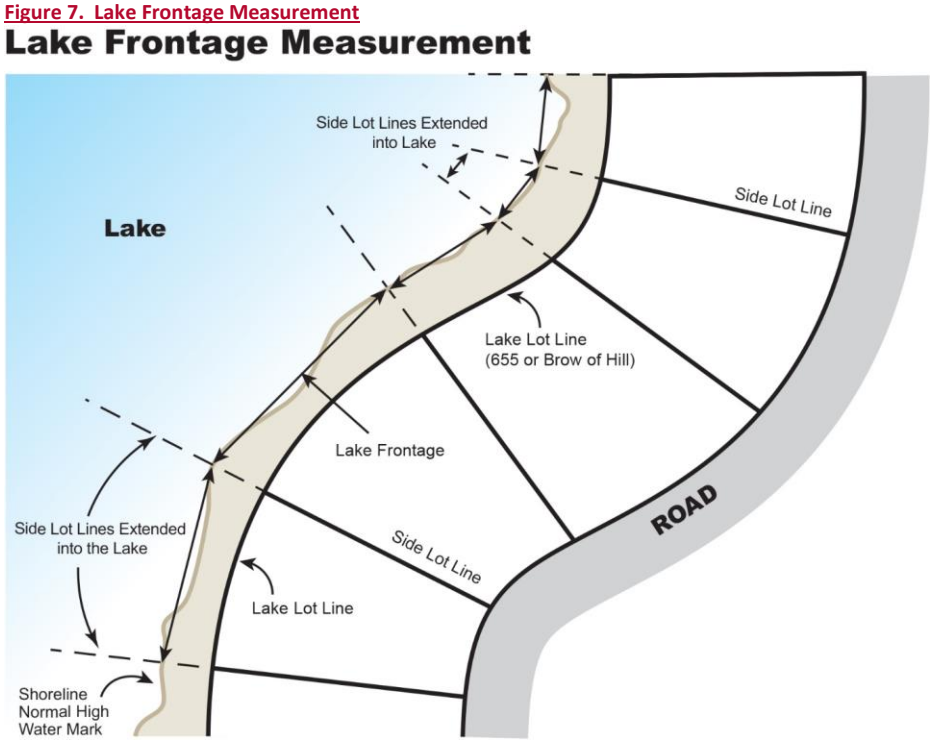
(D) Development Regulations.

(1) General. The presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license.

(2) Dock Location. No dock shall be placed or maintained in a location where it can present a hazard to navigation, or create a risk that boats will run aground while attempting to moor at the dock. No person shall install or maintain a dock except on shoreline or bottomlands abutting a frontage in which they have an ownership interest. All docks shall be positioned perpendicular to the shore, and in a manner that does not unreasonably encroach on the use and enjoyment of the Lake by neighboring lots.

(3) Measurement of Lake Frontage. Each side lot line of the abutting upland lot shall be extended as a straight line from its point of intersection with the boundary of the Township Lake property (Lake Lot Line) to its intersection with the Lake Frontage line at the normal high water mark. A lot's total Lake Frontage shall be measured as a straight line connecting the points of intersection of the extended side lot lines with the normal high water mark. For purposes of measuring setbacks for docks, boat lifts and similar structures, the side lot lines shall be extended to the Lake Frontage line and then extended on the same line, straight into the Lake from the shoreline. (*Figure 7*)

Figure 7. Lake Frontage Measurement



(4) Setback Requirements. Side setbacks shall be measured from the side lot lines of the abutting upland lot as extended into the water, as defined in *Section 3.120(D)(3)*.

(a) Docks. No dock shall be constructed, installed or placed within 10 feet of the side lot lines of the abutting upland lot as extended into the water.

(b) Boat Lifts and Boat Cradles. No boat lift or boat cradle shall be located within five feet of a side lot line of an abutting upland lot as extended into the water.

(c) Launching, Storing, Mooring or Docking. No boat or portion thereof shall be launched, stored, moored or docked within five feet of the side lot lines of an abutting upland lot as extended into the water.

(d) Boardwalks and Catwalks. Boardwalks, catwalks and other walkways located on Township Lake property shall be permitted to extend to the side lot line as extended.

(5) Dock Length and Width. No dock or any other structure or appurtenance shall extend more than 40 feet into the Lake, measured perpendicularly from the shoreline, unless

greater length is necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth.

(6) Size and Extent Restrictions. (See *Figure 8*)

(a) In the BLA District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft shall extend across no more than 60% of the Lake Frontage of the single family lot to which they abut.

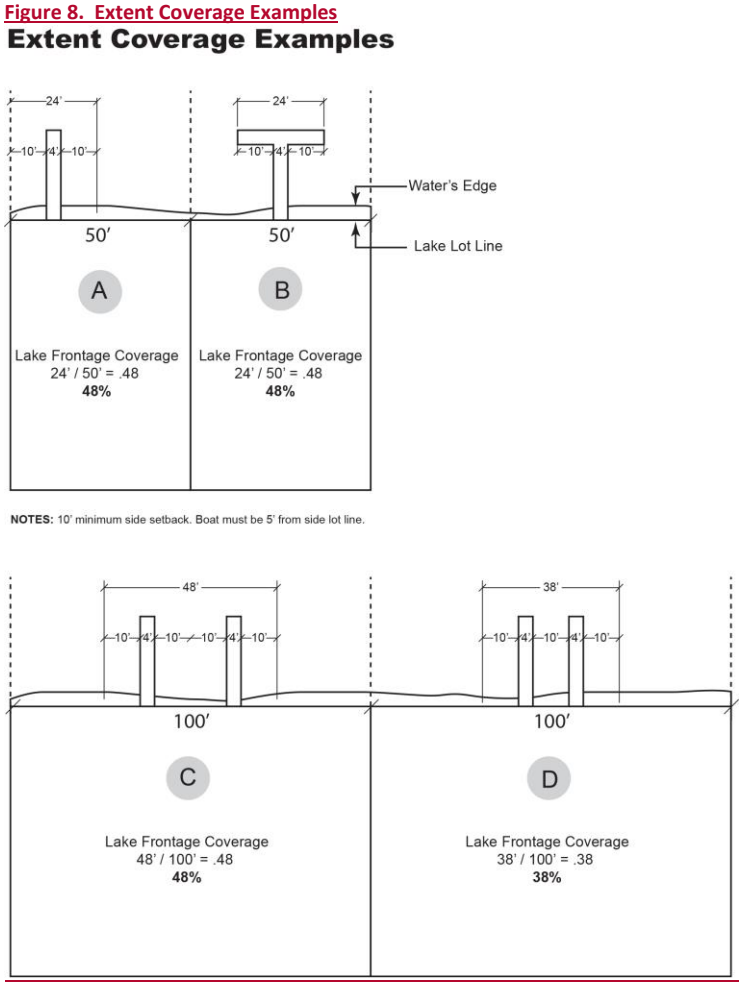
(b) In the BLB District, docks, other mooring structures, boat cradles, boat hoists, similar structures and watercraft for non-commercial multi-boat docking facilities shall extend across no more than 60% of the Lake Frontage of the lot which they abut. Such watercraft and structures shall be clustered along the parcel frontage into no more than four groupings. For marinas, public uses, or abutting commercial sites, the Township may authorize docks, other permitted structures and watercraft to extend across up to 100% of the Lake Frontage, as deemed appropriate and subject to special approval.

(c) The extent of frontage coverage shall include the coverage by docks, other mooring structures, projections including boat hoists, boat cradles, lifts and similar, and watercraft. Permitted boardwalks, catwalks upon retaining walls, and shoreline protection structures that parallel the shore shall be excluded from the computation of frontage coverage.

(d) Distance across a lot's Lake Frontage shall be measured along the Lake Frontage line determined in accordance with *Section 3.120(D)(3)*. The extent of structures across the Lake Frontage shall be the width of those structures measured parallel to the abutting lot's Lake Frontage line plus 10 feet of additional width for boat dockage on any side of the structure that can accommodate dockage, divided by the total length of the lot's Lake Frontage. The width of a "T" or "L" dock shall be measured at its widest point generally parallel to the Lake - Frontage, and shall include a minimum of 10 feet of additional width parallel and adjacent to the "stem" for boat dockage.

(e) No docks, other mooring structures or combination thereof on a single site that accommodate more than 10 watercraft shall be permitted, except as provided in the BLB District under *Section 3.120(C)(2)*, above. Further, no such docks, other mooring structures or combination thereof that accommodate more than 10 watercraft shall be permitted unless it is approved by FERC, all other agencies with jurisdiction, and receives special approval of the Township as provided herein.

Figure 8. Extent Coverage Examples



(7) Dock and Raft Ownership and Repair. All docks, boat lifts, boat cradles and rafts shall be kept in good repair. Good repair means free from defects which might cause a hazard to persons or boats and free from defects which may result in interference with navigation of boats in the Lake.

(8) Boat Storage Devices. Each boat cradle, hoist or boat lift used in conjunction with the Lake shall meet all of the following requirements, in addition to the other requirements of this Ordinance.

(a) No part of the structure may be used as living space.

(b) It shall be designed with not more than three attached docks. Boat lifts with seating on three or more sides shall be prohibited.

(9) Excavations, Grade Changes, and Earth Modifications. All earth modifications, excavations and grade changes, shall meet the following criteria:

(a) Minimize changes to the contour of the shoreline.

(b) Maintain lateral earth support to prevent slope failures and to avoid potential negative impacts to adjacent lots.

(c) Rip-rap and gabion baskets are the preferred methods of erosion control and bank stabilization, where practicable.

(d) A Soil Erosion permit must be obtained from Wayne County, if required by the Soil Erosion and Sedimentation Control Act, P.A. 451 of 1994. Any earth disturbance greater than one acre or within 500 feet of the Lake requires a Soil Erosion and Sedimentation Control permit from Wayne County. The County may grant a waiver from permitting for gardening and very limited earth disturbances, but the abutting upland owner remains responsible for making the application.

(e) All major excavations and grade changes (greater than 5 cubic yards or 800 sq. ft. area disturbed) under this Ordinance are subject to the approval of the Township Engineer.

(10) Channels and Canals. No new channels or canals shall be created or expanded along the Belleville Lake shoreline for the purpose of creating additional Lake Frontage or for the mooring of boats.

(11) Seawalls and Bulkheads. Gabion baskets and rip-rap are generally preferred means for shoreline stabilization. All existing seawalls, bulkheads and other erosion protection devices shall be kept in good repair to prevent soil erosion and sedimentation into the Lake. As new erosion protection devices are required, seawalls and bulkheads shall only be permitted where gabion baskets and rip-rap are not feasible. New or replacement seawalls or bulkheads shall have at least one egress ladder or steps per 70 linear feet. Further, variation in seawall height may be required to accommodate emergency exit from the water.

(12) Markers or Buoys. No marker or buoy shall be placed or maintained in a location where it may present a hazard to navigation, or create a risk that boats will become entangled while navigating the Lake. Township approval is required to place any markers or buoys, except that temporary markers or buoys placed for a special event for a period of less than 12 hours shall be permitted without Township approval.

(13) Floating Rafts. Floating rafts, swimming platforms, trampolines, slalom buoys, ski jumps or floats shall be located in the Lake so as to not impede navigation or present a safety hazard to boats; and shall be located on bottomlands immediately adjacent to a Lake

Frontage in which the owner of the raft, platform, trampoline, buoy, jump or float has an ownership interest, unless otherwise approved by the Township.

(14) Stairs. Stairs, walkways, and landings for access from the abutting upland lot to the shoreline may be permitted on Township Lake property only if the Township determines that it is necessary for reasonable access.

(a) To minimize visual and physical impacts on the frontage, such structures shall be limited to no more than one per Lake Frontage lot, or the number of dock clusters, or the number reasonably necessary to access the lake frontage, whichever is greater. Stairs, walkways and landings shall be included in the calculation of, and subject to the limitations on maximum lot frontage coverage, and the other standards of *Section 3.120(D)*.

(b) Stairs, walkways and landings must be placed entirely above the normal high water mark, except in cases where such structures are required to access the water due to a seawall or bulkhead.

(15) Marinas and Non-Commercial Multi-Docking Facilities. Marinas and non-commercial multi-docking facilities must meet all the requirements that apply to their component docks, seawalls, and other facilities, as well as the following:

(a) Dry docks and dry land storage of watercraft are not permitted on Township Lake property.

(b) Suitable fire extinguishers, grounding cables, and other safety devices are required at any fueling stations. Fueling stations are not permitted at a non- commercial multi-docking facility.

(c) Such uses shall comply with all applicable construction standards and permit requirements of the MDEQ.

(d) All docks, hoists and similar structures installed shall be under common ownership and of a common design so as to create a unified appearance at the site. Hoists and similar structures shall not be permitted at a marina.

(e) All such uses shall be located so as to protect the neighboring property owners from potential off-site impacts of the use and so as to protect navigation on the Lake.

(f) When reviewing a proposed new or changes to an existing marina or non-commercial multi-docking facility, the Township shall consider factors including, but not limited to the location of the facility on the Lake, its visibility and potential impacts on the aesthetic and recreational quality of the Lake, the separation from other marinas, and other considerations for the public health, safety and general welfare.

(16) Overnight Anchorage. There shall be no overnight watercraft anchorage in open water permitted.

(17) Rental Prohibited. There shall be no rental of watercraft dockage or storage space except at a marina.

(18) Fences Prohibited. There shall be no fences permitted on Township Lake property.

(E) Exemptions. A Lake Frontage property owner who does or causes the following activities to be conducted on Belleville Lake, his or her frontage, or on abutting Township Lake property is not required to obtain Township approval under this *Section 3.120(D)*. Exemptions under this Section does not alleviate the responsibility of a property owner to obtain all other permits and approvals required by the Township and other entities with jurisdiction.

(1) Routine maintenance and repair of docks, seawalls, bulkheads, boat cradles, boat lifts, hoists, ramps or launches due to normal wear and tear.

(2) A minor earth change, 5 cubic yards or less, that impacts less than 800 square feet and that is stabilized within 24 hours of the initial disturbance.

(3) Earth changes necessitated by the installation, repair, or maintenance work performed in a public utility easement or approved private easement for public utilities.

(4) Gardening, if the natural elevation of the area is not changed.

(5) Planting of trees, shrubs, and other vegetation.

(6) Removal of trees, shrubs, and other vegetation, in a manner that does not cause erosion.

(7) Normal and customary residential landscaping. Native and natural plantings are preferred.

(8) Temporary stockpiling of soil, sand, or gravel not greater than 5 cubic yards, as part of a construction project on the Lake, provided that the loose material is protected to prevent wash or erosion.

(F) Belleville Lake Shoreline District Approval Process.

(1) Approval Required. Except as otherwise provided in this Section, no person shall do or cause any one of the following on Belleville Lake, on his or her frontage, or on abutting Township Lake property without first having obtained Township approval in accordance with the provisions of this Ordinance:

(a) Install, construct or expand a dock, boat cradle, boat lift, boat hoist, ramp, or launch.

(b) Install, construct or expand a seawall, bulkhead, dike, levee or other erosion control device.

(c) Install, place or maintain a ski jump or other rigid platform.

(d) Install, place or maintain a navigational marker or buoy.

(e) Excavate, grade, or make earth modifications other than those exempted under this Ordinance.

(2) Application Requirements. Only the property owner or authorized designee may apply for approval under this Section. Each applicant shall submit the following documents and drawings. If determined necessary and required by the Township, the drawings and documents shall be signed by licensed professional(s).

(a) A completed application form, including a description of the proposed improvements and modifications and description of any other required permits.

(b) A plan that shows the boundaries of the abutting upland lot, the location of the proposed installation and the location of the shoreline, and location of any existing structures within 50 feet of the proposed installation.

(c) A copy of any existing survey from the abutting upland lot and photographs of the existing conditions.

(d) Plans, elevations and sections, with dimensions, showing the height, length, width, distance to the lot lines and configuration of the proposed installation.

(e) Specification of the materials to be used in construction or installation.

(f) Water depth at the farthest point of projection, when additional dock length is requested.

(g) Distance from the farthest point of projection to the opposite shore (if less than 250 ft.).

(h) A description of the existing shoreline features and uses.

(i) A description of any shoreline erosion control or shoreline stabilization (seawalls, bulkheads and similar) proposed as part of the project.

(j) Other information as determined necessary by the Township to protect the public health, safety and welfare of the Township's residents, those who use Belleville Lake and the shoreline habitat.

(k) The application fee established by the Township Board.

(l) Completed application for review by Michigan Department of Environmental Quality, and if required, by FERC.

(m) Any other applicable elements of Site Plan and/or Special Approval applications, as required by this Ordinance.

(3) Review Process. All plans and applications for approval under these Belleville Lake Shoreline Districts shall be submitted to the Director of Planning and Economic Development or other designated Township official for Township review. The plans and applications shall be reviewed to ensure compliance with the submittal requirements of this Ordinance, and consistency with Belleville Lake Shoreline District zoning and development regulations. Review shall be by one of the following processes: Administrative, Site Plan, and/or Special Approval, as further specified below.

(a) Administrative Approval. Uses listed under the Belleville Lake Shoreline District A – Single Family Residential (BLA), *Section 3.120(C)(1)*, and those uses in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), *Section 3.120(C)(2)(a)*, above, are subject to administrative approval by the Director of Planning and Economic Development. The Director shall review the plan for compliance with the requirements of this Ordinance.

(i) The Director of Planning and Economic Development may forward any application for a use under this Section to the Planning Commission for its site plan review and/or public hearing, recommendation and special approval by the Township Board upon finding that unique characteristics of the site or the application warrant such consideration.

(ii) Every application submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. Approval by all other agencies with jurisdiction, including FERC is also required.

(b) Site Plan Approval by the Planning Commission. The uses permitted under the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), *Section 3.120(C)(2)(b)* above, are subject to site plan approval by the Planning Commission. For purposes of the Belleville Lake Shoreline Districts, the information required for a site plan shall contain all information required by this Zoning Ordinance, *Section 12.203*, and also that information specified under *Section 3.120(F)(2)* above. The Planning Commission shall review the plan for compliance with along with compliance with all applicable requirements of this Zoning Ordinance. Approval by FERC may be required for such uses, along with the approval of other agencies with jurisdiction.

(c) Special Approval by the Township Board. The uses permitted in the Belleville Lake Shoreline District B – Non-Single Family Residential (BLB), *Section 3.120(C)(2)(c)* above, are subject to special approval by the Township Board. All such uses shall be subject to the standards, criteria, procedures and requirements of *Article 12, Chapter 3* of this Zoning Ordinance, including public hearing and recommendation by the Planning Commission and approval of the Township Board. All special approval uses also require submission and approval of a site plan, along with compliance with all other applicable requirements of this Zoning Ordinance. Approval by FERC and other agencies with jurisdiction is also required for all special approval uses.

(4) Approval Criteria. The Township shall find that the following criteria are met prior to granting approval for any use of Township Lake property in the Belleville Lake Shoreline District. In addition, for those uses that required special approval of the Township Board, the criteria of *Section 12.306* must also be met.

(a) The application shall demonstrate compliance with all of the requirements of *Section 3.120(D)* above, and all other applicable requirements of this Zoning Ordinance.

(b) The structure(s) shall not unreasonably interfere with the adjacent property owners' or public's use and enjoyment of the waters of Belleville Lake. The facilities are so designed as to protect the neighboring property owners from negative off site impacts.

(c) The structure(s) will not create a risk to the health, safety and welfare of persons who use Belleville Lake for recreational purposes, and will not interfere with safe navigation on the Lake.

(d) The structure(s) will be constructed of materials which will not impair the water quality, water flow or water levels of Belleville Lake.

(e) To the extent feasible, the structures(s) shall protect and enhance the scenic, recreational and environmental quality of Belleville Lake. The location of the facilities shall be such that they will not create a negative visual impact for the general public.

(f) Marinas and non-commercial multi-docking facilities shall be separated from one another to avoid overcrowding and excessive boat traffic on the Lake.

(g) Consideration shall be given to maintaining consistency with the upland zoning and land use.

(h) Uses approved shall be consistent with the primary goal of permitting reasonable use by Lake residents and land owners.

(5) Approval Issuance. The Director of Planning and Economic Development shall authorize the issuance of a Township approval letter if, following review in accordance with the procedures of this Ordinance, all conditions and standards of the Ordinance and the approving body are met. Approvals from FERC, MDEQ and any other agency with jurisdiction that cannot be obtained until the Township's approval is issued, shall be required before any construction, earthwork or site changes begin, and a copy of all such other approvals must be submitted to the Township Director of Planning and Economic Development. If an application is denied by the Township, a written record shall be provided to the applicant listing the reasons for the denial. In addition:

(a) No structure within the BLA or BLB districts shall be considered an accessory structure for purposes of this Ordinance.

(b) Any other activities conducted on the land or water shall comply with all applicable federal, state and local laws.

(6) Existing Boat Docks, Structures and Uses.

(a) General. The presence of structures on Township Lake property does not convey any legal or equitable right, title or interest whatsoever in the Township Lake property other than as expressly set forth herein. It is understood that any facilities installed hereunder are subject to the terms of the FERC license.

(b) Easements. The mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, or platforms on or from a Lake access easement recorded prior to the date of adoption of this Section shall be permitted to continue. However, any easement recorded after the date of adoption of this Section shall not permit the mooring, docking, or launching of boats or installation and usage of docks, boat lifts, boat cradles, platforms or rafts on the Lake.

(c) Continuation of Existing Uses.

(i) Any structures, other than secondary living spaces on Township Lake Property or blight, existing prior to the adoption date of this ordinance are considered grandfathered and shall not be subject to Township action under this ordinance.

(ii) The mooring, docking, or launching of boats or usage of docks, boat lifts, boat cradles, piers, platforms or rafts on or from a particular lot, parcel, or frontage occurring prior to the date of adoption of this Section shall be permitted to continue without change, unless such activities are in violation of the prohibition against renting or leasing of facilities contained in *Section 3.120(C)(1)(b)(v).*

(iii) Maintenance and repair of docks, seawalls, and bulkheads due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage.

(iv) Whether a Lake use or structure is approved by the Township or not, it is the obligation of all property owners to maintain both their property at the periphery of the Lake and the Township Lake property abutting to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license. The abutting property owner from which the tree originated shall be responsible for its removal.

(v) The burden of proof in asserting and establishing a defense under this Section is on the property owner who asserts a lawful existing use. The Board of Zoning Appeals may hear and decide appeals regarding the existence or expansion of any lawful existing uses under this Section. The Board of Zoning Appeals shall not decide any such appeal until after it has held a public hearing pursuant to *Article 12, Chapter 6* of this Ordinance.

(7) Exceptions, Modifications and Appeals.

(a) Board of Zoning Appeals. For the purposes of this *Section 3.120*, the Board of Zoning Appeals ("BZA") as established and regulated in *Section 13.104* of this Ordinance shall be the reviewing body. All provisions of said *Article 12, Chapter 4* shall apply except as specifically modified in this *Section 3.120(F)(7).*

(b) Powers. The BZA may interpret the provisions of this *Section 3.120* if questions arise and may approve modifications to particular provisions of this Section, and grant special exceptions for a given case. In exercising its powers, the BZA shall have the primary goal of reaching an equitable conclusion and allocation of use of the Township Lake property for the purposes stated in *Section 3.120(A)* of this Ordinance.

(c) Standards for Special Exceptions. The BZA shall not grant a special exception to any provision of this *Section 3.120* unless it first makes all of the following findings:

(i) Enforcement of the provision(s) requested for special exception would unnecessarily prevent the reasonable use of the land or boats involved without resulting benefit to the public health, safety and welfare of persons or property,

(ii) The special exception would not unduly prevent the realization of the purposes of this Ordinance;

(iii) The special exception would not cause substantial harm or detriment to adjacent or nearby lands or boats or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance;

(iv) Unusual circumstances or conditions are involved; and

(v) The special exception is consistent with the goal of providing reasonable, equitable access to all abutting lake owners.

(d) No Precedent. Granting a specific special exception does not set a precedent for consideration of future special exception requests, as each request is to be decided on a case by case basis.

(e) Special Exception. Upon making the findings above, the BZA may grant a special exception to provisions of this *Section 3.120* subject to complying with all other requirements of this Ordinance. The BZA may also attach reasonable conditions to the granting of an exception.

(f) Public Hearing. Appeals and requests for special exceptions to this Article shall be considered only at a duly held public hearing and meeting of the BZA. Notice of the hearing shall be given in accordance with *Article 12, Chapter 6*. In addition, the Township shall give at least fifteen (15) days prior written notice of such hearing to any Lake or property owners association if the association has provided its address to the Township beforehand.

(8) Indemnification. By accepting any Township approval, the applicant agrees to execute an agreement to defend, indemnify and hold harmless the Township and its elected and appointed officials, agents, representatives, employees, boards and commissions against and with respect to any and all actions, suits, proceedings, claims, demands, judgments,

costs and expenses resulting from the erection or usage of a structure or facility pursuant to this *Section 3.120*. By virtue of any approval under this Article, the applicant further agrees to permit the Township to take access to the property at reasonable times for inspections and for purposes of public safety.

(9) Obligations. Abutting property owners shall be responsible for maintaining both their property at the periphery of the Lake and the Township Lake property abutting to their property clear of fallen trees that impede lake access, reasonably protected from erosion, and otherwise maintained as required under the terms of the FERC license. The abutting property owner from which the tree originated shall be responsible for its removal.

(10) Penalties and Enforcement.

(a) Penalty. Violation of this Article is a civil infraction, for which fines shall be not less than One Hundred Dollars ($100) or more than Five Hundred Dollars ($500) for the first offense and not less than Two Hundred Dollars ($200) nor more than Two Thousand Five Hundred Dollars ($2,500) for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Article, "subsequent offense" means a violation of this Article committed by the same person within twelve (12) months of a previous violation of the Article for which said person admitted responsibility or was adjudicated to be responsible, provided however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) Injunction. Any violation of this Article is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Article by proceeding under *Section 3.120(F)(10)(a)* above, the Township or any Township resident may institute an appropriate action in a court of competent jurisdiction seeking injunctive or equitable relief.

(c) Enforcement and Administration. This Article shall be enforced and administered by the Township Director of Planning and Economic Development, or such other Township official as may be designated from time to time by resolution by the Township Board.

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*.

Table 2, Schedule of Regulations

Deleted: 2

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 *(F)*	40 *(F)*	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	--	--

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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.

(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.

(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.

(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.

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(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

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Commented [PS120]: The deleted landscaping standards in footnote (P) will be relocated to the Landscaping article.

Commented [PS121]: 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 residentially zoned property an the time of construction of commercial uses, 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 in 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 C-1 zoned property, separated from residentially zoned property by 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 District, a minimum of three hundred and fifty (350) square feet of floor space per motel unit shall be provided as indicated in Article II. Where kitchen facilities are provided, a minimum of four hundred fifty (450) square feet of floor space shall exist

Commented [PS123]: The regulations of current footnotes (T) and (U) will be relocated to the loading section in the Parking and Loading article.

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

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¶
. u. Loading spaces shall be provided in the rear or side yard and be subject to the requirements of Article VI.

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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.

(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.

(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.

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

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Article 5 Development Standards for Specific Uses

Commented [PS124]: 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.

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(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.

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(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.

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(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.

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(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.

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Commented [PS125]: These 2 uses are regulated in several different areas of the Zoning Ordinance. Because the regulations are mostly the same for these 2 uses, they are combined in this section and each use has a sub-section that distinguishes where their regulations differ within the existing Zoning Ordinance.

(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.

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(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.

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(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.

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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.

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(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.

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(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 [PS126]: 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 [PS127]: Most drive-thru banks have 3 or 4 lanes to allow convenient access and minimize stacking.

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(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.

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(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.

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(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)*.

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(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.

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(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.

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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, 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.

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(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)*.

(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.

(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.

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:

(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.

(3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed by the State of Michigan.

(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.

(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*.

(B) It has appropriate fencing for the safety of the children in the group day care home as determined by the Planning Commission.

(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.

Section 5.112 Distribution Centers (currently 15.03.A.a)

(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.

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Deleted: under Article VI of the Public Health Code, Act 368 of the Public Acts of 1978, being Section 333.6101 to 333.6523 of the Michigan compiled laws

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(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.

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.

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

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Commented [PS128]: The 250-foot setback from a residential district was relocated to the beginning of this section in the same sub-section as the 500-foot setback requirement from a residential unit.

Deleted: <#>Any building containing such a use shall be located not less than two hundred fifty (250) feet from any residential district.¶
¶

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Commented [PS129]: Nonconformities are addressed in Article 14.

Deleted: The provisions of the Section shall not have the effect of making single-family dwelling which exist as of the 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.

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(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.

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(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.

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(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.

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(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.

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(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.

(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 2* 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.

(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.

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(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 [PS130]: These sections all address attached single-family dwellings, and they are merged to eliminate redundancy and promote consistency while having the same 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 six (6). Additionally, no building elevation shall have a dimension greater than two hundred (200) feet.

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(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.

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(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*.

(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

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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.

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Commented [PS131]: The added area provisions are from footnote "a" of currently Section 17.02 and the current definition of "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.

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(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

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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

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Commented [PS132]: There are no parcels zoned AG-A, and we recommend merging the AG-A and AG districts.

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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 [PS133]: The Zoning Ordnance 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.

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Commented [PS134]: A minimum lot area of 40 acres is prohibitive. 10 acres is appropriate with proper setbacks.

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(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 [PS135]: We recommend deleting the setback requirements, which means the minimum setbacks would default to the district which will be greater.

Deleted: <#>Building setbacks shall be as follows: front yard not less than twenty (20) feet; side and rear yard not less than ten (10) feet.¶
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(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.

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(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:

(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.

(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:

	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

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Commented [PS136]: "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.

(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.

(5) Any areas designated for discharging paint-ball guns shall be located at least two hundred and fifty (250) feet from any lot line.

Section 5.132 Outdoor Recreation, Private Parks, Gun Clubs, and Golf Driving Ranges (currently 10.02.b, and 15.03.b)

(A) Private parks, 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.

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(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 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.

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(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.

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(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.

(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.

(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.

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(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.

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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.)

(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

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(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.

(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.

(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.

(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.

(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.

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Commented [PS137]: 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 [PS138]: We recommend making the requirement of 50% to be consistent with the general standard applicable to nonconforming uses and structures in the Nonconformities article.

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(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.

(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 [PS139]: 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 [PS140]: 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 [PS141]: 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,

(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)*.

(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.

Commented [PS142]: 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:

(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.

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:¶

(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 fall, 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.

Article 6 Supplemental Zoning District Standards

Chapter 1 Condominium Developments (currently Article 6A)

Section 6.101 Application

The following regulations shall apply to all condominium developments within the Charter Township of Van Buren.

Section 6.102 Initial Information

Concurrently with notice required to be given the Charter Township of Van Buren pursuant to Section 71 (notice of proposed action) of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to development shall provide the following information:

(A) The name, address and telephone number of:

(1) All persons, firms or corporation with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).

(2) All engineers, attorneys, architects or registered land surveyors associated with the project.

(3) The developer or proprietor of the condominium development.

(B) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.

(C) The acreage content of the land on which the condominium development will be developed.

(D) The purpose of the development (for example, residential, commercial, industrial, etc.).

(E) Appropriate number of condominium units to be developed on the subject parcel.

(F) A description of the community water system to be provided.

(G) A description of the community septic system to be provided.

(H) A topographic survey of the land on which the condominium project will be developed.

(I) Any other information deemed necessary by the Planning Director.

Section 6.103 Information to be Kept Current

The information shall be furnished to the Planning Director and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to Section 18.04 of this Ordinance.

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Section 6.104 Site Plans for New Projects

Prior to recording of the master deed required by Section 72 (Establishment of Condominium Project) of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to the requirements of *Article 12, Chapter 2* of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy.

Site plan review shall be required for all condominium projects. All residential condominium units are subject to the architectural standards as set forth in *Section 5.115* of the Zoning Ordinance. Additionally, attached residential condominium units shall be subject to the requirements for single-family attached dwellings in *Section 5.116*.

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Section 6.105 Plans for Expandable or Convertible Projects

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to *Article 12, Chapter 2* of this Ordinance. The conversion of any development to condominium form of ownership shall require all standards and requirements of this Ordinance regarding condominiums to be met.

Section 6.106 Master Deed, Restrictive Covenants, "As Built" Survey, and Association Bylaws to be Furnished

(A) The condominium project developer shall furnish the Planning Director with the following for review: one (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, one (1) copy of the condominium owner's association bylaws, and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be will be established by resolution of the Township Board of Trustees.

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(B) The master deed and/or restrictive covenants of site condominiums approved subsequent to the adoption of this amendment shall include architectural standards as set forth in *Section 5.115* of the Zoning Ordinance. Copies of the master deed and/or restrictive covenants shall be provided for review by the Township prior to final approval of the site condominium or as a condition of final approval and shall be recorded in the office of the Wayne County Register of Deeds.

Section 6.107 Monuments Required

All condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall be marked with monuments as provided in this subsection.

(A) All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

(B) Monuments shall be located in the ground: at all angles in the boundaries of the condominium development; at the intersection lines of streets; at the intersection of the lines of streets with the boundaries of the condominium development; at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

(C) If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

(D) If a point required to be monumented is on a bedrock outcropping a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

(E) All required monuments shall be placed flush with the ground where practicable.

(F) All unit corners and the intersection of all limited common elements and all common elements shall be identified in the field by iron or steel bars or iron pipe at least eighteen (18) inches long and one half (½) inch in diameter or other approved markers.

(G) The Township Planning Director may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Township cash, a certified check, or irrevocable bank letter of credit to the Charter Township of Van Buren, whichever the proprietor selects in an amount to be established by the Board of Trustees, by resolution. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

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Section 6.108 Compliance with Federal, State, and Local Law

All condominium development shall comply with Federal and State statues and local Ordinances.

Section 6.109 Performance Guarantee

The Township Director of Planning may allow occupancy of the condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the

Commented [PS143]: Bonds are not an acceptable performance guarantee, as they expire and can be unreliable. Therefore, the title of this section should be changed from "Surety Bond" to "Performance Guarantee," which covers any method approved by the Township.

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Township. The expiration date of a temporary occupancy permit shall be as determined by the Planning Director upon issuance of the permit.

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Section 6.110 Site Condominiums

Pursuant to authority conferred by Section 141 (Law, Ordinance, or Regulation of local unit of government) of the Condominium Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Township Board of Trustees following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval to the Township Board of Trustees, the Planning Commission shall consult with and receive a written response from the Director of Planning, Township attorney, Township engineer and Township planner regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the condominium act and Township Zoning Ordinance.

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Section 6.111 Design and Engineering Standards for Site Condominiums

(A) **Zoning District Compliance.** A site condominium shall be subject to all of the requirements and standards of the applicable residential zoning district.

(B) **General Design.** The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this Ordinance. The following design standards are intended as a guide to sound land planning to ensure that such projects are constructed and designed as if they were single-family subdivisions. Should there be unusual topographic or property problems, these standards may have to modified to either greater or lesser conformance in a accordance with the judgment of the Township Planning Commission and the requirements of this Chapter.

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(C) **Street Layout and Design.**

(1) **Layout.** The layout of the proposed streets shall provide for the continuation of existing streets in surrounding areas and/or shall conform to a plan for the neighborhood approved by the Township Planning Commission in cases where topographic or other conditions preclude the continuation of existing streets. In general, such streets shall be of width at least as great as that of the street so extended. Due consideration shall be given to traffic safety. Minor residential streets shall be laid out as to discourage their use by through traffic. Due consideration shall also be given by the developer to the attractiveness of the street layout in order to obtain the maximum livability and amenity of the site condominium development. Consideration shall also be given to the proposed use of the site condominium. Any intersection occurring on a street which crosses railroad track shall not be less than four hundred (400) feet from the nearest railroad right-of-way. Greater distances may be required if it is deemed necessary for safety, approach gradients or future grade separations by the Township Planning Commission.

(2) **Major Streets.** Where the condominium development abuts or contains an existing or proposed major street, the Township Planning Commission may, at its discretion, require the construction of marginal access streets, double frontage of condominium units with

provision of a screen planting contained in a no-access reservation along the rear property lines or other treatment which the Commission considers essential for the adequate protection of the residential area and the separation of through and local traffic.

(3) Private Streets. Private streets shall be constructed to the standards and specifications of the Wayne County Department of Public Service or as otherwise may be required by ordinance.

(4) Access to Property. Each condominium unit within a condominium development shall be provided with a satisfactory means of access. Building permits shall not be issued for the construction of buildings which do not have access onto a street constructed in compliance with the requirements of this Ordinance.

(5) Intersection. Intersecting streets shall be laid out so that the intersection angles approximately ninety (90) degrees but in no case shall the angle of intersection by less than eighty (80) degrees. No more than two (2) streets shall cross at one (1) intersection.

(6) Visibility. The clear vision triangle areas at all corners of all street intersections shall meet the requirements of *Section 7.108*.

(7) Half street. Half streets shall not be permitted.

(8) Street Jogs. Where streets intersection, their alignment shall be continuous. Street jogs shall not be permitted.

(9) Cul-de-Sac. Where required for the full and best utilization of the property, cul-de-sacs may be utilized. The maximum permissible length cul-de-sacs shall be one thousand two hundred (1,200) feet measured from the right-of-way line of the nearest intersecting street to the farthest point on the right-of-way of the cul-de–sac. Each cul-de-sac shall be provided at its closed end with a turnaround having a diameter of at least one hundred ten (110) feet. The remaining portion of the cul-de-sac shall have a right-of-way width of at least sixty (60) feet. The straight portion of the right-of-way shall be joined to the circular portion of the right-of-way by circular curves with radii not less than fifty (50) feet. A landscaped island shall be provided in the center of each cul-de-sac exceeding six hundred (600) feet in length, it shall be posted for no parking, and a request for police enforcement shall be filed with the Township by the homeowner's association.

(10) Dead End Streets. Dead end streets shall be permitted only in cases where the Township Planning Commission is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is developed. If the Commission permits the construction of dead end streets with the expectation of such future extension, a cul-de-sac or other suitable turnaround shall be constructed and maintained at the end of the street to allow vehicles to turn around. Construction of the cul-de-sac shall be in accordance with the standards and specification for cul-de-sacs as provided in *Section 6.111(C)(9)* herein.

(11) Alleys. Alleys shall not be permitted.

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(12) Street Names. Street names shall not be permitted which might cause confusion with names of existing streets in or near Van Buren Township. Streets that will be continuations of existing streets shall be called by the same names of such existing streets. All names shall be approved by the Township Planning Commission, the Wayne County Department of Public Services, and the responding fire department.

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(13) Right-of–Way Width. Minimum right-of-way width shall be sixty (60) feet. Greater right-of-way widths for streets as may be required by the Wayne County Department of Public Services or as may be designated on the Township's comprehensive development plan may be required when determined by the Planning Commission to be necessary.

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(14) Horizontal Alignment. Center line of pavement shall coincide with center line of right-of-way, except for irregular rights-of-way widths.

(15) Street Grades. Profiles and cross sections shall be required for all streets. The minimum gradient allowed shall be not less than 0.4 percent. Streets shall be reviewed by the Township Engineer for conformance with the provisions of this Ordinance.

(16) Street Curvature. The minimum horizontal centerline radii of curved local streets shall be two hundred (200) feet. Greater radii may be required for principal streets having through traffic. A minimum fifty (50) foot tangent shall be introduced between reverse curves on streets of sixty (60) foot right-of-way. Greater tangents shall be required on streets of greater right-of-way.

(17) Radii at Intersections. Minimum pavement radii at intersections shall be fifty (50) feet at intersections of county primary roads, thirty (30) feet at intersections with major streets of over sixty (60) foot right-of-way and thirty (30) feet on local streets.

(18) Access to Streets Across Ditches. The project developer shall provide access to all proposed streets across water courses or ditches in a standard manner approved by the Township engineer and the Wayne County Department of Public Services. Drainage ditches shall be enclosed unless deemed to be impractical or unfeasible by the Township engineer.

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(19) Acceleration and Deceleration Lanes. Acceleration and deceleration lanes should be placed at the intersections of a minor street with a major street as required by Van Buren Township in conjunction with the highway authority having jurisdiction.

(D) Utility and Drainage Easements.

(1) Underground Utility Easements. The proprietor of a residential condominium development shall make arrangements for all lines for telephone, electric, television, or other similar services distributed by wire or cable to be placed underground entirely throughout the developed area, except for major thoroughfare right-of-way where underground placement is not feasible. The proprietor in an industrial or commercial condominium development shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed

underground where such occur in the front yards of condominium units, except for those fronting on major thoroughfare right-of-way where underground placement is not feasible. In all condominium developments, such underground conduits or cables shall be placed within private easements provided to such service companies by the developer or within public right-of-ways. Overhead lines may be permitted upon written recommendation of the Township engineer and Township Planning Commission and the approval of the Township Board at the time of approval of the condominium subdivision plan in those areas where it is detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility companies. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

(2) Drainage. All proposed surface drainage shall be subject to the review and approval of the Township engineer. The preferred plan for yard drainage shall provide for drainage from the rear of the condominium unit to the front of the condominium unit with a minimum grade of one (1) percent and a maximum grade of three (3) percent (FHA Type A).

In the event it is found to be essential to the economical development of substantial portions of a project, the easement at the rear of the condominium unit may be below the building grade. In this event, the grade shall be not less than one (1) percent nor more than three (3) percent and the grade from the house to the street shall be not less than one (1) percent with the building street grade being not less than twelve (12) inches above the street grade.

Where low easements are essential to the economical development of major portions of the project, the longitudinal grade of the easement shall not be less than .04 of one (1) percent and the length of run of the longitudinal easement shall not exceed five hundred (500) feet of continuous drainage with no more than one hundred (100) feet of the distance being upstream from an angle point in the easement.

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Where required by the Township engineer or Planning Commission a drainage tile of suitable size as determined by the engineer shall be provided for easement drainage with the drain tile being laid in a trench being backfilled with pea gravel or approved bankrun gravel. The depth of grade and outlet for the tile being subject to Township approval

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(E) Building Sites. The size, shape and orientation of condominium units shall be appropriate for the location of the development and for the type of development and use contemplated. Condominium units shall be of such size as to permit a variety of houses types, to provide side yards for desirable access, light, air, privacy, and safety from fire hazards and to provide for setbacks from street line and allow sufficient space for household purposes.

(1) Access. All building sites shall abut by their full frontage on an approved street constructed to the standards of this Ordinance and Wayne County. Dwelling units shall

have a front-to-front relationship across all streets where possible. Dwelling unit access onto more than one street is prohibited. Dwelling unit access onto a major thoroughfare shall be discouraged. Building sites abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage or with the side lines of the building sites parallel to the major traffic streets.

(2) Width. The minimum of any building site shall be subject to the requirements of the applicable zoning district. Where desirable to include irregular shaped building sites so as to best utilize a parcel of land, the required width shall be measured at the front condominium unit line and parallel to the front building site line; when the front building site line is narrower than the rear building sit line, the lot width shall be measured at the rear condominium unit line and be parallel to the rear building site.

(3) Building Lines and Setback Lines. The condominium unit within a site condominium project shall conform to the setback requirements of *Article 4*, Schedule of Regulations, for the district in which it is located.

(4) Depth. No building site shall be less in depth than the requirements of the applicable zoning district. The depth of a building site shall not exceed a depth to width ratio of four to one (4 to 1).

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(5) Corner Building Sites. Corner building sites shall be provided extra width to provide setbacks equivalent to front yard setbacks of adjoining streets.

(6) Side Building Site Lines. Side building site lines shall generally be perpendicular to straight street lines and radial to curved street lines unless a variation from this rule will give a better layout plan. Property lines on sides and rear of building sites should be straight.

(7) Area. Building site area shall be such that minimum areas will be in accordance with *Article 4*, Schedule of Regulations.

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(8) Waterfront Building Sites. Where building sites border upon bodies of water, the front yard may be designated as the waterfront side of such site provided the building site has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the waterfront side. The unit will be allowed to develop as a scenic unit and shall be regulated as a scenic lot per *Article 4*, Schedule of Regulations.

(F) Blocks. The size and shape of blocks shall be appropriate for the land use proposed. Blocks shall be designed so as to permit good condominium unit orientation, safe street design and economical use of land.

(1) Block Length. Length of blocks between intersection streets shall normally be from eight hundred (800) to one thousand (1,000) feet. This form shall be altered only where the topography of the land makes it advisable to do so in order to protect the public safety

and convenience and in no event shall blocks be less than five hundred (500) or more than one thousand three hundred twenty (1,320) feet in length.

(G) Use, Restrictions, and Modifications.

(1) Control. No property shall be developed for residential use if such is considered unsuitable for building purposes by the Planning Commission.

(2) Subject to Flooding. Any areas within the proposed development which are subject to flooding, inundation by storm water or within the flood plain of a river, stream, creek or lake or have inadequate drainage shall not be developed or recorded for any use so as to increase danger to life, health or property. If the Township Board determined that a flood problem does exist, then it shall reject all or part of the proposed development proposed lying with the flood plain or area subject to flooding. Areas of land lying within a flood plain shall require compliance with the Michigan Department of Environmental Quality regulations and permit requirements. The proprietor may show by engineering site plans that a change in the topography will eliminate flooding and shall demonstrate that any planned topographical change will not aggravate the flood hazard beyond the limits of the proposed development.

(3) Open Spaces. In the design of the condominium development, thorough and equitable consideration shall be given by the developer and the Planning Commission to the provision of suitable sites for recreational, open space and other public purposes

(4) Protection of Natural Features. Due regard shall be shown for all natural features, such as large trees, exceptionally fine groves of trees, water courses, scenic points, historic spots and similar community assets, which if preserved, will add attractiveness and value to the condominium development.

Section 6.112 Required Improvements for Site Condominiums

In order to provide a healthful, clean and desirable living conditions, the developer shall be entirely responsible for installing the following site improvements or shall furnish a financial guarantee acceptable to the Township sufficient to permit the completion of all contemplated improvements, before a plan shall be acceptable by the Township.

(A) Street Pavement and Storm Drainage.

(1) Those condominium developments, wherein the majority of condominium units are under one hundred fifty (150) feet in width, shall have concrete paved streets and curb and gutter. In addition, all such streets shall have enclosed storm drainage sewers.

(2) Those condominium developments, wherein a majority of condominium units are one hundred fifty (150) feet in width or greater, shall have asphalt streets with a two (2) inch cap on stone base or a deep lift asphalt of equal or greater strength than wearing surface characteristics. All such streets may have open ditches that shall be approved by the Wayne County Department of Public Services and the Township engineer.

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Deleted: and intersections of bituminous type pavement surfacing

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(B) Sanitary Sewerage System. Where provided the location and design of all trunk line and lateral sanitary sewers and any other necessary appurtenances such as pumping stations shall be first approved by the Township and all applicable reviewing agencies and all work shall be carried out under the supervision of the Township.

(C) Water Systems. Where provided, the location and design of water mains with building connections and the installation of fire hydrants and any other necessary appurtenances shall be first approved by the Township and all applicable reviewing agencies as to suitability and all work shall be carried out under the supervision of the Township.

(D) Sidewalks. Sidewalk standards in site condominium developments are as follows:

(1) Sidewalks shall be provided along both sides of all streets of the development where the average detached condominium unit width does not exceed one hundred fifty (150) feet, where units are attached (per *Section 5.116(K)*), and at any other location where the Township Planning Commission shall determine that sidewalks are necessary for public safety or convenience.

(2) Where the average detached condominium unit width in the development exceeds one hundred fifty (150) feet, sidewalks on one side of all streets may be permitted by the Planning Commission if, in the determination of the Planning Commission, sidewalks on both sides of the street are unnecessary for public safety or convenience.

(3) Sidewalks shall not be less than five (5) feet in width and four (4) inches in thickness (and not less than six (6) inches in thickness where the sidewalk crosses a driveway) and shall be approved by the Township and all applicable reviewing agencies as to suitability and all work shall be carried out under the inspection of the Township.

(E) Installation of Public Utilities. All utilities and driveways shall be located in accordance with the rules of the Wayne County Department of Public Services and shall be approved by the Township engineer. The underground work for utilities shall be stubbed to the property line. All utilities in a condominium developments shall be underground.

(F) Driveways. Each lot shall have not more than one (1) driveway. All driveways shall be hard surfaced from the road to the front building line with concrete, asphalt, or a similar material that is durable, smooth, and dustless. Such driveway shall also be at least nine (9) feet in width but shall not exceed a width of 24 feet. The driveway must be located at least three (3) feet from a side lot line. The surface area of the driveway shall not exceed fifty percent (50%) of the front yard area. Driveways shall be constructed according to accepted standards for construction as approved by the Township.

(G) Street Name Signs. Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the County Department of Public Services for county roads and in accordance with the Township Department of Public Services for private roads, if applicable.

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Commented [PS145]: A standard 3-car driveway is 24 feet wide.

Commented [PS146]: Having a 3-foot setback from a side lot line will allow sufficient room for the car door opening and for a buffer area.

(H) Street trees and Landscaping. Streets trees shall be provided in the ratio of at least one (1) per dwelling unit. Trees shall be planted along the roadway within a reserved planting strip and shall not be less than eight (8) feet in height at time of planting.

Section 6.113 Attached Residential Condominium Units

Attached residential condominium units shall be subject to the requirements for single-family attached dwellings in *Section 5.116*.

Deleted: multiple-family site plan review

Section 6.114 Commercial or Industrial Condominiums

To be eligible for site condominium review, the commercial and/or industrial uses must be permitted in the zoning district in which the development is proposed.

Deleted: Commercial shall mean office, retail, wholesale or other uses of free enterprise

Commercial or industrial condominium building sites, whether attached or detached, shall be of sufficient size to accommodate parking and loading zone requirements of *Article 9* of this Ordinance. When parking for more than one facility is proposed for common use, the minimum parking shall be the cumulative required for all users who potentially will have simultaneous need for parking unless an alternative minimum is permitted in *Article 9*.

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When commercial or industrial condominiums developments are attached, the parking requirements shall be calculated the same as detached.¶

Section 6.115 Final Documents to be Provided

After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on 24 inch by 36 inch sheets and in a digital format acceptable to the Township.

Deleted: on mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 ½ x 14) inches

Chapter 2 Planned Residential Developments (currently 7.04)

Section 6.201 Intent

It is the intent of this Section to permit planned residential developments (PRD's) that achieve the following objectives:

(A) Encourages the use of land in accordance with its character and adaptability;

(B) Converses natural resources, natural features, and energy;

(C) Encourages innovation in land use planning;

(D) Provides enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;

(E) Ensures compatibility of design and use between neighboring properties;

(F) Encourages development that is consistent with the Master Plan; and

(G) Promotes rural open space development that preserves the Township's rural character and encourages the preservation of agricultural lands.

The provisions of this Section are not intended as device for ignoring this Zoning Ordinance and the specific standards set forth therein, or the planning upon which it has been based. To that end, the provisions of this Section are intended to result in land development substantially consistent with the zoning standards generally applied to the proposed uses, allowing for modifications and departures from generally applicable standards in accordance with guidelines in this Section to ensure appropriate, fair and consistent decision making.

Section 6.202 Additional Considerations

In addition to other requirements for review of a PRD, the Planning Commission and Township Board of Trustees shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playground and other areas used by pedestrians are insulated from roads, drives and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting landscaping and building materials and noise reduction and visual screening.

Moved (insertion) [1]

Commented [PS147]: Relocated from later in this Chapter, with no text changes. This section has broad application and belongs earlier in the Chapter.

Section 6.203 Modifications

(A) **Modifications Permitted.** The Township Board of Trustees may, upon recommendations from the Planning Commission, permit modifications to the following requirements, subject to any specific limitations for any specific requirements also enumerated in this Ordinance, and upon

Commented [PS148]: This subsection includes much of the same text, but it is reformatted to read more clearly and the permitted modifications are numbered clearly state which requirements are eligible for modification.

finding that the modification will result in a substantial benefit to the users and community as whole:

(1) PRD Site Area (*Section 6.204(C)*).

(2) Density (*Section 6.206*).

(3) Building Setbacks (*Section 6.207(B)*).

(4) Lot Area and Width (*Section 6.207(D)*).

(B) Modification Criteria. A PRD application shall clarify and highlight all requested modifications to any of the PRD requirements enumerated herein. In its consideration of any modification to any of the requirements in *Section 6.203(A)*, the Planning Commission and Township Board of Trustees shall consider whether other requirements would be more appropriate because of the topography, existing trees and/or other vegetation, proposed grading and/or landscaping, and/or existing or proposed site features. In making this determination, the Township Board of Trustees and the Planning Commission shall give due consideration to the following:

(1) Innovative Design. The modification shall provide for extraordinary design excellence including but not limited to energy efficient or other innovative design, open space above and beyond the minimum and additional amounts required, additional improvements to assure vehicular and pedestrian safety, and/or additional landscaping or other site features to assure a long-term aesthetically pleasing appearance.

(2) Public Services. The modification shall provide for the inclusion of certain public services including but not limited to sanitary sewers and/or a public water supply, to enhance the long-term viability of the PRD and to allow for more efficient use of land.

(3) Community Character. The modification shall provide for land and/or facilities that contribute to and/or enhance community character examples of such land and facilities include but are not limited to parks, schools, community centers and civic buildings.

(4) Compatibility. The modifications shall provide for an arrangement of uses and density that enhance the compatibility of the PRD with existing or planned uses on adjacent land.

Section 6.204 Eligibility

To be eligible for consideration for PRD approval, the applicant must demonstrate that the following criteria will be met:

(A) Concept. The overall design and all uses proposed in connection with a PRD shall be consistent with and promote the intent of PRD' under this Chapter, as well with specific PRD design standards set forth herein.

(B) Recognizable and Substantial Benefit. A PRD shall result in a recognizable and substantial benefit to ultimate users of the PRD and the community and shall result in a higher quality of development than could be achieved under conventional zoning.

Deleted: The Township Board of Trustees may, upon recommendations from the Planning Commission, permit modifications to any of the PRD requirements enumerated herein, subject to any specific limitations for any specific requirements also enumerated herein, and upon finding that the modification will result in a substantial benefit to the users and community as whole.

Commented [PS149]: This was relocated from a subsection in Section 6.406 because the relocated text includes general criteria for all modifications.

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(C) Size. A PRD shall include at least forty (40) acres of contiguous land. However, the Township Board, upon recommendation from the Planning Commission, may permit a PRD on a smaller site if the subject site has unique characteristics and benefits that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions or utility easements crossing it, or other significant characteristics and benefits.

For a PRD of smaller than forty (40) acres to be permitted, the applicant shall submit a letter to the Township requesting a waiver of the minimum PRD size requirements. The request shall be submitted prior to submittal of a site plan and application for PRD approval, and must document the unique characteristics that the applicant believes necessitate a PRD on less than 40 acres. The Planning Commission shall review the request and make a recommendation to the Township Board. The Township Board shall make the final decision concerning a request to waive the PRD size requirements.

Commented [PS150]: We recommend a larger development area size to encourage larger projects. However, we also recommend lowering the size of the development based on certain standards.

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Deleted: Any modification to this requirement shall consider whether

(D) Public Services. A PRD shall not exceed the capacity of existing available public services, including but not limited to utilities, roads, police and fire protection services, and educational services, unless the PRD contains an acceptable phasing plan and timeline for providing necessary services or evidence that such services will be available by the time thirty percent (30%) of the homes in the PRD are completed or on a timeline specified in the PRD Agreement. Phasing shall be done in accordance with *Section 6.220*

Commented [PS151]: We recommend that public services be completed at a specific time period, with an alternative time period permitted in the PRD Agreement. This will require a deadline for public improvements.

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(E) Master Plan. A PRD shall not conflict with the Master Plan. Any modification to this requirement shall consider whether inclusion of uses and densities which are not called for in the Master Plan and/or deviation from the Future Land Use Map are justified in light of the current planning and development objectives of the Township.

If the Planning Commission determines that a deviation from this requirement is warranted, upon approval of the associated PRD, the Planning Commission shall consider initiating action where necessary to amend the Master Plan so that the Future Land Use Map designation is consistent with the approved PRD.

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(F) Economic Impact. A PRD shall not result in an unreasonably negative impact upon surrounding properties.

(G) Preservation of Natural Features. The PRD shall preserve distinctive natural features on the site to the maximum extent feasible, such as, but not limited to: woodlands, wetlands, rolling topography, natural drainage courses, etc. The PRD shall comply with the Woodland and Tree Preservation provisions of *Section 8.106*.

(H) Unified Control. The PRD shall be under single ownership or control, pursuant to the requirements of *Section 6.217*.

Section 6.205 Districts and Uses

A PRD shall comply with the following standards:

(A) Districts. A PRD may be approved as a special use in any AG, R-1A, R-2A, R-1B or R-1C District, subject to the requirements of this Ordinance for special land use approval (*Article 12, Chapter 3*) and the additional review and approval requirements as provided for herein.

Deleted: , AG-A

(B) Uses. Uses permitted in a PRD shall include the following:

(1) All permitted and special approval uses in the underlying District, with special approval uses in the underlying District being special approval uses in the PRD, unless otherwise provided for herein, and with minimum floor area in a PRD not less than, and maximum height in a PRD not greater than, the minimum floor area and maximum height, respectively, in the underlying District.

(2) Attached single family dwelling units, subject to the requirements of *Section 5.116* and the following. Where there is a discrepancy between the requirements of *Section 5.116* and the following, the following requirements shall prevail in a PRD:

Deleted: The Township Board of Trustees may, upon recommendation from the Planning Commission, permit a

Deleted: , including quadruplexes, with detached accessory structures not permitted as accessory to clusters of attached units

Deleted: for modifications enumerated herein, and subject to the following requirements

(a) Attached units shall abut common open space in a PRD.

(b) Attachment of units in a PRD shall be by means of either a common party wall which does not have over sixty percent (60%) of its surface area in common with an abutting unit wall, or an architectural wall detail which does to form interior room space, or common part wall in only the garage portion of an abutting unit.

(c) Not more than four (4) units may be attached in any one (1) building in a PRD in the manner outlined above.

(d) Not more than thirty percent (30%) of the total number of units in a PRD may be attached.

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(e) All attached units shall have an attached garage with an area sufficient to enclose at least one (1) standard private passenger car.

(f) No detached accessory buildings or carports are permitted for the attached single-family dwelling units.

(g) No part of an attached single-family dwelling unit shall be located above or below another attached single-family dwelling unit.

(h) A minimum of fifty percent (50%) of the each exterior wall of an attached single-family dwelling unit building shall be faced with brick or stone. For the purposes of calculating total wall area, the wall area includes the entire vertical surface of all exterior walls, including the flat area of a gable end, but excluding windows, doors, related trim, and fascia.

Section 6.206 Density

A PRD shall comply with the following standards:

(A) Parallel Plan. The number of dwelling units permitted in a PRD shall be based on a parallel plan prepared by the applicant. The parallel plan shall be consistent with State, County, and Township requirements for a tentative preliminary plat, shall meet the requirements of the underlying zoning district for lot area, lot width, setbacks, public roads, and shall provide an area that conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope area to permit the construction of a conforming house without impacting the area of any regulated wetland. The parallel plan must demonstrate a realistic and reasonable development plan based on regulated environmental constraints, availability of utility and other necessary public infrastructure.

During preliminary site plan review of the PRD, the Planning Commission shall review the parallel plan and determine the number of units that could feasibly be constructed on the site following conventional design standards. This number shall be the number of dwelling units permitted in the PRD (before any discretionary density bonuses are applied).

(B) Density Increase. The Township Board of Trustees may, upon recommendation from the Planning Commission, permit an increase of up to thirty percent (30%) in the overall number of residential units calculated on the parallel plan in *Section 6.206(A)*. To determine whether a PRD is eligible for any increase in density and how much additional density may be granted by the Township, a five percent (5%) density increase may be authorized for each of the following six (6) superior design standards that are achieved, based upon the discretion of the Planning Commission and Township Board of Trustees:

(1) Additional Open Space. That a minimum of fifty percent (50%) of the gross area of a PRD be set aside for common open space, which shall be subject to all of the other open space requirements of *Section 6.208*.

(2) Creation of New Woodlands. In addition to the woodland and tree preservation requirements of *Section 8.106* and other landscaping requirements of this Ordinance, three thousand (3,000) square feet of new woodland area shall be created in the required open space for every additional unit permitted in excess of the number of units calculated on the parallel plan in *Section 6.206(A)*. The new woodland areas should be contiguous to preserved woodland areas, if any. Trees in the woodland shall have a caliper of at least 1.5 inches, be planted at a rate of not less than 1 tree per 20 feet in any direction, and be of a species compliant with *Section 8.106* and *Article 10*.

(3) Open Space Amenities. That the required open space be improved with amenities that will benefit the residents of the PRD such as paved trails through the required open space (dirt and woodchip trails are not acceptable) that connect to the sidewalk system, playgrounds, clubhouses, swimming pools, tennis courts, etc.

(4) Additional Landscape Buffering Along Adjacent Roads. That the 200-foot perimeter area of the PRD along adjacent roads (required in *Section 6.207(B)*) include twice as much frontage landscaping as required by *Article 10* or as follows, whichever is greater: A minimum of one (1) deciduous or evergreen tree shall be planted for each twenty (20) linear feet or portion thereof of road frontage, PLUS, a minimum of one (1) ornamental tree shall be planted for each fifty (50) linear feet or portion thereof of road frontage, PLUS, a minimum of eight (8) shrubs shall be planted for each twenty (20) linear feet or

Commented [PS152]: Many communities require a parallel plan, and they are a very useful tool in determining how many units can reasonably be approved under conventional zoning based on the existing site restrictions.

Deleted: Overall Density. The overall density of residential uses within a PRD shall not exceed the lesser of the density achievable in the underlying district or the density that is recommended by the Master Plan (or the average density that is recommended by the Master Plan, if the Master Plan recommends a density range), except as specifically provided for herein. The density achievable in the underlying district shall be calculated by dividing the net buildable areas as defined below by the minimum lot area required in the underlying district and the density that is recommended by the Master Plan shall be calculated by multiplying the net buildable area by the density that is recommended by the Master Plan.

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<#>**Net Buildable Area.** In determining the density achievable in the underlying district, only the net buildable area of the site shall be considered. The net buildable shall be calculated as follows:¶
¶
<#>Environmental features area equals the area encumbered by water, regulated wetlands, steep slopes or other existing or proposed features that would prevent construction of a building or using for residential purposes, as determined by the Township Board of Trustees, upon recommendation from the Planning Commission.¶
¶
<#>Modified gross area equals gross area minus sixty-five percent (65%) of environmental features area.¶
¶
<#>Net buildable area equals eighty percent (80%) of modified gross area, to account for necessary road rights-of-way and easements.¶
¶
<#>The area of any land to be dedicated as additional right-of-way to existing roadways surrounding a PRD shall be credited to the buildable areas after calculation.¶

Commented [PS153]: Currently there are no criteria regarding how many additional units to approve based on the design characteristics presented. The proposed text keeps the maximum increase of 30% the same, but includes more tangible design criteria. Although the maximum increase and design criteria can be adjusted, it is important to include criteria that give predictability to the applicant and the Township.

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portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

(5) Superior Building Architecture. In addition to the building wall standards of *Section 5.115(B)(7)*, eighty percent (80%) of the front façade wall (excluding windows, doors, and related trim) shall be faced with brick or stone, and all other exterior walls shall be faced with brick or stone from the finished grade to the top of the first story wall (i.e., excluding gables and other walls above the top of the first story wall).

(6) Other Unique Features. Preservation of other unique features that benefit community character such as buildings of historic significance, protected trees (defined in *Section 8.106*), waterways and wetlands, and/or other similar unique features.

Section 6.207 Design

A PRD shall comply with the following standards:

(A) Building Location. Where feasible, buildings in a PRD shall comply with the following building location requirements:

(1) Buildings in a PRD shall be located on the edges of fields and in wooded areas, to minimize the visual impact of development. Buildings should not be located in open fields.

(2) Buildings in a PRD shall not be located on the tops of ridge lines or in areas with slopes that exceed thirty-five (35) percent.

(3) Buildings in a PRD shall not located in wetlands or flood plains.

(4) Any modification to these requirements shall consider whether other building locations are more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping or other existing or proposed site conditions.

(B) Building Setbacks. Buildings in a PRD shall comply with the following building setback requirements:

(1) The following table lists several building setback requirements for buildings in a PRD:

	Minimum Setback (Feet)	
	Detached Unit	**Attached Unit**
Along perimeter, adjacent to a major thoroughfare	200	300
Along perimeter, adjacent to another public road	200	300
Along perimeter, but not adjacent to a road	50	300
Along an internal public road	35	25
Along an internal private road	25	25
Along waterfront, adjacent to lakes, ponds, rivers, regulated wetlands, streams, drains and storm water management basins and easements	75	75

Commented [PS154]: We recommend having a 200-foot viewshed along each abutting road.

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(2) Docks, bulkheads, patios, terraces, decks and pathways in a PRD may be permitted in the waterfront setback, noted above provided, however, the Township Board of Trustees, upon recommendation from the Planning Commission, finds such placement of structures to be necessary and appropriate, as well as complementary to the character of the PRD.

(3) Notwithstanding *Section 6.207(B)(1)* and *Section 6.207(B)(2)* above, the minimum side and rear yards for all buildings in a PRD shall be the same as in the zoning district in which the PRD is located. The Township Board, upon recommendation from the Planning Commission, may modify the minimum side and rear yard setback requirements based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings and the need for proper amounts of open space for the exclusive use of residents of the PRD. However, the minimum building separation requirements of *Section 6.207(C)* may not be modified.

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<#>Any modifications to these setback requirements shall consider whether other setbacks would be more appropriate because of the topography, existing trees and/or other vegetation, proposed grading and/or landscaping, and/or existing or proposed site features. ¶

(C) Building Separation. Buildings in a PRD shall comply with the following building separation requirements:

(1) Any detached single-family principal or accessory structure in a PRD shall be located at least five (5) feet from any side lot line and at least twenty (20) feet from any other detached single-family principal or accessory structure.

(2) Any building in a PRD containing more than one (1) dwelling unit (i.e., apartments, townhouses, attached dwellings) shall be located at least ten (10) feet from any side lot line and at least twenty (20) feet from any other similar structure, as well as at least thirty (30) feet from any detached single-family principal or accessory structure.

(D) Lot Size and Width Requirements. The Township Board of Trustees may, upon recommendation from the Planning Commission, permit a reduction in minimum lot size and lot width for single-family detached residential dwelling units in a PRD below that which is permitted in the underlying district, subject to the requirements for modifications enumerated herein.

Section 6.208 Open Space Requirements

A PRD shall provide and maintain common open space, accessible to the public and all residents of the PRD, subject to the following requirements:

Commented [PS155]: The term "useable" is difficult to define, but the allowable uses and accessibility of the open space are addressed in this section.

Deleted: useable

(A) Minimum Required. A minimum of thirty percent (30%) of the gross area of a PRD shall be set aside for common open space, regardless of whether or not the PRD includes a request for a density increases and/or a lot size reduction.

(B) Location. Open spaces in a PRD shall meet one (1) or more of the following objectives:

(1) Preservation of distinctive natural features and rural characteristics.

(2) Preservation of land devoted to agricultural use.

(3) Minimization of impact from development on wetlands, rivers and other environmentally sensitive areas.

(4) Maintenance of rural open space character along major thoroughfares.

(C) **Limitation.** Not more than fifty percent (50%) of required open space in a PRD shall be used for active recreation facilities such as swimming pools and tennis courts, etc. Not more than seventy-five percent (75%) of required open space in a PRD shall be used for golf courses, provided remaining open space accommodates walking or similar passive leisure pursuits.

(D) **Exception.** Any pervious land area that is available for the common use of all residents of a PRD may be included as part of required open space, except as follows:

(1) Required open space in a PRD shall not include the area of any public or private road, the area of any easement providing access to the PRD, or the area of any required setbacks except for rural view shed areas.

(2) Not more than fifty percent (50%) of required open space in a PRD shall include the area of water bodies, regulated wetlands, or storm water retention and detention.

Deleted: or

(3) Up to one hundred percent (100%) of required open space in a PRD may include preserved natural areas provided, however, that those areas accommodate walking or similar passive leisure pursuits.

(E) **Irrevocability.** Required open space in a PRD shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the plan for the PRD. Such conveyance shall include the following:

(1) Indication of proposed use(s) of the required open space in a PRD.

(2) Indication of how all leisure and recreation needs of the population residing in or using a PRD will be accommodated.

(3) Provision for privately-owned open space in a PRD to be maintained by property owners with an interest in the open space.

(4) Provision of maintenance standards and maintenance schedule.

(5) Provision of notice of possible Township assessment to property owners in a PRD for the cost of maintenance of open space in the event that it is inadequately maintained and/or becomes a public nuisance or in the event the other facilities are not maintained.

(6) Recordation with County Register of Deeds to provide notice of restrictions to all persons having interest in property contained in the PRD.

(F) Redevelopment. Notwithstanding the requirements cited above, required open space may be redeveloped for another purpose, subject to the following conditions:

(1) Redevelopment of required open space in a PRD shall require review and approval in accordance with the procedures by which the original plan for the PRD was approved.

(2) Redevelopment of open space in a PRD shall not be permitted for the first twenty-five (25) years after the date of the initial final PRD approval. Commencing on the twenty-fifth (25th) anniversary of the initial final PRD approval and at every subsequent twenty-five year interval thereafter, there shall be a one (1) year period during which proposals to redevelop the required open space may be submitted for review and action by the Township. Proposals to redevelop required open space may not be submitted at any other time except during these one (1) year periods.

(3) In the event that a proposal to redevelop required open space in a PRD is properly submitted during an appropriate one (1) year period, the Township shall proceed with review and shall take action on the proposal even if the review process extends beyond the one (1) year period.

(4) Proposals to redevelop required open space in a PRD shall require written consent of persons holding not less than ninety (90) percent of all ownership interest in the conveyed lots contained in the PRD at the time the proposal is submitted or such other higher percentage as may be otherwise required by law. Voting rights on such a proposal shall be based on the proportion of the total area of all conveyed lot owned.

(5) These provisions for redevelopment of required open space in a PRD may be included in the conveyance previously described.

Section 6.209 Frontages and Access

A PRD shall provide for frontage and access in accordance with the following requirements:

(A) Paved Access. All roads from which a PRD takes access shall be paved along the entire length of the PRD site, and all means of access to the PRD shall be via roads which provide continuous paved connections between the PRD and the nearest major thoroughfares. If such roads are not paved, a performance guarantee pursuant to *Section 6.109* and *Section 12.211* shall be required and the PRD Agreement shall provide for such roads to be paved and improved as otherwise required in conjunction with the site development of the PRD. All of the required paving must be completed by the developer and approved by all applicable permitting agencies within two (2) years of construction commencement or prior to the issuance of building permits for eighty percent (80%) of the dwelling units in the PRD, whichever occurs first.

(B) Drive Separation. No entrance or exit drive to a PRD shall be closer than four hundred (400) feet to any road intersection, as measured between the center line of the entrance or exit drive to the PRD and the center line of the road intersection.

Commented [PS156]: We recommend specifying which roads must be paved and by what time they must be paved. This will allow the applicant to construct most of the units before paving while eliminating the need to negotiate the time at which the paving must be complete.

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(C) Lot Access. Each residential lot in a PRD shall have frontage on and each residential dwelling unit shall have direct access to, an approved public road or an approved private road that has been designed to the same standards as would be required for an approved public road.

(D) Limitation. Individual residential dwelling units in a PRD shall not have direct access onto a major thoroughfare, collector road or state truck line.

(E) Through Traffic. A PRD should be designed so that through traffic is discouraged from traveling on residential streets. However, street connections to adjacent residential developments are required where the adjacent development has located an easement or right-of-way for a connecting street. Furthermore, the PRD shall provide for future connections to adjacent undeveloped land where the Township Planning Commission and Board of Trustees is of the opinion that there is a reasonable expectation that such streets will be extended to a suitable outlet when the adjacent property is developed.

Commented [PS157]: Connections to other residential developments lead to more traffic efficiency in the long run by giving residents more choices for entering and exiting the development based on convenience and traffic flow.

Section 6.210 Roads and Driveways

Site disruption caused by road and driveway construction and associated grading required for construction in a PRD shall be minimized. Accordingly, as feasible, the PRD shall comply with the following standards:

(A) Existing Contours. Roads in a PRD shall follow existing contours, to minimize cut and fill.

(B) Linear Features. Where a PRD includes linear features such as existing access roads, tree lines or stone rows, roads shall follow those features, to minimize visual impact.

(C) Open Fields. Roads in a PRD shall not be located in open fields, to preserve rural open space character, except where the crossing of an open field is necessary to comply with some other standards enumerated herein.

(D) Shared Driveways. Use of shared driveways to serve up to four (4) units in a PRD shall be permitted, to minimize the amount of paving and reduce the number of curb cuts onto public roads.

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Section 6.211 Traffic Impact

A PRD shall be designed to minimize its traffic impact on surrounding uses. In determining whether the PRD has met this requirement, due consideration shall be given to access to major thoroughfares, resulting increases in traffic congestion, proximity and relation to intersections, adequacy of driver sight distances, location of and access to off-street parking, required vehicular turning movements and proposals to alleviate traffic congestion, traffic safety concerns and other traffic impacts. The Planning Commission or Township Board may require a traffic impact study to be submitted.

Commented [PS158]: The Planning Commission and Township Board should always reserve the right to require a traffic impact study.

Section 6.212 Pedestrian Circulation

A PRD shall provide pedestrian access and circulation in one (1) of the following configurations, or a combination thereof as determined to be appropriate by the Township Board of Trustees, upon recommendation from the Planning Commission.

(A) Sidewalks. Sidewalks shall be provided along all perimeter roads surrounding and along both sides of all roads in a PRD.

(B) Other. Paths or other means of pedestrian circulation shall be provided in a PRD, capable of achieving at least the same amount and linear footage of pedestrian circulation that would have been provided by sidewalks.

Section 6.213 Utilities

All utility lines in a PRD shall be installed underground in accordance with all requirements of applicable service providers.

Section 6.214 Natural Features

A PRD shall be designed to promote preservation of natural resources and natural features. If natural animal or plan habitat of significant value exist in the PRD, the Township Board of Trustees may, upon recommendation from the Planning Commission, require the PRD to preserve the areas in a natural state and protect them as open space or passive recreation areas.

Section 6.215 Landscaping and Lawns

In addition to the landscaping requirements of *Article 10*, the PRD shall comply with the following standards regarding landscaping and lawns:

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(A) Existing Vegetation. Existing trees and other vegetation in a PRD shall be preserved where disturbance is not necessary outside building envelopes.

(B) Lawn Areas. The creation of lawn areas in excess of ten thousand (10,000) square feet on individual lots shall be prohibited in a PRD, unless a larger lawn area is required to satisfy septic system requirements. Lawn areas shall be included in site disturbance. Instances where a lot includes open field areas, these areas may be seeded without being included in the lawn area or the site disturbance calculation.

(C) Clear Sites. Where no natural features exist on a particular site, a PRD shall include measures to establish such features including but not limited to treed areas and wildlife cover.

(D) Native Species. Where landscaping is proposed in a PRD, native species shall be used.

Section 6.216 Existing Structures

A PRD shall comply with the following standards regarding existing structures:

(A) Preservation. If a PRD contains existing structures deemed by the Township to be historic, cultural or architectural significance (such as farm structures) and where those structures are deemed by the Township to be suitable for rehabilitation, those structures shall be retained, preserved and included in the PRD.

(B) Rehabilitation. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted in a PRD.

Section 6.217 Control and Reserves

A PRD shall be under single ownership or control, such that there is a single person or entity having responsibility and financial capability for completing the PRD or assuring completion of the project in conformity with this Ordinance. The applicant shall provide legal documents of single ownership or control in the form of agreements, contracts, covenants and/or deed restrictions which indicate that the PRD can be completed as proposed and that cumulative financial reserves have been secured and designated for that purpose and further that all portions of the PRD that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all successors in title to any commitments made as a part of the documents. The provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Clerk.

Section 6.218 Applicable Regulations

A PRD shall comply with all applicable Federal, State and local laws and regulations, including but not limited to general provision, special use requirements and site plan review requirements, as well as subdivision and/or condominium requirements, where applicable.

Section 6.219 Approval Procedures.

In addition to meeting the requirements and standards listed in this *Article 6, Chapter 2* approval of a PRD application shall proceed in the same manner as other special use applications, including a recommendation by the Planning Commission and approval by the Township Board of Trustees pursuant to *Article 12, Chapter 3*. Action on a PRD shall include but not be limited to determination of eligibility, approval of preliminary plan and modifications and approval of final plan and modifications. The final approval, including all associated conditions and modifications, shall be documented, in a PRD Agreement in a form acceptable to the Township attorney, between the Township Board of Trustees and the applicant. The PRD Agreement shall be executed at the time of final PRD approval by the Township Board of Trustees.

Moved up [1]: ¶
<#>Additional Considerations¶
In addition to other requirements for review of a PRD, the Planning Commission and Township Board of Trustees shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks and berming; thoroughfare, drainage and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playground and other areas used by pedestrians are insulated from roads, drives and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting landscaping and building materials and noise reduction and visual screening.¶

Section 6.220 Phasing

When a PRD is to be constructed in phases, it shall be designed so that each phase, when completed, is capable of standing on its own in terms of the presence of services, facilities and open space and contains the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the PRD and the residents of the surrounding areas. For phased projects, a new phase shall not commence until the preceding phase has been completed. In addition, proposed phasing shall comply with the following requirements:

(A) Commencement. Construction of a PRD, or improvements therein, may commence at any time following final PRD approval, but also not prior to any related and required engineering, condominium and/or subdivision approval, provided that construction shall be commenced for each phase of the PRD within twenty-four (24) months of the schedule set forth on the approved plan for the PRD. Improvements to infrastructure including but limited to paving of roads and installation of lights, signs and other traffic improvements, as well as installation of utilities and drainage improvements, etc., shall be completed prior to commencement of building construction in a PRD. Mitigation of other issues and impacts shall require a plan delineating funding and timing, etc., of installation of any required improvements.

(B) Revised Phasing Plan. The applicant may, however, submit a revised phasing plan for review and approval by the Township Board of Trustees, upon recommendation from the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a PRD has commenced, approval of a revised phasing plan shall not be unreasonable withheld or denied, provided that the revised phasing does not materially change the integrity of the approved PRD.

(C) Reconsideration and Revocation. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township Board of Trustees, upon recommendation from the Planning Commission, may reconsider and revoke the PRD approval of the undeveloped portion of the PRD.

(D) Definition. For the purposes of this Section, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations or similar substantial improvements.

(E) First Phase Projects. If proposed as a part of a PRD, improvements to be completed in the first phase of the PRD shall include but not be limited to sewer and water treatment and storm water management facilities and other infrastructure as determined by the Township, such as golf courses, improvements to common areas and community centers and facilities.

Section 6.221 Revisions of Approved Plans.

(A) General Revisions. The approved plan for a PRD may be revised in accordance with the procedures set forth in *Section 6.219*.

(B) Minor Changes. Notwithstanding *Section 6.221(A)* above, minor changes to an approved PRD may be permitted by the Planning Commission following site plan review procedures outlined in *Article 12, Chapter 2*, subject to its findings that the following are true:

(1) Such changes will not adversely affect the initial basis for granting approval.

(2) Such minor changes will not adversely affect the overall PRD in light of the intent and purpose of such development, as set forth in *Section 6.201*.

Section 6.222 Performance Guarantee

To ensure compliance with the Zoning Ordinance any condition imposed thereunder, the applicant shall deposit a performance guarantee with the Township Treasurer in accordance with *Section 12.211* prior to the commencement of development.

Chapter 3 Belleville Road Overlay District (BROD)

Section 6.301 Intent and Purpose

The Belleville Road Overlay Zoning District (BROD) establishes regulations applicable to site development including building setbacks, design, parking, access management, landscaping, and signage. This overlay district is based upon careful evaluation, study, and plans completed as part of a master planning effort by the Van Buren Township Planning Commission and Downtown Development Authority (DDA). Objectives of the overlay district are as follows:

(A) Promote development consistent with the Belleville Road District Plan.

(B) Establish consistent high quality standards for site development and building appearance.

(C) Achieve well-managed, safe, and efficient flow of motorized and non-motorized traffic, including accessibility and connectivity.

(D) Foster a more pedestrian-friendly environment that contributes to the Township's sustainability as a vital, attractive, economic, and healthy place to live.

(E) Permit the combination of uses which are complementary to one another within the same structure or zone.

(F) Enhance the built environmental of the area and provide a sense of place, including the creation of high quality public spaces.

The application of these standards contributes to the Township's economic development objectives and are intended to help sustain and increase the value of private property.

Section 6.302 Definitions

The following definitions shall apply specifically to the BROD, but may be applied broadly throughout the Township where, in the opinion of the Planning Director, the definition has broad applicability:

(A) **BUILDING ENVELOPE STANDARDS (BES):** Basic parameters regulating building location and form, including the envelope, placement (in three dimensions) and certain permitted/required building elements, such as storefronts, balconies, and street walls. The BES establish both the boundaries within which things may be done, and specific things that must be done. The applicable BES for a site are determined by its subarea in the Overlay District.

(B) **DISTRICT PLAN:** Refers to the Belleville Road District Plan and Market Analysis as adopted by the Van Buren Township Planning Commission.

(C) **FAÇADE FRONTAGE:** Refers to the façade of a building where the primary public pedestrian entrance must be located. The area in front of the building frontage is considered the "front yard" for the purposes of this Chapter.

(D) GROUND FLOOR: The first level of a building where at least 80 percent of the finished floor elevation is within the finished floor elevation parameters established in the designated BES. The next story above the ground floor is the second floor.

(E) STOOP FRONTAGE: A stoop frontage is characterized by a building façade which is aligned close to the frontage line with the ground story elevated above the sidewalk to provide privacy for the ground floor uses. The entrance is usually an exterior stair or landing which may be combined with a small porch or roof.

(F) STREETSPACE: Includes all space between building frontages (travel lanes, sidewalks, squares, pedestrian pathways, civic greens, sidewalks, parks, etc.), but not garage entries or alleys.

(G) UNDERLYING DISTRICT: The underlying district is the zoning district upon which an overlay subarea district is laid. The BROD is superimposed upon the underlying zoning districts.

Section 6.303 Overlay District Concept

The Belleville Road Overlay District (BROD) is a mapped zone that imposes a set of special requirements in addition to those of the underlying zoning district(s).

The BROD is a mandatory overlay district. Property in the BROD may continue to be used as permitted by the standard zoning district and all other legal nonconformities are permitted to continue; however, any new activity that requires site plan approval in accordance with the requirements of the Zoning Ordinance shall also comply with the requirements of the BROD contained in this Chapter. In the event there are conflicts between the requirements of the underlying zoning district and the BROD, the requirements of the BROD shall govern.

Section 6.304 Overlay District Boundaries

The boundaries of BROD shall be on the Zoning Map of the Charter Township of Van Buren per *Section 3.102*. The BROD is divided into the following subareas:

(A) Core Commercial Subarea (South of Tyler Road). This district is intended to be a walkable regional shopping and entertainment destination consisting of a diverse mix of retail, services, entertainment, senior housing, and office space.

(B) Gateway Mixed Use Subarea (North of Tyler Road). This district is intended to be a walkable hub of activity that is characterized by horizontal and vertical mixed-use commercial, office, live/work, multi-family residential, senior housing, and public and quasi-public uses that complement each other.

Section 6.305 Administration

(A) Applicability of the BROD. All proposed uses and development in the BROD shall be reviewed the same as the same uses and development outside of the BROD, in accordance with *Article 12, Chapter 2*.

(1) Administrative Review and Site Plan Review. Administrative Review or Site Plan Review shall be required in accordance with *Article 12, Chapter 2*. Plans must contain all of the information required in *Section 12.203*, and the process shall follow the procedures of *Section 12.205*.

(2) Special Land Use Review. For any development or use in the BROD that requires Special Land Use review, the procedures of *Article 12, Chapter 3* shall be followed.

(3) Site Condominium and Subdivision Development. Any proposed site condominium (*Article 6, Chapter 1)* or subdivision (Subdivision Control Ordinance) in the BROD shall follow the required procedures and regulations with the exception that any design requirement contained in the BROD shall take precedence over any similar design requirement contained in *Article 6, Chapter 1* or the Subdivision Control Ordinance.

(B) Appeals and Variances. Any appeal or variance from the standards or requirements of the BROD shall be reviewed in accordance with *Article 12, Chapter 4*.

(C) Nonconformities. The requirements of *Article 14* apply to all nonconformities in the BROD.

Section 6.306 Permitted and Special Land Uses

(A) Core Commercial Subarea (South of Tyler Road). The permitted and special land uses in the Core Commercial Subarea shall be those permitted and special land uses of the underlying zoning district.

(B) Gateway Mixed Use Subarea (North of Tyler Road). The permitted and special land uses in the Gateway Mixed Use Subarea shall be in accordance with the Mixed Use District in *Section 3.119*.

Section 6.307 Building Envelope Standards (BES)

(A) Standards Applicable to All Areas. The goal of the Building Envelope Standards (BES) is the creation of a healthy and vital public realm through good streetspace. The BES set the basic parameters governing building form and location, including the building envelope (in three dimensions) and certain required and/or permitted building elements, such as balconies, bay windows, stoops, and shop fronts. BES shall conform to requirements of this Chapter as well as the following general guiding principles:

(1) Buildings shall be generally aligned and close to the street. Buildings should be used to form the space of the street.

(2) The street shall be a coherent space, with consistent building forms on both sides. The arrangement of buildings facing across the street contributes to a clear public space and street space identity.

(3) Buildings shall oversee the street space with active front spaces. This oversight of the street space contributes to vital and safe public space.

(4) Vehicle storage and parking, other than on-street parking, shall be buffered from the street.

(5) Retail, where permitted, shall be located on the ground floor at the Façade Frontage because retail use has the effect of making the street active and interesting.

(B) Standards Applicable to the Gateway Mixed Use Subarea (North of Tyler Road). In addition to the standards of the BROD, sites in the Gateway Mixed Use Subarea must meet all of the applicable requirements of *Section 3.119.*

Section 6.308 Parking, Loading, and Access Management

(A) Parking. The purpose of these standards is to provide adequate off-street parking for sites in the BROD while maintaining attractive site designs and providing safe access to sites using all modes of transportation.

(1) General Parking. Parking spaces shall be provided as required by *Article 9* of this Ordinance.

(2) Shared Parking. Shared parking shall be provided wherever possible in accordance with *Section 9.101(G).*

(3) Bicycle Parking. Adding bicycle parking in the Belleville Road area is identified as a priority project for Belleville Road in the Walkability Audit completed in 2015 and is required in the BROD. One (1) bicycle parking space shall be provided for each twenty-five (25) vehicle parking spaces or fraction thereof, placing an emphasis on providing short-term bicycle parking to complement the land uses commonly found in the BROD. Bicycle parking shall be conveniently located near the public entrance. The Planning Commission may increase or decrease the number of required bicycle parking spaces based on expected demand and available areas to locate bicycle parking.

(B) Vehicular Access Standards. The purpose of this subsection is to facilitate through traffic operations, ensure public safety along roadways, and protect public investment in the street system while providing property owners with reasonable, though not always direct, access. The standards are specifically designed to apply to Belleville Road, Tyler Road, Ecorse Road, and the I-94 Service Drive. Their primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

(1) Application of Standards. The standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Wayne County Roads Division (WCRD).

(2) Street Network. All development must be linked to an interconnected network of streets, shared access drives, or other public passageways. In addition to existing streets and private shared access drives, there are several future street extensions envisioned in the Master Plan including McBride Avenue, Robson Road, unnamed collector streets north of Tyler and west of Belleville Road, along with shared private access drives as

needed for new development. The following requirements are intended to create a more walkable, pedestrian-friendly district as development occurs over time.

(a) Street Connectivity. Street connections for the continuation of the street network onto adjacent properties shall be provided when the potential exists for the continuation of those streets on adjacent parcels.

(b) Public Streets. Internal streets should be dedicated to the public, consistent with the Master Plan to ensure connectivity between adjacent parcels in addition to the shared access drives.

(c) Cross-Access. Blanket cross-access easements shall be provided for all shared access drives and curb cuts to ensure that the internal circulation system connects to the internal circulation system on adjacent parcels. The blanket cross-access agreement shall provide for reciprocal cross-access for connection to adjacent parcels and curb cuts without limitation. This will have the long-term effect of reducing traffic on roads, reducing curb cuts, and encouraging more cohesive development.

(3) Street Design.

(a) Design Speed. Shared access drives and internal streets shall be designed with a maximum design speed of twenty-five (25) miles per hour.

(b) Alleys and Rear Access Lanes. Alleys and lanes that provide access to the rear of buildings are encouraged.

(c) Gateway Mixed Use Subarea (North of Tyler Road). Street design in the Gateway Mixed Use Subarea shall be in accordance with the Mixed Use District in *Section 3.119*.

(4) Modification of Standards for Special Situations. During site plan review the Planning Commission shall have the authority to modify the vehicular access standards of this *Section 6.308(B)* upon consideration of the standards in *Section 9.106(G)*.

(C) Bicycle and Pedestrian Access. The goal of these standards is to provide adequate access to bicyclists and pedestrians in the BROD, recognizing Belleville Road as an important gateway between the northern and southern portions of the Township, and to the City of Belleville. In compliance with the Michigan Planning Enabling Act, any newly constructed public streets or shared access drives in the BROD shall provide access for bicyclists and pedestrians to the greatest extent possible. These standards include recommendations for the Belleville Road corridor from the Van Buren Township DDA Walkability Audit completed in 2015.

(1) Bicycle Access. New developments shall connect to the bicycle transportation network along Belleville Road and throughout the Township.

(2) Bicycle Parking. Bicycle parking shall be conveniently located near the public entrance and well-lit to discourage theft or vandalism.

(3) Pedestrian Access. New developments shall be designed to allow for safe and efficient pedestrian access between the entrances of buildings and the sidewalks and pedestrian network of the BROD.

(4) Crosswalks. Pedestrian areas that cross vehicular traffic at roads or parking lots shall be clearly marked, and vehicular traffic shall be encouraged to slow down near pedestrian crossings. Accent paving shall be incorporated at key crossings that may accommodate heavy pedestrian traffic. Where accent paving is not used, "piano key" (alternating white and black bands) shall be installed to increase visibility. Pedestrian crosswalks shall be adequately lighted, have clear sight distances, and be free from view-hindering obstructions such as foliage and poles at crosswalk entries and median refuge islands.

Section 6.309 Architectural and Site Design Standards

The architectural and site design standards of the BROD are intended to customize, simplify, and streamline improvements, renovations, and future development to fit the desired character of the BROD, and to also be consistent with the vision and goals for this area as detailed in the Belleville Road Master Plan. These standards describe and illustrate building and site features that are appropriate for the Belleville Road corridor and other areas of the BROD. These standards establish the criteria used by the Township in reviewing the design of proposed development, and are intended to require consistent high quality design and development.

(A) Design Principles and Area Character.

(1) Connectivity. The street, driveway, and sidewalk pattern in the BROD shall be designed to maximize auto, pedestrian, and bicycle connectivity.

(2) Visibility. Visibility of building fronts shall be considered based upon pedestrian scale – not automotive drive-by scale.

(3) Unifying Design. Developments shall have a unifying design. Corporate "franchise" architecture that is not compatible with the established BROD design theme, in the determination of the Planning Commission, shall be modified to be compatible with the BROD design theme herein.

(B) Site Design

(1) Introduction. Siting involves a project's relationship to the site, the street, and adjacent buildings. For example, buildings shall be sited to provide a comfortable and safe environment for pedestrians while accommodating vehicles.

(2) Open Space.

(a) General Design Standards.

(i) Usable Public Open Space. Increase the usability of public open space by providing shade, street furniture, special paving for sidewalks, pedestrian pathways, turf, accent and flowering plants, and other site amenities. Usable

open space shall be provided within residential, commercial, office, and mixed use developments.

(ii) Private Open Space. Private open space such as patios and balconies shall be included in multi-family and mixed-use residential, and senior housing developments. Balconies shall be a minimum of 50 square feet in area and have a minimum narrow dimension of 5 feet; patios shall be a minimum of 100 square feet. Balconies must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof. Balconies aligned vertically on adjacent floors may post up to one another and share a single roof element.

(iii) Quality of Open Space. Open space shall be meaningful, and shall not be fragmented or consist of "leftover" land.

(iv) Open Spaces Between Buildings. Recognize the importance of spaces between buildings as "outdoor rooms" on the site. Encourage the use of these spaces as open space in the form of covered pedestrian arcades (walkways), outdoor seating areas, or pedestrian plazas with benches.

(v) Shading. Pedestrian areas shall include a variety of sun and shading options (e.g., canopies, trees, umbrellas, etc.) that allow users to choose how they want to use the site and connect with it.

(vi) Visibility. Outdoor spaces and plazas shall be visible from the adjoining buildings to help promote safety.

(vii) Passive Activity. Open spaces shall be designed with a variety of passive recreational opportunities, including sitting and relaxing, meeting and social interaction, and nodes along urban trails, bikeways, and corridors.

(b) Plazas and Courtyards.

(i) Required Access. Access shall be provided from shops, restaurants, offices, and other pedestrian uses to plazas, with well-lit entries to both the plaza and the storefronts.

(ii) Relationship to Building. Buildings should face the street and also have a pedestrian relationship to plazas, parks, pedestrian alleyways, or other public spaces whenever possible.

(iii) Access to Sunlight. A majority of the area of a plaza or courtyard shall have access to direct sunlight for the duration of daylight hours.

(iv) Focal Feature. Plazas and courtyards shall include a focal point such as a sculpture and/or water feature, and architecture, landscaping, and public art shall be incorporated into the design.

(v) Seating. Ample seating in both shaded and sunny locations shall be provided in plazas. Where applicable, plaza users shall be provided with a choice between shaded and sunny seating.

(vi) Proximity to Motorized Access Areas. Courtyards shall be designed to provide both visibility and separation from the street, parking areas, or drive aisles.

(vii) User-Friendly Design. Plaza amenities shall be designed with consideration of the population who will use the plaza in mind (e.g., families with children, office workers, senior citizens, all of the above, etc.).

(3) Parking Lots and Structures.

(a) Shared and Joint Parking Areas. Shared and joint parking areas that serve multiple businesses and land uses are strongly encouraged, and should primarily be located at the rear and/or side of the developments.

(b) Pedestrian Access. Parking areas shall be designed so that, whenever possible, pedestrians walk parallel to moving cars unless perpendicular crossing is required and marked.

(c) Ground Floor Use of Parking Structures. Any parking structure shall incorporate retail and/or office space on the street level of the structure. This prevents the structure from becoming a pedestrian "dead zone".

(4) Site Amenities. All sites shall be required to provide amenities compatible with the site's Subarea and use in compliance with the underlying zoning district per *Section 10.103(F)*. For example, if a site's underlying zoning is C, Local Business, it shall comply with the specific provisions of *Section 10.103(F)(3)*. In addition to any amenities required by the underlying zoning districts, the following shall also apply:

(a) Public Art. Public art shall be used to create attractive, unique, and aesthetically pleasing public spaces. Artwork shall be integrated into public and private development projects where appropriate, and shall be low-maintenance. Artwork guidelines include but are not limited to the following options:

(i) Building features and enhancements such as bike racks, gates, benches, water features, or shade screens, which are unique and/or produced in limited editions by a professional artist.

(ii) Landscape art enhancements such as walkways, bridges, or art features within a garden.

(iii) Murals or mosaics covering walls, floors, and walkways. Murals may be painted or constructed with a variety of materials, including the use of imbedded and nontraditional materials. Murals shall not be signs.

(iv) Sculptures which can be freestanding, wall-supported or suspended, kinetic, electronic, and made of durable materials suitable for the site and climate.

(v) Fiberwork, glass, photographs, prints, or any combination of these.

(vi) Community arts projects resulting in tangible artwork, such as community murals, sculptures, or kiosks.

(b) Site Furniture.

(i) Site furniture elements shall include benches, trash receptacles, wayfinding kiosks, planters, public art, and bicycle racks to serve the site and the adjacent public right-of-way. The street furniture shall meet the uniform design standards for the BROD.

(ii) Where visible from the public right-of-way, site furniture shall complement the public streetscape elements and shall match the streetscape specified benches and litter cans.

(iii) Site furnishings shall not be located so as to create pedestrian or vehicular conflicts.

(iv) All street furniture shall be made of high quality, long-lasting materials suitable for use in Michigan's climate, and shall be low-maintenance and graffiti-resistant.

(v) Items shall be securely anchored to an approved paved surface.

(c) Outdoor Dining. All outdoor dining areas shall be encouraged with commercial uses that include the sale of food, and are a preferred amenity for such uses. Where incorporated, outdoor dining areas shall be used to bring activity to plazas/courtyards, public spaces, and shall be placed at the edges of open space, or located along building and street frontages. Outdoor dining areas shall meet the requirements of *Section 5.138* and shall be oriented away from off-site uses that are sensitive to noise or nighttime activity, such as existing residential uses.

(d) Decorative Paving. Decorative special paving shall be used to enhance site design but should be used as an accent and should serve a specific purpose. Preferred locations for decorative paving include:

(i) Traffic calming at driveways and crossings;

(ii) Pedestrian crossings/sidewalks;

(iii) Pedestrian plazas and courtyards;

(iv) Pedestrian walkways to distinguish between paths of travel and designated sales and/or seating areas;

(v) Primary building entrances;

(vi) Roundabouts; and

(vii) Promenades.

(C) Architectural Character

(1) Introduction. New or rehabilitated buildings in the Gateway Mixed Use Subarea shall be designed to encourage pedestrian access and street life. Design elements used to achieve this include a continuous street "wall" with ground floor retail and other active uses combined with one to four upper stories that contain service commercial, offices, or residential uses.

New or rehabilitated buildings in the Core Commercial Subarea are intended to foster an environment that, while still handling large volumes of automobile traffic, is also safe for pedestrians. Design elements used to achieve this include pedestrian-scaled façade articulation, pedestrian-scaled lighting, ground-story windows, and regularly spaced building entrances.

(2) Building Height, Form, and Mass

(a) Shade. Awnings and overhangs shall be used in conjunction with street trees to provide shade for pedestrians.

(b) Gateway Mixed Use Subarea Requirements. New developments or major site rehabilitation in the Gateway Mixed-Use Subarea shall be constructed in accordance with *Section 3.119* and are encouraged to be designed as multiple-use structures, with retail on lower floors and residential or non-retail commercial on upper floors.

(c) Solar Access. Orient buildings to take advantage of solar access. For optimum solar conditions, the longest side of a building should face south (within 20 degrees of due south) and have relatively clear access to the sun.

(d) Human Scale Design. Incorporate elements into the design of large structures that provide a transition to the human scale, particularly at the ground level. Such elements shall be provided through, but not limited to, covered walkways, building arcades, and trellises.

(e) Step Backs for Four (4)-Story Buildings. Buildings of four (4) stories shall incorporate horizontal building step-backs to provide building articulation, terrace space, and other elements to soften building facades.

(f) Corner Buildings. All street-facing façades of a corner building shall be treated equally in regards to building façade relief, material changes, architectural details, and window transparency, placement, and articulation. Corner buildings may be angled to meet the corner at the ground floor only.

(g) Design of Site with Multiple Structures. Sites with multiple structures shall be linked visually and physically. These links can be accomplished through the use of the same or compatible building architecture, materials, colors, signage, landscaping, lighting, and site layout.

(h) Separation between Four (4)-Story Buildings and Single-Family Homes. If a four (4)-story building is proposed, it must not be located immediately adjacent to an existing single-family home. Instead, and intermediary two (2)- or three (3)-story building must be installed as a transition between the single family lot and the four (4)-story building.

(3) Facades, Windows, and Doors

(a) Building Entrances Oriented Toward the Street. Primary building entrances shall be oriented toward the street. Building entrances shall be designed as prominent and easily identifiable and shall form a transition between the exterior and interior. Adequate lighting shall be provided at building entries for security.

(b) Nonresidential Building Entrances. Nonresidential building entrances shall be designed with awnings, canopies, or similar features to protect patrons and employees from the elements. Where nonresidential building has a front yard setback of zero (0) feet, storefront doors must be recessed at least thirty-six (36) inches from the building frontage line.

(c) Windows. Elements of architecture including window and door placement shall be designed to add variety and interest to the project. Nonresidential buildings shall have a minimum of fifty (50%) glass at the ground floor level facing a street, with other exterior wall surfaces at upper stories not exceeding fifty (50%) glass.

(d) Additional Sunlight. Additional sunlight shall be brought into large buildings through the use of atriums or skylights.

(e) Primary Architectural Features. Primary architectural features must be related to the building's structure, function and/or engineering, and shall not be merely decorative. While some elements may be decorative, the intent of this standard is to avoid developments with architectural elements that look applied, rather than incorporated (e.g. false front treatments, partial roof forms). For example, building facades that incorporate canopies or walls with mock gables must provide a pitched roof component to provide depth and give an authentic appearance.

(f) Physical Façade Design. The physical design of building facades is required to vary at least every 40 linear feet for the Gateway Mixed Use Subarea, and every 75 feet for the Core Commercial Subarea. This can be achieved through such techniques as:

(i) Division into multiple buildings;

(ii) Break or articulation of the façade;

(iii) Significant change in façade design;

(iv) Placement of window and door openings, or

(v) Position of awnings and canopies.

(g) Mullions. Mullions – "true divided light" windows or sectional windows shall be used where a divided window design is desired; "snap-in" grills or mullions shall not be used.

(h) Window Visibility. Windows shall not be blocked from inside a building due to retail display racks, plywood sheets, posters, signs, and similar means, unless window signs are permitted by the Township.

(i) Windows on Masonry Buildings. Windows on masonry buildings must be recessed at least four (4) inches from the exterior surface of their corresponding facades.

(4) Roofs and Upper Story Details

(a) Roof Design. Roofs shall be given design consideration and treatment equal to that of the rest of the building.

(b) Roofline Elements. Roofline elements shall be developed along all elevations.

(c) Parapet Walls. Interest shall be created in the parapet walls along the sides and rear through the use of height variations, relief elements, and the design of scuppers, downspouts, and expansion joints, organized into the pattern of the total building design.

(d) Roof-Mounted Equipment. Roof-mounted utility and wireless communication facilities shall be integrated directly into the architecture of building(s) as opposed to freestanding locations.

(5) Building Materials and Colors

(a) Building Materials. Projects shall be designed using durable, low-maintenance, and timeless building materials such as natural brick or stone. Building materials shall reflect the Township's desired character of Belleville Road. Exterior building materials used for buildings in the Township shall generally fall into two categories: Primary and Accent building materials. Primary building materials should cover a majority of the exterior wall surface, and accent building materials shall enhance and support the primary building materials and building as a whole.

(i) Primary Building Materials. Buildings in the BROD shall use unpainted red brick, brown brick, natural stone, or similar high quality materials as the primary material for new construction or major rehabilitation unless the historical character of the building or area would be enhanced with a building material

compatible with that of the period from which the building is from or representative of. Other durable natural building materials that convincingly matches the appearance of the above natural building materials may be approved by the Planning Commission.

(ii) Accent Building Materials: Accent building materials include split-face decorative concrete block units, exposed logs, timbers, or wood trim, metal panels and trim, glass, and hardie board. Vinyl siding and non-durable building materials such as EIFS are acceptable as accent materials, but shall not be used on more than 10% of any exterior building façade's wall area.

(iii) Prohibited Building Materials: Unless approved by the Planning Commission as accent building materials, plain concrete block (both painted and unpainted), plywood or T-111 panels, aluminum siding, and similar materials shall be prohibited.

(b) Prohibited Buildings and Structures. Factory-built, prefabricated, pre-manufactured buildings, portable, and similar structures shall be prohibited within the BOD.

(c) Franchise/Corporate Architecture. The scale, design, and materials of franchise/corporate architecture shall be consistent with the standards of this article.

(d) Building Materials in Mixed-Use Buildings. Mixed-use commercial developments that contain residential units on the upper stories shall utilize building materials with known vibration and sound-reduction qualities in order to minimize noise impacts.

(e) Reflective Materials. Reflective materials shall not be used to clad a building; however, if reflective architectural accents must be used to protect the integrity of the building design, then the materials shall not be a nuisance to the occupants of the existing surrounding structures, or create a safety hazard to any type of traffic.

(f) Roof Materials. Metal seam, asphalt shingles, green roof, concrete tile, clay tile, or a similar grade of roofing material shall be used on all visible pitched roofs.

(g) Removal or Concealment of Pipes, Conduits, Wires, and Obsolete or Abandoned Signs. All building materials including pipes, conduits, wires, and obsolete or abandoned signs that no longer serve a purpose due to renovations or similar actions shall be removed and sign anchors shall be patched to match adjacent surfaces. Operational pipes, conduits, etc. must be hidden.

(h) Window Transparency. On the front facades of buildings, the windows shall be clear glass. No reflective, tinted, or spandrel glass is permitted on the front façade.

(i) Awning Materials. Awning materials shall consist of canvas, fabric, or thin metal. No vinyl or plastic shall be used. Awnings with a high gloss finish shall be prohibited.

(j) Colors.

(i) Primary Building Colors. Primary building cladding colors shall be chosen from the Belleville Road color palette of red and brown for brick, and other warm earth tones for other primary building materials.

(ii) Prohibited Primary Colors. Intense, bright, black, or fluorescent colors shall be used sparingly and only as accents; such colors shall not be used as the predominant color on any wall or roof of any building. Permitted signs shall be excluded from this standard.

(iii) Color Changes. Material or color changes shall not occur at external corners, but may occur at interior corners, or at other logical terminations. All material or color changes shall be reviewed by the Township and Township authorization is required prior to any material or color changes.

(iv) Color Maintenance. Exterior building colors shall "age" well, and shall be relatively low-maintenance in terms of frequency of touch-ups and re-painting.

(6) Walls and Fences

(a) Integration with Building and Site Design. Where walls and fences are used, they shall be integrated with the overall building and site design.

(b) Maximum Height. Unless otherwise permitted in the BROD, walls and fences shall not exceed three (3) feet in height in the front or side yards in order to avoid the appearance of being a "fortress".

(c) Wall and Fence Material. Walls must be constructed of red or brown brick, or natural stone. Fences must be decorative and must be constructed of wrought iron, or durable wrought iron-look fencing. Black vinyl-coated chain link fencing may be permitted in the rear yard for service areas, subject to Planning Commission approval.

(d) Prohibited Materials. The use of razor or barbed wire, electrified, uncoated chain link, fabric, or unfinished concrete block is prohibited.

(e) Security Fencing. If security fencing is necessary, a design which incorporates open grillwork is encouraged, or a combination of short solid walls with pillars and/or recesses to provide architectural articulation.

(7) Security

(a) Natural Surveillance, Access Controls, and Activities. A secure development shall be created for both sites and their occupants by minimizing opportunities for crime and undesirable activities through natural surveillance, access control, and activities.

(b) Site Design. Buildings and windows shall be located to maximize visibility of entryways, pathways, and parking lots. Where possible, building corners shall be

designed to allow perpendicular visibility by either installing clear glass, angling off the corner, or locating the sidewalk in a way that allows perpendicular visibility.

(c) Lighting. Adequate security and safety lighting for pedestrians from parking spaces to all buildings entries and exits shall be provided (see *Section 8.105*).

(d) Visual Barriers. Pedestrian access or entries shall be free from visual barriers such as landscaping to maximize visibility.

(e) Addresses. Street addresses for commercial, public, or multi-use residential buildings shall be required and easily visible on the front of the building both during the daytime and at night. Address signs shall comply with *Article 11*.

(8) Store Vacancy

(a) Locked and Secured. Vacant stores shall be locked and secured to prevent unauthorized trespassing during the period of vacancy, but shall not be boarded up unless required by the Township, or otherwise appear derelict or abandoned.

(b) Maintenance. Owners of vacant stores shall find creative temporary alternative uses of storefront window areas such as using them as a display area for public art. Similarly, the exterior façade of vacant stores shall be maintained by the owner at the same level of quality as surrounding occupied and buildings.

(c) Lighting. An adequate level of exterior security lighting shall be regularly maintained regardless of storefront occupancy status.

(D) Lighting. In the Belleville Road Overlay District, site light fixtures shall be attractively designed to complement the architecture of the project and surrounding development, and shall improve the visual identification and safety of businesses and residential units. Light pollution shall be minimized and energy conservation technologies shall be used. In addition to the standards of *Section 8.105*, the following requirements apply in the Belleville Road Overlay District.

(1) Safety and Visual Interest. Lighting shall be used to provide safety and visual interest.

(2) Effect of Landscaping. When placing light fixtures and luminaries, consideration shall be given to effects of landscape growth on lighting function. Landscaping such as trees and shrubs shall be placed and maintained so that they does not obscure or deteriorate onsite illumination.

(3) Maximum Illumination. Decorative accent lights and fixtures greater than the minimum required illumination level in *Section 8.105* for adjoining parking lots may be approved by the Planning Commission at vehicle driveways, entry throats, pedestrian paths, plaza areas, and other activity areas.

(4) Attractive Design. Lights fixtures shall be attractively designed to complement the architecture of the project, improve visual identification of businesses, and create an inviting atmosphere for passersby.

(5) Maximum Height Near Single-Family Residences. If located within fifty (50) feet of a single-family residential lot, parking lot fixtures shall not exceed twenty (20) feet in height.

(6) Parking Lot Light Fixtures. Light fixtures within parking lots that are not located in a landscape island or median shall be designed with raised bases to protect them from damage by vehicles.

(7) Decorative Up-lighting. Decorative up-lighting that enhances landscape features and building architecture is encouraged as long as it does not compete with street lighting and signs.

(8) Scale. Street lighting shall be scaled for the pedestrian while still meeting vehicular needs. On local streets and within sites, fixtures shall be primarily oriented towards pedestrian's needs. On the major thoroughfares, light fixtures illuminate both pedestrian areas and roadways.

(9) Parking Lot Lighting. Lighting for a parking lot or structure shall be evenly distributed and provide pedestrians and drivers with adequate visibility and safety level at night.

(10) Light Color. The light source used in outdoor lighting shall provide a white light for better color representation and to create a more pedestrian friendly environment. Low pressure sodium lamps are prohibited.

(11) Shielding. All lighting shall be placed and shielded so as to not interfere with the vision of persons on adjacent roads or property.

(12) Energy Efficiency. Energy efficient lighting, such as LED lighting, shall be used for exteriors whenever possible.

Section 6.310 Landscaping and Screening

(A) Intent. Landscaping within the Belleville Road Overlay District (BROD) is intended to provide a more visually appealing experience than a typical suburban commercial setting in keeping with the pedestrian-oriented vision for the area. The standards of this District emphasize shade trees to add enclosure for the streets and drives, landscaping within parking lots, screening of loading and service areas, and decorative landscaping to enhance the buildings and sites. Further, the Belleville Road District Plan supports the installation of landscaping and design elements along the sides of Belleville Road to act as a unifying streetscape. Consistency in these streetscape features, materials and colors is essential to achieving the Township's desired aesthetic character, economic enhancement and revitalization, and to support the public health, safety and welfare.

Therefore, compliance with the following specific standards shall be required in conjunction with any site development, redevelopment, alteration or expansion or re-occupancy of a vacant building on a BROD site.

(B) Applicability. The standards of this Section apply in addition to the requirements of the underlying zoning district and those of *Article 10* of the Zoning Ordinance. In the event of a conflict, the more specific requirements of this Section shall apply. Further, in consideration of the overall design and impact of a landscape plan, the Planning Commission may modify or adjust the landscape requirements applicable to a proposed plan provided that the adjustment is consistent with the intent of this BROD and the Zoning Ordinance.

(C) Landscape Design Standards.

(1) General Landscaping.

(a) General site landscaping shall be provided as required under *Article 10* of the Zoning Ordinance.

(b) Accent plantings with special qualities (e.g. spring flowers or good autumn color) shall be used to highlight entry drives and focal areas along the corridor.

(c) Landscaping shall accommodate necessary sight distance lines for pedestrian and vehicular safety, and shall be in accordance with *Section 7.108* of the Zoning Ordinance.

(d) Landscaping shall be used to complement building architecture, minimize the impact of incompatible land uses, and to establish a transition between adjacent developments.

(e) Landscaping shall be used to visually break up blank walls, shade pedestrians, accent entries, and soften parking lots.

(f) Landscaping shall be oriented in accord with the demands of the species for sunlight and its susceptibility to the prevailing wind.

(2) Belleville Road Frontage/Streetscape. In addition to the requirements of *Section 10.103(A)*, all streets and shared access drives shall be landscaped as follows:

(a) Belleville Road streetscape as required herein shall be provided:
(i) Along all Belleville frontage, and
(ii) Along other streets and shared access drives within the boundaries of the BROD.

(b) Frontage Landscaping Requirements.

(i) Street Trees. In addition to the trees required in the frontage area in *Section 10.103(A)*, deciduous street trees shall be planted within the right-of-way of any streets (i.e., between the sidewalk and the street), access drives, or internal

roads, private or public, in an amount equal to at least one (1) deciduous street tree per each forty (40) linear feet or fraction thereof of frontage.

(ii) Perennial Beds. Perennial beds, planted in groups, shall be planted in twenty percent (20%) of the required landscape frontage area defined in *Section 10.103(A).*

(c) Design Flexibility. Within the intent of this Chapter, the Planning Commission may approve alternatives it determines to be necessary to accommodate peculiar circumstances or unforeseen problems, or to carry out the spirit, intent and purposes of this Chapter. Further, where streetscape elements have been accomplished along Belleville Road by means of earlier development which substantially accomplishes the overall design objectives, the Planning Commission may modify the requirements to reflect those earlier improvements.

(d) Zero Lot Line Buildings. With the exception of required right-of-way landscaping, front yard landscaping is not required on private property along zero lot line frontages and where building facades are located at the right-of-way line.

(3) Parking Perimeter Screening.

(a) General Parking Lot Frontage Screening. All off-street parking areas, vehicular use areas, and paved ground surface areas adjacent to sidewalks, streets, and other public rights-of-way shall be screened in accordance with *Section 10.103(B)(1)* in a manner that separates the paved area from views as seen from the public right-of-way and creates a scale more appropriate to the individual and pedestrian. All screening areas shall be contained within the site. The required hedge shall attain opacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions.

(b) Shared Access Drive Landscaping. A minimum eight (8) foot street lawn, five (5) foot wide sidewalk, and five (5) foot buffer area between the off-street parking and/or vehicular use area and the sidewalk shall be provided. The street lawn shall include trees in accordance with *Section 6.310(C)(2).* The five (5) foot buffer area shall extend the length of the parking lot, and include an opaque screen of landscaping at least three (3) feet in height. The opaque landscape screen shall be composed of upright shrubs planted as a hedge. The hedge shall attain opacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions.

Article 7 General Provisions

Chapter 1 General (currently 4.01)

No building or structure or part thereof, shall thereafter be erected, constructed, reconstructed, altered or maintained and no use shall be permitted for any building, structure, or land or part thereof except in conformity with the provisions of this Ordinance.

Section 7.101 Permitted Uses (currently 4.03)

No building shall be erected, constructed, reconstructed or structurally altered and no use of land shall be established or changed except in conformity with the regulations of the district in which the building or use is located and, where applicable, *Article 14* of this Ordinance.

Section 7.102 Permitted Area and Placement (currently 4.04)

No building shall be erected, constructed, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.

Section 7.103 Permitted Height (currently 4.07)

No building shall be erected, constructed, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that structures used solely for a use incidental to the main use of a building, including penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building and fire or parapet walls, skylights, towers, steeples, state lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures and having a total area no greater than ninety (90) percent of the roof area of the building, may exceed such height limits by no more than fifteen (15) feet.

Section 7.104 Location of Dwelling Units on Lots (currently 4.08)

Except as otherwise provided in this Ordinance, every principal building erected or structurally altered to provide a dwelling or dwelling units shall be located on a separate lot. No building or structure shall be erected on land subdivided in violation of the Subdivision Control Act of 1967 (Act 288 of the Public Acts of 1967, as amended), the Condominium Act of 1978 (Act 59 of the Public Acts of 1978, as amended), or without Township approval as required by the Land Division article of the Township Subdivisions Ordinance if such a lot were split or combined after the lot split adoption.

Deleted: Lot Split

Section 7.105 Lot Limitations (currently 4.09)

No building or structure shall be erected except in compliance with lot area, frontage and yard requirements. Where more than one (1) principal building or structure is erected on one (1) lot, a line midway between adjacent principal buildings shall be considered to be a lot line, unless otherwise provided in this Ordinance.

Section 7.106 Lot Area, Yards, and Open Space Requirements (currently 4.10)

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this Ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot areas or other open space requirement of any other building.

Section 7.107 Frontage (currently 4.11)

All lots and parcels created in the Township shall have frontage on a public street or private road approved by the Township Board, and shall take their lot access from frontage so as to provide safe, convenient access for emergency vehicles and any required off-street parking.

Section 7.108 Clear Vision Triangle Area (currently 4.12)

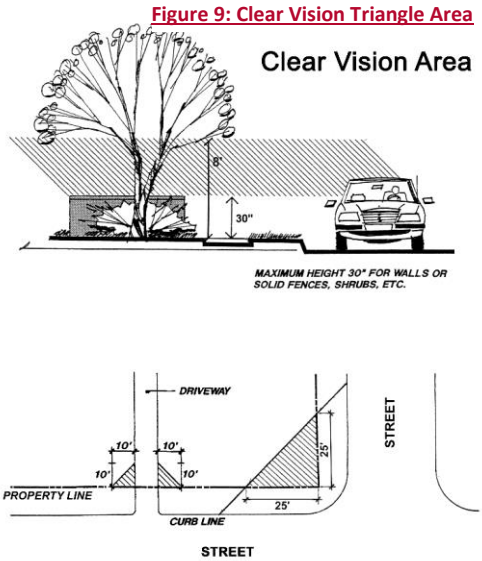
No structure, wall, fence, sign, tree, or shrubbery shall be erected, maintained or planted on any lot or front yard thereof which unreasonably obstructs or interferes with traffic visibility on a curve or at any intersection of any street, driveway, or other vehicular way. Fences, walls, structures, signs, trees, shrubs, and other plantings located in the clear vision triangle area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and eight (8) feet above the road level.

(A) Clear Vision Triangle Area. The clear vision triangle area is described as follows (see *Figure 9*):

(1) Road Intersection. The area formed at the corner intersection of two (2) road right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides.

(2) Driveway Intersection: The area formed at the corner intersection of a right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.

Figure 9: Clear Vision Triangle Area



(B) Trees. Trees may be permitted in the clear vision triangle area provided that limbs and foliage are trimmed so that they are not less than eight (8) feet above the road level.

Commented [PS159]: Permitted bay window encroachments are already covered in the definition of "Architectural Features" and in the Section regulating projections, which permits 3-foot encroachments for bay windows into a front or rear yard..

Deleted: A bay window may project not more than three (3) feet into the required front or rear yard.

Commented [PS160]: The current language repeats the language in the "Lot Limitations" section. This section should include a simple requirement for lots to have appropriate frontage that provides required access.

Deleted: No building or structure shall be erected except in compliance with lot area, frontage and yard requirements. Where more than one (1) principal building or structure is erected on one (1) lot, a line midway between adjacent principal building is erected on one (1) lot, a line midway between adjacent principal buildings shall be considered to be a lot line, unless otherwise provided in this Ordinance.

Commented [PS161]: This section consolidates existing corner clearance regulations found in current sections regarding fences and walls, signs, landscaping, site condominiums, and the Ecorse Haggerty Road Overlay District. With the consolidation, it will have the same regulatory effect.

Deleted: Visibility

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Deleted: No wall, fence or shrubbery shall be erected, maintained or planted within the required front yard which unreasonably obstructs or interferes with traffic visibility for vehicles intervening drives, roads or other vehicular ways from private property.

(C) Shrubs. Shrubs may be permitted in the clear vision triangle area provided that they are trimmed so that they are not more than thirty (30) inches above the road level.

(D) Landscaping. All landscaping, except turf grass or ground cover, shall not be located closer than three (3) feet from the edge of any driveway or road within a clear vision triangle area.

(E) Right-of-Way Line. Where there is a difference between the existing road right-of-way line and the proposed road right-of-way line, the clear vision triangle shall be measured from the proposed road right-of-way line.

Section 7.109 Basement, Garage, or Mobile Home Dwellings (currently 4.16)

All substandard basement dwellings, as defined by the State Housing Law of Michigan, which have been heretofore erected and occupied are hereby declared to be undesirable and shall be altered to as to comply with the provisions of this Ordinance. Buildings erected as garages shall not be occupied for dwelling purposes unless they comply with all the provisions of this Ordinance applicable to dwellings.

Section 7.110 Building Grades (currently 4.17)

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Yards shall be graded in such manner as will prevent the accumulation of surface water on the lot and not increase the natural run-off of surface water on the lot and not increase the natural run-off surface water onto adjacent properties. All grading plans shall be submitted to the Township Building Department for their review and approval.

Section 7.111 Buildings to be Moved (currently 4.18)

Any building or structure which has been wholly or partially erected on any premises located within or outside of the Township shall not be moved to and/or placed upon any premises in the Township unless such building or structure shall conform to the provisions of this Ordinance applicable to new building or structures.

Section 7.112 Restoring Unsafe Buildings (currently 4.19)

Nothing in this Ordinance shall prevent the repairs necessary to maintain safe conditions in any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his order pursuant to State Law or Township Ordinance.

Section 7.113 Construction Begun Prior to Adoption of Zoning Ordinance (currently 4.20)

Nothing in this Ordinance shall be deemed to required any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, provided that such building shall be completed within two (2) years from the date of passage of this Ordinance.

Section 7.114 Voting Place (currently 4.21)

The provisions of this Ordinance shall not be constructed to interfere with the temporary use of any property as voting place in connection with a public election.

Section 7.115 Essential Services (currently 4.22)

Essential services authorized under any franchise from or regulated by any law or Ordinance of the State of Michigan or the Township are exempt from the application of this Ordinance.

Section 7.116 Airport Approach (currently 4.25)

Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electric lines and appurtenances thereto shall be established by the Board of Trustees after consultation with the appropriate aeronautical agencies.

Section 7.117 Construction Buildings and Equipment (currently 4.26)

Temporary construction equipment, buildings, shanties and other apparatus and the operation of the same, may be permitted in any zoning District by the Township Building Official during periods of actual construction in the zoning district or in another zoning district in conformance with the Township Building Code and subject to the conditions, including bond and terms of removal, required under this Ordinance.

Section 7.118 Projections into Yards (currently 4.28)

Architectural features may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.

Section 7.119 Tents, Recreational Vehicles, and Mobile Homes (currently 4.43)

(A) Tents and recreational vehicles shall not be used for dwelling purposes within the Township; provided however, that such tents and recreational vehicles may be occupied for temporary dwelling purposes within duly licensed campgrounds and subject to the requirements thereupon imposed.

(B) Mobile homes or manufactured housing which do not conform to the standards of this Ordinance shall not be used for dwelling purposes unless located within a mobile home park; or unless used for temporary residence purposes, subject to the requirements of *Section 7.120*.

Section 7.120 Temporary Land Uses, Buildings, and Structures (currently 4.44 ~~and 19.08~~)

(A) The following land uses or activities which are clearly temporary in nature as defined herein, along with associated temporary buildings and structures, may be permitted by the Township Planning Director and Building Official subject to the requirements given in *Section 7.120(C)*, below. Such temporary uses may include, but are not limited to:

Commented [PS162]: The Township's rights to review overhead and underground lines and necessary poles is very limited. However, utility substations (and similar facilities) and cell towers are regulated by the Zoning Ordinance.

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Deleted: Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Township shall receive the review and approval, after a public hearing of the Board of Appeals. Such review of the Board of Appeals shall consider abutting property and uses as they relate to easements, right-of-ways, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of Van Buren Township.

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Commented [PS163]: "Recreational Vehicles" replaces "Trailers" to be more encompassing.

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Commented [PS164]: "Campgrounds" are currently defined in the Zoning Ordinance and are intended to be the same as "travel trailer parks," which is not defined.

Deleted: travel trailer parks

Commented [PS165]: Current Section 19.08 contains procedures for the BZA to approve Temporary Land Uses. However, reviewing Temporary Land Uses is a function of the Planning Commission per current Section 4.44. Because reviewing Temporary Land Uses should be a function of the Planning Commission, we recommend deleting the Temporary Land Use provisions of the BZA chapter of the Zoning Ordinance. Please note that the BZA may still non-use variances related to temporary land uses.

(1) Car wash events or similar temporary events to support non-profit clubs and organization.

(2) Emergency facilities for disaster relief.

(3) "Tent" sales or sidewalk sales of retail goods.

(4) Facilities at "running events" including portable toilets, tents, and signs.

(5) Temporary housing or shelter for relief from fire, natural disaster or acts of God for a period no longer than one hundred and twenty days (120) days from initial occupancy.

(6) Carnivals and fairs.

(7) Festivals sponsored by nonprofit organizations.

(8) Golf tournaments.

(9) Facilities for temporary storage of materials or equipment related to large construction projects.

(10) Contractors portable office or toilet facilities.

(11) Construction equipment and other apparatus when used on a construction site stored other than during times of active construction.

(12) Temporary land uses and activities intended for seven (7) consecutive days or less or no more than two (2) consecutive weekends.

(B) The following land uses or activities which are clearly temporary in nature as defined herein, along with associated temporary buildings and structures, may be permitted by the Planning Commission subject to the requirements given in *Section 7.120(C)* below. Such temporary uses may include:

(1) Temporary rental/sales office or storage.

(2) Mobile home while building a permanent dwelling unit.

(3) Outdoor musical presentations and concerts.

(4) Temporary land uses and activities intended for more than seven (7) consecutive days or two (2) consecutive weekends.

(C) The Township Planning Director, Building Official, and/or Planning Commission shall consider the impacts (both on-site and off-site) of all of the following items in review of an application for a temporary use, temporary building or temporary structure:

(1) Adequacy of parking and access.

(2) Adequate drainage.

(3) Compatibility with surrounding land uses.

(4) Size, height and type of construction of proposed buildings and structures in relation to surrounding site.

(5) Sufficient setbacks form road right-of-ways and lot lines.

(6) Adequate utilities.

(7) Trash disposal and site clean up.

(8) Sanitary facilities.

(9) Hours of operation.

(10) Outdoor lighting and signs.

(11) Other licenses or permits required.

(12) Potential noise, odors, dust and glare.

(13) Fire lanes, fire protection and security.

(14) Off-site impacts of traffic volumes.

(15) Necessity of a performance guarantee or insurance to ensure prompt termination and removal of the use, clean up or compensation for impacts of the temporary use.

Deleted: bond

(16) Other concerns which may impact the public health, safety or general welfare.

(D) Application for approval of any temporary land use, building or structure shall be filed by the owner of the property or his designated representative with the Township Building Department. The applicant shall submit a written request on such forms as provided by the Township. The request shall be accompanied by the required fee(s) as established by the Township Board. The request should include the following information:

(1) The name, address and telephone number of the applicant.

(2) The location of the property.

(3) A complete expansion of the proposed temporary use.

(4) A plot plan in sufficient detail to allow review of the items in *Section 7.120(C)*, above.

(5) Any other information requested by the Township Building Official or Planning Commission and deemed necessary to make the necessary findings for approval.

(E) Prior to taking action on a request for a temporary land use, building or structure that requires Planning Commission approval pursuant to *Section 7.120(B)*, above the Planning Commission may at its discretion, hold a public hearing. Notice of the hearing shall be given in accordance with the requirements of *Article 12, Chapter 6*.

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(F) The Township Building Official or Planning Commission may approve without conditions, approve with conditions or deny a temporary land use, building or structure, based upon review of the items required pursuant to *Section 12.209(C)*. The Planning Commission may set forth conditions for approval of the temporary use, may set a time limit for the expiration of the temporary use permit and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, clean-up or compensation for impacts of the temporary use. Approval may be granted at either a regular or a work study meeting of the Planning Commission.

Deleted: Section 4.37 (c), above

(G) The Township Building Official or Planning Commission may revoke or reconsider a temporary use permit based upon a finding that the conditions of the approval have been violated or that the use is adversely affecting the surrounding area. A temporary use permit may be suspended by the Township Building Official until the Planning Commission can act, if the public health or safety is jeopardized.

(H) No temporary building shall be erected in any residential district unless a building permit has been issued for construction of a permanent building on the same site. Before a certificate of occupancy shall be issued for the permanent building, any temporary building shall be removed from the site.

Section 7.121 Open Parking and Storage of Motor Vehicles, Equipment, Recreational Vehicles, and Commercial Vehicles (currently 4.48)

(A) **Intent.** The regulations set forth in this Section are intended to prevent the storage or accumulation of unusable, inoperable or unsightly motor vehicles, machinery or building materials that could be hazardous to the general public and encourage the propagation of rats or rodents. In addition, the provisions set forth below are prescribed to regulate the storage of recreational vehicles to ensure that they do not detract from the orderly appearance of the Township and are compatible with adjacent development.

(B) **General Requirements.**

(1) **Motor Vehicle Parking and Equipment Storage.**

(a) No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building. However, these provisions shall not apply to any motor vehicle ordinarily used but temporarily out of running condition for not more than thirty (30) continuous days within a ninety (90) day period. If a motor vehicle is being kept for

actual use, but is temporarily unlicensed, the building official may grant the owner a period of up to one (1) month to produce a license.

(b) Machinery and building materials storage unusable, rusty or inoperable machinery, equipment or machines and/or equipment, parts of machines or equipment not intended for use upon the premises or old and/or used building materials shall be kept or stored inside of a building. However, the temporary storage of building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

(2) Recreational Vehicle Storage.

(a) The open parking or storage of recreational vehicles not owned by the property owner or tenant of the Township on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, a recreational vehicle not owned by the property owner or tenant may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks in a calendar year provided a permit has first been secured from the Building Official.

(b) Residents of the Township may store their own recreational vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any required front or side street yard setback or within five (5) feet of a another side lot line within the side yard area. Such vehicles shall also be subject to applicable provisions concerning accessory buildings as set forth in *Article 7, Chapter 2*. Storage of a recreational vehicle on a front or side lawn, easement, or right-of-way is prohibited. Additionally, if stored within a subdivision or condominium development, the recreational vehicle must be stored on a hard surface (e.g., concrete, asphalt, or brick pavers). Residents of a subdivision or condominium may be subject to additional requirements of the homeowners association, which are not enforced by the Township or this Ordinance.

(c) A recreational vehicle parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied.

(3) Commercial Vehicle Storage. No vehicle over a gross vehicle weight rating of ten thousand (10,000) pounds with a commercial registration may be parked on residential property or upon a residential street except under the following conditions:

(a) The vehicle is temporarily parked while the operator is actively engaged in work in the immediate area.

(b) The vehicle is being loaded or unloaded with merchandise or furnishings for or from a residence.

Commented [PS166]: This fixes an error.

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Commented [PS167]: This addresses all "recreational vehicles," including utility trailers.

Deleted: trailers, boats or similar vehicles

Deleted: travel trailer

Commented [PS168]: This addresses all "recreational vehicles," including utility trailers.

Deleted: trailer, boats and similar vehicles

Commented [PS169]: A "required front yard" is synonymous to a "setback."

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Commented [PS170]: This is intended to meet the current standards of current Section 6.01(3), which regulates off-street parking and loading.

Commented [PS171]: This addresses all "recreational vehicles," including utility trailers.

Deleted: travel trailer

Commented [PS172]: 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 (1) ton capacity

(c) The vehicle is owned or operated by a contractor performing work in the immediate area. Such parking shall be limited to daylight hours unless on private property.

(d) The Director of Planning may approve parking of commercial vehicles and establish time limits for valid situations not identified here. A resident's use of a commercial vehicle over a gross vehicle weight rating of ten thousand (10,000) pounds for daily transportation shall not be considered reason for an exception.

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Section 7.122 Waste Receptacles (Dumpsters) (currently 4.14(D)(2) and 4.40(3)(l))

Commented [PS173]: The general standards and screening standards have been merged, as there were overlapping and conflicting regulations. Where the standards conflicted, the more restrictive standard was used.

Deleted: <#>Waste Receptacles. ¶
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(A) **Location.** Waste receptacles (i.e. dumpsters) may be located in a rear or side yard setback, but shall not be located in front of the front building line. Dumpsters shall not encroach into a parking or circulation area, and shall be clearly accessible to servicing vehicles.

(B) **Accessibility.** Waste receptacles shall be conveniently accessible for servicing vehicles.

(C) **Screening.** An enclosure of sufficient height to completely screen the dumpster is required on three sides of the waste receptacle with a solid gate on the fourth side. The height of the enclosure shall be not less than six (6) feet or at least one (1) foot above the height of the dumpster, whichever is greater. Enclosures shall meet the following standards:

(1) The enclosure shall be constructed of brick or decorative concrete material which matches or complements the principal building or structure.

(2) Enclosure gates shall be constructed of steel-reinforced wood. Pressure treated or wolmanized wood shall be used.

(3) Enclosures shall be set back a minimum of twenty (20) feet from any residential district.

(D) **Bollards.** Bollard (concrete filled metal posts) or similar protective devices shall be installed at the opening to prevent damage to the screening wall or fence.

(E) **Maintenance.** All dumpsters shall have a lid, which shall be remain closed. The dumpster shall be regularly emptied, and shall be maintained in accordance with all Township ordinances.

(F) **Planning Commission Approval.** The location and method of screening of dumpsters shall be shown on all site plans and shall be subject to the approval of the Planning Commission.

Section 7.123 Site Utility Installations

All new utility installations on a site shall be placed underground unless determined impractical by the Planning Director or Planning Commission.

Commented [PS174]: This section combines existing Section 16.07B(9) of the EHROD and Section 14.05(1)(e) of the OT District. Both sections include the same requirement to locate all internal utilities underground, but the proposed standard applies to all development and allows the Planning Director or Planning Commission to waive it if the requirement is impractical.

Chapter 2 Accessory Structures and Uses (currently 4.14)

Accessory structures and uses shall comply with the following regulations:

Section 7.201 General Requirements

All accessory structures, buildings and uses shall be subject to the following regulations except as otherwise permitted in this Ordinance:

(A) Timing of Construction. No accessory structure, building, or use shall be constructed or established on a parcel unless there is a principal building, structure or use being legally constructed or already established on the same zoning lot.

(B) Site Plan Approval. If site plan approval is required for the principal use, then site plan approval shall also be required for accessory structures, buildings, and uses. The site plan shall indicate the location of all proposed accessory structures and uses, the existing grade and proposed finished grade, and all other information necessary to review the plan for conformance to the regulations of this Section.

(C) Nuisances. Accessory buildings, structures and uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area or public area where windows and/or doors would be exposed to the nuisance.

(D) Act 347. When applicable, all accessory buildings shall be constructed entirely in accordance with the Soil Erosion and Sedimentation Control Act, Act 347 of the Public Acts of 1972, as amended.

(E) Sanitary Code. When applicable, all accessory buildings shall be built in accordance with the County sanitary code and be located so as not to infringe on an existing septic tank filter field or preclude the adequate area which may be required for a replacement septic tank filter field in the future.

(F) Located on the Same Lot as the Principal Building. Accessory buildings and structures must be located on the same lot as a principal building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage. Agricultural buildings located on a farm are exempt from this requirement.

Section 7.202 Accessory Structures and Buildings – All Districts

Unless otherwise specifically provided in this Ordinance, the following regulations shall apply to accessory structures or buildings in all zoning districts:

(A) Dimensional Regulations. Unless explicitly permitted elsewhere in this Ordinance, accessory buildings and structures shall meet the following requirements:

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Table 3: Dimensional Regulations of Accessory Buildings and Structures

	Attached Accessory Buildings	Detached Accessory Buildings	Detached Accessory Structures (Non-Building)
Location	Same as principal building.	Permitted in side or rear yard only, unless explicitly permitted elsewhere in this Ordinance.	Permitted in side or rear yard only, unless explicitly permitted elsewhere in this Ordinance.
Minimum Setbacks	Same as principal building.	1. 5 ft. setback from side or rear lot line. On double frontage or corner lots, detached accessory buildings shall comply with front yard setbacks on all street frontages. 2. Detached accessory buildings (≤768 sq. ft. floor area): 10 ft. from the principal structure. 3. Detached accessory buildings (>768 sq. ft. floor area): 24 ft. from the principal structure, or a distance equal to the longest length of the accessory building, whichever is greater.	
Maximum Height	Maximum height permitted for a principal building, or height of the principal building, whichever is less.	1. R-1A, R-2A, R-1B, R-1C, RM, Districts: See Footnote *(1)* below. The maximum height may be increased by 2 feet on lots 1 acre in area or larger. 2. AG District: 20 ft. The maximum height may be increased by 2 feet on lots 1 acre in area or larger. 3. All other districts: Maximum height permitted by *Article 4*.	1. R-1A, R-2A, R-1B, R-1C, RM Districts: 14 ft. 2. AG District: 20 ft. 3. All other districts: Max. height permitted by *Article 4*.
Maximum Lot Coverage	Same as principal building.	1. Shall be included in computations to determine compliance with maximum permitted lot coverage for the zoning district. 2. The maximum lot coverage of all detached accessory buildings on any lot shall be the lesser of the following: a. 4,800 sq. ft.; or b. the maximum area permitted by the lot coverage standards in *Article 4*; or c. the area of the parcel (in acres) multiplied by 1,280, subject to *Section 7.202(D)(2)*. 3. For agricultural buildings located on a farm of at least 10 acres in the AG district, the lot coverage of all agricultural buildings may exceed the lot coverage limits above, provided the lot complies with the lot coverage standards of the zoning district. 4. For non-residential uses in a non-residential zoning district, the Planning Commission may permit the lot coverage of all detached accessory buildings to exceed the lot coverage limits above via special land use approval, provided the lot complies with the lot coverage standards of the zoning district and the application meets the special land use requirements of *Section 12.306*. Example: Detached accessory buildings on a 1.5 acre lot would be permitted to cover no more than (1.5 x 1,280) = 1,920 sq. ft., subject to the maximum permitted lot coverage for the zoning district.	If 30 inches or higher above grade, shall be included in computations to determine compliance with maximum permitted lot coverage for the zoning district.

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Commented [PS175]: Most Zoning Ordinances require a separation distance of 10 feet, which permits emergency access. The Township has received complaints about the 15-foot requirement.

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Commented [PS176]: A separation distance of 50 feet is prohibitive and will make it more difficult for owners to use the accessory building. A minimum separation distance of 24 feet will allow 2-way access between the 2 buildings.

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Deleted: For lots smaller than 18,000 sq. ft., the provisions of Section 4.14.4.b. shall prevail.

Commented [PS177]: This will make it easier for commercial farmers to obtain zoning approval for larger agricultural buildings.

Commented [PS178]: For some non-residential uses, it is appropriate to allow a larger detached accessory building based in the nature of the use and layout of the accessory building. In these cases, the Planning Commission should have discretion in allowing larger buildings.

Table 3 Footnotes:

(1) Except as otherwise permitted in this Ordinance, the maximum permitted height of detached accessory buildings in single-family and multiple-family residential districts shall be as listed in the following table:

Roof Pitch	Maximum Height
4/12 – 6/12	**14 feet**
6.01/12 – 8/12	**16 feet**
>8/12	**17 feet**

(2) All detached accessory buildings shall have a roof with a minimum pitch of 4/12. Flat roofs and roofs with a pitch less than 4/12 are prohibited; however, a shallower roof pitch may be permitted to exactly match the roof pitch of the principal structure.

(B) Appearance and Materials. Accessory structures and buildings shall meet the following standards:

(1) Appearance. Accessory structures and buildings shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Compatibility includes similarity of architectural features including, but not limited to, roof pitch, windows, facades, and building material appearance. Accessory buildings attached to a single family dwelling shall also comply with the Single Family Residential Architectural Design Standards included in *Section 5.115* of this Zoning Ordinance.

(2) Concrete Floor and Rat Wall. Any accessory building located on a single family residential zoned lot with a lot area less than 2.5 acres, or on an agricultural zoned lot with a lot area less than 2.5 acres and with a residential principal use, shall have a concrete floor or pad and a rat wall.

(C) Specific Requirements for Attached Accessory Structures and Buildings. Accessory structures and buildings which are attached to the principal building or structure via a completely enclosed area with a finished floor or via shared wall construction (an unenclosed breezeway is not a sufficient attachment) shall be considered part of the principal building or structure, and shall meet all requirements of this Ordinance for the principal building or structure, except to the extent the requirements are inconsistent with *Section 7.202(A)*.

(D) Specific Requirements for Detached Accessory Buildings. Detached accessory buildings shall comply with the following:

(1) Scenic Lots. On a scenic lot, a detached accessory building may be erected on the street frontage of the lot except that the required setback from the street frontage shall be a minimum of 35 feet.

(2) Detached Garages and Sheds on Smaller Lots. It is the intent of this Ordinance to permit each single family residential dwelling unit to have a detached garage and a detached shed. The detached accessory building lot coverage regulations in *Section 7.202(A)* limit the floor area of detached accessory buildings, including detached garages.

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In order to permit detached garages on lots smaller than 18,000 square feet, a principal single family residential dwelling unit without a garage (either attached or detached) may be permitted to construct a detached garage up to 528 square feet in floor area and a detached shed up to 120 square feet in floor area, provided that all other requirements of this Ordinance are met.

Deleted: If a detached garage is constructed under this provision, the garage shall be the only detached accessory building located on the parcel.

(3) Lot Coverage. All detached buildings shall be considered when calculating compliance with the permitted lot coverage as described in *Section 7.202(A)*.

Section 7.203 Accessory Structures or Buildings - Residential and Agricultural Districts

The following regulations shall apply to accessory structures or buildings located in Residential and Agricultural zoning districts (including R-1A, R-2A, R-1B, R-1C, RM, and AG Districts).

Deleted: , RM-1, RM-2, AG-A

(A) Use of Accessory Structures. Attached and detached accessory structures in Residential Districts shall not be used as dwelling units or for any business, trade, profession, or occupation.

(B) Prohibited Accessory Structures. The following accessory structures and buildings are prohibited in Residential and Agricultural Zoning Districts:

(1) Accessory buildings and structures which are principally constructed of clear plastic, glass, or membrane type materials shall be prohibited in Residential Districts, except as specifically permitted under *Section 7.203(E)*.

(2) Temporary carports.

(C) Permitted Yard Encroachments. The following accessory structures and buildings may be constructed in yard setbacks in Residential Districts, subject to the following requirements:

Deleted: required yards

(1) Open Decks, Paved Terraces and Patios in the Rear Yard Setback. Open decks, paved terraces and patios which have no roof or other projections above any required railing and which are at or below the finished first floor level of the building may encroach up to ten (10) feet into the required rear yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25 feet a regulated wetland(s) or a detention pond or non-regulated wetland as shown on an approved site plan.

(2) Open Decks, Paved Terraces and Patios in the Front Yard Setback. Open decks, paved terraces, and patios which are at or below the finished first floor level of the building may encroach up to six (6) feet into the required front yard setback area on any lot, provided that in no case may any paved terrace, patio, deck, or other similar structure be located closer than 25 feet a regulated wetland(s) or a detention pond or non-regulated wetland as shown on an approved site plan. Open decks, paved terraces, and patios that encroach into the required front yard setback area may have a required railing and a be covered with a roof that is no higher than the first story and does not encroach more than 6 feet

into the front yard setback area. Any deck, terrace or patio that encroaches into the front yard setback must remain open and shall not be enclosed.

(3) **Landscaping, Garden, and Retaining Walls.** Landscaping, garden, and retaining walls raised three feet or less above the finished grade may be located in a yard setback.

(4) **Architectural Features.** Architectural features such as steps may be permitted to encroach into required yards in accordance with *Section 7.118*.

(5) **Swimming Pools.** Swimming pools may be located in required yard setback subject to the requirements in *Section 7.206*.

(6) **Walls, Fences, and Other Protective Barriers.** Walls, fences, and other protective barriers may be located in a yard setback pursuant to *Section 7.205.*

(D) **Flagpoles.** Flagpoles shall not exceed 35 feet in height, and may be located in any required yard setback.

(E) **Greenhouses.** Greenhouses in Residential Districts shall be used only for agricultural or horticultural purposes and shall not be used as storage facilities. Greenhouses are exempt from the requirements in *Section 7.203(B)*, but shall meet all other requirements of this *Article 7, Chapter 2*.

(F) **Carports.** In the case of attached condominiums or apartments, carports may be located in the front yard provided they are not located in a front yard setback area.

Section 7.204 Accessory Structures or Buildings - Non-Residential Districts and Non-Agricultural Districts

(A) **Decks, Patios, and Porches.** Decks, patios, porches and other similar structures shall not encroach into required setbacks, buffers or greenbelts.

(B) **Walls, Fences, and Other Protective Barriers.** Walls, fences, and other protective barriers shall comply with *Section 7.205.*

Section 7.205 Fences, Walls, and Other Protective Barriers (currently 4.30)

All fences, walls and other protective barriers (referred to in this Section as fences) of any nature, description located in the Township of Van Buren shall conform to the following regulations:

(A) General Requirements:

(1) **Permit and Approving Authority.** The erection, construction or alteration of any fence or wall shall require a permit and be approved by the Building Inspector as to compliance with the provisions this Ordinance.

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<#>Notwithstanding the foregoing, the Planning Commission may approve the following modifications for detached accessory structures or buildings located in a Residential District: ¶
¶
<#>An increase of up to 2 feet in the height of a detached accessory building that is located on a lot 1 acre in area or larger; or¶
¶
<#>An increase in the amount of the lot coverage up to a maximum of 4,800 square feet, or the area of the parcel in acres multiplied by 1,536 square feet, whichever is less, and subject to compliance with the percent lot coverage standards in Article 17, Schedule of Regulations.¶
¶
<#>In order for the Commission to approve the above modifications, the following conditions must be met:¶
¶
<#>Site plan approval shall be granted, in accordance with the conditions and procedures established for approval in Sections 4.31 - 4.37 of this Ordinance, except that the site plan information required with the application shall be that required under Section 4.33 Administrative Review. The Planning Commission shall hold a public hearing. Notice of the public hearing shall be given in accordance with Section 18.08.d - Notice of Requirements for Special Approval.¶
¶
<#>The Commission must find that the location and character of the proposed accessory building or structure will not have an adverse impact upon any of the existing dwelling units on adjacent lots, considering the following:¶
¶
<#>Existence of unique characteristics of the property which make strict compliance with the standards of this Section 4.14 impractical.¶
¶
<#>The potential for the generation of nuisance such as traffic, parking, noise, vibration, glare, odors, fumes, electrical interference or hazards to any greater extent than which is usually compatible with the permitted uses in the district.¶
¶
<#>The orientation of vehicular doors and circulation associated with the building.¶
¶
<#>Drainage of the area.¶
¶
<#>The potential uses of the accessory structure which may be permitted in the district.¶
¶
<#>The impact on the view from nearby residential lots considering the degree of openness and vegetation.¶
¶
<#>Compatibility of accessory structure appearance with any residential principal and accessory buildings on nearby lots. Compatibility shall be determined in the sole discretion of the Planning Commission, and shall consider factors such as but not limited to, height and size of the ...

(2) Clear Vision Triangle Area. No fence or wall shall be erected, established or maintained within the clear vision triangle area of any lot except in compliance with *Section 7.108*.

(3) Maintenance. Walls and fences shall be maintained in good condition and shall not constitute an unreasonable hazard. Rotten, crumbled, or broken compounds shall be replaced, repaired, or removed.

(4) Orientation of Finished Side. Where a fence or wall has a single finished or decorative side, it shall be oriented to face outward toward adjacent parcels or road rights-of-way (i.e., away from the interior of the lot to which the fence or wall is associated).

(B) Requirements Applicable to Specific Zoning Districts.

(1) Fences and Walls in Districts Other Than AP, M-1, or M-2. In addition to the requirements of *Section 7.205(B)(3)* and *Section 7.205(B)(4)*, fences or walls in other than AP, M-1 or M-2 districts, unless specifically provided otherwise, shall conform to the following requirements:

(a) No fence or wall shall hereafter be erected in excess of six (6) feet in height above the grade of the surrounding land, unless permitted in *Section 7.205(B)(3)* or *Section 7.205(B)(4)* below.

(b) No fence or wall shall hereafter be located in the front yard or on the side of a front yard unless permitted in *Section 7.205(B)(3)* or *Section 7.205(B)(4)* below.

(c) All fences or walls hereafter erected shall be of an ornamental nature or chain linked unless otherwise prohibited. Barbed wire, spikes, nails or any other sharp instrument of any kind are prohibited on top of or on the sides of any fence, provided that barbed wire cradler may be placed on top of fences enclosing public utility buildings or equipment in any district.

(2) Fences and Walls in the AP, M-1, or M-2 Districts. In addition to the requirements of *Section 7.205(B)(4)*, fences and walls in the AP, M-1, or M-2 District may be located on property or road right-of-way lines of a lot.

(3) Fences and Walls in Residential Districts. In addition to the requirements of *Section 7.205(B)(1)*, fences and walls in residential zoning districts must comply with the following:

(a) Fences and walls on all lots of record in all residential districts which enclose property and/or are within a side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard or whichever is greater.

(b) Decorative fences (e.g. wrought iron, picket, split rail) shall be permitted in a front yard where they do not exceed two and one half (2 1/2) feet in height and the vertical surface in any five (5) foot section measured from the finished ground grade

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<#>No fence shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, with the exception that shade trees shall be permitted where all branches are not less than eight (8) feet above the road level.¶
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to the top of the fence has openings of at least fifty (50) percent of the total surface of each five (5) foot section of fence and that all framing members including post, horizontal or vertical supports and fencing be considered in the calculation. Decorative fencing does not include chain link fences.

(c) Notwithstanding the foregoing provisions, a wall composed of brick, fieldstone or similar natural material may be permitted in the front yard where it does not exceed eighteen (18) inches in height.

(d) Residents of a subdivision or condominium may be subject to additional requirements of the homeowners association, which are not enforced by the Township or this Ordinance.

(4) **Fences and Walls in Nonresidential Districts.** In addition to the requirements of *Section 7.205(B)(1)* and *Section 7.205(B)(2)*, fences and walls in all nonresidential districts when required for security shall be constructed of ornamental/decorative materials such as rod and rail, stockade, or brick; however, such fencing shall not exceed a height of eight (8) feet. Fences located in the rear may, at the discretion of the Planning Commission, be non-decorative, provided they are not directly visible from public rights-of-way.

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Section 7.206 Swimming Pools, Private (currently 4.29)

All private swimming pools erected in the Township shall comply with the following provisions:

(A) **Permit Required.** A building permit shall be obtained for alteration, erection and construction of permanent above and below ground swimming pools and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet. The application for such permit shall include the name of the owner, the manner of supervision of the pool and a site plan showing the dimensions and location of the pool and nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for such permit for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safely features deemed necessary by the Township or the Wayne County Health Department shall also be submitted.

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(B) **Easements and Rights-of-Way.** No portion of the swimming pool or associated structures shall encroach upon any easement or right-of-way which has been granted for public utility use.

(C) **Minimum Setbacks.** Minimum side yard setback shall comply with required side yard setbacks specified by the applicable zoning district. A pool fence shall not be built within the required front yard or required corner lot side yard. Rear or side yard setback shall be not less than ten (10) feet between the pool wall and/or structure and the side or rear property line or less than four (4) feet between pool wall and any building on the lot.

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(D) **Required Barrier.** For the protection of the general public, all swimming pools shall be completely enclosed by a chain link fence or a fence of comparable safety not less than four (4)

feet nor more than six (6) feet in height, set at a distance of not less than four (4) feet from the outside perimeter of the pool wall provided; however, that fencing shall not be required in the following two (2) circumstances:

(1) To the extent that there is no public access to the lot or enclosure is accomplished by a building four (4) feet or more in height having no means of public access; or

(2) If a swimming pool is above grade and has exterior side walls with a smooth surface not less than four (4) feet in height where all means of access are secured, raised and/or locked to prevent unauthorized use.

All openings in an enclosing fence or building shall be equipped with a tamper proof lock when the pool is not in use. If the entire premises upon which a swimming pool is located are enclosed by fence or wall, the Building Inspector, after inspection and approval thereof, may determine that a fence is not required.

(E) **Electrical Installations.** All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of the Van Buren Township Code of Ordinances and any State Electrical Code requirements. If utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangement with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

(F) **Code Compliance.** Notwithstanding the requirements of this section, all private swimming pools shall comply with all applicable federal, state, county, and local codes and ordinances. Where the requirements of this Ordinance exceed the requirements of any other code or ordinance, the requirements of this Ordinance shall prevail.

Section 7.207 Solar Energy Systems

(A) **Purpose.** It is the purpose of this sub-section to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.

(B) **Findings.** The Township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.

(C) **Roof-Mounted Solar Energy Systems:** Roof--mounted solar energy systems for the on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

(1) **Height.** Roof-mounted systems shall not extend more than three (3) feet above the roofline nor shall they extend above the maximum permitted height of the building to which it is attached.

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Deleted: Swimming Pool

Commented [PS179]: New provisions are added for roof-mounted solar (permitted in any district), ground-mounted solar 10kW or less (permitted in any zoning district), and ground-mounted solar more than 10kW (permitted only for public utilities and government entities via special land use approval, and limited to certain zoning districts).

(2) Location. Roof-mounted solar energy systems may be located anywhere on a roof, but shall not be located in a required setback nor protrude beyond the edge of the roof.

(D) Ground-Mounted Solar Energy Systems (10 kW or less). Ground mounted and freestanding solar energy systems of 10kW or less for the on-site use are permitted accessory structures in all zoning districts, subject to the following regulations:

(1) Location and Setbacks. Solar energy systems shall be located to the side or rear of the principal building. Solar energy systems shall also meet the minimum setbacks of the zoning district.

(2) Height. The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.

(3) Screening. Evergreen landscaping shall be provided to screen the racking (i.e., the framing below the panels) from view on all sides.

(4) Area. Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards for accessory structures in the zoning district.

(E) Ground-Mounted Solar Energy Facilities – Utility Grade (over 10 kW, operated by a public utility or government entity only). Ground mounted and freestanding solar energy systems over 10 kW capacity are permitted for public utilities and government entities only, subject to special land use approval in the AG, M-1, M-T, M-2, and AP zoning districts and subject to the following regulations:

(1) Location and Setbacks. The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.

(2) Height. The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

(3) Screening. Evergreen landscaping shall be provided to screen the racking (i.e., the framing below the panels) from view on all sides.

(4) Area. Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.

(5) Power Lines. All power lines between solar panels and inverters shall be placed underground.

(F) General Standards. The following requirements are applicable to all roof-mounted or ground-mounted solar energy systems.

(1) Building Permit. A building permit shall be required for any roof-mounted or ground-mounted solar energy system.

(2) Batteries. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations. If located in an accessory building, the accessory building must meet the requirements of *Article 7, Chapter 2*.

(3) Electrical Emissions. The design and construction of solar energy systems shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.

(4) Light Emissions and Reflection. The design and construction of solar energy systems shall not produce light emissions, either director or indirect (reflective), that would interfere with pilot vision and/or air traffic control operations. The solar panels shall be composed of anti-reflective material and/or treated with anti-reflective coating.

(5) Removal. If a solar energy system ceases to perform its intended function (generating electricity) for more than six (6) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the six (6) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost of administrative and legal charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

Section 7.208 Wind Energy Systems

Commented [PS180]: New provisions are added for small-scale roof-mounted wind energy systems (permitted uses in certain zoning districts) and tower-mounted wind energy systems (special land uses in certain zoning districts). These provisions exclude large-scale wind turbines.

(A) Purpose. It is the purpose of this sub-section to promote the safe, effective, and efficient use of wind energy systems to generate electricity and thereby reduce or replace on-site consumption of utility-supplied electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for wind energy system.

(B) Findings. The Township has found that wind energy is an abundant, renewable, and nonpolluting energy resource that some residents of the Township would like to use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversity the Township's energy supply.

(C) Small Wind Energy Systems.

(1) Where Permitted.

(a) Roof-Mounded Small Wind Energy Systems are permitted by right in the AG, R-1A, R-1B, and R-1C districts, provided that all of the applicable requirements of this Ordinance are met.

(b) Tower-Mounted Small Wind Energy Systems may be permitted as a special land use in the AG and R-1A districts, provided that all of the applicable requirements of this Ordinance are met.

(2) Minimum Lot Area.

(a) Roof-Mounted Small Wind Energy Systems shall have no minimum lot area.

(b) Tower-Mounted Small Wind Energy Systems shall be located on a lot with a minimum area of one (1) acre.

(3) Maximum Wind Turbine Height.

(a) Roof-Mounted Small Wind Energy Systems shall have a maximum height of ten (10) feet above the highest point of the roof or ten (10) feet above the maximum height of the zoning district, whichever is lower.

(b) Tower-Mounted Small Wind Energy Systems shall have a maximum height of twenty (20) meters (65.617 feet).

(4) Minimum Setbacks.

(a) Roof-Mounted Small Wind Energy Systems shall adhere to the minimum setbacks of the zoning district.

(b) Tower-Mounted Small Wind Energy Systems shall be set back from all property lines, overhead utility rights-of-way and easements, and other towers a distance equal to or greater than the height of the windmill or tower.

(5) General Standards. The following requirements are applicable to all wind energy systems.

(a) Noise. A wind energy system shall comply with the noise standards set forth in the Township's Ordinances.

(b) Shadow Flicker. The application for a wind energy system shall include a shadow flicker analysis demonstrating impact on adjacent and nearby residential properties. Wind energy systems shall be constructed in locations that minimize the impacts of shadow flicker on residences.

(c) Lighting. No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration (FAA).

(d) Appearance, Color, and Finish. The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit. All wind energy systems shall be a single non-reflective, non-obtrusive, matte finished color (e.g. white or gray).

(e) Signs. The manufacturer or installer's identification sign, appropriate warnings signs, and an owner identification sign, are permitted. All other signs are prohibited.

(f) Electrical Wires. All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires, shall be located underground.

(g) Compliance with Electrical Code. Building permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(h) Construction Codes, Towers, and Interconnection Standards. Wind energy systems, including towers, shall comply with all applicable state construction and electrical codes and local building permit requirements. Wind energy systems including towers, shall comply with the FAA requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended), and other applicable local and state regulations. A wind energy system connected to the public utility electrical grid shall comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

(i) System Access. Small wind energy systems shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least eight (8) feet above grade level.

(j) Safety. A wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.

(k) Minimum Ground Clearance. The lowest extension of any blade or other exposed moving component of a wind energy system shall be at least twenty (20) feet above the surrounding grade at its highest point within twenty (20) feet of the base of the tower and at least twenty (20) feet above any outdoor surface intended for human use, such as balconies or roof gardens, that are located below the wind energy system.

(l) Roof-Mounted Small Wind Energy Systems. Roof-mounted small wind energy systems shall be limited to roof mounting and shall not be mounted on any other building wall or surface.

(m) Removal. If a small wind energy system ceases to perform its intended function (generating electricity) for more than six (6) consecutive months or has been abandoned, the property owner shall remove the wind energy system, electrical components, and all other associated facilities no later than ninety (90) days after the end of the six (6) month period. Where the removal has not been lawfully

completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or portion thereof, with the Township's actual cost of administrative and legal charges to be drawn from the performance guarantee posted, or the costs and charges may be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

(n) Performance Guarantee. All applications for a small wind energy system shall be accompanied by a performance guarantee in an amount sufficient to ensure the decommissioning and removal of the system when it is abandoned or no longer needed.

(o) Insurance. The applicant shall submit proof of sufficient property damage and liability insurance.

(p) Utility Connection. The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned wind energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

Section 7.209 Satellite Dish Antennae Regulations (currently Article 5A)

Unless exempt or otherwise regulated under Federal or State Law, satellite dish antennas and related structures shall meet the following requirements:

Commented [PS181]: Federal and State telecommunication law preempts many of these regulations.

(A) Compliance with Building Codes. All satellite dish antennae which are to be constructed in the open and are not contained within buildings shall be considered structures subject to the requirements of the Township Building Code.

(B) Permit. No person, individual, corporation, business or partnership shall install or permit the installation of a satellite dish antennae on premises owned, occupied, used leased or rented by the aforesaid persons or entities, without first having applied for and received a permit allowing for same from the Township Building Official.

(C) Application. All applications for such permits shall include:

(1) Site plan, showing the proposed location of the installation, including building location of the lot or premises on which the same is to be installed and all abutting properties, including properties abutting on the other side of the street from the proposed location.

(2) For an antenna proposed to be mounted on a roof, a detailed plan showing the exact location of the antennae on the roof.

(3) A detailed description of the proposed installation, including a picture or sketch of all elements thereof which would be exposed to view from adjacent properties and a statement as to the visual impact of the installation on such abutting properties.

(4) A description of the proposed coloration of the antennae. Coloration shall be selected on the basis of compatibility to the principal structure.

(5) Detailed information as to the construction and stability of the antennae, in accordance with the requirements of the Township Building Code.

(6) Such other pertinent information as may be required by the Township Building Official.

(7) An application fee is required as established by resolution of the Township Board of Trustees.

(D) Location, Dimensions, and Safety Requirements.

(1) A ground mounted satellite antennae shall be located only in the rear yard and shall be subject to the accessory structures setback requirements of the zoning district in which it is located, as measured at the property line to the nearest edge of the dish.

(2) No more than one (1) satellite antennae shall be allowed on any single-family residential lot of record.

(3) Any satellite dish antennae shall be installed and maintained with a screen that shall not interfere with the reception but will obscure the view from the adjacent lots or streets.

(4) No satellite dish antennae shall exceed twelve (12) feet in diameter.

(5) A roof mount location may be considered as an alternative to a ground mount for nonresidential structures. The maximum height of a roof mounted satellite antennae shall not be greater than fifteen (15) feet, including its base, nor shall the building and antennae exceed the maximum height permitted for a structure in its respective zoning district.

(6) The satellite antennae and structural support shall be of noncombustible and corrosive resistant material.

(7) All satellite antennas shall be grounded as required by the applicable building codes to alleviate electrical potential differences between exposed “dead” metal parts of the antennae and the premises A.C. electrical system.

(8) Each satellite antenna shall be designed to withstand a wind force of 75 mph without the use of any supporting guide wires.

(9) Wiring between a satellite dish and the receiver shall be placed at least eighteen (18) inches beneath the surface of the ground with a cable approved for direct burial.

(10) Any driving motor shall be limited to 100v maximum power design and be encased in protective guards. Any motor with operating voltage of more than 50v A.C. nominal shall comply with Article 430 of the National Electrical Code, as may be amended.

(11) A satellite antenna shall be permanently mounted. A satellite antenna may only be on wheels or temporarily installed when used to demonstrate and/or test the feasibility of use for no more than two (2) weeks.

(12) No satellite dish antennae permanently mounted shall be used, nor contain a commercial or residential advertisement, except signs indicating the manufacturer, sales or servicing agent, the total of which shall not exceed twenty (20) square inches.

(E) Denial or Variance.

(1) Denial of a request for a permit shall be based upon noncompliance with the provision of this Section, or a finding that the installation would have a substantial detrimental effect on one (1) or more adjoining private or public properties or would otherwise be contrary to public safety, health or welfare specifying the basis of such finding.

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(2) No variance from this Section shall be permitted except by the granting of variance by the Board of Zoning Appeals

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Article 8 Environmental Performance

Section 8.101 Purpose (currently 4.45.a)

No use, otherwise allowed, shall be permitted within any district that does not conform to the standards of use, occupancy, and operation of this Article, which standards are hereby established as the minimum requirements to be maintained within the area. These environmental performance standards will not prohibit any use, activity or facility also governed by Wayne County or State of Michigan statues in and of themselves, but rather will provide definition, local guidance, standards for all off-site impacts due to performance and operation of these specific land uses. Statutorily mandated zoning or placement of solid waste facilities standards and hazardous waste facilities still applies.

Section 8.102 Standards Applicable to Specific Uses and Districts (currently 4.45.b)

Any industrial-related land use activity, any use in the M-1, M-T, M-2, and AP zoning districts, or any use that is a mine, quarry, or solid waste facility shall not be permitted within Van Buren Township unless the activities are in compliance with the appropriate current State regulations, shall comply with the following environmental performance standards, and, if applicable, shall submit a site plan with the Township following the process set forth in *Article 12, Chapter 2*,

(A) Drainage. The natural drainage shall not be blocked or diverted in such a manner as to cause the natural water flow to back up onto adjacent property or to flow in a different course upon leaving the property upon which the blocking or diverting occurs, unless an application is made and a permit is issued by the Township Board. The altered drainage shall not be detrimental to surrounding properties or riparian owners.

(B) Dust, Dirt and Fly Ash. No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or their natural or synthetic fuels, without maintaining and operating, while using the process of furnace of combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gas borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace or combustion device so that the quantity of particular matter shall comply with the Natural Resources and Environmental Protection Act (Public Act 451 of 1994), as amended.

Measurement for any air pollutant shall follow the reference test method, adopted from Federal test methods described in 40 CFR, part 60 (July 1, 1982 or as amended). Methods of measurement are detailed in Appendix A, Rule 1004 (Methods 9 and 25) of the Administrative Rules for Air Pollution Control, as amended.

(C) Electromagnetic Radiation. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.

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Commented [PS182]: We recommend broadening the application of these standards to also include any industrial-related land use activity and any use in the M-T and AP districts. The regulations in this section are not overly burdensome, so compliance is attainable for these intense land uses.

Deleted: M-1 (Light Industrial District) or M-1 (Heavy Industrial)

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Commented [PS183]: The adoption of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994) repealed Act 348 of 1965.

Deleted: Method of Measurement.

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(D) Fire and Explosive Hazards. The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and regulations as established by Public Act No.207 of 1941, as amended and local code.

(E) Flammable Liquids. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all rules and regulations of Wayne County, the State, and Van Buren Township. All storage tanks for flammable liquid materials aboveground shall be located not less than one hundred fifty (150) feet from all property lines and shall be completely surrounded by embankments, dikes or other types of retaining walls capable of containing the total capacity of all tanks so enclosed.

Bulk storage tanks of flammable liquids below ground shall not be located closer to the property line than the depth to the bottom of the buried tank.

(F) Floodplains, Watercourses, and Wetlands. There shall be no excavation, soil removal, filling or depositing of materials in any floodplain, watercourse and/or wetlands, the terms as defined by the Michigan Department of Environmental Quality, without permit issued by the State of Michigan.

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(G) Gases. The escape of or emission of gases or volatile organic materials so as to be injurious, destructive or explosive shall be unlawful and may be summarily caused to be abated.

(H) Glare, Heat, and Radioactive Materials. Glare or heat from any process or operation which emits harmful ultraviolet rays or excessive heat shall be performed within an enclosure so as to completely obscure and shield the process or operation from direct exposure. Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be submitted to exceed quantities established as safe by the National Institute of Standards and Technology, when measured at the property line.

Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance. Berms and/or obscuring walls shall buffer vehicular parking areas from public streets and residentially used or zoned properties.

(I) Industrial Sewage Waste. No industrial sewage wastes shall be discharged into sewers that will: (1.) cause chemical reacting, either directly or indirectly, with the materials of construction to impact the strength or durability of sewer structures; (2) cause mechanical action what will destroy or damage the sewer structure; (3) cause placing of unusual demands on the sewage treatment equipment or process; (4) cause restriction of the normal inspection or maintenance of the sewage structures; (5) cause limitation of the effectiveness of the sewage treatment process; (6) cause danger to public health and safety; or (7) cause obnoxious conditions inimical to the public interest. Specific conditions controlling sewage wastes shall be as follows:

(1) Acidity or alkalinity shall be neutralized within an average PH range of between five and a half (5 ½) to seven and a half (7½) as daily average on the volumetric basis with a temporary variation of PH 4.50 to 10.0.

(2) Wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of .1 ppm (parts per million); no fluorides shall be in excess of ten (10) ppm; and shall contain no more than five (5) ppm of hydrogen sulphide; and shall contain no more than ten (10) ppm of chromates.

(3) Wastes shall not contain any soluble substance in excess of ten thousand (10,000) ppm or exceed daily average of five hundred (500) ppm or fail to pass a No. 8 Standard Sieve or have a dimension greater than half (½) inch.

(4) Waste shall not have a chlorine demand greater than fifteen (15) ppm.

(5) Waste shall not contain phenols in excess of .05 ppm.

(6) Wastes shall not contain any grease or oil or any oily substance in excess of one hundred (100) ppm or exceed a daily average of twenty-five (25) ppm.

(J) **Light.** In addition to the standards of *Section 8.105*, exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window and shall be so arranged as far as practical to reflect light away from any residential use.

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(K) **Noise.** The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

Sound Level	Adjacent Uses	Where Measured
67 dBA	Residential / Agricultural	Boundary Property Line *
75 dBA	Commercial / Office	Boundary Property Line
80 dBA	Industrial / Other	Boundary Property Line

*except where normal street traffic noise levels exceed sixty-five (65) dBA, the use noise level may equal but not exceed the traffic noise level.

(1) The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology.

(2) Objectionable noise as determined by the Board, of an intermittent nature or high frequency sounds, even if falling below the aforementioned decibel reading, shall be muffled so as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.

(L) **Odors.** The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point lot lines, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

(M) **Roads.** Non-paved roads between the site and the nearest paved road and paved roads off of site within 1/4 mile of the site entrance which are used by vehicles and/or equipment traveling

to or from the site and all roads on site, shall not be used unless they are treated sufficiently frequently enough so that they are dust free whenever used by vehicles and/or equipment.

(N) Smoke. It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Environmental Quality according to Public Act 451 of 1994 as amended.

(O) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of .003 inches as measured at any property line of its sources.

(P) Water Quality. The pollution streams and surfaces water bodies shall be prohibited in accordance with regulations promulgated under Public Act 451 of 1994 as amended.

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Commented [PS184]: The adoption of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994) repealed Act 348 of 1965.

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Section 8.103 Soil Excavation and Removal for Mining, Quarries, and Solid Waste Facilities (currently 4.45.c)

(A) Standing Water. The premises shall at all times be graded so that surface contours shall tend to forestall local depressions or cause water to stand or accumulate.

(B) Fence. Where there is an excavation with a depth in excess of five (5) feet not subject to standard to Township building codes and trenching regulations, the permit holder shall erect a fence of at least six (6) feet, but not more than ten (10) feet in height, of wire mesh or such other suitable materials to afford protection to persons and property. Any gates required shall be kept locked, daily, when operations are stopped.

(C) Processing. Processing of materials mined from any property shall be permitted only in an M-2 (General Industrial) Zoning District.

(D) Post Closure or End Use Land Use Plan. As a part of the special approval and site plan review process, a post closure land use plan for the facility shall be reviewed and approved. Such a plan shall include the end use of all facilities after closure as defined by the MDNR for the technical aspects of closing the solid waste facility, mine or quarry. The contents of the Closure Plan shall include:

(1) Boundary lines of the property and dimensions and bearings of the property lines correlated with legal description;

(2) Location and extend of all natural features to be retained during operation;

(3) The slope of all restored areas;

(4) Proposed completed topography at contour intervals of not more than two (2) feet;

(5) A schedule integrating the areas of progressive rehabilitation with the final restoration plan;

(6) The estimated date of completion of the requirements of the restoration plan;

(7) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored areas;

(8) A description of the methods and materials to be utilized in restoring the site;

(9) Sketch plan of the proposed use or uses of the restored site;

(10) For solid waste facilities, a program of continued groundwater monitoring for at least ten years after closure must be approved by the appropriate local and State officials; and;

(11) Names, addresses and telephone numbers of applicant, property owner, operator and professional engineer who prepared the restoration plan.

Section 8.104 Solid Waste Facilities (currently 4.45.d)

(A) **General Prohibitions.** The operation of a solid waste facility shall be conducted in a manner which prohibits insect and rodent breeding, odor problems, dust problem, ground and surface water contamination and fires. The site shall be maintained in such conditions as to reasonably conceal all evidence of solid waste disposal as prescribed herein.

(B) **Required Studies.** A comprehensive set of subsurface stratigraphic maps detailing both the major and minor geological strata and containing surface and subsurface glacial and hydrologic features of the site and the surrounding area shall be provided. The site shall be mapped to provide cross sectional transects every one-quarter (1/4) of a mile. The mapped information shall be based on well core data taken at three hundred (300) foot intervals. Surface wetlands shall be mapped to show all surface wetland features such as herbaceous and woody vegetative cover, seasonal wet areas, soils and soil associations, and drainage patterns.

(C) **Fencing.** A chain link wire fence not less than six (6) feet nor more than ten (10) feet in height secure to steel fence posts securely anchored in the ground shall be erected around the entire periphery of the site. The fence shall be located between eighty (80) and one hundred (100) feet from the edge of the working area of the solid waste facility. The fencing shall be buffered with evergreen trees along the entire affected area on the outside of the fence.

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(D) **Height.** Landfills or solid waste facilities shall have a standard maximum height of sixty (60) feet. For each additional one (1) foot of height over sixty (60) feet, ten (10) feet of horizontal setback shall be added to the minimum setback requirements. Height shall be measured from ground level of undisturbed areas and in no case shall exceed eighty (80) feet.

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(E) **Setbacks.** There shall be no unloading, incineration, storage, burial of solid waste material, or composing facility within required setbacks as follows:

Landfill or Solid Waste Facility *	Setback
From outer edge of working area of solid waste facility to interior fence	80 ft. – 100 ft.

From edge of solid waste facility to public road right-of-way	500 ft. minimum
From outer edge of working area of solid waste facility to adjoining commercial, office, or industrially zoned property	600 ft. minimum
From outer edge of working area of solid waste facility to adjoining residentially zoned property	1,500 ft. minimum

* measured from proposed outer edge of active cells or areas of disturbance.

Deleted: (see attached diagrams. Figures A and B)

(F) Signage. All facilities shall be property signed. Exterior fencing shall contain necessary notices for no trespassing waste disposal facility every three hundred (300) feet of fence posted at a height no lower than five (5) feet from the ground. Other facilities shall be signed in accordance with emergency response team requirements as directed by the Van Buren Township Board, Fire Department, State Fire Marshall, public safety officials and the Wayne County Road Commission.

(G) Support Service Facilities. Support service facilities may be located in the transition strip subject to the following conditions;

(1) All support service facilities shall be subject to site plan approval procedures of *Article 12, Chapter 2*.

Deleted: Section 4.31

(2) Support service facilities shall conform to the size, height and setbacks of the zoning district.

Setbacks relative to the landfill cells shall not apply to support service facilities. However, support services shall be located inside required berm or landscape buffer areas. All support facilities shall conform to all provision of the Township Building Code, electric, plumbing, mechanical codes and other applicable State and local codes. Any support service facilities located within the required fence line shall be temporary structures which shall conform to all applicable codes. Placement of support service facilities within the required fence line shall require the approval of the Building Official.

Any structures to be placed on or uses of the site after closure shall conform to all provisions of site plan review and other requirements of the zoning district.

(H) Transition Strips with Berms. Views of facilities shall be screened from public right-of-way and all parkland and private property. Screening shall be accomplished through both berming and landscaping.

Berms shall be a height of at least eight (8) feet and no more than twenty (20) feet with a minimum eight (8) foot crown width and back slopes no greater than four to one (4:1). Landscape screens shall contain sufficient landscape materials to obscure obtrusive views. The interior slopes of such berms shall begin at the required fence line. Where the existing topography can shield the surrounding residential property or a public right-of-way from the landfill, the height of the berm may be reduced or the berm may be eliminated. All berms shall comply with the State, County, and local ordinances and shall be designed to be compatible with the local topographic surfaces.

Deleted: in height

(I) Waste Stream Reduction. The applicant shall detail all measures taken which will reduce the need for landfills in the future, including, but not limited to, commercial, industrial and residential recycling operations, composing, incineration, baling and mixing waste processing centers.

(J) Changes. The permittee shall submit a written request to the Township Board for approval of changes to the original plans, specification, reports and methods of operation submitted with a permit application. No such change shall be initiated until the written approval of the Township Board upon recommendation of the Township Planning Commission has been obtained.

Section 8.105 Exterior Lighting (currently 4.23.a)

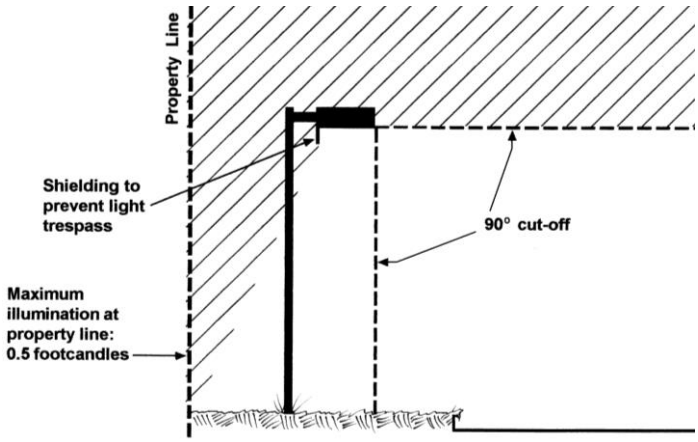
(A) Purpose and Intent. The regulations in this section aim to ensure that sufficient lighting is provided in the publicly accessible areas of buildings and surrounding property, in order to provide for the security of property and safety of the general public. These regulations promote the use of appropriate lighting practices and systems, and discourage the adverse effects of inappropriate lighting such as glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. This section also intends to encourage the use of innovative lighting designs and fixtures which complement the natural and built environments found throughout the Township.

(B) General Requirements.

(1) Shielding. All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from adjacent residential districts, adjacent residences, and public right-of-way. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas. Full cut-off fixtures shall be used to prevent light from projecting above a ninety (90) degree horizontal plane (see illustration below).

Deleted: of lawns or parking lots

Commented [PS186]: A graphic illustration of an appropriate fixture will support the text and be easier for the user to understand.



(2) Illumination Levels. Sufficient lighting, as specified in the following table, shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure security of property and safety of persons.

Location	Maximum Level of Illumination (Footcandles) for the Average of the Area
Off-Street Parking Areas	1.0
Off-Street Loading Areas	1.0
Sidewalks (Residential Areas-Public [only where required by this Ordinance or the Planning Commission])	1.0
Sidewalks (Non-Residential Areas)	1.0
Building Entrances (Frequent Use)	5.0
Building Entrances (Infrequent Use)	1.0
Gas Station (Directly Under Canopy)	20.0
Other Outdoor Areas Not Listed	At the discretion of the Planning Director, with a maximum not to exceed 20.0

(3) Light Trespass Limits. Exterior lighting sources shall be designed, constructed, located, and maintained in a manner that minimizes light trespass onto neighboring properties. The light trespass from a property shall not exceed 0.5 foot candles at the property line, measured 5 feet from the ground. The light-emitting element of a light fixture shall not be directly visible from neighboring properties, as this is the primary cause of glare. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots (see illustration above).

(4) Up-lighting. All up-lighting in nonresidential districts used for the external illumination of buildings, so as to feature the buildings, shall be placed and shielded so as to not interfere with the vision of persons on adjacent highways or adjacent property. The light-emitting element of such fixtures shall not be directly visible from a vehicle or pedestrian travel area so as to not interfere with the vision of persons on adjacent highways or adjacent property. Such lighting shall be shielded in such a manner as to minimize or eliminate light pollution and sky glow.

(C) Height. The height of light fixtures shall be measured from the finished grade to the top of the fixture. All lighting fixtures in non-industrial districts shall not exceed twenty-five (25) feet in height. In industrial districts and the OT, Office Technology District, the Planning Commission may approve lighting fixtures up to a maximum height of thirty-five (35) feet if the proposed lighting over twenty-five (25) feet in height has no adverse impacts on the surrounding land uses and on the natural environment.

(D) Signs. Illumination of signs shall be in accordance with *Article 11*.

(E) Prohibited Lighting.

Commented [PS187]: We recommend prescribing maximum illumination levels based on the feature to be illuminated. Many of the maximums proposed are common in zoning ordinances of similar townships.

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Commented [PS188]: There are certain types of light fixtures that should be prohibited based on their impacts on neighbors and the natural environment. While this list may change, we recommend keeping a list of prohibited lighting.

Deleted: . 4. Illumination of signs shall be directed or shaded downward so as to not interfere with the vision of persons on adjacent highways or adjacent property.¶
¶
. 5. . All illumination of signs and other outdoor feature shall not be a flashing, moving or intermittent type. Nor vary in intensity or color other than used in connection with a sign for conveyance of noncommercial information which requires periodic change, such as time, temperature or stock average.¶
¶
. 6. No sign shall be approved which provides a level of illumination in excess of .08 foot candles and a luminary brightness of 2,400 foot lamberts when measured from the nearest point of residentially zoned property.¶

(1) Flashing or Moving Lights. All illumination of outdoor features of a flashing, moving, or intermittent type are prohibited.

(2) Recreational Facility Lighting. No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m., except to conclude a permitted recreational or sporting event or other activity already in progress prior to 11:00 p.m.

(3) Outdoor Building and Landscaping Lighting. Unshielded illumination of the exterior of a building or landscaping is prohibited except outdoor residential lighting of 100 watts (or equivalent) or less and outdoor non-residential lighting of 50 watts (or equivalent) or less.

(4) Mercury Vapor and Wall Pack Lighting. The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.

(5) Laser Source Light. The use of laser source light or any similar intensity light for outdoor advertising or entertainment is prohibited.

(6) Searchlights. The operation of searchlights for advertising purposes is prohibited.

(F) Exempt Lighting. The following exterior lighting fixtures and systems are exempt from the regulations of this section. The Planning Director reserves the right to enforce standards to minimize glare, reduce light pollution, and otherwise protect the health, safety, and welfare of the public.

Commented [PS189]: There are certain types of light, based on the light's impacts or the entity installing the lights, that should be exempt from regulation.

(1) Light fixtures places by a governmental agency on public property.

(2) Decorative holiday lighting fixtures.

(3) Pedestrian walkway lighting.

(4) Light from the burning of fossil fuels, such as in gas lamps.

(5) Temporary festival and civic lighting.

(6) Temporary construction or emergency lighting.

(7) Outdoor residential lighting of 100 watts (or equivalent) or less and outdoor non-residential lighting of 50 watts (or equivalent) or less

(8) Instances where federal, state, or local laws, rules, or regulations take precedence over the provisions of this section.

Section 8.106 Woodland and Tree Preservation (currently 4.45.e)

(A) Findings. Rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling or eliminating many of the trees and other forms of vegetation and natural resources and associated processes which, if preserved and maintained in an undisturbed and natural condition constitute important

physical, aesthetic, recreational and economic assets to existing and future residents of the Township. Specifically, the Township finds that woodlands and trees:

(1) Protect public health by conserving water quality by reducing noise and the metal and physical damage related to noise pollution, by absorbing air pollutants and contamination by providing buffering to reduce wind and storm impacts and by maintaining visual screening with its accompanying cooling effect during the summer months.

(2) Provide for further public safety through the prevention of erosion, siltation, and flooding.

(3) Contribute significantly to the general welfare of the Township by maintaining natural beauty, providing recreational and educational opportunities and representing an irreplaceable heritage for existing and future residents.

(4) Are matters of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan of 1963, as well as the Natural Resources and Environmental Protection Act of 1994, Being Act 451 of the Public Acts of 1994, as amended.

(B) Purpose. The purpose of these requirements is as follows:

(1) To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located in the Township, in order to minimize disturbance, to prevent damage from erosion and siltation and to prevent loss of wildlife habitat and vegetation. In this regard, it is the intent of this *Section 8.106*, to protect the integrity of woodlands as a whole, recognizing that woodlands serve as a part of an ecosystem and to place priority on preservation of woodlands and trees to the greatest extent reasonably possible.

Deleted: Section 4.45(e)

(2) To protect the woodlands and trees of the Township, in order to support local property values and to promote the natural beauty of the Township.

(3) To prevent owners or developers of property from removing trees from land prior to or in anticipation of development.

(4) To provide for the replacement of trees removed, where no feasible alternative site development is available.

(5) To respond to the public concern for the preservation of these natural resources in the interest of public health, safety and general welfare of the residents of the Township.

(C) Exemptions. Notwithstanding the provisions of *Section 8.106(F)*, the following activities are exempt from the provisions of this *Section 8.106*, unless otherwise prohibited by statue or ordinance:

Deleted: Section 4.45(e)(6)

Deleted: Section 4.45(e)

(1) Resident Owners. The removal, transplanting, trimming, or destruction of any trees by or on behalf of a resident owner of a single-family dwelling lot or unit, single-family cluster

housing unit, single-family subdivision lot, single-family site condominium unit or other residential condominium unit from an area under the owner's exclusive control. This exception shall not apply to removal of trees from common areas or removal of trees required on an approved site plan.

(2) Public Utilities. The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities.

(3) Public Agencies. The removal or trimming of trees if performed by or on behalf of the Township, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project such as the installation of public streets or public sidewalks.

(4) Routine Maintenance. The trimming and pruning of trees as part of normal maintenance of landscaping or orchards, if performed in accordance with accepted forestry or agricultural standards and techniques.

(5) Public Safety. The removal or trimming of dead, diseased or damaged trees if performed by or on behalf of the Township, County, State or other public agencies in a public right-of-way or on public property if done to prevent injury or damage to persons or property.

(6) Accidental Damage. The removal or trimming of dead, diseased or damaged trees (as described by a certified forester and approved by the Township) provided that the damage resulted from an accident or non-human cause and provided further that the removal or trimming is accompanied through the use of standard forestry practices and techniques.

(7) Commercial Nurseries and Tree Farms. The removal or transplanting of trees during the operation of a commercial nursery or tree farm; provided; however, that this exception shall only be applicable if the commercial nursery or tree farm has a valid Grower License from the State of Michigan.

(8) Disasters and Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze or dangerous and infectious insect infestation or disease or other disaster, in order to prevent injury or damage to persons or property or restore order.

(9) Agricultural Uses. The removal, transplanting or destruction of trees occurring during a farm operation, as defined in the Michigan Right to Farm Act (Act 93 of the Public Acts of 1981, as amended), for parcels zoned for agricultural uses of at least ten (10) contiguous acres; or during a farm operation, as defined in the Michigan Right to Farm Act (Act 93 of the Public Acts of 1981, as amended), on at least ten (10) contiguous acres zoned for other than agricultural uses.

(D) Definitions. The following terms, words and phrases shall have the following meaning for purposes of this *Section 8.106*;

Deleted: Section 4.45(e)

(1) **"Activity"** shall mean any use, operation, development or action caused by any person, including but not limited to constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining, or diverting water; pumping or discharging surface water; grading; paving; tree removal or other vegetation removal; excavation; mining or drilling operations.

(2) **"Builder"** shall mean a person who builds or contracts to build a building or structure within the Township.

(3) **"Building envelope"** shall mean the area designated by the developer or builder for the construction of the principal building(s) upon the site in accordance with the following:

(a) In platted residential subdivisions or residential site condominiums, the buildable area remaining on the lot, parcel or unit after complying with zoning setback and maximum lot or site coverage requirements; or such smaller building area designated by the developer for construction of buildings upon a lot, parcel or unit within the development.

(b) In all other developments, the building area(s) plus ten (10) feet around the perimeter of the building(s), provided such areas do not encroach into any required setback.

(4) **"Commercial nursery or tree farm"** shall mean a plant or tree nursery or farm in which trees are planted and grown for sale, wholesale or the general public in the ordinary course of business.

(5) **"Developer"** shall mean a person who installs or contracts for the installation of improvements such as sewers, streets, and water mains in a residential, office, commercial or industrial development.

(6) **"Diameter Breast Height (D.B.H.)"** shall mean a tree's diameter in inches measured four and one half (4 ½) feet above ground.

(7) **"Drip line"** shall mean an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

(8) **"Driveway envelope"** shall mean an area designated by the property owner to provide vehicular access to the building or parking area.

(9) **"Groundcover"** shall mean low growing shrubs, woody vegetation, wild flowers and other small herbaceous plants within a woodland.

(10) **"Grubbing"** shall mean the effective removal of understory vegetation, groundcover, shrubs or trees but not including removal of any protected trees.

Deleted: ¶
i. "Generally accepted agricultural and management practices" shall mean those practices as defined by the Commission of Agriculture of the State of Michigan.¶

Commented [PS190]: "Generally accepted agricultural and management practices" is not referred to in the Woodland and Tree Preservation standards and it is already defined in the general definitions in Article 2.

Commented [PS191]: See the proposed changes and our comment for the proposed definition of "protected trees."

Deleted: of greater than five (5) inches D.B.H

(11) "Land clearing" shall mean operations which remove trees and vegetation in connection with the installation of storm or sanitary sewers, public or private utilities, streets or any other clearing or grading of the property at any time prior to construction of a building.

(12) "Protected trees" shall mean any tree species having a D.B.H. of five (5) inches or greater and that is not included in the definition of "removable tree." Protected trees shall not be removed or relocated without a tree removal permit.

(13) "Locate" shall mean to construct, place, insert or excavate.

(14) "Material" shall mean soil, sand, gravel, clay, peat, mud, debris, refuse, or other material, organic or inorganic.

(15) "Operations" shall mean locating, moving, depositing, or grading of any material or any construction, use or activity or any combination of such activities which modifies conditions of property subject to this Section.

(16) "Person" shall mean an individual, partnership, corporation, association, organization, or other legal entity including governmental agencies.

(17) "Removable tree" shall mean those trees designated by resolution of the Planning Commission as being appropriate for removal due to their characteristics. Such trees shall be listed by common and botanical name. Such list shall be maintained by the Township and shall initially include the following tree species, plus fruit trees in an abandoned orchard and trees that are dead or in poor or very poor condition as determined using the current International Society of Arboriculture guidelines:

Botanical Name	Common Name
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Ailanthus altissima	Tree of Heaven
Alnus glutinosa	Black Alder
Caragana arborescens	Siberian Peashrub
Catalpa spp.	Catalpa
Fraxinus americana	White Ash
Fraxinus nigra	Black Ash
Fraxinus pennsylvanica	Green Ash
Fraxinus quadrangulata	Blue Ash
Elaeagnus augustifolia	Russian Olive
Kalopanax Septemlobus	Kalopanax
Maclura pmifera	Osage-Orange
Morus alba	White Mulberry
Populus alba	White Poplar
Populus deltoides	Cottonwood
Populus grandidentata	Large-tooth Aspen
Populus nigra (var. italica)	Lombardy Poplar
Populus tremuloides	Trembling Aspen
Prunis mabaleb	Perfumed Cherry

Commented [PS192]: We recommend changing the definition of "landmark trees" to "protected trees" because there are no regulations for "landmark trees." Also, because all trees over a certain D.B.H. are protected, we recommend deleting the list of "landmark trees" and simply exempt any "removal trees" from mitigation.

Deleted: Landmark

Deleted: trees that shall be considered

Deleted: protected

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Deleted: Such list shall be maintained by the Township and shall initially include the following tree species:¶
<#>¶
<#>Botanical Name Common Name¶
<#>Abies spp. Fir¶
<#>Acer spp. Maple¶
<#>Acer spicatum/pensylvanicum Mountian/Striped Maple¶
<#>Aesculus spp. Horsechestnut¶
<#>Ailanthus altissima Tree of Heaven¶
<#>Asimina triloba Pawpaw¶
<#>Betula spp. Birch¶
<#>Carpinus spp. Blue Neech Hornbeam¶
<#>Carya spp. Hickory¶
<#>Castanea American Chestnut¶
<#>Cedrus spp. Cedar of Lebanon¶
<#>Celtis occidentalis Hackberry¶
<#>Cercis canadensis Eastern Redbud¶
<#>Cladrastis styracifua Yellow Wood¶
<#>Cornus florida Flowering Dogwood¶
<#>Crataegus spp. Hawthorn¶
<#>Diospyros virginiana Persimmon¶
<#>Fagus spp. Beech¶
<#>Fraxinus spp. Ash¶
<#>Ginkgo biloba Ginkgo¶
<#>Gleditsia triacanthos Honey Locust¶
<#>Gymnocladus dioicus Kentucky Coffee Tree¶
<#>Juglans cinerea Butternut¶
<#>Juniperus spp. & upright cultivars Cedar¶
<#>Larix spp. Larch/Tamarack¶
<#>Liquidambar styracifua Sweetgum¶
<#>Liriodendron tuliperifera Tuliptree¶
<#>Malus spp. Crabapple (cultivar)¶
<#>Metasequoia glyptostroboides Dawn Redwood¶
<#>Nyssa sylvatica Black Tupelo¶
<#>Ostrya virginiana Ironwood¶
<#>Pinus spp. Pine¶
<#>Picea spp. Spruce¶
<#>Platanus spp. Sycamore/ Plane Tree¶
<#>Populus spp. (except deltoids, alba) Popular/Willow¶
<#>Prunus serotina Black Cherry¶
<#>Prunus spp. Flowering Cherry¶
<#>Pseudotsuga menziesii Douglas Fir¶
<#>Pyrus spp. Pear¶
<#>Quercus spp. Oak¶
<#>Sassafras albidum Sassafrass¶
<#>Taxodium distichum Bald Cypress¶
...

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Commented [PS193]: Additional trees have been added based on undesirable species commonly prohibited in many communities in Michigan. Also, fruit trees in an abandoned orchard and trees that are dead or in poor or very poor condition are also "removable trees."

Rhamnus cathartica	Common Buckthorn
Robinia pseudoacacia	Black Locust
Salix alba	White Willow
Salix babylonica	Weeping Willow
Salix fragilis	Crack Willow
Salix nigra	Black Wllow
Salix purpurea	Basket Willow
Ulmus parvifolia	Chinese Elm
Ulmus pumila	Siberian Elm

Deleted: Chinese

(18) "Removal or remove" shall mean the act of removing a tree by digging up or cutting down, the effective removal through damage or the infliction of damage to a tree or its root system.

(19) "Replacement tree" shall mean those trees considered by the Township to be acceptable to replace trees proposed to be removed. There are several trees species that can be used as replacement trees, and the characteristics expected of replacement trees are as follows:

(a) Minimal fruit litter.

(b) Uptight growth of trunk; trees used for streetscape purposes should branch at a minimum height of seven (7) or more feet; trees used for other landscaping may have branching at lower heights.

(c) Resistance to disease.

(d) No thorns on trunk or branches.

(e) Resistance to drought.

(f) Salt tolerance.

(g) Combinations of deciduous and evergreen trees; evergreen trees should be used for screening purposes. Streetscaping and other landscaping should be done with a combination of deciduous and evergreen trees, incorporation the above characteristics.

(20) "Residential development" shall mean any single-family or multiple family residential development, including single-family residential subdivision, single-family cluster housing, residential condominiums, residential site condominiums, and all other multiple family residential development.

(21) "Site" shall mean a parcel or unit of land.

(22) "Undeveloped' shall mean a parcel of land which is substantially unimproved with buildings or structures on the effective date of this Section.

Commented [PS194]: The information in the definition of "Site Inventory" and "Tree Survey" is repeated in the required information for a Tree Removal Permit, so the definition of site inventory is unnecessary.

Deleted: ¶
v. "Site inventory" shall mean a plan showing the proposed activity. Such plan shall include the following information and detail to the extent applicable to the proposed activity:¶
¶
i. . The shape, boundaries and dimensions of the site, together with the existing and proposed locations of structures and improvements.¶
¶
ii. The location of existing rights-of-way and utility easements.¶
¶
iii. . The location of proposed rights-of-ways and adjacent utility easements.¶
¶
iv. Proposed lot configuration and the sizes thereof.¶
¶
v. . Proposed front, rear and side yard setbacks.¶
¶
vi. Existing characteristics and conditions of the site.¶
¶
vii. . A typical building site in the case of a single-family residential or industrial subdivision plat.¶
¶
viii. The United States Geological Survey (U.S.G.S.) Quadrant map or the most recent County aerial photograph of the site superimposed upon the plan.¶
¶
ix. . Such other information and detail as maybe required to evaluate the impact of the proposed activity upon a woodland and contiguous property.¶

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x. "Tree survey" shall mean a minimum of one (1) inch equals one hundred (100) foot scale drawing that provides the location of all trees of five (5) inches or greater D.B.H, plotted by accurate techniques, including the common and botanical names of those trees and their D.B.H.¶

Deleted: 4.45(e)

(23) "Woodland" shall mean any property containing one (1) or more acres (excluding existing rights-of-way) which has been designated as a woodland on the official Township Woodland Map. The term "woodland" shall include all trees located in the woodland area (regardless of size), including the drip line of all trees in the woodland area.

(24) "Woodland map" shall mean the map approved by the Planning Commission, which identifies all woodland areas in the Township.

(E) Application of Requirements. This *Section 8.106* shall apply to any parcel of property which is undeveloped on the effective date of *Section 8.106*, unless a site plan, subdivision plat approval, which has not yet expired, within one (1) year of the effective date of *Section 8.106*. If the developer allows such approval to expire without proceeding with the development and the development is thereafter resumed, the development must then must be reviewed again to determine compliance with the requirements of *Section 8.106*.

(F) Tree Removal Permit.

(1) Permit Required. Except as otherwise provided in this Section, no person shall do any one (1) or more of the following without first having obtained a tree removal permit in accordance with the provisions of this Section:

(a) Remove, transplant, damage or destroy any tree (except removable trees) or similar woody vegetation of any D.B.H. in a woodland.

(b) Remove, transplant, damage or destroy any protected tree or similar woody vegetation of five (5) inches in D.B.H. greater which is not located in a woodland.

(c) Conduct any land clearing or grubbing activities within a woodland area.

(2) Development on Parcels of One (1) Acre or Greater. The following requirements shall apply to all property containing one (1) or more acres upon which any operations as defined herein are undertaken after the effective date of this Section:

(a) The developer of any development shall, as a part of the permit approval under this Section, identify the location of all proposed streets, loading and unloading areas, off-street parking areas and maneuvering lanes providing general circulation within the development. In addition, the developer may, at his/her option, designated building envelopes and driveway envelope for construction of buildings, known accessory structures and other on-site improvements to be made. Once a tree removal permit has been obtained by the developer for these areas, no additional tree permit shall be required for the erection of a structure within the building envelope or the installation of approved improvements in the approved locations. Activities which extend beyond the confines of the designated building or driveway envelopes or areas approved for the installation of specific site improvements shall require an additional tree removal permit.

(b) Except as provided in *Section 8.106(J)*, the developer shall preserve and leave standing a minimum of thirty-seven percent (37%) of the total number of protected

Commented [PS195]: The current definition of "woodland" encompasses too many items and could be construed as including a greenbelt buffer (regulated in the Landscaping and Screening Article) or a single 24 inch D.B.H. tree. Therefore, this definition should be shortened to refer to a woodland map and include the drip line of those trees in the woodland. "Drip Line" is already defined.

Deleted: , shrubs and groundcover

Deleted: upon such property

Deleted: ; or any area of land having trees which act as a substantial buffer for existing residential structures or a residential zoning district or between adjacent uses, acts as a significant greenbelt linkage between other natural resources or has significant environmental value due to unusual topography, diversity of habitat, unique beauty, endangered species or a healthy tree of twenty-four (24) inches D.B.H. or greater

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Commented [PS196]: Any tree defined as a "removable tree" is not worthy of replacement and should not require a Tree Removal Permit.

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trees of five (5) inches D.B.H. or greater within the development. This requirement may be modified by the Planning Commission where, based on the nature of the proposed development and location of existing trees, it is not feasible to preserve 37% of the total number of protected trees.

(c) Where a developer has submitted and obtained approval of a tree preservation plan at the same time as tentative preliminary plat approval of a subdivision or tentative preliminary plan of a site condominium or preliminary site plan approval for any other development, such tree preservation approval, together with any additional terms and conditions attached to the approval, shall satisfy the requirements of this Section.

(d) Tree removal permits in conjunction with construction by builders on building sites. A builder who wishes either to clear any property or construct any building upon a site which is subject to the provisions of this Section or perform any operation within a woodland regulated by this Section, must first obtain a tree removal permit in order to remove, damage or destroy any protected tree of five (5) inches D.B.H. or greater from the property or to work within a woodland as designated on the official Township Woodland Map. This requirement shall not apply to a builder who is constructing a building or known accessory structure, or is installing a site improvement in a location for which the developer has previously obtained approval under this Section.

(G) Application for Permit. When a site is proposed for development necessitating review and approval of a site plan, subdivision of land or other permit pursuant to the Ordinances of the Township, the application for a tree removal permit shall be made at the same time as such other related application. The application for a tree removal permit shall consist of the following:

(1) Application form and fee. The fee shall be established by resolution of the Township Board of Trustees.

(2) The most current available aerial photograph of the site, at a scale not less than one (1) inch equals one hundred (100) feet.

(3) Unites States Geological Survey (U.S.G.S.) quadrant map of the site.

(4) Tree location survey and site inventory, in a form acceptable to the Township, including but not limited to:

(a) A topographical map at the same scale as the related sites plan, plat or survey drawing for the division of the land.

(b) The shape and dimensions of the site, together with the existing and proposed locations of structures and improvements (including building and driveway envelopes), including existing and proposed utilities and proposed changes to existing grades.

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Commented [PS197]: In densely wooded lots, this requirement is difficult to meet. Therefore, we recommend that the Planning Commission be granted flexibility in applying this requirement. Please note that the applicant will not be relieved of the requirement to mitigate for removing protected trees.

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(c) Location and dimensions of all setbacks and existing and proposed rights-of-way and easements.

(d) All existing trees on the parcel shall be inventoried by actual field survey and shown on the topographical map by type, location and crown spread drawn to scale. All existing trees of five (5) inches D.B.H. or greater (including removable trees) shall be shown on the topographical map with the ground elevation at the base of each such tree. All existing trees shall be superimposed on the related site plan, plat or survey drawing for division of land. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown on the topographical map as a group with the overall crown spread drawn to scale, by predominant species, with estimated number and size of each predominant species and with an average base elevation of each group. The inventory shall include all existing trees five (5) inches D.B.H. or greater within adjoining street rights-of-way and twenty-five (25) feet beyond the property lines of the site.

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Commented [PS198]: Although "removable trees" could be removed without a Tree Removal Permit, we will want to affirm the status of these trees on a plan.

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(e) Isolated trees shown on the topographical map shall be tagged in the field with identifying numbers using non-corrosive metal tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.

(f) All existing trees proposed to remain, to be relocated or to be removed, shall be so designated by the identifying number.

(g) If existing trees are to be relocated, the proposed locations for such trees, together with a statement setting forth how such trees are to be removed, protected and/or sorted during land clearance, development and construction and how they are to be maintained after construction.

(h) A statement setting forth how existing trees not to be relocated are to be protected during land clearance, development, construction and on a permanent basis thereafter, including proposed use of tree wells, protective barriers, tunneling and/or retaining walls.

(i) The number of trees proposed to be removed that are five (5) inches D.B.H. or greater.

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(j) Such other information and detail as to vegetation as may be requested by the Township.

(k) All information and details shall be provided by a registered land surveyor, registered engineer, registered landscape architect, certified arborist or forester who must verify the contents by seal or signature, whichever applies.

(5) An evaluation of the quality of woodland area and trees to be removed, including but not limited to the following:

(a) Tree species (including diversity of tree species).

(b) Tree size and density.

(c) Health and vigor of the trees.

(d) Soil conditions and drainage characteristics of this site.

(e) Other factors such as the value of the woodland area as a scenic asset, windblock, noise buffer or other environmental benefit (i.e., cooling effect).

(6) For parcel one (1) acre or larger, the following additional information:

(a) A statement that all retained trees will be identified by a method, such as painting or flagging. If protective barriers are deemed necessary by the Township, the statement shall include a description of how the retained trees are to be protected with an acknowledgment that the barrier must be in place before activity commences.

(b) A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur. This plan will enable the Township to determine the impact of the proposal on the viability of the existing trees.

(7) Where the request for a tree removal permit relates to any site which contains no protected trees of five (5) inches or greater D.B.H., the applicant shall so indicate in his/her application and submit a "no tree" affidavit. In such case, the Township shall conduct an inspection of the site. If the inspection substantiates the applicant's claim, the applicant shall be relieved from the tree removal permit requirement.

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(H) Review Procedures. The Department of Development Services shall review the submitted application for a tree removal permit required by this *Section 8.106*, to determine that all required information has been provided. At the request of the applicant, an administrative review meeting may be held to review the request in light of the purpose and the review standards of this *Section 8.106*.

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(1) Field Inspection. A field inspection of the site may be conducted by the Department of Development Services to verify and review the accuracy of the information and details provided by the applicant. The receipt of the application shall constitute permission from the owner of the site to conduct such on site investigation.

(2) Department Recommendation. The Department of Development Services shall, after review of the proposed activity, submit a report and recommendation to the Planning Commission as to the tree removal permit request. In all cases, the Planning Commission shall serve as the reviewing body for tree removal permit. All decisions shall be made in accordance with review standards of *Section 8.106*.

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(3) Waiver. If the tree removal permit application requests a waiver of tree location survey requirements for all or any area of the site, the Department of Development Services may

recommend that the Planning Commission waive such requirements for all or any area of the site based upon all of the following conditions being satisfied.

(a) A field investigation of the site to review and verify the accuracy of the information provided by the applicant.

(b) Location of the proposed activity being flagged, marked or otherwise identified by the applicant on site at the time of the field investigation.

(c) The applicant or an authorized representative of the applicant being present during such field investigation.

(d) Finding that the proposed activity in the area of the site for which a waiver is sought meets standards set forth above.

(4) Tree Location Survey Required. Unless the Planning Commission waives tree location survey requirements for all the site, the applicant shall submit a tree location survey as required for those areas of the site for which a waiver has not been granted.

(5) Disapproval. If an applicant for a tree removal permit is disapproved, the permit applicant shall be notified in writing of the reasons for disapproval by the Planning Commission.

(6) Approval. If an application for a tree removal permit is approved, the Planning Commission may do any or all of the following:

(a) Attach to the approval reasonable conditions considered necessary by the Planning Commission to ensure the intent of this *Section 8.106* is fulfilled and to minimize damage to, encroachment in or interference with natural resources within wooded areas.

(b) Affix a reasonable time to complete tree removal operations.

(c) Require the applicant to post with the Township a performance guarantee in a form acceptable to the Township and in an amount determined to be sufficient by the Township to ensure compliance with any tree removal permit conditions set forth in this *Section 8.106*. If the permit holder has provided a performance guarantee to the Township under any other ordinance or regulation and if such guarantees deemed adequate by the Planning Commission to ensure compliance with this *Section 8.106*, no additional performance guarantees shall be required.

(I) Review Standards. The following standards shall govern the review of an application for a tree removal permit if required by this *Section 8.106*;

(1) The protection and conservation of natural resources from pollution, impairment or destruction is of paramount concern. Therefore, all woodlands, trees and related natural resources shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other

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improvements. The applicant must consider and pursue all development options available under the Zoning Ordinance in order to preserve the woodlands and trees.

(2) The integrity of woodland areas shall be maintained to the greatest extent reasonably possible, regardless of whether such woodlands cross property lines.

(3) Where the proposed activity consists of land clearing, it shall be limited to designated street right-of-way, drainage and utility easements, building and driveway envelopes and other areas (such as off-street parking and loading and unloading areas) necessary for site improvements, considering the development options available under the Zoning Ordinance.

(4) Where the proposed activity involves residential development, the residential structures shall, to the extent reasonably feasible, be designed and constructed to use the natural features of the site.

(5) The removal of trees for which a tree removal permit is required shall be limited to any of the following instances:

(a) When necessary for the location of a structure or site improvements and when no reasonable alternative location for the structure or improvements can be had without causing undue hardship, consideration of all development options which are available under the Zoning Ordinance.

(b) When necessary, as determined by the Township, to provide reasonable drainage upon the site and when no reasonable alternative drainage is available without the removal of the trees.

(c) When the prospective owner of the residential dwelling unit has requested the builder in writing to remove the trees in order to facilitate the homeowner making certain specified improvements which must be undertaken within twelve (12) months of the date of the certified of occupancy for the dwelling unit.

Notwithstanding the foregoing, no applicant shall be denied solely on the basis that some trees are growing on the property under construction.

(6) The burden of satisfying standards shall be upon the applicant.

(J) **Relocation and Replacement.** Whenever a tree removal permit has been issued authorizing removal of a protected tree of five (5) inches or greater D.B.H., the permit holder shall replace or relocate each such tree in accordance with this Section. If the permit holder replaces removed trees as provided in this Section, replacement trees may be used to satisfy preservation percentage requirements of this *Section 8.106(F)(2)(b)*, but may not be used to satisfy landscaping requirements of the Zoning Ordinance.

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(1) **Replacement Ratio.** The permit holder shall relocate or replace removed trees in accordance with the following schedule:

Minimum Replacement Tree Size	Replacement Credit Ratio Tree Size (# of Replacement Tree(s) : # of Removed Trees)
Coniferous (height):	
Four (4) to six (6) feet	1:1
Six (6) to eight (8) feet	1:1.5
Eight (8) feet to ten (10) feet	1:2
Ten (10) feet to twelve (12) feet	1:2.5
Twelve (12) feet to fourteen (14) feet	1:3
Deciduous (D.B.H.):	
Two (2) to three (3) inches	1:1
Three (3) to four (4) inches	1:1.5
Four (4) inches to five (5) inches	1:2
Five (5) inches to six (6) inches	1:2.5
Six (6) inches to seven (7) inches	1:3

Commented [PS199]: In many cases, it can be difficult for an applicant to find sufficient area on the site to plant all of the necessary replacement trees. As an alternative, we recommend allowing additional tree replacement credit for larger trees by continuing the existing ratios upward on a proportional basis.

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(2) Minimum Requirements. All replacements trees shall satisfy the requirements of *Article 10*, and shall be as follows:

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(a) Nursery grown or comparable, or relocated from the same parcel.

(b) State Department of Agriculture inspected.

(c) Tree spade transplanted while in the dormant state or if not in the dormant state, balled and burlapped with a solid, well laced root ball when in the dormant state.

(d) Number one (1) grade, with a straight, unsecured trunk and a well-developed uniform crown (park grade acceptable).

(e) Guaranteed for one (1) year.

(f) Approved through inspection by the Township.

(g) Of a species included on the list of acceptable replacement trees on file with the Township.

The applicant and any person who applies for a building permit in connection with the proposed activity shall be responsible for planting replacement trees as required by this Section.

(3) Location. The location of any replacement tree shall be on the same parcel as the removed tree whenever feasible, as determined by the Planning Commission. If the tree replacement on the same parcel is not feasible, the Planning Commission may designate another planting location for the replacement tree within the Township or the Planning Commission may allow the permit holder to deposit into the Township General Fund, Tree Preservation Line, an amount determined to be acceptable by the Township for tree

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replacement that would otherwise be required. These funds shall be utilized for the planting, maintenance and preservation of trees and woodland areas within the Township.

(4) **Maintenance.** Replacement trees shall be staked, fertilized, watered, and mulched to ensure their survival in a healthy, growing condition.

(K) Terms of Permit.

(1) Any and all tree removal permits issued by the Township to a developer shall expire (unless extended) at the same time as the contemporaneous approval granted by the Township, for the development, if any (i.e. tentative preliminary plat, preliminary site plan, special land use, site plan approval, etc.).

(2) Any and all tree removal permits issued by the Township to any persons for an activity regulated under this *Section 8.106* for which a contemporaneous approval of the development is not required by the Township (i.e. removal of trees by a builder in connection with construction of a residence upon a parcel) shall expire one (1) year from the date of issuance.

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(3) Any activity regulated under this *Section 8.106* which is to be commenced after expiration of a tree removal permit shall require a new applicant, additional fees and new review and approval.

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(L) Protection During Construction.

(1) All trees which have been approved for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.

(2) No person shall conduct activity within the drip line of any tree designated to remain, including but not limited to the placing of solvents, building materials, construction equipment or soil deposits.

(3) During construction, no person shall attach a device or wire to any remaining tree, except to cordon off protect areas as required.

(4) Before development, land clearing, filing or any property alteration for which a tree removal permit is required, the developer or builder shall provide a maintain suitable barriers such as snow fencing, cyclone fencing, etc., to protect remaining trees. (Wood, metal or other substantial material shall be utilized in the construction of barrier.) Protective barriers shall remain in place until the Township authorizes their removal or issues a final certificate of occupancy whichever occurs first. Barriers are required for all trees designated to remain, except as follows:

(a) Street rights-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, or other brightly

visible materials at least two and one half (2½) feet above the ground from stake along the outside perimeters of acres to be cleared.

(b) Large property areas separate from the construction or land clearing are onto which no equipment will venture may also be cordoned off as described above.

(M) Display of Permit. The permit holder shall conspicuously display the tree removal permit on-site. The permit shall be displayed continuously while trees are being removed or while activities authorized under the permit are performed and for ten (10) days following completion of those activities. The permit holder shall allow the Township to enter and inspect the premises during reasonable business hours or any other time during which activity is conducted as regulated by this ordinance. Failure to allow an inspection authorized under this Section is a violation of this *Section 8.106*. Fences and tree protection devices shall be maintained during all development and construction activities and construction materials, supplies and equipment shall be kept outside of the protection area.

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(N) Woodland Map. The designated woodlands areas are hereby established as shown on the official Township Woodland Map, which is on file in the Department of Development Service and which all notations, references and information shown thereon shall be as much a part of this *Section 8.106* as if fully described herein. If, because of problems with scale or detail, there is any ambiguity as to whether a particular area is apart of a woodland, that determination shall be made by the Planning Commission defined in *Section 8.106(H)(2)* above.

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(1) Amendments. The Woodland Map may be amended from time to time by the Planning Commission and subject to requirements as noted below.

(2) Information Required. The petitioner for an amendment to the Woodland Map shall submit items noted in *Section 8.106(G)*.

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(3) Amendment Criteria. In considering any proposed amendment to the Woodland Map, the Planning Commission shall consider the following criteria in making findings and decisions:

(a) Consistency with the goals and policies set forth in this *Section 8.106*, the Zoning Ordinance and the Master Plan.

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(b) Evidence of compatibility with the site's physical, geological, hydrological and other environmental features.

(c) Reasonableness of the requested amendment in relation to existing features and surrounding uses.

(4) Other factors deemed appropriate by the Planning Commission, which would protect the health or safety of the public, protect public and private investment in the Township and enhance the overall quality of life in the Township.

(O) Enforcement and Administration. To ensure enforcement of this *Section 8.106* and the approved plan for tree removal, various inspections will be performed at the site at the direction of the Township. The applicant will be responsible for all inspection fees in accordance. The Township shall have the authority to promulgate additional regulations to implement the terms of this *Section 8.106*.

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(P) Violations. A violation of this *Section 8.106* shall be treated as a violation of the Zoning Ordinance and shall be subject to the same penalty provisions as violations of the Zoning Ordinance.

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(Q) Variance. Variances from this *Section 8.106*, as well as appeals from any order, requirement, decision or determination made by any administrative official or body (except for the Planning Commission) charged with enforcing or administering the terms of this *Section 8.106*, shall be treated as variances from and appeals pursuant to the Zoning Ordinance.

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(R) Alternatives to Tree Replacement and Relocation. Where tree relocation or replacement is not feasible within the boundaries of the site or at another location within the township approved by the Planning Commission, the permit grantee shall pay into the Township tree fund for tree replacement on a per tree amount, representing the current market value for the tree replacement that would otherwise be required. The current market value shall be determined by the Township Board of Trustees, based on the cost of the tree, the cost of planting, and the cost of a one-year warranty. The Township tree fund shall be used for planting of trees within the township.

Section 8.107 Stormwater Basins (currently 4.56)

(A) Engineering Standards. Stormwater basins shall comply with the Township's engineering standards.

(B) Design. Stormwater basins, including detention and retention basins, shall be designed as an integral part of the overall site plan. To the extent possible, such basins shall be configured and incorporated into the natural topography. Where this is not practical, the basin shall have an irregular shape to emulate a naturally formed or free form depression.

(C) Safety. In the interest of the public health, safety, and welfare, basin designs shall incorporate features to discourage unauthorized access. The following methods of restricting access shall be incorporated into the design of stormwater basins:

(1) Fencing. Decorative fencing sufficient to restrict outside access to the stormwater basin shall be provided around the entire perimeter of the stormwater basin. Decorative black wrought iron-appearing fence is preferred, although the Planning Commission may approve decorative fence alternatives that it finds to be more compatible with the site's surroundings. Chain link and other non-decorative fences are specifically prohibited.

(2) Alternatives. In locations that are not readily accessible to populated areas, or that are contained within large sites, remote from developed areas, the Planning Commission may waive or modify the requirement for fencing, upon a finding that sufficient protections, including but not limited to vinyl-coated black chain link fence, graduated side slopes,

vegetative and barrier plantings, safety shelves and other features, have been designed into the basin to reasonably protect the public. Notwithstanding, the fencing requirement shall not be waived in locations where steep side slopes increase the potential for slipping into the pond.

Following are standards for several protective techniques which are among the alternatives that the Planning Commission may consider when determining if the fencing requirement may be waived for a site:

(a) Shelf and Graduated Side Slopes. A minimum six (6) foot wide shelf at a depth of one (1) foot below the permanent water level shall be provided around the entire perimeter of the basin.

(3) Landscaping. In addition to the landscaping requirements of this Ordinance, a minimum ten (10) foot wide landscape buffer shall be provided around the perimeter of the basin, measured from the top of bank elevation. The landscape buffer shall be planted so that it is sufficient to discourage access to the basin.

(D) Mosquito Control. Stormwater basins designed to permanently hold water shall incorporate measures to limit mosquito growth, including but not limited to aerators and selective plantings.

(E) Access for Maintenance. Reasonable and practical access shall be provided to stormwater basins to allow for periodic sedimentation removal and proper maintenance of related structures, pumps, mechanical filtration systems, and related ancillary equipment. The access shall be a minimum of fifteen (15) feet wide, be unpaved, and provide a grass paver type of subsurface stabilization to support heavy equipment. The access location shall be indicated clearly on the proposed site plan, and the landscape plan shall be designed to prevent obstruction of the access by trees and shrubs. Access shall be located adjacent to a street, drive aisle or paved parking area where practical.

Article 9 Parking, Loading, and Access Management

Section 9.101 Off-Street Parking Requirements (currently 6.01)

In all zoning districts, off-street parking for the keeping and parking of self-propelled motor vehicles shall be provided at the time of erection or enlargement of any main building or structure. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

(A) Parking Location. Off-street parking spaces may be located within a side or rear yard and within the rear setback unless otherwise provided in this Ordinance. Off-street parking is prohibited within an established front yard or within an established side yard setback unless otherwise provided in this Ordinance.

(B) Non-Residential. Off-street parking for nonresidential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest public entrance to the building to the nearest point of the off-street parking lot, except as may be provided for by this Ordinance.

(C) Residential. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. Such parking spaces shall also be subject to the provisions of Article 7, Chapter 2 in residential districts.

(D) Residential Restrictions. Parking is prohibited on a residential front or side lawn, easement, or public right-of-way. Vehicles may only be parked in those areas designated as parking areas. Such designated areas, when located within a subdivision or condominium development, must be surfaced with concrete, asphalt, or a similar material that is durable, smooth, and dustless.

(E) Limits on Changes. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this article are provided elsewhere or the parking requirements of the site change.

(F) Existing Parking. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced in size to an amount less than hereinafter required for a similar new building or new use.

(G) Shared Parking. Collective provision for off-street parking facilities for two (2) or more buildings or uses may be permitted by the Township, so long as collective provisions are not in conflict with other provisions of this Ordinance. Such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with *Section 9.102* herein unless the owner(s) can submit a parking study demonstrating that fewer parking spaces are acceptable based on different peak parking times for the respective buildings or uses. In determining whether to allow fewer parking spaces in a shared parking lot, the Planning Commission shall consult the most recent edition of the *Parking Generation*,

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published by the Institute of Traffic Engineers (ITE), or other acceptable standard. Adequate pedestrian access shall be provided between the shared parking lot and the associated buildings and uses.

A written shared parking agreement between joint users in a form approved by the Planning Commission and Township attorney shall be recorded with the Wayne County Register of Deeds. The agreement shall assure the continued availability of the off-site parking facilities for the uses it is intended to serve.

(H) Parking Deferment. Where the property owner can demonstrate or the Planning Commission finds that the required number of parking spaces is excessive and the proposed parking will meet the demand for the proposed use, the Planning Commission may approve fewer parking spaces provided the following conditions are met:

(1) That a reserved area be shown on the site plan of sufficient size to meet the parking space, circulation, and maneuvering requirements of this article, including dimensions and dotted parking lot layout. The reserved area shall be retained as open space.

(2) The reserved area designated as deferred parking shall be on the same lot as the principal use.

(3) The reserved area proposed shall not be in a required setback, required landscape area, or required greenbelt.

(4) A written legal agreement, provided by the applicant, which has been approved by the Township attorney, shall include provisions to construct the deferred parking and the agreement shall be referenced on the site plan.

(5) The legal agreement shall include provisions for the owner to construct the deferred parking at such time as there have been three (3) documented violations from the Building Department.

(6) The Building Department may require posting of a performance guarantee to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.

(I) Maximum Parking Allowable. In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to higher rates of storm water runoff and higher micro temperatures, exceeding the minimum parking space requirements of *Section 9.102* by greater than twenty percent (20%) is prohibited, except as approved by the Planning Commission. In its request for additional parking spaces, the applicant must submit a parking study to the Planning Commission demonstrating that additional parking spaces are needed based on the nature of the use and/or peak times thereof. In determining whether to grant additional parking spaces, the Planning Commission shall also consult the most recent edition of the *Parking Generation*, published by the Institute of Traffic Engineers (ITE), or other acceptable standard.

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(J) Minimum Parking Required. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the schedule contained in *Section 9.102* herein; however, the Planning Commission may modify the numerical requirements for off-street parking based on evidence that another standard would be more reasonable based of the level of current or future employment and/or level of current or future customer traffic. In determining whether to permit fewer parking spaces, the Planning Commission shall consult the most recent edition of the *Parking Generation*, published by the Institute of Traffic Engineers (ITE), or other acceptable standard.

(K) Required Parking for Uses Not Provided. In the case of a use not specifically provided for herein, the Planning Commission shall determine the off-street parking requirements for such use based on the most recent edition of the *Parking Generation*, published by the Institute of Traffic Engineers (ITE), or other acceptable standard applicable for that use or a similar use.

(L) Limits on Storage. The storage of merchandise or vehicles for sale, including automobiles, trucks, and recreational vehicles, or the repair of vehicles is prohibited in a parking area. The use of semi-trailers for storage purposes on the premises within a commercial, office, or similar zoning district for five (5) or more consecutive days is prohibited. Semi-trailers for storage purposes shall not be permitted in any residential zoning district. This provision shall not prohibit residing property owners and/or tenants from displaying personal vehicles for sale on the premises for no more than thirty (30) consecutive days. (Refer to *Section 7.121*)

(M) Snow Removal and Storage. All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow, standing water, debris or other materials which prevent full use and occupancy of such facilities in accordance with the intent of the Article, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall. All parking lots shall have adequate areas for snow storage that do not interfere with the required parking or circulation.

(N) Parking Structures. Parking structures serving an on-site use or as a shared parking area pursuant to *Section 9.101(G)* shall be permitted only in the RM, C, C-1, C-2, and OT Districts. All parking structures shall comply with the required setbacks for the district in which it is located, be designed as an integral element of the site plan, and be compatible in design, color, and type of material as the principal building on site.

(O) Carports and Garages. In multiple-family developments, each parking space in a carport or garage shall be counted in meeting the parking space requirement on a one-to-one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be at least partially screened on any side facing a public or internal street or drive unless the side is used for entrance and exit.

(P) Changes in Use. Should the use of the land or building change, the parking shall be provided based on the new use(s). For example purposes only, should an approved elderly housing facility for independent or dependent are convert to general occupancy, the parking shall be provided based on the requirements for multiple-family dwellings.

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(Q) Parking Measurement Standard. When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.

(R) Parking Calculation Standard – Floor Area. For the purpose of computing the number of parking spaces required based on floor area, the definition of usable floor area shall govern unless otherwise stated in this Ordinance.

(S) Parking Standard – Linear Seating. For the purpose of computing the number of parking spaces required based on benches, pews, or other linear seating, each twenty-four (24) inches of benches, pews, or other such linear seating shall be counted as one (1) seat.

(T) Parking Standard – Employee Based. For the purpose of computing the number of parking spaces required based on the number or employees, the parking shall be calculated based on the number of employees likely to be on the premise during the peak shift.

Section 9.102 Minimum Number of Parking Spaces Required

The minimum number of parking spaces required for each use is stated in *Table 4* below.

Table 4. Minimum Number of Parking Spaces Required

Minimum Number of Parking Spaces Required	
Land Use	**Number of Parking Spaces Per Unit of Measure**
(A) Residential	
(1) Single- or Two-Family Unit	Two (2) per dwelling unit.
(2) Multiple-Family Dwelling	Two (2) per dwelling unit for the first twenty (20) units plus one and a half (1.5) per each dwelling unit thereafter.
(3) Housing for the Elderly: Independent Living	One and a quarter (1.25) per dwelling unit plus one (1) per employee.
(4) Housing for the Elderly: Dependent Living	
(a) Congregate Care	One (1) per two (2) units plus one (1) per employee in the largest shift.
(b) Assisted Living	One (1) per four (4) residents plus one (1) per employee in the largest shift.
(c) Nursing/Convalescent	One (1) per four (4) beds plus one (1) per employee in the largest shift.
(5) Mobile Home Parks	Two (2) per mobile home site and one (1) per employee of the mobile home park plus one quarter (0.25) per unit for visitor parking which shall be located convenient to the area served.
(B) Institutional	
(1) Religious Institutions and Places of Indoor Assembly	One (1) per three (3) seats or six (6) feet of linear seating in the main assembly area for areas with fixed seating plus one (1) per two (2) employees. For facilities without fixed seating, (1) per twenty (20) square feet in the main assembly area plus one (1) per two (2) employees.
(2) Hospital	One (1) per two (2) beds plus two (2) per three (3) employees on the largest working shift.

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Deleted: In calculating bench seating for places of assembly,

Deleted: Where the number of spaces required is

Commented [PS200]: This table was revised based on our review of how current standards compare to Parking Generation, which is published by the Institute of Traffic Engineers and provided several examples based on use and size.

Deleted: Two (2) per dwelling unit plus 0.25 per bedroom for visitor to be evenly distributed throughout the off-street parking area. Each phase shall comply with these regulations.

Deleted: One and a quarter (1.25) spaces per each one (1) bedroom unit and 1.5 spaces per each two (2) or more bedroom units plus one (1) per employee in the largest shift.

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Deleted: unit of worship

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Deleted: three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes

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Deleted: each staff doctor and

Minimum Number of Parking Spaces Required	
Land Use	**Number of Parking Spaces Per Unit of Measure**
(3) Elementary and Junior High Schools (Grades K-8)	One (1) per teacher, employee, or administrator plus one (1) per classroom.
(4) High School (Grades 9-12)	One (1) per teacher, employee, or administrator plus one (1) per three (3) students.
(5) Private Clubs or Lodge Halls	One (1) per three (3) seats or six (6) feet of linear seating in the main assembly area for areas with fixed seating plus one (1) per two (2) employees. For facilities without fixed seating, (1) per twenty (20) square feet in the main assembly area plus one (1) per two (2) employees.
(6) Golf Course Driving Range	One (1) per tee.
(7) Golf Course, Miniature	Three (3) per hole.
(8) Golf Course, Par Three	Three (3) per hole.
(9) Golf Course/Country Club	Three (3) per hole plus one (1) per three (3) persons of total capacity where dining facilities are included.
(10) Golf Course/Banquet Hall/Lounge	One per two (2) seat, plus spaces required for golf course.
(11) Swimming, Tennis Clubs or Similar Uses (Non-Commercial Operated by a Resident Organization)	Three and a half (3.5) per one thousand (1,000) square feet of gross floor area plus three and a quarter (3.25) spaces per tennis court.
(12) Fraternity or Sorority	One (1) per three (3) permitted active members allowed within the maximum occupancy load as established by local, county or state fire, building, or health code.
(13) Stadium, Sports Arena or Similar Place of Outdoor Assembly.	One (1) per four (4) seats or six (6) linear feet of benches.
(14) Day Care Facilities (Adult Day Care or Child Day Care)	One (1) per employee in the largest working shift and one (1) per ten (10) persons cared for at any one time, plus stacking spaces for five (5) vehicles with ten (10) feet by twenty (20) feet for each stacking space.
(15) Library	One (1) per three (3) persons allowed within the maximum load as established by local, county or state fire, building or health codes and one (1) per employee in the largest working shift.
(16) Public Recreation Centers	One (1) per 200 square feet of gross floor area.
(C) Business and Commercial	
(1) Shopping Centers	Four and a half (4.5) per one thousand (1,000) square feet of gross floor area.
(2) Vehicle Wash (Automatic)	One (1) per employee on the largest work shift. Stacking for at least five (5) vehicles per car wash lane, plus two (2) parking spaces for each washing stall.
(3) Vehicle Wash (Self-Service)	Two (2) stacking spaces per washing stall, plus two (2) drying spaces per washing stall.
(4) Beauty Parlor	One (1) per employee plus two (2) per service chair.
(5) Bookstore	One (1) per 225 square feet gross useable floor area.
(6) Bowling Alley	Two (2) per bowling lane and one (1) per employee in addition to the requirements for each accessory use, such as a restaurant or bar.

Deleted: In addition, one (1) for three (3) seats in the auditorium/multi-purpose room with fixed seating. For auditoriums/multi-purpose rooms without fixed seating, no less than one (1) for each three (3) persons allowed within ten (10) maximum occupancy load as established by local, county, or state fire, building or health codes.

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Deleted: In addition, one (1) for each three (3) seats in the auditorium/multi-purpose room with fixed seating. For auditoriums/multi-purpose rooms without fixed seating, no less than one (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.

Deleted: allowed with the maximum occupancy load as established by local, county or state fire, building or health codes.

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Deleted: spaces for each three (3) tees

Deleted: One (1) space for each course hole, plus the requirement for each accessory use.

Deleted: spaces for each par

Deleted: Six (6) spaces for each course hole.

Deleted: One half (½) space

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Deleted: One (1) space per every two (2) member families plus the requirements for any accessory uses plus one (1) per staff member on the largest shift.

Deleted: Five (5) spaces

Deleted: 1,000

Deleted: 25,000 - 400,000 Five (5) spaces per 1,000 square feet gross leaseable area.¶
¶
400,000 - 600,000 . 4.5 spaces per 1,000 square feet gross leaseable area.¶
¶
> 600,000 . Four (4) spaces per 1,000 square feet gross leaseable area. When a restaurant, lounge or other establishment whose primary business offers prepared food for sale or consumption on the premises or carry-out and is a part of a planned commercial ...

Deleted: for each

Deleted: In addition, stacking spaces equal in number to ten (10) times the maximum capacity of the auto wash. Maximum capac ...

Deleted: Five (5) parking spaces per washing bay or coin operated) plus one (1) space for every two (2) persons working c ...

Deleted: Four (4) spaces for each of the first three (3) beauty or barber chairs and one and one-half (1 ½) spaces for each additio ...

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Minimum Number of Parking Spaces Required	
Land Use	**Number of Parking Spaces Per Unit of Measure**
(7) Dance Hall, Roller Skating Rink, Exhibition Halls, and Commercial Assembly Halls without Fixed Seats	One (1) per three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
(8) Standard Restaurant (Sit Down without Liquor License)	One (1) per two (2) seats of legal capacity for the facility, plus one (1) per employee on the largest shift.
(9) Standard Restaurant (Sit Down with Liquor License)	One (1) per two (2) seats of legal capacity for the facility, plus one (1) per employee on the largest shift.
(10) Bars, Taverns, Lounges, Nightclubs	One (1) parking space per fifty (50) square feet of gross floor area.
(11) Fast Food Restaurants with Drive-Through	One (1) per two (2) seats of legal capacity for the facility and one (1) per employee on the largest shift, plus five (5) stacking spaces between the pick-up window and the order station and ten (10) stacking spaces which do not conflict with access to required parking spaces per order pickup station. If located within one-half (1/2) mile of an expressway, at least two (2) of the required spaces shall be longer spaces designated for recreational vehicles and semi-trucks.
(12) Carry-Out Restaurants or Delicatessen	Six (6) spaces plus one (1) space for each employee on peak shift. Parking areas devoted to the consumption of food on the premises shall be computed separately for such seating areas.
(13) Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Tradesperson or Decorator	One (1) per eight hundred (800) square feet of gross floor area and one (1) per two (2) employees, plus one (1) per company/commercial vehicle.
(14) Gasoline Service Station and Vehicle Service	One (1) per gas pump, two (2) per service area or stall, and one (1) per employee on peak shift in addition to any other on-site uses such as retail. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or serviced or awaiting to be fueled or serviced.
(15) Laundromats and Coin Operated Dry Cleaners	One (1) per two (2) washing and drying machines.
(16) Mortuary Establishments	One (1) per fifty (50) square feet of gross floor space and one (1) per employee, plus one (1) per funeral vehicle stored on the premises.
(17) Motel, Hotel, or Other Commercial Lodging Establishment	One (1) per guest or sleeping room and one (1) per employee in addition to the requirements for each accessory use, such as a restaurant or bar.
(18) Motor Vehicle Sales and Service Establishments	One (1) per two hundred (200) square of gross floor space of interior sales room and two (2) per auto service stall in the service room. In no instance shall such a facility provide less than ten (10) parking spaces. Customer parking shall not be used for the storage or display of vehicles.
(19) Retail Stores (Individual Stores except as Otherwise Specified Herein)	
(a) Less than 25,000 square feet	One (1) per 200 square feet of useable floor area.

Deleted: 14 spaces per 1,000 square feet of usable floor area or (.5) spaces per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms.

Deleted: 22 spaces per 1,000 square feet of gross useable floor area.

Deleted: 25 spaces per 1,000 square feet of gross useable floor area.

Deleted: 22 spaces per 1,000 square feet of gross usable floor area,

Deleted: plus spaces for employees to a peak shift plus

Deleted: if site is within ½ mile of expressway

Deleted: Two (2) for each lubrication stall, rack, or pit; plus two (2) for each gasoline pump island, plus one (1) for each 200 square feet of gross floor space devoted to retail sales plus one (1) for each employee in the maximum shift. In no instance shall a required parking space or its maneuvering area conflict with vehicles being fueled or awaiting to be fueled.

Deleted: occupancy unit

Deleted: plus one (1) for ten (10) guest rooms

Minimum Number of Parking Spaces Required	
Land Use	**Number of Parking Spaces Per Unit of Measure**
(b) 25,001 to 50,000 square feet	One (1) per 200 square feet of useable floor area for the first 25,000 square feet plus one (1) per 250 square feet of useable floor area for the second 25,000 square feet.
(c) Greater than 50,000 square feet	One (1) per 200 square feet of useable floor area for the first 25,000 square feet, plus one (1) per 250 square feet of useable floor area for the second 25,000 square feet, plus one (1) per 350 square feet for each 25,000 square feet of useable floor area thereafter.
(20) Carry-Out Services (Excluding Restaurants) such as Dry Cleaner, Meat Markets, Bakeries, Clothing Repair, etc.	One (1) per thirty (30) square feet of floor area devoted to customer assembly and/or waiting area and one (1) per employee on peak shift. Any carry-out with food consumption on the premises shall be classified as a Carry-Out Restaurant or Delicatessen
(21) Pool or Billiard Parlors, Card Rooms, Arcades, or Other Similar Establishments	One (1) per three (3) persons of maximum occupancy as established by local, county, or state fire, building, or health codes, plus one (1) parking space per employee on peak shift.
(22) Drive-Through Establishments (Excluding Restaurants)	Eight (8) stacking spaces per drive-through lane in addition to the requirements for other principal or accessory uses such as a bank or pharmacy.
(23) Mini-Warehouse Facility	Two (2) for the manager's residence plus one (1) per 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.
(D) Offices	
(1) Banks	One (1) for each three hundred (300) square feet of gross floor space plus the required stacking spaces for any Drive Through Establishment (Excluding Restaurants).
(2) Business Offices and Professional Offices, excluding medical offices	One (1) per three hundred (300) square feet of ground floor area.
(3) Professional Offices of Doctors, Dentists, Similar Medical Professionals, Outpatient Care, and Urgent Care Facilities	One (1) per two hundred (200) square feet of gross floor area and one (1) per employee on peak shift.
(E) Industrial	
(1) Industrial Establishments, Light Manufacturing, Assembly, Production, and Processing, and Related Accessory Offices	Five (5), plus either one (1) per each 550 square feet gross floor area or one (1) per each employee at peak shift, whichever is greater.
(2) Research and Development and Testing Facilities	Five (5) plus four (4) per 1,000 square feet gross floor area plus one (1) per each employee at peak shift.
(3) Wholesale/Warehouse Storage Establishments (Non-Retail Warehouse)	Five (5) plus one (1) per 1,750 square feet of gross floor area plus one (1) per 350 useable square feet of office, sales or similar space.
(4) Distribution Center or Similar Facility	Five (5) plus one (1) per 1,500 square feet of gross floor area plus one (1) per 350 useable square feet of office, sales or similar space plus one (1) per truck or company vehicle operating from the premises.

Deleted: Parking needs for areas devoted to the consumption of food on the premises shall be computed separately for such areas.

Deleted: One (1) per one hundred (100) square feet of gross floor space or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.

Deleted: four (4) stacking spaces for each drive-up window, plus two (2) stacking spaces for each 24-hour teller

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Deleted: <#>Medical, Clinical, Outpatient Care, 24-Hour Urgent Care Facilities ...

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Deleted: computed on the basis of the greatest number of persons employed

Deleted: , plus one (1) space per 350 usable square feet of office, sales or similar space

Section 9.103 Barrier-Free Parking Required

Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall provide parking spaces for the physically handicapped which shall be located as close as possible to walkways and entrances. All parking lots shall be designed in conformance with Michigan State Act No. 1 of the Public Acts of 1996 as amended, and the Americans with Disabilities Act, as summarized in *Table 5* below.

Table 5: Barrier-Free Parking Requirements

Total Spaces Required	Barrier-Free Spaces Required
1-25 Spaces	1 Space
25-50	2 Spaces
51-75	3 Spaces
76-100	4 Spaces
101-150	5 Spaces
151-200	6 Spaces
201-300	7 Spaces
301-400	8 Spaces
401-500	9 Spaces
501-1,000	2% of total
Greater than 1,000	20, plus one (1) for each 100 spaces over 1,000

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Section 9.104 Off-Street Parking Space Layout Standards, Construction, and Maintenance (currently 6.02)

Whenever the building of an off-street parking facility is required, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

Deleted: off-street parking requirements in Section 6.01 above require the

Plans for development of any parking lot must be submitted to the Township Planning Commission and must be approved by the Planning Commission prior to the start of construction. Construction shall be in accordance with the requirements of the Township engineer.

(A) **Surface.** The entire parking area, including parking spaces and maneuvering lanes, required under this Article shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Township engineer. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

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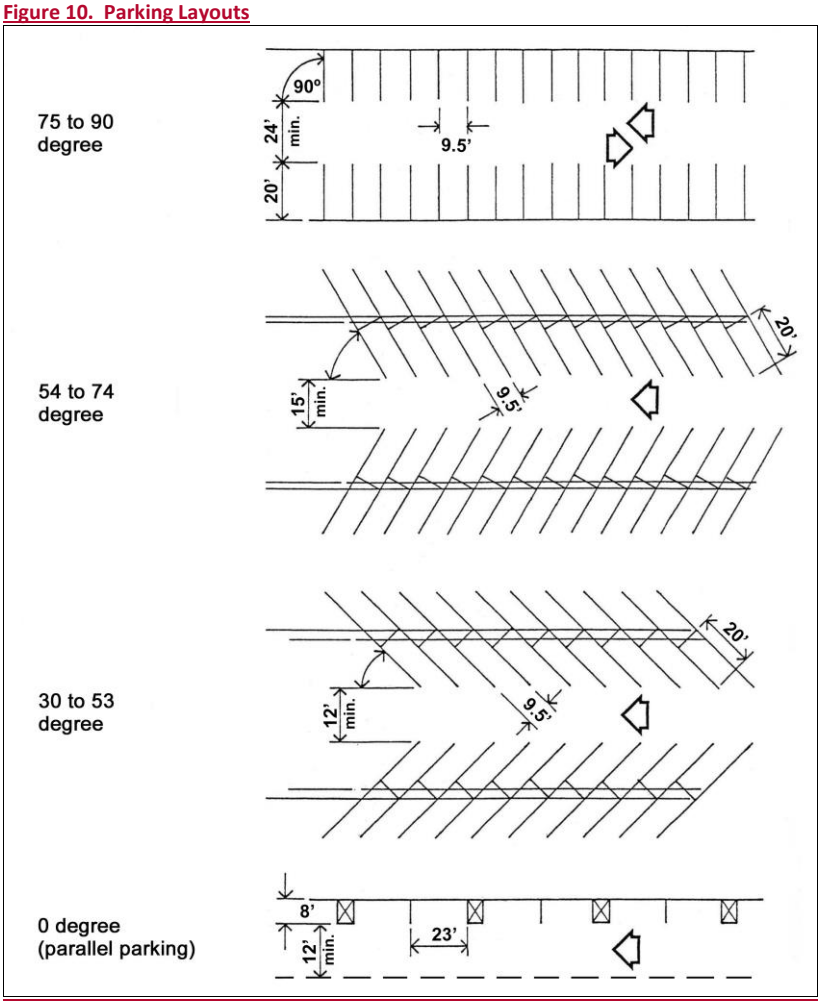
(B) **Dimensional Layout.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Table 6. Parking Layouts

Parking Pattern	Maneuvering Lane Width	Parking Stall Width	Parking Stall Length	Total Wide of One Tier of Spaces Plus Maneuvering Lane	Total Wide of Two Tiers of Spaces Plus Maneuvering Lane
0 Degrees (Parallel)	12 feet	8.0 feet	23 feet	20 feet	28 feet
30-53 Degrees	12 feet	9.5 feet	20 feet	32 feet	52 feet
54-74 Degrees	15 feet	9.5 feet	20 feet	35 feet	55 feet
75-90 Degrees	24 feet	9.5 feet	20 feet	44 feet	64 feet

Figure 10. Parking Layouts



(C) **Double Striping.** Except for parallel parking, all parking spaces shall be clearly striped with four (4) inch wide double lines, twenty-four (24) inches apart, to facilitate movement and to help maintain an orderly parking arrangement.

(D) **Shorter Parking Stall Length.** The requirements for parking stall length may be reduced by two (2) feet where 90-degree parking abuts a sidewalk, other pavement, or sodded area at the front of the stalls provided such pavement or sidewalk measures a minimum of eight (8) feet in width, or at least two (2) additional feet of greenbelt are provided. This is to account for the vehicle overhang.

(E) **Stacking Space Dimensions.** All stacking spaces shall be ten (10) feet wide by twenty (20) feet long. Stacking spaces shall not block parking aisles or circulation around a building.

(F) **Maneuvering Lane Width.** All maneuvering lanes shall be of sufficient width to permit one-way traffic movement, except that 90-degree pattern shall permit two-way movement.

(G) **Maneuvering Lane Access.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street, or requiring the use of a street for a maneuvering lane shall be prohibited. Parking spaces shall be clearly identified and marked with durable striping to distinguish the boundaries of the maneuvering lane and parking stalls.

(H) **Driveway Access.** Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles in accordance with *Section 9.106*. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(I) **Curbs and Other Barriers.** Except for those parking areas serving a single- and two-family dwelling unit, concrete curbs, sidewalks and other items as necessary for the protection of the public and adjoining properties shall be provided and maintained around all parking areas, including where parking spaces abut landscaping, property lines or required setback areas. The Planning Commission may approve an alternative design when opportunity exists to substantially improve the water quality of the site. In all cases where parking lots abut public sidewalks, a concrete curb at least six (6) inches high shall be installed so that a motor vehicle cannot be driven or parked within two (2) feet of a public sidewalk.

(J) **Storage Prohibited.** Parking lots may not be used for the storage or parking of junked or wrecked vehicles of any type or used as a storage area for industrial equipment or material or used as a dump for refuse of any description. In addition, no motorized recreation vehicles or boats shall be parked or stored in off-street parking areas.

(K) **Driveway Distance from Single-Family Residential Zone.** Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distance from adjacent property located in any single-family residential district.

(L) **Landscaping and Screening.** Parking areas shall be landscaped and screened pursuant to *Article 10*.

Commented [PS201]: The curbing requirement combines the requirements of 3 different sections in this Article that address curbing.

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Commented [PS202]: The Landscaping and Screening Article will include provisions for buffering, interior landscaping, and frontage landscaping.

Deleted: A masonry wall shall be provided on all sides of the off-street parking area abutting or adjacent to a residential district. The obscuring wall shall not be less than six (6) feet in height measured from grade of the residential property line. The wall shall be made of the same or compatible material in terms of texture and quality with the material and color of the principal building.¶
<#>¶
<#>All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped per Section 4.40.3(c). The ground shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. ¶
<#>¶
The Planning Commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement of this Section. Location of a required wall shall be determined in accordance with the applicable provisions for side yards and building setback lines.

(M) **Lighting.** Parking areas shall be illuminated pursuant to *Section 8.105*.

(N) **Maximum Parking Aisle Length.** Parking aisles shall not exceed three hundred (300) feet without a break in circulation.

(O) **Attendant Shelter Building.** No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located. These requirements shall not apply to toll booths or similar uses.

Section 9.105 Off-Street Loading and Unloading (currently 6.03)

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

Total Floor Area of the Building	Off-Street Loading Space Requirements
Office Use	
0 - 10,000 square feet	One (1) usable loading space 10 ft. x 25 ft. in area
10,001 - 50,000 square feet	One (1) usable loading spaces 10 ft. x 50 ft. in area
Over 50,000 square feet	Two (2) usable loading spaces 10 ft. x 50 ft. in area
Commercial and Industrial uses	
0 - 1,400 square feet	One (1) usable loading 10 ft. x 25 ft. in area
1,401 - 20,000 square feet	One (1) usable loading space 10 ft. x 50 ft. in area
20,001 - 50,000 square feet	Two (2) usable loading spaces each 10 ft. x 50 ft. in area
Over 50,000 square feet	Three (3) usable loading spaces plus one (1) space for each fifty thousand (50,000) square feet in excess of fifty thousand (50,000) square feet each 10' x 50' in area

(A) All loading spaces shall be in addition to the off-street parking area access drive and maneuvering lane requirements.

(B) Off-street loading space shall have a clearance of fourteen (14) feet in height.

(C) Off-street loading space may be completely enclosed within a building or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view from a public way, the space shall be screened in accordance with *Article 10*.

(D) All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in the exterior side yard when the setback is equal to at least fifty (50) feet.

Section 9.106 Driveways and Access Management

Commented [PS203]: The lighting section will include standards for parking lot lighting.

Deleted: All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only and shall be installed in such a manner as to allow the reduction of the amount of light after normal parking hours each day. The height of light poles shall not exceed the height of the primary structure and shall conform to the lighting standards of Section 4.23(a).

Deleted: ¶
<#>Internal parking lot landscaping shall be provided and designed in conformance with the requirements specified in Section 4.40.3 (b).¶

Deleted: Except for those serving single and two-family dwelling, all parking lots shall provide concrete curbing so that no part of a parked vehicle will extend beyond the property line or into required landscaped areas or pedestrians ways. The Planning Commission may approve an alternative design when opportunity exists to substantially improve the water quality of the site.¶
¶

Commented [PS204]: The curbing and sidewalk requirement was relocated to an earlier sub-section to consolidate all of the related requirements.

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<#>In all cases where parking lots abut public sidewalks, a concrete curb at least six (6) inches high shall be installed so that a motor vehicle cannot be driven or parked within two (2) feet of a public sidewalk.¶
¶

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Commented [PS205]: This is a new section that was relocated and modified from current Section 16.07B(2), which are the access management requirements of the Ecorse Haggerty Road Overlay District (EHROD). These standards were relocated and modified here because they are very good standards that have broad applicability. Driveway access can be a difficult topic for the Planning Commission to convey to the applicants, so written standards will help the Township in that regard.

The following driveway spacing, access management, and traffic impact requirements shall apply to all development except single-family and two-family homes.

(A) General Standards for Driveway Location. Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance and to provide the most favorable driveway grade. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the road authority and upon written certification from the adjacent property owner agreeing to such encroachment.

(B) Standards for the Number of Nonresidential Driveways. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway or a service drive. Where it is not possible to provide shared access, this access may be by a single driveway. One (1) additional driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet and one (1) additional driveway for each additional five hundred (500) feet of frontage. The Planning Commission may determine additional driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the public street, based upon a traffic impact study submitted by the applicant.

(C) Driveway Spacing Standards.

(1) Between Driveways. The minimum spacing between two (2) nonresidential driveways on the same side of the road shall be based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline. For sites with insufficient road frontage to meet the driveway spacing standards below, the Planning Commission may modify the spacing requirements.

Posted Speed Limit (Mile Per Hour)	Minimum Driveway Spacing (Feet)
30	155
35	185
40	225
45+	300

(2) Offsets. To reduced left-turn conflicts, new nonresidential driveways should be aligned with driveways or streets on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along an arterial roadway and one hundred fifty (150) feet along other roadways.

(3) Spacing from Intersections. Minimum spacing requirements between a proposed nonresidential driveway and an intersection either adjacent or on the opposite side of the street shall meet the following standards. For sites with insufficient road frontage to meet the intersection spacing standards below, the Planning Commission may modify the spacing standards.

Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized Driveway Restricting Left Turns
Along an Arterial Road from intersection of another Arterial	250 feet	250 feet
Along an Arterial Road from intersection with a local street	175 feet	175 feet
All measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near land edge of the intersection street or pavement edge for uncurbed sections.		

(D) Nonresidential Boulevard Entrance Driveway. When a boulevard entrance is proposed, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one hundred eight (180) square feet. The boulevard island shall be landscaped as Interior Parking Lot Landscaping pursuant to *Section 10.103(B)(2)*, and such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances is discouraged, unless a traffic signal is provided.

(E) Nonresidential Driveway Visibility. Nonresidential driveways shall meet the clear vision requirements of *Section 7.108*.

(F) Service Road or Shared Driveway Design Standards.

(1) Location. Shared driveways or service roads shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing building and anticipated traffic flow for the site.

(2) Access Easement. Shared driveways and service roads shall be within an access easement recorded with the Wayne County Register of Deeds, which permits traffic circulation between properties. This easement shall be sixty (60) feet wide, except an access easement parallel to a public street in front of the building may be forty (40) feet wide. The required width shall remain free and clear of obstructions, and shall no be used for parking unless approved by the Planning Commission.

(3) Driveway Storage Length. A driveway storage area shall be provided between the intersection of the service drive with an arterial road and an internal circulation lane. The depth of the storage area shall be sufficient to accommodate expected vehicle queues. As a guideline, the minimum storage area should be at least sixty (60) feet. A larger or smaller storage area may be required depending upon the trip generation characteristics of uses served by the drive.

(4) Maintenance. Each property owner using a shared driveway or service drive shall be responsible for its maintenance. The Planning Commission shall require a copy of the

maintenance agreement between all property owners responsible for the shard facility to ensure that an agreement is in place to provide adequate maintenance.

(G) Modification of Standards for Special Situations. During site plan review, the Planning Commission shall have the authority to modify the standards of this *Section 9.106* upon consideration of the following:

(1) The standards of this Section would prevent reasonable access to the site.

(2) Access via a shard driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.

(3) Roadway improvements (such as the addition of a traffic signal, center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.

(4) The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.

(5) The proposed location and design is supported by the Michigan Department of Transportation (MDOT) or Wayne County as an acceptable design under the existing site conditions. The Planning Commission may also request the applicant provide a traffic impact study to support the requested access design.

(6) The modification shall be of the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.

(7) Where there is a change in use or expansion at a site that does not comply with standards of this Ordinance, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards of this Ordinance to the extent practical.

(H) Traffic Impact Studies. The Planning Commission may require a traffic impact study (TIS) for all development proposals that it reviews. The TIS shall be accordance with and meet the standards of the Township. The TIS shall be submitted by the developer or applicant to determine the potential future traffic conditions on adjacent roadways once a proposed development is finished. TIS shall predict the peak-hour operational conditions at site driveways and road intersections affected by the development. The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards as published by the Southeast Michigan Council of Governments (SEMCOG) and MDOT in the handbook titled *Evaluating Traffic Impact Studies* and shall be found acceptable by the Planning Commission prior to being used.

Section 9.107 Sidewalks

All developments requiring site plan review shall provide sidewalks along all public streets and major thoroughfares. Interior sidewalks shall also be provided within the development to provide circulation between the parking areas and the public right-of-way; the parking areas and the building entrance(s);

Commented [PS206]: This section combines existing Section 16.07B(10) of the EHROD and Section 14.05(2)(b) of the OT District. Both sections include reasonable sidewalk standards that should be applied to all developments in the Township. At the same time, both sections allow for flexibility by the Planning Commission and this flexibility should be maintained in the proposed general standard.

and adjacent development(s) where practical. Sidewalks shall be five (5) feet wide (unless a greater width is required elsewhere in this Ordinance) and shall conform to the Township engineering and sidewalk standards. The Planning Commission may modify the location of interior sidewalks during site plan review based on the adequacy of the on-site circulation.

Article 10 Landscaping and Screening

Commented [PS207]: The proposed Landscaping and Screening article compiles the landscaping screening requirements scattered throughout several sections of the Zoning Ordinance (4.40, 4.41, 8.04, 8.18, 9.03, 11.05, 13.05, 14.05, 15.06, 15.06A, 16.04, 16.05, and 16.07B) into a single easy-to-use article. Many of these sections conflicted or competed with each other. Most of the conflicts were easily resolved by taking the best parts and making them general standards. By keeping the landscaping and screening regulations in one article, many conflicts will be avoided in the future.

Section 10.101 Intent (currently 4.40(1))

Landscaping, greenbelts and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. The purposes and intent of this Section are as follows:

(A) To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, carbon dioxide storage, oxygen regeneration, groundwater recharge and storm water runoff retardation while at the same time aiding in noise, glare and heat abatements;

(B) To encourage the preservation of existing trees and vegetation;

(C) To assist in providing adequate light and air and in preventing overcrowding of land;

(D) To provide visual buffering and enhance the beautification of the Township;

(E) To safeguard and enhance property values and to protect public and private investment;

(F) To preserve, protect and restore the unique identity and environment of Van Buren Township and preserve the economic base attracted to the Township by such factors;

(G) To conserve energy and to protect the public health, safety and general welfare.

(H) To provide habitat for living things that might not otherwise occur or be found in urban and suburban environs.

Section 10.102 Scope of Application (currently 4.40(2))

The requirements set forth in this Section shall apply to all uses, lots, site and parcels for which Site Plan Review or Administrative Review is required and which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless that site plan shows landscaping consistent with the provisions of this Section. Furthermore, where landscaping is required, a Building Permit shall not be issued until the required landscape plan is submitted and approved and a Certificate of Occupancy shall not be issued unless provisions set forth in this Section have been met or a performance guarantee has been posted in accordance with the provisions set forth in *Section 12.211*.

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In cases where the use of an existing building changes or an existing building is altered or re-occupied, all of the standards of this Article shall be met.

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The requirements of this Section are minimum requirements, and nothing in this Article shall preclude a developer and the Township from agreeing to more extensive landscaping.

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Section 10.103 Landscaping Design Standards (currently 4.40(3))

Except as otherwise specified in the general requirements for each zoning district or for the specific land use, all landscaping shall conform to the following standards. The clear vision triangle area requirements of *Section 7.108* shall also be met. Existing landscaping that meets the requirements of this Article may be used to comply with the following standards.

(A) Frontage Landscaping (currently 16.07B(6)(a) and (f)). Where the site abuts a public road right-of-way, the following frontage landscaping shall be provided in the front yard area adjacent to the road right-of-way (see Example of Frontage Landscaping below):

Type of Landscaping	Minimum Required Landscaping
Deciduous or Evergreen Tree	1 per 40 linear feet of road frontage or fraction thereof
Ornamental (Flowering) Tree	1 per 100 linear feet of road frontage or fraction thereof
Shrubs	8 per 40 linear feet of road frontage or fraction thereof

The depth of the frontage landscaping area shall be sufficient to contain the required landscaping and ensure the survivability of plant material. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings. However, the Planning Commission or Planning Director may require the planting design to use massing or groupings of materials to create a stronger visual impact from the public right-of-way.

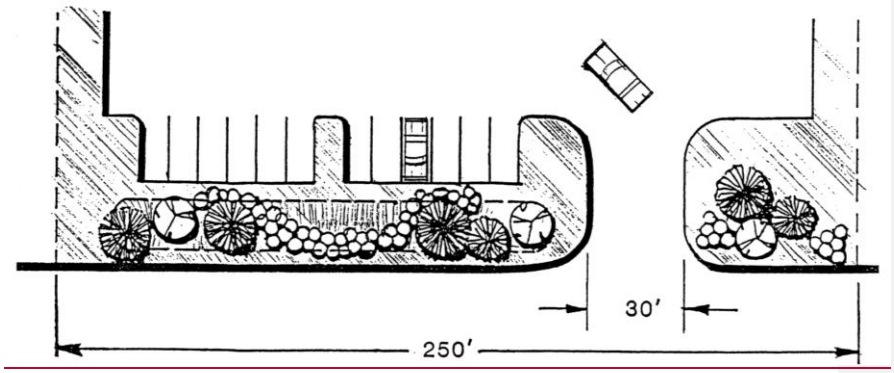
Example of Frontage Landscaping

Length of Road Frontage: 250 linear feet minus 30 foot driveway = 220 feet

Required Number of Plants

Deciduous or evergreen trees	220 ft./40 ft. = 6 deciduous or evergreen trees
Ornamental trees	220 ft./100 ft. = 3 ornamental trees
Shrubs	(220 ft./40 ft.) x 8 = 48 shrubs
TOTAL	6 deciduous or evergreen trees, 3 ornamental trees, and 48 shrubs

Figure 11. Example of Frontage Landscaping



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Commented [PS208]: These frontage landscaping regulations are from the EHROD, which have general applicability and are reasonable standards on a township-wide basis.

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(B) Parking Lot Landscaping (currently 4.40(3)(b), 4.40(3)(d), and 16.07B(6)(b)). All parking areas and other paved ground surface areas used for vehicular parking shall have perimeter and internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

(1) Parking Lot Screening. Parking lot screening adjacent to a parking lot is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure. Where paved ground surface areas are located adjacent to sidewalks, streets, and other public rights-of-way, landscaping shall be provided between the public right-of-way and the paved ground surface area within ten (10) feet of the paved ground surface area with landscaping, a berm, a masonry wall, or a combination of these, as follows:

(a) Parking Lot Screening Landscaping. Landscaping shall include a landscaped yard at least five (5) feet in width containing an opaque screen of landscaping (evergreen or deciduous hedge) at least three (3) feet in height. The landscaping shall be planted in a manner where the landscaping can be expected to provide an unbroken visual screen within three (3) years. The landscaping shall be located at least two (2) feet from the front of a parking space curb so as to account for vehicle overhang.

(b) Parking Lot Screening Berm. Berms shall be at least three (3) feet in height (measured above the elevation of the adjacent parking surface) and meet the requirements of *Section 10.103(H)*.

(c) Parking Lot Screening Wall. Walls shall be at least three (3) feet in height and constructed of red or brown brick or stone.

(2) Interior Parking Lot Landscaping. All off-street parking areas and other paved ground surfaces used for parking shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement, improve aesthetics, and to channelize and define logical areas for pedestrian and vehicular circulation. Interior landscaping shall account for a minimum of five percent (5%) of all paved parking areas, including parking and loading spaces, driveways, and aisles. Sidewalks within the right-of-way shall be excluded from the calculation of paved area. Each separate interior landscaped area shall be a minimum of three hundred sixty (360) square feet in area and shall have a minimum width of ten (10) feet. Each interior landscape area shall contain at least one (1) deciduous tree. One (1) deciduous tree shall be planted for each three hundred (300) square feet of interior landscaping. All required interior parking lot landscaping shall be planted within the landscaped islands or in landscaped areas within twenty (20) feet of the perimeter of the parking lot, provided that such landscaping is not also counted toward other landscape or screening requirements. Interior parking lot landscape areas shall include ground cover of grass, perennials, shrubs, and or hardwood mulch. Rock, stone, or pebbles are not permitted ground cover. All interior parking lot landscaping shall be protected from vehicular encroachment by six (6) inch high concrete curbing or wheel stops. Landscaping islands with or without walkways shall be used to subdivide parking areas into parking bays with not more than forty (40) spaces, provided that no more than twenty (20) spaces shall be in an uninterrupted row. The internal landscaping

Commented [PS209]: These are a combination of existing general landscaping regulations and those in the EHROD. Rather than have 2 types of standards that have similarities, it is better to have 1 general standard for all parking lots.

Deleted: Landscaping adjacent to public right-of-way is not required if the paved ground surface area is completely screened from the public right-of-way by an intervening building or structure.

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Deleted: or a screen of landscaping at least two (2) feet in height

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Deleted: or a screen of landscaping at least two and one-half (2 ½) feet in height at time of planting. If a berm is utilized, additional landscaping at least one (1) foot in height shall be planted. If a screen of living landscaped material is utilized, it shall attain opacity and a height of three (3) feet within twelve (12) months of planting under normal growing conditions.

Deleted: One (1) tree shall be planted for each fifty (50) linear feet or fraction thereof, of frontage on a public right-of-way.

Commented [PS210]: The interior parking lot landscaping includes the existing standards of Section 4.40(3)(d), with EHROD standards of Section 16.07B(6)(b) inserted with respect to width of islands, requiring at least 35% of trees to be deciduous, allowing perimeter landscaping within 20 feet to be counted, and requiring natural ground cover and prohibiting rock, stone, or pebbles.

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Commented [PS211]: The existing requirement 1 tree per 100 square feet is too tight. Most Zoning Ordinances require 1 tree per 300 square feet, which allows for better tree growth.

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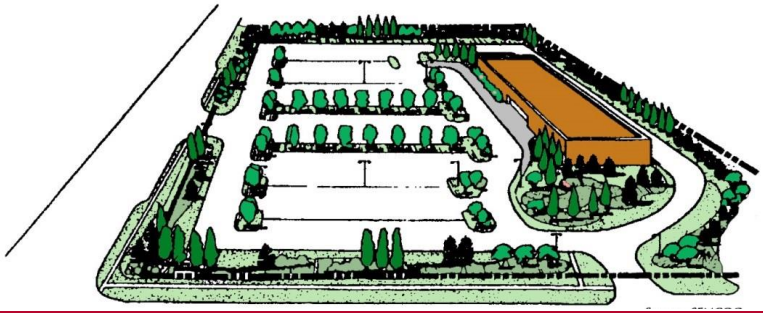
shall be installed so that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns, or obstruct vision for safety or ingress or egress.

Figure 12. Example of Interior Parking Lot Landscaping



(C) Loading Area Landscaping (currently 4.40(3)(e) and 15.06A(b)(4)). All loading areas (including, but not limited to, truck docks, overhead doors, or trailer staging areas) not screened by an intervening building shall be screened from a perpendicular view from any public street rights-of-way or adjacent residential zoning district for the entire length except for necessary access. It is the intent of this Section to screen loading areas and delivery vehicles as completely as practicable. Screening for loading areas may be accomplished by one (1) or a combination of the following:

(1) An opaque fence or wall which is at least six (6) feet high and is made of the same or compatible material, in terms of texture and quality, as the material and color of the principal building. Additional evergreen planting materials shall be provided so that no more than two-thirds (2/3) of the surface area of the closed fence or wall is visible from the street within three (3) years of erection of the structure.

(2) Evergreen trees at least eight (8) feet in height and planted in a staggered double row spaced fifteen (15) feet on center. Any plant material used to fulfill these requirements shall meet or exceed the minimum size requirements of this Article when planted.

(D) Display Area Buffering. Buffering of display areas may, at the discretion of the Planning Commission, be accomplished by plants, fences, walls or earthen berms or any combination thereof to meet the requirements of this Section. The Planning Commission shall base its discretion on the material being displayed and the visual impact on surrounding areas. The Planning Commission may modify or waive these requirements where outdoor display is integral to the principal use of the property (e.g., Outdoor Vehicle Sales) and the view of the outdoor display will be aesthetically pleasing to the area.

(1) The plants, fence, walls, earthen berms or combination thereof, must provide a buffer no less than three (3) feet in height equal to the length of the display area, exclusive of driveways and sight lines used for safe automobile access and egress. In the case of vehicle or equipment display, the buffer must create a screen.

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Loading Area Screening.

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(2) Walls which are used shall be of the same or compatible material, in terms of texture and quality, with the material and color of the principal building. Additional planting materials shall be provided so that no more than one half (½) of the surface area of the wall is visible from the street within three (3) years of erection of the structure. Forty percent (40%) of this plant material may be deciduous.

(3) All shrubs installed to satisfy the requirements of *Section 10.103(D)* shall comply with the requirements of *Section 10.104*. Vegetation planted on berms may have a lesser mature height required by the Article provided that the combined height of the berm and the plantings after three (3) years are at least three (3) feet high. Up to forty percent (40%) of all shrubs may be deciduous.

(E) Greenbelt Buffering (currently 4.40(3)(c), (f) and (h), 8.04, 8.18, 9.03, 13.05, 14.05(4)(f), 15.06, 15.06A, 16.04, and 16.05). The intent of greenbelt buffering is to reserve an appropriate area of a lot to screen and buffer the lot and its use(s) based on its zoning district and the zoning district of the adjacent lots, regardless of whether the adjacent lots are developed. A greenbelt as specified in *Table 7* below shall be provided for all uses requiring Site Plan Review and Administrative Review (*Article 12, Chapter 2*).

Table 7. Required Greenbelt Specifications

	Adjacent To				
Developing Zoning District	AG, R-1, and R-2 Districts	RM and RMH Districts	C, C-1, C-2, FS, and OT Districts	M-1 District	MT, M-2, and AP Districts, and Railroad and Utility rights-of-way
AG, R-1, and R-2 Districts	***a***	***b***	***b***	***b***	***b***
RM and RMH Districts	***b***	***a***	***b***	***b***	***b***
C, C-1, C-2, FS, and OT Districts	***b***	***b***	***a***	***b***	***b***
M-1 District	***c***	***c***	***b***	***a***	***b***
MT, M-2, and AP Districts	***c***	***c***	***c***	***b***	***a***

a. *A ten (10) foot wide buffer, with one (1) tree per thirty (30) linear feet. Agricultural lots shall be exempt from this requirement where they abut agricultural and detached single-family residential lots. For proposed single-family residential uses, the greenbelt buffering requirements shall apply only to Subdivision and Site Condominium (Article 6, Chapter 1) development, including Planned Residential Developments (Article 6, Chapter 2).*

b. *A twenty (20) foot wide buffer, with one (1) tree per twenty (20) linear feet (minimum of 50% evergreen trees). A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required trees, subject to Planning Commission review and approval.*

c. *A sixty (60) foot wide buffer, with a staggered double row of evergreen trees spaced fifteen (15) feet on center on a six (6) foot high berm (see Section 10.103(H)) with a flat horizontal area at the crest to be at least three (3) feet in width. The planting shall be in a manner where the evergreen trees provide eighty percent (80%) opacity within three (3) years of planting, measured from the top of the berm. After three (3) years, if this opacity is not achieved then additional evergreen trees and/or shrubs shall be planted to achieve eighty percent (80%) opacity at the time of their planting. A six (6) foot high masonry wall or opaque fence may be installed in lieu of the required berm and trees.*

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Deleted: be locally adapted species expected to reach a minimum height of twenty-four (24) inches and a minimum spread of twenty-four (24) inches within three (3) years of planting

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Deleted: twenty-four (24) inches

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Commented [PS212]: This subsection consolidates most of the greenbelt standards throughout the Zoning Ordinance into this section. The existing greenbelt standards are not clear in terms of planning density and performance. The proposed greenbelt standards are applied based on the zoning district of the proposed use and the adjacent zoning districts.

(1) Planting Setback. Trees and shrubs shall not be placed closer than four (4) feet to the fence line or property line.

(2) Township Review. All landscape plans shall be submitted to the Planning Commission for Site Plan approval in accordance with *Article 12, Chapter 2* or, if no such site plan review is required, to the Township Planning Director for approval as to suitability of planting materials and arrangement thereof in accordance with the provision of *Article 12, Chapter 2*. The approving authority may modify the greenbelt buffering to allow less buffering or require additional buffering based on the proposed use's impact on adjacent lots.

(3) Timing of Greenbelt Planting. Whenever a greenbelt is required in this Ordinance, it shall be planted and maintained in accordance with *Section 10.105*. Phased installation may be required by the Townsihp to ensure protection of adjacent uses.

(4) Greenbelt Lawn. The remainder of the greenbelt area which is not planted with the aforementioned stock shall be kept in lawn. All lawn and plant materials shall be maintained in a health growing condition and in a neat and orderly appearance as required in this Article.

(5) Existing Buffering. If an existing wall, fence, or vegetation exists on the site that meets the greenbelt buffering standards of this Ordinance, the approving authority may accept the existing screening or require only supplemental screening to meet the intent of this Article.

(F) Specific Landscaping Requirements for Zoning Districts and Land Uses. In addition to other landscaping and screening requirements of this Ordinance, additional landscaping requirements for specific zoning districts and land uses are as follows:

(1) Multiple Dwelling Residential (RM) District (currently 4.40(3)(n). All lots or parcels proposed for multiple-family residential use in the RM District shall contain a minimum of two (2) deciduous or evergreen trees and four (4) shrubs per dwelling unit within the landscaped open space areas. These requirements are in addition to other required landscaping as per this Ordinance.

(2) Mobile Home Park (RMH) District (currently 4.40(3)(n). All lots or parcels of land proposed for mobile home uses shall meet the following landscaping requirements:

(a) There shall be at least one (1) deciduous or evergreen tree for each mobile home lot. Deciduous trees may be planted in a strip between a curb and a sidewalk or in any other unpaved area. Trees installed for buffer or greenbelt purposes, or that are otherwise required by this Article, shall not be included for purposes of complying with the requirements set forth in this Sub-section.

(b) Areas between or surrounding mobile home structures and all other open areas shall be covered with grass or ground cover and landscaped with trees and shrubs.

(3) Local Business (C), General Business (C-1), and Extensive Highway Business (C-2) Districts (currently 11.05(d)). Unless determined by the Planning Commission to be

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Deleted: within six (6) months from the date of completion of the building or improvements and shall thereafter be maintained with permanent plant materials, as set forth in Section 4.41 Plant Materials, to provide a screen to abutting properties

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Deleted: <#>**Open Space Landscaping (currently 16.07B(6)(e)).** All remaining open areas on site shall be planted with one (1) deciduous or evergreen tree per three thousand (3,000) square feet of open area. A minimum of thirty-five (35) percent of the required trees shall be deciduous. All remaining area shall be planted with grass or another suitable ground cover. The use of stone, rocks or pebbles shall not be permitted as a ground cover or mulch.¶

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inappropriate for the passive use of customers and pedestrians in conjunction with a proposed use, the site plan shall incorporate any combination of the following, as determined by the Planning Commission:

(a) Contiguous outdoor space, independent of sidewalks, pedestrian circulation areas and required landscaping, in an amount not less than one (1) square foot for each twenty-five (25) square feet of principal building and in no case less than two hundred fifty (250) square feet in total. Such space shall be illuminated, landscaped, visible from the building and adjacent right-of-way, separated from parking and motorized vehicular circulation, and linked to the building, sidewalks, and pedestrian circulation system by a series of walks and paths. This space shall include amenities described in *Section 10.103(F)(3)(b)* below.

(b) Enhanced, upgraded and improved fixed man-made and natural site improvements, including but not limited to seating, benches, tables, decorative fences, railings, low decorative brick walls, entrance structures and landscaping, decorative building and site lighting, brick paver walkways, sidewalks within large parking lots, "wet" ponds or other water features with aerating fountains, gazebo or pavilion structures, sculpture and similar art, bicycle racks, drinking fountains, litter baskets, decorative retaining walls, low hedges, and additional planting beds and landscaped islands.

(4) Office-Technology (OT) District (currently 14.05(4)(d)).

(a) Foundation Plantings. All buildings within the OT District shall provide foundation plantings around the perimeter of the building and shall be landscaped according to the following minimum standards:

Type of Landscaping	Required Landscaping
Ornamental (Flowering) Tree	1 per 100 linear feet of building width or fraction thereof
Evergreen or Deciduous Tree	1 per 40 linear feet of building frontage or fraction thereof
Shrubs	10 per 100 linear feet of building width or fraction thereof
Perennial Beds	20% of the required frontage landscaping area

(b) Interior Drive Planting. Deciduous street trees shall be installed within the right-of-way of any common access drives or internal roads, private or public, at a maximum interval of one (1) deciduous tree per each forty (40) linear feet of such frontage.

(G) Open Space Landscaping (currently 4.40(3)(a)(2) and 16.07B(6)(e)). All remaining open areas on the site that are not required landscaping areas as described elsewhere in this Article (e.g., frontage landscaping, parking lot landscaping, loading and display area landscaping, greenbelt buffering, landscaping requirements specific to the zoning district, and stormwater basin landscaping) shall be planted with one (1) deciduous or evergreen tree per three thousand (3,000) square feet of open area. A minimum of thirty-five percent (35%) of the required open space landscaping trees shall be deciduous. All open space landscaping areas shall be planted with grass or another suitable vegetative ground cover.

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Commented [PS213]: The OT district requires perennial beds, but does not specify an amount. The EHROD requires 20%.

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(H) Berms (currently 4.40(3)(g)). Where required, earth berms or landscaped berms shall conform to the following standards:

(1) The berm shall be at least constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal with at least a two (2) foot flat area on the top unless a different size is required in this Ordinance.

(2) The berm shall be planted with grass or other suitable ground cover to ensure that it withstands wind, weather, and erosion, and retains its height and shape.

(3) Unless a specific planting pattern is required by the Zoning Ordinance or the Planning Commission, required trees and shrubs may be planted at uniform intervals, at random or in groupings.

(4) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

(5) Berm height shall be measured as elevation above grade. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

(I) Garbage, Refuse, and Recycling Collection Areas (currently 4.40(3)(l) and 14.05(8)). All garbage, refuse, and recycling collection areas (i.e., dumpsters) shall meet the requirements of *Section 7.122.*

(J) Mechanical and Utility Equipment Screening (currently 14.05(3)(e)). All mechanical equipment, utility meters, storage tanks, air conditioning equipment, transformers, or similar equipment, incidental to any building, including roof-mounted equipment shall be totally enclosed or screened from view off-site and shall be an integral part of the architectural or landscape design of the building and site. This requirement shall not apply to equipment serving one (1) dwelling unit.

(K) Stormwater Basin Landscaping (currently 4.40.3). The following standards shall be considered minimum requirements for the landscaping of stormwater basins:

(1) Stormwater Basin Vegetation Requirements. The landscape treatment for stormwater basins shall include a mixture of groundcover, wetland, and wildflower species native to Michigan. Native vegetation provides a number of benefits in stormwater basins including enhanced stormwater quality, increased habitat, passive recreational opportunities, and reduced algae growth. The combination of wetland plugs and native seed mixes will provide the optimum opportunities to achieve the benefits described above. The side slopes and the bottom of the basin shall be planted with a combination of a native seed mix and wetland plugs/bare-root stock.

(2) Perimeter Greenbelt.

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Commented [PS214]: The planting requirements of berms is addressed earlier in this article.

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¶
<#>Eight (8) shrubs per tree may be planted as substitute for trees required in item '3" above.¶
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Commented [PS215]: This is a currently a requirement in the OT district, but it should be required for all uses requiring a site plan.

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(a) Basin Perimeter. Trees and shrubs shall be planted around the basin to buffer and enhance views of the basin, and to replicate a natural environment. Deciduous shade trees shall be clustered around the sides of the basin to provide shade and minimize solar heating of the water.

(b) Trees. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions.

(c) Native Species. Plants shall be species native to Michigan, in accordance with the Township's list of approved native plant species for stormwater basins.

(d) Screening of Mechanical Structures. Any above ground mechanical structures necessary for basin operation shall be identified on the site and landscape plan and shall be fully screened with evergreen trees or trees and shrubs suitable for the wetness zone in which they are to be located.

(3) Screening. The area around the stormwater basin riser outlet structure(s) (outlet between forebay and basin and primary outlet to creek/storm sewer) shall be appropriately screened with vegetation appropriate for the applicable basin zone. The screening vegetation shall not inhibit future maintenance access to the structure.

(4) Establishment and Maintenance.

(a) The landscape performance guarantee held by the Township for a site with a stormwater basin, shall include the stormwater basin-related plantings. The performance guarantee shall be held for two (2) years to ensure sufficient establishment of the stormwater basin plantings.

(b) The homeowner association covenants and restrictions or master deed must include language for stormwater basin maintenance per the approved plans. For multiple-family residential, commercial, industrial, and non-residential sites, such maintenance shall be the responsibility of the landowner, and consistent with the approved plans.

(c) Use of fertilizers along the side slopes or within the stormwater basin is prohibited.

(L) Right-of-Way and Access Easement Landscaping (currently 4.40(3)(i)). In addition to any other landscaping requirements of this Ordinance for public rights-of-way and other access easements, any public right-of-way and access easement areas adjacent to required landscaped areas shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas.

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Section 10.104 Standards for Plant Materials (currently 4.41 and 4.40(3)(k))

(A) Lawn Areas (currently 4.40(3)(k)). Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or seeded and

mulched, except that solid sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.

(B) Recommended Species of Trees, Shrubs, and Perennials (currently 4.41 and 16.07B(6)(H)). The plant palette should emphasize native trees, shrubs, and perennials which are hardy to the southeast Michigan region. The following is a list of recommended species and required minimum sizes of plant materials. Van Buren Township may permit other species that are not listed below.

Recommended Plant Type and Minimum Size	Common Name
Evergreen Trees (8 feet minimum height)	Fir, Hemlock, Juniper, Pine, and Spruce
Narrow Evergreens (5 feet minimum height)	Blue Columnar Chinese Juniper, Column Honoki Cypress, Douglas Arborvitae, Pyramidal Red Cedar, Pyramidal White Pine, and Swiss Stone Pine
Deciduous Trees (3-inch minimum caliper)	Beech, Birch, Gingko, Hackberry, Honey Locust (Without Thorns), Hop Hornbeam, Linden, Maple (Hard Maple), Oak, Planetree (Sycamore), and Sweet Gum
Ornamental Trees (2-inch minimum caliper)	Allegheny Serviceberry, Dogwood, Flowering Crab, Hawthorn, Hornbeam, Magnolia, Redbud, and Rose of Sharon
Deciduous Shrubs (3 feet minimum height)	Dogwood, Euonymus, Fosythia, Hazelnut, Honeysuckle, Hydrangea, Lilac, Mock-Orange, Ninebark, Privet, Spiraea, Sumac, and Viburnum
Evergreen Shrubs (30 inches minimum height)	Holly, Juniper, and Yew
Spreading Shrubs (18 inches minimum height)	Cotoneaster and Creeping Juniper
Perennial Flowers/Groundcover	Black-Eyed Susan, Creeping Juniper, Creeping Phlox, Daylily, Fragrant Sumac, Ornamental Grass, Periwinkle, and Purple Coneflower

(C) Prohibited Species (currently 4.41 and 16.07B(6)(H)). Based on the undesirability of the following species, they are prohibited from being planted as required landscpaing. The Planning Commission or Planning Director may prohibit other species that are not listed below.

Prohibited Species
Ash
Black Locust
Box Elder
Buckthorn
Catalpa
Cottonwood
Elm
Ginkgo (Female)

Commented [PS216]: These species are a mix of those generally permitted in Section 4.41 throughout the Township and those permitted in the EHROD. Both sections have many of the same species, and there should only be 1 list of species unless the Township wants to classify a particular area or corridor and require that only certain species be planted in those areas.

Commented [PS217]: The current minimum height is 5 feet, but McKenna's Landscape Architect recommends a minimum height of 8 feet.

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Commented [PS218]: The current minimum caliper ranges from 3-4", with the Planning Commission permitted approve 2.5". McKenna's Landscape Architect recommends a standard requirement of 3".

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Commented [PS219]: The current minimum size is 6 feet in height. McKenna's Landscape Architect recommends a 2" minimum caliper because most ornamental trees are sized by caliper and 2" is a reasonable caliper for a newly planted tree. Also, Russian Olive and Mountain Ash were removed from the list and added to the list of prohibited species based on the invasiveness of Olive trees and destruction of Ash trees caused by the Emerald Ash Borer.

Commented [PS220]: The current minimum size is 4 feet in height. McKenna's Landscape Architect recommends a 3-foot minimum height. Also, Buckthorn was removed from the list and added to the list of prohibited species based on the invasiveness of Buckthorn.

Commented [PS221]: 30 inches is the minimum height recommended by McKenna's Landscape Architect.

Commented [PS222]: 18 inches is the minimum height recommended by McKenna's Landscape Architect.

Commented [PS223]: These species are a mix of those prohibited in Section 4.41 throughout the Township and those prohibited in the EHROD. Ash, Buckthorn, Gingko (Female) and Olive were added to the list of prohibited species.

Honey Locust (With Thorns)
Horse Chestnut (Nut Bearing)
Mulberry
Norway Maple
Olive
Poplar
Silver Maple
Tree of Heaven
Willow

(D) Minimum Requirements for Plant Material.

(1) All plant material shall conform to the description consistent with generally accepted and published nursery and landscape standards. Plant materials shall be typical of their species or variety, have normal habitat of growth, well-branched and densely foliated when in leaf.

(2) Plant materials shall be chosen according to soil, climatic conditions and environmental factors for the proposed development, the location of the installation, and its desired function.

(3) Artificial plants are prohibited from satisfying landscape requirements.

Section 10.105 Landscape Installation and Maintenance (currently 4.40(3)(a)(1) and (3), 4.41, and 4.42)

(A) Installation (currently 4.40(3)(a)(1) and (3) and 4.41).

(1) Installation Period. Whenever planting is required by this Ordinance, it shall be planted prior to the issuance of the Certificate of Occupancy. If the weather does not permit the planting, the required planting shall take place within six (6) months from the date of issuance of the Certificate of Occupancy and the owner shall post a performance guarantee in accordance with the provisions set forth in *Section 12.211*.

(2) Installation Method. All landscaping shall be installed in a manner consistent with generally accepted and published nursery and landscape standards, the approved landscaping plan, and the following:

(a) Balled and Burlapped. All trees shall be balled and burlapped at the time of planting.

(b) High Quality and Healthy Plant Material. Plant material shall be freshly dug and nursery grown. Plant material shall be of sound health, vigorous and uniform in appearance with a well-developed root system and free from disease, insects, pests, eggs, or larvae. Trees shall have straight trunks with leaders intact, undamaged and uncut.

(c) Mulching. Trees, shrubs, hedges, vines, perennials, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting with hardwood bark mulch or similar natural material. Because stone, rocks, and pebbles trap heat and do not retain moisture, these materials shall not be permitted as a ground cover or mulch.

(d) Topsoil. A minimum of four (4) inches of topsoil shall be provided for all lawn areas, ground covers, berms, and planting beds.

(e) Plant Material Required in All Portions of Landscaped Areas. All portions of the landscaped areas shall be planted with grass, groundcover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.

(f) Planting Locations. Unless a specific planting pattern is required by the Zoning Ordinance or the Planning Commission, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, provided they are planted in accordance with the approved plan. Landscaping shall be located and maintained in a manner that minimizes conflicts with overhead or underground utilities, and that allows reasonable view of storefronts and signs. When trees are planted with five (5) feet of a permanent building, structure, or paved area, structural soil systems shall be used to direct new root growth downward. When soil structural soils are used, a minimum depth of six (6) feet of structural soil shall be provided underneath trees.

(g) Protection of Existing Vegetation. Existing vegetation to be preserved shall be protected during construction through the use of temporary fencing around the drip line.

(B) Maintenance. The owner of the property is responsible for the regular maintenance of all plants and must replenish mulch, control weeds, fertilize plants and prune plants as necessary beginning upon completion of construction of landscaping. All diseased, dead, or damaged plants shall be replaced within 30 days, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

The approved landscape plan shall be considered a permanent record and integral part of site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to or removal of, plant materials will place the parcel in nonconformity with the originally approved landscape plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of site plan approval. The Township shall retain a portion of the performance guarantee required under *Section 12.211* for twelve (12) months from the date required landscaping is completed to ensure plant materials remain in a live condition.

(C) Irrigation Required. All landscape areas (including lawns) shall be provided with an automatic underground irrigation system. The approving authority (Planning Commission or Planning Director) may approve an alternate form of irrigation for a particular area, or may waive the irrigation requirement in an area upon determining that the underground irrigation is not

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Deleted: maintain

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Commented [PS224]: Irrigation is customarily required as a condition of site plan approval as a means of properly maintaining landscaping. This requirement should be part of the Zoning Ordinance; however, the Planning Commission should have flexibility to waive an irrigation requirement where irrigation isn't necessary.

necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

Section 10.106 Modifications (currently 4.40(3)(a)(4))

In consideration of the overall design and impact of the landscape plan, the Planning Commission may modify or adjust the requirements outlined in this Article for required landscaping, provided that any such adjustment is keeping with the intent of this Ordinance and more specifically, with the intent of this Article.

Deleted: herein

Deleted: general

Deleted: or for landscaping in greenbelt areas, on berms or as part of a screen

Deleted: Section 4.10.01

Article 11 Signs (currently 4.23)

Section 11.101 Purpose and Intent (Currently 20.336)

The sign regulations in this Article are intended to balance the public and private interests. The purpose of this Article is to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. To that end, the regulations of this Article allow for a variety of sign types and sizes. The objectives of this Article are:

(A) Public Safety. To promote the free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, or illegible signage that results in confusion and hindrance of vision. Also, to protect public safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.

(B) Community Aesthetic Quality and Character. To protect and enhance the physical appearance of the community (including the preservation of its historic and cultural resources, scenic areas and viewsheds, and the dark night sky) and property values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views and/or property values of the community. Also, to promote signage that contributes to the streetscape element and aids in creating a "sense of place," and to limit commercial signage in residential districts as a means of preserving the residential and aesthetic character of the district.

(C) Free Speech. To ensure that the constitutionally guaranteed right of free speech is protected and to allow signs as a means of communication.

(D) Effective Communication. To encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.

(E) Economic Development. To allow for adequate and effective signage for businesses to inform, identify, and communicate effectively.

(F) Ease of Administration. To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow. Signs that are lawfully erected and maintained under the provisions of this Article are consistent with customary usage.

Section 11.102 Definitions (Currently 20.337)

The following words and phrases shall have the meanings set forth in this Section when they are used in this Section:

(A) Sign Definitions, Sign Types. The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

Commented [PS225]: The new text of this section is a compilation of model sign codes referenced in the Michigan Sign Guidebook, which published by Scenic Michigan and the Planning & Zoning Center at MSU.

Deleted: It is hereby determined that regulation of this location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare and prevent wasteful use of natural resources in competition among business for attention.¶
¶
In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the Township.¶
¶
It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage.

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¶
Nothing in this Ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

Commented [PS226]: The deleted comment permitting noncommercial advertising on a sign on which commercial advertising is permitted is relocated to the section titled, "Substitution Clause." A Substitution Clause is a First Amendment requirement and should have its own section.

Commented [PS227]: It is essential to define each type of sign, regardless of whether it is permitted or prohibited. By defining these sign types, it will become much easier to regulate them or prohibit them, which is later in this article.

(1) Air-Activated Signs. A Temporary Sign that is an air inflated object, which may be of various shapes, is made of flexible fabric, rests on the ground or structure and is equipped with a portable blower motor that provides a constant flow of air into the device. Air-activated signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

(2) Animated Sign. A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or osculating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene. This definition does not include Changeable-Copy Signs and Electronic Message Center (EMC) Signs that are in compliance with this Article.

Commented [PS228]: The definition of "moving sign" was incorporated into this definition.

(3) Awning Sign. A permanent Projecting Sign painted or screen printed on the exterior surface of an awning. Such signs may be internally illuminated pursuant to the requirements of this Ordinance. See definition of "Awning" in *Section 11.102(B)(3)*.

Commented [PS229]: The current definition of "Awning Sign" is split into 2 definitions: "Awning Sign" (which describes the sign type) and "Awning" (which describes the structural composition of an awning.

Deleted: A fireproof space frame structure with translucent flexible reinforced vinyl covering designed in awning form, but whose principal purpose and use is signage

Deleted: by fluorescent or other light sources in fixtures approved under national and local electrical codes

Awning Sign

Awning Sign

(4) Balloon Sign. A Temporary Sign that is an air inflated object, which, unlike air-activated signs, retains its shape. A balloon sign is made of flexible fabric, rests on the ground or structure, and may be equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached, or held in place by a cord, rope, cable, or similar method.

(5) Banner Sign. A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat either to a wall or temporarily to a permanent sign face.

Deleted: , either with or without frames

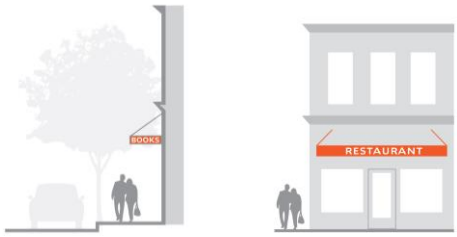
Banner Sign

(6) Bench Sign. A sign applied to or affixed to the seat or back of a bench.

(7) Billboard Sign (Outdoor Advertising Sign). A permanent Freestanding Pole Sign erected, maintained, and used in the outdoor environment for the primary purpose of the display of commercial or noncommercial messages unrelated to the business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located.

Deleted: A non-accessory freestanding sign upon which a display can be posted or otherwise affixed in a manner that is readily changed.

(8) Canopy Sign. A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached or freestanding canopy. Such signs may be internally illuminated pursuant to the requirements of this Ordinance. See definitions of "Canopy" in *Section 11.102(B)(5)* and *Section 11.102(B)(6)*.



Canopy Sign Canopy Sign

(9) Changeable-Copy Sign. A permanent sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (e.g., time and temperature units), or manually through placement of copy and symbols on a panel mounted in or on a track system.

Deleted: part of a sign that, by means of electronically illuminated characters, provides a varying message to the public

(10) Electronic Message Center (EMC) Sign. An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.

(11) Fascia Sign. See definition of "Wall Sign."

(12) Festoons. A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights, typically strung overhead and/or in loops.

(13) Flag. A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole or attached flat to a wall.

(14) Freestanding Sign. A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include, but are not limited to, Pole Signs and Monument Signs.

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(15) Incidental Sign. A small sign, usually 2 square feet or less, designed and located to be read only by people within the site and generally not visible or legible from the right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to

designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity. The Planning Director shall determine whether a sign is an Incidental Sign, based on the visibility of the sign from the lot line and right-of-way and/or the number of signs in close proximity of each other, and the Planning Director may deny a Incidental Sign if it is a sign that is regulated by another standard in this Article.

(16) Interior Sign. A sign placed within a building, but not including a window sign as defined by this Ordinance, that is not visible from any public street, sidewalk, alley, park or public property.

(17) Marquee Sign. See definition of "Projecting Sign" and "Canopy Sign."

(18) Monument Sign. A base-mounted, freestanding sign placed in the ground and not attached to any building or other structure. A Monument Sign shall have a solid supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base. The supporting base shall have a minimum 24-inch vertical height.

Monument Sign

(19) Mural. A Wall Sign that is painted or drawn on the exterior surface of a structure.

(20) People Sign. A portable sign held by a person and displayed for the purposes of expressing a message.

(21) Pole Sign. A type of Freestanding Sign that is elevated above the ground on poles or braces.

Pole Sign

(22) Portable Message Sign. A sign attached to or pulled by a vehicle that includes a manual and/or electronic changeable copy sign, an electronic graphic display sign, a video display sign, or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Message Sign" shall not include a "Vehicle Sign."

Deleted: and located within a building

Deleted: A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.

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Deleted: <#>**Moving Sign.** A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, scintillating or varying intensities of illumination.¶
¶

(23) Projector-Image Sign. A sign that is displayed through light by a projector.

(24) Projecting Sign. A sign attached to a building or other structure, and extending beyond the attachment surface by more than eighteen (18) inches. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building. Projecting Signs consist of "Awning Signs," "Canopy Signs," and "Marquee Signs."

(25) Revolving Sign. An animated sign that revolves around an external axis driven by wind, or electromechanical devices.

(26) Roof Sign. A sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet shall be a "Wall Sign."

(27) Rotating Sign. An animated sign that rotates around an internal axis driven by wind, or electromechanical devices.

(28) Sandwich Board Sign. A portable Temporary Sign or sign board that is freestanding and not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sidewalk signs," sandwich board signs include, but are not limited to, so called "A" frame, "T" shaped, or inverted "T" shaped stands. See also "Yard Sign."

(29) Support Pole Sign. A Temporary Sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

(30) Vehicle Sign. A sign painted or otherwise attached to a vehicle, including signs on a truck trailer. A "Vehicle Sign" shall not include a "Portable Message Sign."

(31) Wall Sign. A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall and which may not project above the roof or parapet line. A "Wall Sign" shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building or any portion thereof is defined as a "Roof Sign."

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Commented [PS230]: A new definition, modified based on the existing definition of "Revolving Sign."

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Commented [PS231]: The existing definition of "Portable Sign" is split into 2 definitions: "Sandwich Board Sign" and "Vehicle Sign."

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Deleted: , or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising

Commented [PS232]: "Support Pole Sign" replaces the definition of "Parasite Sign," and the definition is modified to be content-neutral.

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Deleted: intended to draw attention to any one (1) or more of various services, items for sale, contests, etc. and is

Deleted: an accessory

Deleted: principal building, accessory building or other structure located on a development site

Commented [PS233]: The existing definition of "Portable Sign" is split into 2 definitions: "Sandwich Board Sign" and "Vehicle Sign." The references to content in this definition are removed.

Deleted: or sign board which is free standing and not permanently anchored or secured to either a building, structure or the ground; such as, but not limited to, so called "A" frame, "T" shaped or inverted "T" shaped stands, or any sign

Deleted: or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising

Commented [PS234]: The deleted text defining a roofline conflicts with the existing definition of "Roof Sign." We recommend removing this conflicting language and simplifying the definition by referring to the definition of "Roof Sign."

Deleted: The roofline meaning the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and the average height between eaves and ridge boards for gable, hip and gambrel roofs.

Wall Sign

(32) Window Sign. A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.

Window Sign

(33) Yard Sign. A portable Temporary Sign or sign board that is freestanding and temporarily anchored or secured to the ground. See also "Sandwich Board Sign."

(B) Sign Definitions, General.

(1) Abandoned Sign. A sign that no longer identifies or advertises an ongoing business, product, location, service, or activity conducted. Whether a sign has been abandoned shall be determined by the intent of the owner of the sign and shall be governed by applicable Case Law and Statutory Law on abandoned structures.

(2) Alteration. Any change in copy, color, size, or shape, which changes appearance of a sign, or a change in position, location, construction, or supporting structure of a sign, except that a non-structural copy change on a sign is not an alteration.

(3) Awning. A fireproof space frame structure with translucent flexible reinforced vinyl or canvas covering designed in awning form, and extending outward from the building wall.

(4) Building Frontage. The length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenants is located.

Commented [PS235]: The current definition of "Awning Sign" is split into 2 definitions: "Awning Sign" (which describes the sign type) and "Awning" (which describes the structural composition of an awning.

Deleted: but whose principal purpose and use is signage

Deleted: Such signs may be internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes.

Commented [PS236]: This definition is modified to accommodate building frontages that also face a side lot line. It is also modified to apply to non-business entities.

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(5) Canopy, Attached. A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

(6) Canopy, Freestanding. A multi-sided overhead structure supported by columns, but not enclosed by a wall.

(7) Grade, Sign. The average elevation of an area within a radius (of the sign base) equal to two (2) times the height of the sign, based on the highest and lowest measurements.

(8) Height, Maximum. Shall be measured from grade to the highest edge of the sign surface or its projecting structure.

(9) Height, Minimum. Shall be measured from grade to the lowest edge of the sign surface or its projecting structure.

(10) Marquee. See definition of "Canopy, Attached."

(11) Owner. A person, firm, partnership, association, company, or corporation and/or its legal successors, heirs, and assigns.

(12) Premises. A "lot" in the same ownership or control which is not divided by a street.

(13) Sign. A name, message, identification, image, description, display, or illusion which is affixed to, painted, or otherwise located, set upon, or in, a building, bench, structure or land and which directs attention to an object, product, place, activity, person, institution, idea, message, or business and which is visible outdoors. The definition does not include goods orderly displayed in a window.

(14) Sign Area. The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign form the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. An awning shall not be deemed to be a sign frame. The area of signage on an awning shall be calculated as provided under *Section 11.104*.

(15) Sign Erector. Any person engaged in the business of erecting, altering or removing signs on a contractual or hourly basis.

(16) Sign, Non-Commercial. Any sign consisting only of non-commercial content.

(17) Sign, On-Premise Commercial. A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale upon the premises where the sign is located. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and yard sale signs,

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Commented [PS237]: The definition is modified to apply to all signs (incidental, interior, and exterior) and content-based language is removed.

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Deleted: from any public or private street, sidewalk, alley, park or public property

Deleted: The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners.

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Deleted: The definition does not include religious symbols or paintings that do not display lettering and do not advertise a business, product or service.

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Deleted: Section 20.400 (a), Single face signs

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Political Signs. A sign solely for the purpose of providing information relating to the election of a person to public office or to a political party, or to a matter to be voted at an election called by a public body, or any other public issue or expression of opinion.

Deleted: On-premises sign. A sign that advertises only goods, services, facilities, events or attractions available on the premises where located or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.

signs advertising a permitted on-site commercial use, and signs of a contractor or other commercial entity affiliated with an on-site project under development.

(18) Sign, Off-Premise Commercial. A sign that contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered for sale off the premises of where the sign is located.

(19) Sign, Temporary. A sign, with or without a structural frame, intended for a limited period of display.

Section 11.103 Substitution Clause

Any lawful sign permitted under the provisions of this Ordinance may contain a non-commercial message.

Section 11.104 Measurement of Sign Area and Height (Currently 20.400)

The total sign area is to be expressed in square feet and shall be computed as herein set forth.

(A) Single face sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle, oval, or circle encompassing the extreme limits of an individual letter(s), word(s) message(s), representations, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.

(B) Double-face signs having two (2) faces of equal size arranged and/or positioned back to back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plain or vertical views the area of the sign shall be computed as one half (½) of the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face. When signs have three (3) to four (4) faces of equal size arranged and/or positioned with the faces at an angle of more than thirty (30) degrees in the plain or vertical view, the area of the sign shall be computed as the total area of the largest two (2) faces. The area of three-dimensional signs shall be measured by computing the total area of the largest two (2) faces measured at a two-dimensional view.

(C) When two (2) single-face wall signs are arranged and/or positioned within (36) inches of each other, the area of the two (2) signs shall be computed as one (1) single face sign and total area shall include the open space between the two (2) separate faces.

(D) The height of the sign shall be measured from the sign grade. The maximum sign height shall be measured from the sign grade to the top of the sign. The minimum height, if applicable, shall be measured from the sign grade to the bottom of the sign.

Section 11.105 Prohibited Signs in All Zoning Districts (Currently 20.407)

The following signs are prohibited in all zoning districts, not withstanding anything to the contrary in this Article.

Deleted: A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.¶
Real Estate Signs. A sign advertising only that the property said sign is located upon is for sale, rent or lease and other information that is essential to the proposed real estate transaction.

Deleted: Non-accessory sign. A sign relating to a business activity, use or service not performed on the premises or to a product not fabricated, produced, handled or sold on the same premises upon which the sign is displayed.

Commented [PS238]: The content-based distinctions of this definition should be removed.

Deleted: An information or banner

Deleted: , including decorative displays for holidays or public demonstrations, not including accessory signs as defined under (a) above, or signs pertaining to sale, rent or lease or property

Commented [PS239]: This is a First Amendment requirement, which has been required in sign ordinances since Metromedia, Inc. v. City of San Diego (1981).

Deleted: and permitted in the "Schedule of Sign Regulations" attached to and made part of this code

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(A) Animated signs (including revolving signs and rotating signs), except for changeable-copy signs explicitly permitted in this Article or approved in conjunction with a Temporary Land Use Permit in accordance with *Section 7.120* and *Section 11.106(J).*

(B) Festoons, except for decorations commemorating a holiday or approved in conjunction with a Temporary Land Use Permit in accordance with *Section 7.120* and *Section 11.106(J)*.

(C) Air-activated signs and balloon signs, except for decorations commemorating a holiday or approved in conjunction with a Temporary Land Use Permit in accordance with *Section 7.120* and *Section 11.106(J).*

(D) Any sign that is deemed structurally or electrically unsafe by the Building Official.

(E) Support pole signs, including signs attached to light poles, utility poles, street sign post, and trees. Prohibited support pole signs shall not include support pole signs lawfully installed by an authorized public entity.

(F) Abandoned Signs.

(G) Vehicle signs when the subject vehicle js not parked jn an approved parking space or operating lawfully.

(H) Portable message signs unless operating lawfully in a public or private road right-of-way.

(I) Roof signs,

(J) Bench signs,

(K) Projector-image signs.

(L) Commercial people signs. The basis of prohibiting commercial people signs is that the movement and proliferation of commercial people signs would degrade traffic safety and community aesthetics.

(M) Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Ordinance.

(N) Any sign containing off-premise commercial content, except as permitted by *Section 11.108* and *Section 11.109*. Any sign structure or frame that was previously an on-premise commercial sign but no longer supports or contains a sign relating to a commercial activity, business, or usage on the premises which has been discontinued for one hundred eighty (180) days or longer shall be removed in accordance with this Section 11.115(A) or brought into compliance with this Article.

Deleted: Signs which incorporate in any manner or are illuminated by any flashing or moving lights. This Section does not prohibit barber poles which otherwise meet the provisions of this Section.

Deleted: Exterior banners, pennants, spinners and streamers, other than a banner or pennant used as a permitted sign under provisions of Section 20

Deleted: Any sign that has any visible motion other than permitted flags of government units, corporate flags, or banners and other than governmental units, corporate flags, or banners and other than permitted change of message on changeable message.

Deleted: which

Deleted: Any sign erected on a utility pole, street sign post or landscaping

Deleted: street signs of any political subdivision or public transit agency of this State

Deleted: Any business sign now or hereafter existing which no longer advertising a bona fide business conducted or a product sold

Deleted: Signs, displayed on any vehicle or trailer vehicle or trailer

Deleted: or trailer

Deleted: in such a manner that the obvious intent is to attract attention to a business, service or commodity on the premises

Commented [PS240]: The distinctions between "roof signs" and "wall signs" are in the definitions section.

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Deleted: except those mounted upon a mansard facia that do not project above the highest point of the roof or parapet

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Real estate signs that indicate the subject property has been sold, leased or rented.¶

Deleted: , which are not both permanently anchored to the ground and located behind the right-of-way

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Section 11.106 Exempt Signs Permitted Signs in All Zoning Districts (Currently 20.402 and 20.408)

The following signs shall be permitted in all zoning districts according to the regulations of this Ordinance and subject to the following provisions. No permit shall be required for signs enumerated below otherwise stated. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, maintenance, and removal.

(A) Decorations commemorating a holiday that are not displayed in a manner that promotes commercial activity.

(B) Temporary signage in accordance with *Section 11.107* and *Section 11.108*, unless otherwise stated in this Ordinance.

(C) Any sign required by the Charter Township of Van Buren to notice a required public hearing for a rezoning or special land use, to be erected, displayed, and removed according to the requirements of the Charter Township of Van Buren.

(D) Signs erected on a Township, County, State, or Federal building or land by the authorized public agency,

(E) Incidental signs, subject to approval by the Planning Director.

(F) Interior signs.

(G) Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.

(H) Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

(I) Address numbers, being essential for public safety and emergency response, with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings.

(J) Festoons, air-activated signs, animated signs, and balloon signs are permitted only for Temporary Land Uses, provided all of the proposed sign information is included in the temporary use application and that the temporary land use has been approved in accordance with *Section 7.120*.

(K) Non-commercial flags.

Section 11.107 General Provisions in All Zoning Districts (Currently 20.406)

The following conditions shall apply to all signs erected or located in any zoning district:

(A) Sign Location.

Commented [PS241]: This section combines existing sections for "Exempt Signs" and "Permitted Signs in All Zoning Districts." Many of the existing standards are content-based and unlawful. As a result, they are revised to minimize content-based distinctions, and most are relocated to the section regulating signs based on the zoning district.

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Commented [PS242]: Currently, for premises in that are not single-family or two-family residences, 64 sq. ft. of permanent sign area is permitted in the R-1 and R-2 districts, 100 sq. ft. of permanent sign area is permitted in the AG district, and 15 sq. ft. is permitted per building in the RM and RMH districts. Rather than make standards different, it is simpler to state the requirements for monument signs, pole signs, and wall signs and apply them to residential developments and non-residential uses within these zoning districts.

In addition to the monument sign regulations, the RM and RMH district regulations currently allow for up to 16 sq. ft. of signage to advertise units for sale or rent. This is a content-based distinction that should be removed. With the monument sign and the permanent wall sign area permitted, uses in these zoning districts can display this message if they choose.

Finally, the Zoning Ordinance currently permits 32 sq. ft. of commercial signage in all zoning districts. Section 11.108 will be more explicit regarding how much on-premise commercial signage is permitted based on the zoning district.

Deleted: which announce the name, occupancy and information of the use or admission to the premises. The flag of any nation or state which is respectfully displayed

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Commented [PS243]: The Zoning Ordinance currently allows certain temporary signs in conjunction with a temporary land use, so the sub-section was re-written to be more precise about the type of sign and the Temporary Land Use section.

(1) **Right-of-Way Prohibited.** No sign, except those established and maintained by the Township, County, State or Federal Governments pursuant to *Section 11.106*, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

(2) **Clear Vision Triangle Area Prohibited.** No sign shall be located in the clear vision triangle area described in *Section 7.108*.

(3) **Projections.** No sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than eighteen (18) inches and shall not project above or beyond the highest point in the roof or parapet.

(4) **Safety.** No sign shall be permitted at any location that, in the sole discretion of the Building Inspector, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, the Building Inspector shall cite any relevant building or electrical codes, provisions of this Ordinance or other Township ordinances, and/or findings or studies of the Public Safety Department and/or a traffic engineer.

(B) **Sign Height.** No sign otherwise permitted shall project above the maximum sign height limitation of the zoning district as specified in the "Schedule of Regulations" in *Article 4*.

(C) **Liability Insurance.** If the vertical distance of a sign above the grade is greater than the horizontal distance from the sign to the street right-of-way line and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a public liability insurance policy in the amount of one hundred thousand dollars ($100,000) for injury to one (1) person and three hundred thousand dollars ($300,000) for injury to more than one (1) person and property damage insurance in the amount of twenty-five thousand dollars ($25,000) for damage to property. The insurance certificate shall provide for notification of the Building Inspector ten (10) days prior to expiration of insurance or change of policy. In lieu of an insurance policy as required herein, an owner may present satisfactory proof annually to the Township attorney that the owner is financially capable of self-insurance in the above amounts. The liability limits required under this Section shall be periodically reviewed by the Township Board and may be modified by resolution of the Board.

(D) **Landscaping.** The area surrounding ground signs shall be landscaped. The landscaping shall be maintained such that the sign remains visible to passing motorists.

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Deleted: No sign over thirty (30) inches in height shall be located within, project into, or overhang the triangular area formed at the intersection of any two (2) street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, unless visual under-clearance can be assured on the plans.

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<#>Construction signs advertising buildings or projects under construction may be erected and maintained for a period not to exceed the term of construction and such sign shall be erected on the site of construction. Said sign shall advertise only the building or project under construction and information related thereto such as its developers, contractors, engineers, brokers and architects.¶

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Section 11.108 Zoning District Regulations (Currently 20.409)

(A) Sign Regulations Applicable to the AG, R-1, R-2, RM, and RMH Districts

Sign Type	AG, R-1, R-2, RM, and RMH Districts (Single-family, duplex, triplex, and quadplex lots only)	AG, R-1, R-2, RM, and RMH Districts (Residential Developments [e.g., subdivisions, site condominiums, multi-family, and mobile home parks] and Non-Residential Uses only)
Monument Signs	Not Permitted	**Maximum Number:** 1 per frontage of a lot or development. **Maximum Height:** 6 feet. **Maximum Area:** 40 sq. ft. **Minimum Setback:** 30 feet from a lot line.
Permanent Freestanding Directional Signs	Not Permitted	**Maximum Number:** 1 per entrance or exit, plus 1 per 100 linear feet of driveway. **Maximum Height:** 4 feet. **Maximum Area:** 6 sq. ft. **Location:** Not more than 6 feet from a driveway or sidewalk.
Permanent Wall Signs	**Maximum Number:** 1 per lot **Maximum Area:** 2 sq. ft.	**Minimum Height (Projecting Sign Only):** 8 ft.
Permanent Projecting Signs	Not Permitted	**Maximum Area (Total):** 40 sq. ft.
Banner Signs	Not Permitted	**Maximum Number:** 1 per lot. **Maximum Area:** 32 sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. **Maximum Duration:** 30 days per 6-month period.
Flags (On-Premises Commercial)*	Not Permitted	**Maximum Number:** 1 per lot. **Maximum Area:** 45 sq. ft.
Yard Signs (Non-Commercial)	**Maximum Number:** 4 per lot. **Maximum Height:** 5 feet. **Maximum Area (Total):** 24 sq. ft. **Minimum Setback:** 5 ft. from any lot line.	
Yard Signs (On-Premises Commercial)*	**Maximum Number:** 1 per lot. **Maximum Height:** 5 feet. **Maximum Area:** 6 sq. ft. each. **Minimum Setback:** 5 ft. from any lot line.	**Maximum Number:** 1 per lot. **Maximum Height:** 8 feet. **Maximum Area:** 32 sq. ft. **Minimum Setback:** 15 feet from any lot line.
Yard Signs (Off-Premises Commercial)*	**Maximum Number:** 1 per lot. **Maximum Height:** 3 feet. **Maximum Area (Total):** 3 sq. ft. **Minimum Setback:** 5 ft. from any lot line. **Maximum Time Placement:** 30 days in a calendar year. The purpose of limiting the number, size, location, and duration of temporary off-premise commercial signage (as defined in *Section 11.102(B)(18)*) in residential zoning districts is to prevent the proliferation of off-site commercial signs in existing or planned residential areas, which would have a detrimental effect on traffic safety, aesthetics, and residential character of the area.	
Window Signs	**Maximum Area (Total):** 15% of the window area.	

*Note: *Section 11.103* permits any lawful sign to contain non-commercial content.

Commented [PS244]: Currently, for premises in that are not single-family or two-family residences, 64 sq. ft. of permanent sign area is permitted in the R-1 and R-2 districts, 100 sq. ft. of permanent sign area is permitted in the AG district, and 15 sq. ft. is permitted per building in the RM and RMH districts. Rather than make standards different, it is simpler to state the requirements for monument signs, pole signs, and wall signs and apply them to residential developments and non-residential uses within these zoning districts.

In addition to the monument sign regulations, the RM and RMH district regulations currently allow for up to 16 sq. ft. of signage to advertise units for sale or rent. This is a content-based distinction that should be removed. With the monument sign and the permanent wall sign area permitted, uses in these zoning districts can display this message if they choose.

Commented [PS245]: Currently, 1 subdivision entrance sign, apartment sign, condominium complex sign, or mobile home park sign is permitted not to exceed 40 sq. ft. Other uses are permitted a monument sign or bulletin board sign not to exceed 32 sq. ft. This regulation should be more broad and to apply equally to all residential developments and non-residential uses within the district.

Commented [PS246]: While this proposed amendment is intended for directional signs, we cannot require that certain content be provided on them. Therefore, we must be more descriptive and content-neutral. Currently, these signs are permitted as "directional signs" that contain content restrictions and are regulated differently based on a use.

Commented [PS247]: Currently 2 sq. ft. are permitted for address signs. Address signs are proposed to be exempt, with the 2 sq. ft. to be used for any other permitted message.

Commented [PS248]: Section 20.402(7)(b) permits a banner sign of up to 32 sq. ft. for 30 days in a 6-month period, so we recommend permitting this by right.

Commented [PS249]: Section 20.402(9) currently permits a corporate flag to be no more than 45 sq. ft., so there is no change proposed.

Commented [PS250]: Currently, single-family and multi-family residential uses are permitted 1 sign up to 6 sq. ft. in area and 5 feet in height that advertises the property for sale. Non-residential uses are permitted 1 sign up to 32 sq. ft. in area and 10 feet high. Both regulations require removal within 30 days of sale or lease. In addition, construction signs are permitted for non-residential buildings (64 sq. ft. in area, 12 ft. high, and removed upon completion of construction) and residential developments (1 sign up to 32 sq. ft. in area). All of these regulations are content-based because it regulates the content of the commercial message and are dependent on a certain event happening. We recommend making distinctions between individual residential uses and developments in the same zoning district, but to generally permit "on-premises commercial" signage which will pertain to any lawful commercial activity occurring on the site without respect to the content of the on-premise commercial message.

(B) Sign Regulations Applicable to the C, C-1, C-2, and FS Districts

Sign Type	C District	C-1, C-2, and FS Districts
Monument Signs	**Maximum Number:** 1 per frontage of a lot or development. **Maximum Height:** 8 feet. On lots or developments with 2 or more major tenants, the maximum height is 10 feet. **Maximum Area:** 25 sq. ft. on lots with <200 ft. of frontage; 50 sq. ft. on lots ≥200 ft. but < 400 ft. of frontage; and 75 sq. ft. on lots with ≥400 ft. of frontage. **Minimum Setback:** 10 feet from a lot line and twice the height from a residential zoning district.	**Maximum Number:** 1 per frontage of a lot or development. **Maximum Height:** 8 feet. On lots or developments with 2 or more major tenants, the maximum height is 10 feet. **Maximum Area:** 30 sq. ft. on lots with <200 ft. of frontage; 60 sq. ft. on lots with ≥200 ft. but <400 ft. of frontage; and 90 sq. ft. on lots with ≥400 ft. of frontage. **Minimum Setback:** 10 feet from a lot line and 100 feet from a residential zoning district.
	Corner lots with a monument sign located near and oriented to 2 or more abutting streets shall have only 1 monument sign for the lot or development. **A lot with an approved drive-thru lane** may have 1 additional monument sign per approved drive-thru lane located within 6 feet of the drive-thru lane, not greater than 8 feet high, not greater than 60 sq. ft., and not visible from the right-of-way or any lot line. Screening may be required pursuant to *Article 10*.	
Permanent Freestanding Directional Signs	**Maximum Number:** 1 per entrance or exit, plus 1 per 100 linear ft. of driveway. **Maximum Height:** 4 feet. **Maximum Area:** 6 sq. ft. **Location:** Not more than 6 feet from a driveway or sidewalk.	
Permanent Wall or Projecting Signs	**Min. Height (Projecting Sign Only):** 8 ft. **Maximum Area (Total):** 2 sq. ft. per linear ft. of building frontage, not to exceed 100 sq. ft. per business or 50% of the façade exclusive of window and door openings.	**Min. Height (Projecting Sign Only):** 8 feet. **Maximum Area (Total):** 3 sq. ft. per linear ft. of building frontage, not to exceed 300 sq. ft. per business or 50% of the façade exclusive of window and door openings.
	For multiple-tenant buildings, the sign area for each tenant shall be based on that tenant's linear feet of building frontage.	
Freestanding Canopy Signage	Not Permitted	**Maximum Area:** On a lot with an approved freestanding canopy, 1 sq. ft. per linear foot of freestanding canopy, not to exceed 40 sq. ft.
Banner Signs	**Maximum Number:** 1 per business. **Maximum Area:** 32 sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. **Maximum Duration:** 30 days per 6-month period.	
Flag (Commercial)	**Maximum Number:** 1 per lot. **Maximum Area:** 45 sq. ft. Note: *Section 11.103* permits any lawful sign to contain non-commercial content.	
Yard Signs	**Maximum Number:** 1 per lot. **Maximum Height:** 8 feet. **Maximum Area (Total):** 32 sq. ft. **Minimum Setback:** 10 ft. from any lot line.	
Sandwich Board Signs	**Maximum Number:** 1 per business **Maximum Height:** 3 ft. **Maximum Area:** 6 sq. ft. **Location:** Within 15 ft. of the primary building entrance door.	
Window Signs	**Maximum Area (Total):** 15% of the window area.	

Commented [PS251]: The sign regulations for commercial districts permit a maximum sign area, which creates conflicting standards. For example, while a business may be permitted wall signage according to the building frontage and monument signage according to the lot frontage, the total sign area can be reduced based on the lot frontage. This creates competing standards that are unnecessary if wall signage and monument signage can be appropriately sized. Therefore, we recommend deleting overall sign limitations for a lot and instead put limits based on sign types.

Commented [PS252]: The requirements for number, height, area, and setback of monument signs are proposed to be the same, except that all monument signs must be at least 10 feet from a lot line and monument signs for multi-tenant commercial buildings was lowered to 8 feet. Having separate heights for multi-tenant buildings will cause different sizes of monument signs based on the use.

Commented [PS253]: Drive-thru restaurants are permitted 40 sq. ft. for a menu board. This is a content-based regulation that is likely not permitted. Permitting an additional monument sign for all drive-thru uses (without regard to content) is an attempt to make the sign less about the speaker and more about the need for a drive-thru land use to have additional signage.

Commented [PS254]: While this proposed amendment is intended for directional signs, we cannot require that certain content be provided on them. Therefore, we must be more descriptive and content-neutral. Currently, these signs are permitted as "directional signs" that contain content restrictions and are regulated differently based on a use.

Commented [PS255]: Currently, there is 3 sq. ft. of wall signage permitted per 1 linear ft. of building frontage, not to exceed 200 sq. ft. per business or 300 sq. ft. in a multi-tenant building. This limits larger commercial buildings, especially those with a single tenant. Merging these 2 requirements will make the ordinance easier to administer, especially when buildings are converted from single-use to multi-tenant use, and vice versa.

Commented [PS256]: Currently 40 sq. ft. is permitted for gas stations, but this will apply to all uses with a freestanding canopy.

Commented [PS257]: Section 20.402(7)(b) permits a banner sign of up to 32 sq. ft. for 30 days in a 6-month period, so we recommend permitting this by right.

Commented [PS258]: Section 20.402(9) currently permits a corporate flag to be no more than 45 sq. ft., so there is no change proposed.

Commented [PS259]: Same requirement.

(C) Sign Regulations Applicable to the OT District

Sign Type	OT District
Primary Monument Sign	**Maximum Number:** 1 per lot or development. **Maximum Height:** 20 feet. **Maximum Area:** 80 sq. ft. **Minimum Setback:** 10 feet from a lot line
Secondary Monument Sign	**Maximum Number:** 1 per each major thoroughfare upon which the site has frontage. **Maximum Height:** 12 feet. **Maximum Area:** 40 sq. ft. **Minimum Setback:** 10 feet from a lot line
Interior Monument Signs	**Maximum Number:** 2 per lot or development. **Maximum Height:** 6 feet. **Maximum Area:** 12 sq. ft. **Location:** At least 50 feet away from all other signs. **Minimum Setback:** 10 feet from a lot line
Permanent Freestanding Directional Signs	**Maximum Number:** 1 per entrance or exit, plus 1 per 100 linear ft. of driveway. **Maximum Height:** 4 feet. **Maximum Area:** 6 sq. ft. **Location:** Not more than 6 feet from a driveway or sidewalk.
Permanent Wall or Projecting Signs	**Minimum Height (Projecting Sign Only):** 8 feet. **Maximum Area (Total):** 2 sq. ft. per 1 linear ft. of building frontage, not to exceed 100 square feet per business.
Banner Signs	**Maximum Number:** 1 per business. **Maximum Area:** 32 sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. **Maximum Duration:** 30 days per 6-month period.
Flag (Commercial)	**Maximum Number:** 1 per lot. **Maximum Area:** 45 sq. ft. Note: *Section 11.103* permits any lawful sign to contain non-commercial content.
Yard Signs	**Maximum Number:** 1 per lot. **Maximum Height:** 8 feet. **Maximum Area (Total):** 32 sq. ft. **Minimum Setback:** 10 ft. from any lot line.
Sandwich Board Signs	**Maximum Number:** 1 per business **Maximum Height:** 3 ft. **Maximum Area:** 6 sq. ft. **Location:** Within 15 ft. of the primary building entrance door.
Window Signs	**Maximum Area (Total):** 15% of the window area.

Commented [PS260]: No change to monument sign regulations, except that all monument signs must be 10 feet from a lot line.

Commented [PS261]: Currently, 1 additional secondary monument sign is permitted in the OT district for each frontage. No changes are proposed.

Commented [PS262]: Currently, all business/industrial parks, airports, public parks, airports, and similar public and semi-public uses are permitted 2 additional monument signs not more than 6 feet high, 12 sq. ft., or within 50 feet of another sign. Because this is a speaker-based standards, we recommend permitting these in the OT, M-1, M-T, M-2, and AP districts. Similar uses in residential and commercial districts would still be able to have "Permanent Accessory Freestanding Signs."

Commented [PS263]: While this proposed amendment is intended for directional signs, we cannot require that certain content be provided on them. Therefore, we must be more descriptive and content-neutral. Currently, these signs are permitted as "directional signs" that contain content restrictions and are regulated differently based on a use.

Commented [PS264]: Section 20.402(7)(b) permits a banner sign of up to 32 sq. ft. for 30 days in a 6-month period, so we recommend permitting this by right.

Commented [PS265]: Section 20.402(9) currently permits a corporate flag to be no more than 45 sq. ft., so there is no change proposed.

(D) Sign Regulations Applicable to the M-1, M-T, M-2, and AP Districts

Sign Type	M-1, M-T, M-2, and AP Districts
Primary Monument Sign	**Maximum Number:** 1 per lot or development. **Maximum Height:** 18 feet. **Maximum Area:** 64 sq. ft. **Minimum Setback:** 10 feet from a lot line
Industrial Park or Other Multi-Business Development Monument Sign	**Maximum Number:** 1 per each industrial park or other multi-business development. **Maximum Height:** 5 feet. **Maximum Area:** 80 sq. ft. **Minimum Setback:** 10 feet from a lot line. **Location:** At the entrance to the industrial park or multi-business development.
Interior Monument Signs	**Maximum Number:** 2 per lot or development. **Maximum Height:** 6 feet. **Maximum Area:** 12 sq. ft. **Location:** At least 50 feet away from all other signs. **Minimum Setback:** 10 feet from a lot line
Permanent Freestanding Directional Signs	**Maximum Number:** 1 per driveway entrance or exit, plus 1 per 100 linear ft. of driveway. **Maximum Height:** 4 feet. **Maximum Area:** 6 sq. ft. **Location:** Not more than 6 feet from a driveway or sidewalk.
Permanent Wall or Projecting Signs	**Minimum Height (Projecting Sign Only):** 8 feet. **Maximum Area (Total):** 3 sq. ft. per 1 linear ft. of building frontage, not to exceed 200 square feet per business.
Banner Signs	**Maximum Number:** 1 per business. **Maximum Area:** 32 sq. ft. or the area of the permanent sign if temporarily covering the permanent sign. **Maximum Duration:** 30 days per 6-month period.
Flag (Commercial)	**Maximum Number:** 1 per lot. **Maximum Area:** 45 sq. ft. Note: *Section 11.103* permits any lawful sign to contain non-commercial content.
Yard Signs	**Maximum Number:** 1 per lot. **Maximum Height:** 8 feet. **Maximum Area (Total):** 32 sq. ft. **Minimum Setback:** 15 ft. from any lot line.
Sandwich Board Signs	**Maximum Number:** 1 per business **Maximum Height:** 3 ft. **Maximum Area:** 6 sq. ft. **Location:** Within 10 ft. of the primary building entrance door.
Window Signs	**Maximum Area (Total):** 15% of the window area.

Commented [PS266]: No change to monument sign regulations, except that all monument signs must be at least 10 feet from a lot line.

Commented [PS267]: Currently, 1 additional secondary monument sign is permitted in the M-1 and M-2 districts. Because the M-T district and AP district are intended to have the same sign regulations, no changes are proposed.

Commented [PS268]: Currently, all business/industrial parks, airports, public parks, airports, and similar public and semi-public uses are permitted 2 additional monument signs not more than 6 feet high, 12 sq. ft., or within 50 feet of another sign. Because this is a speaker-based standards, we recommend permitting these in the OT, M-1, M-T, M-2, and AP districts. Similar uses in residential and commercial districts would still be able to have "Permanent Accessory Freestanding Signs."

Commented [PS269]: While this proposed amendment is intended for directional signs, we cannot require that certain content be provided on them. Therefore, we must be more descriptive and content-neutral. Currently, these signs are permitted as "directional signs" that contain content restrictions and are regulated differently based on a use.

Commented [PS270]: No change to wall sign regulations, except to allow for projecting signs.

Commented [PS271]: Section 20.402(7)(b) permits a banner sign of up to 32 sq. ft. for 30 days in a 6-month period, so we recommend permitting this by right.

Commented [PS272]: Section 20.402(9) currently permits a corporate flag to be no more than 45 sq. ft., so there is no change proposed.

Section 11.109 Billboards (Currently 20.409(6)(e))

(A) Locations. Billboards are permitted only along limited access, interstate highways in accordance with the following regulations and any other applicable provision of this Article.

(B) Zoning Districts. Billboards are permitted in the M-1, M-T, and M-2 zoning districts only in accordance with the provisions of this Article. Billboards are prohibited in all other zoning districts.

(C) Maximum Area. No billboard sign shall have a total area of both faces in excess of seven hundred (700) square feet or three hundred fifty (350) square feet per sign face. Billboards with two (2) sign faces shall be positioned back to back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plain or vertical views of the sign.

(D) Minimum Height. Billboards shall have a maximum height not greater than thirty (30) feet from sign grade. Billboards having a sign area of two hundred (200) square feet or less shall have a maximum height of one (1) foot for each two (2) feet they are set back from any right-of-way, not to exceed thirty (30) feet in height.

(E) Minimum Setbacks.

(1) From Other Billboards. No billboard shall be closer than one thousand five hundred (1,500) feet to any other billboard on the same side of the right-of-way.

(2) From Any Other Signs. One hundred (100) feet from any other sign on the site.

(F) Maximum Number of Billboards in the Township. No additional billboard shall be erected at any time when there are twenty-five (25) or more billboards in the Township (i.e., the number of billboards in existence in 1985, when this provision was originally adopted).

(G) Access. Marginal access roads may be required by the Township to assure adequate vehicular access for billboard service and maintenance.

(H) Illumination and Changeable Copy. The illumination and changeable messaging of the billboard sign must comply with *Section 11.114*.

Section 11.110 Permits and Applications (Currently 20.401)

(A) Permit Required. It shall be unlawful for any person to erect, re-erect, alter or relocate any permanent sign unless a permit shall have been first obtained from the Building Inspector, except as provided in *Section 11.106*, and a permit fee paid in accordance with the schedule adopted by resolution of the Township Board. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.

(B) BZA Approval Required. The Board of Zoning Appeals must approve any sign that does not meet the requirements of this Zoning Ordinances, pursuant to *Section 11.116* and *Article 12, Chapter 4*.

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Commented [PS273]: Although this text is new, it is taken from the existing Sign Schedule of Regulations, which only permits billboards in the M-1, M-T, and M-2. Therefore, the zoning district regulations will not change for billboards.

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(C) Permits. Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of this Article.

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(D) Permit Expiration. A sign permit shall be come null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.

(E) Applications. Applications for sign permits shall be made upon forms provided by the Building Department for this purpose and shall contain the following information:

(1) Name, address, and phone number of applicant.

(2) Location of the building, structure, or lot on which the sign is to be attached or erected.

(3) Position of the sign on the building, structure, or lot on which the sign is to be attached or erected.

(4) Position of the sign in relation to nearby buildings, structures, property lines, and right-of-ways, exiting or proposed.

(5) Two (2) copies of the plans and specifications and method of construction and attachment to the building or the ground.

(6) Copies of sheets and calculations, if deemed necessary, which show the structure is designed for dead load and wind pressure in accordance with the regulations adopted by the Township.

(7) Name and address of the sign erector.

(8) Insurance policy and/or performance guarantee as required herein.

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(9) Such other information as the Building Inspector may be required to show full compliance with this and all other applicable laws of the Township and the State of Michigan.

(10) When public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

(11) Indicate the zoning district in which the sign is to be located.

(F) Servicing. No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed to allow for message change without a change of structure, including a bulletin board or billboard. Structural changes to a sign frame or support shall require a permit.

Section 11.111 Compliance Certificate Required (Currently 20.405)

(A) Compliance Certification. All signs shall be inspected at original installation and if found to be in full compliance with the provisions this Article, shall be issued a Certificate of Compliance.

(B) Inspections. The Building Inspector may cause existing signs to be inspected on a periodic basis, at least once every two (2) years to determine continuation of compliance with the provisions of this Article.

(C) Inspection Fee. An inspection fee may be established by the Township Board and reviewed periodically. Such fee shall be charged to the owner of each sign inspected, at the time of inspection, provided that such fee shall not be imposed more than once in any year.

(D) Concealed Work. In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the Building Department may advise the sign erector so that the inspection may be made before concealment, if such inspection is deemed necessary by the Building Inspector.

(E) Removal of Signs. Should any sign be found unsafe, insecure, improperly maintained, or constructed or not in accordance with the requirements of this Section, the erector and/or owner shall be required to make any such sign safe, secure, and otherwise in compliance with the requirements of this Article within thirty (30) days of written notice. Failure to comply shall result in an order to remove the sign within forty-eight (48) hours from the time of notification of writing to that effect from the Building Department.

(F) Exception. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed, repaired, or secured within twenty-four (24) hour of notification.

(G) Exemptions. Exempt signs as provided in *Section 11.106* shall not be issued a Certificate of Compliance.

(H) Responsibility of Compliance. The owner of any property on which a sign is placed and the owner of the sign are declared to be equally responsible for the erection, safety, and condition of the sign and the area in the vicinity thereof subject to provisions of *Section 11.113*.

Section 11.112 Sign Erector Requirements (Currently 20.403)

Permits may be issued only to licensed persons in compliance with the following provisions.

(A) License application. Any person before engaging or continuing in the business of erecting or repairing signs in the Township shall apply for a sign erector's license subject to the following conditions:

(1) Insurance Certificates. Before a license is issued, the installing company shall submit for filing with the Township Clerk a valid Certificate of Insurance, approved by the Township attorney, for Public Liability in the amount of one hundred thousand dollars ($100,000) for injuries to one (1) person and three hundred thousand dollars($300,000) for injury to more than one (1) person, and Property Damage Insurance in the amount of twenty-five thousand dollars ($25,000) for damage to any property due to the actions of himself or any of his agents or employees. The certificate shall provide for notification of the Building Inspector ten (10) days prior to expiration of insurance. The liability limits

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required under this Section shall be periodically reviewed by Township Board and may be modified by resolution of the Board.

(2) Lapsing of Insurance. If at any time, the insurance of any sign erector is permitted to lapse, his license and right to obtain permits shall automatically be revoked until a current certificate of insurance is filed with the Building Department.

(3) Notification of Change. A sign error shall notify the Building Department of any change in address and if a firm or corporation, any change in ownership or management if other than that indicated on the insurance.

(B) Revocation. The license may be suspended or revoked as otherwise provided for in this Code.

Section 11.113 Construction and Maintenance Requirements (currently 20.404)

(A) Material and Design. All signs shall be designed, constructed, and maintained in conformity with the provisions for materials, loads and stresses of the latest adopted edition of Township Building Code and requirements of this Article.

(B) Fastenings. All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

(C) Fire Escapes. No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

(D) Support Location. No pole, cable, or support of any nature shall be placed on any publicly owned property, street, right-of-way, or proposed street right-of-ways.

(E) Proximity to Electrical Conductors. No sign shall be erected so that any part including cables and guys will be within ten (10) feet of any electrical conductor, street lamp, traffic light or other public utility pole standard, or ten (10) feet of a high voltage wire.

(F) Sanitation. Property surrounding any ground or monument sign shall be kept clean, sanitary, and free from obnoxious and offensive and offensive substances, free from weeds, rubbish and inflammable material.

(G) Traffic Interference. No advertising device shall be erected or maintained which simulates or imitates in size, color, letter, or design any traffic sign or signal or other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

(H) Maintenance. All signs shall be maintained in a condition of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out-of-plumb, rusted, or missing material or parts shall be repaired within sixty (60) days of written notification by the Building Inspector.

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Commented [PS274]: The sub-sections on "Changeable Message Signs," "Flashing,", "Illumination," and "Shielding" are relocated to a new section titled, "Illumination and Changeable Copy."

Deleted: <#>Changeable Message Signs. The message change cycle of a changeable message sign shall be not less than one (1) hour per message, except in a combined time, date and temperature sign where the change cycle shall not be less than two (2) seconds. No message shall travel, flash or scroll.¶
¶
<#>**Flashing Signs.** Flashing or intermittent illumination of signs shall be prohibited.¶
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<#>**Illumination.** No sign shall be externally illuminated by other than continuing white light in accordance with the requirements of the provision of this Section. In no case shall any open spark or flame by used for display purposes unless specifically approved by the Building Inspector. Neon tubing signs shall be permitted.¶
¶
<#>**Shielding.** Any external lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent lots and shall be so arranged as to not adversely affect driver visibility on adjacent public thoroughfares.¶

(I) Compliance with Building Code. The building code adopted by the Township shall regulate the construction and maintenance of signs unless the provisions of this Article are more stringent.

Section 11.114 Illumination and Changeable-Copy (Currently 20.404(5), (6), (9), and (10))

(A) Frequency of Copy Change. The message change cycle of a changeable-copy sign shall be not less than one (1) hour per sign. Animated signs are prohibited unless explicitly permitted by this Article.

(B) Electronic Message Center Copy Change. The copy of an electronic message center sign must change instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are prohibited.

(C) External Illumination and Shielding. No sign shall be externally illuminated by other than continuing white light in accordance with the requirements of the provision of this Article and *Section 8.105*. In no case shall any open spark or flame be used for display purposes unless specifically approved by the Building Inspector. Any external lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent lots and shall be so arranged as to not adversely affect driver visibility on adjacent public thoroughfares.

(D) Internal Illumination. The maximum luminance level of an electronic message center sign or other internally illuminated sign shall exceed the ambient light at all times, except that the luminance level shall be 700 nits from 30 minutes before dusk until dawn, as determined by the National Oceanic and Atmospheric Association (NOAA). All electronic message center signs and other internally illuminated signs shall be equipped with a photocell and automatic dimmer, and a cut sheet for the sign must be submitted to the Township at the time of permit application showing compliance with these requirements.

Section 11.115 Nonconforming Signs (Currently 20.410)

(A) Removal of Nonconforming Signs (Currently 20.411). If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign, or changes the use of the land or building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.

(B) Lawful Existing Signs. Any sign lawfully existing at the time of adoption of this Article which does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained, there is no increase in nonconformity, and the sign is not detrimental to the health, safety, and welfare of the community except as hereafter provided.

(C) Continuance. A nonconforming sign shall not be:

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Commented [PS275]: We cannot permit different durations of messaging based on the content of the message. Rather, we should state where changeable-copy signs are permitted (and prohibited), and make the frequency change the same for all changeable-copy signs.

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(1) Expanded or changed to another nonconforming sign unless the sign is specifically designed for periodic message change.

(2) Relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement or design of the sign.

(3) Repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than fifty (50) percent of the cost of an identical new sign.

(D) **Alteration.** No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Article. For the purpose of this Article only, the term "altered" or "reconstructed" shall not include normal maintenance; changing of surface sign space to a lesser or equal area, ornamental molding, frames, trellises or ornamental features or landscaping below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures or characters or other embellishments. Nonconforming signs and sign structures shall be removed or made to conform within ninety (90) days of the termination of the use to which they are accessory.

(E) **Intent.** It is the intent of this Article to encourage eventual elimination of signs that, as a result of the adoption of this Article, become nonconforming and to administer this Article to realize the removal of illegal nonconforming signs and to avoid any unreasonable invasion of established private property.

Section 11.116 Appeals (Currently 20.412)

Any person aggrieved by any decision, ruling or order from the Building Department, may make an appeal to the Board of Zoning Appeals (BZA) in accordance with *Article 12, Chapter 4* of this Ordinance. In determining whether a variance is appropriate, the BZA shall also study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify a practical difficulty; however, the BZA may decline to grant a variance even if certain of the circumstances is present.

(A) Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.

(B) Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the BZA shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

(C) Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.

(D) Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

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(E) Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

Section 11.117 Enforcement (currently 20.413)

This Ordinance section shall be administered and enforced by the Building Department.

Section 11.118 Severability

See *Section 1.105*, which applies to the Zoning Ordinance in its entirety.

Deleted: The BZA may grant a variance as provided for in this Zoning Ordinance.¶

Article 12 Administrative Procedures

Chapter 1 Permits

Section 12.101 Zoning Permits (currently 18.03 and part of 18.02)

The following provisions shall apply in the issuance of any permit:

(A) Permits Required. It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes or repairs in any existing building, a change in use, or moving of an existing building without first obtaining a zoning permit and building permit from the Enforcement Officer. No permit shall be issued for construction, alteration or remodeling of any building or structure, or change in use, until an application has been submitted in accordance with the provision of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Enforcement Officer has determined that the plans and designated use indicate that the proposed structure and lot will conform to the provisions of this Ordinance.

"Alteration" or "repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, use, or any other changes affecting or regulated the Building Code, the Housing Law of the State of Michigan, this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

(B) Permits for New Use of Land, Change of Use, and Change of Occupant of a Nonresidential Building. A zoning permit and building permit shall also be obtained for the new use of land, whether on vacant land or on land for which a change in use is proposed. A building permit shall also be obtained for any change occupant of a nonresidential building to ensure that the new occupant complies with the requirements of the Zoning Ordinance and Building Code.

(C) Permits for New Use of Buildings or Structures. A zoning permit and building permit shall also be obtained for any change in use of an existing building or structure.

(D) Permits for Uses in M-1, M-T and M-2 districts. In addition to the requirement for a building permit for any new building or structure, structural change or repairs in any exiting building or structure or moving of an existing building, submission and approval of a zoning classification worksheet, as well as any change of use thereof, in any M-1, M-T or M-2 district. No such worksheet or permit shall be approved until the Department of Planning & Economic Development has determined that the proposed use is in compliance with the provisions of this Ordinance, with particular attention to *Article 8*. To this end, the Department of Planning & Economic Development shall require that such worksheet and permit be accompanied by

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such other specific information, forms, statements, tables, and other data as the Department of Planning & Economic Development deems essential for making such determination. The general purpose and intent of requiring such worksheet and permit shall be for the applicant to identify and for the Department of Planning & Economic Development to evaluate, the impact on the public health and general welfare of aspects of the proposed use including but not limited to materials, processes and products, as well as storage and disposal requirements.

(E) Required Information for Zoning Permit Applications (currently 18.02). It shall be unlawful for the Enforcement Officer to approve any plans or issue a building or occupancy permit for any excavation, construction, or change in use until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Enforcement Officer shall require that every application for a permit for excavation, construction, moving or alteration or change in type or use or the type of occupancy, be accompanied by written statement and plot plan drawn to scale, in triplicate and showing the following, in sufficient detail to enable the Enforcement Officer to ascertain whether the proposed work or use is in conformance with this Ordinance:

Commented [PS278]: This subsection includes applicable portions of current Section 18.02, while other parts of current Section 18.02 are located in Article 13.

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(1) The actual shape, location and dimensions of the lot.

(2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.

(3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed (see *Section 12.203*). If the proposed excavation, construction, moving, alteration or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Enforcement Officer shall issue a building permit. If any application for such permit is not approved, the Enforcement Officer shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

(5) Whenever an application for a building permit indicate the necessity for constructing an on-site sewage disposal system and/or water well system on the premises, the Enforcement Officer shall not issue such permit unless the Wayne County Health Department shall have approved the site for the construction of such facilities.

Section 12.102 Certificates of Occupancy (currently 18.04)

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved until the Enforcement Officer shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with, subject to the following provisions:

(A) Certificate of Validity. The Certificate of Occupancy, as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute a Certificate of Occupancy as required by this Ordinance.

(B) Temporary Certificate. Certificates of Temporary Occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such Certificate of Temporary Occupancy shall not remain in force more than one hundred twenty (120) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.

(C) Records of Certificates. A record of all Certificates of Occupancy shall be kept in the office of the Enforcement Officer and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

(D) Certificates for Buildings or Structures Accessory to Dwelling. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather, may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structure are completed at the same time as the principal use.

(E) Application for Certificates. Certificates of Occupancy shall be applied for in writing to the Enforcement Officer coincidentally with application for building permits and shall issued within five (5) days after notification of completion of the building, if it is found that building or structure or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof with in the aforesaid five (5) day period.

Section 12.103 Final Inspection (currently 18.05)

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

Section 12.104 Permit Fees (currently 18.06)

Fees for inspection and the issuance of permits or certificate or copies thereof, required or issued under the provisions of the applicable Township Ordinance, or any other shall be collected by the Township Treasurer in advance of the issuance of such permits or certificate.

Chapter 2 Site Plan Review

Section 12.201 Application (currently 4.31)

Prior to the establishment of a new use, change of use, addition to an existing use or the erection of any building in a zoning district, subject to the conditions listed below, a site plan application shall be submitted to the Director of Planning for Township review as follows. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance.

(A) Site Plan Review. The uses and development requiring site plan review by the Planning Commission are listed in *Table 8* below. Prior to review by the Planning Commission, all site plans shall be reviewed administratively by Township staff to ensure compliance with the submittal requirement of this Ordinance and consistency with existing site zoning and the site development requirements of the zoning district in which the subject property is located.

After Staff Review of a site plan by Township staff, the Director of Planning shall place the site plan on the Planning Commission agenda for review and action at the earliest available meeting. A site plan shall be approved, approved with conditions or disapproved by the Township Planning Commission in accordance with the requirements of *Section 12.205(A)*.

(B) Administrative Review. In the case of minor projects such as remodeling or re-occupancy (see *Table 8* below), site plan review procedures may be modified, at the discretion of the Director of Planning to provide for an administrative review by Township staff in lieu of a more formal review by the Planning Commission. Administrative review procedures are not intended to modify any Ordinance, regulation or development standard. Administrative review applications shall be reviewed according to the procedures set forth in *Section 12.205(B)*.

The Director of Planning shall notify the Planning Commission of all site plans scheduled for Administrative Review.

Table 8. Development Activities Requiring Site Plan Review and Administrative Review

Development Activity	Site Plan Review	Administrative Review
General		
All uses except single-family residences and duplexes in the R-1A, R-2A, R-1B, R-1C zoning districts, and their customary accessory uses. (currently 7.06)	•	
All uses except single-family residences and duplexes in the AG zoning district, and their customary accessory uses and farm buildings and operations. (currently 10.04)	•	
All uses in the RM, C, C-1, C-2, M-1, MT, M-2, and AP zoning districts. (currently 8.12, 8.05, 11.05, 12.04, 13.04, 15.07, 15.07A, 16.07, and 16.04A)	•	

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Commented [PS281]: This table compiles standards of Section 4.31, as well as other parts of the Zoning Ordinance to simplify the required review.

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Development Activity	Site Plan Review	Administrative Review
All uses in the RMH zoning district, as authorized under Section 11 (1) and (2) of Act 419, Public Act 1976, as amended. However, preliminary plans need not include detailed construction plans; rather, they should depict location of the site in relation to surrounding properties, layout, general design and other information desirable to fully illustrate the character of the project. If the plans meets the specific standards (i.e., setback, parking, buffers) in this Ordinance and general standards of community planning in the Township's Land Use Plan the site plan shall be approved. (currently 9.04)	•	
Development in the RM District over 1 acre. (currently 8.12)	•	
Development in the RM District 1 acre or less. (currently 8.12)		•
Any use or development involving a special land use	•	
Re-occupancy of a building, provided all of the following are true: • **No variances to the Ordinance are required;** • **Such use is conducted within a completely enclosed building;** • **Re occupancy does not create additional parking demands, beyond 10% of that which exists; and** • **Re occupancy does not substantially alter the character of the site.**		•
Remodeling or construction of an addition to an existing building or use, provided all of the following are true: • **No variances to the Ordinance are required; and** • **The proposed new construction would not increase the total square footage of the building greater than 25% or 1,000 square feet, whichever is less.**		•
Co-location of Wireless Communication Antenna(s) (WCA) (see *Section 5.143*)		•
Wireless Communication Facility (WCF) or replacement of an existing Wireless Communication Support Facility (WCSF) (see *Section 5.143*)	•	

Section 12.202 Copies Required (currently 4.32)

A signed and complete application, required fees and twelve (12) copies of all site plans containing all of the information as required in this Ordinance shall be filed with the Director of Planning who shall place the request on the next agenda for Staff Review if Preliminary Site Plan review or Final Site Plan review is required. Upon completion of Staff Review, twelve (12) copies of the site plan, including all necessary revisions, shall be submitted for Planning Commission review and final action if the site plan is deemed complete by the Planning Director pursuant to *Section 12.201(A)*.

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Section 12.203 Information Required (currently 4.33)

The following information shall be included on a site plan submitted for review. Items required on a Preliminary Site Plan may be deferred to the Final Site Plan if the Planning Commission determines the information is not necessary for approval of the Preliminary Site Plan.

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Table 9: Site Plan Required Information

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Site Plan Required Information	Preliminary Site Plan	Final Site Plan	Administrative Review
Title and date of plan, including the date and nature of all subsequent revisions.	•	•	•
North arrow and scale. The scale shall be not less than 1 inch equals 50 feet for property under 3 acres and at least 1 inch equals 100 feet for those 3 acres or more.	•	•	•
Location map showing the site in relation to existing roads and developments within the Township.	•	•	
The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.	•	•	•
Boundary of the tract shown by a heavy line: a legal description or the parcel and the acreage.	•	•	•
Zoning classification of the petitioner's parcel and all abutting parcels.	•	•	
The location and height of all existing and proposed structures on and within 100 feet of the subject property.	•	•	
The location and the pavement and right of way width of all abutting roads and streets and driveway locations on abutting public streets.	•	•	
The name, address and telephone number of the property owner or petitioner.	•	•	
The name, firm, address and telephone number of the professional civil engineering or architectural firms responsible for the preparation of the site plan (including imprint of professional seal).	•	•	•
Notation of Township, County or State license, permits required and/or secured.	•	•	
A note to pick up debris within property limits weekly or as needed.	•	•	
A statement on intended phases of the project.	•	•	
A description of the proposed use including the nature of the proposed use and other general information describing the use.	•	•	•
Existing and proposed topography with contours at 2 foot intervals (based on USGS datum), extending a minimum of 200 feet beyond site boundaries.	•	•	
Description of soil erosion and sedimentation control measures.	•	•	
Location of clusters of trees on site and all existing trees five (5) inches or greater in diameter.	•	•	
Location of existing wetlands.	•	•	
Location of flood plains drainage courses, lakes, ponds, drains, rivers and streams including their water surface elevation, flood plain elevation and normal high water elevation.	•	•	
Soil characteristics of the parcel to at least the detail provided by the U .S. Soil and Conservation Service "Soil Survey of Wayne County."	•	•	
On parcels more than 1 acre, a grading plan showing finished contours at a maximum interval of 2 feet, correlated with existing contours so as to indicate required cutting, filling and grading.	•	•	

Commented [PS282]: The Woodland regulations require mitigation for trees 5 inches or greater, so we recommend that the site plan show all trees 5 inches and over.

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Site Plan Required Information	Preliminary Site Plan	Final Site Plan	Administrative Review
A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc. for computation of parking needs. Each individual parking space shall be indicated including typical parking space dimensions for regular and handicapped spaces and type of lot surfacing.	•	•	•
A note specifying maintenance of paved surfaces and other improvements as follows: "Paved surfaces, walkways, signs, lighting and other structures and surfaces shall be maintained in a safe, attractive condition as originally designed and constructed. Parking lot striping and markings shall be maintained in a clearly visible condition."	•	•	
The location of all rubbish receptacles and the location, height and type of fences and walls to screen receptacles.	•	•	
Location of existing and proposed fire hydrants, water mains, pump houses, stand pipes, building services and sizes including proposed connections to public sewer or water supply systems and/or considerations for extensions to loop other public water mains in adjacent public rights of way.	•	•	
Location and dimension of required easements for public right-of way, utilities, access and shared access.	•	•	
The proposed finish grade of buildings, driveways, walkways, parking lots and lawned areas.	•	•	
Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of line, tie ins to buildings, pump stations and lift stations.	•	•	
Description of a feasible storm drainage system and proposed storm sewer facilities (sewers and appurtenances) including catch basins, outlets, enclosed or open ditches and proposed swales for the retention of off-site drainage.	•	•	
Storm water calculations permit review of any proposed retention of drainage off site.	•	•	
Front, rear and side elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, i.e., air conditions, heating units, etc.	•	•	
Traffic and pedestrian circulation patterns both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any pedestrian sidewalks, malls and open areas for parks and recreation either required or otherwise deemed necessary by the Planning Commission. A concrete sidewalk 5 feet in width shall be provided within the public right of way 1 foot from the subject site's property line where the subject site borders a public right of way.	•	•	•
Entrance details including sign locations and size.	•	•	•
Plans and specifications (height, cross sections materials) for greenbelts, berms, fences, walls or other protective barriers required by this Ordinance.	•	•	
Designation of fire lanes.	•	•	
Detailed landscape plan (including topography and utilities above and below ground) sealed by a registered landscape architect in conformance with the requirements of *Article 10* of this Ordinance, indicating the location, type and size of trees, plants, berms etc.	•	•	•

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Site Plan Required Information	Preliminary Site Plan	Final Site Plan	Administrative Review
A note specifying annual landscape maintenance procedures such as the following: "Owner agrees to seasonal maintenance program and will replace all diseased, dead or damaged plants, replenish mulch, control weeds, fertilize and prune beginning upon completion of construction of landscaping."	•	•	•
The location and type of outdoor lighting, proposed illumination patterns (including a photometric plan), and method of screening to prevent glare onto adjacent properties.	•	•	•
The location, height and area of all signs.	•	•	•
The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.	•	•	
Information and plans for the storage, loading, disposal and transfer of any hazardous/toxic waste (gas, oil, transmission fluid, lubricants, solvents, etc.). If any underground tank is used, the location, size, construction and use of the tank shall be specified on the site plan.	•	•	•
Information and special data which may be critical to the adequate review of the proposed use and its impact on the site or Township. Such data requirements may include traffic studies *(Section 9.106(H))*, market analysis, site investigation report, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the Township due to failures as a basis for performance guarantees.	•	•	
Recreation and open space areas for residential development projects shall be provided where deemed necessary by the Planning Commission.	•	•	
Other data which the Township may reasonably deem necessary for adequate review.	•	•	
With residential proposals a site summary indicating the number and location of 1 bedroom units, 2 bedroom units, etc. typical floor plans with the square feet of floor areas; density computation; recreation facilities; open spaces; street names; and lot coverage. A statement as to whether the project is to be a condominium, cooperative or rental shall also be provided.	•	•	
With nonresidential proposals, the number of offices, number of employees, the number of floors, typical floor plans and the gross and usable floor area shall be provided.	•	•	•
With residential proposals, details of a community building, swimming pool and fencing and carport locations, if proposed shall be provided.	•	•	
Information regarding the number of times separate plans have been submitted to the Township for review of additions or alterations to the existing building or site in the past.	•	•	•
Clear documentation for all proposed changes to the existing site, building or land use.	•	•	•
The Declaration of Protective Covenants, Conditions and Restricts, (CC&Rs), or some other document with similar provisions, if proposed or anticipated by the property owner.	•	•	

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Commented [PS283]: This is a current requirement of the M-T district.

Site Plan Required Information	Preliminary Site Plan	Final Site Plan	Administrative Review
For sites with regular truck traffic, a truck circulation diagram indicating the type and volume of truck traffic anticipated at the site and defining all truck access and circulation lanes and truck loading/unloading areas on the site plan. The diagram must include the dimensions of trucks anticipated at the site and must show all existing and proposed truck circulation patterns, including the direction and flow of truck traffic on the site, turning radii, and sufficient maneuvering space and pavement design to accommodate trucks in accordance with the American Association of State Highway and Transportation Officials or another standard specified by the Township Engineer.	•	•	
Any other information as required by the Planning Commission or Director of Planning which will assist in evaluation of the proposed use.	•	•	•

Commented [PS284]: This is a current requirement of the M-T district.

Deleted: Building and

Section 12.204 Site Investigation Report (currently 4.34)

It is the intent of this Section to ensure that the purpose and intent of the Van Buren Township Zoning Ordinance as set forth is fulfilled through the submittal of a "Site Investigation Report" which contains the information as provided in this Section.

(A) Approval. The Planning Commission shall have the function, duty and power to approve or disapprove or to approve subject to compliance with certain modifications and conditions, the site investigation report, in accordance with the purpose and intent of the Zoning Ordinance.

(B) Submittal. A site investigation report may be requested by the Planning Commission for sites with known or suspected environmental sensitivity or for development of high intensity with certain modifications and conditions in accordance with the purpose and intent of the Zoning Ordinance along with the materials and in conformance with the requirements as specified in the following:

Required Content of a Site Investigation Report
Project Description: A description of the proposed project including the location, purpose and extent of the project.
Zoning and Building Requirements: The existing zoning and building requirements for the proposed project.
Required Permits: Whether any local, State and Federal permits are required for the project and if so, a designation of those required local, State and Federal permits.
Natural and Cultural Features: A description of the natural and cultural features of the project including but not necessarily limited to: • **A description of the topography of the land and soil.** • **The existing water resources including surface water, groundwater, drainage, flood plains and wetlands, water quality and the effect of the project on any aquifer and neighboring wells.** • **A description of the existing vegetation, habitat and wildlife.** • **A description of the proposed land use, water use, economic, and social conditions, any archaeological and historical resources and community facilities and services which are in existence.**
Topography and Soils: A description of the impact on the topography and soils including any disruption, erosion, etc.

Required Content of a Site Investigation Report
Water Resources: A description of the impact on water resources including: • **Potential for surface water contamination and efforts to protect surface water bodies.** • **Potential for groundwater contamination and effects to protect groundwater.** • **The effect of any water discharges.** • **Increased storm water runoff or alteration of natural drainage.** • **A description of the water quality of both surface and groundwater.** • **A description of the susceptibility of the project to flooding.** • **A description of any wetlands impact.** • **An analysis of prevailing winds, including impacts of odors and efforts to mitigate odor, control of fugitive dust emissions, road dust, et al.**
Terrestrial Ecosystems: The impact on terrestrial ecosystems (the relationship between the land resources and the organisms which depend upon it) including a description or the impact on the following: • **The vegetation and habitat, describing in particular whether there would be any alteration and/or loss to the vegetation and habitat.** • **The impact on wildlife including any disruption of habitat and whether the project would affect any endangered or rare species of wildlife, wetland inventories and migratory bird habitats.**
Aquatic Ecosystems: The environmental impact on aquatic ecosystems (the relationship between the water resources and the organisms which depend on it) which shall include summary of the impact on the following: • **The fish species including the impact on the type and number of fish species.** • **The effect on the habitat including whether the habitat will be altered or disrupted.**
Cultural Environment: The environmental impact on the actual cultural environment which shall include a summary of the following: • **The effect on neighboring land and water uses.** • **The impact on economic and social conditions including the economy, lifestyles, changes in property values, alterations in potential development options of the surrounding neighborhoods.** • **Social impact analysis including changes and impacts on individuals in the community affected by the activity which may include aesthetic and psychological impact.** • **The effect on the habitat including whether the habitat will be altered or disrupted.** • **The impact on community facilities and services including, but not limited to schools, roads, police and fire services, etc. An impact analysis of local roads and traffic patterns surrounding and including the site before, during and after construction shall be provided.**

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(C) Modifications. The Planning Commission shall have the function, duty and power to require any modification in the site investigation report or impose any condition upon approval of any project which requires a site investigation report to ensure that the purpose and intent of the Van Buren Township Zoning Ordinance is fulfilled.

(D) Alternatives. The site investigation report shall include a discussion of all prudent and feasible alternatives for the proposed activity on the subject site.

(E) Appeal. The decision of the Planning Commission with respect to the site investigation report approval is appealable to the Township Board of Zoning Appeals in accordance with *Article 12, Chapter 4.*

Deleted: upon written request by the property owner or petitioner for a hearing before said Township Board of Appeals. In the absence of such request being filed within 60 days after the decision is rendered by the Planning Commission, such decision becomes and remains final.

Section 12.205 Review Procedures

Commented [PS285]: Currently, the Zoning Ordinance does not include specific review procedures for Site Plan Review and Administrative Review. The proposed Site Plan Review procedures are relatively generic and describe the Township's current review procedures. These are essential, as applicants are often unaware of the Staff Review process or do not know the review expectations during preliminary and final site plan review.

(A) Site Plan Review. For site plan review applications described in *Section 12.201(A)*, the site plan review procedures are as follows:

(1) Staff Review. Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate Township officials, staff, and consultants for review and comment. If deemed necessary, the plans shall also be submitted to applicable outside agencies for review and comment. After written comments are obtained from Township officials, staff, consultants, and outside agencies, a Staff Review meeting may be held with the applicant, Planning Director, Township officials, staff, and consultants to discuss review comments and address concerns raised. After the Staff Review meeting, the Planning Director shall determine if the site plan application is ready to proceed to the Planning Commission for preliminary site plan review or if another Staff Review meeting is necessary.

(2) Preliminary Site Plan Review. The Planning Commission shall review the preliminary site plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of *Section 12.209* (Basis for Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:

(a) Postponement. Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.

(b) Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with the standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.

(c) Approval. Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.

(d) Approval Subject to Conditions. The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

(3) Final Site Plan Review. The Planning Commission shall review the final site plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance, the standards of *Section 12.209* (Basis for Approval), and the following considerations:

(a) The proposed final site plan is consistent with the approved preliminary site plan in terms of building location and architecture, amount and quality of landscaping, and site details including but not limited to lighting, parking, signs, and circulation layout.

(b) All conditions imposed during preliminary plan approval are met.

(c) The engineering requirements applicable at final site plan approval are met.

The Planning Commission is authorized to postpone, approve, approve subject to conditions, or deny a final site plan in the same manner as a preliminary site plan.

(4) Single-Step Site Plan Approval. Nothing in this Ordinance shall prohibit the Planning Commission from granting final site plan approval without first granting a preliminary site plan approval if the plans are in compliance with the requirements of this Ordinance for a final site plan.

(5) Outside Agency Permits or Approvals. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside state and county agencies. All federal, state and local laws and ordinances shall be met and no unresolved negative comments issued by any governmental agency or public utility shall exist prior to the issuance of a certificate of occupancy.

(6) Record Copy of Approved Plans. At least one (1) copy of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the Township records for future review and/or enforcement. Each copy shall be signed and dated by the Planning Director for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the Zoning Ordinance have been obtained from the Board of Zoning Appeals, the approved minutes concerning the variance(s) shall also be filed with the Township records as a part of the plan/design. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved final site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

(7) Appeal. The decision of the Planning Commission may be appealed to the Board of Zoning Appeals by the applicant in accordance with *Article 12, Chapter 4*.

(B) Administrative Review. For Administrative Review applications described in *Section 12.201(B)*, the Administrative Review procedures are as follows:

(1) The applicant must submit an administrative review application form provided by the Township.

(2) An administrative review application must be accompanied by three (3) sets of plans showing all of the required information in *Table 8* as well as three (3) copies of any other information deemed necessary by the Planning Director.

(3) The Planning Director may approve, approve with conditions, or deny an administrative review application. If the application is denied, a written record shall be provided to the applicant listing the reasons for such denial. If approved, the Director of Planning shall mark the plan sets as approved and the Planning Commission's recording secretary shall return two (2) marked sets to the applicant.

(4) An applicant may request Planning Commission review in lieu of administrative approval by submitting a letter to the Planning Director indicating such. In such a case, the application shall follow the Zoning Ordinance procedures for a standard site plan review.

(5) The decision of the Planning Director may be appealed to the Board of Zoning Appeals by the applicant in accordance with *Article 12, Chapter 4.*

Commented [PS286]: These are the current administrative review standards for wireless co-location applications. The general administrative review standards are relocated here while the specific standards for co-locations are in Article 5.

Section 12.206 Revocation (currently part of 4.35)

Any site plan approval shall be revoked when construction of the development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least 10 days prior to review of the violation by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing.

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Section 12.207 Expiration (currently part of 4.35)

The approval by the Planning Commission of any site plan under the provision of this Ordinance shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than 1 year, any subsequent use of the land shall be subject to review and approval of a new site plan for the property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions

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Section 12.208 Fees Required (currently 4.36)

Fees for the review of site plan shall be established by resolution of the Township Board of Trustees.

Section 12.209 Basis for Approval (currently 4.37)

In the process of reviewing the site plan, the Planning Commission shall consider:

(A) Single-family development on the basis of a subdivision, site condominium, or other residential development.

(B) The location and design of driveways providing vehicular ingress to and egress from the site in relation to streets giving access to the site and in relation to pedestrian traffic.

(C) The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure;

(1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.

(2) Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

(D) The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the s establishment and the continued maintenance of any use to which they are appurtenant.

(E) In approving the site plan, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the Township Treasurer.

(F) The installation, erection and construction of transmission systems for essential services.

(G) The Planning Commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.

(H) Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public right-of-ways, utilities and storm drainage, parking facilities, building placements, access drives, floor spaces density allocations, building facade and architectural treatment, not site plan and/or building permit shall be approved unless there is general compliance with such Township plan.

Section 12.210 Site Plan Approval for Special Land Uses (currently 4.38)

All approvals for site plans reviewed in companion with a Special Approval Use application shall be conditioned upon the approval of the approval of the Special Approval Use by the Township Board of Trustees.

Section 12.211 Performance Guarantees (currently 4.39)

To ensure compliance with the Zoning Ordinance any condition imposed thereunder, the Township shall require that a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township covering the estimated cost of improvements associated with a project (verified by the Township Engineer) for which site plan approval is sought, be deposited with the Treasurer of the Township to ensure faithful completion of the improvements and also be subject to the following:

(A) Prior to development activity or the issuance of a permit, the performance guarantee shall be deposited prior to the issuance of the building permit authorizing the activity of the project. The Township shall return the performance guarantee on deposit upon verification by the Director of Planning that all work and improvements have been satisfactorily completed. A return of the performance guarantee does not relieve the applicant from satisfying all

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Commented [PS287]: Bonds are not an acceptable performance guarantee, as they expire and can be unreliable. Therefore, we recommend the deletion of "surety bond" from the list of acceptable performance guarantees.

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applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of the public improvements.

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(B) As used in this Section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval, to protect natural resources, or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping and surface drainage.

Section 12.212 Development Agreement

The Planning Commission may require, as a condition of approval, that the owner/developer enter into a Development Agreement with Van Buren Township, incorporating therein the terms and conditions of final site plan approval, and record the same in the Office of the Register of Deeds for Wayne County. The Development Agreement shall be signed by the applicant and/or developer and approved by the Township Board of Trustees. The Agreement shall include such provisions as the deposit of funds to defray variable costs and expenses and performance guarantees per *Section 12.211* to ensure that improvements depicted on a site plan meet the provisions of this Ordinance, adopted standards and regulations, and conditions set by the Planning Commission. The cost to prepare, review, and record this Agreement shall be borne by the applicant/developer.

Section 12.213 Zoning Permit Required

Prior to commencement of any development activity, the owner/developer shall obtain a Zoning Permit in accordance with *Section 12.101*.

Chapter 3 Special Land Use Review (currently 4.46 and 18.08)

Commented [PS288]: Current Sections 4.46 and 18.08 contain almost identical provisions for the review and approval of special land uses. These two sections are merged into this chapter.

Section 12.301 Purpose (currently 4.46(A) and 18.08(a))

This Section sets forth review procedures and standards for Township review and approval of special approval use. These procedures are instituted to provide an opportunity to use a lot for an activity which, under the usual circumstances, could be detrimental to other permitted land uses and cannot be permitted within the same district but which can be permitted under circumstances particular to the proposed location and subject to conditions which provide protection to adjacent land uses. These procedures are adopted to provide guidelines for the Planning Commission and Township Board to follow in arriving at any special land use decision over which it has jurisdiction and to provide for the public health, safety, morals and general welfare. Such special uses fall into two (2) categories:

(A) Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected with a public interest; and

(B) Uses entirely private in character but of such an unusual nature that their elevation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

Section 12.302 Authorization (currently 4.46(B) and 18.08(b))

The special approval of specific land uses and activities as required in this Ordinance may be authorized by the Township Board of Trustees provided that no application for special approval shall be acted upon the Township Board until after: 1) a written report and recommendation is prepared and filed with the Township Board by the Planning Commission, which report shall become a part of the record; and 2) a public hearing is held before the Planning Commission in accordance with *Article 12, Chapter 6*.

Section 12.303 Application (currently 4.46(C) and 18.08(c))

An application for special approval for a land use shall be filed and processed in the manner prescribed for application for site plan review in *Section 12.201* and shall be in such form and accompanied by such information as shall be established from time to time by the Township Board. Any application for special approval shall be filed simultaneously with an application for site plan review for the subject use. Where the expansion or extension of a special land use is proposed, the application shall be reviewed in accordance with all of the standards of this Chapter.

Section 12.304 Notice of Public Hearing for Special Approval Application (currently 4.46(D) and 18.08(d))

Notice of a public hearing for a special land use application shall be done pursuant to *Article 12, Chapter 6*.

Section 12.305 Public Hearing (currently 4.46(E) and 18.08(e))

(A) Upon receipt of an application for a use requiring special approval, the Planning Commission shall hold a public hearing with notice being given in accordance with *Article 12, Chapter 6*.

Deleted: Section 4.46 (e), below

Deleted: Section 4.31

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Commented [PS289]: This section simply references the public hearing standards, which are located in a separate section. By consolidating all public hearing standards, the Zoning Ordinance will comply with the Michigan Zoning Enabling Act, eliminate redundancy, and be more user-friendly for applicants and staff.

Deleted: <#>Notice of request for special approval of a land use shall be in the form of one (1) notice published in a newspaper of general circulation in the Township. Additionally, the Township shall send a notice of such public hearing by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question and to the occupants of all structures within three hundred (300) feet.¶

¶

<#>The notice shall be given not less than five (5) days and not more than fifteen (15) days before the date of the hearing.¶

¶

<#>If the name of the occupant is now known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other district spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice maybe given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.¶

¶

<#>The notice shall:¶

¶

<#>Describe the nature of the special approval use request.¶

¶

<#>Indicate the property which is the subject of the special approval use request.¶

¶

<#>State when and where the public hearing on the special approval request will be considered.¶

¶

<#>Indicate when and where written comments will be received concerning the request.¶

¶

<#>Indicate that a public hearing on the special approval use request may be requested by a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special use.¶

(B) The Planning Commission shall review the particular circumstances and facts applicable to the special approval use request in terms of the standards presented in *Section 12.306*,

(C) If the facts regarding the special approval use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall recommend denial to the Township Board of Trustees.

(D) In recommending approval of a special approval use request to the Township Board of Trustees, the Planning Commission may recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety and welfare will not be infringed upon.

(E) The Planning Commission may recommend denial, approval or approval with conditions, on a special approval use request. The recommendations on a special approval use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.

(F) Upon holding a public hearing and review of the special approval use request, the Planning Commission shall within thirty (30) days forward to the Township Board of Trustees its findings and recommendation unless the Planning Commission determines that a reasonable extension of time is needed to obtain additional required applicant and/or study the materials presented. The finding shall include a record those conditions which are recommended to be imposed.

Section 12.306 Standards for Granting Special Approval (currently 4.46(F) and 18.08(f))

No special approval shall be recommended for approval by the Planning Commission or granted by the Township Board unless the special use:

(A) Will promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the Township as a whole.

(B) Is necessary for the public convenience at that location.

(C) Is compatible with adjacent uses of land.

(D) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

(E) Can be adequately served by public services and facilities without diminishing or adversely effecting public services and facilities to existing land uses in the area.

(F) Will not cause injury to other property in the neighborhood in which it is to be located.

Deleted: Section 4.46 (F)

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(G) Will consider the natural environment and help conserve natural resources and energy.

(H) Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located and meets applicable site design standard for special approval uses.

(I) Is related to the valid exercise of the Township's police power and purposes which are affected by the proposed use or activity.

Section 12.307 Township Board Action (currently 4.46(G) and 18.08(g))

The Township Board may deny, approve, or approve with conditions, a request for special approval of land use. The decision on a special approval shall be incorporated in a statement of findings and conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Any denial or approval of a request for special approval by the Township Board of Trustees for a sexually oriented business as defined in *Section 5.139(B)(2)* of this Zoning Ordinance, shall not be subject to the standards for granting special approval in *Section 12.306* and any conditions of special approval for such uses shall be limited to those conditions necessary to assure compliance with the standards and requirements in *Section 5.139(B)(2)* of the Zoning Ordinance.

Deleted: Article IV, Section 4.49 (3)(b)

Deleted: Section 20.445, paragraph (F)

Deleted: or Section 20.823 paragraph (f)

Deleted: sub-Section (3) of Article IV, Section 4.49

Section 12.308 Maintenance of Site Design (currently 4.46(H))

It shall be the responsibility of the owner of a property for which special approval is required to maintain his/her property in accordance with the approved site design on a continuing basis until the property is razed or new zoning regulations supersede the regulations based upon which the special approval was granted or until a new special approval has been obtained as a basis for modifying the use or site design. Any property owner who fails to so maintain a special approval use as approved shall be deemed in violation of this Ordinance.

All plans, specifications and statements submitted with the application for a special approval use shall become, with any changes ordered by the Township Board, a part of the conditions of any approval issued by the Board pursuant thereto.

Section 12.309 Record (currently 4.46(I) and 18.08(h))

The conditions imposed with respect to the special approval of land use or activity shall be recorded in the record of the special approval action shall remain unchanged except upon the mutual consent of the Township Board and the landowner. The Township Board shall maintain a record of changes granted in conditions.

Chapter 4 Variances and Appeals (currently 19.05, 19.06, 19.07, and 19.09-19.13)

Section 12.401 Appeal and Notice Requirements (currently 19.05)

(A) Appeal of Planning Commission Decision. An appeal from the Planning Commission shall be taken to the Board of Zoning Appeals, a written appeal shall be filed within thirty (30) days after the decision. (CURRENTLY SECTION 4.51)

(1) No appeal shall be taken to the BZA from a decision of the Planning Commission and/or the Township Board in connection with a special approval use.

(2) No appeal shall be taken to the BZA from a decision of the Planning Commission in connection with an approved and/or proposed site plan unless such appeal has first been reviewed by the Planning Commission and comments regarding the variance are provided in the minutes.

(B) Appeal of Administrative Decision. An appeal may be taken to the BZA by any person, firm or corporation or by any officer, department, board or bureau aggrieved by a decision of the Township Building Official. Such appeal shall be taken within such time as shall be prescribed by the BZA by general rule, by filing with the building official and with the BZA a notice of appeal, specifying the grounds thereof. The building official shall forthwith transmit to the BZA, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the BZA, after notice of appeal has been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by restraining order which may be granted by a court of record.

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(C) Public Hearing Notice. Notice of a public hearing by the BZA shall be given pursuant to *Article 12, Chapter 6*.

Deleted: The Board shall select a reasonable time and place for the hearing of the appeal and five (5) due notice of the appeal to the parties concerned and to whom real property within three hundred (300) feet of the premises in question is assessed and to the occupants of single and two-family dwellings within three hundred (300) feet, the notice to be delivered personally, or by mail, addressed to the respective owners and tenants at the address given in the last assessment role. If the tenant's name is unknown, the term "occupant" may be used. In the case of a single structure containing more than four (4) dwelling units, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. Public notice of the time, date, and place of the hearing shall be also given in the manner required by Act 184, of 1943, as amended and by insertion in a newspaper of general circulation in the Township at least seven (7) days prior to said hearing date. Such notice shall contain the address, if available and the location of the property for which the ruling of the BZA is sought as well as a brief description of the nature of the appeal. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Section 12.402 Jurisdiction (currently 19.06)

The BZA may reverse or affirm, wholly or partly or may modify the order, requirement decision or determination as in its opinion ought to be made in the promises and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the BZA shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provision so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done. Nothing herein contained shall be construed to give or grant to the BZA the authority to make changes in the Zoning Ordinance or the zoning may, such power and authority being reserved to the Township Board of Trustees in the manner herein provided by law.

Section 12.403 Powers and Duties (currently 19.07)

The BZA shall have the following specified powers and duties:

(A) Administrative Review. To hear and decide appeals where it is alleged by the appellant and there is an error in any order, requirement, permit, decision or refusal made by the building official or any other administrative official in carrying out, enforcing, any provision in this Ordinance.

(B) Interpretation. To hear and decide in accordance with the provisions of this Ordinance:

(1) Appeals for the interpretation of the provisions of this Ordinance.

(2) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject pursuant to *Section 3.103*.

(C) Variances. The BZA shall have the power to authorized, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, requirements, sign regulations and other similar requirements as specified in the Ordinance, provided such modifications will not be inconsistent with the purpose and intent of such requirements. To obtain a variance, the applicant must show "practical difficulty," by demonstrating:

(1) That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;

(2) That a variance would do substantial justice to the applicant, as well as to other property owners in the district, (the BZA, however, may determine that a reduced relaxation would give substantial relief and be more consistent with just to others);

(3) That plight of the owner is due to the unique circumstances of the property; and

(4) That the problem is not self-created.

(D) Standards of approval. In consideration of all appeals and all proposed variances under this Ordinance, the BZA shall, before granting any appeals or variances in a specific case first determine the following:

(1) That the proposed appeal or variance is related to the valid exercise of the police power and purposes which are affected by the proposed use or activity;

Commented [PS290]: Relocated from "Prohibited Variances" section where it was misplaced.

(2) The proposed appeal or variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets;

(3) Will not increase the hazard of fire or flood or endanger the public safety;

(4) Will not unreasonably diminish or impair established property values with in the surrounding area;

(5) Will not in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Township;

(6) Will not alter the essential character of the neighborhood; and

(7) Is necessary to meet the intent and purpose of the zoning regulations; is related to the standards established in the Ordinance for the land use or activity under consideration, and is necessary to ensure compliance with those standards.

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Commented [PS291]: Relocated from "Prohibited Variances" section where it was misplaced.

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Section 12.404 Prohibited Variances (currently 19.09)

(A) No variance shall be made in connection with a condition attached to a special approval use approved by the Township Board.

(B) No variance shall be made in the use of land, and the Board of Zoning Appeals shall not consider use variance requests.

Deleted: ¶
<#>Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.¶
¶
<#>Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.¶

Section 12.405 Attachment of Conditions (currently 19.10)

The BZA may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

(A) Be designed to protect natural resources, the health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.

(B) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(C) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

(D) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The approving authority shall maintain a record of changes granted in conditions.

Section 12.406 Approval Period (currently 19.11)

No order of the Board permitting the erection of a building shall be valid for a period longer than six (6) months unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit within one (1) year of the date of the order of the BZA unless a six (6) month extension is granted by the BZA to permit completion of any building or buildings. In instances where a building or alteration constructed in conformance with previously granted variance ceases to exist through damage or destruction, reconstruction shall be started and proceed to completion in accordance with the terms of a required building permit within two (2) years of the date of damage unless a six (6) month extension is granted by the BZA to permit completion.

Section 12.407 Fees (currently 19.12)

The Township Board of Trustees may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applications for BZA proceedings. At the time an application is filed, the fees shall be paid to the Township Treasurer.

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Section 12.408 Rehearing (currently 19.13(A))

The BZA is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to invalidate or materially affect the reason which produced and supported it and no vested rights have intervened.

Section 12.409 Final Decision and Appeals of Decisions (currently 19.13(B) and 4.52)

The decision of the BZA shall be final. An appeal of a decision of the Board of Zoning Appeals shall be taken to the Wayne County Circuit Court within a time period specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and by such persons permitted by State statue and common law. Upon appeal, the court shall review the record and decision of the BZA to insure that the decision complies with the constitution and laws of the state, is based upon proper procedure, is supported by competent, material and substantial evidence on the record and represents the reasonable exercise of discretion granted by law to the BZA. As a result of this review required by this Section, the court may affirm, or modify the decision of the BZA.

Deleted: However, a person having an interest affected by the Zoning Ordinance may appeal to circuit court.

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Chapter 5 Amendments (currently 18.07)

Section 12.501 Initiation of Amendments (currently 18.07)

The Township Board may amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 110, of the Public Acts of 2006, as amended. Changes in the text of this Ordinance may be proposed by the Township Board, Planning Commission, or any interested person or organization. Changes in zoning district boundaries may be proposed by the Township Board, Planning Commission, or the owner(s) of the premises concerned, or by the designated agent of a person having a freehold interest in the property.

Deleted: 184

Deleted: 1943

Deleted: Whenever a petitioner requests a zoning district boundary amendment, he shall be the

Deleted: fee holder owner of

Deleted: else have the fee holder owner also subscribe

Section 12.502 Application for Amendment

An application for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property shall be commenced by filing an application with the Department of Planning and Economic Development on the forms provided by the Department, and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a plot plan or survey which specifies the boundaries and legal description of the site. The Planning Director, Planning Commission, and Township Board may request additional information with the application.

Commented [PS292]: Currently, the Zoning Ordinance does not state which materials an applicant must submit with a zoning amendment application. Therefore, we recommend including submittal requirements in the Zoning Ordinance so that applicants can clearly see what is required with their application for an amendment.

Section 12.503 Amendment Review Procedures

The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Chapter, and shall be reviewed in accordance with the following procedure. Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

Commented [PS293]: Although the review procedures for Zoning Ordinance amendments are described in the Michigan Zoning Enabling Act, they are not easy to interpret. Therefore, we recommend putting the review procedures of the Act in a user-friendly format that can be understood by applicants, Planning Commissioners, and staff.

(A) Technical Review. Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials and staff for review and comment. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated Township consultants for review.

(B) Public Hearing. A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in *Article 12, Chapter 6*.

(C) Planning Commission Consideration of the Proposed Amendment. The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the Township Board of Trustees.

(D) Township Board Action on the Proposed Amendment. Upon receipt of the report and recommendation from the Planning Commission, the Township Board of Trustees may approve or deny the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration.

In the case of an amendment to the official Zoning Map, the Township Board shall approve or deny the amendment, based upon its consideration of the criteria contained in this Ordinance.

Section 12.504 Standards of Review for Amendments

In considering any petition for an amendment to the text of this Ordinance or to the Zoning Map, the Planning Commission and Township Board of Trustees shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and Township Board may also take into account other factors or considerations that are applicable to the application but are not listed below.

(A) Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

(B) Consistency with the basic intent and purpose of this Zoning Ordinance.

(C) The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

(D) The capacity of the Township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.

(E) That conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

(F) That the amendment will not be expected to result in exclusionary zoning.

(G) If a rezoning is requested, compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

(H) If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

(I) If a rezoning is requested, the boundaries of the requested rezoning district will be reasonable in relationship to surrounding zoning districts, and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

(J) If a rezoning is requested, the requested zoning district is considered to be more appropriate from the Township's perspective than another zoning district.

(K) If a rezoning is requested to allow for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

Commented [PS294]: Currently, the Zoning Ordinance contains no standards for reviewing zoning amendment applications. However, the Township uses generally accepted review standards, such as compatibility with the Master Plan, compatibility with the uses permitted in the proposed district with the adjacent sites, impact on public infrastructure and traffic, prohibiting spot zoning, and suitability of the land for the proposed zoning district. The standards proposed in the Zoning Ordinance are common standards found in most zoning ordinance, so nothing uncommon is proposed.

(L) If a rezoning is requested, the requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Section 12.505 Notice of Adoption of Amendment

Following adoption of an amendment by the Township Board of Trustees, one (1) notice of adoption shall be filed with the Township Clerk and one (1) notice shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk. A Zoning Map shall be maintained by the Township Clerk, which shall identify all map amendments. The required notice of adoption shall include all of the following information:

(A) In the case of a newly adopted Zoning Ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the Charter Township of Van Buren."

(B) In the case of an amendment(s) to the existing Zoning Ordinance, either a summary of the regulatory effect of the amendment(s), including the geographic area affected, or the text of the amendment(s).

Section 12.506 Protest Petition of Amendment

An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, summarized as follows. Whenever there is a conflict between P.A. 110 of 2006, as amended, or the following, the provisions of P.A. 110 of 2006, as amended, shall govern:

(A) **Petition Submittal Requirements.** The protest petition shall be presented to the Township Board of Trustees before final legislative action on the amendment, and shall be signed by one (1) or more of the following:

(1) The owners of at least 20% of the area of land included in the proposed change. Publicly-owned land shall be excluded in calculating the 20% land area.

(2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.

(B) **Vote.** If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the Township Board of Trustees.

Section 12.507 Referendum

Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the Township Clerk requesting submission of this Ordinance or part of this Ordinance to the electors for their approval, in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. Whenever there is a conflict between this section of the Zoning Ordinance or P.A. 110 of 2006, as amended, the provisions of P.A. 110 of 2006, as amended, shall govern

Section 12.508 Rezoning (Zoning Map Amendment) with Conditions

(A) Intent. The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to both the Township and to a property owner seeking rezoning if the property owner proposes certain conditions and limitations as part of a petition for rezoning. Therefore, it is the intent of this Section to provide a process consistent with the provision of Section 405 of the Michigan Zoning Enabling Act, PA 110 of 2006 (MCL 125.3405, as amended) to permit property owners to offer conditions regarding the use and/or development of land as part of the rezoning request. It is the further intent of this ordinance to accomplish, among other things, the objectives of the Zoning Ordinance and the Master Plan to achieve integration of the proposed land development project with the characteristics of the surrounding area.

(B) Definitions. The following definitions shall apply in the interpretation of this Section:

(1) **"Applicant"** shall mean the property owner, or a person acting with the written and signed authorization of the property owner to make application under this Section.

(2) **"Rezoning Conditions"** shall mean conditions regarding the development and use of property proposed by the applicant and approved by the Township as part of an approval under this Section, including review and recommendation by the Planning Commission.

(3) **"Rezoning with Conditions Agreement"** shall mean a written agreement approved and executed by the Township and property owner setting forth the conditions attached to the rezoning pursuant to MCL 125.3405 (as amended) and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a Rezoning with Conditions.

(4) **"Rezoning with Conditions Plan"** shall mean a plan of the property which is the subject of a Rezoning with Conditions, prepared by a Michigan licensed civil engineer or architect, that may show the location, size, height, design, architecture or other measure or feature for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property. The details to be offered for inclusion within the Rezoning with Conditions Plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.

(5) **"Rezoning"** shall mean the amendment of this Ordinance to change the zoning map classification on property from its existing district to a new district classification.

(C) Authorization and Eligibility.

(1) The standards of this Section shall grant a property owner the option of voluntarily proposing conditions for the development and use of property in connection with a submission of a petition seeking a rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

(2) In order to be eligible for consideration of a Rezoning with Conditions, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific conditions (to be set forth in a Rezoning with Conditions Agreement) that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district. Such conditions may include, but are not limited to, the following:

(a) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other physical features of the proposed development.

(b) Specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use. For example: units per acre, maximum usable floor area, or hours of operation.

(c) Preservation of open space, natural resources and/or natural features.

(d) Improvements to address traffic issues, including paving, substantial improvements to or funding of improvements to major roads to the benefit of the entire Township.

(e) Site improvements such as signage, lighting, landscaping, building materials for the exterior of some or all structures above and beyond what would otherwise be required by Township Ordinance.

(f) Limitations on permissible uses of the property.

(g) Any other conditions that may be voluntarily proposed by the property owner.

(D) Application and Review Procedures.

(1) Application.

(a) At the time of making application for amendment of this ordinance seeking a rezoning of property, or at a later time during the process of Township consideration of such rezoning a property owner may submit a complete application for approval of a Rezoning with Conditions to apply in conjunction with the rezoning.

(b) The application, which may be amended by the applicant during the process of consideration, shall specify the Rezoning Conditions proposed by the applicant, recognizing that Rezoning Conditions shall not authorize uses or development not permitted in the district proposed by the rezoning.

(c) An application for a Rezoning with Conditions shall include a Rezoning with Conditions Agreement ("the Agreement"). The Agreement shall set forth the rezoning conditions and may incorporate a Rezoning with Conditions Plan. Rezoning with Conditions Agreements are subject to the requirements listed in *Section 12.508(I)*.

(d) The application shall include a notarized signature of the property owner indicating that the conditions attached to the rezoning are voluntarily offered.

(2) Planning Commission Review.

(a) The proposed Rezoning with Conditions shall be noticed for public hearing before the Planning Commission as a proposed legislative amendment of the Zoning Ordinance.

(b) Following the public hearing, and further deliberations as deemed appropriate by the Planning Commission, the Planning Commission shall make a recommendation to the Township Board on the proposed Rezoning with Conditions, considering the review criteria set forth in *Section 12.508(E)*.

(3) Township Board Review. Upon recommendation by the Planning Commission, the Township Board shall make a final determination to approve or deny the Rezoning with Conditions as offered by the applicant. The Township Board may only consider the conditions offered by the applicant, and may not attach any other conditions to the rezoning other than those offered by the applicant. The Township Board's deliberations shall include, but not be limited to, a consideration of the review criteria for a Rezoning with Conditions set forth in *Section 12.508(E)*.

(E) Review Criteria. A Rezoning with Conditions shall only be approved if it meets the following requirements and standards:

(1) The proposed Rezoning with Conditions will further the goals and objectives of the Township Master Plan.

(2) Rezoning conditions shall not authorize uses or development not permitted in the district proposed by the rezoning (and shall not permit uses or development expressly or implicitly prohibited in the Rezoning with Conditions Agreement).

(3) The use of the property in question shall be in complete conformity with all regulations governing development and use within the zoning district to which the property is proposed to be rezoned, including, without limitation, permitted uses, lot area and width, setbacks, height limits, required facilities, buffers, open space areas, and land use density; provided, however, the following shall apply:

(a) Development and use of the property shall be subject to the more restrictive requirements shown or specified in the Rezoning with Conditions Agreement, and/or in other conditions and provisions set forth in the Rezoning with Conditions Agreement required as part of the Rezoning with Conditions approval. Such Rezoning with Conditions Agreement shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.

(b) As part of the grant of final approval of a Rezoning with Conditions, the Township Board shall be authorized to grant modifications to the strict terms of the Zoning Ordinance governing dimensional requirements on the property; provided, such authorization to grant modifications shall be conditioned upon the Township Board

finding that each Zoning Ordinance provision sought to be modified will result in an enhancement of the development that would be in the public interest, and that approving the modification would be consistent with the Township Master Plan and compatible with the surrounding area.

(4) The proposed Rezoning with Conditions will result in integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area as compared to the existing zoning, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of a Rezoning with Conditions.

(5) As compared to the existing zoning and considering the site-specific conditions and/or land use proposed by the applicant, it would be in the public interest to grant the Rezoning with Conditions. In determining whether approval of a proposed application would be in the public interest, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration reasonably accepted planning, engineering, environmental and other principles, and also taking into consideration the special knowledge and understanding of the Township by the Township Board and Planning Commission.

(6) The proposed conditions will not preclude future zoning and planning actions by or on behalf of the municipality.

(7) Existing and available public services will be capable of serving proposed or potential development that will occur as a result of the Rezoning with Conditions without negatively impacting the delivery of public services to other properties in the Township, or the conditions will ensure that public services will be sufficient to serve both the site and other properties in the Township.

(8) The offered condition(s) are beneficial to the public good and likely to be enforceable.

(9) The condition does not have the same effect as a use variance.

(10) The proposed conditions do not relieve the applicant of the responsibility of securing any applicable site plan, plat, condominium, or special land use approvals.

(F) **Effect of Approval.** Approval of the Rezoning with Conditions and Rezoning with Conditions Agreement confirms only the rezoning of the property, subject to any conditions reflected in the Rezoning with Conditions Agreement and after recordation as set forth in Paragraph H below. Any applicable site plan, plat, condominium, special land use, or variance approvals shall be required before any improvements to the property may be undertaken.

If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to “CR Rezoning with Conditions”. The Zoning Map shall specify the new zoning district plus a reference to “CR” e.g., the district classification for the property might be “C-1, General Business (CR, Rezoning with Conditions)”, with a Zoning Map Designation of “C-1/CR.” Use of the property

so classified and approved shall comply with the conditions set forth in the Rezoning with Conditions Agreement. No development or use of the land inconsistent with the conditions of the Rezoning with Conditions Agreement shall be permitted.

(G) Compliance With Conditions.

(1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Rezoning with Conditions Agreement. Any failure to comply with a condition contained within the Rezoning with Conditions Agreement shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(2) No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Rezoning with Conditions Agreement.

(H) Period of Approval.

(1) The Rezoning with Conditions and Agreement shall expire after a period of one (1) year from the effective date of the Rezoning unless substantial progress towards obtaining site plan and other required approvals has been made, and shall expire after a period of two (2) years unless development of the property is substantially begun within such two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

(2) In the event substantial progress towards obtaining site plan and other required approvals has not commenced within one (1) year and bona fide development has not commenced within two (2) years from the effective date of the rezoning, the Rezoning with Conditions and the Rezoning with Conditions Agreement shall be void and of no effect.

(3) The property owner may apply for a one (1) year extension two (2) times. The request must be submitted to the Department of Development Services before the approval time limit expires. The property owner must demonstrate why the extension should be granted, and must also demonstrate that there is a strong likelihood that the development or use will commence within the period of extension and proceed diligently thereafter to completion, and if the Township Board finds that there has not been a change in circumstances that would render the Rezoning with Conditions incompatible with adjacent or nearby use and zoning of land or is otherwise inconsistent with sound zoning policy.

An extension request shall be considered by the Township Board following a recommendation by the Planning Commission.

(4) If the Rezoning with Conditions becomes void in the manner provided in this section, the following procedures shall apply:

(a) The property owner may seek a new rezoning of the property within thirty (30) days of the expiration of the period of approval.

(b) If no application is made for a new rezoning of the property, the land shall revert to its former zoning classification as set forth in MCL 124.286i (as amended). The Township Board shall direct the Planning Commission to proceed with consideration of rezoning the land to its former zoning designation following the standard rezoning procedures set forth in this Zoning Ordinance.

(c) Until such time as a new zoning district classification of the property has become effective, no development shall be undertaken or permits for development issued.

(I) **Rezoning with Conditions Agreement Requirements.** A Rezoning with Conditions Agreement shall be executed between the applicant and the Township at the time of Township Board approval of a Rezoning with Conditions.

(1) Rezoning with Conditions Agreements shall, at a minimum, contain all of the following items:

(a) Identification of the requested zoning district and a listing of the conditions offered by the applicant.

(b) A statement acknowledging that the Rezoning with Conditions was proposed by the applicant, and, further agreement and acknowledgment that the conditions and Rezoning with Conditions Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis and represents a permissible exercise of authority by the Township.

(c) Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the Rezoning with Conditions Agreement.

(d) Agreement and understanding that the approval and Rezoning with Conditions Agreement shall be binding upon and inure to the benefit of the property owner and Township, and their respective heirs, successors, assigns, and transferees.

(e) The date upon which the Rezoning with Conditions becomes void, as specified in *Section 12.508(H)*. If the Township Board grants an extension of approval, a new Rezoning with Conditions Agreement with the new expiration date shall be recorded.

(f) Agreement and understanding that, if a Rezoning with Conditions becomes void in the manner provided in this *Section 12.508(H)*, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

(g) Agreement and understanding that each of the requirements and conditions in the Rezoning with Conditions Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is

roughly proportional to the increased impact created by the use represented in the approved Rezoning with Conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

(h) A legal description of the property affected by the Rezoning with Conditions.

(i) Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, etc.

(j) Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the Agreement.

(2) A Rezoning with Conditions Plan may be included as an exhibit to the Agreement. The Rezoning with Conditions Plan may show the conceptual layout of the proposed development or use, along with any other information deemed relevant by the applicant. Inclusion of a Rezoning with Conditions Plan as an exhibit to a Rezoning with Conditions Agreement shall not replace the requirement for preliminary and final site plan, subdivision, condominium, special land use or variance review and approval.

(J) **Amendment of Rezoning with Conditions Agreement.** Amendment of a Rezoning with Conditions Agreement shall be proposed, reviewed and approved in the same manner as a new Rezoning with Conditions.

(K) **Recordation of Rezoning with Conditions Agreement.** A Rezoning with Conditions shall become effective following publication in the manner provided by law, and, after recordation of the Rezoning with Conditions Agreement, whichever is later. All Rezoning with Conditions Agreements shall be recorded with the Wayne County Register of Deeds.

(L) **Termination.** The Township Board of Trustees shall be the only body with the authority to terminate a Rezoning with Conditions agreement. The consideration to terminate the agreement shall be for reasons of expiration of the agreement, discovery of false information upon which the initial approval was based, or the existence or discovery of new information that alters the viability of the approved rezoning. The Termination shall comply with any applicable provisions of this ordinance or the Rezoning with Conditions Agreement. If the agreement is terminated, the Township shall follow the procedures in Section 18.09.H(4).

(M) **Township Right to Rezone.** Nothing in the Rezoning with Conditions Agreement or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Rezoning with Conditions to another zoning classification. Any such rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3405, as amended).

If land that is subject to a Rezoning with Conditions Agreement is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Rezoning with Conditions Agreement, the Rezoning with Conditions Agreement attached to the former zoning classification shall cease to be in effect. In such a case, the Township Clerk shall record with the Wayne County Register of Deeds a notice that the Rezoning with Conditions is no longer in effect upon the property owner's written request.

(N) Fee. The applicant for a Rezoning with Conditions shall pay as a fee the Township's costs and expenses incurred by the Township in the review of any Rezoning with Conditions, including the Rezoning with Conditions Agreement. An escrow shall be established in an amount specified by Township Board Resolution, and additional reasonable amounts shall be contributed as required in order to complete the process of review and approval. Any unexpended amounts from such escrow shall be returned to the applicant.

Chapter 6 Public Hearing Procedures

Section 12.601 Public Hearings

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and the provisions of this Ordinance.

Section 12.602 General Public Hearing Procedures

The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in *Section 12.603*, below.

(A) Publication in a Newspaper of General Circulation. Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

(B) Personal and Mailed Notice.

(1) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

(2) Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.

(3) Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.

(4) All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the U.S. Postal Service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

(5) The Township shall prepare a list of property owners and occupants to whom notice was mailed.

(C) Content. Any notice published in a newspaper and/or delivered by mail shall:

(1) Describe the nature of the request.

(2) Indicate the property that is the subject of the request.

(3) Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.

(4) When and where the public hearing will occur.

(5) When and where written comments may be submitted concerning the request.

Section 12.603 Zoning Ordinance Amendment Public Hearing Procedures

Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:

(A) Map Amendments Affecting 10 or Fewer Adjacent Parcels. If the proposed map amendment will impact 10 or fewer adjacent parcels, notice shall be given as specified in *Section 12.602*.

(B) Text Amendments or Map Amendments Affecting 11 or More Adjacent Parcels. If a text amendment is proposed or map amendment is proposed that will impact 11 or more adjacent parcels, notice shall be given as specified in *Section 12.602*, except that the requirements of *Section 12.602(B)* and *Section 12.602(C)(3)* do not apply.

(C) Notice to Other Entities. Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the Township Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.

(D) Additional Information Required in Notice. Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

Chapter 7 Enforcement and Penalties

Section 12.701 Enforcement (currently 18.01)

The provisions of this Ordinance shall be administered and enforced by the Township Board and the Enforcement Officer or any other employees, inspectors and officials as the Township Board and the Enforcement Officer may delegate to enforce the provisions of the Ordinance

Section 12.702 Violations of Conditions (currently 4.50)

Any violation of the conditions under which the permit for conditional use, any variance, exception or regulated use is granted shall invalidate the permit.

Section 12.703 Lapse of Approval (currently 4.53)

Any approval given by the Planning Commission and Board of Zoning Appeals which is not used or if work is not started within twelve (12) months, shall lapse and cease to be in effect.

Commented [PS295]: A deadline of 12 months will allow for weather delays or any outside permit delays.

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Section 12.704 Penalties (currently Article 21)

(A) Misdemeanors. Any person, persons, firm or corporation or anyone acting in behalf of the person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance or who fails to comply with any of the regulatory measures or conditions of the BZA, Planning Commission, or Township Board adopted pursuant hereto, may be prosecuted for a misdemeanor and shall upon conviction thereof be subject to a fine of not more than five hundred dollars ($500) for each violation and the costs of prosecution or by imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the court. Each day such violation continues shall be deemed a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

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(B) Civil Infractions. In lieu of issuing a misdemeanor citation for a first offense as described in *Section 12.704(A)* above, the Township may issue a civil infraction citation if, in the opinion of the Township, a civil infraction is more appropriate for the first offense. Any person, persons, firm or corporation or anyone acting in behalf of the person, persons, firm or corporation responsible for a civil infraction and shall be subject to a fine of not more than five hundred dollars ($500) for each violation and the costs of prosecution. The imposition of any fine shall not exempt the offender from compliance with the requirements of this Ordinance.

(C) Nuisances. Uses of land, dwelling, buildings or structures including tents and trailer coaches, used, erected, altered, razed or covered in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se.

Article 13 Administrative Organization

Section 13.101 Enforcement Officer (currently part of 18.02)

(A) Permits and Inspections. The Enforcement Officer shall have the power to grant building and occupancy permits, to make inspections of buildings or lots necessary to carry out his duties in the enforcement of this Ordinance.

(B) Ordinance Administration and Enforcement. The Enforcement Officer is under no circumstances permitted to grant exceptions to the meaning of any clause, order or regulation contained in this Ordinance to any persons making application to excavate, construct, move, alter or use buildings, structures or land within the Township. The Enforcement Officer is under no circumstance permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Enforcement Officer.

Section 13.102 Township Board of Trustees

(A) Adoption of Zoning Ordinance and Amendments: In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as adopt amendments to this Ordinance.

(B) Approval of Special Land Uses: The Board of Trustees shall review and decide on special land use applications pursuant to *Article 12, Chapter 3*.

(C) Approval of Planning Commission Members. In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Supervisor with the approval of the Township Board of Trustees.

(D) Approval of Board of Zoning Appeals Members. In accordance with the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, members of the Board of Zoning Appeals shall be appointed and approved by the Township Board of Trustees.

(E) Setting of Fees. The Township Board of Trustees shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

(F) Other Legislative Duties. The Township Board of Trustees shall carry out other legislative duties specified in this Ordinance.

Section 13.103 Planning Commission

(A) Establishment. The establishment of the Planning Commission is confirmed in Article V, Division 2 of the Charter Township of Van Buren Code of Ordinances.

(B) In General. The Planning Commission is designated as the commission specified in the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and shall perform the duties of such commission as provided in the statute and the Charter Township of Van Buren Code of Ordinances, as amended. The Planning Commission shall adopt bylaws for the transaction of business.

(C) Zoning Commission. The Planning Commission is hereby designated as the succeeding body of the Zoning Commission specified in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and shall perform the duties of the Commission as provided in the statute and the Charter Township of Van Buren Code of Ordinances, as amended.

Section 13.104 Board of Zoning Appeals (currently 19.01-19.04)

(A) Creation of the Board of Zoning Appeals. There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided to the Board of Zoning Appeals in Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured and substantial justice done. The Board of Zoning Appeals shall consist of seven (7) members as follows:

(1) Membership. The Township Board shall appoint seven (7) regular members and two (2) alternate members to the Board of Zoning Appeals pursuant to the provisions of Public Act 110 of 2006, as amended.

(a) One (1) member shall be a member of the Township Planning Commission.

(b) One (1) member of the Township Board may be a regular member or alternate member of the Board of Zoning Appeals, but shall not be the chairperson of the Board of Zoning Appeals.

(c) The remaining members shall be electors of the Township selected and appointed by the Township Board from among the electors, residing in the unincorporated area of the Township, who shall be representative of the population distribution and of the various interests present in the Township. No employee or contractor of the Township Board may serve simultaneously as a member or employee of the Board of Zoning Appeals.

(d) The Township Board shall appoint two (2) alternate members to the Board of Zoning Appeals who shall have authority to vote on appeals that come before the Board of Zoning Appeals. The alternate members shall only be allowed to sit in place of a regular member of the Zoning Board of Appeals. The alternate members shall only be allowed to sit as members of the Board of Zoning Appeals and/or vote when a regular member of the Board of Zoning Appeals is absent.

Deleted: Section 18 through 23, inclusive of Act 184 of the Public Acts of 1943

Deleted: of the Board of Zoning Appeals pursuant to Section (1) (b) of Act 184, Public Act 1943, as amended and shall appoint

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Commented [PS296]: The Michigan Zoning Enabling Act states that a member of the legislative body "may" be a BZA member, but does not require that a member of the legislative body serve on the BZA. Therefore, the text is only changed to be consistent with the Act. Many communities in Michigan appoint a member of the legislative body to serve on the BZA because it provides representation from the elected body.

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(2) **Terms.** Terms of members and alternates of the Board of Zoning Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members and alternates are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the reminder of the term.

(3) **Elections and Appointments.** The Board of Zoning Appeals shall elect a Chairperson, a Vice Chairperson and a Secretary from its members and may create and fill such other officers or committees as it may deem advisable. The Board of Zoning Appeals may appoint advisory committees outside of its membership. The terms of all officers shall be for one (1) year.

(B) **Compensation.** Each member alternate member shall receive a reasonable sum as determined by the Township Board for his or her services in attending each regular or special meeting of the BZA. Appropriations to pay the compensation and the expenses of the BZA shall be budgeted annually in advance by the Township Board of Trustees

(C) **Removal.** Appointed members may be removed for misfeasance, malfeasance, or nonfeasance in office by the Township Board of Trustees only after misconduct of written charges and a public hearing by the Township Board of Trustees, pursuant to Public Act 110 of 2006 as amended. Failure of a member to disqualify him/herself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

(D) **Meetings.**

(1) All meetings of the BZA shall be held at the call of the Chairperson and at such times as the BZA may determine.

(2) All hearings conducted by the BZA shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member in question or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

(3) The BZA shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the members of the BZA shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body or to decide in favor of the application a matter upon which they are required to pass under an Ordinance, or to effect a variation in an Ordinance.

(4) The BZA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and require the production of books, papers, files and other evidence pertinent to the matters before it.

Commented [PS297]: Removal language is redundant and already covered below.

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<#>Membership of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written changes and after public hearing by the Township.¶

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Commented [PS298]: The Michigan Zoning Enabling Act uses the terms misfeasance, malfeasance, and nonfeasance.

Deleted: from nonperformance of duty or misconduct

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Commented [PS299]: Election language is redundant and already covered above.

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¶

Article 14 Nonconformities (currently Article 5)

Section 14.101 Intent (currently 5.01)

It is the intent of this Article to provide for the regulation of legally nonconforming structures, lots of record, uses and signs and to specify those circumstances and conditions under which such non-conformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those non-conformities which adversely affect orderly development and the value of nearby property not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of non-conformities is frequently inconsistent with the purposes of which such regulations are established and thus the gradual elimination of such non-conformities to continue without specific limitation of time but are intended to restrict further investments which would make them more permanent.

Section 14.102 Authority to Continue (currently 5.02 and 5.07)

Except as otherwise provided in this Article, any nonconforming lot, use, sign or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. There may be a change of tenancy, ownership or management of any existing nonconforming lots, uses of land, structures, and combination thereof.

All non-conformities are encouraged to convert to conformity whenever possible and shall be required to convert to conforming status as required by this Section.

Section 14.103 Termination of a Nonconforming Use or Structure by Damage or Destruction (currently 5.04(A), 5.05(A), and 5.07(B))

(A) In the event that any nonconforming structure or use is destroyed by any means to the extent of more than fifty percent (50%) of the cost of replacement of such structure or use, as determined by the Township Building Official, in review of the local building code, the structure or use shall not be rebuilt, restored or re-occupied for any purpose except in conformance with the regulations of the Zoning Ordinance.

(B) When such a nonconforming structure or use is damaged or destroyed to the extent of fifty percent (50%) or less of the replacement cost, as determined by the Township Building Official, in review of the local building code, repairs or rebuilding shall be permitted in a manner which does not increase its non-conformity; however, application for rebuilding shall be made within one (1) year from the date of damage or destruction, and every effort shall be made to rebuild in conformance with the regulations of the Zoning Ordinance. For example, an unlawful increase in a nonconforming use or structure includes any vertical or horizontal expansion within a required setback area. However, any vertical or horizontal retraction within a required setback area is permitted.

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Commented [PS300]: Current Sections 5.02 and the introductory paragraph of 5.07 have the regulatory effect and are combined here.

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Commented [PS301]: Current Section 5.03 (Classes of Nonconformity) is proposed for deletion as there are no differences between "minor" and "major" nonconforming uses, except where noted. Therefore, the respective subsections of current Sections 5.04 (Minor Nonconforming Uses or Structures) and 5.05 (Major Nonconforming Uses or Structures) have been merged to save space and reduce redundancy and confusion.

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(C) Nonconforming single-family residential structures are exempt from this Section; however, application for rebuilding shall be made within one (1) year from the date of damage or destruction, and repairs or rebuilding shall not increase its nonconformity.

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Section 14.104 Changing Nonconforming Uses and Structures (currently 5.04(B), 5.05(B), 5.07(A), and 5.07(C))

(A) No nonconforming structure or use shall be changed unless the changed structure or use conforms to the Zoning Ordinance regulations for the district in which such structure or use is located. However, any vertical or horizontal retraction of a nonconforming structure or use is permitted, provided there is no vertical or horizontal expansion of the nonconforming portion of the structure or use.

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(B) No nonconforming use or structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire use and structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Commented [PS302]: Relocated from Sections 5.04(D)(5) (Enlarging a Minor Nonconforming Use), 5.05(D)(5) (Enlarging a Major Nonconforming Use), and 5.07(C). These 3 subsections have the same regulatory effect and are combined into 1 subsection here.

Section 14.105 Discontinuation of Nonconforming Use (currently 5.04(C) and 5.05(C))

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(A) When a nonconforming use of a structure or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.

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(B) When a nonconforming use of a structure or structure and land in combination is superseded by a permitted use, the use of the structure or structure and land in combination shall thereafter conform to the regulations of the zoning district in which such structure or structure and land in combination is located and the nonconforming use may not thereafter be resumed.

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(C) A nonconforming use and/or structure must be ceased and/or removed prior to expanding or adding a conforming use.

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(D) Notwithstanding any other provision of this Article to the contrary, no use, structure, or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.

Commented [PS303]: Relocated from Sections 5.04(D)(6) (Enlarging a Minor Nonconforming Use) and 5.05(D)(6) (Enlarging a Major Nonconforming Use) These 2 subsections have the same regulatory effect and are combined into 1 subsection here.

Section 14.106 Enlarging a Nonconforming Use (currently 5.04(D) and 5.05(D))

A nonconforming use may be expanded or enlarged as follows:

Deleted: minor

(A) Except where otherwise permitted, the provisions for the enlargement and expansion of nonconforming uses and structures are as follows:

(1) Minor Nonconforming Uses and Structures. A minor nonconforming use or structure is a nonconforming use or structure that is not a Major Nonconforming Use as defined in *Section 14.106(A)(2)*. A minor nonconforming use may be enlarged by a maximum of twenty percent (20%) of the total existing structure size provided such enlargement did not previously occur under the provisions of Ordinance No. 3-1-74, Effective March 13, 1974 and that such enlargement takes place in a conforming area of the lot and/or structure. Such expansion shall meet all other requirements of the Zoning Ordinance. Expansion shall be permitted only when the structure is located on a lot or parcel within the interior of a district.

(2) Major Nonconforming Uses and Structures. A major nonconforming use or structure is a nonresidential use or structure in a residential district, a residential use in a nonresidential district, an industrial use in a business district, or a business use in an industrial district. No major nonconforming use or structure shall be enlarged upon, expanded or extended, including extension of hours of operation. Normal maintenance and incidental repair of a major nonconforming use shall be permitted, provided that this does not violate any other Section of this Ordinance. However, a major nonconforming residence may construct an accessory building in accordance with *Article 7, Chapter 2*.

(B) Nonconforming single-family residential structures may be expanded or increased in floor area fifty percent (50%) of the size of the structure provided such enlargement did not previously occur under the provisions of Ordinance No. 3-1-74, Effective March 13, 1974 and that such expansion or increase in floor area takes place in a conforming area of the lot and/or structure.

(C) Nothing in this Section shall be deemed to prevent an extension for the exclusive purpose of providing required off-street parking or loading spaces in conformance with other applicable provisions and involving no structural alteration or enlargement of such structure.

(D) Nothing in this Section shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Section prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

Section 14.107 Nonconforming Lots (currently 5.06)

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district; provided that yard setbacks and lot coverage and other requirements not involving area, width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be requested of the Board of Zoning Appeals.

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Commented [PS304]: This definition of a "major nonconforming use" is from Section 5.05, with modifications.

Deleted: Section 4.14, Accessory Building in Residential Districts

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Section 14.108 Special Land Use Interpretation (currently 5.08)

Any special land use previously approved by the Township in accordance with the Zoning Ordinance at the time of approval but no longer permitted in the district shall be deemed a nonconforming use. Any permitted use previously approved by the Township in accordance with the Zoning Ordinance at the time of approval but is now a special land use in the district shall be deemed a nonconforming use unless subsequently approved in accordance with *Article 12, Chapter 3.*

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Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING
DATE: MAY 1, 2017
BOARD MEETING
DATE: MAY 2, 2017

Consent Agenda____ New Business__X__ Unfinished Business_____ Public Hearing_____

ITEM (SUBJECT)	Pre-agreement to authorize entering into regional grant for 2016 Assistance for Firefighters Grant Program
DEPARTMENT	Fire Department
PRESENTER	Fire Chief Brow
PHONE NUMBER	734.699.8930
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED

Approval to enter into a pre-agreement regional grant for 2016 Assistance for Firefighters Grant Program and amendment to line item: 101-336-741-000

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

The City of Ypsilanti took the lead in applying for a regional grant for the 2016 Assistance for Firefighters Grant Program. The unexpected grant award approval requires a 10% match by the Township to receive a $74,000 grant for life-saving equipment. Specifically, the grant provides for a state of the art CPR assistance device which has a significantly higher success rate for saving lives.

The 10% matching funds will be amended from line item: 101-336-741-000 (Uniforms and Equipment)

Attached document is a Memorandum of Understanding between the City of Ypsilanti and its participating partners required to receive the grant funding.

BUDGET IMPLICATION	$7,000 amendment to 101-336-741-000
IMPLEMENTATION NEXT STEP	

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	

ATTORNEY RECOMMENDATION	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

Revised 7/9/13

MEMORANDUM OF UNDERSTANDING BETWEEN

THE YPSILANTI CITY FIRE DEPARTMENT AND ITS REGIONAL PARTICIPATING PARTNERS

2016 ASSISTANCE FOR FIREFIGHTERS GRANT PROGRAM

GANT NUMBER EMW-2016-FR-00273

PREAMBLE

This Memorandum of Understanding ("MOU") is entered into between the Ypsilanti City Fire Department (hereafter "Hosting Organization") and by and among each municipal and township that executes this MOU and adopts its terms and conditions, in view of the following:

Whereas, the Hosting Organization has agreed and will be responsible for submission of the Regional Application to the 2016 Assistance for Firefighters Grant Program, in its own name on behalf of itself and the other regional participating partners who have executed this MOU on behalf of their respective government entities, for the acquisition of the listed EMS equipment.

Whereas, if awarded the grant the Hosting Organization has agreed to perform all programmatic and financial responsibilities as grant recipient and accept the awarded equipment and share it with its Regional Participating Partners in accordance with the terms of the grant;

Whereas, each Regional Participating Partner, as evidenced by their execution of this MOU agrees to accept the terms under which facilitation of their use of the training and equipment as may be specified by the grant award and/or this MOU.

TERMS

I. Purpose

The purpose of this MOU is to establish a cooperative agreement between the City of Ypsilanti, the programmatic and financial administrator (host) for the Ypsilanti City Fire Department (hereinafter "YCFD"), and its Regional Participating Partners, (hereinafter the "Regional Participating Partners") to secure a 2016 Assistance to Firefighters Grant and to provide Cardio Pulmonary Resuscitation equipment for the region's safety services. This purchase will help to serve the public and safety service personnel through obtaining the necessary equipment on a regional basis allowing for increased efficiencies in response and support by and among local jurisdictions.

The City of Ypsilanti and the Regional Participating Partners accept and agree to abide by the terms and conditions of the grant, including but not limited to those specifically enumerated in this MOU. All parties agree that Federal funds under this award will be used to supplement, but not supplant, State or local funds for first responder preparedness.

II. Definitions

Authorized Representative: The chief executive and fire chief of a participating governmental entity, or his/her designee, who has authorization to execute this MOU.

Equipment: Automated External Defibrillators (AEDs), Mechanical Compression Devices (ACCD), AED trainers, Intubation manikins.

Host Organization: The Ypsilanti City Fire Department (YCFD)

Regional Participating Partners: Any government entity that executes this MOU.

III. Background to the Assistance Firefighters Grant Project

Purpose and Objective:

The purpose of the AFG Program is to enhance, through direct financial assistance, the health and safety of the public and firefighting personnel and to provide a continuum of support for emergency responders regarding fire, medical, and all-hazard events.

The objective of the FY 2016 AFG Program is to award grants directly to fire departments, nonaffiliated EMS organizations, and SFTAs for critically needed resources to protect the public, train emergency personnel, foster interoperability, and support community resilience.

Eligible activities requested that have an immediate impact on the safety of emergency responders, other personnel, or the public may receive additional consideration during the application review process.

FY 2016 AFG Programs play an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient Nation. Delivering core capabilities requires the combined effort of the whole community, rather than the exclusive effort of any single organization or level of government.

Problem Statement:

In Washtenaw and Wayne Counties, the YCFD and the said Regional Participating Partners lack the appropriate Cardio Pulmonary Resuscitation equipment to safely provide appropriate out of hospital patient care to victims suffering of a cardiac arrest.

The AFG-Funding Opportunity Announcement reflects the Center for Domestic Planning's recommendations for program priorities designed to address:

1. *Protecting the public and first responder safety* - Increase the overall survival rate of cardiac arrest victims in the region and enhance first responders' safety.

2. *Enhancing capabilities and resilience (local, regional, and national)* – provides/enhances the opportunity to build long-term interagency relationships through join training and mutual-aid.

3. *Enhancing National Capabilities* -grant funding will assist in moving YCDF and the Regional Participating Partners to adhere to the State of Michigan and local Medical Control Authority mandated or voluntary cardio pulmonary resuscitation rescue practices.

4. *Risk* - Risk Based Prioritization -grant funding will assist in moving YCFD and the Regional Participating Partners closer to common equipment amongst all Regional Participating Partners. YCFD and the Regional Participating Partners will build and/or leverage on existing resources to strategically invest in enhancing future interpretational capabilities and working relationships.

5. *Interoperability* - Grant funding will allow YCFD and the Regional Participating Partners to develop short and long term goals, activities and a continuing training program to continue to enhance regional interoperability, consistent, in concert, and/or in parallel with the Michigan Automatic Box Alarm System (MABAS) program in which all the Regional Participating Partners are officially part of the newly developed Washtenaw County MABAS division.

IV. Responsibilities of the Ypsilanti City Fire Department

As the Hosting Organization for the 2016 Assistance Firefighters Grant, the Authority (YCFD) will:

a. Oversee the grant application, implementation and coordination with the grantor.

b. Manage grant activities including, but not limited to, project and fiscal reports for the grantor.

c. Ensure the YCFD and the Regional Participating Partners receive proper training for the equipment received.

d. Act as the fiscal agent for the grant including:
   1. Invoicing the Regional Participating Partners for their share of the 10% matching grant cost of Training based on the count of each department's personnel number at time of Training purchase.
   2. Arranging payment to vendors.
   3. Preparing program and fiscal reports required by the grantor.
   4. Auditing and tracking grant funds and deliverables as required by the grantor.
   5. Coordinate procurement of the Equipment through a competitive bidding process in compliance with the City of Ypsilanti Purchasing Policy.

e. Coordinate communications with the Regional Participating Partners throughout the grant term.

V. Responsibilities of the Regional Participating Partners

Each of the Regional Participating Partners will:

a. Provide funding share of the 10% matching grant cost of the equipment received based on the department's need assessment request at time of the equipment purchase. The share of cost shall be paid upon receipt of invoice from the Authority, in advance of equipment procurement. The Approximate share cost for each Regional Participating Partner is visible on Exhibit B of this MOU.

b. Participate and train its employees in accordance with the Washtenaw or Wayne Counties Medical Control Authorities, American Heart Association Curriculum and manufacture recommendations.

c. Provide roster training documentation to the Authority.

d. Provide the following assigned liaison(s) on Exhibit A of this MOU:
   1. Primary Contact who is responsible for: the Regional Partner's point of contact.
   2. Training Contact who is responsible to oversee the Regional Partner's training
   3. Fiscal Contact: responsible for accounting, fiscal reporting and payment.

e. Promptly provide any additional documentation to the Authority as requested that may be necessary in connection with the grant.

f. Be accountable for using and maintaining their received equipment as needed.

g. If applicable, lend training equipment to other Regional Participating Partners

VI. Local/Regional Mutual Aid or Reciprocal Aid Compacts and Agreements

Nothing in this MOU, including participation in or requests for assistance by any eligible Regional Participating Partner shall preclude, abrogate or supersede the fulfillment of the terms of any local or regional mutual aid or reciprocal aid compacts and agreements and the duty of the Hosting Organization to provide equipment and other available resources during a threat or actual occurrence of any emergency, disaster or serious threat to public health and safety.

VII. Arbitration of Disputes

Any controversy or claim arising out of or relating to this MOU, or the breach thereof by the parties, shall be resolved in the following manner:

a. The party asserting noncompliance shall serve written notice to the other party or parties. The notice shall identify the specific provision alleged to have been violated and shall specify the factual and legal basis for the alleged noncompliance.

b. In the event the controversy or claim is not resolved to the satisfaction of both parties within 90 days after service of the notice set forth in subsection a above, either party may request that controversy or claim be resolved through mediation or any other available legal proceedings.

c. Nothing herein shall be construed to waive, limit or restrict any defense that is otherwise available to either party.

VIII. Indemnification

a. All liability and/or loss or damage as a result of claims, demands, costs, or judgments arising out of activities that are the responsibility of the Ypsilanti City Fire Department pursuant to the terms of this MOU shall be the responsibility of the Ypsilanti City Fire Department if the liability, loss, or damage is caused by, or arises out of, the actions or failure to act on the part of the Ypsilanti City Fire Department or its employees either directly or indirectly, provided that nothing herein shall be construed as a waiver of any governmental immunity available to the government body or unit of government or its employees by common law, statute, or court decision.

a. All liability and/or loss or damage as a result of claims, demands, costs, or judgments arising out of activities that are the responsibility of a Regional Participating Partner, or its employees shall be the responsibility of the Regional Participating Partner if the liability, loss, or damage is caused by, or arises

out of, the actions or failure to act on the part of the Regional Participating Partner or its employees either directly or indirectly, provided that nothing herein shall be construed as a waiver of any governmental immunity available to the Regional Participating Partner, or the employees of any of them as provided by common law, statute, or court decision.

IX. Insurance

Each party to this MOU shall bear the risk of its own actions as it would with normal, day-to-day operations and determine for itself what kinds and amounts of insurance it should carry.

X. Termination of the MOU

a. This MOU shall terminate when all AFG Program obligations are completed and/or expired.

b. A Regional Participating Partner may terminate its participation in this MOU any time prior to the Regional Participating Partners purchase the equipment and with 30 days' written notice to the Authority's Project Lead.

XI. Points of Contact

The YCFD will designate a Primary Lead, as well as identify Points of Contact for Fiscal and Documentation responsibilities. The Regional Participating Partners will designate a Primary Point of Contact, as well as identify Points of Contact for Training and Fiscal responsibilities. Points of Contact are set forth in the attached Exhibit A.

XII. Notice

Notice of termination or withdrawal from this MOU shall be made in writing and shall be served personally or by registered mail upon the Ypsilanti City Fire Department's Project Lead. Termination or withdrawal shall not be effective until 30 days after the Ypsilanti City Fire Department has received written notice. The termination or withdrawal from the MOU shall apply only to the Regional Participating Partner that has tendered the required notice; this MOU shall otherwise remain in full force and effect until all AFG Program obligations are completed and/or expired.

XIII. Choice of Law; Severability

This MOU will be governed and controlled in all respects by the laws of the State of Michigan, including interpretation, enforceability, validity and construction. Whenever possible, each provision of this MOU will be interpreted in a manner as to be effective and valid under applicable law. However, if any provision of this MOU or the application of any provision to any party or circumstance will be prohibited by or invalid under applicable law, that provision will be ineffective to the extent of the prohibition or invalidity without invalidating the remainder of the provisions of this MOU or the application of the provision to other parties and circumstances.

XIV. Authority to Enter into MOU; Execution by Counterpart

The persons executing this MOU on behalf of their respective entities hereby represent and warrant that they have the right, power, legal capacity, and appropriate authority to enter into this MOU on behalf of the entity for which they sign.

This MOU may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement.

XV. Extent of Agreement; Amendments

This MOU, together with any affixed exhibits or other documentation, constitutes the entire understanding between the Hosting Organization and the Regional Participating Partners with respect to the subject matter of the MOU and it supersedes, unless otherwise incorporated by reference herein, all prior representations, negotiations, agreements or understandings whether written or oral. No party has relied on any prior representations, of any kind or nature, in entering into this MOU. This MOU may be amended by written agreement by all parties if approved in accordance with grant contract terms and conditions. Notice of any amendments or revisions of the MOU must be made in writing to all parties by the requesting entity. Amendments shall only take effect upon acceptance and execution of an amended instrument by all parties.

The City of Ypsilanti
(Hosting Organization)

_____ **Date:** _____

Darwin McClary, City Manager

_____ **Date:** _____

Max Anthouard, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY ANN ARBOR TOWNSHIP

Ann Arbor Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Ann Arbor Township Fire Department.

Ann Arbor Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Michael Moran, Township Supervisor

_____ **Date:** _____

Mark Nicholai, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY AUGUSTA TOWNSHIP FIRE DEPARTMENT

Augusta Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Augusta Township Fire Department.

Augusta Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Brian Shelby, Township Supervisor

_____ **Date:** _____

Dave Music, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY BELLEVILLE FIRE DEPARTMENT

Belleville Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Belleville Fire Department.

Belleville Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Diana Kollmeyer, City Manager

_____ **Date:** _____

Brian Lorange, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY DEXTER AREA FIRE DEPARTMENT

Dexter Area Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Dexter Area Fire Department.

Dexter Area Fire Department
(Regional Participating Partner)

_____ **Date:** _____

Courtney Nicholls, City Manager

_____ **Date:** _____

Robert Smith, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY GREEN OAK TOWNSHIP FIRE DEPARTMENT

Green Oak Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Green Oak Township Fire Department.

Green Oak Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Mark St. Charles, Township Supervisor

_____ **Date:** _____

Kevin Gentry, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY MANCHESTER TOWNSHIP FIRE DEPARTMENT

Manchester Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Manchester Township Fire Department.

Manchester Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Gene DeRossett, Township Supervisor

_____ **Date:** _____

Bill Scully, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY NORTHFIELD TOWNSHIP FIRE DEPARTMENT

Northfield Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Northfield Township Fire Department.

Northfield Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Marlene Chockley, Township Supervisor

_____ **Date:** _____

William Wagner, Public Safety Director

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY NORTHVILLE TOWNSHIP FIRE DEPARTMENT

Northville Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Northville Township Fire Department.

Northville Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Robert Nix II, Township Supervisor

_____ **Date:** _____

Brent Siegel, Public Safety Director

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY PLYMOUTH TOWNSHIP FIRE DEPARTMENT

Plymouth Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Plymouth Township Fire Department.

Plymouth Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Kurt Heise, Township Supervisor

_____ **Date:** _____

Dan Phillips, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY SALEM TOWNSHIP FIRE DEPARTMENT

Salem Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of the Salem Township Fire Department

Salem Township Fire Department
(Regional Participating Partner)

_____ **Date:** _____

Gary Whittaker, Township Supervisor

_____ **Date:** _____

James Rachwal, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY SALINE AREA FIRE DEPARTMENT

Saline Area Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Saline Area Fire Department.

Saline Area Fire Department

(Regional Participating Partner)

_____ **Date:** _____

Todd Campbell, City Manager

_____ **Date:** _____

Craig Hoeft, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY SCIO TOWNSHIP FIRE DEPARTMENT

Scio Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Scio Township Fire Department.

Scio Township Fire Department

(Regional Participating Partner)

_____ **Date:** _____

M. Jack Knowles, Township Supervisor

_____ **Date:** _____

Carl Ferch, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY SUPERIOR TOWNSHIP FIRE DEPARTMENT

Superior Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Superior Township Fire Department.

Superior Township Fire Department
(Regional Participating Partner)

_____ **Date:** _____

Kenneth Schwartz, Township Supervisor

_____ **Date:** _____

Victor Chevrette, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY VAN BUREN TOWNSHIP FIRE DEPARTMENT

Van Buren Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Van Buren Township Fire Department.

Van Buren Township
(Regional Participating Partner)

_____ **Date:** _____

Kevin McNamara, Township Supervisor

_____ **Date:** _____

Amy Brow, Fire Chief

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY YPSILANTI TOWNSHIP FIRE DEPARTMENT

Ypsilanti Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Ypsilanti Township Fire Department.

Ypsilanti Township Fire Department
(Regional Participating Partner)

_____ **Date:** _____

Brenda Stumbo, Township Supervisor

_____ **Date:** _____

Karen Lovejoy-Roe, Township Clerk

_____ **Date:** _____

Eric Copeland, Fire Chief

EXHIBIT A

Agency	Title	Name	Phone Number	Email
Ypsilanti (Hosting Organization)	Primary Lead	Max Anthouard	734 482 9620	manthouard@cityofypsilanti.com
	Fiscal	Marilou Uy	734 482 9832	muy@cityofypsilnati.com
	Training	Richard Barnabo	734 482 9778	mbarnabo@cityofypsilanti.com
Ann Arbor Township	Primary			
	Fiscal			
	Training			
Augusta Township	Primary			
	Fiscal			
	Training			
Belleville	Primary			
	Fiscal			
	Training			
Dexter Area	Primary			
	Fiscal			
	Training			
Green Oak Township	Primary			
	Fiscal			
	Training			
Manchester Township	Primary			
	Fiscal			
	Training			
Northfield Township	Primary			
	Fiscal			
	Training			
Northville Township	Primary			
	Fiscal			
	Training			
Plymouth Township	Primary			
	Fiscal			
	Training			
Salem Township	Primary			
	Fiscal			
	Training			
Saline Area	Primary			
	Fiscal			
	Training			
Scio Township	Primary			
	Fiscal			
	Training			
Superior Township	Primary			
	Fiscal			
	Training			
Van Buren Township	Primary			
	Fiscal			
	Training			
Ypsilanti Township	Primary			
	Fiscal			
	Training			

ACCEPTANCE AND AGREEMENT TO MEMORANDUM OF UNDERSTANDING AS A REGIONAL PARTICIPATION PARTNER

BY VAN BUREN TOWNSHIP FIRE DEPARTMENT

Van Buren Township Fire Department, a Michigan municipal corporation, hereby agrees to the foregoing MOU and obligations therein, on behalf of Van Buren Township Fire Department.

Van Buren Township
(Regional Participating Partner)

_____ **Date:** 4/24/2017

Kevin McNamara, Township Supervisor

_____ **Date:** 4/24/2017

Amy Brow, Fire Chief

EXHIBIT B

WAMAA EMS Equipment Grant # EMW-2016-FR-00273								
Share Prevision by Agency								
Fire Agencies	Equipment Requested	Q	Sub total	Total Cost by Agency	FEMA Share	Agency Share		
Ann Arbor Twp.	AED	6	$ 15,504.00	$ 39,392.62	$ 35,811.47	$ 3,581.15	$ 39,392.62	
	AED trainer	1	$ 850.00					
	Battery charger	2	$ 150.00					
	Software share	1	$ 165.62					
	ACCD	1	$ 18,628.00					
	Manikin	1	$ 3,600.00					
	Combitube	5	$ 495.00					
Augusta	AED	4	$ 10,336.00	$ 11,426.62	$ 10,387.83	$ 1,038.78	$ 11,426.62	
	AED trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
Belleville	AED	2	$ 5,168.00	$ 6,258.62	$ 5,689.65	$ 568.97	$ 6,258.62	
	AED trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
Dexter Area	ACCD	1	$ 18,628.00	$ 18,628.00	$ 16,934.55	$ 1,693.45	$ 18,628.00	
Green Oak Twp.	AED	4	$ 10,336.00	$ 34,101.62	$ 31,001.47	$ 3,100.15	$ 34,101.62	
	AED trainer	1	$ 850.00					
	Battery charger	3	$ 225.00					
	Software share	1	$ 165.62					
	ACCD	1	$ 18,628.00					
	Manikin	1	$ 3,600.00					
	King airway	3	$ 297.00					
Manchester	AED	3	$ 7,752.00	$ 8,842.62	$ 8,038.74	$ 803.87	$ 8,842.62	
	AED trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
Northfield Twp.	AED	4	$ 10,336.00	$ 30,129.62	$ 27,390.56	$ 2,739.06	$ 30,129.62	
	AED trainer	1	$ 850.00					
	Battery charger	2	$ 150.00					
	Software share	1	$ 165.62					
	ACCD	1	$ 18,628.00					
Nothville Twp.	AED	4	$ 10,336.00	$ 10,576.62	$ 9,615.10	$ 961.51	$ 10,576.62	
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
Plymouth Twp.	ACCD	3	$ 55,884.00	$ 55,884.00	$ 50,803.64	$ 5,080.36	$ 55,884.00	
Salem Twp.	AED	2	$ 5,168.00	$ 24,886.62	$ 22,624.20	$ 2,262.42	$ 24,886.62	
	AED trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
	ACCD	1	$ 18,628.00					
Saline Area	AED	2	$ 5,168.00	$ 24,886.62	$ 22,624.20	$ 2,262.42	$ 24,886.62	
	AED trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
	ACCD	1	$ 18,628.00					
Scio Twp.	AED	2	$ 5,168.00	$ 24,886.62	$ 22,624.20	$ 2,262.42	$ 24,886.62	
	AED trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
	ACCD	1	$ 18,628.00					
Superior Twp.	AED	3	$ 7,752.00	$ 13,012.62	$ 11,829.65	$ 1,182.97	$ 13,012.62	
	AED trainer	1	$ 850.00					
	Battery charger	2	$ 150.00					
	Software share	1	$ 165.62					
	Manikin	1	$ 3,600.00					
	Combitube	5	$ 495.00					
Van Buren	ACCD	4	$ 74,512.00	$ 74,512.00	$ 67,738.18	$ 6,773.82	$ 74,512.00	
Ypsilanti City	AED	4	$ 10,336.00	$ 34,149.62	$ 31,045.10	$ 3,104.51	$ 34,149.62	
	AED Trainer	1	$ 850.00					
	Battery charger	1	$ 75.00					
	Software share	1	$ 165.62					
	Manikin	1	$ 3,600.00					
	Combitube	5	$ 495.00					
	ACCD	1	$ 18,628.00					
Ypsilanti Twp.	AED	4	$ 10,336.00	$ 86,088.62	$ 78,262.38	$ 7,826.24	$ 86,088.62	
	AED Trainer	1	$ 850.00					
	Battery charger	3	$ 225.00					
	Software share	1	$ 165.62					
	ACCD	4	$ 74,512.00					
		130	$ 497,663.00	$ 497,663.00	$ 452,420.91	$ 45,242.09	$ 497,663.00	

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: MAY 1, 2017
BOARD MEETING DATE: MAY 2, 2017

Consent Agenda X New Business____ Unfinished Business_____ Public Hearing_____

ITEM (SUBJECT)	Consider inter-governmental agreement between the Charter Township of Van Buren and the City of Belleville for emergency dispatch and lockup services, and authorize the Supervisor and Clerk to execute the agreement.
DEPARTMENT	Public Safety
PRESENTER	Director Laurain
PHONE NUMBER	734.699.8930
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED

Approve the inter-governmental agreement between the Charter Township of Van Buren and the City of Belleville for emergency dispatch and lockup services, and authorize the Supervisor and Clerk to execute the agreement.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

After consulting with Director Laurain, Supervisor McNamara and Executive Assistant Selman met with Belleville Mayor Conley and City Manager Kollmeyer to negotiate the 2017, 2018, and 2019 inter-governmental agreement for emergency dispatch and lockup services. The agreement for these three years of service provides a 2.5% increase for each year. The agreement also named each municipality as an additional insured to the other's insurance in connection with the emergency dispatch agreement. Township attorney McCauley reviewed the proposed agreement and agreed it satisfied the statutory requirements for the inter-governmental contract. The proposed agreement will be retroactive to January 1, 2017 and will expire on December 31, 2019.

BUDGET IMPLICATION	
IMPLEMENTATION NEXT STEP	Execution of Contract
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	

(May be subject to Attorney/Client Privilege and not available under FOIA)

ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	Kevin McNamara

Revised 7/9/13

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CHARTER TOWNSHIP OF VAN BUREN AND THE CITY OF BELLEVILLE FOR EMERGENCY DISPATCH AND LOCKUP SERVICES AGREEMENT

THIS AGREEMENT entered into this day of _____ by and between: the Charter Township of Van Buren, 46425 Tyler Road, Van Buren Township, Michigan 48111, a municipal corporation hereinafter referred to as "the Township" and the City of Belleville, 6 Main Street, Belleville, Michigan 48111, a municipal corporation hereinafter referred to as "the City".

WHEREAS, the Township and the City have heretofore each provided emergency dispatch and lockup services in conjunction with public safety; and

WHEREAS, the Township and the City have determined that each municipality would realize certain benefits upon the transfer of the City's dispatch and lockup services to the Township; and

WHEREAS, Public Act 32 of the Public Acts of 1986, as amended, being MCL 484.1101 *et seq.,* **and MCL 124.531** ***et seq.*** authorizes agreements between public agencies for these services;

NOW THEREFORE, the Township and the City hereby agree as follows:

1. **GENERAL AGREEMENT.**

   The Township agrees to provide emergency dispatch and lockup services to the City in accordance with the terms and conditions of this Agreement which will be administered by the Township in the E-911 Dispatch and Communication Services Center within the Department of Public Safety of the Township and in accordance with applicable state and federal law.

2. **DEFINITIONS.**

   For the purposes of this Agreement, the hereinafter listed terms shall have the corresponding definitions:

   a. "City," "City Council," "Mayor", "City Manager", "City Police Chief", and "City Fire Chief" shall mean the City of Belleville, its City Council, its Mayor, and its City Manager, its Police Chief and its Fire Chief respectively.

b. "Contract Year" and "Fiscal Year" shall both mean a 12-month period during which emergency dispatch services are to be rendered to each municipality, commencing on January 1 of each calendar year.

c. "Detainee", "Person" or "Subject" shall all mean a person whom the City desires to transfer or who has been transferred to the Township lockup.

d. "Emergency Dispatch Services" or "Dispatch Services" shall mean the services mandated to be performed by the Township for the City pursuant to this Agreement.

e. "Lockup Services" shall mean the detention of persons awaiting processing, booking, court appearances, or transportation to a jail, for a period not to exceed seventy-two (72) hours in accordance with MCL 791.262(1) (e).

f. "Municipality" shall mean either the Township or the City, and when plural it shall mean both the Township and the City.

g. "Township," "Township Board," "Township Supervisor," and "Township Director of Public Safety" shall mean the Charter Township of Van Buren, its Board of Trustees, and its Supervisor, and its Director of Public Safety, respectively.

3. **TRANSFER OF SERVICES.**

The City hereby agrees to transfer to the Township the function and responsibility of providing Emergency Dispatch and Lockup Services in conjunction with public safety and to designate and authorize the Township to serve as its Primary Public Safety Answering Point (PSAP) in accordance with MCL484.1318. The City agrees to turn over all necessary information and documents, whether contained on paper or on electronic format, to the Township necessary for the efficient provision of such services required in this Agreement. The Township agrees to accept such transfer and designation and to provide Emergency Dispatch Services and Lockup Services in conjunction with public safety as hereinafter set forth in this Agreement.

4. **LEVEL OF SERVICES.**

The municipalities agree that the following Emergency Dispatch and Lockup services shall be provided by the Township to the City:

a. **EMERGENCY DISPATCH.** Dispatch Services shall include, but not be limited to:

i. Answering incoming phone calls of a general informational or administrative nature;

ii. Answering incoming E-911 calls for service and forwarding information to the appropriate jurisdictions/department, i.e. police, fire, emergency medical services, etc.;

iii. Providing Law Enforcement Information Network (LEIN) and National Crime Information Center (NCIC) services to administrative personnel, investigators and patrol officers as required and/or or as requested and authorized by Township department policies;

iv. Dispatching and monitoring the following units as required by calls for service: police, fire and emergency medical services.

v. Operating installed radio equipment, including dispatching and receiving calls, monitoring officer (police/fire or public safety) communications, monitoring adjacent public safety agencies for activity that might affect the Township or the City, operating emergency notification systems, i.e., sirens, pagers, alert tones, etc. and maintaining ~~and utilizing MEPS, inter-city radio systems~~ the 800 mghz state radio system, and other inter-agency connections and/or systems to coordinate activity involving more than one jurisdiction;

vi. Operating installed computer equipment including computer-aided dispatch, entry/retrieval of records and related information, and providing, if necessary, computer generated reports as required by the shift assignments, and accessing Law Enforcement Information Network (LEIN) and National Crime Information Center (NCIC) computers;

vii. Using and monitoring the installed mobile data terminal equipment to maintain the administrative/confidential contacts with patrol units;

viii. Providing paging services to all governmental entities as required or requested;

ix. Testifying in Court, at deposition, or any required administrative hearing;

x. Providing training and professional development to dispatch personnel.

b. **LOCKUP SERVICES.** Lockup Services shall include, but not be limited to:

i. Detention of persons awaiting processing, booking, court appearances, or transportation to a jail, for a period not to exceed seventy-two (72) hours.

ii. Providing meals to detainees in the lockup in accordance with Van Buren Township Police Department Rules and Regulations;

iii. Providing conditions of detention in accordance with the Van Buren Township Police Department Rules and Regulations;

iv. Testifying in Court, at depositions, or any required administrative hearing that is prisoner related.

v. Upon request, the provision of equipment and personnel necessary for video arraignment;

vi. Releasing detained persons pursuant to Van Buren Township's policies and procedures;

vii. Taking and processing bonds from detained persons; and

viii. Providing other Lockup Services as agreed to by the parties.

c. **ACCEPTANCE AND SEARCHES OF DETAINEES.**

In order for a subject arrested by the City to be admitted to the Township lockup, he or she first must be accepted by the Township. When the City desires to have a subject detained at the Township lockup, the City police officer shall turn over to the Township officer-in-charge (or his/her designee) all booking intake forms and other information as requested by the Township officer-in-charge (or his/her designee).

The City police officer transporting the subject shall conduct a thorough and appropriate search of the subject in accordance with the Township policies and procedures prior to turning the subject over to the Township. The Township may conduct its own search of the subject prior to accepting the subject for lockup. If not refused, the subject is accepted.

d. **REFUSAL OF SUBJECTS.** The Township reserves the right to refuse admittance to its lockup of any subject who is suffering from mental illness or from a medical condition that threatens the security or the efficient operation of the Township's lockup. In the event the Township's lockup facility reaches maximum capacity, the Township reserves the right release less serious subjects, based on its sole discretion, whether it be on personal bond and/or an appearance ticket; In such circumstances the Township will make all reasonable efforts to notify the City Police Chief of the course of action taken.

e. **MEDICAL SERVICES.** The City shall be responsible for the costs of provision of medical services provided to any of its detainees under this Agreement for the full duration of detention. If any detainee accepted by the Township for lockup services necessitates medical care or treatment, the City shall be solely responsible for the payment for medical services rendered to its detainees. If, after acceptance of a subject for lockup in the Township, the detainee requires medical care and/or treatment, the City shall provide officers to guard the detainee during the course of the detainee's transportation and medical care. The City hereby agrees to and shall indemnify and hold harmless the Township, its representatives, agents, elected officials, employees, public safety personnel and volunteers for any and all claims, demands, lawsuits, damages, costs, expenses, liability, attorney fees or causes of action brought by any individual, entity, partnership, person, corporation or governmental unit against them arising from or in any way connected with the medical care and treatment of detainees housed in the Township's lockup pursuant to this Agreement.

f. **TRANSPORTATION.** The City shall be responsible for transportation of detainees in lockup pursuant to this Agreement from the Township's lockup to court, county jail, medical care facility or other facility as required.

5. **ADMINISTRATIVE AND FINANCIAL RESPONSIBILITY.** The Township's provision of Emergency Dispatch and Lockup Services to the City shall be administered by the Township as follows:

a. **EXCLUSIVE CONTROL BY THE TOWNSHIP DIRECTOR OF PUBLC SAFETY.** The Dispatch Services and Lockup Services transferred to the Township shall be under the exclusive jurisdiction and control of the Township Director of Public Safety He shall issue and enforce orders, policies and procedures for the administration of

the dispatch center and procedures concerning Lockup. He shall keep the City Police Chief and the City Fire Chief advised at all times of the current policies and procedures as they affect the City Departments and provide them with all written documents regarding such policies and procedures. The City shall treat such written documents in the same manner that the Township treats them, and keep them confidential if so marked. All City personnel transporting subjects for lockup to the Township shall adhere to Township policies and procedures concerning lockup.

b. **CITY INPUT.** While the Dispatch and Lockup Services transferred to the Township shall be under the exclusive control and jurisdiction of the Township Director of Public Safety, the Township Director of Public Safety shall receive advice for the services called for herein from the City Police Chief and the City Fire Chief. If either the City Police Chief or the City Fire Chief shall object to a policy or procedure utilized in the provision of Dispatch Services or Lockup Services to the City, the City Police Chief, the City Fire Chief or their designees shall submit the City's objection to the Township Director of Public Safety or his designee. The Township Director of Public Safety or his designee shall respond to same in writing within 72 hours, providing such facts and opinions which support his determination of the issue. In the event that the matter is not resolved to the City's satisfaction after the Township Director of Public Safety response, the City Police Chief, City Fire Chief, the City Manager and Mayor may request that the issue be reviewed within one (1) week in a meeting with the Director of Public Safety and the Township Supervisor. The decision of the Township Supervisor, which shall be issued in writing within one (1) week of the meeting, shall be final.

The City agrees to maintain its Police and Fire Department policies and procedures to be compatible as possible with the Township policies and procedures of the dispatch and lockup operations, subject to the essential operational needs of the City.

The City is not responsible for the customs, policies, or practices of the Township as related to the operation of the dispatch center and jail facility or the provision of Lockup Services. The City is not responsible for the hiring, supervision, or training of dispatch and jail personnel. The City is not responsible for the jail building, its operation, or its design.

c. **ANNUAL FEE FOR DISPATCH AND LOCKUP SERVICES.**

Subject to the termination provisions in Section 7, the annual fee for Dispatch Services, including wages, benefits, training expenses, administrative expenses and equipment and for Lockup Services including detainee monitoring, arraignments, bonding, detainee releasing and meals and all other costs shall be as follows:

Contract Year	Dispatch	Lockup	Total
2017	$ 144,426	$ 26,675	$ 171,101 (2.5% increase)
2018	$148,036	$ 27,341	$ 175,377 (2.5% increase)
2019	$151,736	$ 28,024	$ 179,760 (2.5% increase)

The City shall pay the annual fee in four quarterly installments in the first month of each quarter of the fiscal year. The Township may add a service charge of one percent (1%) on the first day of each month to any balance in arrears.

In the event the Agreement is renewed for an additional period of time, the parties shall negotiate in good faith to arrive at a mutually agreeable annual fee schedule. If no mutually agreed upon fee schedule can be agreed upon, this agreement shall automatically terminate.

The Township and City acknowledge and agree that the above stated annual fees are based upon projected actual costs, and the parties' desire to provide a method by which the Township will receive an annual fee which is no less than its actual annual total costs for providing Dispatch and Lockup Services. Therefore, the City and Township agree that the City shall pay to the Township, at a minimum, the above stated projected annual costs regardless of the actual annual costs incurred by the Township, provided however, if the actual annual costs incurred by the Township for the Dispatch and Lockup Services in any year exceed the projected annual costs for that year, then the City shall pay to the Township, in addition to the projected annual cost, an amount equal to the additional actual cost. The Township shall provide written documentation to the City of the additional actual cost and the City shall pay to the Township the additional actual cost within thirty (30) days of receipt of the Township's documentation.

d. **PERSONNEL** All personnel necessary to provide the services under this agreement shall be employees of the Township and shall be subject to the

applicable Township collective bargaining agreement, the Township Policies and Procedures Manual, and any Township department operating procedure and directive. The parties further agree that if there is a transfer of any employee from the City to the Township, he or she shall be subject to the terms of any applicable collective bargaining agreement and hiring policies and directives of the Township. ~~The Township is under no obligation to hire any employees employed by the Central Dispatch Network (CDN). If any employee is transferred from the CDN, that employee shall start as any other newly hired employee of the Township without any seniority or previous benefit rights obtained at the City.~~ The parties further agree that all of the Township's costs associated with the hiring of additional employee(s), including, but not limited to, the costs of wages, paid time off and benefits, (health care, pension, disability, etc.) shall be borne by the Township.

e. **SET-UP EXPENSES.** Initial costs incurred by either party in connection with the implementation of this agreement shall be the responsibility of the party incurring the cost.

f. **IMPROVEMENTS TO EQUIPMENT IN CITY VEHICLES.** If the Township makes capital improvements to the dispatch center equipment which necessitates modification or replacement of equipment belonging to the City, the City shall be responsible for the purchase and cost of such modification or replacement. Township shall inform the City of Belleville at least 120 days prior to the upgrade or replacement of equipment in the dispatch center which would affect the City, absent any unforeseen circumstances that will impair the Township's ability to make such notification.

g. **REVENUE OPPORTUNITIES.** The City agrees to cooperate with the Township as a joint applicant on applications for grant funds for dispatch and lockup purposes, but shall not be required to provide any part of a local match, except for a portion of a local match directly related to City-owned equipment. Ownership interest in grant-funded equipment shall be agreed to in writing at the time the grant application is made.

6. **TOWNSHIP PROPERTY.**

All equipment, assets and other property of the Van Buren Township Dispatch Center and Lockup Facilities shall remain the sole and exclusive property of the Township. Payment for services by the City provided pursuant to this Agreement shall not grant the City any interest whatsoever in the Township's equipment, assets or other property.

7. **TERM OF AGREEMENT.**

This Agreement shall be effective for one (1) year, beginning on January 1, ~~2014~~ 2017 and ending on the 31st day of December, ~~2016~~ 2019. This Agreement is automatically renewable for a one (1) year period unless terminated by either of the parties in accordance with this paragraph. Either party may terminate this agreement at any time by providing written notice to the other party six (6) months in advance of termination. Annual fees for Township Dispatch and lockup services for any renewal periods shall be negotiated by the parties.

8. **LIABILITY.**

a. The Township shall be responsible for providing liability insurance coverage for all operations of its Dispatch Center and lockup facility, including the provision of Dispatch Services to the City. The City shall be named as additional insured in connection with the Emergency Dispatch Services provided by the Township. The City shall separately reimburse the Township for any costs incurred by the Township to add the City to the policy to implement this paragraph.

b. The City shall maintain liability insurance covering its Police Department personnel for their arrests, transportation and detention of its detainees.
The City shall add Van Buren Township its agents, representatives, elected officials, employees, public safety personnel and volunteers as an additional insured for these liabilities. The Township shall add the City, its agents, representatives, elected officials, employees, public safety personnel and volunteers as additional insured under its policy for the services provided herein. All costs associated with adding additional insured's under the City's policy shall be paid separately by the Township.

9. **HOLD HARMLESS.**

To the fullest extent permitted by law, the City agrees to hold the Township, its agents, representatives, elected officials, employees, public safety personnel and volunteers harmless from any and all claims, suits, demands, damages, costs, expenses, liability, attorney fees, judgments, or causes of action made against the Township for the actions of the City's elected or appointed officials, employees, agents or volunteers arising from or in connection with the performance of this agreement.

To the fullest extent permitted by law, the Township agrees to hold the City, its agents, representatives, elected officials, employees, public safety personnel and volunteers harmless from any and all claims, suits, demands, damages, costs, expenses, liability, attorney fees, judgments, or causes of

action made against the City for the actions of the Township's elected or appointed officials, employees, agents or volunteers arising from or in connection with performance of this agreement.

10. **MISCELLANEOUS PROVISIONS.**

a. This Agreement and the rights of the parties will be interpreted, construed, governed by and performed within the laws of the State of Michigan.

b. This Agreement constitutes the entire agreement between the parties.

c. This Agreement may not be amended, revoked, changed or modified except by way of prior written agreement by all of the parties. No waiver of any provision of this Agreement will be valid unless in writing and signed by the party against whom such waiver is charged.

d. The validity or unenforceability of any particular provision of this Agreement will not affect its other provisions and this Agreement will be construed in all respects as if such invalid or unenforceable provision were omitted.

e. This Agreement supersedes and revokes any previous agreements entered into between the parties.

f. The Recitals to this Agreement are incorporated herein by reference.

IN WITNESS WHEREOF, this Agreement has been executed by the Township, and the City, as of the date of this Agreement, and has been authorized and approved by the respective parties hereto.

For the Charter Township of Van Buren

By Its Supervisor, Kevin McNamara	By Its Clerk, Leon Wright

For the City of Belleville

By Its: Mayor, Kerreen Conley	By: Its:Clerk, Lisa Long

Charter Township of Van Buren

Agenda Item: _____

Work Study: May 1, 2017
Board Meeting Date: May 2, 2017

REQUEST FOR
BOARD ACTION

Consent Agenda X **New Business** **Unfinished Business** **Public Hearing**

ITEM (SUBJECT)	Summer Youth Employment Program (The REAL)
DEPARTMENT	Supervisor Office
PRESENTER	Nicole Sumpter, HR Director
PHONE NUMBER	734.699.8900 ext. 9293
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED:

To consider approval of Grant Award between the Detroit Wayne Mental Health Authority (DWMHA) and the Township, and authorize Supervisor McNamara and Clerk Wright to execute the agreement.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)

Van Buren Township has been awarded grant money in the amount of $47,497 to fund a summer job program the REAL (Revealing Exceptionally Amazing Leaders). The program will offer students employment opportunities as Community Ambassadors and Junior Administrative Assistants. The Township has committed to making the program as close to the real world as possible. Interviews will be incorporated into the first meeting on April 27, 2017 allowing the students to interact with several Directors. The program will have morning discussions of prior day's accomplishments and schedule for current day activities. Lunch and Learn sessions will be conducted by the Clerk and Treasurers offices, DDA, I.T., Parks and Cable. Another part of the program will have the Students participate in the Young Professionals Conference where they will meet local role models and be given the opportunity to interact and hear from professionals in their fields of interest.

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Approval of Grant Award Letter

DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	N/A

ATTORNEY RECOMMENDATION	No objections to the Award Letter
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	Kim McNamara

Detroit Wayne
Mental Health Authority
707 W. Milwaukee St.
Detroit, MI 48202-2943
Phone: (313) 833-2500
www.dwmha.com

FAX: (313) 833-2156
TDD: (800) 630-1044 RR/TDD: (888) 339-5588

April 24, 2017

Kevin McNamara

Supervisor of Van Buren Township

Charter Township of Van Buren

734-699-8900 x9200

kmcnamara@vanburen-mi.org

Greetings:

Thank you for your interest in participating in the 2017 Summer Youth Employment Program. DWMHA's Summer Youth Program provides subsidized part-time employment for individuals between the ages of 14-24 living in Wayne County. In addition to work experience, this funding will ensure that the employed youth receive educational information on prevention, treatment and access to care. These programs are expected to be both beneficial and preventative for youth otherwise unoccupied during the summer months, who may be at a greater risk for developing behavioral health issues.

The DWMHA Summer Youth Program is a continuation from the last two fiscal years with organizations intending to foster growth and enhance communities. These organizations thrive on community outreach to adolescents focusing heavily on youth recruitment plans and educational and mentoring goals to be accomplished over the summer months.

On Wednesday, March 15, 2017 our Board approved the request to enter into agreement with Van Buren Township in the amount of $47,497. We are pleased to have Van Buren Township as part of our collaborative efforts this year. Of the allocated amount, no more than 10% of the funds are allowed to cover administrative costs. It is expected that Van Buren meet the following conditions:

- Pay youth a wage of at least that of the State minimum
- Employ youth with at least 16 hours of work each week with no more than 20 hours.
- Provide youth with a meaningful summer experience that includes transferable skills.
- Provide youth with transportation to participate in the required Young Professionals Conference on August 4, 2017 at COBO Center in Detroit, MI. The DWMHA Board

Board of Directors

Herbert C. Smitherman, Jr., MD, Chairperson
Marsha Bianconi
Constance Rowley

Dr. Cheryl Munday, Vice-Chairperson
Dorothy Burrell
Dr. Iris Taylor

Bernard Parker, Treasurer
Timothy Killeen
Terence Thomas

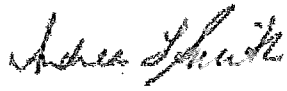
Dr. Cynthia Taueg, Secretary
Kevin McNamara
Heather Underwood

Thomas Watkins, President/CEO

requires that youth be presented with educational information. This conference will allow students to feel like young professionals. Upon researching the youth in Detroit, one recurring theme is, lack in perspective. Detroit's youth have dreams of success but state they do not know how or who to look up to. With youth unemployment for the city of Detroit up to 33% and Detroit being ranked one of the highest rate of youth disconnection (neither working nor enrolled in school) at 17%, students need guidance in furthering their future. The purpose of this conference is to give young professionals local role models, along with an opportunity to interact and hear from professionals in their field of interest.

Thank you for your commitment to providing learning opportunities to the youth of Wayne County.

Sincerely,



Andrea L. Smith
Director of Clinical Practice Improvement Detroit Wayne Mental Health Authority
asmith1@dwmha.com
(O) (313)344-9099 ext. 3227 (C) 313-550-2196

VAN BUREN CHARTER TOWNSHIP
Summer Youth Job Initiative
Revealing Exceptionally Amazing Leaders

VAN BUREN TOWNSHIP • DOWNTOWN DEVELOPMENT AUTHORITY •

Van Buren
CHARTER TOWNSHIP

The Van Buren Charter Township Summer Youth Job Initiative will provide job opportunities to eligible youths ages 15-19 residing in Van Buren Charter Township, earning $9.00 an hour and temporary employment placement within Van Buren Charter Township's municipal sectors.

This six-week program is designed to provide youth Participants with the opportunity to develop marketable skills in a **REAL** work environment. Van Buren Charter Township has several work placements available within two distinct roles: Community Ambassadors and Junior Organizational Assistants.

COMMUNITY AMBASSADORS

- Assist in performing yard work, blight removal, light maintenance, trash to curb clean up throughout Van Buren's residential areas including subdivisions and manufactured home communities
- Historical projects including photo documentation of all tombstones and markers
- Food Pantry delivery from local food assistance programs, including loading/packing perishable and nonperishable items
- Assistance with Meals on Wheels program
- Perform other related duties as assigned by the Director or his/her designee
- Demonstrate regular and predictable attendance throughout the six-weeks

JUNIOR ORGANIZATIONAL ASSISTANT

- Perform senior center program set-up/take down and assistance with implementation of senior meals program
- Assist recreation staff with room set up for meetings
- Assist in archiving museum collections. Digitizing and entering into the PastPerfect Museum collections system. Helping with meeting set up for Tri-Community meetings and Third Thursday Lectures
- Learn about genealogical, property, and community research services along with Ancestory.com
- Assist in administrative duties in the Supervisor, Clerk and Treasury offices and Developmental Services Department, including: Building, Planning, Economic Development and Environmental Services, Human Resources, Downtown Development and Water & Sewer
- Perform other related duties as assigned by the Director or his/her designee
- Demonstrate regular and predictable attendance throughout the six-weeks

VAN BUREN CHARTER TOWNSHIP IS AN EQUAL OPPORTUNITY EMPLOYER

REAL

VAN BUREN CHARTER TOWNSHIP
Summer Youth Job Initiative
Revealing Exceptionally Amazing Leaders

AS FACILITATORS OF THE VAN BUREN CHARTER TOWNSHIP SUMMER YOUTH JOB INITIATIVE, VAN BUREN CHARTER TOWNSHIP AGREES TO:

- Perform a Pre-Assignment Inspection of any and all worksites
- Provide appropriate Adult supervision over 18 years of age
- Provide coaching and problem resolution to Participant
- Ensure timely payroll
- Not have the Participant work overtime for any reason
- Provide a minimum 30-minute break after 5 hours of work
- Review all Written Job Descriptions
- Follow all the provisions in the Supervisor's Manual and ensure that the Participant's worksite or workstation is in compliance with provisions set forth
- Provide sufficient tools and equipment to safely complete tasks at no expense to the Participant

BY VOLUNTARILY PARTICIPATING IN THE VAN BUREN CHARTER TOWNSHIP SUMMER YOUTH JOB INITIATIVE, PROGRAM PARTICIPANTS ARE REQUIRED TO:

- Display acceptable work habits
- Have reliable transportation
- Provide proper employment documentation from school
- Have the ability to acquire and apply basic work skills
- Follow all rules set forth by Van Buren Charter Township Management
- Demonstrate regular and consistent attendance throughout the six-week Summer Youth Job Initiative program

Van Buren Charter Township will provide all necessary and reasonable safety and work training for program Participants. We will review and evaluate the Participants' work habits and task accomplishments closely to give them the maximum work experience possible. This will include morning coffee breaks for discussion of prior day's accomplishments and schedule for the current day's work activity. "Lunch and Learn" sessions will be conducted at least once weekly as training in areas of safety and leadership, as well as an introduction to careers within the government sector.

Habits such as coming to work early is good training for real world employment, as being on time can be viewed as being late. We will account for all time and attendance. We encourage all Participants to incorporate timeliness in their toolbox of success.

In both private, as well as public sector, you may experience an environment that consists of employees in Management and employees that are part of a Union. This program will give Participants a glimpse into how that dynamic works in a positive manner.

Van Buren Charter Township will comply with all applicable laws regarding displacement of currently employed workers, and refrain from involving Participants in any lobbying, political, religious or union activities.

VAN BUREN CHARTER TOWNSHIP IS AN EQUAL OPPORTUNITY EMPLOYER

REAL

VAN BUREN CHARTER TOWNSHIP

Summer Youth Job Initiative

Revealing Exceptionally Amazing Leaders

MORNING COFFEE BREAKS

Each morning the students and Van Buren Charter Township personnel will go over the prior day's work accomplishments. This time will be used to give constructive feedback and review the current day's assignments.

30-MINUTE LUNCH AND LEARN SESSIONS

Students will experience what it is like to go to workshop conferences to enhance their knowledge of the job. These sessions are 30-minute luncheons given once a week, where different departments will come and give a brief overview of what their jobs entail. The process will allow students to see the background of the many jobs they will be engaged in during the six-week period.

Presentations will be given by Public Safety Police & Fire, DDA, Planning and Economic Development, Water and Sewer, Information Technology and Cable TV.

VAN BUREN CHARTER TOWNSHIP IS AN EQUAL OPPORTUNITY EMPLOYER

DETROIT WAYNE MENTAL HEALTH AUTHORITY
BOARD ACTION

Board Action Number: 17-47 ☐ Revised Requisition Number: _____

Presented to Full Board at its Meeting on: 02/15/17

Name of Provider: Multiple Providers Alkebulan Village, The Township of Van Buren, The City of Canton, Dearborn Police Department, Detroit City Connect, Downriver Community Conference, The City of Hamtramck, The City of Highland Park, The City of Inkster, The City of Redford Township, Eastside Community Network, and The City of Westland

Presented to ☒ Program Compliance Committee ☐ Finance Committee at its meeting on: 01/8/17

Proposed Contract Term: March 2017-September 2017

Amount of Contract: Not to exceed $1,796,552

Amount of Contract: FY15/16 $1,796,552

☐ New Program ☒ Continuation of Existing program/Contract ☐ Modification of Existing Program

Projected Number of Persons to be served: FY16/17 900

ntract Initiation Date: March 1, 2017

Program Description: (i.e. Target population, services provided, outstanding quality issues. If a proposed contract is modification state reason for modification, and summarize impact of this change (positive and/or negative).

It is being proposed that DWMHA continue to support the Summer Youth Employment Program which originally began in 2015. The program provides subsidized part-time employment for individuals between the ages of 14-24 living in Wayne County. In addition to work experience, this funding will ensure that the employed youth receive educational information on prevention, treatment and access to care. These programs are expected to be both beneficial and preventative for youth otherwise unoccupied during the summer months, who may be at a greater risk for developing behavioral health issues. The DWMHA Summer Youth Program is a continuation from the last two fiscal years with organizations intending to foster growth and enhance communities. These organizations thrive on community outreach to adolescents focusing heavily on youth recruitment plans and educational and mentoring goals to be accomplished over the summer months. The proposed partner cities and organizations are Alkebulan Village ($30,000), The Township of Van Buren ($47, 497), The City of Canton ($77,389.20), Dearborn Police Department ($49,000), Detroit City Connect ($800k), Downriver Community Conference ($400,000), The City of Hamtramck ($42,120), The City of Highland Park ($49,920), The City of Inkster ($37,575), The City of Redford Township ($49,962), Eastside Community Network ($100,000), and The City of Westland ($40,946). The amount also includes dollars for an end of season ceremony, as well as a coordinator and youth team to assist in ining, monitoring and mentoring ($72,143). These positions will be posted if required by the Compliance Officer. It is requested that funds be allowed to move between providers if one provider is underspending.

 Board Action#_____

Source of Funds: General Fund
Please specify e.g. (Medicaid, General Fund, Block Grant)

Revenue	FY 15/16	Annualized
State General Funds	$1,796,552	$
	$	$
Total Revenue	$	$

Recommendations for contract: ☒ Continue ☐ Modify ☐ Discontinue

Type of contract: ☒ Business ☐ Clinical

Approved for Submittal to Board

Thomas Watkins
President/CEO
Date 2/03/17

Stacie Durant
Chief Financial Officer
Date 2/3/17

ACCOUNT NUMBER: 64931.827206.06300 02/02/2017

☑ Budget
☐ Not in Budget

BOARD ACTION TAKEN

The following Action was taken by the Full Board on the 15th day of February, 2017

☑ Approved
☐ Rejected
☐ Modified as follows: _____

☐ Executive Director - Initial here: ____

☐ Tabled as follows: _____

Signature Gillian M. Blackshire
Board Liaison
Date 2/17/2017

Board Action#_____

Detroit Wayne
Mental Health Authority
707 W. Milwaukee St.
Detroit, MI 48202-2943
Phone: (313) 344-9099
www.dwmha.com

FAX: (313) 833-2156
TDD: (800) 630-1044 RR/TDD: (888) 339-5588

MEMORANDUM

To: Muddasar Tawakul – Purchasing Director
From: Andrea Smith
Subject: Summer Youth Employment Project
Date: January 27, 2017

Muddasar,

The purpose of this letter is to request approval in support of DWMHA's Summer Youth Program. The program provides subsidized part-time employment for individuals between the ages of 14-24 living in Wayne County. In addition to work experience, this funding will ensure that the employed youth receive educational information on prevention, treatment and access to care. These programs are expected to be both beneficial and preventative for youth otherwise unoccupied during the summer months, who may be at a greater risk for developing behavioral health issues.

The DWMHA Summer Youth Program is a continuation from the last two fiscal years with organizations intending to foster growth and enhance communities. These organizations thrive on community outreach to adolescents focusing heavily on youth recruitment plans and educational and mentoring goals to be accomplished over the summer months.

The engagement is beneficial to the Authority as it promotes workforce development and continued positive growth in Detroit and Wayne County. Research has shown that healthy youth foster into healthy adults when given appropriate coping mechanisms and protective factors.

The proposed partner cities and organizations and amounts each will receive totaling $1,796,552 (Alkebulan Village, The Township of Van Buren, The City of Canton, Dearborn Police Department, Detroit City Connect, Downriver Community Conference, The City of Hamtramck, The City of Highland Park, The City of Inkster, The City of Redford Township, Eastside Community Network, and The City of Westland). The amount also includes dollars for an end of season ceremony, as well as a coordinator and youth team to assist in training, monitoring and mentoring. These positions will be posted if required by the Compliance Officer.

Board of Directors

Herbert C. Smitherman, Jr., MD, Chairperson
Marsha Bianconi
Constance Rowley

Dr. Cheryl Munday, Vice-Chairperson
Angelo Glenn
Dr. Iris Taylor

Bernard Parker, Treasurer
Timothy Killeen
Terence Thomas

Dr. Cynthia Taueg, Secretary
Frank Ross
Heather Underwood

Thomas Watkins, President/CEO

Program	FY 16/17 Budget
Alkebu-lan Village	$ 30,000
Charter Township of Canton	$ 77,389
Charter Township of Redford	$ 49,962
City Connect	$ 800,000
Charter Township of Van Buren	$ 47,497
City of Dearborn	$ 49,000
City of Hamtramck	$ 42,120
City of Highland Park	$ 49,920
City of Inkster	$ 37,575
City of Westland	$ 40,946
Downriver Community Conference	$ 400,000
Eastside Community Network	$100,000
DWMHA Coordinator, Youth Team, Final Event & Training Supplies	$72,143
Totals	**$ 1,796,552**

Thank you for your consideration.

DETROIT WAYNE MENTAL HEALTH AUTHORITY
BUDGET ALLOCATION PAGE

BOARD ACTION NUMBER / Contract Terms	CONTRACTOR / Account Number	PROGRAM	PROPOSED BUDGET
10/01/2016 to 09/30/2017	Charter Township of Van Buren 64931.827206.06300	2017 Summer Youth Program	$47,497.00
BA#:17-47		TOTAL	$ 47,497.00

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING

DATE: MAY 1, 2017

Consent Agenda____ New Business__X__ Unfinished Business_____ Public Hearing_____

ITEM (SUBJECT)	Discussion on developing a dog park at Riggs Park (12945 Martinsville Rd.) or other locations.
DEPARTMENT	Supervisor
PRESENTER	Supervisor McNamara
PHONE NUMBER	734.699.8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED
To consider developing a dog park at Riggs Park or other locations.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)
Attached documents includes a list of Township-owned properties, along with GIS mapping for other possible locations for a dog park.

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	

DEPARTMENT RECOMMENDATION	None
COMMITTEE/COMMISSION RECOMMENDATION	

ATTORNEY RECOMMENDATION	NA
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	Kevin McNamara

County: 82 WAYNE Unit: VAN BUREN TOWNSHIP

****** Owner's Name ******	**** Parcel Number ****		2018 March BOR S.E.V.	Taxable	Class	Zone	* Property Address
VAN BUREN CHARTER TOWNSHIP	82 83 012 99 0022 000	5.03 AC.	0	0	401	R1B	6920 MORTON TAYLOR RD
VAN BUREN CHARTER TOWNSHIP	82 83 021 02 0062 000		0	0	402	R1C	49780 CROSS ST
VAN BUREN CHARTER TOWNSHIP	82 83 021 02 0063 001		0	0	402	R1C	MICHIGAN AVE
VAN BUREN CHARTER TOWNSHIP	82 83 022 99 0010 701		0	0	202	C1 GEN	51352 OLD MICHIGAN RD
VAN BUREN CHARTER TOWNSHIP	82 83 022 99 0010 702		0	0	202	C1 GEN	51320 OLD MICHIGAN RD
VAN BUREN CHARTER TOWNSHIP	82 83 033 99 0020 000		0	0	402	C1 GEN	ECORSE ROAD
VAN BUREN CHARTER TOWNSHIP	82 83 034 99 0012 000		0	0	402	OT	ECORSE ROAD
VAN BUREN CHARTER TOWNSHIP	82 83 038 99 0049 702		0	0	202	R1B	7981 BELLEVILLE RD
VAN BUREN CHARTER TOWNSHIP	82 83 042 99 0003 004		0	0	402	RM MUL	ECORSE ROAD
VAN BUREN CHARTER TOWNSHIP	82 83 048 99 0008 000		0	0	402	AG	39820 TYLER RD
VAN BUREN CHARTER TOWNSHIP	82 83 048 99 0010 702		0	0	402	AG	39600 TYLER RD
VAN BUREN CHARTER TOWNSHIP	82 83 053 01 0446 000		0	0	402	R1C	HAMILTON ST
VAN BUREN CHARTER TOWNSHIP	82 83 056 99 0013 000		0	0	202	RM MUL	N INTERSTATE 94 SERVICE
VAN BUREN CHARTER TOWNSHIP	82 83 056 99 0014 000		0	0	402	R1C	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 061 99 0001 000		0	0	402	R1B	46270 AYRES AVE
VAN BUREN CHARTER TOWNSHIP	82 83 061 99 0006 000		0	0	402	OT	46425 TYLER RD
VAN BUREN CHARTER TOWNSHIP	82 83 062 99 0001 701		0	0	301	M1 LIG	46805 TYLER RD
VAN BUREN CHARTER TOWNSHIP	82 83 062 99 0001 702		0	0	301	M1 LIG	46805 TYLER RD
VAN BUREN CHARTER TOWNSHIP	82 83 073 99 0012 000		0	0	102	R1B	50901 S INTERSTATE 94 S
VAN BUREN CHARTER TOWNSHIP	82 83 073 99 0013 702		0	0	402	R1B	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 078 99 0002 702		0	0	402	R1C	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 078 99 0008 000		0	0	402	R1B	49250 DENTON ROAD
VAN BUREN CHARTER TOWNSHIP	82 83 082 99 0012 701		0	0	402	R1B	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 085 99 0023 000		0	0	402	R1B	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 085 99 0024 000		0	0	402	R1B	EDGEMONT AVE
VAN BUREN CHARTER TOWNSHIP	82 83 090 99 0015 000		0	0	402	R1B	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 091 99 0001 000	Riggs Park	0	0	402	R1C	43275 E HURON RIVER DR
VAN BUREN CHARTER TOWNSHIP	82 83 093 01 0079 001		0	0	402	R1C	HAGGERTY RD
VAN BUREN CHARTER TOWNSHIP	82 83 094 01 0214 003		0	0	402	R1C	HAGGERTY RD

County: 82 WAYNE Unit: VAN BUREN TOWNSHIP

****** Owner's Name ******	**** Parcel Number ****		2018 March BOR S.E.V.	Taxable	Class	Zone	* Property Address
VAN BUREN CHARTER TOWNSHIP	82 83 094 01 0215 000		0	0	402	R1C	HAGGERTY RD
VAN BUREN CHARTER TOWNSHIP	82 83 094 01 0216 000		0	0	402	R1C	12090 HAGGERTY RD
VAN BUREN CHARTER TOWNSHIP	82 83 095 01 0221 300		0	0	402	R1C	12100 HAGGERTY RD
VAN BUREN CHARTER TOWNSHIP	82 83 096 99 0021 000		0	0	402	R1B	39665 WABASH
VAN BUREN CHARTER TOWNSHIP	82 83 099 99 0015 706	10.39 AC.	0	0	402	AG	HAGGERTY RD
VAN BUREN CHARTER TOWNSHIP	82 83 107 99 0002 702		0	0	402	C LOC	45400 HULL RD
VAN BUREN CHARTER TOWNSHIP	82 83 110 99 0001 000		0	0	402	R1B	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 113 99 0008 000		0	0	402	R1B	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 116 99 0015 702	7.45 AC.	0	0	402	R1A	15080 ELWELL RD
VAN BUREN CHARTER TOWNSHIP	82 83 117 99 0010 000		0	0	402	R1A	BELLEVILLE LAKE
VAN BUREN CHARTER TOWNSHIP	82 83 140 99 0009 000		0	0	402	AG	41875 RIGGS RD

Totals for all Parcels: Count= 40, S.E.V.= 0, Taxable= 0

9

BEVERLY ROAD

EE1	990000I	NET 5.53 Ac. ROAD 0.53 Ac. TOTAL 6.06 Ac.	
EE2	990002701	NET 5.10 Ac. ROAD 0.12 Ac. TOTAL 5.22 Ac.	
EE3	990004	NET 5.08 Ac. ROAD 0.13 Ac. TOTAL 5.21 Ac.	
EE4	990005	NET 5.07 Ac. ROAD 0.13 Ac. TOTAL 5.20 Ac.	
EE5	990006	NET 5.07 Ac. ROAD 0.13 Ac. TOTAL 5.20 Ac.	
EE6	990007	NET 5.07 Ac. ROAD 0.13 Ac. TOTAL 5.20 Ac.	
EE7	990008	NET 5.05 Ac. ROAD 0.13 Ac. TOTAL 5.18 Ac.	
EE8	990009	NET 5.04 Ac. ROAD 0.13 Ac. TOTAL 5.17 Ac.	
EE9	990010	NET 5.03 Ac. ROAD 0.13 Ac. TOTAL 5.16 Ac.	
EE10	990011	NET 5.03 Ac. ROAD 0.13 Ac. TOTAL 5.16 Ac.	
EE11	990012	NET 5.02 Ac. ROAD 0.13 Ac. TOTAL 5.15 Ac.	
EE12	990013	NET 5.01 Ac. ROAD 0.13 Ac. TOTAL 5.14 Ac.	
GG1a	990015	NET 6.56 Ac. ROAD 0.16 Ac. TOTAL 6.72 Ac.	
GG1b	990016	NET 5.06 Ac. ROAD 0.13 Ac. TOTAL 5.19 Ac.	
GG1c	990017	NET 5.05 Ac. ROAD 0.13 Ac. TOTAL 5.18 Ac.	
GG1d1	990018001	NET 4.05 Ac. ROAD 0.07 Ac. TOTAL 4.12 Ac.	
GG1d2	990018002	N 1.00 Ac. R 0.06 Ac. T 1.06 Ac.	
GG1e	990019	NET 5.04 Ac. ROAD 0.13 Ac. TOTAL 5.17 Ac.	
GG1f1	990020	NET 2.52 Ac. ROAD 0.06 Ac. TOTAL 2.58 Ac.	
GG1f2	990021	NET 2.52 Ac. ROAD 0.06 Ac. TOTAL 2.58 Ac.	
GG1g	990022	NET 5.03 Ac. ROAD 0.12 Ac. TOTAL 5.15 Ac.	
GG1h	990023	NET 5.02 Ac. ROAD 0.13 Ac. TOTAL 5.15 Ac.	
GG1j	990024	N 5.83 Ac. R 0.14 Ac. T 5.95 Ac.	
GG1k	990025	N 4.87 Ac. R 0.13 Ac. T 5.00 Ac.	
GG1m	990026	N 4.87 Ac. R 0.13 Ac. T 5.00 Ac.	
GG1n	990027	N 4.87 Ac. R 0.13 Ac. T 5.00 Ac.	
GG2	990028	NET 18.52 Ac. ROAD 1.48 Ac. TOTAL 20.00 Ac.	
FF1	990014001	N 9.24 Ac. R 1.01 Ac. T 10.25 Ac.	
FF2	990014002	N 3.80 Ac. R 0.20 Ac. T 4.00 Ac.	
FF3	990014003	N 1.90 Ac. R 0.10 Ac. T 2.00 Ac.	
FF4	990014004	N 1.90 Ac. R 0.10 Ac. T 2.00 Ac.	
FF5	990014005	N 1.90 Ac. R 0.10 Ac. T 2.00 Ac.	

SHELDON RD — 53 FT WD.

MORTON TAYLOR RD — 66 FT WD.

SECTION 3 — SECTION 2

ECORSE ROAD — SECTION 3 — SECTION 36 — ROAD

11

6920 Morton-Taylor Rd.

5.03 AC.

S.E. 1/4 SECTION 3

VAN BUREN TOWNSH

T. 3 S. R. 8 E.

WAYNE COUNTY, MICHIGAN

SCALE 1 INCH = 200 FEET

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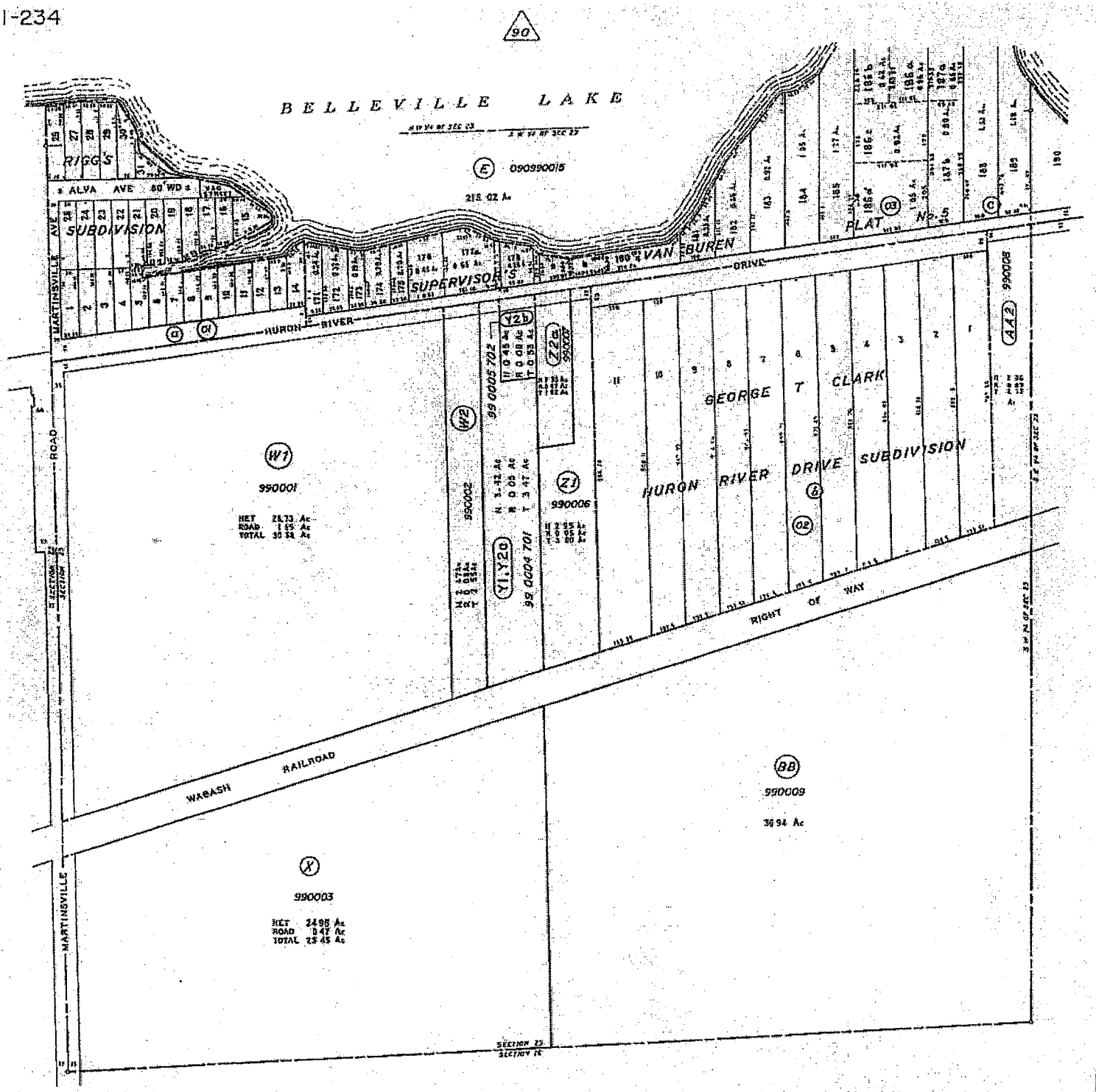

Riggs Park

30.58 AC.

S.W. 1/4 SECTION 23

VAN BUREN TOWNSI

T. 3 S. R. 8 E.

WAYNE COUNTY, MICHIGAN

SCALE 1 INCH = 200 FEET

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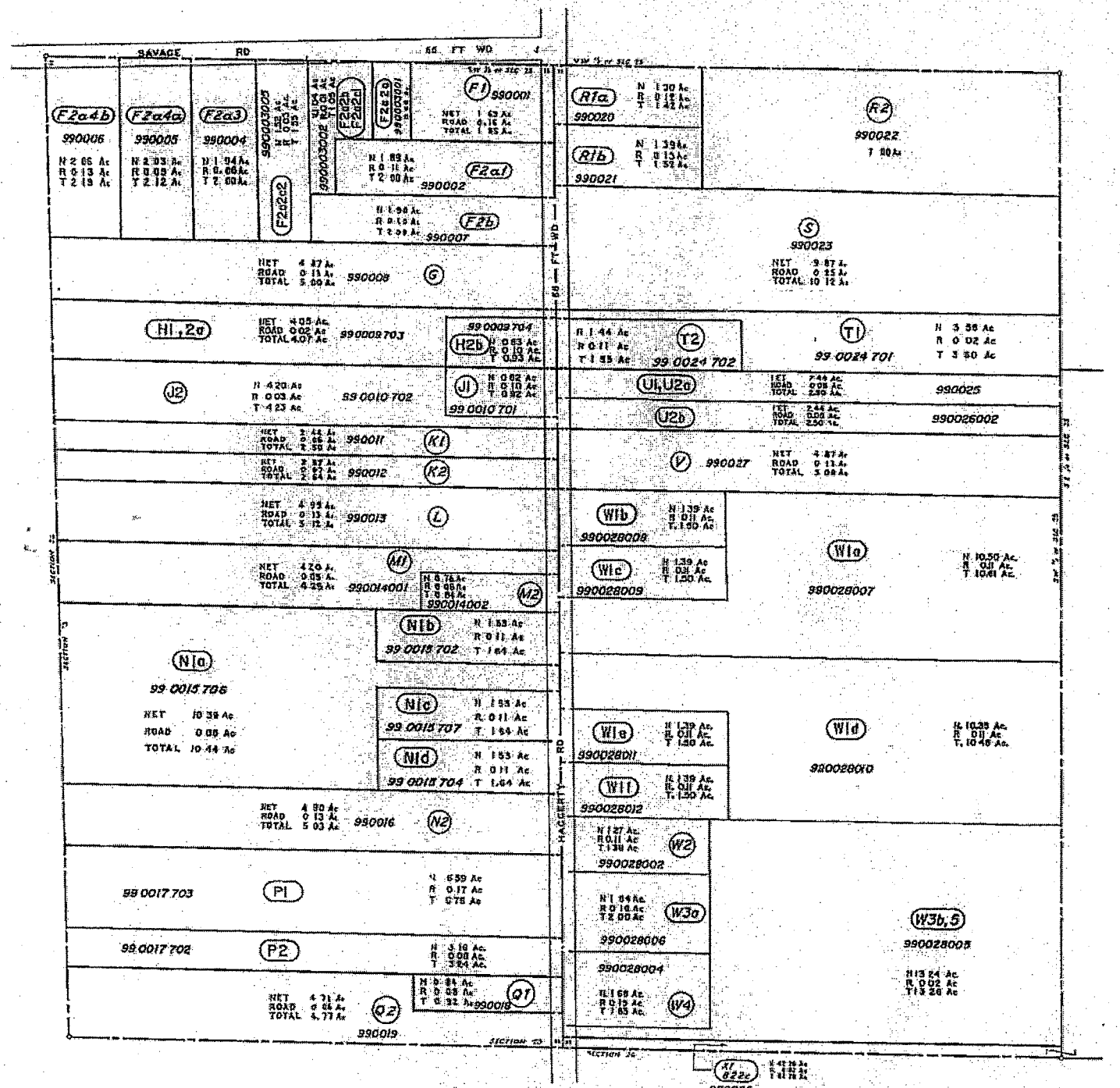
Haggerty Rd.

10.39 AC.



S.W. 1/4 SECTION 25

VAN BUREN TOWNSI

T. 3 S. R. 8 E.

WAYNE COUNTY, MICHIGAN

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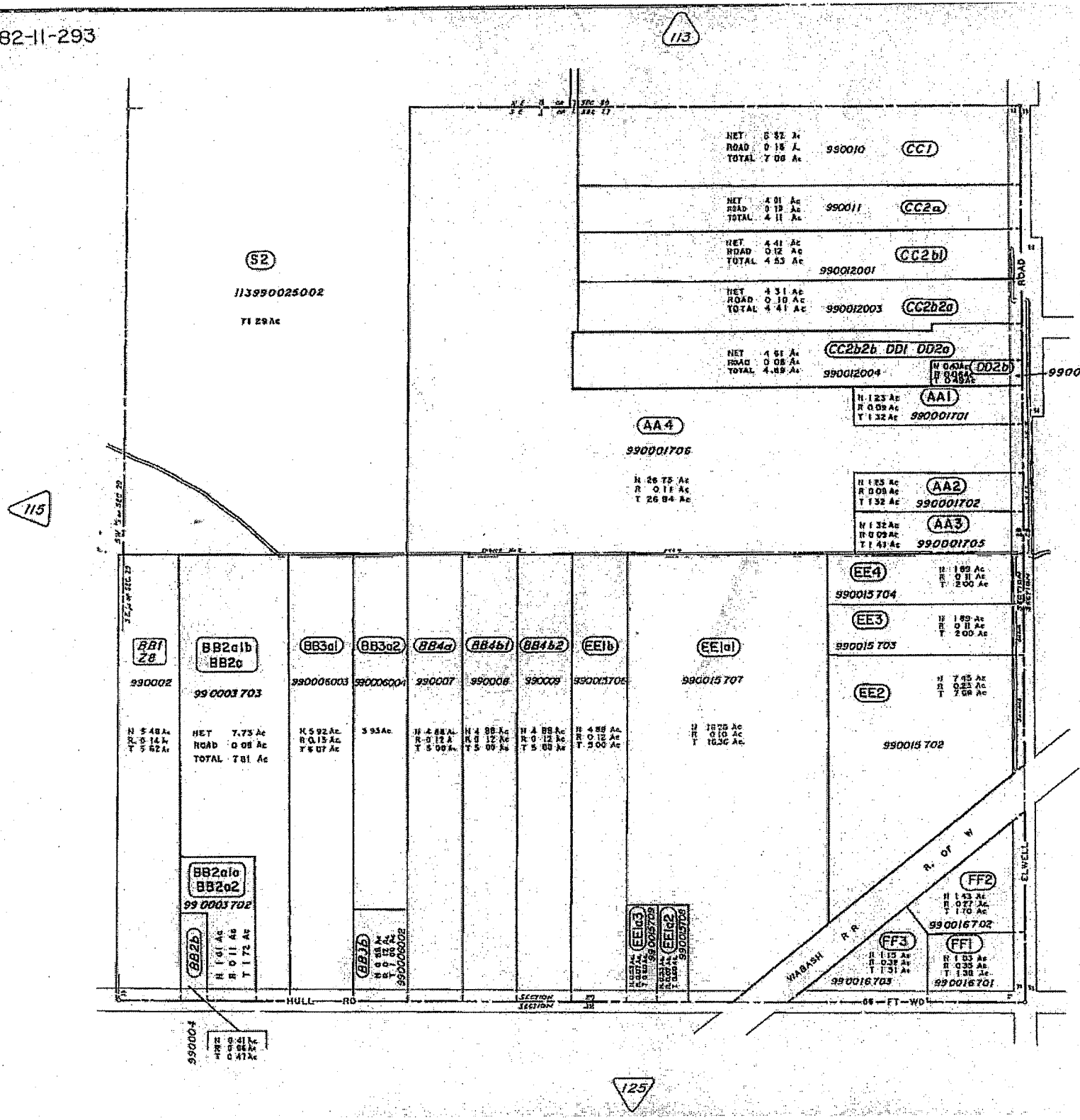

Elwell Rd.
7.45 AC.

6-30-42
7-1-49
3-16-50
6-14-51
7-9-52
2-16-68
4-10-67
5-11-73
7-15-73
7-8-74
11-14-79
10-06-80
1-28-83
10-31-84
11-25-85
2-12-90
4-8-91
11-4-96
11-19-99

S.E. 1/4 SECTION 29

VAN BUREN TOWNSH

T. 3 S. R. 8 E.

WAYNE COUNTY, MICHIGAN

SCALE 1 INCH = 200 FEET

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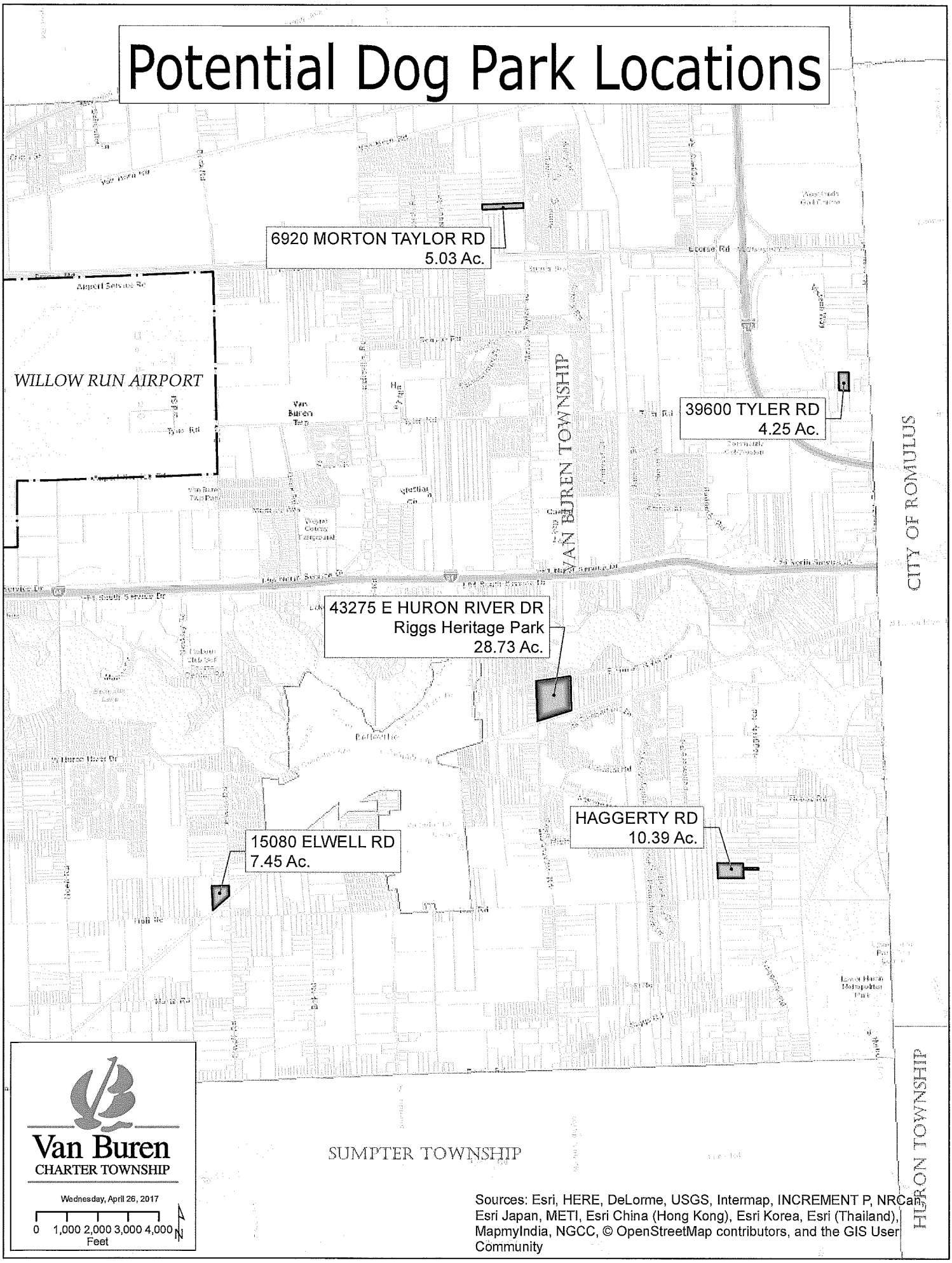
Potential Dog Park Locations