

PLAINFIELD CHARTER TOWNSHIP ZONING ORDINANCE

Plainfield Charter Township, Kent County, Michigan, does ordain as follows:

The Zoning Ordinance of said Township is hereby created and/or amended to read as follows:

An Ordinance for the establishment of zoning districts in the unincorporated portion of Plainfield Charter Township within which districts the use of land for agriculture, forestry, recreation, residence, trade, industry, natural resource conservation, and additional uses of land may be encouraged, regulated, or prohibited, and for such purposes dividing the unincorporated portions of the Township into districts of such number, shape, and area as deemed best suited to fulfill the provisions of this Ordinance; and for each such district designating or limiting the location, height, number of stories, and size of dwellings, buildings, and structures that may hereafter be erected or altered, and the specific uses for which dwellings, buildings, and structures may hereafter be erected or altered; the area of yards, courts and other open spaces, and the sanitary, safety, and protective measures that shall be required for such dwellings, buildings and structures; the maximum number of families which may be housed in dwellings, buildings, and structures hereafter erected or altered; and to provide for the administration and enforcement of this Ordinance and penalties for the violation of its provisions in accordance with the provisions of Act 110 of the Public Acts of Michigan in 2006, as amended.

CHARTER 1
SHORT TITLE, PURPOSE, AND SCOPE

SECTION 1.01 SHORT TITLE This Ordinance shall be known as the "Plainfield Charter Township Zoning Ordinance."

SECTION 1.02 PURPOSE This Ordinance shall affect the use and occupancy of all land and every building in the unincorporated portions of the Township. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, such provisions are intended to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion on the streets, to reduce hazards to life and property, to facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land and resources, to conserve property values and natural resources, and to encourage orderly growth.

SECTION 1.03 SCOPE Zoning affects every structure and use and extends vertically. Except as hereinafter specified, no building, structure, or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the district in which it is located.

It is not intended by this Ordinance to repeal, abrogate, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards or open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this ordinance shall control.

The existing permitted uses in the P-1, Planned Development Zone, and R-5, Residential of the Zoning Ordinance adopted April 7, 1969 which have been placed in PUD, Planned Unit Development Zone, by the zoning map adopted herewith, may continue subject to such restrictions as may have been imposed upon such use.

CHAPTER 2 **DEFINITIONS**

For the purpose of this ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular number. The word "shall" is always mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation, association or their agents, or other legal entity. Terms not herein defined shall have the meanings customarily assigned to them.

SECTION 2.01 ACCESSORY BUILDING A building or structure, or a portion thereof, on the same lot with a main building, occupied or devoted to a subordinate or accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such accessory building shall be considered a part of the main building. A "Garage, Private" and "Greenhouse, Private" are considered to be an Accessory Buildings.

SECTION 2.02 ACCESSORY STRUCTURE A subordinate or supplemental structure, not including a building, located on the same lot as the principal building. Accessory structures include, but are not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas, decks and patios and similar types of structures. Sidewalks, handicap ramps and barrier free design facilities providing access to a building, driveways, fences, light posts, utility poles and signs are not considered accessory structures and are excluded from regulation unless specifically stated otherwise in other sections of this ordinance.

SECTION 2.03 ACCESSORY USE A use naturally and normally incidental, ancillary, and subordinate to the main use of the premises.

SECTION 2.04 ADULT DAY CARE FACILITY An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care and protection for periods of less than 24 hours a day, four or more days a week for two or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. Adult Day Care Center: A facility other than a private residence, receiving more than six adults for group care periods of less than 24 hours a day.
- B. Adult Family Day Care Home: A private residence in which one but less than seven adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.
- C. Adult Family Group Day Care Home: A private residence in which more than six but not more than 12 adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.
- D. Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this Chapter.

SECTION 2.05 ADULT FOSTER CARE FACILITY An establishment having as its principal function the receiving of persons 18 years of age or older for the provision of supervision, personal care and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation, as licensed and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the

Department of Human Services. Such facilities shall not include those types of facilities excluded in MCL 400.703(4)(a)-(i) but shall include and may be further defined as follows:

- A. "Adult foster care camp" or "adult camp" means adult foster care facility with the approved capacity to receive more than 4 adults to be provided foster care. An adult foster care camp is a facility located in the natural or rural environment.
- B. "Adult foster care congregate facility" means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
- C. "Adult foster care family home" means a private residence with the approved capacity to receive 6 or fewer adults to be provide with foster care for 5 or more days a week and for 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.
- D. "Adult foster care large group home" means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

SECTION 2.06 AGRICULTURE The cultivation, tilling or use of land for the purpose of producing crops therefrom, or of horticulture, animal husbandry, and all uses permissible under the definition of "farm" as contained in the chapter.

SECTION 2.07 AIRFIELD – A privately or publicly owned parcel of land that is used for the landing, take off, parking and fueling of aircraft. Related buildings and services only include hangars for the storage of aircraft and aircraft fueling facilities.

SECTION 2.08 AIRPORT – An area of land that is used for or incidental to the landing, take off and parking of aircraft, including buildings and facilities. For the purposes of this definition airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, aircraft fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas and contiguous reserve land held for such uses and purposes.

SECTION 2.08A ANIMALS – For the purposes of the regulations in this Zoning Ordinance, the following definitions of animals shall apply:

- A. Domestic animals mean an animal that the Township determines is not likely to bite without provocation nor cause death, maiming or illness of a human, including but not limited to the following animals:
 - 1. Bird (caged)
 - 2. Cat (domestic)
 - 3. Chinchilla
 - 4. Ferret
 - 5. Dog (domestic)
 - 6. Fish
 - 7. Lizard (non-venomous)
 - 8. Snake (non-venomous)
 - 9. Spider (non-venomous or non-poisonous)
- B. Farm animal means any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck, or turkey. Farm animal also means any other animal, raised for commercial profit, slaughter, or more than two breeder rabbits.
- C. Wild animal means any animal that is not a domestic animal or farm animal as defined in this Section.

SECTION 2.09 ARCADE Any building, structure, premises, or part thereof, in which are located for public use six or more coin operated amusement devices.

SECTION 2.10 APARTMENT BUILDING – Refer to : “Dwelling – Multiple Family” as defined in this Chapter.

SECTION 2.10A AVERAGE GRADE – The elevation of the surface of the earth or finished material located immediately adjacent to a structure. Where the grade is not approximately level, the average grade shall be determined by averaging the elevations measured at one point on each side of the building located one-half the distance between the corners of each side of the building.

SECTION 2.11 AUTOMOBILE GAS STATION - A building or structure used for the retail sale of fuel and lubricants for motor vehicles. A gas station shall not include vehicle repair, oil change, or lubrication, automobile laundry, or any other service to motor vehicles, nor shall it include a bulk fuel distribution facility.

SECTION 2.12 AUTOMOBILE REPAIR - MAJOR Any activity involving the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision servicing, including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle rust-proofing; and similar activities.

SECTION 2.13 AUTOMOBILE REPAIR - MINOR Any activity involving minor repair to motor vehicles and the replacement of parts for such vehicles, provided, that in no case shall any operation specified under "Automobile Repair - Major" be included.

SECTION 2.14 AUTOMOBILE SERVICE STATION A structure or structures and space combined and used solely for servicing motor vehicles with the usual operating commodities such as gasoline, oil, batteries, tires, and other minor accessories, or services such as hand washing, waxing, and lubricating, and in connection with which there is no major repair or refinishing of motor vehicles, except that the repair of tires, lights, changing of batteries, or minor automobile repairs and adjustments shall be permitted.

SECTION 2.15 AUTOMOBILE WASH ESTABLISHMENT A building, or portions thereof, the purpose of which is to manually or automatically wash vehicles.

SECTION 2.16 BASEMENT A portion of a building located totally below, or partly below and partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

SECTION 2.16A BED & BREAKFAST ESTABLISHMENTS. A use which is subordinate to the main use of the dwelling unit as a single family residence which offers sleeping accommodations to transient tenants in ten (10) or fewer rooms for rent, at the innkeepers residence in which the innkeeper resides while renting the rooms to transient tenants and serves breakfast at no extra cost to its transient tenants.

SECTION 2.17 BILLBOARD Refer to Section 28.02

SECTION 2.18 BOARD or TOWNSHIP BOARD The Plainfield Charter Township Board of Trustees.

SECTION 2.19 BOARDING HOUSE Also referred to as a lodging house, rooming house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two persons other than members of the family occupying such dwellings.

SECTION 2.19A BUFFER ZONE A strip of land abutting exterior boundaries of a lot (including any right-of-way line) and reserved solely for plant material or fencing (if otherwise permitted), to be used as a visual, sound, or privacy barrier.

SECTION 2.20 BUILDABLE AREA The developable area of a lot is the space remaining after the minimum yard and open space requirements of this ordinance have been complied with.

SECTION 2.21 BUILDING Any structure having a roof.

SECTION 2.22 BUILDING HEIGHT The vertical distance measured from the average grade elevation of the surface of the ground or finished material anywhere around the perimeter of a building, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to a point which is half way between the eaves and the ridge of gable, hip, or gambrel roofs.

SECTION 2.23 BUILDING, MAIN OR PRINCIPAL A building in which is conducted the principal use of the lot upon which it is situated.

SECTION 2.24 BUILDING PERMIT The written authority as issued by the appropriate officer of the Township permitting the construction, moving, alteration or use of a structure in conformity with the provisions of this Ordinance.

SECTION 2.25 BUILDING SETBACK The distance between the lot line and the nearest point of any building or structure, including such things as a building facia and soffit, overhangs and bay windows, provided, however, the distance shall be measured from the street right-of-way on any lot line abutting a public street or private road.

SECTION 2.26 BUILDING SETBACK LINE The line situated at ground level being parallel to the lot line or street right-of-way line, which defines the actual distance of the nearest point of a building or structure from a street or property line.

SECTION 2.27 BUILDING SETBACK LINE, MINIMUM The line situated at ground level, parallel to the street right-of-way line or property line, which defines the part of a lot within which no part of a building or structure shall project or be located except as otherwise provided by this Ordinance.

SECTION 2.28 BULK STATION A place where crude petroleum, gasoline, naphtha, kerosene, benzene, or any other liquid such as will stand a test of 150DF, which is stored for wholesale purposes where the aggregate capacity of all storage tanks is more than 6,000 gallons.

SECTION 2.29 CARWASH Refer to: "Automobile Wash Establishment"

SECTION 2.30 CHILD CARE ORGANIZATIONS A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 as amended. Such organizations shall be further defined as follows:

- A. "Child care center" or "day care center" A facility, other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 2. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
- B. "Foster family home" A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the Michigan Adoption code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are give care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- C. "Foster family group home" A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70 are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- D. "Family day care home" A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- E. "Group day care home" A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

SECTION 2.31 COIN OPERATED AMUSEMENT DEVICE Any amusement machine or device operated by means of insertion of coin, token, or similar object, for the purpose of amusement or skill. (this definition shall not include coin operated music devices or machines dispensing food, drink, or miscellaneous items.)

SECTION 2.32 COMMISSION OR PLANNING COMMISSION The Planning Commission for Plainfield Charter Township.

SECTION 2.33 CONDOMINIUM Means a form of ownership which includes a divided interest in a building and/or lot and an undivided interest in all other lands and improvements, which are maintained through an association of co-owners. This form of ownership is most often applied to multi-family residential uses; however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

SECTION 2.34 CONDOMINIUM ACT Means Public Act 59 of 1978, as amended.

SECTION 2.35 CONDOMINIUM DWELLING Means the structure built upon a lot or condominium unit which is intended for residential purposes.

SECTION 2.36 CONDOMINIUM PROJECT PLAN Shall include all of the following as required in Section 66 of the Condominium Act as amended, being P.A. 59 of 1978.

- A. Cover sheet.
- B. A survey plan.
- C. A flood plain plan if condominium lies within or abuts a flood plain area.
- D. A site plan.
- E. A utility plan.
- F. A floor plan.
- G. The size, location, area and horizontal boundaries of each condominium unit.
- H. A number assigned to each condominium unit.
- I. The vertical boundaries and volume of each unit comprised of enclosed air space.
- J. Building sections showing the existing and proposed structures and improvements, including their location on the land. Any proposed structure and improvement shown shall be labeled either a “must be built” or “need not be built” to the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as “must be built”, but the obligation to deliver such items exists whether or not they are shown and designated.
- K. The nature, location, and approximate size of the common elements.

SECTION 2.37 CONDOMINIUM UNIT Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

SECTION 2.38 CONDOMINIUM COMMON ELEMENTS The portions of the condominium project other than the condominium units.

SECTION 2.39 CONDOMINIUM LIMITED COMMON ELEMENTS The portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

SECTION 2.40 CONDOMINIUM LOT For purposes of determining zoning compliance of site condominiums, the term “lot” as defined in Section 2.76 shall mean an individual condominium unit along with any limited common element or general common element.

SECTION 2.41 CONDOMINIUM GENERAL COMMON ELEMENTS The common elements other than the limited common elements.

SECTION 2.42 CONDOMINIUM MOBILE HOME PROJECT A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

SECTION 2.43 CONDOMINIUM MASTER DEED Means the condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

SECTION 2.44 CONDOMINIUM SUBDIVISION Shall be a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

SECTION 2.45 CONDOMINIUM; MULTIPLE FAMILY CONDOMINIUM PROJECT A building or portion thereof which contains two (2) or more dwelling units.

SECTION 2.46 CONDOMINIUM; SINGLE FAMILY CONDOMINIUM A condominium project in which each dwelling unit constitutes a separate and unattached building.

SECTION 2.47 CONVALESCENT HOME, NURSING HOME OR HOME FOR THE AGED An institutional facility other than a private home or facility defined in this Chapter having as its principle function the provision of care, and supervision of individuals for 24 hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978, as amended.

SECTION 2.48 CURB LEVEL The mean level of the established curb in front of the building.

SECTION 2.49 DECK A raised platform structure without walls or roof. A deck may include a railing not exceeding a height of four feet above the platform or privacy type structure (i.e. lattice) not exceeding of height of eight feet above the platform.

SECTION 2.50 DIMENSIONAL NON-CONFORMITY Refer to: "Non-conforming Building, Parcel or Structure" as defined in this Chapter.

SECTION 2.51 DISTRICT OR ZONE A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations apply under the provisions of this Ordinance.

Section 2.52 DRIVE-IN RESTAURANT OR REFRESHMENT STAND Any place or premises used for the sale, dispensing, or serving of food or refreshments where consumption may be other than solely within a building on the premises.

SECTION 2.53 DWELLING, DWELLING UNIT, APARTMENT A building or portion thereof containing independent cooking and sleeping facilities and constituting a separate, independent housekeeping establishment, including mobile homes, one-family, two-family and multiple-family buildings, but not including motels, tourist rooms or trailers.

SECTION 2.54 DWELLING, MOBILE HOME A vehicular portable structure built on a permanent chassis which, in accordance with Section 6.03 (6) of the National Manufactured Housing and Safety Standards Act of 1974, being 42 USC & 5401 through 5426, cannot be removed, and designed to be used with or without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days; and which is registered with the State of Michigan, for which a certificate of title is granted, and, further, is constructed to the minimum standards as required by the Department of Housing and Urban Development.

SECTION 2.55 DWELLING MODULAR OR PRE-MANUFACTURED Modular or pre-manufactured is an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. All pre-manufactured units shall be constructed to the minimum

construction standards as promulgated by the State of Michigan, State Construction Codes for Pre-Manufactured Units, and shall have a certificate of compliance to those standards affixed to each unit as prescribed by state regulation or, in the alternative, be constructed to the minimum construction codes as adopted by the Township from time to time, prior to placement within the Township unless a pre-manufactured unit meets the definition of a mobile home and is placed within the township as a mobile home.

SECTION 2.56 DWELLING, MULTIPLE A building or portion thereof containing three or more dwelling units. This shall include apartment houses, townhouses and condominiums, but does not include mobile home parks.

SECTION 2.57 DWELLING, SINGLE FAMILY A detached building, used or designed for use as a single dwelling unit by one family.

SECTION 2.58 DWELLING, TWO FAMILY A detached building containing two dwelling units. It may also be termed a duplex.

SECTION 2.59 ERECTED Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered part of erection.

SECTION 2.60 ESSENTIAL SERVICES Refer to: "Public Services – Essential" as defined in this Chapter.

SECTION 2.61 FAMILY One or more persons related by blood within the second degree of consanguinity, marriage or adoption or direct lineal descendants, adopted children and legally placed foster children and wards, together with not more than two persons not so related, living and cooking together in a single housekeeping unit. Additional person or persons not so related or associated living in such housekeeping unit shall be considered a separate family. A number of persons not to exceed two living and cooking as a single housekeeping unit though not related by blood within the second degree of consanguinity, marriage, or adoption shall be deemed to constitute a family.

SECTION 2.62 FARM All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is conducted, provided that the area thereof is a minimum of ten acres. For the purpose of the ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, livestock and poultry farms, private stables, and apiaries; but establishments for the purpose of raising fur-bearing animals, operating fish hatcheries, stone quarries, or gravel, sand or dirt pits shall not be considered farms. The words "agriculture" and "farming" shall be considered as synonymous.

SECTION 2.63 FARM BUILDING Any building or structure, other than a dwelling unit, which is used incidental to the farm use, such as a barn for the housing and care of farm animals, grain bin, silo, or farm vehicle or implement storage building.)

SECTION 2.64 FARM MARKET Refer to: "Roadside Stands" as defined in this Chapter.

SECTION 2.65 FENCE Any permanent barrier, partition, or structure erected as a dividing structure, or as an enclosure, and not part of a structure requiring a building permit. Fence does not include a retaining wall.

SECTION 2.66 FISH HATCHERY A fish farm facility intended for the propagation and rearing of fish.

SECTION 2.67 FLOOR AREA, NET – NON DWELLINGS The area of all floors in a building computed by measuring the dimensions of the outside walls or from the center lines of common walls of a building excluding elevator shafts, stairwells, floor space used for basic utilities such as heating and cooling equipment, mezzanines, attics or portions thereof with a headroom of less than seven and one-half feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks.

SECTION 2.68 FLOOR AREA OF DWELLINGS The area of all floors computed by measuring the dimensions of the outside walls of a building or from the center lines of common walls excluding porches, patios, terraces, breezeways, carports, verandahs, garages, basements, or portions thereof not meeting Township Building Code requirements for ingress and egress and attics or portions thereof with headroom of less than seven and one-half feet.

SECTION 2.69 GARAGE, COMMERCIAL A building, other than a private garage, used for the care, repair, or equipment of motor vehicles, or where such vehicles are parked or stored for remuneration, hire, or sale.

SECTION 2.70 GARAGE, PRIVATE A detached building or portion of a principal building for the parking or temporary storage of vehicles used by the occupants of the principal building.

SECTION 2.71 GRADE a reference plane representing the average of finished ground level adjoining the building at all exterior walls.

SECTION 2.72 GREENBELT A planting or buffer strip, where required, shall be maintained in as good condition as when installed and shall be at least ten feet in width composed of deciduous trees interspersed with evergreen trees, said trees to be spaced not more than twenty feet apart. Deciduous trees shall be a minimum of eight feet in height and evergreen trees a minimum of five feet in height at the time of planting. The greenbelt shall also include at least one row of dense shrubs placed not less than five feet apart having a minimum height of three feet when planted.

SECTION 2.72A GREENHOUSE or PLANT MATERIALS NURSERY, PRIVATE An area, building, structure for the storage of live trees, shrubs or plants, offered for retail sale on the premises, including products for gardening or landscaping. The definition of greenhouse or nursery, within the meaning of this Zoning Ordinance, does include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

SECTION 2.73 HOME OCCUPATION Any profession or occupation conducted in a single family dwelling as an accessory use which is clearly incidental and secondary to the use of the dwelling.

SECTION 2.74 JUNK YARD An open space where waste, surplus, discarded, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including but not limited to house-wrecking and structural steel materials and equipment, automobile wrecking and other manufactured goods that are worn, deteriorated or obsolete.

SECTION 2.75 KENNEL Any place on which five (5) or more dogs, cats or other household pets four (4) months of age or older are kept either temporarily or permanently for any reason other than veterinary medicine, including boarding, breeding, or sale.

SECTION 2.76 LOT A plot, parcel, or unit of land having frontage and access upon a public or approved private street whether or not the plot or parcel is part of a recorded plat or site condominium project.

SECTION 2.77 LOT AREA The total area encompassed within the property lines of a lot excluding street rights-of-way, street easements, storm water retention or detention easements located on any lot, or any area that is a designated wetland.

SECTION 2.78 LOT, CORNER A lot located at the intersection of two streets which form an angle of one hundred thirty-five degrees or less.

SECTION 2.79 LOT COVERAGE The portion of a lot, stated in terms of percentage, that is covered by the area beneath the roof and its projection of all roofed structures located thereon. This shall be deemed to include all buildings, porches, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs, or full roofs, but shall not be deemed to include fences, decks without a roof, walls or hedges used as fences, or swimming pools with no roof.

SECTION 2.80 LOT DEPTH The horizontal distance between the front and rear lot lines, as measured along the midpoint between the side lot lines.

SECTION 2.81 LOT, INTERIOR A lot other than a corner lot.

SECTION 2.82 LOT, THROUGH An interior lot having frontage on two (2) streets.

SECTION 2.83 LOT LINES The property lines bounding the lot.

- A. Front lot line - The line separating such lot from the street right-of-way. In the case of a corner lot, the front lot line shall be the boundary adjacent to the narrowest improved street frontage, provided, however, where a front lot line has been established by the erection of a structure, such front lot line shall take precedence. In the case of a through lot, the front lot line shall be the boundary to which the building is oriented and if there is no building on the lot, the front lot line shall be established by the Building Inspector.
- B. Rear lot line - That lot boundary opposite and most distant from the front lot line. In the case of an irregular or triangular lot, the rear lot line shall be a line at least ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line. In cases where none of these definitions are applicable, the Building Inspector shall designate the rear lot line.
- C. Side lot line – Any lot line that is not a front or rear lot line.

SECTION 2.84 LOT - SUBSTANDARD Refer to: “Non-conforming” lot as defined in this Chapter.

SECTION 2.85 LOT WIDTH The horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot lines. The lot width shall not be diminished from the building setback line, throughout the entire depth of the building and from the rear wall of the building towards the rear lot line.

SECTION 2.86 LOT OF RECORD A tract or parcel of land which is part of a subdivision shown on a plat map or a unit in a site condominium project which has been recorded in the Office of the Register of Deeds for Kent County, Michigan or a tract or parcel of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds for Kent County, Michigan.

SECTION 2.86A MEDICAL MARIJUANA DISPENSARIES. Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, whether profit or nonprofit, where medical marijuana (also commonly known as marijuana or cannabis) is made available to, sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

- A. A registered primary caregiver (as defined by Michigan Initiated Law No. 1 of the Public Acts of 2008, as amended)

- B. A registered qualifying patient (as defined by Initiated Law No. 1 of the Public Acts of 2008, as amended).
- C. Members of the public.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five qualified patients in strict accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules, and regulations.

A medical marijuana dispensary shall also not include smoking, consuming, or use of medical marijuana by a primary qualifying patient in strict accordance with the Michigan Medical Marijuana Act, Michigan Initiated Law 1 of 2008, as amended, and the requirements of this Ordinance as all other applicable Township ordinances and applicable Michigan and federal laws, rules, and regulations.

A medical marijuana dispensary shall also not include the following uses that are in compliance with this Ordinance and all laws and rules in the State of Michigan, and intended for the on-site patient use only: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility.

SECTION 2.87 MINI-WAREHOUSE A building or group of buildings in a fenced compound and with controlled access and which contain individual, compartmentalized, and locked units or lockers for the storage of personal property.

SECTION 2.88 MOBILE HOME Refer to: “Dwelling – Mobile Home” as defined in this Chapter.

SECTION 2.89 MOBILE HOME PARK A parcel upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is in accordance with the requirements of the Mobile Home Commission Act, being Act 419 of the Michigan Public Acts of 1976, as amended.

SECTION 2.90 MODULAR HOME Refer to: “Dwelling – Modular or Pre-Manufactured” as defined in this Chapter.

SECTION 2.91 MOTEL, MOTOR INN Group of furnished rooms or separate structures providing sleeping and parking accommodations for transient use, commonly known as motels or motor inns, and as distinguished from rooms in a residential building.

SECTION 2.92 NON-ACADEMIC SCHOOL Refer to: “School – Non-Academic Uses” as defined in this Chapter.

SECTION 2.93 NON-CONFORMING CURB CUT OR DRIVEWAY An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this Ordinance did not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

SECTION 2.94 NON-CONFORMING LOT A legally existing lot at the effective date of this Ordinance which does not meet the requirements of the Ordinance because of inadequate lot area access, insufficient width, depth, area, or any combination thereof.

SECTION 2.95 NONCONFORMING USE Any building or land lawfully occupied by a use at the effective date of this ordinance, which does not conform after the passage of this ordinance or amendment thereto with the use requirements of the district in which it is situated.

SECTION 2.96 NON-CONFORMING BUILDING OR STRUCTURE Any building, lot, or structure that lawfully existed on the effective date of this Ordinance, or any amendment thereto, which does not conform after the passage of this Ordinance or amendment thereto with one or more of the physical requirements of the district in which the building, lot or structure is located. By way of example, non-conforming physical requirements include such things as building setbacks, parking facilities, landscaping and so forth.

SECTION 2.97 NURSERY, PLANT MATERIALS Refer to SECTION 2.72A.

SECTION 2.98 NURSING HOME Refer to SECTION 2.47, "Convalescent Home, Nursing Home or Home for the Aged."

SECTION 2.99 OPEN AIR BUSINESS Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck/trailer, motor vehicle, boats, home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Outdoor recreational establishments consisting of uses or activities such as tennis courts, archery ranges, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, amusement parks, or similar recreation uses (transient or permanent).

SECTION 2.99A ORDINARY HIGH WATER MARK (OHWM) The line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

SECTION 2.100 POND An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, either above or partly above and partly below grade, capable of holding water in a depth greater than two feet when filled to capacity.

SECTION 2.100A PORCH A horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building.

SECTION 2.101 PRINCIPAL USE The primary or predominant use of the premises.

SECTION 2.102 PUBLIC SERVICES - ESSENTIAL The erection, construction, alteration, or maintenance by public utilities or Township departments of the following utilities: gas, overhead or underground electrical, steam, water, or sewer for the purpose of transmission or distribution, collection, communications, supply, or disposal or such utility services including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, towers, electrical

substations, telephone exchange buildings, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate public utility service by such public utilities or Township for the public health, safety, or general welfare, but not including buildings other than such as are primarily enclosures or shelters of the above essential service equipment. This definition shall not include sanitary landfills, recycling centers, transfer stations, or cellular towers.

SECTION 2.103 SCHOOL Any building used primarily for the education of children grades K - 12, but not including colleges, universities, trade schools, or schools operated as commercial enterprises.

SECTION 2.104 SCHOOL – NON ACADEMIC USES Any building, structure, or area that is owned by a school administration and primarily used for a purpose incidental or accessory to a school such as administrative offices not included within a school building, vehicle or other maintenance facilities, athletic facilities, bus and truck storage areas or garages and residential or dormitory facilities.

SECTION 2.105 SEPARATE OWNERSHIP A person owning a lot and having no legal property rights in adjacent properties so that the adjacent properties cannot be used with said separately owned lot for building purposes. Separate ownership shall not include owners of adjacent land who are members of the same family as defined in this ordinance where the property can, without undue hardship, be included as part of the lot.

SECTION 2.106 SETBACK Refer to: “Building Setback” as defined in this Chapter.

SECTION 2.107 SIGN Refer to Section 28.02.

SECTION 2.108 SITE PLAN A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, accessory buildings, structures, accessory structures, parking, loading facilities, street, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by Chapter 32 of this Ordinance.

SECTION 2.109 SMALL ANIMAL CLINIC A totally enclosed building which provides for the medical treatment and care of household pets including but not limited to cats, dogs, and exotics. Temporary boarding of household pets requiring treatment is permitted in a small animal clinic. Treatment of farm animals, maintenance of outdoor runs or cages, maintenance of crematoriums, and boarding of any animal or pet, except as provided herein, is prohibited.

SECTION 2.110 SPECIAL USE Refer to SECTION 2.126, “Use – Special.”

SECTION 2.111 STABLE, PRIVATE A building or a group of buildings and adjoining land used for the housing of horses or other domestic animals owned by an individual for the use of himself, his immediate family or friends, as an accessory noncommercial use to a principal residential use.

SECTION 2.112 STABLE, PUBLIC A building or a group of buildings and adjoining land used for the housing of equines for commercial enterprise.

SECTION 2.112A STATE LICENSED RESIDENTIAL FACILITY A structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, being sections 400.701 to 400.737 of the Michigan Compiled laws, or Act No 116 of the Public Acts of 1973, as amended being sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care. “A State Licensed Residential Facility” includes, for example, a Foster Family Home, a Foster Family Group Home, or an Adult Foster Care Small Group Home.

SECTION 2.113 STORY The portion of the building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

SECTION 2.114 STORY, HALF That portion of a building between the eaves and ridge lines of a pitched roof.

SECTION 2.115 STREET

- A. Public Street. Any public thoroughfare dedicated for the purpose of providing traffic circulation and the principal means of access to abutting property, including avenues, places, ways, drives, lanes, boulevards, highways, roads, streets or other thoroughfares.
- B. Private Road or Drive. An easement running with the land which provides access to more than one legally described lot.
- C. Street Right-Of-Way. A general term denoting land, property or a property interest usually in a strip, acquired for or devoted to transportation purposes which has been dedicated to the public, or used, taken, dedicated or reserved as a private road.

SECTION 2.116 STRUCTURE Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground; including but without limiting the generality of the foregoing, advertising signs, billboards, tennis courts, swimming pools, and pergolas. Fences, sidewalks, and driveways shall not be considered structures.

SECTION 2.117 STRUCTURAL ALTERATIONS Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in roof.

SECTION 2.118 SWIMMING POOL A basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water and does not include ponds as defined in this Chapter.

SECTION 2.119 TEMPORARY BUILDING A structure permitted under this ordinance to exist during periods of construction or for special uses or events.

SECTION 2.120 THEATER, INDOOR Any building primarily used for dramatic presentations, shows, movies, or similar entertainment which building has a roof sheltering performers and patrons, open to the public, with or without charge.

SECTION 2.121 THEATER, OUTDOOR Any place other than an indoor theater used primarily for dramatic presentations, shows, movies, or similar entertainment, including drive-in theaters, open to the public, with or without charge.

SECTION 2.122 USE Any purpose for which a building or other structure or lot may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

SECTION 2.123 USE, ACCESSORY A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See Use, Principal)

SECTION 2.124 USE, PERMITTED BY RIGHT A use or uses which, by their very nature are allowed within the specified Zoning District provided all applicable regulations of Plainfield

Township are met. Permitted use includes the principal use of the land or structure as well as accessory uses unless specifically stated to the contrary.

SECTION 2.125 USE, PRINCIPAL The primary purpose for which land or a structure or building is used.

SECTION 2.126 USE, SPECIAL A procedure wherein certain uses may be permitted after review when the affect of such uses on adjoining lands and the general welfare of the Township may require additional consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this ordinance.

SECTION 2.127 USE, TEMPORARY A use or activity which is permitted only for a limited time, and subject to specific regulations.

SECTION 2.128 VEHICLE Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power used exclusively upon stationary rails or tracks and excepting mobile homes.

SECTION 2.129 VEHICLE SALES, NEW An authorized dealership primarily for the sale of new motor vehicles subject to licensing, but as an incidental use may include the sale of used motor vehicles which are subject to licensing and truck campers attached to trucks prior to delivery to the dealership. Said dealership shall have complete facilities housed in a building on the premises for display of new motor vehicles, for the service, repair, and restoration of new and used motor vehicles, and for the sale of new accessories.

SECTION 2.130 VEHICLE SALES, USED An authorized dealership for the sale of used motor vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used motor vehicles such as minor repairs, services and restoration, shall be performed within completely enclosed facilities.

SECTION 2.131 WIRELESS COMMUNICATION FACILITIES

- A. "Wireless Communication facilities" shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. "Wireless Communication Facilities" are not Essential Public Services as defined in Section 2.102 of this Ordinance.
- B. "Attached Wireless Communications Facilities" shall mean "wireless communication facilities" that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure, proposed to be newly established, shall not be included within this definition.
- C. "Wireless Communication Support Structures" shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light

poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- D. "Collocation", for purposes of this Ordinance, shall mean the location by three (3) or more wireless communication providers of "wireless communication facilities" on a common structure, wireless communication support structure, or building, with the intention of reducing the overall number of structures required to support wireless communication antennas within the community.

SECTION 2.132 YARD A required open space on a lot, unoccupied and unobstructed from the ground upward, provided, however, that subject to other provisions of this ordinance, fences, walls, poles, and other customary yard accessories, ornaments, and furniture may be permitted in any yard.

SECTION 2.133 YARD, FRONT The open space between the street right-of-way line and the nearest point of the principal building, including attachments thereto and unenclosed porches.

SECTION 2.134 YARD, REAR A yard, unoccupied except for permitted accessory buildings and structures, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest portion of the principal building, excluding decks.

SECTION 2.135 YARD, SIDE A yard between a principal building and the side lot line, extending from the front yard to the rear yard. The width shall be measured from the nearest point of the side lot line to the nearest portion of the principal building.

SECTION 2.136 ZONE Refer to SECTION 2.51 "District or Zone".

CHAPTER 3
GENERAL PROVISIONS

SECTION 3.01 ACCESSORY BUILDINGS & STRUCTURES

- A. **GENERAL REGULATIONS** In any zoning district, an accessory building (sheds, pole barns, attached garages and similar accessory structures) or accessory structure (decks, swimming pools, gazebos and similar accessory structures) as defined in this ordinance may be attached or detached from the permitted principal building. The size of all attached accessory buildings shall be limited by the size of the principal building as provided in Section 3.01 B. and shall comply in all respects with the requirements of this Ordinance applicable to the permitted building.
1. **ACCESSORY BUILDING EXCEPTIONS** - The following accessory buildings or accessory structures are permitted, and shall not be subject to a number limitation except as expressly noted below:
- a. One child's playhouse or child's treehouse not to exceed one hundred (100) sq. ft. A building permit is required for a treehouse exceeding one hundred (100) sq. ft. in size. A playhouse or treehouse is defined as a structure with no electrical or plumbing connections that is enclosed on three or more sides for the use of children's play. Such structure shall not be used for storage. A playhouse shall not be greater than 12 feet in height and cannot be located in the required front yard setback.
 - b. Play structure: jungle gym, swing set, slide, platform, or other similar unenclosed structure or device intended for the use of children's play. A play structure shall not be greater than 16 feet in height and cannot be located in the required front yard setback.
 - c. One gazebo not to exceed one hundred (100) sq. ft. A gazebo is defined as a free standing structure, with solid or trellis roof, usually open on the sides, used for outdoor living and not for storage purposes. A gazebo shall not be greater than 16 feet in height.
 - d. Doghouses, covered pens and other similar structures for the housing of household pets, but not including kennels. Such structures shall not be used for storage and cannot be located in the required front yard setback.
 - e. Below ground fallout shelters.
 - f. One school bus shelter, no greater than 50 sq. ft. in area. School bus shelters are permitted in the front yard provided they are ten (10) feet from the front property line and less than six (6) feet in height. Such structure shall not be used for storage.
 - g. Swimming pool accessory buildings and pump houses shall be less than 30 sq. ft., no more than 10 feet in height, and shall not be located within the required district setbacks.
 - h. Trellis: (Patio cover with an open roof less than 50 percent coverage) which is not enclosed on the side except for required roof supports. Such structure shall not be greater than 16 feet in height.
2. **ACCESSORY STRUCTURE EXCEPTIONS** - Swing sets, playground equipment, garden trellises and similar above-ground yard equipment accessories to a residential use are exempt from the provisions of this zoning ordinance, except height limitations as listed in each residential chapter, or unless specific provision is made to such equipment by this Ordinance.

3. AGRICULTURAL BUILDINGS – Buildings used in active commercial agriculture operations are not considered accessory buildings and shall not be subject to this Section, except that no agricultural buildings shall be located within a required setback and any agricultural building greater than 1,200 square feet in area shall be located at least 40 feet from any rear or side lot line.
4. ARCHITECTURAL STANDARDS - The architectural character, roof lines, materials and siding of all attached accessory buildings and detached accessory buildings over 200 square feet in area shall be compatible and similar to the principal building.
5. BUILDING PERMITS - A building permit is required for accessory buildings 200 square feet and greater in area.
6. CONSTRUCTION- If a detached accessory building or accessory structure and a principal building are being constructed concurrently, a building permit shall not be issued for any detached accessory building or structure until the construction of the principal building is at least fifty (50%) percent complete.
7. DRAINAGE - Any accessory building or accessory structure shall not adversely impact drainage on any adjoining properties.
8. EASEMENTS - Accessory buildings and accessory structures shall not occupy any portions of drainage, stormwater, or similar utility easement without approval from the benefiting party of said easement as recorded with the Kent County Register of Deeds. This provision does not permit occupation of public or private rights-of-way, sanitary sewer or public water easements.
9. HEIGHT DETERMINATION – Refer to SECTION 2.22.
10. LOT AREA – For the purpose of calculating accessory building size only, lot area is the total area within the property lines of a lot excluding street rights-of-way and street easements both public and private.
11. METHODS OF ATTACHMENT - Accessory buildings or accessory structures shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device. Any accessory building sharing a common wall or access with another accessory building shall be considered a single building.
12. ORDINARY HIGH WATER MARK - On waterfront properties in all districts, setbacks shall be measured from the Ordinary High Water Mark (OHWM).
13. PRINCIPAL USE - An accessory building or accessory structure can only be constructed on a lot or parcel on which there is a principal building and it shall not be permitted to remain on the property if the permitted principal building is removed.
14. PORTABLE ACCESSORY BUILDINGS – Portable accessory buildings with or without a permanent foundation and capable of being moved intact shall meet all of the requirements applicable to accessory buildings, with the exception of Section 3.01A.4., which are not portable and/or temporary storage containers. In addition, portable accessory buildings shall be

permitted only in the rear yard, behind the principle building. Portable accessory buildings shall also be properly anchored in a method approved by the Building Official.

15. TEMPORARY STORAGE CONTAINERS. Temporary storage containers with or without a permanent foundation and capable of being moved intact shall meet all of the requirements applicable to accessory buildings which are not portable. In addition, temporary storage containers shall be properly anchored in a method approved by the Building Official.
16. SITE PLAN APPROVAL REQUIRED - Detached accessory buildings of 960 square feet or greater are subject to administrative site plan review by the Community Development Department, which may apply reasonable conditions to protect the natural environment, compliance with applicable law, the intent of this ordinance, the health safety and general welfare of the public, the conservation natural resources and to insure compatibility with existing and future land uses. The Community Development Department may apply conditions of site plan approval such as:
 - a. Landscaping/Screening
 - b. Drainage Plan and/or Stormwater Improvements
 - c. Protection of Natural Resources
 - d. Lighting
 - e. A recorded statement of the intended use of the building.
17. SEPARATION - Accessory buildings and accessory structures not attached to the principal building shall be at least ten (10) feet from any other building, accessory building or accessory structure. The separation setback measurement shall be measured from overhang to overhang. Accessory buildings in the R-1A zoning district may be located up to five (5) feet from a building, accessory building or accessory structure and shall be made fire resistant in such manner as is required for attached accessory buildings as per the Michigan Residential Code.
18. USE - Accessory buildings and accessory structures shall not directly involve any business, trade, occupation, profession or home occupation. No accessory building or accessory structure shall include residential or living quarters for human beings unless specifically authorized elsewhere in this Ordinance.
19. WALKOUTS - An attached or detached accessory building may include a walkout level provided any walkout level wall or door is not visible from any street. The square footage of the walkout level shall not be included as part of the permitted square footage of accessory buildings. The square footage of the walkout level accessory building cannot exceed sixty (60%) percent of the main floor area of the dwelling.
20. WALKWAYS – In the R-1 and R-1A Districts, there are lots, both improved and unimproved, under common ownership which are separated by unimproved platted walkways. Under Section 3.01, these lots shall be treated as a single lot except that the property owner(s) shall record a deed restriction requiring the removal of the accessory building(s) or structure(s) prior to the sale of the property (if sold separately) if the accessory building(s) or structures(s) are located on the lot without the principle structure. An accessory building or accessory structure need not be razed or removed under these conditions if the lot(s) are transferred to an adjacent lot or parcel

as part of a boundary change approved by the Community Development Department.

B. SINGLE FAMILY AND TWO-FAMILY: The following are additional requirements if the principal building is used as a single family or two family dwelling in the RP, RE, R-1, R-1A, R-2 or single-family residential PUD zoning districts:

1. **Size and Dimension:** Within any RP, RE, R-1, R-1A, R-2 or single family PUD zoning district, accessory buildings are permitted subject to the following requirements:

- a. The maximum allowable size of any individual attached accessory building shall not exceed 864 square feet for the first 1,300 square feet of habitable (finished) floor area contained in the dwelling. In no case shall an attached accessory building exceed 1,200 square feet.
- b. For each whole increment of five (5) square feet that the habitable floor area contained in the principal building exceeds 1,300 square feet, the floor area of the attached accessory building may be increased by one (1) square foot.

Example: Step 1: 1,500 sq. ft. of habitable floor area - 1,300 sq. ft. = 200 sq. ft.

Step 2: Divide 200 sq. ft. by 5 = 40 sq. ft. of additional attached accessory square footage.

Step 3: 864 sq. ft. (permitted attached square footage) + 40 sq. ft. = 904 sq. ft.

- c. On lots in the RP, RE, R-1, R-1A, R-2 or single family PUD zoning district, no single detached accessory building shall be greater than 2,400 square feet in area, except that on lots less than 20,000 square feet in size, no detached accessory building shall exceed 864 square feet or the size of the main floor of the principle dwelling, whichever is greater.
- d. To ensure harmonious relationships and to minimize conflicts between adjacent uses, any detached accessory building greater than 1,200 square feet in size shall require administrative approval subject to special conditions. This section does not apply to agricultural buildings. The Community Development Department staff shall consider the following when reviewing a permit application

- (1.) The proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the Master Plan.
- (2.) Landscaping: Where an accessory building is visible from an adjacent property or public or private road a landscaped green strip of at least 10 feet in width is required.
- (3.) Lighting: Devices shall be adequately shielded and screened so that no light will glare directly onto any public or private right-of-way or onto adjacent property.
- (4.) Drainage: The Community Development Department may require. The accessory building shall not adversely impact drainage on any adjoining properties.

- (5.) The minimum rear yard setback shall be 20 feet.
- (6.) Additional requirements may be attached to such accessory building and its use when the Community Development Staff determines it necessary to avoid or mitigate adverse impacts on surrounding properties.

e. The combined size and height shall not exceed the size requirements found below in the following schedule:

Maximum Accessory Building Height	Lot Area (1 acre = 43,560 sq. ft.)	Minimum Building Side Yard Setback ⁽¹⁾	Minimum Building Rear Yard Setback ⁽¹⁾	Maximum Number of Accessory Buildings ⁽²⁾⁽⁵⁾	Maximum Combined Size of All Buildings
14 ft.	21,780 sq. ft. or less	District Setback	5 ft	1 Attached And/or 2 Detached	1,200 sq. ft. ⁽³⁾
16 ft.	21,781 sq. ft. to 43,560 sq. ft. (1 acre)	District Setback	5 ft	1 Attached And/or 2 Detached	1,500 sq. ft. ⁽⁴⁾
16 ft.	43,561 sq. ft. to 87,120 sq. ft. (2 acres)	District Setback	5 ft	1 Attached And/or 2 Detached	1,800 sq. ft.
18 ft.	87,121 sq. ft. to 217,800 sq. ft (5 acres)	District Setback	10 ft	1 Attached And/or 2 Detached	3,000 sq. ft.
25 ft.	217,801 sq. ft. or greater	20 ft	20 ft	1 Attached And/or 2 Detached	5,000 sq. ft.

- (1) Accessory Buildings less than 200 square feet is size may be setback 3 feet from the side and rear property lines.
- (2) Also refer to Section 3.01B.1.a. and b.
- (3) In the required rear yard, accessory buildings shall cover no more than 10 percent of the required rear yard setback area.
- (4) In the required rear yard, accessory buildings shall cover no more than 15 percent of the rear yard setback area.
- (5) For lots 10 acres or greater in size, 1 attached and/or 3 detached accessory buildings are permitted.

2. Additional Yard Provisions:

a. Front Yard – Detached accessory buildings and accessory structures shall not be located in a front yard except:

- (1). An accessory building or accessory structure may be located in the front yard of a waterfront lot (area between leading edge of principal structure and street side) provided that it is located behind the required front yard setback line for the district in which it is located and;
- (2) In the RP, Rural Preserve, RE, Rural Estate, and R-1, Single Family districts, a detached accessory building or accessory

structure may be located in the front yard of a residentially zoned lot provided there is a minimum setback of 60 feet from the front lot line and 25 feet from any side lot line provided the accessory building or accessory structure is greater than 200 square feet.

- c. Rear Yard – Detached accessory buildings and accessory structures may be located in the rear yard subject to the following requirements:
 - (1.) No swimming pool shall be located closer than 10 feet from the rear lot line.
 - (2.) Decks may encroach an additional 10 feet into the district's required rear yard setback.
 - (3.) When a rear lot line adjoins a side yard of an adjacent lot, no part of an accessory building or other structure shall be nearer to the said side lot line than the side yard requirements of the district in which it is located.
 - (4.) No more than one detached accessory building or accessory structure no greater than 10 feet in height is permitted of a waterfront lot of less than 13,000 sq. ft.
 - (5.) The sum of all accessory building(s) shall not occupy more than 40 percent of the rear yard.
 - d. Side Yard – On corner lots, accessory buildings and accessory structures shall meet the minimum setback required for the principal building.
 - e. Substandard Lots - Any accessory building or accessory structure that is located on a parcel that does not meet ninety (90%) percent of the minimum lot area and/or lot width requirements may reduce the side yard setback requirements by the same percentage indicated in Section 4.09. Substandard lot and parcel reductions for the required side yard setback for an accessory building or accessory structure located in the front yard are not applicable unless it is a waterfront lot.
 - f. Door Height – In residential districts, no accessory building shall have a door opening greater than 14 feet in height.
- C. MULTI-FAMILY: The following are additional requirements for mobile home parks and multi-family residential developments within the R-3, R-4 or PUD zone districts. This does not pertain to individual mobile home units as regulated by the Mobile Home Commission Act, being Act 96 of 1987, as amended.
- 1. One accessory building is permitted per development provided it does not exceed 576 square feet and has a maximum height of 16 feet. Additional accessory buildings of the same size and height may be allowed with site plan approval from the Planning Commission.
 - 2. In the R-3 zoning district, one additional accessory building is permitted with a maximum of 864 square feet.
 - 3. Accessory structures, which may be approved administratively, include but are not limited to playground equipment, radio and television antennas, swimming pools, sport courts, decks and patios under 1,200 square feet and similar accessory structures.

4. Accessory buildings may be attached to and made an integral part of a dumpster enclosure.
 5. All accessory buildings and accessory structures located in the rear yard, shall not be closer than ten feet to any side or rear lot line and shall not be located within any required greenbelt area, except that accessory structures such as sport courts, community recreation, meeting facilities and similar uses may be located in the front yard and shall meet the setback requirements for the district within which it is located.
- D. COMMERCIAL, INDUSTRIAL AND OFFICE: The following are additional requirements if the use of the principal building is in a Commercial, Industrial, Office or Light Industrial, or non-residential PUD zoning district.
1. One accessory building is permitted per development provided it does not exceed 240 square feet and has a maximum height of 16 feet. Additional accessory buildings may be allowed with site plan approval from the Planning Commission.
 2. Accessory structures, which may also be approved administratively include, but are not limited to playground equipment, fences, light posts, utility poles, radio and television antennas and similar types of accessory structures. Swimming pools, sport courts, decks and patios over 1,200 square feet require Planning Commission approval.
 3. Accessory buildings may be attached to and made an integral part of a dumpster enclosure.
 4. All accessory buildings and other accessory structures located in the rear yard shall not be closer than ten (10) feet to any side or rear lot line and shall not be located within any required greenbelt area. Except that accessory structures such as sport courts, decks, patios community recreation or meeting facilities shall meet the setback requirements for the district within which it is located.

SECTION 3.02 ANIMALS. For the keeping of animals, the following shall apply:

- A. Domestic Animals. If an occupant or owner keeps or allows domestic animals within a dwelling, in a yard, in a structure, or upon a property, the occupant shall remove any odorous or unsanitary condition. The property owner shall be responsible for the repair of any damage to the dwelling, structure or yard caused by the animals and shall be responsible for any unsafe condition.
- B. Farm Animals. No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within 50 feet of any dwelling unit and must be kept in sanitary enclosures under sanitary conditions. Further, no accumulations of refuse, manure, or keeping of farm animals shall be permitted within 100 feet of any property line and the premises shall be so maintained as not to constitute a nuisance or source of pollution. Exception: Keeping of chickens is permitted within 25 feet from any dwelling unit or property line. Furthermore, keeping of roosters is prohibited.
- C. Wild Animals. Any animal not a domestic animal or farm animal, as defined in SECTION 2.08A and B., is a wild animal, and shall not be kept on any property in the Township.

The interpretation of whether a particular animal or class of animals and/or pets falls within the above classifications shall be determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall consider the potential danger of keeping all animals within the Township and whether they pose a threat to the health, safety, and welfare of the residents of the Township.

SECTION 3.03 AREA OR SPACE REQUIRED No site, lot, or lots in common ownership shall be so divided, altered, or reduced that the yard, setback, open space, area, lot coverage, or parking space is less than the minimum required under this ordinance.

In determining lot and yard requirements, no area shall be ascribed to more than one main building, or use, and no area necessary for compliance with the space requirements for one main building shall be included in calculation of the space requirements for any other building or use.

SECTION 3.04 MOTOR VEHICLE REPAIR Normal and customary maintenance work (e.g. car washing, changing of oil, etc.) on motor vehicles shall be permitted on any lot on which there is a single family or two-family dwellings, provided such vehicles are not used primarily for racing. Such vehicle must be owned by the occupant of a dwelling on the premises. All major mechanical work (e.g. substantial engine or body repair) must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.

SECTION 3.05 BASEMENT AND ILLEGAL DWELLINGS The use of any portion of a basement as a dwelling or as sleeping quarters is prohibited unless it meets the Township Building Code requirements for ingress and egress. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages or other accessory buildings shall not be occupied for dwelling purposes.

SECTION 3.06 BUILDING HEIGHTS - EXCEPTIONS Subject to other provisions of law, the height limitations of all districts shall be subject to the following exceptions: chimneys, spires, water tanks, lightning rods, monuments or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

SECTION 3.07 BUILDINGS, MOVING The moving of a building to a new location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

SECTION 3.08 BUILDING, RAZING No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance guarantee in an amount equal to 120 percent of the Building Inspector's cost estimate for the razing. The guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonably require and this ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

SECTION 3.09 BUILDINGS AND STRUCTURES, TEMPORARY Mobile offices, or other movable or erected structures intended for temporary use or occupancy incidental to construction work, or special events shall be situated or erected upon land or premises within the Township and used according to the following provisions.

Permits for temporary construction trailers, sheds and offices may be issued by the Building Inspector according to the following criteria:

- A. Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts or approved Planned Unit Developments.

- B. No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
- C. A temporary structure shall be located on the same site as the construction.
- D. A temporary structure shall be located on the site such that:
 1. On and off-site traffic hazards are minimized.
 2. The negative aesthetic impacts are reasonably minimized.
 3. It is not closer than ten feet to any property line.
 4. All applicable safety, health and fire codes are met.
- E. No final inspection shall be issued until all temporary structures have been removed from the site.
- F. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
- G. Any temporary drive or road which is necessary to provide access to a construction site must be approved by the Township Fire Department to assure that the site can be safely accessed by emergency vehicles.

SECTION 3.10 DRIVEWAY PERMITS Prior to the granting of a building permit for any construction involving a new driveway opening to a public street or private road, a permit for such driveway from the State and/or County agency and in the case of private roads, the Township Fire Department, shall be submitted to the Building Inspector. Driveways constructed on a public street or on a paved private road shall be paved for the first 50 feet from the property line and any area between the property line and the private easement or public right-of-way. Paving shall also be required where a new home is improved more than 25 percent of its market value as determined by the Township Assessor.

SECTION 3.11 DWELLINGS – SINGLE FAMILY

- A. It is recognized that there is a need for safe, attractive, economical single-family housing in the Community. It is also recognized that manufactured housing, including mobile homes, may, in part, satisfy this need. It is further recognized, however, that because it is factory-built, some types of manufactured dwellings may differ markedly in structure and appearance from traditional site-built dwellings. Therefore, it is the intent of this Section to provide specific conditions and standards, which must be met by dwellings intended to be located on individual lots. These standards are considered necessary to assure compliance with both minimum structural standards and reasonable compatibility of exterior appearance for dwellings either previously constructed, or which might be constructed, on lots in the same vicinity, while also avoiding monotony of appearance.

The term “vicinity”, as employed in this section, includes that area within 660 feet of the lot or parcel upon which a dwelling is proposed to be erected or assembled and occupied. Any determination of reasonable compatibility of appearance shall be based both upon the standards established herein and upon the character, design, and appearance for one or more appropriate single-family dwellings located within the vicinity of the lot, where 20 or more percent of the properties in the vicinity are developed with dwellings; or, in instances where the vicinity is not

developed to this extent, by the character, design, and appearance of single-family dwellings located throughout the Township.

- B. A single-family dwelling located on an individual lot must comply with the following requirements:
1. All of the requirements of the zone district within which the lot is located shall be met.
 2. There shall be a minimum habitable floor to ceiling height of seven one-half feet throughout the dwelling.
 3. There shall be a minimum width throughout the entire length of the dwelling of 24 feet.
 4. The minimum width of the front (street side) elevation of the dwelling shall be 30 feet.
 5. The roof of the dwelling shall be double pitched and shall have not less than three feet of rise for each 12 feet of run and shall have a minimum six inch overhang on all sides. The minimum distance from eaves to ridge shall be ten feet. The pitched roof shall be securely attached to and exclusively supported by the dwelling. Any type of roofing materials generally acceptable for, and applied in a manner resulting in appearance similar to dwellings in the vicinity, may be employed on the roof of the dwelling, attached additions, and detached accessory structures.
 6. The exterior siding shall consist of horizontal lap siding or other siding of the same materials as other dwellings in the vicinity and attached in the same manner as required by the Township Building code.
 7. Windows and other visible, exterior features of the dwelling shall be compatible with such features of other dwellings in the vicinity.
 8. The dwelling shall have no fewer than two exterior doors to provide a means of ingress and egress from the dwelling.
 9. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade. All steps and/or porches shall be securely attached to a permanent foundation and shall be constructed in conformance with the Township Building Code.
 10. Additions attached to the dwelling may be constructed if such construction is in conformance with the standards adhered to in the construction of the dwelling. If such additions are constructed on site, they shall be constructed in conformance with the Township Building Code with materials and workmanship similar in appearance and quality to the dwelling.
 11. It shall be constructed upon a basement or foundation around the entire perimeter of the dwelling constructed in compliance with the Township Building Code. The exposed portion of the basement walls or foundation

shall be a minimum of eight inches and a maximum of 16 inches above grade.

12. If the dwelling does not have a full basement, there shall be a crawl space below the entire dwelling of at least 18 inches in depth with a vapor barrier consisting of a minimum of two inches of concrete on the floor of the crawl space.
13. If the dwelling is a mobile home it shall be firmly attached to the foundation so as to be watertight in such a way as water will not enter and shall be anchored to said foundation by an anchor system designed and constructed in compliance with the Department of Housing and Urban Development regulations and with Mobile Home Commission standards.
14. All wheels and towing mechanisms, including the tongue, shall be removed and none of the undercarriage shall be visible from outside the mobile home.
15. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development being 24 CFR 3280, and as from time to time such standards may be amended. Additional, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
16. Plan, floor plan layouts and certification of meeting HUD mobile home standards of the mobile home and foundation shall be presented along with a site plan showing compliance herewith and with all other requirements of the Zoning Ordinance, including but not limited to the requirement of the district in which it is to be located, to the Building Inspector prior to the issuance of a required building permit.
17. The dwelling is aesthetically compatible in design and appearance with other single family dwellings in the vicinity or throughout the Township, whichever is required.

SECTION 3.12 FRONT, SIDE, AND REAR YARD SETBACK REQUIREMENTS - BASIS OF DETERMINATION

- A. Measurement of the front and side yards shall be from the right-of-way line of the abutting street, whether public or private, to the nearest portion of the structure, except as provided in subsections E. and F. below. In the event the street has a right-of-way less than 66 feet, measurement shall be from a point 33 feet from the centerline of the street.
- B. When the lot contains all or a portion of an easement designated for the purpose of storm water retention or detention, the required yards and setbacks shall be measured from the edge of the easement. All easements shall be described in the legal description of the lot.
- C. The lot area computation shall not include a private road or easement providing access to the lot or other lots, a storm water retention or detention easement located on the lot or any area that is a designated wetland.

- D. When the lot contains all or a portion of a designated wetland, the required yards and setbacks shall be measured from the edge of the wetland, however, in no case shall a structure be closer than 25 feet from the edge of the wetland.
- E. Porches, terraces, handicap ramps and decks.
 - 1. Except as noted in subsection 2. below, an open, unenclosed and uncovered porch, paved terrace, handicap ramp or deck may project into a required front yard for a distance not exceeding ten feet.
 - 2. Any porch, terrace, handicap ramp or deck enclosed or covered by a fixed canopy or other structure shall be required to meet the setbacks for main buildings for the district in which it is located.
 - 3. A porch, terrace, handicap ramp or deck located within any front yard or rear yard setback area may be enclosed with ornamental railings, handrails or other similar guardrails not higher than 42 inches from the walking surface of the deck, slab or other similar construction.
- F. An architectural feature, not including a vertical projection, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard setback, and may extend or project not more than two feet into a required front yard or rear yard setbacks.

SECTION 3.13 GOVERNMENTAL BUILDINGS In addition to other provisions of this ordinance, the following regulation shall apply to all districts: Municipal, State, or Federal administrative or service buildings shall be permitted: provided, however, that such use shall be permitted only upon approval of the Planning Commission after finding that such use will be in conformity with the character of the adjacent neighborhood and that they are essential to service the neighborhood or community. All governmental buildings shall be subject to site plan approval by the Planning Commission which may establish requirements such as architecture, landscaping, setback and other area regulations, and such other conditions as may be appropriate to ensure compatibility with the character of the district in which it is located.

SECTION 3.14 GRADE LEVELS All dwelling and business structures shall, subsequent to the adoption of this ordinance, conform to all established and determined grade levels. In areas where there are two or more structures in any one block, the average of the grade level thereof shall determine the grade level for that area. In all areas where no grade level has been determined or established by building thereon, before any building or structure shall be placed thereon the appropriate highway authority for that area shall determine a grade level and when so determined, it shall become the grade level thereof. After the adoption of this ordinance, it shall be unlawful to erect or construct a building in any district with the top of the foundation or basement walls together with the plates thereof, more than twenty-four inches above the established or determined grade level except that where the building is set back further than the required distance, an additional rise of one foot for each additional ten feet of setback shall be permitted.

Where lots have either extreme or unusual topographic conditions the Building Inspector has the authority to modify these provisions in order to establish a specific grade level that is appropriate with respect to the topographic conditions on a site-specific basis.

SECTION 3.15 GREENBELTS A greenbelt shall be required for any new or expanded commercial or industrial use that abuts a R-1, R-1A, R-2, R-3 or R-4 district or existing residential use as set forth in Chapter 30, Landscaping and Buffering Provisions.

SECTION 3.16 HOME OCCUPATIONS One home occupation is permitted as an accessory use to any residential use, provided that:

- A. No persons other than members of the family residing on the premises plus not more than one non-resident shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence, including signage, of the conducting of such home occupation.
- D. No home occupation shall be conducted in any accessory building or garage.
- E. There shall be no sale of products or services except as are produced on the premises by such home occupation. In addition that shall be no external display of any permitted sale of products or services.
- F. Not more than three motor vehicles shall be permitted on the premises where a home occupation is conducted, exclusive of motor vehicles stored in a completely enclosed building.
- G. No motors other than electrically operated motors shall be used in conjunction with the home occupation. The total horsepower of all electrical motors utilized in the home occupation shall not exceed three horsepower. No single electrical motor used in the home occupation shall exceed one horsepower. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Provided further that only mechanical equipment which is similar to that used for household purposes and hobbies and does not affect insurance rates in the premises shall be allowed.
- H. If the home occupation is one involving the teaching of music, such home occupation shall be restricted to piano, organ, and unamplified instruments conducted in closed quarters.
- I. The home occupation shall not generate a greater amount of pedestrian or vehicular traffic than is generated by other homes in the neighborhood.

SECTION 3.17 KEYHOLE DEVELOPMENT The following restrictions are intended to limit the number of users of lake, river or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

- A. In all zoning districts there shall be at least 50 feet of lake, river or stream frontage as measured along the normal high water mark of the lake, river or stream for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake, river or stream frontage.
- B. Any multiple-unit residential development in any zoning district that shares a common lake, river or stream front area or frontage may not permit lake, river or stream use or access to more than one (1) single-family home, dwelling unit,

cottage, condominium unit, site condominium unit, or apartment unit for each 50 feet of lake, river or stream frontage in such common lake, river or stream front area, as measured along the normal high water mark line of the lake, river or stream.

- C. Any multiple-unit residential development shall have not more than one dock for each 50 feet of lake, river or stream frontage, as measured along the normal high water mark of the lake, river or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances and State regulations.
- D. The restrictions contained in this section shall apply to all lots on or abutting any lake, river or stream in all zoning districts, regardless of whether access to the lake, river or stream waters shall be by easement, park, common-fee ownership single-fee ownership, condominium arrangement, license or lease.
- E. In all zoning districts, no lake, river or stream access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake, river or stream shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or non-residential or non-agricultural uses or purposes unless such use is authorized pursuant to a special use approval or a planned unit development (PUD) approval.
- F. The lake, river and stream access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- G. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake, river or stream for more than one single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a planned unit development (PUD).
- H. For purposes of meeting the minimum required water frontages mentioned above, water frontage around the shore of an island shall not be included as part of the mainland.
- I. These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zoning district involved.
- J. The non-conforming use provisions of Chapter 4 of this Zoning Ordinance shall be applicable to this Section, except the following shall be permissible notwithstanding the provisions of Chapter 4 of this Zoning ordinance:
 - 1. Any lot of record having frontage on a body of water may have one dock even though the lot has less than 50 feet of frontage on the water. This Section shall not be construed to prevent docks, even if docks have not been installed, where recorded vested rights were granted prior to the adoption of this Zoning Ordinance.
 - 2. Any easement, park, common area or access property having frontage on a body of water which lawfully exists as of the date of the adoption of this Section may have one dock even though it has less than 50 feet of frontage on the water.

3. If a given property, easement, park, common area or access property has a right to have a dock under this Section or Chapter 4, that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.
- K. Although the owner of a property with frontage on a lake, river or stream may permit family members and occasional invitees to use the water frontage, dock and watercraft owned by the owner as incidental to the residential use of the property, the owner shall not permit anyone other than a family member of a person co-owning or residing on the property fronting on the water to moor a watercraft overnight at the dock on the property or in the waters adjacent to the property. Nor shall the owner of such a property enter into an agreement to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property. This subsection shall apply only to the residential zoned districts.

SECTION 3.18 MOBILE HOMES Except as hereinafter specified, it shall be unlawful for any person to park or cause to be parked, any mobile home, house trailer, motor home, travel trailer, truck camper, or camping trailer, for purposes of a dwelling, either temporarily or permanently, outside of parks and facilities licensed and lawfully operating for such purpose.

- A. Any one of the aforesaid vehicles or any combination of them may be occupied without a permit on the premises of an occupied dwelling for a total period not to exceed ten days in any twelve-month period.
- B. Any one of the aforesaid vehicles or any combination of them may be occupied on the premises of a dwelling unit of the applicant for a period in excess of ten days in any twelve month period, but not longer than four months in said period, if a permit from the Building Inspector is first obtained, provided that such applicant can demonstrate to the Building Inspector that damage to a principal dwelling has resulted from fire, wind, direct impact or an act of God which would result in an extreme hardship to the applicant were such permit to be denied. Proof also shall be submitted showing that proper and adequate water and sanitary facilities are available for use, that no fire hazard will be created, and that no overcrowding therein will result from such use for residence purpose at the location desired. Said permit shall be valid only for the location designated thereon and for only the 12 month period when issued. The permit may be revoked by the Building Inspector if the above requirements are not maintained.
- C. Single family mobile home dwellings that comply with the requirements of Section 3.11.
- D. Any of the units described above which are twenty feet or more in length and used for dwelling purposes under the preceding conditions, shall be provided with two exits sufficiently spaced to insure a means of exit in the event of fire.

SECTION 3.19 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS The outdoor storage of any trailer or equipment used for residential or recreational purposes such as: airplane, boat, float, camping or travel trailer, pickup campers, snowmobiles, motor homes, motorcycles and other equipment or vehicles of a similar nature shall be prohibited for a period greater than 72 hours within any 30 day period in the RP, RE, R-1, R-1A, R-2, R-3, and R-4 zone districts except where otherwise permitted by this ordinance, unless the following minimum requirements are met:

- A. All such vehicles and equipment shall be stored within a completely enclosed building or located behind the front face of the main building, but no closer than five feet to any side or rear lot line. No storage of such vehicle shall be permitted on a corner lot in the required yards adjacent to the streets.
- B. All storage or parking shall be limited to a lot upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by an occupant of the dwelling unit.

SECTION 3.20 PARKING OF TRUCKS Parking or storage of commercial vehicles exceeding a rated capacity greater than one ton, truck-tractors and construction or excavating equipment of any kind is prohibited within the RP, RE, R-1, R-1A, R-2, R-3 and R-4 zone districts except as may otherwise be permitted as part of a permitted use or approved special use. This shall not be deemed to prevent the temporary location of any such vehicle in said districts where engaged in a delivery, pick up, or service call to the premises where located.

SECTION 3.21 PRINCIPAL USE No lot shall be devoted to more than one principal use and no more than one principal building shall be erected on any individual lot except as herein permitted.

SECTION 3.22 PUBLIC SERVICES - ESSENTIAL Essential public services shall be permitted in all districts, provided that in R-1, R-1A, R-2, R-3 and R-4 districts all above-grade erection and construction consisting of required buildings shall be subject to approval by the Community Development Department. However, the Community Development Department may also require approval by the Planning Commission. In either case, the Community Development Department or Planning Commission may prescribe conditions as to architecture, landscaping, setback, and such other conditions as may be appropriate to insure conformity with the character of the vicinity in which the facilities are to be located.

SECTION 3.23 REAR BUILDINGS PROHIBITED AS DWELLINGS No building in the rear of a principal building on the same premises shall be used for residential purposes.

SECTION 3.24 REGISTRATION OF PROPERTY The legal description and deed for every lot shall be required to be on record with the Kent County Register of Deeds, prior to the authorization of any use of the lot by the Township.

SECTION 3.25 USE – UNLAWFUL USE NOT AUTHORIZED Nothing in the Ordinance or any amendment shall be interpreted as authorization for or approval of the continuance of the unlawful use of a structure, land or premises on the effective date of this Ordinance or any amendment.

SECTION 3.26 USE – CONTINUATION OF EXISTING LAWFUL USES Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as provided in “Chapter 4 NONCONFORMING USES & STRUCTURES”.

SECTION 3.27 WALLS AND FENCES This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

- A. Construction
 - 1. All fences and walls shall be of sound construction.
 - 2. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any R-1, R-1A, R-2, R-3 or R-4 zoned district.

3. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the RP Rural Preservation or RE Rural Estate zoning district.
4. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.

B. Location and Height

1. Within the RP, RE, R-1, R-1A, R-2, R-3 or R-4 districts, all walls or fences in the front yard shall be limited to a maximum height of four feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six feet in height, with the exception for lots with a side yard or rear yard that abuts a road with four or more lanes, the maximum fence or wall height shall be limited to eight feet.
2. All Other Zoning Districts – All walls or fences in these zoning districts shall be limited to a maximum height of eight feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
3. Architectural Features – Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted wall or fence height. Such features must be compatible with the project and abutting properties.

C. Location Requirements – Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:

1. It shall be unlawful to construct any wall or fence in any public right-of-way, within the right-of-way easement for private roads or access easements.
2. No wall, fence, structure or planting over 30 inches in height shall be erected or planted on a corner lot within a 20 foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

D. Additional Requirements For All Zoning Districts – An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:

1. Not located within a public street right-of-way.
2. Located a minimum of 100 feet back from any public right-of-way or easement.
3. Designed in such a manner that a minimum of three vehicles can pull safely off the public street while waiting to enter.
4. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the

gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.

SECTION 3.28 YARD SALES Yard or garage sales, including auctions, are permitted on the same premises not more than two times in any calendar year in RP, RE, R-1, R-1A, R-2, R-3 or R-4 districts. Any sign used to advertise such sales shall be removed immediately upon the conclusion of the sale. No such sale shall last longer than three days.

SECTION 3.29 WIRELESS COMMUNICATION FACILITIES. It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. It also is the purpose of this section is to establish general guidelines for the siting of wireless communication support structures and antennas which authorizes their use in a manner that will retain the integrity of neighborhoods and the aesthetic quality of the overall community.

More specifically, it is the further purpose and intent of this section to: generally locate wireless communication support structures in non-residential areas; minimize the number of wireless communication support structures throughout the Township; facilitate adequate and efficient provision of sites for needed facilities; promote the public health, safety and welfare; minimize the adverse impact of technological obsolescence of wireless communications facilities; encourage the joint use of existing and new wireless communication support structure sites; enable wireless communication support structure and antenna users to provide facilities and services to the Township quickly, efficiently and effectively; and ensure that facilities are situated in appropriate locations with respect to other land uses, structures and buildings.

A. PERMITTED WIRELESS COMMUNICATION FACILITIES

There are three methods by which Wireless Communication Facilities are permitted within the Township, as follows:

1. The following types of Attached Wireless Communication Facilities are permitted within any zone district subject to the Community Development Department granting Site Plan Review approval in accordance with the provisions of Chapter 32:
 - a. Wireless Communication Facilities, which are to be located on an existing wireless communication support structure which was designed for collocation and was previously approved by the Planning Commission.
 - b. Wireless Communication Facilities which are to be located on a lawfully existing building or structure and which will not extend above the highest point of the building or structure more than 30 feet or 50 percent of the height of the existing building or structure, whichever is less.

All applications shall include a Site Plan and shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions:

- a. The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location.
- b. Facilities shall not be injurious to neighborhoods or otherwise detrimental to the public health, safety and welfare.

- c. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
- d. There shall be unobstructed access to the support structure, for operation, maintenance, repair, and inspection purposes, which may be provided by an easement. All access drives shall have a minimum:
 - (1). Surface Width of 14 feet.
 - (2). 12 inch sand sub-base with a sub-base drainage system.
 - (3). Six inch gravel base with a minimum crown of two-tenths (0.2) of one foot from the centerline of the access drive to the outside edge.
 - (4). 30 foot by 40 foot turn-around not including the width of the drive.

The location of the drive shall be determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

- e. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
- f. If an attached wireless communication facility is proposed on the roof of a building and the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.
- g. The Planning Commission or Community Development Department shall, with respect to the support structure and all accessory buildings, review and approve the application so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly manner.
- h. No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna except as may be required by a governmental agency with the authority to require a sign.
- i. A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required Site Plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by

emergency vehicles at all times and to keep the facilities and landscaping from becoming a blight on the neighborhood.

j. The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit or other surety to guarantee the removal of the facility in the event its removal is required in accordance with Section 3.29 C.

2. Wireless Communication Facilities are permitted as a principal or accessory use within any Rural Preservation, Rural Estate or Industrial zone district, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the procedures contained in Chapter 27, and the Site Design Standards contained in Section 27.05 EE.

3. Wireless Communication Facilities are permitted as a principal or accessory use within any zone district except Rural Preservation, Rural Estate or Industrial, subject to the issuance of a Special Use Permit by the Planning Commission in accordance with the procedures contained in Chapter 27 and the Site Design Standards contained in Section 27.05 FF.

B. FACTORS TO BE CONSIDERED IN GRANTING SPECIAL USE PERMITS UNDER SECTION 3.29A.2. AND SECTION 3.29A.3.

In addition to any standards for consideration of special use permit applications pursuant to Chapter 27 of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

1. Height of the proposed wireless communication support structure;
2. Proximity of the wireless communication support structure to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the wireless communication support structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing wireless communication support structures. No new wireless communication support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing wireless communication support structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing wireless communication support structures. Evidence submitted to demonstrate that no existing wireless communication support structure can accommodate the applicant's proposed antenna may consist of any of the following:

No existing wireless communication support structures are located within the geographic area, which meet applicant's engineering requirements.

Existing wireless communication support structures are not of sufficient height to meet applicant's engineering requirements.

Existing wireless communication support structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing wireless communication support structure, or the antenna on the existing wireless communication support structure would cause interference with the applicant's proposed antenna.

The fees, costs, or contractual provisions required by the owner in order to share an existing wireless communication support structure or to adapt an existing wireless communication support structure for sharing are unreasonable.

The applicant demonstrates that there are other limiting factors that render existing wireless communication support structures unsuitable.

C. REMOVAL OF ABANDONED OR UNUSED WIRELESS COMMUNICATIONS FACILITIES.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility from the site by users and owners upon the occurrence of one or more of the following events:
 - a. When the facility has not been used for six months or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
 - b. Upon a determination by the Building Inspector, any wireless communication support structure that is in use or out of use for any period of time, but due to obsolescence, damage or lack of maintenance may pose a threat to public safety.
 - c. Failure to maintain the facilities in accordance with the requirements of this and any other applicable ordinances.
2. The situations, in which removal of a facility is required, as set forth in Section 3.29C.1. above, may be applied and limited to portions of a facility.
3. Upon the occurrence of one or more of the events requiring removal, specified in Section 3.29C.1. above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with the complete removal and restoration of the premises to an acceptable condition as reasonably determined by the Township Building Inspector.
4. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 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 and/or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 3.30 GRADING AND ADEQUATE LOT DRAINAGE

- A. No No lot shall be filled or graded so as to discharge surface water runoff onto abutting lots in such a manner as to cause flooding, ponding or surface accumulation of such runoff thereon.
- B. Where a lot is to be filled or graded for the development or expansion of a single family dwelling, two-family dwelling or similar use in a residentially zoned district on a lot that is not part of an overall development with an approved drainage plan, the Community Development Department may require a written or engineered drainage plan drawn to a readable scale that provides for positive site drainage and prevents soil erosion.
 - 1. The plan shall provide for appropriate and reasonable steps to prevent erosion, which may include the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time and the length of time that any area is exposed, and shall, upon completion of operations, leave the area in a condition where further erosion will not take place.
 - 2. When requiring a plan the Community Development Department shall consider the existing soil conditions, time of year, steep slopes, and similar physical or environmental conditions.
 - 3. Required drainage improvements shall be constructed prior to the issuance of an occupancy permit.
 - 4. Where necessary, the Community Development Department may require the applicant to provide financial security in one or a combination of the following arrangements:
 - i. Performance bond. A performance or surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan.
 - ii. Escrow fund. A cash deposit or by certified check.
 - iii. Irrevocable letter of credit. An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

SECTION 3.31 AMATEUR RADIO STATIONS In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September, 1985, a licensed amateur radio operator may locate a tower not to exceed 70 feet in height in any district, provided the following requirements are met:

- A. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means.
- B. The color of the tower and any antennas located thereon must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by either the Federal Aviation Administration or the Michigan Department of Transportation, Bureau of Aeronautics.
- C. No advertising logo, trademark, figurines or other similar marking or lettering shall be placed on the tower or any attachments thereto or any building used in conjunction therewith.

- D. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property including any attached accessory structures.
- E. Towers must be at least three quarters ($\frac{3}{4}$) of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that in the event of collapse, it falls within itself, and in that event, it must be located at least on-third ($\frac{1}{3}$) of its height from any property line.
- F. No signs shall be used in conjunction with the tower, except for one (1) sign not larger than 8 ½" high and 11" wide and as required by Federal regulations.
- G. Towers may be located upon a site where there is another principal use and shall not constitute a second principal use.
- H. Structures built and operated under this provision shall not be leased or rented to commercial users and shall not otherwise be used for commercial purposes.
- I. All towers must meet all applicable state and federal statutes, rules and regulations.
- J. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Article, other than the following:
 1. Antenna Color: An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 2. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design options shall be presented to the Planning Commission and must cause the least disturbance to the surrounding views. The lighting options may directly impact Tower Finish requirements.

SECTION 3.32 RESIDENTIAL RECEIVING SYSTEMS: This Ordinance shall not govern any tower, or the installation of any antenna, (i) that is under seventy (70) feet in height and (ii) is operated for the sole use of residential, consumer based services, including AM/FM/TV/Satellite audio and video entertainment and Broadband Internet. Tower and antennas under this Paragraph must be setback 100% of its height from adjacent residential dwellings and their attached accessory structures. Dish antennas 24" in diameter or less and typical TV antennas less than 10 feet in height, may be mounted directly to the dwelling without regard to setback.

SECTION 3.33 MINIMUM FLOOR AREA REQUIREMENTS: The following minimum floor area requirements apply to each single family residence hereafter erected:

MINIMUM FLOOR AREA REQUIREMENTS

	WITH A FULL BASEMENT	WITHOUT A FULL BASEMENT
TYPE OF RESIDENCE	(sq. ft.)	(sq. ft.)
1 story	960	1,040
1 ½ story (expansion attic)	880	960
1 ½ story (2 nd floor)	240	240
2 story 1 st floor	720	780
2 story 2 nd floor	720	720

Minimum floor area requirements for tri-levels shall be computed using the total square footage of the (2) uppermost levels. Minimum floor area requirements for bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for a tri-level or bi-level shall equal at least the minimum square footage requirement for one-floor residence in the same district.

The minimum width of any single family dwelling shall be 22 feet for at least 67 percent of its length, measured between the exterior walls having the greatest length.

SECTION 3.34 MARIJUANA DISPENSARIES It is unlawful to establish or operate a medical marijuana dispensary, as defined in Section 2.86A in this Ordinance.

CHAPTER 4
NONCONFORMING USES AND STRUCTURES

SECTION 4.01 CONTINUANCE OF USE. The lawful use of any premise exactly as such use existed at the time of adoption of this ordinance and any subsequent amendments may be continued even though such use does not conform to the provisions hereof, and shall be subject to all restrictions of operation imposed upon such use. Provided that this shall not be interpreted as an authorization for or approval of the use of lands or structures which violate the zoning regulations repealed by this ordinance.

SECTION 4.02 BUILDINGS UNDER CONSTRUCTION. Nothing in this ordinance shall be deemed to require a change in the plans, construction, or intended use of any structure for which a building permit has been issued and the actual construction of which has lawfully begun. Actual construction shall be defined as the placing of construction materials in a permanent position.

SECTION 4.03 REPAIR AND MAINTENANCE. Such repairs and maintenance as are required to keep a non-conforming structure in a safe and sound condition may be made. In the event any non-conforming structure is damaged by fire, wind, or other natural disaster or by the public enemy, it may be rebuilt or restored provided the cost thereof shall not exceed 60 percent of the market value as determined by the assessed value for tax purposes of such structure at the time of damage.

In the event any non-conforming structure shall be so damaged and the cost of rebuilding or restoration shall exceed 60 percent of the market value of such structure as determined by the assessed value for tax purposes at the time of damage, rebuilding or restoration shall only be permitted as a special use under the provisions of Chapter 27. The Planning Commission shall grant a special use permit only upon finding that:

- A. Such rebuilding or restoration will not substantially extend the probable duration of such non-conforming use, had such damage not occurred; or
- B. Circumstances are such that the land previously occupied by such non-conforming use cannot then be reasonably used for a use or structure conforming to the regulations of the district.

Permitted restoration shall be commenced within a period of six months from the date of said damage and diligently prosecuted to completion. In the event a request for a special use permit is denied, the structure can only be used if it is repaired or replaced in conformance with all of the conditions and requirements of this ordinance existing at the time of replacement.

SECTION 4.04 CHANGES IN TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership, or management of an existing nonconforming use provided that there is no change in the nature or character of said nonconforming use except as herein permitted. Any change in ownership does not remove the nonconformity nor extend any time limits specified within this Chapter.

SECTION 4.05 CHANGE OR DISCONTINUANCE OF USE. The nonconforming use of a building, structure or any lot shall not be:

- A. Re-established after discontinuance, vacancy, lack of operation, or otherwise abandoned for a period of 12 consecutive months.
- B. Re-established after it has been changed to a conforming use.

- C. A nonconforming use may be changed to another nonconforming use, which is more restrictive than the current use, as a special use under the provisions of Chapter 27. However, once a nonconforming use is changed to a more restricted nonconforming use, it may not be changed back to its original use. (By way of example, a commercial use in an agricultural zone, if changed to residential, may be allowed, but it may not be changed back to commercial.)

SECTION 4.06 RELOCATION OF A NONCONFORMING BUILDING OR STRUCTURE. Should a nonconforming building or structure be moved for any reason, for any distance whatsoever it shall thereafter conform to the regulations of the district in which it is located after it is moved.

SECTION 4.07 REMOVAL OF NONCONFORMING STATUS. A nonconforming use, building, structure or lot may be made conforming by appropriate action or modification which caused the use, building, structure or lot to fulfill the requirements of the district in which it is located. In order to remove the nonconforming status said modifications and changes must meet the requirements of the district at the time of said changes or modifications. However, once the nonconforming status of the use of a building or the nonconforming building, structure or lot has been made conforming to the conditions and requirements of the district in which it is located, the property forever loses its nonconforming status and this status may not be reasserted at any time in the future.

SECTION 4.08 EXPANSION OF A NONCONFORMING USE AND/OR NONCONFORMING BUILDING, LOT, OR STRUCTURE A nonconforming use of a building, lot or structure or nonconforming physical standard dealing with a building, structure, or lot may be expanded only under the following terms and conditions.

- A. **NONCONFORMING USE.** A nonconforming use which existed prior to the adoption of this ordinance or amendments thereto and which exists in or on a conforming structure, building or lot may be extended or enlarged to occupy the entire lot, existing building or structure as a special use under the provisions of Chapter 27. In considering the grant or denial of a special use permit to allow the extension or expansion of this nonconforming use, the Planning Commission shall consider the following criteria and further, the Planning Commission has the discretion to grant a special use permit with any of the conditions it deems appropriate:
 - 1. Roads and streets leading to and from the nonconforming use, as well as any additional traffic flow problems to be created by said expansion.
 - 2. Any increase in noise, odor, fumes, lights, glare, waste, sewer discharge, or other like detrimental effects created by the proposed expansion.
 - 3. Whether the proposed expansion of the nonconforming use is compatible with the surrounding areas and properties.
 - 4. Whether the proposed expansion could be made less detrimental to surrounding properties and areas by the use of appropriate buffering and screening.
- B. **NONCONFORMING PHYSICAL STANDARDS WITH RESPECT TO A BUILDING OR STRUCTURE EXCEPT FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS.** A nonconforming building or structure, which is nonconforming due to failing to meet all, required physical standards (i.e. setbacks, lot area, lot width, parking, etc.) may be enlarged or extended, provided that a special use permit is obtained under the provisions of Chapter 27

and further provided that the enlargement or extension complies with all required physical standards. In no event shall the Planning Commission approve extensions or enlargements to the nonconforming building or structure for a total of more than 50 percent of the original floor area of the building or structure at the time it became nonconforming. In considering the granting or denial or granting with conditions of a special use permit, the Planning Commission shall consider the following:

1. The scope of the nonconformity of the existing building or structure in contrast to the minimum physical standards as called for within the zoning district, including but not limited to:
 - a. Parking
 - b. Setbacks
 - c. Height
 - d. Lighting
 - e. Drainage
 - f. Required public utilities
 - g. Lot area
 - h. Lot width
 - i. Landscaping
 - j. Compatibility with adjacent properties
2. The Planning Commission has the discretion to grant with conditions a special use permit to extend or enlarge a nonconforming building or structure. It is expressly conveyed to the Planning Commission the authority or power to make conditions effecting the existing structure or building, as a condition of granting the permission to extend or enlarge a structure or building. The Planning Commission has the discretion to impose conditions on the original nonconforming structure or building to make it less nonconforming up to all conditions which would be required to make it a conforming structure or building.

- C. **NONCONFORMING PHYSICAL STANDARDS WITH RESPECT TO SINGLE FAMILY AND TWO FAMILY DWELLINGS.** A nonconforming building or structure, which is nonconforming due to failing to meet all, required physical standards (i.e. setbacks, lot area, lot width, parking, etc.) may be enlarged or extended, provided that the enlargement or extension is approved by the Zoning Board of Appeals and further provided that the enlargement or extension complies with all required physical standards. In no event shall the Zoning Board of Appeals approve extensions or enlargements to the nonconforming building or structure for a total of more than 50 percent of the original floor area of the building or structure at the time it became nonconforming. In considering the grant or denial or grant with conditions of a variance, the Board of Appeals shall consider the following:

1. The scope of the nonconformity of the existing building or structure in contrast to the minimum physical standards as called for within the zoning district, including but not limited to:
 - a. Parking
 - b. Setbacks
 - c. Height
 - d. Lighting
 - e. Drainage
 - f. Required public utilities
 - g. Lot area
 - h. Lot width
 - i. Landscaping
 - j. Compatibility with adjacent properties
2. The Board of Appeals has the discretion to grant with conditions a variance to extend or enlarge a nonconforming building or structure. It is expressly conveyed to the Board of Appeals the authority or power to make conditions effecting the existing structure or building, as a condition of granting the permission to extend or enlarge a structure or building. The Zoning Board of Appeals has the discretion to impose conditions on the original nonconforming structure or building to make it less nonconforming up to all conditions which would be required to make it a conforming structure or building.

SECTION 4.09 NONCONFORMING LOTS OF RECORD Where an existing lot has a lot area of not less than 90 percent of its zone district requirements and where such lot can provide the side, front and rear yard requirements of its district, the permitted uses of the district shall be allowed. An existing lot in single ownership with a lot area that is less than 90 percent of its district requirements may be utilized for permitted uses and for such purpose the required side and rear yards may be reduced by the same percentage the lot area of such lot bears to its district requirements, provided that no side yard shall be less than five feet, no rear yard less than 35 feet (unless the specific district requirements permit a lesser side or rear yard) and that the off-street parking requirements are met.

Where two or more adjacent lots are in single ownership and where such lots contain less than 90 percent of the lot area requirements, such lots shall be utilized only in conformance with the minimum requirements of the district. In the event two or more adjacent lots containing less than 90 percent of the lot area requirements are in single ownership and the Board of Appeals shall find that there is no practical possibility of obtaining additional land, it may permit their use as separate lots having less than the required lot area if it shall determine that they can be so used without adversely affecting the character of the neighborhood. Provided, however, that no side yard shall be less than five feet, no rear yard less than 35 feet (unless the specific district requirements permit a lesser side or rear yard), and that off-street parking requirements are met.

SECTION 4.10 EXISTING RESIDENTIAL STRUCTURES AND ADDITIONS An existing residential structure or addition to residential structures in non-residential zones may not be used for commercial and industrial purposes unless in conformance with the building code. Nonconforming residential lots in non-residential districts, including non-residential PUD, (Planned Unit Development Zones), which are used for residential purposes shall conform to height and area regulations for the R-1 Zone, Chapter 8. Despite provisions of the underlying district, no nonresidential use other than home occupations, shall be permitted on such lot until the residential use is abandoned.

SECTION 4.11 REQUIRED AREA OR SPACE Any lot or lots in common ownership and yards, courts, parking areas or other spaces may be divided, altered or reduced if said area or dimension as divided, altered or reduced meets the minimum requirements of the Zoning Ordinance. If already less than the minimum required under the Zoning Ordinance, said area or dimension shall not be further divided or reduced.

CHAPTER 5
MAPPED DISTRICTS

SECTION 5.01 ZONE DISTRICTS For the purpose of this ordinance, Plainfield Charter Township is hereby divided into the following districts:

RP	Rural Preservation
RER	Rural Estate Residential
R-1	Residential
R-1A	Residential
R-2	Residential
R-3	Residential
R-4	Residential
C-1	Commercial
VC	Village Commercial
C-2	Commercial
C-3	Commercial
C-4	Commercial
C-5	Commercial
O	Office
LI	Light Industrial
I	Industrial
NEBOD	Northeast Beltline Overlay District
10MROD	10 Mile Road Overlay District
NROD	Natural Rivers Overlay District
FZOD	Flood Zone Overlay District
PUD	Planned Unit Development
OSPPUD	Open Space Preservation Planned Unit Development

SECTION 5.02 ZONING MAP The locations and boundaries of such districts, shown upon the map attached hereto, which is incorporated herein by reference, and made a part hereof, are hereby established, said map being designated as the "Zoning Map of Plainfield Charter Township, Kent County, Michigan." Said map and all the notations, references, and other information thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Regardless of the existence of copies of the zoning map which may be made, the official zoning map shall be located in the office of the Township Clerk and, together with official records, shall be the final authority as to the current zoning status in the Township.

The official zoning map be so identified by the signature of the Township Clerk. Said map is to be maintained in an up-to-date manner, and shall be accessible to the general public.

SECTION 5.03 BOUNDARIES OF DISTRICTS Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.
- B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change; boundaries indicated as approximately following the centerline of streams or rivers shall be construed as following such centerlines.

- C. Boundaries indicated as approximately following lot or property lines shall be construed as following such lines.
- D. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- E. Where circumstances not otherwise indicated exist, the Board of Appeals shall interpret the district boundaries.

SECTION 5.04 ERECTION, ALTERATION, AND USE OF LAND AND BUILDINGS Except as herein provided, no structure shall be erected or altered nor shall any building or land be used for any purpose other than what is permitted in the Use District in which such building or land is located.

CHAPTER 6
RP RURAL PRESERVATION

SECTION 6.01 PURPOSE It is the purpose of this district to permit agricultural and related uses as well as low density single-family homes, along with necessary service and special uses, in a manner that is consistent with the adopted Comprehensive Plan of the Township. Limiting the type and density of development within these districts will minimize development pressures upon the remaining agricultural lands and will help preserve the open-space, wetlands, topographical relief and tree cover all of which are abundant within these areas.

It is further intended to defer or prolong the necessity of extending public utilities into these areas by requiring more intense development to locate within other zone districts where public utilities are available or are planned to become available. Residential clustering as regulated in Chapter 25, Planned Unit Development District or Chapter 26, Open Space Preservation PUD, is permitted where public utilities are available.

SECTION 6.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes only:

- A. One detached single-family dwelling on each lot.
- B. Accessory buildings as regulated in Section 3.01
- C. Farms together with farm dwellings and buildings and other installations customary to such farms.
- D. Churches
- E. Parks, playgrounds, and community centers which are owned and operated by a governmental agency or a homeowners association if the facilities are within an approved platted subdivision or site condominium project.
- F. Home occupations as regulated in Section 3.16
- G. Family Day Care Home as defined in Section 2.30D.
- H. Wireless Communication Facilities as regulated in Section 3.29A.1.
- I. Foster Family Home as defined in Section 2.30B.
- J. Foster Family Group Home as defined in Section 2.30C.
- K. Adult Foster Care Family Home as defined in Section 2.05C.

SECTION 6.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:
 - 1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. Another licensed group day care home.

- b. An adult foster care small group home or large group home licensed by the State of Michigan
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.
 - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
 3. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
 4. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
 5. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
 6. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
 7. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.
 8. A sign, no greater than 10 square feet in size, advertising the group daycare business is permitted.

SECTION 6.04 USE REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Country clubs, golf courses.
- B. Kennels.
- C. Public stables.
- D. Wireless Communication Facilities as regulated in Section 3.29A.2.
- E. Campgrounds and Travel Trailer Parks.
- F. Outdoor recreational uses.
- G. Airfields.
- H. Public utility storage or service yard/private transportation facility.
- I. Lawn maintenance, landscaping, and snow plowing establishments.

- J. Roadside stands.
- K. Private or Public Heliports.
- L. Bed & Breakfast Establishments.
- M. Fish Hatcheries
- N. Non Academic School Uses
- O. Governmental Signs – Off Premise

SECTION 6.05 HEIGHT REGULATIONS No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

**RURAL PRESERVATION DISTRICT
HEIGHT & AREA REGULATIONS**

BUILDING TYPE	MINIMUM YARDS			MINIMUM LOT WIDTH	MINIMUM LOT AREA	MAXIMUM BLDG. HEIGHT ⁽¹⁾	MAX. LOT COVERAGE (% OF LOT AREA)
	FRONT	SIDE	REAR				
Detached Single-Family Dwelling	70 ⁽²⁾	25 ⁽³⁾	100	200	120,000 ⁽²⁾	35	25
Farm Bldg.	70	50	100	200	435,600	35	NA
Churches, Cemeteries & Mausoleums	70	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	100	200	120,000	35	NA
Accessory Buildings	As Regulated in Section 3.01						
All Others	70	50	100	200	120,000	35	25

⁽¹⁾ Or 2-1/2 stories, whichever is less.

⁽²⁾ Provided, however, that any metes and bounds lot created before 1/6/2000, any lot within a subdivision that received at least tentative preliminary approval from the Township Board by 1/6/2000, or any site condominium unit which is included within a site condominium plan that was approved by the Township Board by 1/6/2000, shall have a minimum front yard setback of not less than 40 feet and a minimum lot area of 40,000 square feet.

⁽³⁾ Corner lots shall have a side yard of at least 50 feet on the street side.

SECTION 6.06 MINIMUM FLOOR AREAS Refer to Section 3.33 of the General Provisions.

SECTION 6.07 REQUIREMENTS FOR PUBLIC WATER AND SANITARY SEWER SERVICE.

All lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the Township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

CHAPTER 7
RE RURAL ESTATE RESIDENTIAL

SECTION 7.01 PURPOSE It is the purpose of this district to protect extensive areas of natural character while providing a low density residential environment. The regulations are intended to achieve a balance between preserving the important qualities of the natural environment such as trees, topographical relief and open-space and satisfying the desire of many families to reside in these areas.

It is planned and expected that some areas will be served by both public water and sanitary sewer. It is recognized that with proper planning, the availability of both public utilities can contribute to the objective of preserving the rural environment while allowing modest density increases. This may be accomplished by residential clustering as regulated in Chapter 25, Planned Unit Development District or Chapter 26, Open Space Preservation PUD.

SECTION 7.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes only:

- A. One detached single-family dwelling on each lot.
- B. Accessory buildings as regulated in Section 3.01.
- C. Farms together with farm dwellings and buildings and other installations customary to such farms.
- D. Home occupations as regulated in Section 3.16
- E. Parks, playgrounds, and community centers which are owned and operated by a governmental agency or a homeowners association if the facilities are within an approved platted subdivision or site condominium project.
- F. Schools,
- G. Churches, Cemeteries and Mausoleums.
- H. Family Day Care Home as defined in Section 2.30D.
- I. Wireless Communication Facilities as regulated in Section 3.29A.1.
- J. Foster Family Home as defined in Section 2.30B.
- K. Foster Family Group Home as defined in Section 2.30C.
- L. Adult Foster Care Family Home as defined in Section 2.05C.

SECTION 7.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:

1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home or large group home licensed by the State of Michigan
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.
 - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
3. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
4. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
5. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
6. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
7. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.
8. A sign, no greater than 10 square feet in size, advertising the group daycare business is permitted.

SECTION 7.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Country clubs, golf courses.
- B. Kennels.
- C. Public and Private Stables.
- D. Wireless Communication Facilities as regulated in Section 3.29A.2.
- E. Campgrounds and Travel Trailer Parks.
- F. Outdoor Recreational Uses.
- G. Public Utility Storage or Service Yard/Private Transportation Facility.

- H. Fish Hatcheries.
- I. Non-Academic School Uses.
- J. Lawn Maintenance, Landscaping and Snow Plowing Establishments.
- K. Roadside stands.
- L. Sanitary landfills & Transfer Stations.
- M. Bed & Breakfast Establishments.
- N. Governmental Signs – Off Premise

SECTION 7.05 HEIGHT & AREA REGULATIONS No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

**RURAL ESTATE DISTRICT
HEIGHT & AREA REGULATIONS**

BUILDING TYPE	MINIMUM YARDS			MINIMUM LOT WIDTH	MINIMUM LOT AREA	MAXIMUM BLDG. HEIGHT ⁽¹⁾	MAX. LOT COVERAGE (% OF LOT AREA)
	FRONT	SIDE	REAR				
Detached Single-Family Dwelling	70 ⁽²⁾	15 ⁽³⁾	100 ⁽²⁾	150	60,000 ⁽²⁾	35	25
Farm Bldg.	70	50	100	200	435,600	35	NA
Schools	70	50	100	330	435,600	35	NA
Churches, Cemeteries & Mausoleums	70	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	100	200	120,000	35	NA
Accessory Buildings	As Regulated in Section 3.01						
All Others	70	15	100	150	60,000	35	25

⁽¹⁾ Or 2-1/2 stories, whichever is less.

⁽²⁾ Provided, however, that any metes and bounds lot created before 1/6/2000, any lot within a subdivision that received at least tentative preliminary approval from the Township Board by 1/6/2000, or any site condominium unit which is included within a site condominium plan that was approved by the Township Board by 1/6/2000, shall have a minimum front yard setback of not less than 40 feet, a minimum rear yard of not less than 60 feet and a minimum lot area of 40,000 square feet.

⁽³⁾ Corner lots shall have a side yard of at least 50 feet on the street side.

SECTION 7.06 MINIMUM FLOOR AREAS Refer to Section 3.33 of the General Provisions.

SECTION 7.07 REQUIREMENTS FOR PUBLIC WATER AND SANITARY SEWER SERVICE.

All lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the Township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

CHAPTER 8
R-1 RESIDENTIAL

SECTION 8.01 PURPOSE This district is intended to encourage a suitable environment for residential and compatible supportive uses. To this end, uses are basically limited to single family homes, recreational, religious, and educational facilities.

SECTION 8.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes only:

- A. One detached single-family dwelling on each lot, as regulated by Section 3.01.
- B. Accessory buildings as regulated by Section 3.01.
- C. Schools.
- D. Parks, playgrounds, and community centers which are owned and operated by a government body or a homeowners association if the facilities are within an approved platted subdivision or site condominium project.
- E. Churches.
- F. Home Occupations as regulated in Section 3.16.
- G. Family Day care Homes as defined in Section 2.30D.
- H. Wireless Communication Facilities as regulated in Section 3.29A.1.
- I. Foster Family Home as defined in Section 2.30B.
- J. Foster Family Group Home as defined in Section 2.30C.
- K. Adult Foster Care Family Home as defined in Section 2.05C.

SECTION 8.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:
 - 1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home or large group home licensed by the State of Michigan

- c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.
 - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
 3. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
 4. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
 5. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
 6. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
 7. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.
 8. A sign, no greater than 10 square feet in size, advertising the group daycare business is permitted.

SECTION 8.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Country clubs, golf courses.
- B. Non-academic School Uses.
- C. Wireless Communication Facilities as regulated in Section 3.29A.3.
- D. Bed and Breakfast Establishments.
- E. Governmental Signs – Off Premise

SECTION 8.05 HEIGHT & AREA REGULATIONS No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

**R-1 RESIDENTIAL
HEIGHT & AREA REGULATIONS**

BUILDING TYPE	MINIMUM YARDS			MINIMUM LOT WIDTH	MINIMUM LOT AREA	MAXIMUM BLDG. HEIGHT ⁽¹⁾	MAX. LOT COVERAGE (% OF LOT AREA)
	FRONT	SIDE	REAR				
Single-Family Residential if served with public water & sanitary sewer	30	10 ⁽²⁾	40	90 ⁽³⁾	11,700	35	25
Single-Family Residential if not served with both public water & sanitary sewer	30	10 ⁽²⁾	40	100 ⁽³⁾	13,000	35	25
Schools	70	50	100	330	435,600	35	NA
Churches	70	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	100	200	120,000	35	NA
Accessory Buildings	As Regulated in Section 3.01						
All Others	30	10	50	100	13,000	35	25

⁽¹⁾ Or 2-1/2 stories, whichever is lesser.

⁽²⁾ Corner lots shall have a side yard of at least 25 feet on the street side.

⁽³⁾ All corner lots shall have a minimum width of 110 feet.

SECTION 8.06 MINIMUM FLOOR AREA Refer to Section 3.33 of the General Provisions.

SECTION 8.07 REQUIREMENTS FOR PUBLIC WATER & SANITARY SEWER SERVICE

All lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the Township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

CHAPTER 9
R-1A RESIDENTIAL

Section 9.01 PURPOSE This district provides less restrictive area regulations than does the R-1 Zone. Nonetheless, it is designed to preserve the character of older one-family neighborhoods which were developed under less restrictive standards than current requirements for one-family development, yet which provide adequate yards, setbacks and lot layouts, given the character of existing neighborhoods to which these provisions apply.

Section 9.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes only:

- A. One detached single-family dwelling on each lot.
- B. Accessory building as regulated by Section 3.01.
- C. Schools.
- D. Parks, playgrounds, and community centers, which are owned and operated by a government body or a homeowners association.
- E. Churches.
- F. Home Occupations as regulated in Section 3.16.
- G. Family Day Care Homes as defined in Section 2.30 (D)
- H. Wireless Communication Facilities as regulated in Section 3.29A.1.
- I. Foster Family Home as defined in Section 2.30B.
- J. Foster Family Group Home as defined in Section 2.30C.
- K. Adult Foster Care Family Home as defined in Section 2.05C.

SECTION 9.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:
 - 1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home or large group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.

- d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
2. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
3. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
4. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
5. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
6. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
7. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.
8. A sign, no greater that 10 square feet in size, advertising the group daycare business is permitted.

SECTION 9.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Country Clubs, Golf Courses
- B. Non-academic School Uses
- C. Wireless Communication Facilities as regulated in Section 3.29A.3.
- D. Governmental Signs – Off Premise

Section 9.05 HEIGHT & AREA REGULATIONS No building shall be erected or enlarged unless the following height and area requirements are provided and maintained.

**R-1A RESIDENTIAL
HEIGHT & AREA REGULATIONS**

BUILDING TYPE	MINIMUM YARDS			MINIMUM LOT WIDTH	MINIMUM LOT AREA	MAXIMUM BLDG. HEIGHT ⁽¹⁾	MAX. LOT COVERAGE (% OF LOT AREA)
	FRONT	SIDE	REAR				
Single-Family Residential if served with public water & sanitary sewer	25 ⁽²⁾	5 ⁽³⁾⁽⁴⁾	40	80 ⁽⁵⁾	8,000	35	25
Single-Family Residential if not served with both public water & sanitary sewer	25 ⁽²⁾	5 ⁽³⁾⁽⁴⁾	40	100 ⁽⁵⁾	10,000	35	25
Schools	70	50	100	330	435,600	35	NA
Churches	70	50	100	200	120,000	35	NA
Parks, Playgrounds & Community Centers	70	50	100	200	120,000	35	NA
Accessory Buildings	As Regulated in Section 3.01						
All Others	70	50	100	200	120,000	35	NA

(1) Or 2-1/2 stories, whichever is lesser.

(2) Lots fronting on four lane or major arterial roads shall have a minimum front yard setback of 30 feet.

(3) Five foot minimum on any one side provided there is a total of 15 feet.

(4) Corner lots shall have a side yard of at least 20 feet on the street side.

(5) All corner lots shall have a minimum width of 110 feet.

SECTION 9.06 MINIMUM FLOOR AREA: Refer to Section 3.33 of the General Provisions.

SECTION 9.07 REQUIREMENTS FOR PUBLIC WATER AND SANITARY SEWER SERVICE.

All lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the Township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

CHAPTER 10
R-2 RESIDENTIAL

SECTION 10.01 PURPOSE This district is intended to provide the character and living environment as attributed to the R-1 District while also permitting two-family dwellings. Public sanitary sewers are required in this district

SECTION 10.02 PERMITTED USES Land or buildings in the R-2 Zone may be used for the following purposes only:

- A. Any use permitted in Section 8.02.
- B. Two-family dwellings.
- C. One garage or carport per dwelling unit provided that any garage serving a two-family dwelling shall be attached to the principal building and shall not exceed 864 square feet.

SECTION 10.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:
 - 1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home or large group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.
 - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
 - 2. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
 - 3. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
 - 4. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
 - 5. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.

6. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
7. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.
8. A sign, no greater than 10 square feet in size, advertising the group daycare business is permitted.

SECTION 10.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Wireless Communication Facilities as regulated in Section 3.29A.3.
- B. Governmental Sign – Off Premise

SECTION 10.05 HEIGHT & AREA REGULATIONS No building or structure shall be erected or enlarged unless the following height & area requirements are provided and maintained.

**R-2 RESIDENTIAL
HEIGHT & AREA REGULATIONS**

BUILDING TYPE	MINIMUM YARDS			MINIMUM LOT WIDTH	MINIMUM LOT AREA (sq.ft.)	MAXIMUM ⁽¹⁾ BLDG. HEIGHT	MAXIMUM LOT COVERAGE (% of lot area)
	FRONT	SIDE	REAR				
Single-Family Residential if served with public water & sanitary sewer	30	10 ⁽²⁾	50	90 ⁽³⁾	11,700	35	25
Single-Family Residential if not served with both public water & sanitary sewer	30	10 ⁽²⁾	50	100 ⁽³⁾	13,000	35	25
Two Family Dwelling ⁽⁴⁾	30	10	50	135	17,550	35	25
Schools	70	50	100	330	435,600	35	NA
Parks, Playgrounds & Community Centers	70	50	100	200	120,000	35	NA
Churches	70	50	100	200	120,000	35	NA
Accessory Buildings	AS REGULATED IN SECTION 3.01						
All Others	70	50	100	200	120,000	35	NA

- (1) Or three stories, whichever is lesser.
- (2) Corner lots shall have a side yard of at least 25 feet on the street side.
- (3) All corner lots shall have a minimum width of 110 feet.
- (4) Requirements are for one two family dwelling on a lot.

SECTION 10.06 ADDITIONAL REQUIREMENTS FOR MORE THAN ONE TWO FAMILY DWELLING ON A LOT

More than one, two family dwelling is permitted on a lot as in the case of an apartment complex or condominium project provided that the following additional requirements are met:

- A. No building shall be erected to exceed three stories or 35 feet, whichever is less.
- B. A minimum distance of 30 feet shall be maintained between the sides of any two buildings.

- C. A minimum distance of 80 feet shall be maintained between the rear walls of any two buildings or the rear wall of one building and the front or side wall of another building.
- D. Any building shall have a minimum front setback of 30 feet from any public or private road right-of-way.
- E. There shall be a minimum distance of 25 feet between the nearest edge of any internal roadway that is not a public street or private road, and any building wall.
- F. There shall be a minimum distance of 15 feet between any parking space or carport and any wall of a principal building.
- G. The maximum density shall not exceed 5.0 dwelling units per acre, excluding land used for any road right-of-way, designated wetlands, ponds, or easements for storm water detention or retention facilities.
- H. Sidewalks shall be constructed along any public or private road adjacent to the property lines. In addition, internal sidewalks shall be constructed as determined to be necessary by the Community Development Department.
- I. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.

SECTION 10.07 REQUIREMENTS FOR PUBLIC WATER & SANITARY SEWER SERVICE

Any school, church and two family dwelling unit shall be served with public water and sanitary sewer service. All lots platted and all site condominium units (lots) approved after the effective date of adoption of this ordinance shall be, as determined by the Township, served with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

SECTION 10.08 MINIMUM FLOOR AREA All single family dwellings shall have the minimum useable floor area required in Section 8.06. All two family dwelling units shall have a minimum useable first floor area of 780 square feet.

CHAPTER 11
R-3 RESIDENTIAL

SECTION 11.01 PURPOSE This district is intended to provide a desirable living environment to accommodate a selection of housing types including apartments, condominiums and group housing developments. This district may serve as a buffer or transition area between other residential and non-residential uses.

SECTION 11.02 PERMITTED USES Land and/or buildings may be used for the following purposes only:

- A. Multiple family dwellings.
- B. One detached single-family residential dwelling on each lot.
- C. Accessory Buildings as regulated in Section 3.01C.
- D. One garage or carport per dwelling unit with a maximum of 864 square feet.
- E. Wireless Communication facilities as regulated in Section 3.29A.1.

SECTION 11.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:
 - 1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home or large group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.
 - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
 - 2. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.
 - 3. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
 - 4. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
 - 5. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.

6. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
7. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
8. A sign, no greater than 10 square feet in size, advertising the group daycare business is permitted.

SECTION 11.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Colleges, universities.
- B. Hospitals.
- C. Child and Adult Day Care Centers as defined in sections 2.30A and 2.04.A.
- D. Adult Foster Care Congregate Facilities as defined in Section 2.05B.
- E. Convalescent Homes as defined in Section 2.47
- F. Adult Assisted Living Centers.
- G. Wireless Communication Facilities as regulated in Section 3.29A.3.
- H. Governmental Signs – Off Premise

SECTION 11.05 HEIGHT & AREA REGULATIONS

R-3 RESIDENTIAL
HEIGHT & AREA REGULATIONS

BUILDING TYPE	MINIMUM YARDS			MINIMUM LOT WIDTH	MINIMUM LOT AREA (sq.ft.)	MAXIMUM BUILDING HEIGHT
	FRONT	SIDE	REAR			
MULTIPLE DWELLING ⁽¹⁾	45	35	50	150	30,000 ⁽²⁾	40 ⁽³⁾
ALL OTHERS	45	35	50	150	30,000	40

⁽¹⁾ Requirements for one multiple dwelling building on a lot.
⁽²⁾ Or 4,400 square feet of lot area for each dwelling unit, whichever is greater.
⁽³⁾ Or three stories in height, whichever is less.

SECTION 11.06 ADDITIONAL REQUIREMENTS FOR MULTIPLE FAMILY DWELLINGS.

The following requirements shall be met:

- A. The proposed site must have direct access onto a Major Arterial Street as defined in the adopted Plainfield Charter Township – Comprehensive Plan or be

contiguous to property that is within a R-3 Residential District or any of the Commercial, Industrial or PUD districts.

- B. No building shall contain more than twelve dwelling units.
- C. A greenbelt is required on the side and rear property boundaries wherever adjacent to a district other than R-3 Residential in accordance with Chapter 30.
- D. The minimum useable floor area of any dwelling unit shall be 500 square feet.
- E. Group Buildings. More than one multiple family building is permitted on a lot as in the case of an apartment complex or condominium project provided that the following additional requirements are met.
 - 1. A minimum distance of 35 feet shall be maintained between the sides of any two buildings.
 - 2. A minimum distance of 80 feet shall be maintained between the rear walls of any two buildings or the rear wall of one building and the front or side-wall of another building.
 - 3. Any building shall have a minimum front setback of 45 feet from any public or private road right-of-way.
 - 4. There shall be a minimum distance of 25 feet between the nearest edge of any internal roadway that is not a public street or private road, and any building wall.
 - 5. There shall be a minimum distance of 15 feet between any parking space, carport or garage if the garage is not attached to the principal building, and any wall of a principal building.
 - 6. At least ten percent of the land area or 10,000 square feet, whichever is greater, shall be developed and maintained as a recreation area available for the use of occupants of all of the dwelling units.
 - 7. The maximum density shall not exceed ten dwelling units per acre excluding land used for any road right-of-way, designated wetlands, ponds, or easements for storm water detention or retention ponds.
 - 8. No building shall be erected to exceed three stories or 40 feet in height, whichever is less.
- F. Sidewalks shall be constructed along any public or private road adjacent to the property lines. In addition, internal sidewalks shall be constructed as determined to be necessary by the Community Development Department.
- G. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.

SECTION 11.07 REQUIREMENTS FOR PUBLIC WATER & SANITARY SEWER SERVICE.

Any permitted use and any use requiring special approval except Wireless Communication Facilities shall be served with public water and sanitary sewer service. All lots platted and all site condominium units (lots) approved after the effective adoption of this ordinance shall be, as

determined by the Township, served, with or bonded to be served with public water and sanitary sewer service extended to the lot lines.

CHAPTER 12
R-4 RESIDENTIAL

SECTION 12.01 PURPOSE This district is intended to provide suitable areas for mobile home residential development.

SECTION 12.02 PERMITTED USE Land and/or buildings in this district may be used for the following purposes only:

- A. Mobile homes located in a licensed mobile home park.
- B. Mobile home parks.
- C. Recreational facilities for the exclusive use of mobile home park residents and their guests.
- D. Office and residence for manager of the mobile home park.
- E. Utility facilities including laundry facilities for mobile home park residents.
- F. Storage facilities for mobile home park residents.
- G. Accessory buildings as regulated herein and as would normally be ancillary to a mobile home park.
- H. Wireless Communication facilities as regulated in Section 3.29A.1.

SECTION 12.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- A. Group Day Care Homes as defined in Section 2.30E shall meet the following conditions:
 - 1. The home shall be located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care small group home or large group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan.
 - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
 - 2. There shall be provided and maintained, on the premises, a minimum of 1,000 square feet of fenced outdoor play area.

3. In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees on a paved driveway or similar facility common to the particular neighborhood.
4. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.
5. The facility shall be inspected for compliance with the aforementioned standards prior to occupancy.
6. All outdoor play areas, shall be enclosed by a fence that is non-climbable in design and at least 48 inches in height.
7. The property shall be maintained consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.
8. A sign, no greater that 10 square feet in size, advertising the group daycare business is permitted.

SECTION 12.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Wireless Communication Facilities as regulated in Section 3.29A.3.
- B. Governmental Signs – Off Premise

SECTION 12.05 REQUIRED CONDITIONS All mobile home parks shall comply with the applicable requirements of Act 96 of the Public Acts of 1987, as amended, and with the following:

- A. Each mobile home park shall contain at least 10 acres.
- B. All mobile home parks shall afford direct access, ingress and egress, to a county primary road or a state highway, with no openings closer than one 100 feet to a side property boundary line or intersection.
- C. Sheds or structures for storage other than enclosed awning structures for storage shall be limited to one well-maintained structure per mobile home lot, not exceeding one hundred square feet in floor area or ten feet in height and shall not be located within the minimum yard requirement.
- D. A greenbelt shall be placed on the park boundary line within the setback wherever adjacent to an existing use other than a mobile home park. This area shall not be computed as a part of any required recreational area.
- E. No recreational vehicles or boats shall be parked on individual mobile home sites or between a mobile home site and a roadway, but may be parked in an area within the park designated specifically for such use.

SECTION 12.06 HEIGHT REGULATIONS No building shall be erected to exceed 2 1/2 stories or 35 feet in height, whichever is less.

SECTION 12.07 CONSTRUCTION AND OCCUPANCY The rules promulgated by the Michigan Mobile Home Commission to implement the Mobile Home Commission Act, being Act 96 of 1987, as amended, are incorporated herein, by reference.

In accordance with the provisions of Chapter 34, a building permit and certificate of occupancy shall be required for each mobile home installed in the park.

SECTION 12.08 PRELIMINARY PLAN APPROVAL No construction shall take place on a new mobile home park or the expansion of an existing mobile home park until after a Preliminary Plan, as required in Act 96 of 1987, as amended, has been submitted and approved by the Planning Commission. No preliminary plan shall be approved unless it conforms to all applicable laws and local ordinances not in conflict with Act 96, 1987, as amended.

CHAPTER 13
C-1 COMMERCIAL

SECTION 13.01 PURPOSE This district is intended to provide for those retail and service uses necessary to serve the residential areas of the Township and its environs. This district is also intended to encourage the concentration of business uses to the mutual advantage of the consumers and merchants.

SECTION 13.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes, provided that all business, service, processing or display of merchandise is conducted wholly within a completely enclosed building, except for off-street parking and loading facilities and signs.

- A. Retail food establishments supplying the following or similar commodities for consumption off the premises. Foodstuffs may be prepared on the premises as an accessory activity provided that the sale of the products is limited to the local retail store.
 - 1. Baked goods.
 - 2. Beverages.
 - 3. Candy, confections, ice cream.
 - 4. Dairy products.
 - 5. Fruits, vegetables.
 - 6. Groceries.
 - 7. Meats.

- B. Personal service establishments which perform services on the premises such as:
 - 1. Banks.
 - 2. Barber, beauty shops.
 - 3. Churches
 - 4. Dry cleaning establishments serving only the local retail outlet.
 - 5. Photographic studios.
 - 6. Radio, television, and similar appliance repair shops.
 - 7. Self-service laundries, laundromats.
 - 8. Shoe repair shops.
 - 9. Tattoo parlors.
 - 10. Fitness centers.

- C. Retail businesses such as:
 - 1. Automotive parts & accessory sales with no installation of parts or accessories.
 - 2. Book, stationary, gift stores.
 - 3. Clothing stores.
 - 4. Decorator shops.
 - 5. Drug stores.
 - 6. Dry goods stores.
 - 7. Floral shops.
 - 8. Furniture, appliance stores.
 - 9. Hardware stores.
 - 10. Jewelry stores.
 - 11. Paint, wallpaper stores.
 - 12. Pet shops.

- 13. Variety stores.
- D. Restaurants, excluding drive-in or drive through service.
- E. Office uses including medical, dental, architectural, engineering, accounting, law, administrative, real estate, sales representatives without the sale of goods on the premises, and other similar offices.
- F. Accessory buildings in accordance with the requirements of Section 3.01.
- G. Wireless Communication facilities as regulated in Section 3.29A.1.
- H. Other retail businesses or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood found by the Planning Commission to be similar to those permitted in this district.

SECTION 13.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use.

- A. Automobile gas stations subject to the following conditions:
 - 1. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.
 - 2. Pump islands shall be located no closer than 35 feet from the front lot line.
 - 3. All pump island canopies shall be located a minimum of 25 feet from the front lot line.
 - 4. All storage and the display of equipment, materials, and merchandise, with the exception of fuel, shall be within a completely enclosed building.
 - 5. No more than two curb cuts shall be constructed to provide ingress and egress.
 - 6. Any automobile gas station located on an interior lot shall have a minimum of 155 feet of frontage on a public street.
- B. Restaurants including drive-in or drive through service.
 - 1. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.
 - 2. Space set aside for the stacking of vehicles waiting to be served from a drive-through window shall be a minimum of 35 feet from any R-1, R-1A, R-2 or R-3 district or any existing residential use.
 - 3. Curb cuts serving a restaurant including drive-in or drive through service shall be located a minimum distance of 150 feet from the right-of-way of any intersecting street.

4. Any side or rear lot line that is adjacent to a R-1, R-1A, R-2 or R-3 district shall be provided with a solid wood or cyclone type fence with a minimum height of four feet and a maximum height of six feet.

SECTION 13.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Any permitted use if all business, service, processing or display of merchandise is not conducted wholly within a completely enclosed building, except for off-street parking and loading facilities and signs.
- B. Child care centers.
- C. Adult day care centers, adult foster care congregate facilities and convalescent homes.
- D. Bars, taverns & restaurants including the sale of alcoholic beverages.
- E. Bars, taverns and restaurants with service from decks, porches or other outside areas.
- F. Wireless Communication Facilities as regulated in Section 3.29A.3.
- G. Automobile Rental Facilities
- H. Churches.
- I. Governmental Signs – Off Premise

SECTION 13.05 HEIGHT REGULATIONS No building shall be erected to exceed 30 feet or two stories in height, whichever is less.

SECTION 13.06 AREA REGULATIONS No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained.

- A. Front yard – There shall be a minimum front setback of 75 feet.
- B. Side yard – There shall be minimum side yards of 10 feet, on each side except where this zone district abuts a R-1, R-1A, R-2 or R-3 district on the side, a minimum side yard of 25 feet shall be provided. On the street side of a corner lot, a minimum side yard of 35 feet is required.
- C. Rear yard - There shall be a minimum rear yard of 25 feet except that where this zone district abuts a R-1, R-1A, R-2 or R-3 district in the rear, a minimum rear yard of 50 feet shall be provided.

SECTION 13.07 ADDITIONAL REQUIREMENTS

- A. All goods produced on the premises, whether primary or incidental, shall be sold at retail only.
- B. Sidewalks are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks as required by the Township.

- C. Off-street parking and loading facilities shall be provided in accordance with requirements of Chapter 29.
- D. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- E. Site lighting shall be shall be in accordance with requirements of Chapter 31.
- F. Site Plan Approval is required in accordance with Chapter 32.
- G. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.

CHAPTER 13A
VC VILLAGE COMMERCIAL

SECTION 13A.01 PURPOSE The Village Commercial (VC) District is intended to promote commercial activities, in areas such as the existing Comstock Park town center, by providing for a variety of retail, office, restaurant and entertainment activities with the district. This district promotes the integration of business activity and services, governmental functions, and residential land uses.

SECTION 13A.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes:

- A. Any permitted use in the C-1 Commercial District under Section 13.02.
- B. Theaters when completely enclosed.
- C. Offices and showrooms of plumbers, electricians, building material suppliers, decorator or similar trades in connection with which not more than twenty five percent (25%) of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials on any land shall be within the confines of the building or part of the building occupied by the establishment.
- D. Business schools or private schools operated for profit. Examples of private schools permitted in this subsection include, but are not limited to the following: dance schools, music and voice schools, and art studios.
- E. Veterinary clinics, veterinary hospitals and small animal clinics.
- F. Other uses which are similar to the other uses in this section as determined by the Planning Commission and subject to the following restrictions:
 - 1. All business establishments shall be retail sales or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - 2. All business, servicing or processing, except for off street parking or loading, shall be conducted within completely enclosed buildings.
 - 3. Outdoor storage of commodities (i.e. propane tanks, pop machines) shall be expressly prohibited.
 - 4. Any and all accessory structures shall be customarily incidental to the principal use permitted in this subsection, and must comply with Section 3.01 of this ordinance.

SECTION 13A.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Land and/or buildings in this district may be used for the following purposes subject to the conditions hereinafter imposed for each use:

- A. Single and Multi Family Residential Uses. To encourage and provide for economic vitality of Village Commercial Districts, residential occupancy shall be permitted in buildings of two stories in height or greater. In addition:
 - 1. No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total floors.

2. In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 - a. Compatible hours of operation.
 - b. Noise of operation or occupancy that would be detrimental to the business operation or vice versa.
 - c. Excessive foot traffic.
3. Each dwelling unit shall have a minimum floor area as follows:
 - a. Efficiency (open area/no separate bedroom) dwelling unit—400 square feet.
 - b. One-bedroom dwelling unit—500 square feet
 - c. Two-bedroom dwelling unit—700 square feet
 - d. Dwelling unit with three or more bedrooms—800 square feet
4. An off-street parking plan demonstrating that sufficient parking is available for use of the parcel shall be provided. Such parking plan is subject to approval by the Community Development Department prior to occupancy of any residential use.

B. Sidewalk Cafes. In the interest of promoting business by increasing activity, the Township Superintendent or his designee may issue revocable permits to businesses that apply for a permit to operate a sidewalk café as an extension of or compatible with the existing business on a portion of a public sidewalk adjacent to the business. (Note: Outside service from decks and porches for bars, taverns and restaurants shall not be considered sidewalk cafes.) The permit may be issued under the following terms and conditions:

1. Sidewalk café permits shall be issued if the Township Superintendent or designee determines the sidewalk café will not:
 - a. Interfere with the use of the street or right-of-way for pedestrian or vehicular travel.
 - b. Unreasonably interfere with the view of, access to or use of property adjacent to the street. All businesses selling food or beverages to be consumed on a public sidewalk area adjacent to the business may, at the determination of the Township Superintendent, be required to enclose on all sides the area with a temporary structure approved by the building official.
 - c. Reduce any sidewalk width to less than six feet.
 - d. Interfere with street cleaning or snow removal activities.
 - e. Cause damage to the street or to sidewalks, trees, benches, landscaping, or other objects lawfully located there.
 - f. Cause a violation of any state or local laws.
 - g. Be principally used for off-premise advertising.
 - h. Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
 - i. Be in or adjacent to property zoned for residential purposes.

2. All businesses selling food or beverages to be consumed on a public sidewalk area adjacent to the business shall enclose the area with a temporary structure approved by the building official.
 3. Prior to the issuance of a sidewalk café permit, the applying business shall provide the township with a certificate of liability insurance in an amount to be determined solely by the township. The certificate of insurance must be in effect for at least the period of the permit to be issued. In addition, the applying business shall, by written agreement with the township, indemnify and hold harmless the township from all claims or damages incident to the establishment and operation of a sidewalk café.
 4. The period of the sidewalk café permit shall not exceed 180 days. The dates and duration shall be specified on the permit. The permit shall be subject to immediate revocation for failure to properly maintain the area being uses as a sidewalk café, or for any other violation of this chapter.
- C. Bowling alleys, pool or billiard parlor or club, indoor archery, indoor tennis clubs, health clubs and other similar indoor commercial recreation establishments.
- D. Any permitted uses subject to special conditions in the C-1 Commercial District under Section 13.03.

SECTION 13A.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Child Care Centers
- B. Adult day care centers, adult foster care congregate facilities and convalesced homes.
- C. Bars, taverns, and restaurants with service from decks, porches, or other outside areas. This subsection is not applicable to sidewalk cafes. (Note: Regulations for sidewalks cafes can be found in Section -.03.B.1. of this chapter.)
- D. Churches
- E. Any uses requiring special approval in the C-1 Commercial District under Section 13.04.

SECTION 13A.05 HEIGHT REGULATIONS No building shall exceed 30 feet or two stories in height, whichever is less.

SECTION 13A.06 ADDITIONAL REQUIREMENTS No building or structure shall be erected nor any existing building or structure be enlarged unless the following requirements are provided for and maintained.

- A. Front, Side, and Rear Yard Setbacks. The front, side, and rear yard setbacks shall be determined by the Planning Commission in its review of the site plan. In determining the setbacks, the Planning Commission shall take into consideration, the impact on adjoining land uses, whether the proposed setback disrupts the interior circulation pattern on that block, whether safe vehicular and pedestrian access is maintained, whether the setbacks will allow safe access for emergency services, and whether or not the proposed setbacks will create unusable or unsafe areas.

- B. Parking, Landscaping and Buffering. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 29. In addition, landscaping and buffering shall be provided in accordance with requirements of Chapter 30. However, the township recognizes that site development under the village commercial concept may present limitations to provide traditional parking, landscaping and green strips. The Planning Commission may approve modifications of the requirements from Chapters 29 and 30 for parcels within the Village Commercial District.
- C. Signs. Signs within the Village Commercial District shall comply with the requirements of Chapter 28, Signs.
- D. Buildings shall possess architectural variety and enhance the community character. Where appropriate, new buildings and existing buildings being renovated, shall provide architectural features and details.
- E. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- F. Site lighting shall be in accordance with Chapter 31.
- G. Site plan approval is required in accordance with Chapter 32.
- H. The Community Development Department may require that any development which is subject to site plan approval by the Director of the Community Development Department or the Planning Commission, be reviewed by the Comstock Park Downtown Development Authority for its recommendations.

CHAPTER 14
C-2 COMMERCIAL

SECTION 14.01 PURPOSE This district is intended to provide general commercial and service uses to meet the needs of the overall community.

SECTION 14.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes:

- A. Any permitted use in the C-1 Commercial District, subject to the same conditions, regulations and requirements as are provided therein.
- B. Arcades.
- C. Billiard or pool halls.
- D. Business or Professional Schools.
- E. Catering establishments where food is not sold for consumption on the premises.
- F. Health and physical fitness salons.
- G. Nursery, lawn, and garden equipment sales.
- H. Rental service excluding the rental of vehicles other than trailers and recreational vehicles.
- I. Taverns.
- J. Hot tubs and spas - rental facilities.
- K. Wireless Communication Facilities as regulated in Section 3.29A.1.

SECTION 14.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use.

- A. Any permitted use subject to special conditions in the C-1 Commercial District, subject to the same conditions, regulations and requirements as are provided therein.
- B. Automobile service stations subject to the following conditions:
 - 1. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.
 - 2. Pump islands shall be located no closer than 35 feet from the front lot line.
 - 3. All pump island canopies shall be located a minimum of 25 feet from the front lot line.
 - 4. All repair, lubrication, and service work shall be performed within a completely enclosed building.

5. All storage of equipment, materials, and merchandise, with the exception of fuel, shall be within a completely enclosed building.
6. All outside storage areas for refuse, used tires, auto parts, and similar items shall comply with Section 14.08C.
7. No more than two curb cuts shall be constructed to provide ingress and egress.
8. Any automobile service station located on an interior lot shall have a minimum of 155 feet of frontage on a public street.

C. Animal hospitals and veterinary clinics subject to the following conditions:

1. Such hospital or clinic, including all treatment rooms, cages, pens or runways, shall be located within a completely enclosed building so that sound will be kept within the building.
2. The building shall have and maintain central air conditioning so that, windows will not be open.
3. The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.
4. All buildings shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the residential district is separated from the use by a public street.
5. Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses, such as a pedestrian mall.

D. Automobile parts and accessories including installation, automobile repair – major and minor and automobile body shops subject to the following conditions:

1. All installation and repair work must be carried out within a completely enclosed building.
2. No outdoor storage of scrap, junk cars, or dismantled vehicles is permitted.
3. All vehicles awaiting repair or settlement of insurance claims may be stored outside of a completely enclosed building provided that the storage area is completely enclosed with a obscuring masonry or wood wall or solid fence with a minimum height of six feet and a maximum height of eight feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.
4. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.

E. Automobile Wash Establishment subject to the following:

1. All washing facilities shall be within a completely enclosed building.
 2. Vacuuming and drying areas may be located outside of the building but shall not be in the required front or side yard areas.
 3. All cars required to wait for access to the facilities shall be provided stacking space off the street right-of-way.
 4. Curb cuts serving the car wash shall be located at least 200 feet from the intersection of any two streets.
 5. All off-street parking and waiting areas shall satisfy the requirements for an off-street parking lot within the C-2, district.
 6. At least one traffic lane shall be provided as a means of exiting the facility without having to enter the car wash building; such lane to be in addition to those which would be used by customers obtaining gasoline and waiting in line for the car wash. Said lane shall not be counted as part of the required parking space.
 7. All buildings, vehicular stacking space, vacuuming; or other outside use area, except employee parking, shall have a minimum setback of 100 feet from a R-1, R-1A, R-2 or R-3 district, unless the district is separated from the use by a public street.
- F. Contractors (Plumbing, Heating, Electrical, Painting etc.) subject to the following conditions:
1. All work of any kind shall only take place within a completely enclosed building.
 2. The outside storage of equipment, machinery and service vehicles is permitted provided that the storage area is completely enclosed with a obscuring masonry or wood wall or fence with a minimum height of six feet and a maximum height of eight feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.
 3. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.

SECTION 14.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Any use requiring special approval in the C-1 Commercial District, subject to the same conditions, regulations and requirements as are provided therein.
- B. Funeral Homes
- C. Hospitals.
- D. Governmental Signs – Off Premise

- E. Special Controlled Uses. In the development and execution of this section, 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 in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

Uses subject to the controls of this Section are as follows:

Adult Motion Picture Theaters.
Adult Book Stores.
Adult Cabarets.
Nude Artist and Photography Studios.
Adult-Oriented Businesses.
Massage Establishments.

As used in this Chapter, the following terms shall have the indicated meanings:

1. Adult-Oriented Business means a business or commercial establishment engaging in one or more of the following enterprises [as such enterprises are defined in the Adult-Oriented Businesses Ordinance (Ordinance #756)]: (a) adult cabaret; (b) adult merchandise store; (c) adult motel; (d) adult theater; (e) escort agency; (f) nude model studio; and (g) sexual encounter center.
2. Massage Establishment means any building, room, place or establishment where body massage is regularly practiced on the human body, to club members or to the general public for a charge. The term "massage establishment" shall not include:
 - (a) Hospitals, nursing homes, medical clinics;
 - (b) The office of a state-licensed physician, surgeon, osteopath or chiropractor;
 - (c) The establishment of a barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties in which massages are administered only to the scalp, face, neck, hands, feet or shoulder;
 - (d) The establishment of a myomassaologist who is a current member of the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification.
 - (e) Nurses who are licensed under the laws of this state and who administer a massage in the normal course of his or her nursing duties.
 - (f) Any athletic trainer who has been certified by the National Athletic Trainers Association or who is employed by one of the public schools or

state approved non-public schools, as those terms are used in MCL 380.1561, and who is performing massage on school premises.

3. Massage means any method of applying pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the body, for remedial or hygienic or other purposes, with the hands, with or without the aid of any mechanical, magnetic or electrical apparatus or appliances, with or without supplementary aids such as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations.

SECTION 14.05 HEIGHT REGULATIONS No building shall exceed 30 feet or two stories in height, whichever is less.

SECTION 14.06 AREA REGULATIONS No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained.

- A. Front Yard - There shall be a minimum front setback of 75 feet.
- B. Side yard – There shall be minimum side yards of 10 feet, on each side except where this zone district abuts a R-1, R-1A, R-2 or R-3 district on the side, a minimum side yard of 25 feet shall be provided. On the street side of a corner lot, a minimum side yard of 35 feet is required.
- C. Rear yard - There shall be a minimum rear yard of 25 feet except that where this zone district abuts a R-1, R-1A, R-2 or R-3 district in the rear, a minimum rear yard of 50 feet shall be provided.

SECTION 14.07 OUTDOOR DISPLAY AREA Where the nature of the business is such that outdoor display of goods for sale is normally incidental to the conduct of such business, no merchandise shall be displayed within the required yard unless otherwise permitted by the Planning Commission. The Planning Commission may prescribe the location, size, amount of products, timeframes, and such other conditions for the outdoor display area as may be appropriate to insure conformity with the character of the area. All areas shall be maintained in a neat and tidy condition.

SECTION 14.08 ADDITIONAL REQUIREMENTS

- A. Sidewalks are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks as required by the Township.
- B. Off-street parking and loading facilities shall be provided in accordance with requirements of Chapter 29.
- C. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- D. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- E. Site lighting shall be shall be in accordance with requirements of Chapter 31.
- F. Site Plan Approval is required in accordance with Chapter 32.

CHAPTER 15
C-3 COMMERCIAL

SECTION 15.01 PURPOSE This district is intended to provide appropriate locations for certain recreational and specialized commercial and business establishments. By their very nature, businesses in this category tend to encourage traffic, and thus, should be located where such traffic will not be detrimental to the community.

SECTION 15.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes only:

- A. Arcades.
- B. Financial Institutions (i.e. banks, credit unions), not including drive in or drive through service.
- C. Bowling alleys.
- D. Golf driving ranges not a part of a golf course.
- E. Indoor skating rinks, indoor tennis courts, or similar indoor uses.
- F. Lodge halls, private clubs.
- G. Miniature golf, trampoline, or similar non-motorized recreational uses.
- H. Motels.
- I. Restaurants, excluding drive-in or drive through service.
- J. Taverns.
- L. Theaters (not including drive-in), music halls, or similar indoor uses.
- M. Donation Resale Facilities.
- N. Wireless Communication Facilities as regulated in Section 3.29A.1.

SECTION 15.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use.

- A. Restaurants and Financial Institutions, with drive-in or drive through service.
 - 1. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.
 - 2. Space set aside for the stacking of vehicles waiting to be served from a drive-through window shall be a minimum of 35 feet from any R-1, R-1A, R-2 or R-3 district or any existing residential use.
 - 3. Curb cuts serving a restaurant including drive-in or drive through service shall be located a minimum distance of 150 feet from the right-of-way of any intersecting street.

4. Any side or rear lot line that is adjacent to a R-1, R-1A, R-2 or R-3 district shall be provided with a solid wood or cyclone type fence with a minimum height of four feet and a maximum height of six feet.
- B. New and used vehicle sales and service including automobiles, boats, motor homes, motorcycles, travel trailers, snowmobiles, trucks and truck campers.
1. The nearest part of any building shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.
 2. A permanent building shall be located on site for use as offices and other uses incidental to the sale of vehicles.
 3. All product display areas shall be designated on an approved site plan and shall be clearly separated from areas required for visitor, employee or service parking.
 4. All display areas shall be provided with asphalt or concrete surfacing.
 5. All display areas shall be a minimum of ten feet from any property line.
 6. Vehicle or product service and repair shall be carried out in accordance with the following.
 - a. All installation and repair work must be carried out within a completely enclosed building.
 - b. No outdoor storage of scrap, junk cars, or dismantled vehicles is permitted, unless stored in a screened structure as approved by the Community Development Department.
 - c. All vehicles awaiting repair or settlement of insurance claims may be stored outside of a completely enclosed building provided that the storage area is completely enclosed with a obscuring masonry or wood wall or solid fence with a minimum height of six feet and a maximum height of eight feet and is equipped with a locking gate. Such storage area shall be located behind the rear wall of the building and shall maintain the minimum side and rear yard areas required for a building. Such area shall also satisfy all of the requirements for an off-street parking lot.

SECTION 15.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Bars, taverns or restaurants with service from decks, porches or other outside areas.
- B. Churches
- C. Wireless Communication Facilities as regulated in Section 3.29A.3.
- D. Hospitals

E. Governmental Signs – Off Premise

SECTION 15.05 HEIGHT REGULATIONS No building shall exceed 72 feet or six stories in height, whichever is less.

SECTION 15.06 AREA REGULATIONS No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained.

- A. Front Yard - There shall be minimum front setback of 75 feet.
- B. Side yard – There shall be minimum side yards of 10 feet, on each side except where this zone district abuts a R-1, R-1A, R-2 or R-3 district on the side, a minimum side yard of 25 feet shall be provided. On the street side of a corner lot, a minimum side yard of 35 feet is required.
- C. Rear yard - There shall be a minimum rear yard of 25 feet except that where this zone district abuts a R-1, R-1A, R-2 or R-3 district in the rear, a minimum rear yard of 50 feet shall be provided.

SECTION 15.07 ADDITIONAL REQUIREMENTS

- A. Off-street parking facilities shall be provided in accordance with the requirements of Chapter 29.
- B. Sidewalks are required in this district and shall be built, rebuilt, maintained and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks required by the Township.
- C. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- D. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- E. Site lighting shall be shall be in accordance with requirements of Chapter 31.
- F. Site plan approval is required in accordance with Chapter 32.

CHAPTER 16
C-4 COMMERCIAL

SECTION 16.01 PURPOSE This district is intended to provide for planned shopping center developments. For the purposes of this district, shopping center is defined as a group of commercial establishments, planned and developed as a complex.

SECTION 16.02 PERMITTED USES Any use permitted in the C-1 and C-2 Commercial districts and indoor theaters are permitted in this district, subject to the conditions specified herein.

SECTION 16.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Any permitted use subject to special conditions in the C-1 and C-2 Commercial Districts, subject to the same conditions, regulations and requirements as are provided therein.

SECTION 16.04 USES REQUIRING SPECIAL APPROVAL Any permitted use requiring special approval in the C-1 and C-2 Commercial Districts, excluding adult entertainment businesses, subject to the same conditions, regulations and requirements as are provided therein and the provisions of Chapter 27.

SECTION 16.05 HEIGHT REGULATIONS No building or structure shall exceed 50 feet in height.

SECTION 16.06 AREA REGULATIONS No building or structure shall be hereafter erected unless the following yard requirements are provided and maintained:

- A. Front Yard - There shall be minimum front setback of 100 feet.
- B. Side Yard - There shall be a minimum side yard of 50 feet from the side boundary line of any C-4 district. On the street side of a corner lot, a minimum side yard of 80 feet is required.
- C. Rear Yard - There shall be a minimum rear yard of 100 feet.

SECTION 16.07 ADDITIONAL REQUIREMENTS

- A. A minimum lot area of five acres shall be required.
- B. The total area devoted to roofed structures shall not exceed 30 percent of the total site.
- C. Except for fenced garden centers, all business, services, or processing shall be conducted wholly within a completely enclosed building, unless otherwise approved by the Planning Commission. This area shall not be included in the computation of parking requirements.
- D. Driveway openings shall not be permitted onto public streets unless such street is a state highway or a county primary road. Permitted openings shall be at an interval of not less than 300 feet.
- E. Off-street parking facilities shall be provided in accordance with the requirements of Chapter 29 provided that no parking spaces or access drives shall be located within the first 35 feet of the front setback area.

- F. Sidewalks are required in this district and shall be built, rebuilt, maintained and repaired by the owner of the premises upon that part of the premises which abuts a street, and other sidewalks required by the Township.
- G. Buildings within this district may either be attached or detached. A minimum distance of 15 feet shall be maintained between any buildings that are not attached.
- H. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- I. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- J. Site lighting shall be shall be in accordance with requirements of Chapter 31.
- K. Site Plan Approval is required in accordance with Chapter 32.

CHAPTER 17
C-5 COMMERCIAL

SECTION 17.01 PURPOSE This district shall be for only those special areas in close proximity to freeway interchanges and shall be primarily to serve the motoring and tourist needs of the community.

SECTION 17.02 PERMITTED USES Land and/or buildings in the C-5 Zone may be used for the following purposes only:

- A. Motels and hotels.
- B. Restaurants, including those with drive through or drive in facilities.
- C. Automobile wash establishments.
- D. Wireless Communication Facilities as regulated in Section 3.29A.1.
- E. Other retail businesses or service establishments which supply convenience commodities or perform services primarily to serve the motoring and tourist needs of the community found by the Planning Commission to be similar to those permitted in this district.

SECTION 17.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use:

- A. Automobile gas stations and automobile service stations having not more than two stalls for servicing motor vehicles subject to the following conditions.
 - 1. The nearest part of any building or structure shall be a minimum of 100 feet from any R-1, R-1A, R-2 or R-3 district unless the district is separated from the use by a public street.
 - 1. Pump islands shall be located no closer than 35 feet from the front lot line.
 - 2. All pump island canopies shall be located a minimum of 25 feet from the front lot line.
 - 3. All repair, lubrication, and service work shall be performed within a completely enclosed building.
 - 4. All storage and the display of equipment, materials, and merchandise, with the exception of fuel, shall be within a completely enclosed building.
 - 5. All outside storage areas for refuse, used tires, auto parts, and similar items shall be enclosed by a six-foot high solid wall or fence with a lockable gate.
 - 6. No more than two curb cuts shall be constructed to provide ingress and egress.
 - 7. Any automobile service station located on an interior lot shall have a minimum of 155 feet of frontage on a public street.

- B. Vehicle sales, new or used, including automobiles, boats, motorcycles, travel trailers, snowmobiles and motor homes subject to the following conditions:
 - 1. The display, storage, repair, maintenance, or parking of any vehicle, including automobiles, boats, motorcycles, travel trailers, snowmobiles and motor homes, shall not occur outside, but only in a wholly enclosed building.
 - 2. The outside storage or display of accessory products is prohibited.
 - 3. The use of external paging or intercom systems is prohibited.
 - 4. Only one building is permitted on a parcel.
 - 5. The only signs that are permitted are those permitted within the zone district in which the proposed use is located.

SECTION 17.04 USES REQUIRING SPECIAL APPROVAL

- A. Billboards.
- B. Bars, taverns and restaurants with service from decks, porches or other outside areas.
- C. Wireless Communication Facilities as regulated in Section 3.29A.3.
- D. Churches
- E. Hospitals
- F. Governmental Signs – Off Premise

SECTION 17.05 HEIGHT REGULATIONS No building shall exceed 72 feet or six stories in height, whichever is less.

SECTION 17.06 AREA REGULATIONS No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained:

- A. Front Yard - There shall be a front setback of at least 100 feet.
- B. Side Yard - There shall be a side yard of at least 20 feet on each side in this district. Where a C-5 Commercial Zone abuts a R-1, R-1A, R-2 or R-3 district on the side, a side yard of at least 30 feet shall be maintained. On the street side of a corner lot, a side yard of at least 35 feet shall be maintained.
- C. Rear Yard - There shall be a rear yard of at least 50 feet for all buildings in this district.

SECTION 17.07 ADDITIONAL REQUIREMENTS

- A. Off-street parking facilities shall be provided in accordance with the requirements of Chapter 29.

- B. Sidewalks are required in this district and shall be built, rebuilt, maintained and repaired by the owner of the premises upon that part of the premises which abuts a street, and all other sidewalks required by the Township.
- C. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- D. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- E. Site lighting shall be shall be in accordance with requirements of Chapter 31.
- F. Site Plan approval is required in accordance with Chapter 32.

CHAPTER 18
O OFFICE

SECTION 18.01 PURPOSE This district is intended to provide a location for office parks, office services, institutional facilities, research laboratories, and similar facilities which, while often requiring access to major streets, are typically neither commercial nor industrial in character.

SECTION 18.02 PERMITTED USES Land and/or buildings in this district may be used for the following purposes only:

- A. Banks, credit unions, and related financial establishments.
- B. Electronic data processing centers.
- C. Office uses including medical, dental, architectural, engineering, accounting, law, administrative, real estate, sales representatives without the sale of goods on the premises, small animal clinics, and other similar offices.
- D. Radio and television studios.
- E. Wireless Communication Facilities as regulated in Section 3.29A.1.
- F. Private Schools
- G. Personal service establishments when located within an office building. Such uses may include snack shops, barber and beauty shops, pharmacy, shoe shine and repair, postal service centers, fitness facilities occupying no more than fifty (50%) of the gross floor area of the building, copy centers, and similar establishments compatible with office uses, as determined by the Planning Commission.

SECTION 18.03 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS Land and/or buildings in this district may be used for the following purposes, subject to the conditions hereinafter imposed for each use:

- A. Research development and testing laboratories and offices subject to the following conditions:
 - 1. No manufacturing is permitted.
 - 2. No use shall produce any noise at any lot line that exceeds the average intensity of street and traffic noise.
 - 3. No use shall produce any vibration, the production of any heat or glare nor the emission of noxious fumes or odors that are discernable at any property line.
- B. Funeral Homes, including a residence as an accessory use, subject to the following conditions:
 - 1. A sufficient off-street assembly or staging area shall be provided for vehicles to be used in funeral processions. This area shall be provided in addition to otherwise required off-street parking facilities.

2. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view from any street by the design of the building or by a opaque wall or fence that is not more than eight feet or less than six feet in height.

SECTION 18.04 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as a special use under the provisions of Chapter 27.

- A. Wireless Communication Facilities as regulated in Section 3.29A.3.
- B. Private or Public Heliports.
- C. Governmental Signs – Off Premise

SECTION 18.05 AREA REGULATIONS No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building, structure or enlargement:

- A. Front Yard - There shall be a front setback of not less than 35 feet. No parking shall be permitted in the first 10 feet in the required front yard setback area.
- B. Side Yard - There shall be a side yard of at least 15 feet except where the district abuts a R-1, R-1A, R-2 or R-3 district, a side yard of at least 25 feet must be maintained. On the street side of a corner lot, at least 35 feet must be maintained and no parking shall be permitted in this required setback.
- C. Rear Yard - There shall be a rear yard of at least 25 feet.
- D. Lot area and width - A minimum width of 100 feet at the building line with a minimum lot area of 15,000 square feet shall be required.

SECTION 18.06 ADDITIONAL REQUIREMENTS

- A. Off-street parking facilities shall be provided in accordance with the requirements of Chapter 29.
- B. Sidewalks are required in this district and shall be built, rebuilt, maintained, and repaired by the owner of the premises upon that part of the premises which abuts a street.
- C. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- D. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- E. Site lighting shall be in accordance with Chapter 31.
- F. Site plan approval is required in accordance with Chapter 32.

CHAPTER 19
LI, LIGHT INDUSTRIAL

SECTION 19.01 DESCRIPTION & PURPOSE It is the intent of the LI, Light Industrial District to provide for the development of a variety of industrial and ancillary uses that are characterized by low density land coverage; the absence of objectionable external impacts; and top quality, attractive industrial architecture. The regulations contained in this Chapter will facilitate the continued development of new, high-quality industrial facilities in a well planned environment so as to protect the public health, safety, and general welfare; promote economic stability and growth; prevent encroachment of uses that are incompatible with the industrial character of the district; encourage variety in the design and type of structures constructed; and provide for efficient traffic movement.

SECTION 19.02 PERMITTED USES No building, structure, or land shall be used and no building or structure erected in the Light Industrial District, except for one or more of the following specified uses, unless otherwise provided by this Ordinance:

- A. Non-manufacturing research and development establishments, including accessory laboratories, offices and other related facilities.
- B. Laboratories or technology centers.
- C. The manufacturing, compounding, processing, fabricating, packaging, treating, or assembling of the following materials provided that any structure used therefore shall be a minimum distance of 200 feet from any RP, RE, R-1,R-1A, R-2, R-3, or R-4 district or any lawfully existing residential use:
 - 1. Food products, limited to baked goods, confectionery, and beverages.
 - 2. Drugs and pharmaceutical products, cosmetics, and toiletries.
 - 3. Toys, jewelry, novelties, and athletic goods.
 - 4. Furniture, fixtures, and office equipment.
 - 5. Signs and displays.
 - 6. Engineering, optical, medical, photographic, and similar instruments.
 - 7. Electrical instruments and supplies.
 - 8. Apparel and other finished products made from fabrics, leather, canvas, fur, or similar materials.
 - 9. Printed, published or bound materials.
 - 10. Plastic injection moldings.
 - 11. Glass products.

- D. Regional warehousing or distribution centers.
- E. Wholesale establishments.
- F. Governmental public service buildings or public utility buildings.
- G. Medical, executive, administrative, professional, accounting, clerical or business office facilities and data processing centers.
- H. Corporate office facilities.
- I. Banks and financial institutions.
- J. Data Processing Centers.
- K. Business schools or colleges and trade or industrial schools.
- L. Mini warehouses and self-storage facilities.
- M. Warehousing and general storage.
- N. Emergency medical services.
- O. Retail sales where such use is clearly incidental to the primary use provided the area devoted to retail sales does not exceed 15 percent of the total floor area.
- P. Wireless Communication Facilities as regulated in Section 3.29A.1.

SECTION 19.03 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Wireless Communication Facilities as regulated in Section 3.29A.2.
- B. Indoor Recreation and Entertainment Centers and health or fitness centers, including indoor tennis or swim clubs, indoor hockey or ice skating rinks, paintball courses, and similar recreation and entertainment facilities within a completely enclosed building.
- C. Outdoor Recreational Facilities.
- D. Private or Public heliports.
- E. Contractor's Equipment Storage Yard.
- F. Outdoor Storage Area.
- G. The manufacturing, compounding, processing, fabricating, packaging, treating, or assembling of the following materials:
 - 1. Chemicals & chemical products such as plastics, synthetic fibers and cosmetics.
 - 2. Fabricated metal products.
 - 3. Tool and die shop and screw machine products.

- H. Vehicle sales, new or used, including automobiles, boats, motorcycles, travel trailers, snowmobiles and motor homes.
- I. Governmental Signs – Off Premise
- J. Billboards.

SECTION 19.04 AREA REGULATIONS No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement.

- A. Front Yard.
 - 1. Front Yard Setback adjacent to a state highway or county primary road.

There shall be a minimum front setback from any state highway or county primary road of 100 feet. Parking is permitted within the setback area provided that a 40 foot wide landscaped area, including the required buffer zone, is maintained adjacent to the street right-of-way line.
 - 2. Front Yard Setback not adjacent to a state highway or county primary road.

There shall be a minimum front setback of 80 feet. Parking is permitted within the setback area provided that a 25 foot wide landscaped area, including the required buffer zone, is maintained adjacent to the street right-of-way.
- B. Side Yard – There shall be minimum side yards of 25 feet on each side except on the street side of corner lots where a front yard setback is required. Where a LI district abuts a RP, RE, R-1, R-1A, R-2, R-3 or R-4 district or any lawfully existing residential use on the side there shall be a minimum side yard of 50 feet on such side.
- C. Rear Yard – There shall be a minimum rear yard of 35 feet in this district except that where the district abuts a RP, RE, R-1, R-1A, R-2, R-3 or R-4 district or any lawfully existing residential use on the rear, a minimum rear yard of 50 feet shall be provided.
- D. Lot Width – All lots in this district shall have a minimum width of 200 feet.
- E. Lot Area – The minimum lot area for any use in this district shall be two acres.

SECTION 19.05 HEIGHT REGULATIONS No building shall exceed 35 feet in height or three stories, whichever is less.

SECTION 19.06 LOT COVERAGE The total area occupied by all buildings and structures shall not exceed 25 percent of the total lot area.

SECTION 19.07 REQUIRED CONDITIONS

- A. All operations shall be conducted completely within the confines of a building except as provided in Section 19.03 E or F.
- B. Heating, ventilation or air conditioning (HVAC) units, blowers, dryers or similar electrical or mechanical appurtenances shall be properly screened and shall not

be located within any front or side yard. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level.

- C. All exterior lighting shall comply with the provisions provided in Chapter 31, Lighting.
- D. Off-street parking facilities are required in accordance with the applicable provisions of Chapter 29. In addition, no off-street parking spaces, access drives or loading areas shall be located within any minimum required side or rear yard setback area or any front yard except as permitted in this Chapter.
- E. Storm Water Detention and Retention Facilities – Any required storm water detention or retention facilities may be located within a required rear yard provided that they shall not be located within any required greenbelt area.
- F. Public Utilities – All uses located within a LI, Light Industrial District shall be served by a public sanitary sewerage system and a public water distribution system.
- G. Performance Standards –
 - 1. Noise – The sound produced from any use permitted in the Light Industrial District shall comply with the Township’s Noise Ordinance. In addition, the Planning Commission may set additional standards as determined be necessary.
 - 2. Vibration – Any use within the Light Industrial District creating earth-shaking vibrations, such as are created by drop forges or hydraulic surges, shall be located and/or controlled in such a manner as to prevent transmission of earth-shaking vibrations beyond the lot lines of the lot on which the use is located, perceptible without the aid of instruments.
 - 3. Air Quality – Any use operating within the Light Industrial District shall fully comply at all times with all applicable rules and regulations of the Michigan Department of Environmental Quality and all other state and county agencies having jurisdiction.
- H. All dumpsters shall be gated and screened by an enclosure of masonry construction or other material approved by the Planning Commission.
- I. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- J. Site lighting shall be in accordance with Chapter 31.
- K. Site plan approval is required in accordance with Chapter 32.

CHAPTER 20
I INDUSTRIAL

SECTION 20.01 PURPOSE This zone is intended to permit industrial uses which are not unreasonably offensive, hazardous, or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial wastes, or traffic. In those instances where there may be doubt regarding the effect of the operation, the Planning Commission may require the prospective operator to demonstrate, through the use of qualified technical persons and acceptable testing techniques, that protective devices shall be utilized that will categorically assure the control of the questioned factor.

SECTION 20.02 PERMITTED USES Land and/or buildings in this zone may be used for the following purposes only:

- A. Manufacturing, compounding, processing, packaging, or treating of:
 - 1. Agricultural products.
 - 2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, baked goods, confectioneries, beverages, and similar products.
- B. Manufacturing, compounding, processing, packaging, treating or assembling from previously prepared materials the following:
 - 1. Textile mill products such as woven fabric, knit goods, floor coverings, yard and thread.
 - 2. Apparel and similar products made from fabrics, leather, fur, canvas and similar materials.
 - 3. Lumber and wood products including millwork, prefabricated structural wood products and containers but excluding sawmills.
 - 4. Furniture and fixtures.
 - 5. Paper and paperboard containers and products.
 - 6. Printing, publishing, and allied industries.
 - 7. Chemical products such as plastics, synthetic fibers, and cosmetics.
 - 8. Drugs and pharmaceutical products.
 - 9. Electrical machinery, equipment, and supplies.
 - 10. Fabricated metal products.
 - 11. Glass products.
- C. Central dry cleaning or laundry.
- D. Building trades contractors.
- E. Building materials sales including retail.

- F. Warehousing and general storage.
- G. Research, development, and testing laboratories.
- H. Motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing, and crating services.
- I. Truck and trailer sales and rental.
- J. Automotive and/or truck repair, major, including body shops.
- K. Retail sales where such use is clearly incidental to the primary use and where the area devoted to retail sales does not exceed 15 per cent of the total floor area.
- L. Wholesale establishments.
- M. Mini-Warehouses.
- N. Crematoriums.
- O. Wireless Communication Facilities as regulated in Section 3.29A.1.

SECTION 20.03 USES REQUIRING SPECIAL APPROVAL The following uses may be permitted as special uses under the provisions of Chapter 27.

- A. Manufacturing, assembling, compounding, and processing which requires the use of raw materials including, but not limited to, the following:
 - 1. Chemical products.
 - 2. Rubber manufacturing or reclaiming, tire recapping.
 - 3. Stone, clay, brick, cement, and related products.
 - 4. Foundries, smelting or refining of metals or alloys, rolling and extruding.
 - 5. Pulp and paper manufacturing.
 - 6. Asphalt manufacturing or refining.
- B. Rendering plant.
- C. Stone monument works.
- D. Public utility service or storage yard.
- E. Contractors equipment storage yard or equipment rental.
- F. Junk yards.
- G. Outdoor recreation uses.
- H. Billboards.

- I. Vehicle repossession and/or seizure and auction facility.
- K. Private or public heliports.
- L. Indoor recreation centers.
- M. Wireless Communication Facilities as regulated in Section 3.29A.2.
- N. Governmental Signs – Off Premise

SECTION 20.04 HEIGHT REGULATIONS No building shall exceed 45 feet in height or three stories, whichever is less.

SECTION 20.05 AREA REGULATIONS No building or structure nor the enlargement of same, shall be erected unless the following requirements are provided and maintained:

- A. Front yard - There shall be a minimum front setback of 75 feet.
- B. Side yard - There shall be a minimum side yard of 20 feet, except on the street side of corner lots where 35 feet shall be required. Where a industrial district abuts a R-1, R-1A, R-2, R-3 or R-4 district on the side there shall be a minimum side yard of 35 feet on such side.
- C. Rear yard - There shall be a minimum rear yard of 25 feet in this district except that where the district abuts a R-1, R-1A, R-2, R-3 or R-4 district on the rear a minimum rear yard of 50 feet shall be provided.

SECTION 20.06 REQUIRED PROVISIONS Except for loading, unloading, and employee and visitor parking, all uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence, wall, or greenbelt at least six feet in height, provided, however, that no materials, products, or goods shall be stacked higher than said fence, wall, or greenbelt, and further provided, that all areas so used shall be subject to all yard and setback requirements.

SECTION 20.07 ADDITIONAL REQUIREMENTS

- A. Off-street parking and loading facilities shall be provided in accordance with the requirements of Chapter 29.
- B. Landscaping and buffering shall be provided in accordance with requirements of Chapter 30.
- C. Site lighting shall be in accordance with Chapter 31.
- D. Site plan approval is required in accordance with Chapter 32.
- E. Performance Standards –
 - 1. Noise – The sound produced from any use permitted in the Light Industrial District shall comply with the Township’s Noise Ordinance. In addition, the Planning Commission may set additional standards as determined be necessary.
 - 2. Vibration – Any use within the Light Industrial District creating earth-shaking vibrations, such as are created by drop forges or hydraulic

surges, shall be located and/or controlled in such a manner as to prevent transmission of earth-shaking vibrations beyond the lot lines of the lot on which the use is located, perceptible without the aid of instruments.

3. Air Quality – Any use operating within the Light Industrial District shall fully comply at all times with all applicable rules and regulations of the Michigan Department of Environmental Quality and all other state and county agencies having jurisdiction.

CHAPTER 21
THE NORTH EAST BELTLINE OVERLAY DISTRICT

SECTION 21.01 DESCRIPTION AND PURPOSE. The purpose of this overlay zone is to implement the 1998 North East Beltline Joint Development Plan; to provide a consistent development framework; to specify practical development standards; to preserve the natural road edge, scenic views and steep slopes; and to protect the transportation capacity of this important community and transportation corridor. This zone is compatible with a similar zone in Grand Rapids Township and the City of Grand Rapids. The requirements of this overlay zone apply to all land abutting, within 500 feet of, or gaining access from the East Beltline between 4 Mile Road and Grand River Avenue; unless otherwise defined.

The following standards shall not apply to developments (including PUDs) approved prior to January 1, 2002, nor to subsequent amendments or modifications of such developments or PUDs. However, the requirements of this Overlay Zone shall apply to the elements of a development (including PUDs) approved prior to the effective date of this Overlay, that were not specifically addressed in the conditions of approval. That may include building and parking lot setbacks, landscaping, parking, lighting, signs, grading, storm water management, motor vehicle and pedestrian access, and architectural façades and building design.

SECTION 21.02 MODIFICATIONS FROM THE REQUIREMENTS. Notwithstanding the provisions, including specific waiver provisions, of the Overlay District, the Planning Commission may approve a modification from the requirements of the Overlay Zone based on competent, material and substantial evidence that:

1. Special conditions or circumstances exist which are peculiar to the land or use and which are not applicable to other lands or uses in the Overlay Zone.
2. The literal interpretations of this Overlay Zone would deprive the applicant of property rights commonly enjoyed by other properties in the Overlay Zone; and
3. The authorizing of such modification will not be of substantial detriment to neighboring property and will not be contrary to the spirit and purpose of this Overlay Zone.

SECTION 21.03 SETBACKS.

1. Background.
One of the goals of the North East Beltline Joint Development Plan is to maintain "...a natural edge along the East Beltline through gracious development setbacks, preserving natural vegetation and utilizing innovative and low maintenance landscapes along the corridor and the highway right-of-way."
2. Setbacks of Buildings and Parking Lots from the East Beltline.
Buildings and parking lots shall be setback from the East Beltline according to the following schedule:
 - A. Parking Lot Setback – 90 feet, which is measured from the outside edge of the existing through lane, as of January 1, 2002, to the edge of a parking lot. Within the setback, a minimum 25-foot wide landscaped area, measured from the right-of-way to the edge of a parking lot, is required.

- B. Setback for a Building equal to or less than 35 feet high – 140 feet measured from the outside edge of the existing through lane, as of January 1, 2002, with a minimum 25-foot setback between the building and the right-of-way line.
Building height is measured as the vertical distance from the mean of the lowest and highest elevation points adjoining the exterior walls of the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height between the eave and ridge of the highest roof section for a gable, hip or gambrel roof. The height exception provisions of Section 3.06 of the Zoning Ordinance shall apply where appropriate.
 - C. Building Setbacks for Buildings greater than 35 feet high require 2 additional feet of horizontal setback, for every 1 additional foot in building height above 35 feet.
3. Setback Modifications.
As part of establishing or amending a Special Land Use, or undertaking a Site Plan review, the Planning Commission may reduce the building and parking setbacks to the minimum required setback in the underlying zone district and as part of establishing or amending a PUD the Planning Commission may recommend that the Township Board reduce building and parking setbacks to those required in the PUD under any of the following circumstances:
- A. The property is not capable of being developed if the minimum building setback under the Overlay Zone is applied.
 - B. Application of the minimum building setback under the Overlay Zone results in a PUD or site plan that negatively impacts environmental features such as steep slopes, wetlands, or vegetation.
 - C. Application of the minimum building setback under the Overlay Zone results in a PUD or site plan that does not further the goals of the Master Plan.

SECTION 21.04 LANDSCAPING

- 1. Purpose.
The purpose of this section is to maintain the natural edge and views along the East Beltline, establish a healthy environment by reducing air pollution and heat gain associated with large paved areas, protect wildlife habitat, safeguard property value, and enhance the community's visual character for our citizens' use and enjoyment.
- 2. Landscape Plan.
A concept landscape plan indicating design intent shall be submitted as part of Site Plan, Special Land Use, or PUD applications. Following PUD, Special Land Use or Site Plan approval, a final landscape plan shall be submitted to the Planning Commission or its designee to confirm compliance with the approved concept landscape plan. The final plan shall include, but not necessarily be limited to, the following:
 - A. Location, general type and quality of existing vegetation, including specimen trees.
 - B. Existing vegetation to be saved.

- C. Methods and details for protecting existing vegetation during construction.
- D. Location, sizes, and labels for all proposed plantings.
- E. Existing and proposed contours on site and 150 feet beyond edges of the site at intervals not to exceed 2 feet.
- F. Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
- G. Location, height and type of any walls.
- H. Plant list(s) showing the required and proposed quantities.
- I. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this Section.

3. Tree and Landscape Preservation Requirements.

- A. Site plans should preserve all quality existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged.
- B. Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.
- C. The area below the drip line of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the drip line and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols notes and details must be shown on the site plan.
- D. Should any tree designated for preservation, for which landscaping credit is given, die; the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread and growth characteristics. The replacement tree must be a minimum of 2.5 inches caliper.

4. Unaccredited Species.

The following list is of species that are permitted but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged.

<u>Botanical Name</u>	<u>Common Name</u>
Acer Negundo	Box Elder
Ailanthus Altissima	Tree of Heaven
Catalpa Speciosa	Catalpa
Elaeagnus Angustifolia	Russian Olive
Ginkgo Biloba (female)	Female Ginkgo
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen

Salix Spp.
Juglans Nigra
Robinia Spp.
Acer Saccharinum
Ulmus Pumila
Ulmus Rubra

Willow
Black Walnut
Black Locust
Silver Maple
Siberian Elm
Slippery Elm

5. Front Yard Landscaping.

Within the required minimum 25-foot buffer area fronting on the East Beltline landscaping should be installed according to the following standards for office, institutional, multifamily or mixed-use areas; commercial-use areas; or parking areas.

A. General provisions:

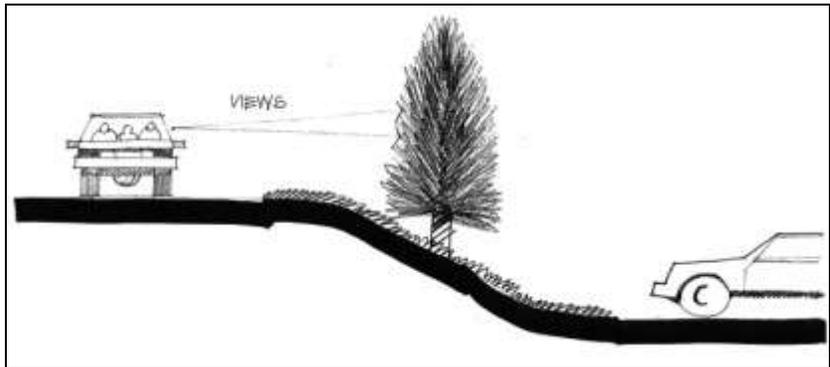
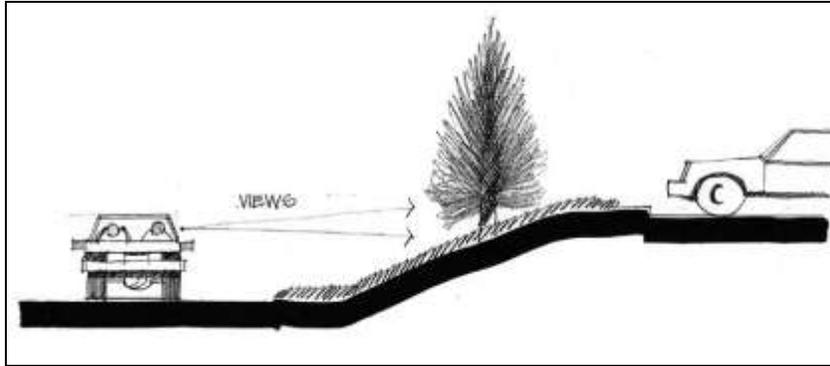
- i. Plants may be clustered into groups or planted in rows.
- ii. Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.

B. Office, institutional, multifamily residential or mixed-use areas: plantings should include a minimum of 3 evergreen trees, 2 shade trees and 8 shrubs for every 100 feet of building frontage. The number of plants shall be proportional to the length of frontage, with fractions rounded up. The Planning Commission may allow a reduction in the number or a variation in the mixture of the tree types.

C. Commercial-use areas: plantings should include a mixture of 5 trees for every 100 feet of building frontage. The number of plants required shall be proportional to the frontage, with fractions rounded up. Additional landscaping may be used, but is not required.

A mixture of evergreen, ornamental and shade trees is encouraged. The Planning Commission may allow a reduction in the number or a variation in the mixture of the tree types.

D. Parking areas: Continuous plantings, berms or walls shall be installed to a minimum of 4 feet in height along the East Beltline (plantings measured after 3 years in the ground). The requirement for plantings, berms, or walls for parking areas that abut the East Beltline may be waived by the Planning Commission if, in the judgment of the Planning Commission, the motor vehicles in the parking lot will be substantially screened from the road by the final topography or existing vegetation. (See illustrations below)



6. Parking Area Landscaping.
For all parking areas that accommodate 10 cars or more, the following standards apply.

- A. Landscaped islands and shade trees shall be located throughout the parking lot so as to relieve and shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic. Landscaped islands must be a minimum of 160 square feet and a minimum of 9 feet wide. Each island should be planted with at least one canopy tree that is located at least 3 feet from the edge of the island.
- B. Landscape islands shall be calculated on the basis of one landscape island for every 10 parking spaces. Landscape islands may be aggregated. Landscaped corners count towards the required number of islands

The Planning Commission may reduce the number of required landscape islands if it finds that adequate relief and shade is provided by other plantings in and around the parking area.

7. Minimum Standards for plants and other landscape features.

- A. Canopy/shade trees 2.5 inches in caliper
- B. Evergreen Trees 5 feet in height
- C. Shrubs 24 inches in height

- D. Walls Walls shall be of clay, brick, stone or other appropriate material.
8. Maintenance of Plants.
- A. All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but no longer than one growing season.
 - B. Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.
 - C. All planted areas must be maintained in a substantially weed free condition.

SECTION 21.05 PARKING.

- 1. Permeable surface for paving.
At the discretion of the Planning Commission, parking areas that are in excess of the minimum may be surfaced with permeable asphalt, permeable concrete or turf blocks. The calculations for required storm water management and retention measures may be adjusted for the use of such paving.
- 2. Alternative Parking Arrangements.
 - A. Cooperative Parking - At the discretion of the Planning Commission, provisions for cooperative parking may be allowed. Cooperative provisions for off-street parking would be made by contract between two or more adjacent property owners. The parking area provided on any one lot could be reduced to not less than one half the number of required spaces for the use occupying such lot. The lots shall be interconnected for vehicular passage.
 - B. Shared Parking - Where a mix of land uses creates staggered peak periods of parking, shared parking agreements that have the effect of reducing the total amount of needed parking spaces, are encouraged. In these cases the required number of parking spaces may be reduced, at the discretion of the Planning Commission. Retail, office, institutional and entertainment uses may share parking areas. In no case shall shared parking include the parking required for residential uses.
 - C. Deferred Parking - In order to avoid excessive amount of impervious surface, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking spaces will meet the projected parking needs of the project due to:
 - i. The nature, size, density, location, or design of the proposed development, including the design of the circulation and parking plan;
 - ii. Characteristics of the development which will affect the parking needs, including factors such as non-conflicting hours of operation and the sharing of spaces by different users;
 - iii. Any other factors reasonably related to the need for parking for the proposed development; and

- iv. The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, shall remain available to provide additional off-street parking space if additional space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development. The available land must be of sufficient size to accommodate the full amount of parking required under the Zoning Ordinance for the use, may not count as any type of required open space and shall be permanently reserved for parking as outlined in a signed and recorded agreement.
3. **Bicycle Parking.**
One bicycle parking space shall be provided for every 20 motor vehicle spaces of the first 200 motor vehicle spaces required for non-residential uses. Bicycle parking shall be provided within a convenient distance to the entrance to the building. Bicycle parking spaces shall consist of a securely fixed structure that supports the bicycle frame without damage to wheels or frame and allows the frame and both wheels to be locked to the structure.

SECTION 21.06 LIGHTING.

1. **Purpose.**
The purpose of this Section is to provide reasonable regulations to direct the location, design and use of certain outdoor lighting at appropriate illumination levels while minimizing its undesirable effects. Specifically, the Section aims to accomplish, where possible, the following benefits for the public health, safety and general welfare, and otherwise in the public interest:
 - A. Maintain safe nighttime driver performance on public roadways by minimizing both brightly-lighted surfaces and lighting glare.
 - B. Promote lighting that provides security but is not unduly intrusive or a nuisance to nearby residents and drivers.
 - C. Preserve the qualities of the corridor by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow”.
2. **Definitions.**
Average Illumination Levels: The overall average of all points on the surface of the illuminated area including the brightest and the dimmest points.
Cut-Off-Angle: The angle between the vertical axis of a luminaire and the first line of sight (of a luminaire) at which the light source is no longer visible.
Cut-off Fixtures: Cut-off fixtures control glare by directing light well below the horizon, out of the viewer’s line of sight.
Floodlight: A light fixture designed to light a scene or object to a level greater than its surroundings. The beam of floodlights may range from narrow field angles of 10 degrees to wide angles (more than 100 degrees).
Flush Mounted or Recessed Luminaire: A luminaire that is mounted above a ceiling (or behind a wall or other surface) with the opening of the luminaire level with the surface.
Foot-candle: A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.
Glare: The condition that results from insufficiently shielded light sources or areas of excessive light within the field of view.

Illuminating Engineering Society of North America (IESNA): An association of professionals in the field of lighting and related professions.

Luminaire: A complete lighting unit, often referred to as a fixture.

Lumen: A measure of light energy generated by a light source. Manufacturers list lumen ratings for all their lamps. Average lumen levels are slightly lower than initial lumen ratings.

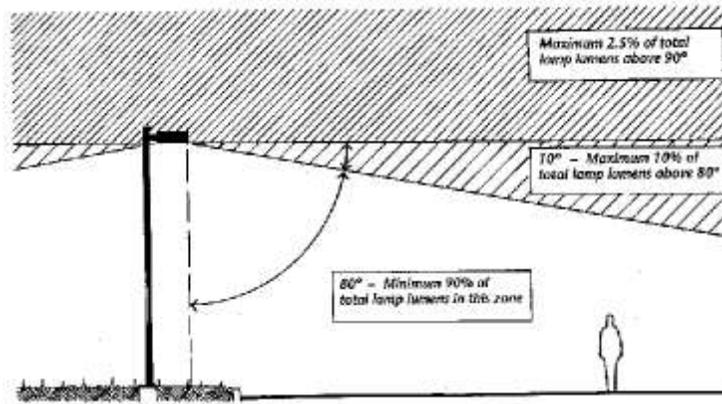
Maximum to Minimum Illumination Ratio: The ratio of the maximum illumination level to the minimum level.

Mounting Height: The vertical distance between the surface to be illuminated and the bottom of the light source.

Uniformity Ratio: The ratio of average illumination to minimum illumination.

3. Waiver.
The Planning Commission may modify the requirements of this section of the Overlay Zone if it determines that in so doing, it will not jeopardize the intent of the Overlay Zone.
4. Lighting Plan.
After Site Plan, Special Land Use or PUD approval, a lighting plan consistent with the approved Site Plan, Special Land Use or PUD shall be submitted to the Planning Commission or its designee in accordance with the following:
 - A. A site plan drawn to a scale of one-inch equaling no more than 30 feet showing the buildings, landscaping, parking and service areas, location and type of all proposed outdoor lighting.
 - B. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Section. Diagrams shall indicate illumination levels at ground level based on no greater than a 25 foot on-center grid and shall project 25 feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels should also be measured for all surrounding streets at the public right-of-way.
 - C. Specifications for all proposed lighting fixtures including mounting heights, photometric data, designation as Illumination Engineering Society of North America (IESNA) "cut-off" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.
 - D. The lighting plan shall provide a design for illuminations in accordance with this Section.
5. Exemptions.
The following outdoor light fixtures are exempt from the provisions of this Section.
 - A. Outdoor light fixtures installed prior to the effective date of this Overlay and replacements of such fixtures are exempt from the provisions of this Section.
 - B. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.
 - C. Streetlights located within a public right-of-way.

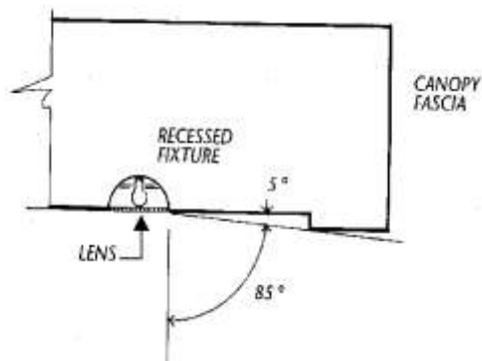
- D. Outdoor light fixtures, which use an incandescent light bulb of 150 watts or less except where they create a hazard or nuisance from, glare or spill light.
 - E. Lighting necessary for road or utility construction or emergencies.
6. **Outdoor Light Fixtures.**
All outdoor fixtures, including building mounted fixtures, shall be full cut-off fixtures as defined by IESNA.



Full cut-off Fixture as defined by IESNA

7. **Parking Lot Lighting.**
Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort and not to cause glare or direct illumination onto adjacent properties or streets.
- A. **Alternatives.**
 - i. The design for an area may suggest the use of fixtures from particular period or architectural style, as either alternatives or supplements to the lighting described above.
 - ii. If such fixtures are not “cut-off” fixtures as defined by IESNA, the maximum initial lumens by each fixture shall not exceed 2000 (equivalent to a 150-watt incandescent bulb).
 - iii. Mounting heights of such alternative fixtures shall not exceed 15 feet.
 - B. Mounting heights of standard cut-off fixtures shall not exceed 30 feet. However, an increase up to 40 feet may be permitted at the discretion of the Planning Commission for large commercial developments if it reduces the total number of lighting fixtures and corresponding support posts, improves overall lighting performance and sufficient justification is submitted that proves the lighting meets the intent of the Section.

- C. Mounting heights of fixtures that are located within 200 feet of a residential uses district shall not exceed 20 feet.
 - D. Average horizontal illumination levels shall be no greater than 2.4 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - E. Average horizontal illumination levels may be increased near building entrances where pedestrian activity is substantial. In such locations, average horizontal illumination levels shall be no greater than 4.0 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - F. The light shall not materially trespass onto surrounding properties
8. Lighting of Gasoline Stations/Convenience Store Aprons and Canopies.
- A. Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to businesses. Signs allowed under the appropriate section of these regulations shall be used for that purpose.
 - B. Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth in Section 23.6(6). If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
 - C. Areas around the pump islands and under canopies shall be illuminated so that the horizontal average at grade level is no more than 22 foot-candles with a maximum to minimum ratio no greater than 10:1 and an average to minimum uniformity ratio not to exceed 4:1.
 - D. Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.



- E. Gas Pump Canopy

As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

- i. Lights shall not be mounted on the top or sides (fascias) of the canopy, and the sides of the canopy shall not be illuminated.
- ii. The reduction of all lighting levels by at least 50% after 11:00 P.M. are encouraged.
- iii. The level of light trespass onto surrounding properties or roads shall not exceed 0.1 foot-candles.

9. Security Lighting.

The purpose of and need for security lighting (i.e. the lighting for safety of persons and property) must be demonstrated. To the extent that an area is illuminated for other purposes, independent security lighting will be discouraged. All security fixtures shall be shielded and aimed so that illumination is directed only to designated areas and not cast onto other areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be discouraged.

10. Illumination of Building Façades.

When buildings and structures are to be illuminated, the Planning Commission shall approve a design for the illumination and the following shall apply:

- A. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the building façade. Lighting fixtures shall not be directed toward adjacent streets, roads, or properties.
- B. Lighting fixtures mounted on the building and designed to “wash” the façade with light are preferred.
- C. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
- D. The reduction of all lighting levels by at least 50% after 11:00 P.M. are encouraged.
- E. The light shall not materially trespass onto surrounding properties

11. Night Lighting.

Outdoor fixtures for off-street parking lots are encouraged to be turned off no later than one hour after the site/building closes, except for lights that are necessary for security purposes.

SECTION 21.07 SIGNS. The purpose of this section is to control signs intended to be visible from the public right-of-way and to avoid sign clutter along the East Beltline.

1. Definitions

Abandoned sign: A sign which no longer identifies or advertises a bona fide business, owner, lessor, person, service, product or activity, or for which no legal owner can be found.

Community Special Event Sign: A sign, either portable or non-portable, displayed only for a limited time, to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolent.

Construction Sign: A sign, which identifies the owners, lenders, contractors, architects, and engineers of a project under construction, as well as the project itself.

Directional Sign: A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

Essential Services: The erection, construction, alteration or maintenance of public utilities by a municipal corporation, public utility, or cable television company including gas, electrical, steam, communication, safety, water supply systems, or disposal systems, including equipment and accessories in connection therewith necessary for furnishing utility services for public health or safety or general welfare; but not including sanitary landfills.

Foot-candle: A measure of light falling on a given surface. One foot-candle is equal to the amount of light generated by one candle shining on a square foot surface one foot away. Foot-candle may be measured both horizontally and vertically by a light meter.

Ground Sign: A freestanding sign the bottom of which is no more than 24 inches above the finished grade.

Governmental Sign: A sign erected, or required to be erected by a local government, county, or the state or the federal government.

Maximum to Minimum Illumination Ratio: The ratio of the maximum illumination level to the minimum level.

Off-premise Sign: A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located (including, but not limited to, billboards).

On-premise Sign: A sign which pertains solely to the use of the property on which it is located such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property or within a PUD on which the sign is located.

Portable Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another, whether rented or owned, such as "A" frame signs or signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for vehicular purposes in the normal day-to-day operations of the business.

Pylon Sign: A freestanding sign, the bottom of which is more than 24-inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign.

Residential Community Sign: A sign identifying a recognized platted subdivision, site condominium project, multi-family development, or other residential development, which subdivision, project or development has been approved by the local government as provided by this ordinance.

Roof Sign: A sign erected above (or which extends above) the roof line of a building.

Sign: A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public.

Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it

is attached, and shall not extend above the roofline of the building to which it is attached.

2. General Provisions.

- A. Signs prohibited: Balloons, balloon signs, strings of light bulbs, pennants, streamers, banners, or flags (except non-commercial flags); portable signs (except as allowed by the Zoning Ordinance); Any sign, including window signs and neon window signs, which have flashing, moving, oscillating or blinking lights (except time and temperature and barber pole signs); roof signs; pylon signs; off-premise signs (except for non-commercial signs and community special event signs); any sign containing words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner.
- B. Exempt signs: Governmental signs, signs for essential services not exceeding 2 sq. ft in area.
- C. Directional signage: No more than 3 feet in height and 3 square feet in size, except that such dimensions may be exceeded if approved during site plan review.
- D. Illumination: It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area.

The following provisions shall apply to externally illuminated signs:

- i. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign façade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.
 - ii. Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.
 - iii. To the extent possible, fixtures shall be mounted and directed downward (i.e. below the horizontal).
- E. Measurement Methods
- i. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.
 - ii. The area of the freestanding or projecting sign that has 2 or more faces shall be measured including the area of all sign faces, except if 2 such faces are placed back-to-back and are of equal size, and are no more than 2 feet apart at any point the area of the 2 back-to-back faces shall be counted as the 1 face.
 - iv. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

3. Residential Communities. (Zoning Districts: RP, RE, R-1, R-1A, R-2, R-3, R-4 and PUD).
 - A. One ground sign identifying a residential community is allowed at each entrance road to the development, except that not more than 2 such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed 6 feet in height and shall be a maximum of 32 square feet in size.
 - B. The ground sign shall be outside of clear vision corners.
4. Office Uses. (Zoning Districts: Office, C-1, C-2, C-4 and PUD).
 - A. One ground sign identifying a multiple office-building development is permitted at each entrance road to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed 6-feet in height and shall be a maximum of 32 square feet in size.
 - B. One ground sign identifying an individual office building is allowed. The sign shall not exceed 8-feet in height.
 - C. Ground signs shall be set back a minimum of 5 feet from a public or private right-of-way and outside of clear vision corners.
 - D. One wall-mounted sign is permitted for each tenant in an office building. The total aggregate of all wall mounted signs shall not exceed 144 square feet and the maximum size of any individual sign shall not exceed 48 square feet. Wall-mounted signs shall be reasonably uniform in nature and location.
5. Commercial Uses. (Zoning Districts: C-1, C-2, C-3, C-4, C-5 and PUD.)
 - A. One ground sign identifying a multiple commercial-building development is permitted at each entrance road to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign shall not exceed 6-feet in height and shall be a maximum of 60 square feet in size.
 - B. One ground sign identifying an individual commercial building is allowed. The sign shall not exceed 8-feet in height and shall be a maximum of 32 square feet in size.
 - C. Ground signs shall be set back a minimum of 5 feet from a public or private right-of-way and outside of clear vision corners.
 - D. One wall-mounted sign is permitted commercial establishment in a building. The maximum sign area of any one wall shall not exceed ten percent of the building face upon which the sign is located.
6. Institutional Uses.

Signage for institutional uses shall comply with the provisions of the underlying zoning district as noted in the Overlay Zone.

SECTION 21.08 GRADING AND STORM WATER.

1. Description and Purpose.

Hillsides and natural landforms can be included in the category of critical natural areas. Unlike many other types of features such as woodlots, wildlife and even groundwater, once landforms are gone they are not renewable. For this reason, they play an important role in building community character. This fact is clearly evident on the East Beltline with its rolling topography. The majority of participants in the planning process for the North East Beltline Joint Development Plan viewed these visual attributes as important features. Development of hillsides can affect the equilibrium of vegetation, surface geology, slopes, soils and run-off. It can also drastically change the way community or neighborhood character is perceived. For these reasons, the following regulations shall apply.
2. Protection of wetlands, streams and steep slopes.
 - A. Streams and Wetlands:
 - i. Grading or removal of vegetative cover shall not be permitted within 25 feet of a wetland in any zoning district.
 - ii. Grading, removal of vegetative cover and construction of new structures shall not be permitted within 50 feet of an intermittent stream or 75 feet of a perennial stream.
 - iii. In residential developments, wetlands shall be located in required open space rather than on residential lots or units unless the Planning Commission or the Committee determines that the location in an open space cannot be reasonably achieved.
 - iv. Wetlands and the required buffers for wetlands and streams shall be delineated on final plats, final site condominium plans, condominiums and site plans with a clear notation of use restrictions.
 - B. Steep Slopes: Steep slopes are slopes of 25% or greater.
 - i. Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes, except when:
 - A. The contiguous area of steep slopes is less than 20,000 square feet; and
 - B. There is insufficient area outside of stream and wetland buffers for required sedimentation and erosion control measures.
 - ii. Areas containing existing steep slopes should preferably be included in open space lots or areas.
 - C. Waiver: Disturbance of Wetlands, Streams and Steep Slopes: Grading or removal of vegetative cover on wetlands, streams, wetland buffers or steep slopes is not permitted unless the Planning Commission determines, based on justification provided by the developer that it is necessary for road or utility construction, trails, pathways, or storm water management facilities. If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission may require planting of areas where grading or removal of vegetative cover has taken place.
3. Site Plan Review Procedures.

The following site plan review procedures shall apply and will help to minimize the negative impacts of extensive site grading:

- A. Site plan review by the Planning Commission shall be required for any parcel larger than one acre. This stipulation will apply to all land uses including residential, commercial, and office/institutional.
- B. A grading plan indicating existing and proposed contours at a two-foot interval shall be required as part of a site plan submittal.
- C. The Township shall closely study and evaluate the potential impacts of proposed grading changes.
- D. To judge the “fit” of any new development with existing site features and surrounding properties, staff and the Planning Commission shall use the following criteria in reviewing all site plans. These standards are intended to provide a frame of reference for the appellant in the preparing site plans as well as for the reviewing authority in making judgments concerning them. These standards will not be regarded as inflexible requirements nor are they intended to discourage creativity, invention or innovation. These criteria include the following:
 - i. Cut and fill slopes shall be minimized.
 - ii. Proper grading and elevation relationships to adjacent properties shall be maintained.
 - iii. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
 - iv. The negative effects of grading shall be minimized thereby preserving the natural character of key site areas.
 - v. Mass grading of large pads and excessive terracing shall be minimized.
 - vi. Unstable slopes or slopes subject to erosion shall be protected.
 - vii. Storm water runoff that could result from major changes in topography shall be minimized.
 - viii. Using innovative and low maintenance techniques, steep slopes shall be re-vegetated.
 - ix. Essential grading will be shaped so that it complements natural landforms.
 - x. Large tracts will be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.
 - xi. Innovative architecture that responds to a site and its topography will be used.

SECTION 21.09 MOTOR VEHICLE ACCESS.

- 1. Purpose.
The purpose of this section is to control and limit motor vehicle access ways and the distance between them onto the East Beltline. Access ways or driveways must be correctly spaced so as to protect the capacity of this highway and to protect the safety of motorists using the highway while allowing reasonable access.
- 2. Definition of Access.
For the purposes of this section of this Overlay Zone an “access” is an entrance and/or exit for motor vehicles to or from the East Beltline or other public road.
- 3. Non-signalized Access Spacing.
Adjacent accesses shall be spaced as far apart as on-site circulation allows. Table 1 shows the minimum non-signalized access spacing as a function of

posted speed. These distances are based on average acceleration and deceleration considered adequate to maintain good traffic operations. A longer spacing may be required if sight distances are limited at the proposed access location.

Table 1

Posted Speed	Center-to-Center of Access
(MPH)	FT
25	130
30	185
35	245
40	300
45	350
50 & above	455

4. Lack of Sufficient Frontage to Maintain Adjacent Spacing.
 - A. In the event that a particular parcel lacks sufficient frontage to maintain adequate spacing, the Planning Commission may require one or more the following.
 - i. An access point to a side street.
 - ii. Access to frontage roads or service drives where they exist or can be constructed.
 - iii. A shared driveway with the adjacent owners. In such case the driveway midpoint should be located at the property line between two parcels. All parties shall agree to the joint driveway in writing.

If options listed above are not reasonably feasible, the Planning Commission may allow the next lowest spacing from Table (1). For example, on 50 mph roadway requiring 140 meters (455 ft.) spacing, the distance may be reduced to no less than 105m (350 ft.), which is the spacing for 45 mph speed.

If all the above options are impossible, an access point may be allowed within the property limits.
 - B. In the event that two or more adjacent parcels do not have sufficient frontage to maintain adequate spacing for access, the Planning Commission may require the dedication of joint access easements or cross access easements for shared access to the public street.
5. Passing Flares at Driveways, Right-Turn Lanes or Tapers at Intersections, and Left-Turn Lanes or Passing Flares at Intersections shall be provided in accordance with Michigan Department of Transportation guidelines.
6. Intersection Corner Clearance:
 Accesses shall not be situated within the functional boundary of at-grade intersections. This boundary includes the longitudinal limits of right turn and left

turn lanes. An access point may be allowed within the above boundary if the entire property frontage is located within this boundary. In all quadrants of an intersection access points should be located according to the dimensions shown below.

- A. **Signalized Intersection Control:**
 Accesses shall be offset from intersections and indirect left turn crossovers according to this table and diagram:

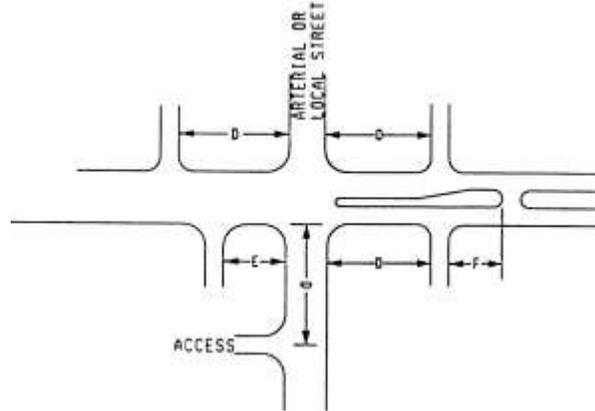
Item	Feet
A	460
B	230
C	150



The above dimensions are for a 40 to 55 mph posted speed.

- B. **Stop Sign Intersection Control:**
 Accesses shall be offset from intersections and indirect left turn crossovers according to this table and diagram:

Item	Feet
D	230
E	170
F	150



7. Access Design.
All access points shall be designed to meet the Michigan Department of Transportation guidelines and standards.

SECTION 21.10 PEDESTRIAN ACCESS.

1. Paved walkways shall be provided for access to adjacent parks, shopping areas, transit stops, anticipated walkways and institutions. Pedestrian movement shall be accommodated within parking lots.
2. Paved walkways, available to the public, shall be provided along all of the East Beltline.

SECTION 21.11 COMMERCIAL AND OFFICE ARCHITECTURAL FAÇADES AND BUILDING DESIGN. All new buildings and structures for commercial and office uses shall be so designed to incorporate the following architectural design features:

1. Height and Scale - the scale and size of a building shall be reasonably compatible with adjacent and nearby buildings.
2. Other Architectural Features - Buildings shall possess architectural variety and enhance community character. Where appropriate, all buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, and other architectural features. Building walls over 100 feet in length shall be broken up with varying building lines, windows and architectural accents.

CHAPTER 22
10 MILE ROAD OVERLAY DISTRICT

SECTION 22.01 PURPOSE. Ten Mile Road serves as the boundary line between Algoma and Plainfield Township. It also serves as a major road connecting the City of Rockford with US 131 and as such, 10 Mile Road is a gateway to all three communities. The City of Rockford, Algoma and Plainfield Townships therefore share a common interest in the future development of 10 Mile Road.

The future use of the land abutting this roadway particularly at the US 131 interchange, and the amount of traffic carried by 10 Mile Road will affect all three communities. In order to create a positive future, cooperation among all three communities is essential.

The three communities of Algoma Township, Plainfield Charter Township and the City of Rockford have jointly adopted the 10 Mile Road Corridor Plan which sets forth transportation and land use objectives for the corridor as well as recommendations for future land use.

The intent of the 10 Mile Road Overlay Zone is to provide for a set of zoning regulations to carry out the 10 Mile Road Corridor Plan. These regulations are compatible with a similar zone in Algoma Township and the City of Rockford.

The specific purposes of this district are to:

- A. Maximize the capacity of the road by limiting, and controlling the number and location of driveways and requiring alternate means of access through shared driveways, service drives, and access from side streets.
- B. Ensure sufficient right-of-way for future widening of 10 Mile Road as properties develop and re-develop.
- C. Provide non-motorized pathways along 10 Mile Road.
- D. Facilitate high-quality development and redevelopment of commercial and office districts through quality architecture, efficient site design and landscaping.
- E. Require low level signs to minimize motorist distraction, avoid blight, and clutter, promote aesthetics and unify signage with the overall character desired in the corridor while providing property owners and businesses with an appropriate mechanism in which to identify their location and business.
- F. Require landscaping on sites along the corridor as they develop and redevelop to attain the desired green space, buffering between uses and the high quality appearance of the corridor.
- G. Preserve important existing natural features which provide a rural atmosphere for the communities along the corridor.

SECTION 22.02 APPLICABILITY. The standards of this Chapter shall apply to all lands with frontage along 10 Mile Road to a depth of 500 feet from the existing or future right of way line of 10 Mile Road between Herrington Avenue and Childsdale Avenue, which is illustrated as the 10 Mile Road Corridor Overlay Zone on the Plainfield Charter Township Zoning Map. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the Plainfield Charter Township Zoning Ordinance. Permitted and special land uses within the 10 Mile Road Corridor Overlay Zone shall be as regulated in the underlying zoning district (as

designated on the zoning map), and shall meet all the applicable requirements for that district except that the regulations of this Chapter shall supersede any conflicting regulation of the underlying Zoning Districts. In addition, the following regulations shall apply.

SECTION 22.03 RIGHT-OF-WAY PRESERVATION AND SETBACKS

- A. For site plans submitted after the effective date of this Ordinance, a right-of-way of 60 feet shall be provided as measured from the centerline of 10 Mile Road. All setbacks as required by this Chapter or by the underlying zoning district shall be measured from this required right-of-way.
- B. Front Setback Requirements and Modifications
 - 1. The required front setback for buildings, dwellings and structures shall be a minimum of 100 feet.
 - 2. The Planning Commission shall have the authority to reduce the required building front setback to not less than 75 feet during review of a site plan. In doing so, the Planning Commission must determine that modification of the required setback would result in preservation of or less alteration to natural site features such as vegetation, wetlands or steep slopes.
 - 3. The required front setback for off street parking lots for uses other than one and two family dwellings shall be a minimum of 25 feet. For multi-family off street parking lots, the minimum required setback shall be 50 feet.
 - 4. For existing buildings which have a front setback of less than 100 feet, the Planning Commission may approve an expansion of the building as provided in Chapter 4, **NONCONFORMING USES AND STRUCTURES**.
 - 6. Provisions for circulation between adjacent parcels should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.
 - 7. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
 - 8. Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.
 - 9. For high traffic generators, or for commercial driveways along 10 Mile Road, the Planning Commission may require two egress lanes.
 - 10. A boulevard entrance must comply with the design requirements of the Kent County Road Commission.

SECTION 22.04 NON-MOTORIZED PATHWAY. (APPLIES TO SOUTH SIDE OF 10 MILE ROAD)

- A. A non-motorized pathway shall be required along the 10 Mile Road frontage for any activity requiring site plan, condominium or subdivision plat approval.
- B. All pathways shall be 10 feet wide asphalt and constructed in accordance with the specifications of the American Association of State Highway and Transportation Officials (AASHTO).

- C. Pathways shall be installed by the applicant within the road right-of-way, or within an easement acceptable to the Planning Commission.
- D. An inclined approach shall be required where pathways intersect curbs for barrier free access.

SECTION 22.05 SIDEWALKS. (APPLIES TO NORTH SIDE OF 10 MILE ROAD.)

- A. A sidewalk shall be provided along the 10 Mile Road frontage for any development requiring site plan, condominium or subdivision plat approval.
- B. The sidewalk shall conform to the sidewalk requirements of the Kent County Road Commission and shall be installed concurrent with construction of the project.
- C. Pedestrian Circulation.
 - 1. Paved walkways shall be provided on site for access to adjacent parks, shopping areas, anticipated walkways or trails and institutional uses such as schools or churches. Pedestrian movement shall be safely accommodated across parking lots. Walkways shall be separated from motor vehicle travel lanes and parking spaces.

SECTION 22.06 LANDSCAPING/PRESERVATION OF EXISTING VEGETATION.

- A. Landscape Plan. A landscape plan shall be submitted as part of site plan for property regulated by this Chapter. The landscape plan shall be drawn to minimum scale of one inch equals fifty feet and shall include, but not necessarily be limited to, the following:
 - 1. Location, general type and quality of existing vegetation, including specimen trees.
 - 2. Existing vegetation to be saved.
 - 3. Methods and details for protecting existing vegetation during construction.
 - 4. Location, size, and labels for all proposed plants.
 - 5. Typical straight cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
 - 6. Plant list(s) showing the required and proposed quantities.
 - 7. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this ordinance.
- B. Front Yard Landscaping.
 - 1. Landscaping as required by this section shall be provided within the area adjacent to 10 Mile Road as follows:
 - a. For non-residential uses the width of the landscape area shall be a minimum of 25 feet measured from the required right-of-way.

- b. For residential uses including multi-family the width of the landscape area shall be a minimum of 50 feet measured from the required right-of-way.

C. Planting Requirements.

- 1. The required front yard landscape area shall be planted with native plants native to Michigan, maintained in its existing state or a combination of these methods in order to preserve or enhance the rural view along 10 Mile Road. A balance of evergreen trees, deciduous trees and shrubs shall be planted within the required landscaped area.

The Planning Commission may give a credit toward the required landscaping amount for existing trees or other vegetation preserved as part of site development.

- 2. Earthen berms are encouraged to be provided.
- 3. The following trees shall not be planted as part of the front yard landscaping: box elders, poplars, elms, willows, red and silver maples, Russian olive, mulberry, catalpa, Honey locust (with thorns), Horse Chestnut (nut bearing), black locust, tree of heaven.

D. Planting Guidelines.

- 1. Plants may be clustered in groups or planted in rows.
- 2. Evergreen trees should be spaced at least 20 feet on center.
- 3. Shade/canopy trees should be spaced at least 25 feet on center.
- 4. Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.

E. Parking Area Landscaping. For all parking areas that accommodate 10 cars or more, the following standards apply.

- 1. Landscaped islands and shade trees shall be located throughout the parking lot to shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic. Landscaped islands must be a minimum of 160 square feet and a minimum of nine feet wide. Each island must have at least one canopy tree planted within it. Trees shall be planted at least three feet from the edge of the island.
- 2. One landscape island per every 10 parking spaces will be provided and planted with a canopy tree. As an alternative, required islands may be combined so there are fewer but larger islands provided that the Planning Commission determines that this alternative will provide an equivalent amount of landscape area and will meet the intent of this Section. Landscape islands may be covered with stone, wood chips or other similar material to prevent weed growth.

F. Minimum Standards for plants and other landscape features.

- 1. Canopy/shade trees: 2.5 inches in caliper
- 2. Evergreen trees: 5 feet in height

- 3. Shrubs: 24 inches in height
- 4. Walls: Masonry walls shall be of clay, brick, stone or other decorative masonry material and shall be placed on footings which meet the requirements of the local building code.

G. Maintenance of Plants.

- 1. All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but no longer than one growing season.
- 2. Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.

SECTION 22.07 PROTECTION OF NATURAL FEATURES.

- A. Wetlands and the required buffers for wetlands and streams shall be delineated on final plats and site plans with a clear notation of use restrictions.
- B. Steep Slopes: The following regulations shall apply to slopes of 20% or greater which are within 500 feet of the 10 Mile Road right-of-way.
 - 1. Grading or removal of vegetative cover shall not be permitted on land with existing steep slopes, except when:
 - a. The contiguous area of steep slopes is less than 20,000 square feet; and
 - b. There is insufficient area outside of stream and wetland buffers for required sedimentation and erosion control measures.
 - 2. Areas containing existing steep slopes should preferably be included in open space lots.
- C. Necessary Disturbance of Wetlands, Streams, and Steep Slopes: Grading or removal of vegetative cover on wetlands, streams, wetland buffers or steep slopes is not permitted unless the Planning Commission determines (based on justification provided by the developer) that it is necessary for road or utility construction, trails, pathways, or storm water management facilities, and there is no other reasonable alternative. If permitted, the grading or removal of vegetative cover shall only be to the extent necessary to accommodate the proposed development. In these cases, the Planning Commission may require planting of areas where grading or removal of vegetative cover has taken place.
- D. Grading Plan.
 - 1. In order to permit the Planning Commission to assess the grade changes proposed for a site, the applicant shall submit a grading plan illustrating existing and proposed contours at two feet intervals.
 - 2. In preparing a grading plan, the applicant shall be guided by the following standards:
 - a. Cut and fill slopes shall be minimized.

- b. Proper grading and elevation relationships to adjacent properties shall be maintained.
- c. The most significant slopes and ridgelines shall be maintained in their natural state by clustering development.
- d. Mass grading of large pads and excessive terracing shall be minimized.
- e. Unstable slopes or slopes subject to erosion shall be protected. Storm water alteration of drainage patterns that could result from major changes in topography shall be minimized.
- f. Steep slopes shall be re-vegetated.
- g. Essential grading will be shaped so that it complements natural landforms.
- h. Large tracts will be graded in workable units following a scheduled timeline so that construction does not result in large areas left bare and exposed to winter/spring runoff.

SECTION 22.09 COMMERCIAL AND OFFICE ARCHITECTURAL FACADES AND BUILDING DESIGN. All new buildings and structures for commercial and office uses shall be so designed to incorporate the following architectural design features:

- A. Height and Scale - The scale and size of a building shall be reasonably compatible with adjacent and nearby buildings.
- B. Structure Facade - At least eighty percent of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

SECTION 22.10 SIGNS. The purpose of this section is to control signs intended to be visible from the public right-of-way.

- A. General Provisions.
 - 1. Signs prohibited: Moving, flashing or blinking signs; off-premise signs; portable signs; roof signs; banners, pennants, streamers and flag signs; inflatable signs.
 - 2. Exempt signs: Governmental signs and signs for essential services.
 - 3. Permits for signs as regulated by Section 28.12 of this Ordinance are required.
 - 4. Directional signage: No more than three feet in height and three square feet in size, except that such dimensions may be exceeded if approved during site plan review. A directional sign may contain a logo of an on-premise establishment but no advertising copy.

5. Illumination: It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. The following provisions shall apply:

a. Externally illuminated signs:

i. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.

ii. Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.

iii. To the extent possible, fixtures shall be mounted and directed downward (i.e. below the horizontal).

B. Signs in Residential Zoning Districts.

1. One ground sign identifying a residential community is allowed at each entrance to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. Such sign shall be a maximum of 32 square feet.

2. For non-residential uses, one ground sign not to exceed 48 square feet and one wall sign not to exceed five percent of the area of the wall to which it is attached or a maximum of 100 square feet, whichever is less.

3. Ground signs which are less than 20 feet from the 10 Mile Road right-of-way shall not be more than four feet in height including the mounting structure. A sign which is 20 feet or more from the 10 Mile Road right-of-way shall not be more than six feet in height including the mounting structure.

C. Signs in Office Zoning Districts.

1. One ground sign per parcel not to exceed 32 square feet. Such sign shall not exceed six feet in height including the mounting structure.

2. One ground sign identifying a multiple office building development or office park is permitted at each entrance to the development, except that not more than two such identification signs shall be allowed per development and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 60 square feet.

For individual office buildings which are part of a multiple office building development, one ground sign for each building is permitted but must be placed at the entrance to a public or private road right-of-way or other access easement. Such sign and any mounting structure shall not exceed six feet in height and shall be a maximum of 32 square feet in size.

3. Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines and shall not otherwise obstruct the vision of drivers.

4. One wall sign is permitted per building. The size of a wall sign shall not exceed 10% of the area of the wall to which it is attached but shall be no more than 100 square feet in size whichever is less.

D. Signs in Commercial Zoning Districts.

1. One ground sign or pole sign per parcel not to exceed 64 square feet. For a ground sign, the sign and any mounting structure shall not exceed six feet in height. Pole signs shall not exceed 25 feet in height.
2. For a lot or parcel with more than one commercial establishment, one ground sign or pole sign is allowed at each entrance, except that not more than two such identification signs shall be allowed per lot or parcel and they shall be at least 300 feet apart. The sign and any mounting structure shall not exceed six feet in height for a ground sign or 25 feet in height for a pole sign. The sign shall not exceed 100 square feet.
3. Ground signs shall be set back a minimum of 20 feet from a public or private road right-of-way, 20 feet from side lot lines and shall not otherwise obstruct the vision of drivers.
4. Each commercial establishment is permitted to have one wall sign per street frontage. For purposes of this section, street frontage is defined as a public street, including a state or federal highway, or a private road as defined by this Ordinance. An access drive is not a street. The size of a wall sign shall not exceed 10% of the area of the wall to which it is attached, but shall be no more than 250 square feet in size whichever is less.

CHAPTER 23
N R NATURAL RIVERS OVERLAY DISTRICT

SECTION 23.01 PURPOSE AND DESCRIPTION The purpose of this district is to preserve and enhance the value of the Rogue River and its tributaries as follows:

- A. To promote the public health, safety and general welfare, to prevent economic and ecological damage due to unwise development patterns within the Natural River Zone, and to preserve the natural river district for the benefit of present and future generations.
- B. To protect the free-flowing conditions, fish and wildlife resources, water quality, scenic and aesthetic resources historical value and recreational opportunities of the Rogue River, Barkley Creek and adjoining land.
- C. To prevent flood damage due to interference with natural floodplain characteristics by excluding development which is vulnerable to flood damage, and which may reduce the capacity of the floodplain of the river to withstand flooding conditions.
- D. To provide for residential and other compatible, permitted uses that complement the natural characteristics of the natural river system.
- E. To prevent structures from being located on land unsuited for such development because of high groundwater, erosion, or vulnerability to flood damage.

The Natural River Zone shall be a strip of land 300 feet wide on each side of and parallel to the River's Edge of the Rogue River and Barkley Creek within Plainfield Township. The Natural River Zone shall also include those portions of the Rogue River and Barkley Creek located within Plainfield Township.

In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Chapter shall be applicable to all development occurring within the Natural Rivers Overlay District. Conflicts between the requirements of this chapter and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this chapter except where the conflicting requirement is more stringent, in which case the more stringent requirement shall apply.

SECTION 23.02 DEFINITIONS For purposes of this Chapter, the following words and terms shall have the meaning ascribed to them by this Section unless the context in which they are used specifically indicates otherwise.

- A. Appurtenance or accessory building means a structure or other improvement that is incidental to a single-family dwelling, including all of the following:
 - a. Garages
 - b. Residential Storage Sheds or Barns
 - c. Pump Houses
 - d. Private Access Roads
 - e. Sanitary Facilities
 - f. Wells
 - g. Electrical Service Lines
- B. Bluff means a steep bank which rises sharply from the river's edge.

- C. Cutting Edge of the River means the edge of a river or stream where the water velocity is such that it may cause soil or stream bank erosion.
- D. Floodplain means land lying within an identified or documented 100-year floodplain line.
- E. Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel which are required to carry and discharge a 100-year flood.
- F. Ordinary High Water Mark means the line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
- G. River's Edge means the ordinary high watermark as defined in MCLA 324.30101 as enacted by Act No. 59 of Public Acts of 1995, being MCL 324.20101 et seq. of the Michigan Compiled Laws.
- H. Setback means the required horizontal distance between any portion of a structure and the river's edge, measured at the structure's closest point to the river's edge.
- I. Structure means anything that is constructed, erected, or moved to or from any premise which is located above, on, or below the ground including buildings, roads, signs, billboards, satellite antennas and other communication structures, fences, and mobile homes.

SECTION 23.03 USE REGULATIONS Land and/or buildings in this zone may be used for the following purposes only:

- A. Single-family dwelling and appurtenances.
- B. Camping and other recreational activities which do not require the construction of permanent facilities within 150 feet of the river's edge of the Rogue River or 100 feet from of a designated tributary.
- C. Operating of non-motorized watercraft upstream from West River Drive,
- D. Fishing and hunting in compliance with existing laws and regulations.
- E. Reforestation.
- F. Underground gas and utility lines (subject to the provisions of Section 23.07(C)).
- G. Agricultural pursuits, unless the Bureau of Water Management determines that such pursuit will contribute to degradation, in which event such use shall not be closer than 50 feet from the river's edge of the Rogue River and 25 feet from the river's edge of its tributaries.
- H. Licensed motor vehicles are only permitted on existing public and private roads and designated trails on land owned by the Federal Government, State of Michigan, or any subdivision thereof.

- I. Disposal fields and septic tanks which are located not less than 100 feet from the water's edge and which are in conformance with local, county and state health codes and the provisions of this ordinance.
- J. Other uses determined by the Planning Commission to be similar in nature.

SECTION 23.04 SECONDARY OR INCIDENTAL USES Such uses which are secondary or incidental to the principal use permitted in the Zoning Ordinance shall be allowed subject to the following requirements and restrictions:

- A. Docks: Docks may be constructed neither to exceed 6 feet in width nor more than 20 feet in length. No dock shall extend toward the center of the river or the tributaries more than 4 feet from the river's edge.
- B. Utility lines to service single-family dwellings.
- C. Signs: Only those signs necessary for (i) identification, (ii) direction, (iii) resource information and (iv) regulation of use are permitted along public use areas of the designated river and tributaries. Signs advertising the sale of products or services are prohibited on private property in the zone. Signs must be stationary with no moving parts. Signs shall not be illuminated unless it can be demonstrated that illumination is necessary for the purposes of traffic safety or other such purposes, in which case the Community Development Department may approve an illuminated sign.

SECTION 23.05 HEIGHT REGULATIONS No building shall be erected to exceed two and one-half stories or 35 feet in height, whichever is lesser

SECTION 23.06 AREA REGULATIONS No building or structure or appurtenance thereto including septic systems shall be hereafter erected or constructed unless the following yards and building coverage requirements are provided and maintained.

- A. Setback - 150 feet measured horizontally from the river's edge on the main stream except that a building or structure may be erected or constructed five feet closer to the river's edge for each foot of vertical bank height exceeding 10 feet until a minimum of 100 feet is reached. Provided, however, that no such structure or building shall be erected closer to the river than 25 feet from the top of a bluff on the non-cutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.
- B. Designated Tributary Setback - 100 feet measured horizontally from the tributary edge on the main stream.
- C. New structures shall not be located on land that is located within the floodplain.
- D. The minimum lot width shall be 200 feet.
- E. No building shall be placed on lands within 30 feet of the river's edge where the highest ground water table is within six feet of ground surface.
- F. A 50-foot minimum restricted cutting belt shall be maintained on each side of the Rogue River mainstream, and a 25-foot minimum restricted cutting belt shall be maintained on each side of any tributary. Clearcutting in the natural vegetation strip is prohibited. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac, and poison oak, may be

removed. Selective removal and/or trimming of trees and shrubs for timber harvesting, landscaping, pruning for a filtered view of the river or public utility facilities is permitted for trees of less than six inches in diameter measured at a height of 4 feet from the ground provided prior approval from the Community Development Department is obtained.

SECTION 23.07 SPECIFICALLY PROHIBITED ACTIONS AND USES

- A. Cutting, trenching of soil, filling or building in a flood plain.
- B. Stream alteration (damming, dredging, filling, channelization, enlarging or diminishing a stream or stream improvements) without the express written consent of the Department of Natural Resources as required by Act No. 59 of Public Acts of 1995, being MCL 324.20101 et seq. of the Michigan Compiled Laws.
- C. Utilities:
 - 1. No gas, oil pipelines, telephone, cable television, or electric transmission lines shall be permitted in the Natural River District or to cross the designated river and tributaries except on existing right-of-ways, without prior written consent of the Natural Resources Commission.
 - 2. New gas, electric, cable television or telephone utility extensions to individual consumers shall not cross the Rogue River or its tributaries located within the Natural River district or front yards within said district unless they are placed underground and such utilities shall serve individual consumers from the side of the dwelling which is most distant from the river.
- D. Access:
 - 1. No vehicular access to the river or its tributaries other than those legally existing as of the effective date of this ordinance shall be permitted.
 - 2. No public or private road other than those legally existing as of the effective date of this ordinance shall be permitted in this zone.
 - 3. No public or private road in this zone shall be relocated or improved until plans therefore have been approved by the Natural Resources Commission or its successor.
 - 4. No driveway access to private property shall be permitted without prior approval of the Community Development Department. The Community Development Department in granting or denying such approval shall consider the following:
 - a. Will drive cause or contribute to erosion.
 - b. Will location of drive contribute to the country scenic atmosphere of the Rogue River and its tributaries and be screened and separated from other driveways and roads.
 - 5. Driveway access shall not be permitted within 150 feet of the main stream or within 100 feet of the designed tributaries. Provided, however, where the setback is less than 150 feet as permitted in Section 20.04 (A)

driveway access shall be permitted to the edge of the dwelling most distant from the river.

- E. Mining and extractive industries and uses.

CHAPTER 24
F FLOOD ZONE OVERLAY DISTRICT

SECTION 24.01 PURPOSE It is the intent of this district to apply special regulation to the use of land in those areas subject to periodic inundation. Such regulation is deemed necessary to protect the public health, safety, and general welfare and to reduce public and private expenditures imposed on the community and its residents by such periodic flooding. These regulations are also intended to reserve areas for the impoundment of water, to stabilize stream flow and to maintain a proper ecological balance. In addition, these regulations are intended to comply with the provisions and requirements of the National Flood Insurance program, as constituted in accord with the National Flood Insurance Act of 1968, as amended, and regulations promulgated in furtherance of such program by the United States Department of Housing and Urban Development, Federal Insurance Administration.

SECTION 24.02 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD The areas of special flood hazard identified by the Federal Insurance administration in its report entitled "The Flood Insurance Study for the Township of Plainfield" dated July, 1980 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Township Offices. Where Federal Insurance administration data is not available, the best available flood plain information shall be utilized.

SECTION 24.03 DEFINITIONS For purposes of this chapter, the following definitions shall be used:

- A. Area of special flood hazard The land in the flood plain subject to a one percent or greater chance of flooding in any given year.
- B. Base flood The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Development Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- D. Flood A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters or the unusual and rapid accumulation or runoff of surface waters from any source.
- E. Flood Insurance Rate Map (Firm) The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- F. Flood Insurance Study The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
- G. Habitable floor Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."
- H. New construction Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

- I. Regulatory Floodway The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.
- J. Start of construction The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- K. Substantial improvement Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 25 percent of its market value as determined by the township assessment records, of the valuation of the structure, either:
 - (1) Before the improvement or repair is started, or
 - (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe occupancy.

SECTION 24.04 DELINEATION OF FLOOD ZONES The flood zones shall overlay zoning districts delineated on the official zoning map. In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this chapter shall be necessary for all development occurring within the flood zones. Conflicts between the requirements of this chapter and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this chapter and other requirements of this Ordinance shall be resolved in favor of this chapter except where the conflicting requirement is more stringent and would further the objectives of this chapter. In such cases the more stringent requirement shall be applied.

- A. Flood hazard zone. This zone shall coincide with the boundaries of the areas designated as A and A9 on the Flood Insurance Rate Map.
- B. Regulatory floodway zone. The boundaries of the regulatory floodway zone shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Map.

SECTION 24.05 FLOOD HAZARD REDUCTION In all areas of special flood hazard, the following standards are required.

A. General standards

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a. over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional ties per side;
 - b. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side.
 - c. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - d. any additions to the mobile home be similarly anchored.
3. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
6. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
7. All subdivision proposals shall be consistent with the need to minimize flood damage.
8. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
9. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
10. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
11. Any proposed development shall be analyzed to determine effects on the flood carrying capacity of the area of special flood hazard.
12. Mobile homes shall be placed on stands or lots which are elevated or compacted fill or on pilings so that the lowest floor of the mobile home

will be at or above the base flood level. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level.

13. All new construction and substantial improvements within a flood hazard area shall be constructed with materials and utility equipment resistant to flood damage.

B. Specific standards

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
2. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities shall:
 - a. be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - c. be certified by a registered engineer or architect that the standards of this subsection are satisfied.

SECTION 24.06 FLOODWAY PROTECTION All development within the regulatory floodway zone shall comply with the following:

- A. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited.

Exception to this prohibition shall only be made upon certification by a registered engineer or the Department of Natural Resources, that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Act of 1968.

- B. Development, which is permitted in the regulatory floodway shall meet the requirements of Section 24.05 of the Ordinance.

SECTION 24.07 ADMINISTRATION The following procedures shall be followed during the administration of this Chapter:

- A. Building permit. Before construction or development begins within any area of special flood hazard and floodway zone, a building permit shall be obtained in accordance with the provisions of Chapter 33. In addition, the following information is required:
 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any structure has been flood proofed.
 3. Certification by a registered engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 24.05B.
 4. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.
- B. Building Inspector. The duties of the Building Inspector shall include:
1. Determine that the permit requirements of this ordinance have been satisfied.
 2. Determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 3. Determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent over bank areas.
 - a. If it is determined that there is no adverse effect, then the permit shall be granted consistent with the provisions of this ordinance.
 - b. If it is determined that there is an adverse effect, then flood damage mitigation measures shall be made a condition of the permit.
 4. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 5. For all new or substantially improved flood proofed structures:
 - a. Obtain and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.
 - b. Maintain the required flood proofing certifications.
 6. Maintain for public inspection all records pertaining to the provisions of this ordinance.
 7. Notify adjacent communities and the Michigan Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, and require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

SECTION 24.08 VARIANCES Variances from the provisions of this Chapter shall be granted by the Board of Appeals only upon a determination of compliance with the general standards for variances contained in this ordinance, and each of the following specific standards:

- A. A variance shall not be granted within the regulatory floodway zone where the result would be any increase in flood levels during a base flood discharge, except upon certification by a registered engineer or the Department of Natural Resources that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Public Act 245 of 1929, as amended by Public Act 167 of 1968, shall be required.
- B. A variance shall be granted only upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in flood heights in excess of those permitted by this Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- C. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
- D. The Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.
- E. Variances may be granted for the reconstruction, rehabilitation of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

SECTION 24.09 DISCLAIMER OF LIABILITY The granting of a permit or approval for any proposal in the designated flood areas shall not constitute a representation, guarantee, or warranty of any type by the Township or by any official or employee thereof of the practicality or safety of any structure or use. Nor do these regulations imply that areas outside the designated flood areas will be free from periodic flooding or flood damages, and shall create no liability upon, or a cause of action against such public body, official, or employee for any damage that may result pursuant thereto.

CHAPTER 25
PUD PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 25.01 DESCRIPTION AND PURPOSE. The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements would result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The PUD Planned Unit Development District is intended to accomplish the objectives of the Plainfield Charter Township Zoning Ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

It is intended that this District shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to this District. Areas may be zoned under this District when problems of size, shape, terrain, topography, adjacent uses, or natural resources may require special regulations.

Zoning under this chapter of any area of Plainfield Charter Township and all proceedings in regard thereto shall be done with due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare.

SECTION 25.02 USE REGULATIONS. Land in the PUD District may be developed for various compatible uses allowed by the Plainfield Charter Township Zoning Ordinance and for other uses not specifically provided for in the Plainfield Charter Township Zoning Ordinance.

SECTION 25.03 PROCEDURES. Any Zoning District in Plainfield Charter Township may be rezoned a PUD Planned Unit Development District provided the procedures and requirements set forth in the following sections are met.

SECTION 25.04. PRELIMINARY DEVELOPMENT PLAN – SUBMISSION AND CONTENT. Applicants shall submit to the Community Development Department plans of a preliminary development plan. Said plan shall set forth, in general terms, the proposed uses to be developed in the PUD District, and the following information:

- A. Legal description of property
- B. Small scale sketch of properties, streets, and uses within one quarter mile of the area
- C. A map to scale showing any existing or proposed arrangement of:
 - 1. streets
 - 2. lots and buildings
 - 3. access points
 - 4. other transportation arrangements
 - 5. buffer strips
 - 6. square footage of non-residential buildings
 - 7. location, size, and type of sign(s)

- D. A narrative describing:
 1. the overall objectives of PUD
 2. number of acres allocated to each proposed use
 3. gross and net densities (see Section 24.14 for clustering/open space option)
 4. proposed method of providing sewer and water service as well as other public and private utilities
 5. proposed method of providing storm drainage

In addition to the above required information, said applicant shall submit a fee as established by the Plainfield Charter Township Board.

SECTION 25.05. PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN. The Planning Commission shall review the preliminary development plan and make recommendations to the applicant based on all the requirements of this Ordinance and specifically the following considerations where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire, catastrophe, or emergency;
- B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph (A.) above and the economic, noise, glare, or odor effects of each use in the PUD on adjoining properties and properties in the proposed PUD;
- C. Refuse and service areas with particular reference to the items in subparagraph (A.) and (B.) above;
- D. Utilities with reference to locations, availability, and character;
- E. Screening and buffering with reference to type, dimensions, and character;
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties in the proposed PUD;
- G. Required yard and other open space:
- H. General compatibility with adjacent properties and other property in the proposed PUD;
- I. The general purposes and spirit of this Ordinance and the Comprehensive Plan.

SECTION 25.06. TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION. The Planning Commission shall transmit its recommendation to proceed or not to proceed with the provisions as herein provided, along with any recommended changes or modifications in the preliminary development plan to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. During this time period, the Planning Commission may call an advisory public hearing for the purpose of receiving comments relative to the preliminary development plan giving such notice thereof as it shall deem appropriate.

SECTION 25.07. FINAL DEVELOPMENT PLAN SUBMISSION AND APPLICATION FOR REZONING. After receiving the recommendations of the Planning Commission on the preliminary development plan, an applicant proceeding under this PUD Planned Unit

Development District shall submit a development application and copies of a final development plan to the Planning Department.

SECTION 25.08. FINAL DEVELOPMENT PLAN CONTENT. The final development plan shall include such of the following information as the Planning Commission finds reasonably necessary:

- A. A plot plan based on an accurate certified property survey and prepared by a registered engineer, surveyor, planner, or architect showing:
 - 1. location, size and type of present buildings to be retained or removed
 - 2. location of proposed buildings or improvements
 - 3. location of existing and proposed streets, drives, loading areas, and parking lots
 - 4. location of water, sewer, and other utility lines
 - 5. storm drainage
 - 6. topographical features, including contour intervals at no greater than five feet
 - 7. ditches and watercourses
 - 8. ground cover and other pertinent physical features of site such as trees
 - 9. proposed landscaping
 - 10. location of existing improvement
 - 11. location of lot lines
 - 12. existing and approved easements
 - 13. Boundaries of the 100 year floodplain
 - 14. Boundaries of any wetlands
 - 15. Minimum building floor opening elevations
- B. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings. Height and area of buildings and structures shall be described.
- C. The period of time within which the project will be completed
- D. Proposed phasing of the project, if any.
- E. Gross area in building and parking ratios.
- F. Gross and net densities.
- G. Delineation of the normal high water mark or the one hundred year floodplain and any proposed used therein.
- H. A description of all aspects of such plan which might have material adverse effect on public health, safety and welfare, or nearby properties, streams, or rivers.
- I. Current proof of ownership of land to be utilized or evidence of a contractual ability to acquire this land, such as an option or purchase contract.
- J. Additional information which the Planning Commission may find reasonably necessary to evaluate the proposed PUD and its effect on the surrounding neighborhood and the Township in general.

SECTION 25.09. PUBLIC HEARING. The Planning Commission shall hold a public hearing in accordance with the provisions of this Ordinance set forth in Chapter 34 pertaining to amendments to this Ordinance and Section 14 of Public Act 184 of 1943, as amended pertaining

to rezonings for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

SECTION 25.10. PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN. The Planning Commission shall consider the final development plan based on all the requirements of this Ordinance and specifically the considerations listed in Sections 25.05 and 25.08 and shall, when appropriate, recommend that specific changes be made to conform with the spirit, purpose, intent and provisions of this Ordinance and the intent and purpose of the Comprehensive Plan.

If the Planning Commission shall determine that the proposed use of the land as shown on the final development plan might have an enervating, debilitating or offensive effect on adjacent properties, whether industrial, commercial, residential or other, through the conflicts of noise, smoke, odor, dust and dirt, noxious gases, glare and heat, vibrations, fire or explosion hazards, liquid or solid industrial wastes, traffic, or adverse aesthetic effects, the Commission may require the owner, through the use of qualified technical persons and acceptable testing techniques, to demonstrate the devices which shall be utilized to control the factors determined to be offensive. Upon acceptance by the Planning Commission of such control devices, they shall be incorporated as a part of the final development plan.

SECTION 25.11. PLANNING COMMISSION APPROVAL OF THE FINAL DEVELOPMENT PLAN AND RECOMMENDATION FOR REZONING. The Planning Commission shall forward a Zoning Report to the Township Board regarding its recommendation. The Planning Commission may approve the final development plan with changes as it deems appropriate. Upon approval of the rezoning request by the Township Board, the final development plan, as recommended for approval by the Planning Commission, shall be incorporated into, and become a part of, the zoning ordinance text and map. In the event the Planning Commission does not recommend the final development plan for approval, it shall be returned to the applicant and a copy forwarded to the Township Board with appropriate notations as to why the development plan was not recommended for approval.

SECTION. 25.12. REZONING BY THE TOWNSHIP BOARD. After the Planning Commission has recommended approval or denial of the final development plan, the Township Board shall act upon the rezoning request. Approval of the rezoning request shall be in accord with the procedures established in this Ordinance. In the event the Township Board disapproves the rezoning request, it shall notify the applicant, stating the reasons therefore.

SECTION. 25.13. SITE PLAN APPROVAL. Upon approval of the rezoning and prior to the issuance of any building permit, the applicant is required to obtain site plan approval in accordance with the provisions of Chapter 32 for the entire project or any phase as proposed and approved in the Section 25.08 D.

SECTION 25.14. GENERAL PROVISIONS: PUD PLANNED UNIT DEVELOPMENT DISTRICTS.

- A. Minimum Size- In order to be zoned as a PUD District, the proposed area shall consist of at least five acres and have a minimum of two hundred feet of frontage on a public or approved private street.
- B. Sewer and Water Service - In the event public sewer and/or water service is not available at the time of development, the PUD may utilize a private sewer and/or water system, provided such sewer and/or water system is approved by the Kent County Department of Public Works and/or Health Department, the Township Board, and the Township Engineer. At such time as public sewer and/or water service is available, the developer shall make arrangements to connect to said sewer and/or water system.

- C. Maximum Residential Densities (dwelling units per acre) – In any PUD District which includes residential dwelling units the maximum densities shall be determined on the basis of the gross area of the proposed PUD District devoted to residential use divided by the total number of dwelling units.

In the following districts, the maximum permitted density can vary within any residential district with the utilization of the clustering/open space preservation technique. For the purposes of this chapter, the “clustering/open space preservation technique” is a predominately single family, attached and detached residential development in which dwellings units are placed together into one or more groupings within a defined project area. The dwelling units are separated from adjacent properties or other groupings of dwellings by substantial open space that is perpetually protected from development.

A guideline of the possible maximum permitted density, minimum lot size and lot width when utilizing the clustering/open space technique is provided in the following tables for areas master planned Rural Preserve and Rural Estate:

**MINIMUM LOT SIZE FOR SINGLE FAMILY RESIDENTIAL
USING THE CLUSTERING/OPEN SPACE TECHNIQUE**

**WITH PUBLIC
WATER OR SANITARY SEWER (NOT BOTH)**

**WITH PUBLIC
WATER AND SANITARY SEWER**

Comprehensive Plan Designation	Max. Gross Density	Min. Lot Size	Min. Lot Width	Max. Gross Density	Min. Lot Size	Min. Lot Width
RP	1 unit per 3 acres	80,000 sq.ft.	200 ft.	1 unit per 3 acres	30,000 sq.ft.	150 ft.
RE	1 unit per 1.5 acres	40,000 sq.ft.	150 ft.	1 unit per acre	15,000 sq.ft.	100 ft.

**MINIMUM SETBACKS FOR LOTS WITH PUBLIC WATER AND
SANITARY SEWER USING THE CLUSTERING/OPEN SPACE TECHNIQUE ***

Setback	RP	RE
Front Yard	50 ft.	40 ft.
Side Yard	20 ft. 40 ft. (corner lot)	10 ft. 30 ft. (corner lot)
Rear Yard	75 ft.	50 ft.

*Setback requirements for lots with public water or sanitary sewer (not both) shall comply with the District requirements.

The amount of open space shall be, at a minimum, 40 percent of the gross area of the site as dedicated open space. The following land areas shall not be classified as dedicated open space for the purposes of this section:

1. The area within any public street right-of-way.
2. The area within private road access right-of-way.
3. Any easement for overhead utility lines unless adjacent to qualified open space.
4. Fifty percent (50%) of any lakes, streams, retention ponds or other

5. surface water bodies, or wetlands.
5. Fifty percent (50%) of a golf course.
6. The area within a platted lot or site condominium unit.
7. Parking and loading areas.

Open space shall be required along any existing public road frontage abutting the site. The depth of these areas shall be at least 100 feet not including the public right-of-way, and this area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and to preserve the rural view.

The applicant shall provide an open space preservation and maintenance agreement to the Planning Commission and Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved. The agreement must be acceptable to the Township Board and may consist of a deed restriction, covenants that run perpetually with the land, or a conservation easement in recordable form and enforceable by the Township. Documentation of recording shall be provided to the Township before building permits are issued.

- D. Comparison Plan. For residential Planned Unit Developments, the Planning Commission and/or Township Board may require the preparation and submittal by the applicant a feasible Comparison Plan based on the underlying zoning. The Comparison Plan shall meet the requirements of Chapter 32, Site Plan Review and be reviewed by the Community Development Department for compliance with the requirements of the underlying zoning. The Community Development Department shall provide an evaluative report on the feasibility of the comparison plan. The number of dwelling units illustrated on a feasible comparison plan may be used by the Planning Commission and Township Board as guideline in determining the appropriate density.
- E. Performance Bonds/Letter of Credit- The Planning Commission is empowered to require a performance bond, letter of credit, or certified check in an amount up to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, said performance bond shall be forfeited. The Township shall rebate a proportional share of the deposit, shown requested by the depositor, based on the percent of improvements completed as attested to by the depositor and verified by the Community Development Director. The Community Development Director may, at his discretion, call upon professional assistance from the Township Engineer. In cases where the provisions of the final development plan, as approved, have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to return the property to a safe and healthy condition; and the balance, if any, shall be returned to the applicant.
- F. Time limitations on Development – A building permit shall be taken out or construction activity must have begun for each PUD and the project shall be under construction within one year after the date of final approval by the Township Board. If said development does not fulfill this provision, the Planning Commission may grant a one-year extension provided the developers request an extension in writing before the one year period expires and present reasonable evidence to the effect that the PUD has encountered unforeseen difficulties but is

now ready to proceed. Should the aforementioned provisions not be fulfilled, the Planning Commission may initiate proceedings to rezone the property back to its previous zone district classification.

- G. Required Improvements Prior to Issuance of Occupancy Permit. The Planning Commission is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event said improvements are partially completed to the point where occupancy would not impair the health, safety, and general welfare of residents, but are not fully completed, the Planning Commission may, upon the recommendation of the Community Development Director, grant an occupancy permit so long as the developer deposits a performance bond with the Township Clerk in an amount equal to the cost of the improvements yet to be made; said improvements to be completed within one year of the date of issuance of the occupancy permit.
- H. The Planning Commission and the Township Board are specially authorized to require the recording of a plat or master deed for a condominium development in connection with any such application when such would be required by the Subdivision Control Act of 1967, as amended, for the State of Michigan.
- I. Additional Provisions - All of the provisions of the Zoning and other ordinances of the Township shall control in the PUD District except where inconsistent therewith, in which case the provisions of the PUD District shall supersede and control any other such provisions.
- J. The Planning Commission and Township Board may impose reasonable conditions with any approval.

CHAPTER 26
OPEN SPACE PRESERVATION PLANNED UNIT DEVELOPMENT

SECTION 26.01 APPLICABILITY. The provisions of this Chapter are intended to carry out the provisions of Public Act No. 177 of 2001, as amended, being MCLA 125.286h *et seq.* (“Act No. 177”). In order for a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a planned unit development (“PUD”) zoning designation pursuant to this Chapter and all of the requirements of this Chapter must be met. Additionally, the PUD provisions of Chapter 25 of this Ordinance shall also apply except to the extent that an express provision of this Chapter modifies the PUD process. Act No. 177 requires that townships having a population of 1,800 or more and which have a zoning ordinance must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit lands satisfying certain criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50%, that, as determined by the townships could otherwise be developed under existing ordinances, laws, and rules on the entire land area. The purpose of this Chapter is to adopt open space preservation provisions consistent with the requirements of Act No. 177.

SECTION 26.02 DEFINITIONS. For purposes of this Chapter, the following definitions shall apply:

- A. “Land zoned for residential development” shall mean any land located in the RP Rural Preservation, and RE Rural Estate zoning districts pursuant to this Ordinance.
- B. “Act No. 177” shall mean Public Act No. 177 of 2001, as amended, being MCLA 125.286h *et seq*

SECTION 26.03 QUALIFYING CONDITIONS.

- A. Land may be developed pursuant to the provisions of this Chapter and Act No. 177 only if all of the following requirements and conditions are met:
 - 1. The land is located in the RP Rural Preservation and RE Rural Estate zoning districts pursuant to this Zoning Ordinance;
 - 2. The development of land pursuant to this Chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering or open space option provided for by this Chapter would also depend on such extension; and
 - 3. The clustering or open space option provided pursuant to this Chapter shall not have previously been exercised with respect to the same land.
- B. If all of the preceding conditions and requirements listed in this Section 26.03 are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions and requirements of this Chapter.

SECTION 26.04 PERMITTED USES. Only those single-family residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this Chapter.

SECTION 26.05 PROCESS. Only land located in the RP Rural Preservation and RE Rural Estate zoning districts is eligible for the open space preservation option provided for in this Chapter and pursuant to Act No. 177. Should the owner of a property within the RP Rural

Preservation and RE Rural Estate zoning districts desire to take advantage of such option, the landowner must apply for a PUD rezoning approval pursuant to the procedural requirements of Chapter 25 of this Zoning Ordinance. Once the land is zoned for a PUD pursuant to this Chapter, it will be deemed a "Residential-Open Space Preservation PUD." All of the normal minimum lot size, setback, road frontage, lot width, width-to-depth ratio, and other dimensional, frontage, and area requirements governing the development of land within the zoning district where the land is located shall apply except to the extent that such standards are expressly varied pursuant to this Chapter or where the Township Board (upon recommendation of the Planning Commission) approves such a variation pursuant to the PUD approval process.

SECTION 26.06 APPLICATION AND REVIEW PROCEDURE.

- A. The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this Chapter shall be those stated in Chapters 25 and 32 of this Ordinance, governing site plans and planned unit developments, except as otherwise expressly provided in this and this Chapter.
- B. In addition to the application materials required by Chapters 25 and 32 of this Ordinance, an application for the development of land under the provisions of this Chapter shall also include the following:
 - 1. The Existing Zoning Plan. The applicant shall prepare and submit to the Township a site plan for the purpose of demonstrating the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the clustering or open space option provided for by this Chapter were not exercised. The Existing Zoning Plan may be conceptual in nature, but shall include at least the following information:
 - a. Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this Chapter.
 - b. Location of all streets and driveways, existing and proposed.
 - c. Location of all lots, illustrating lot area, frontage, and the width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
 - d. Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan and which would not be located within any public road right-of-way or private road easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - e. If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the Existing Zoning Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Kent County Health Department.
 - f. The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting development for residential purposes.

- j. The site development plan shall demonstrate that each of the proposed residential lots and proposed building envelopes is “buildable” and fully suited for the construction and use of a single-family residential dwelling.
3. Developable Area. When reviewing an application submitted under the terms of this Chapter, the Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the clustering or open space option provided by this Chapter were not exercised. If the Planning Commission determines that the number and/or location of dwellings shown on the Existing Zoning Plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the clustering or open space option provided by this Chapter were not exercised (or the locations are not accurate), the applicant shall submit a revised Existing Zoning Plan which accurately reflects the number and location of dwellings which could have been developed under existing zoning if the Act No. 177 option were not exercised pursuant to this Chapter. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the clustering or open space option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:
- a. Wetlands as defined by Michigan law.
 - b. Land located under a lake, pond, river, or stream.
 - c. Land with slopes exceeding 15%.
 - d. Land for which an on-site private septic system or private well could not be utilized under Kent County Health Department regulations.
 - e. Land located within a flood plain or which is subject to periodic flooding.
4. The Restrictions Document. The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed open space or cluster development is approved pursuant to this Chapter and which would have the legal effect of preserving in perpetuity the open space required by this Chapter in an undeveloped state. Such document shall be reviewed and approved by the Township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all of the following:
- a. Indicate the proposed permitted use(s) of the undeveloped open space.
 - b. Require that the open space be maintained forever in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural

structures, or similar improvements which are approved by the Planning Commission.

- c. Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.
 - d. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
 - e. The approved restrictions document shall be fully executed by all of the owner(s) of the land and shall be recorded with the Kent County Register of Deeds before any lots are sold and before any building permits are issued.
5. If the site development plan complies and all aspects of the proposed development satisfy all requirements of this Chapter, the Planning Commission and Township Board shall approve the site development plan and the planned unit development rezoning for the proposed development.

SECTION 26.07 REQUIREMENTS FOR OPEN SPACE.

- A. Required Open Space. At least 50%, but no more than 80%, of the land proposed for development under the provisions of this Chapter shall remain in a perpetually undeveloped state (i.e., "open space") by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.
- B. Lands to be Set Aside as Open Space. It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50% or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50% and 80%) shall be set aside as permanent open space.
- C. The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:
 - 1. Any areas located within or under any public street easement or right-of-way.
 - 2. Property located under or within any private road or road easement.
 - 3. The land located under or the area within any easement for overhead utility lines.
 - 4. The area within a platted lot or site condominium unit.
 - 5. Off-street parking areas.

6. Detention and retention ponds.
 7. Community drain fields.
 8. The lands or area located underneath a lake, pond, river, or stream.
 9. The area within a wetland as defined by Michigan law.
 10. Lands with slopes exceeding 15%.
 11. Areas subject to flooding or within a flood plain.
 12. Areas comprising a golf course (including fairways and holes).
- D. Standards for Open Space. The following standards shall apply to the open space required pursuant to this Chapter:
1. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 2. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
 3. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 4. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 5. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
 6. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
 7. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- E. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

SECTION 26.08 INDIVIDUAL LOTS, STREETS, AND OTHER IMPROVEMENTS;
MISCELLANEOUS PROVISIONS.

- A. Underlying Zoning District. The development of land under this Chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the land requested to be rezoned from is located, except those setback, area, lot width to depth ratio, and yard size requirements that must be adjusted to allow the clustering option permitted under this Chapter where approved by the Township Board (upon recommendation from the Planning Commission).
- B. Uniform Lot Size. Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission).
- C. Building Envelopes. The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Township Board (upon recommendation from the Planning Commission). The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- D. Required Street Frontage; Lot Width. Each lot shall have a minimum width and road frontage equal to no less than the greater of (1) 1/2 the minimum lot width specified for the zoning district in which the land is located, or (2) 60 feet, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission). Notwithstanding the provisions of this subsection, each lot which abuts or has frontage on a lake, river, stream or creek shall have frontage on such body of water equal to or greater than the minimum lot width requirement for the zoning district in which the land is located.
- E. Maximum Number of Lots. The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Existing Zoning Plan approved by the Planning Commission and Township Board, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection G.
- F. Non-dwelling Unit Structures. Lots containing non-dwelling structures such as a clubhouse and its related amenities, shall be subject to all requirements of this Chapter applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Township Board (upon recommendation by the Planning Commission) may, at its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.
- G. Reduction in Lots for Non-Dwelling Structures. If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:
 - 1. The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a dwelling lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved

Existing Zoning Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.

2. The number calculated under subsection 1 shall be subtracted from the number of dwelling lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved Existing Zoning Plan, in order to determine the maximum number of dwelling lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.

- H. Perimeter Lots. Notwithstanding any other provision of this Chapter, the Township Board (upon recommendation from the Planning Commission) may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- I. Sidewalks. The Township Board (upon recommendation from the Planning Commission) may require sidewalks.
- J. Grading. Grading within the clustered development shall comply with the following requirements:
 1. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed by the Township Board on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required by the Township Board.
 2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Township Board (upon recommendation from the Planning Commission). Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Township Board (upon recommendation from the Planning Commission).
 3. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon lakes, streams, wetlands, and the environmental characteristics of the land as may be reasonably feasible.
- K. Private Roads. Private roads within a clustered development shall conform to the Township's Private Road Ordinance. The Township Board (upon recommendation from the Planning Commission) may, however, modify the requirements for private roads and in doing so, shall consider the following criteria:
 1. The number and type of dwelling units served by the private road;
 2. Traffic generation;
 3. Existing topography and vegetation;
 4. Security provisions;

5. Inter-relationship with the public street network;
 6. Future installation of public utilities; and
 7. Likelihood of public dedication of the roadway.
- L. Other Laws. The development of land under this Chapter is subject to all other applicable Township ordinances, and state and federal laws, rules and regulations, including, but not limited to, the Township Site Condominium Ordinance, the Township Subdivision Ordinance, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.
- M. Access to or Frontage on Lakes and Streams.
1. An approved Residential – Open Space Preservation PUD or other approved development pursuant to Act No. 177 and this Chapter, shall comply fully with the lake and river access, frontage, and other requirements of this Ordinance (if any) with regards to lakes, rivers and streams if the property at issue has frontage on a lake, river or stream.
 2. No approved Residential – Open Space Preservation PUD or other development approved pursuant to Act No. 177 and this Chapter shall permit any more lots or dwellings to have access to or frontage upon a lake, river or stream than would be otherwise legally permissible under existing zoning.
- N. County Drain Commissioner Approval. Any matters involved with drainage, retention/detention ponds, water runoff, and similar matters associated with any proposed development pursuant to this Chapter shall require the approval of the Kent County Drain Commissioner and shall be subject to the applicable rules and regulations of the same.

SECTION 26.09 AMENDMENTS TO AN APPROVED RESIDENTIAL—OPEN SPACE PUD.

- A. An approved site plan and any conditions imposed upon its approval pursuant to an approved Residential-Open Space Preservation PUD shall not be changed except upon the mutual consent of the Township Board (after recommendation by the Planning Commission) and the applicant, except as otherwise stated below with respect to minor changes.
- B. A minor change may be approved by the Planning Commission. The following items shall be considered minor changes:
 1. Reduction of the size of any building, building envelope, or sign.
 2. Movement of buildings or signs by no more than ten (10) feet.
 3. Plantings approved in the landscaping plan may be replaced by similar types of plantings.
 4. Changes requested by the Township for safety reasons.

5. Changes which will preserve natural features of the land without changing the basic site layout
6. Reduction in the number of units in an approved site condominium development

SECTION 26.10 PERFORMANCE GUARANTEES. The Township Board, at its discretion, may require reasonable performance guarantees. Such guarantees shall be conditioned upon faithful compliance with all of the provisions and requirements of this Chapter and the approved site plan and PUD. Such performance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash deposit in an amount and form deemed by the Township Board to be appropriate.

SECTION 26.11 TIME LIMITATIONS FOR DEVELOPMENT. Each development approved and permitted pursuant to this Chapter shall be under substantial construction within one (1) year after the date of approval of the site plan and PUD by the Planning Commission and Township Board. If this requirement is not met, the Planning Commission may, at its discretion, grant an extension not exceeding one (1) year, provided that the applicant submits reasonable evidence showing that unforeseen difficulties or special circumstances have occurred which caused excusable delay in the commencement of the cluster or open space development. If the approved development has not been commenced within the above-stated time period or any authorized extension thereof, any approved site plan or any zoning permits and building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek a new approval (as if starting over again) from the Planning Commission and Township Board pursuant to the requirements of this Chapter.

SECTION 26.12 SAVINGS CLAUSE. If for any reason a court of competent jurisdiction determines that the Township cannot require an applicant to obtain a PUD rezoning approval as a prerequisite for exercising the clustering or open space/preservation development option pursuant to Act No. 177 or this Chapter, all other procedures and requirements of this Chapter shall remain applicable, including the site plan approval requirements of Chapter 32 of this Ordinance. If a court of competent jurisdiction determines that zone district(s) in addition to those listed in A of this Chapter are considered "lands zoned for residential development," the requirements of this Chapter shall apply to the lands in such additional zone district(s).

CHAPTER 27

SPECIAL USES

SECTION 27.01 PURPOSE Because it may be proper to provide for certain uses but because these uses possess characteristics of unique or special form, the special uses provided for by this Ordinance shall be permitted only in accordance with the provisions of this Chapter.

SECTION 27.02 PROCEDURE Application for a special use shall be submitted and processed under the following procedures:

- A. An application shall be submitted to the Planning Commission on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to Planning Commission action on the special use.
- B. Upon receipt of an application for a special use, a notice that a public hearing will be held on the application shall be published in newspaper that circulates in the Township and sent by mail or by personal delivery to the owners of property for which approval is sought, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, 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.

The notice shall:

- 1. Describe the nature of the special use request.
 - 2. Indicate the property which is the subject of the special use request.
 - 3. State when and where the public hearing will be held.
 - 4. Indicate when and where written comments will be received concerning the request.
- C. At the public hearing, or within a reasonable time thereafter, the Planning Commission shall deny, approve, or approve with conditions, the request for a special use. The decision shall be incorporated in a statement containing the conclusions relative to the special use under consideration which specifies the basis for the decision, and any conditions imposed. The Planning Commission stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval:

1. To meet the intent and purpose of the Zoning Ordinance,
 2. To relate to the standards established in the Ordinance for the land use or activity under consideration,
 3. To insure compliance with those standards,
 4. To protect the general welfare,
 5. To protect individual property rights, and
 6. To ensure that the intent and objectives of this Ordinance will be observed.
- D. The decision of the Planning Commission rendered pursuant to the request shall be final unless such decision is reversed or modified by a court of competent jurisdiction.

SECTION 27.03 BOARD OF APPEALS ACTION The Board of Appeals is without jurisdiction to accept appeals or grant variances from the decision of the Planning Commission with respect to special uses.

SECTION 27.04 SITE PLAN APPROVAL Site plan approval is required in accordance with Chapter 32.

SECTION 27.05 SITE APPROVAL STANDARDS Uses permitted as special uses shall be subject to the requirements of the district in which such use is located, and shall be also subject to the following site approval and development standards:

**TABLE 27 –1
PERMITTED SPECIAL USES & APPROVAL STANDARDS**

SPECIAL USES	APPROVAL STANDARD	RP	RE	R-1 R1A	R-2	R-3	R-4	C-1	VC	C-2	C-3	C-4	C-5	OFFICE	LI	I
Country Clubs, Golf Courses	A	X	X	X												
Kennels	B	X	X													
Public Stables	C	X	X													
Campgrounds, Travel trailer Parks	D	X	X													
Vehicle Sales...	E														X	
Outdoor Recreational Uses	F	X	X													X
Airfields	G	X														
Public Utility Storage or Service Yd./Private Transportation Facility	H	X	X													
Lawn Maintenance/Snow Plowing Establishments	I	X	X													
Roadside Stands	J	X	X													
Reserved	K															
Churches	L							X	X	X	X	X	X			
Private and Public Heliports	M	X	X											X		
Fish Hatcheries	N	X	X													
Non Academic School Uses	O	X	X	X												
Sanitary Landfills & Transfer Stations	P		X													
Colleges, Universities	Q					X										
Hospitals	R					X				X	X	X	X			
Child & Adult Day Care Centers	S					X		X	X	X		X				
Adult Foster Care Congregate Facilities	T					X		X	X	X		X				
Convalescent Homes	T					X		X	X	X		X				
Adult Assisted Living Centers	T					X		X	X	X		X				
Permitted Uses Not Conducted Within A Completely Enclosed Building	U							X	X			X				
Bars, Taverns & Restaurants Including Sale Of Alcoholic Beverages	V							X	X	X		X				
Bars, Taverns & Restaurants With Service From Decks, Porches Or Other Outside Areas	W							X	X	X	X	X	X			
Funeral Homes	X									X		X				
Automobile Rental Facilities	Y							X	X	X		X				
Billboards	Z												X		X	X
Industrial Uses Listed in Sections 20.03 A-D.	AA															X
Junk Yards	BB															X
Vehicle Repossession and/or Seizure & Auction Facility	CC															X
Indoor Recreation and Entertainment Centers	DD														X	X
Wireless Communication Facilities (Section 3.29A.2)	EE	X	X												X	X
Wireless Communication Facilities (Section 3.29A.3)	FF			X	X	X	X	X	X	X	X	X	X	X		
Bed and Breakfast	GG	X	X	X												
Outdoor Storage & Contractors Equipment Storage Yard	HH														X	X

Industrial Uses Listed in Section 19.03 F.	II															X	
Government Sign – Off Premise	JJ	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special Controlled Uses	KK									X		X					

A. GOLF COURSES, COUNTRY CLUBS

1. The minimum area shall be 20 acres for a 9 hole par 3 course, 40 acres for an 18 hole par 3 course, 50 acres for a 9 hole regulation course, and 100 acres for an 18 hole regulation course.
2. No building or non-golfing use, with the exception of parking, shall be located within 75 feet of the front property line, 50 feet of the side property line, or 100 feet of the rear property line.
3. Parking shall comply with Chapter 29.
4. All lighting shall be comply with the provision of Chapter 31.
5. Landscaping and buffering shall comply with Chapter 32.
6. Existing residential uses located on the property shall be permitted but only as an accessory use to the special use.
7. Swimming pools, tennis courts, health clubs, and similar uses shall be considered as accessory uses to the special use.
8. There shall be no more than two driveways for patron use and one driveway for private use provided that there shall be a minimum of 300 feet between said driveways.
9. Adequate on site drainage facilities and positive storm drainage outlets shall be provided.

B. KENNELS

1. The minimum lot size shall be two acres with an additional one-third acre for each animal in excess of three.
2. Buildings for housing dogs, dog runs, and/or exercise areas shall not be located within 100 feet of any property line.
3. Signs shall be subject to the regulations of Chapter 28.

C. PUBLIC and PRIVATE STABLES

1. The minimum area devoted to the use shall be 10 acres. Such area may include pasture and riding trails, but shall not include area devoted to living quarters or other uses not normally incidental to a riding stable.
2. Areas for riding trails or riding purposes shall be located on the same premises, provided, however, that the owner may lease adjacent lands for said purpose. Further, provided, that access to riding areas shall not necessitate riding or leading of animals upon or across a public road.
3. Parking shall be available at a ratio of one space for each horse available for rental. Such parking need not be paved or hard surfaced.
4. One identification sign, not exceeding 32 square feet in area, is permitted.

5. The premises shall include storage adequate for the disposal of manure and refuse, have proper insect control methods, and be suitably fenced.
6. No structures or accessory uses shall be within 100 feet of an adjoining property line.

D. CAMPGROUNDS, TRAVEL TRAILER PARKS

1. The minimum lot size shall be 10 acres.
2. No commercial enterprises shall be permitted to operate within the park, except that a convenience goods shopping building may be provided in a park containing more than 50 campsites.
3. No building or campsite shall be located within 50 feet of any property line. A house used only for purposes of residence by a park manager or owner shall conform to the requirements of the zoning district.

Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.

4. All parks shall afford direct vehicular access to a county primary road or a state highway, with no openings closer than 100 feet to a side property boundary line.
5. One identification sign, not exceeding 100 square feet in area, is permitted.

E. VEHICLE SALES, NEW OR USED, INCLUDING AUTOMOBILES, BOATS, MOTORCYCLES, TRAVEL TRAILERS, SNOWMOBILES AND MOTOR HOMES.

1. The display, storage, repair, maintenance, or parking of any vehicle, including automobiles, boats, motorcycles, travel trailers, snowmobiles and motor homes, shall not occur outside, but only in a wholly enclosed building.
2. The outside storage or display of accessory products is prohibited.
3. The use of external paging or intercom systems is prohibited.
4. Only one building is permitted on a parcel.
5. The only signs that are permitted are those permitted within the zone district in which the proposed use is located.

F. OUTDOOR RECREATIONAL USES

1. The minimum lot area shall be three acres.
2. A greenbelt shall be required if parking is located less than 50 feet from a property line.

3. No building or use shall be located within 50 feet of any property line except that parking may be excluded from this requirement. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a lake or river.
 4. Signs shall be subject to the regulations applicable to signs in commercial districts.
 5. Use of the premises shall be limited to the use approved.
 6. Structures and procedures shall be required so that litter will not be displaced, by any means, onto adjacent property or public roads.
- G. AIRFIELDS Private airfield facilities for small aircraft may be permitted provided that the Planning Commission finds such airfield will not adversely affect existing or future development of the area. The Planning Commission shall consider the following standards prior to permitting a private, noncommercial airfield or landing strip.
1. Such use will not adversely affect existing or future development of the area.
 2. The takeoff and landing pattern within 1,000 feet of the end of the runway does not pass over an existing occupied structure and is controlled by the airfield owner by deed or easement to ensure that future structures shall not be located within a 1000 foot long strip of land and which extends a minimum of 100 feet in width on each side of the extended runway.
 3. The landing strip is at least 200 feet from any property line.
 4. The safety of the citizens of the Township is not adversely affected.
 5. The owner agrees in writing to move, relocate, or abandon such strip if any of the above provisions cannot be met in the future.
 6. The landing strip conforms to all Federal Aviation Administration rules and regulations and the Michigan Aeronautic Commission.
- H. PUBLIC UTILITY STORAGE OR SERVICE YARD/PRIVATE TRANSPORTATION FACILITY
1. The minimum lot size shall be 5 acres.
 2. The parcel location shall be such that at least one property line abuts a state highway or county primary road. Access to the facility shall be directly from said streets and shall be limited to one drive.
 3. One freestanding sign, not to exceed 32 square feet, is permitted.
 4. Except for visitor parking, all vehicle parking and storage, and all materials storage, shall be within a fenced area.
 5. All lighting shall be directed so as to shine away from adjacent properties.

6. The minimum front yard shall be 75 feet.
7. The minimum side yard shall be 50 feet.
8. The minimum rear yard shall be 100 feet.
9. All required yard areas, excepting drives and sidewalks, shall be landscaped and maintained. No parking or storage shall be permitted within the required yards.
10. A greenbelt shall be required on the side property line if there is an existing residence within 100 feet of the parcel.
11. Use of the property shall be limited to the use approved.
12. Repair of vehicles shall be done within a totally enclosed building.
13. There shall be no storage of vehicle parts or inoperable vehicles outside of an enclosed building.

I. LAWN MAINTENANCE, LANDSCAPING AND SNOW PLOWING ESTABLISHMENTS

1. All lawn maintenance and snow plowing equipment, including, but not limited to, hand and tractor driven mowers, snowplow blades, and related equipment when not in use off premises shall be stored at all times in a completely enclosed building.
2. No maintenance or other activity related to the permitted use shall be conducted outside of a completely enclosed building.
3. No outdoor commercial lighting shall be placed or permitted on the premises except standard residential exterior lighting.
4. No more than six licensed vehicles shall be parked on the premises outside of an enclosed structure at any one time.
5. The Township Building Inspector or such other person designated by the Township shall have the right to inspect the premises during regular business hours upon reasonable advance notice to the property owner.

J. ROADSIDE STANDS

1. All structures and uses associated with the operation which are of a temporary nature, shall be removed when the operation is not active.
2. Adequate off street parking shall be provided and maintained in a safe and dust free condition.
3. No part of the operation shall be located less than 100 feet from any adjacent residential dwelling.
4. The minimum setbacks for all uses and structures associated with the operation shall be in accordance with the minimum setbacks for residential buildings in the district in which the roadside stand will be located.

5. Signs shall be in accordance with the requirements of Chapter 24 and shall be removed when the roadside stand is not being operated.

K. RESERVED

L. CHURCHES

1. Such facilities shall be located on a lot or parcel of land having a minimum lot size of three (3) acres and a minimum lot width of 300 feet.
2. Such facilities shall have frontage on at least one collector or Arterial Street as classified by the Major Street Plan.
3. There shall be a minimum front, side and rear yard building setback of 50 feet except that churches having frontage on arterial streets shall have a front yard setback of at least 75 feet.
4. Such facilities shall implement a traffic management plan as approved by the Planning Commission.
5. Churches shall be required to install landscaping and screening as approved by the Planning Commission.

M. PRIVATE OR PUBLIC HELIPORTS

1. The proposed heliport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Michigan Aeronautic Commission and the National Fire Protection Association governing the use of heliports.
2. The application shall include a copy of an approved Michigan Aeronautics Commission application for licensing.
3. The application shall include an aerial photograph at a scale of one inch equal 400 feet, or less, indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half mile of the proposed heliport site.
4. A description of the purpose for which the heliport is being established and a schedule of proposed activities including:
 - a. Number of monthly operations.
 - b. Hours of operation.
 - c. All support activities such as storage, maintenance and refueling.
5. An environmental assessment showing the expected noise levels and possible odors, fumes and dust that may be caused by the operations of the heliport. It shall also include a statement of adverse impacts on other properties in the area and the steps that will be taken to minimize those impacts.

N. FISH HATCHERIES

1. The minimum lot size shall be five acres.
2. One freestanding sign, not to exceed 32 square feet, is permitted.
3. Ponds shall be fenced in a manner so as to minimize unauthorized access.
4. No building shall be located within 50 feet of and property line. A house used only for purposes of residence by a manager or owner shall conform to the requirements of the zoning district.
5. Use of the premises shall be limited to the use approved.

O. NON-ACADEMIC SCHOOL USES

1. Access to a non-academic school use shall be from major or minor arterials as defined by the current Comprehensive Plan of the Township except that access may be from a collector street if the Planning Commission finds that the traffic to and from such use will not have a detrimental effect on neighboring properties.
2. Non-academic school uses shall be located no closer than 100 feet to property zoned or used for residential purposes.
3. All required yard areas, excepting drives and sidewalks, shall be landscaped and maintained. No parking or storage of motor vehicles shall be permitted within the required yards.
4. A greenbelt shall be required on any property line adjoining property zoned or used for residential purposes.
5. Use of the property shall be limited to the use approved.
6. Repair of vehicles shall be done within an enclosed building.
7. There shall be no storage of vehicle parts, inoperable vehicles, or maintenance equipment except inside an enclosed building.

P. SANITARY LANDFILLS & TRANSFER STATIONS. Open public or private dumps are prohibited. Sanitary landfills for the discarding of wastes, garbage, materials, or similar disposed matters other than chemical refuse or sludge in any form shall only be permitted in a manner that will ultimately prepare land for a primary intended use. All sanitary landfills shall conform with State and County regulations and be continuously licensed by the State.

Q. COLLEGES, UNIVERSITIES

1. The minimum lot size is 40 acres.
2. Each site shall have a minimum of 660 feet of frontage on a state highway or county primary road as designated by the Kent County Road Commission.

3. All buildings shall be a minimum of 100 feet from any property line or street right-of-way.
4. A greenbelt shall be installed along the entire length of any side or rear lot line.
5. In considering the Special Use the Planning Commission shall consider the following standards:
 - a. The size, nature and character of the proposed use.
 - b. The necessity of such use for the surrounding neighborhood.
 - c. The parking facilities provided for the Special Use.
 - d. Any traffic congestion or hazards which will be occasioned by the Special Use and the proposed methods of minimizing any traffic hazards or congestion.
 - e. How well the Special Use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood.

R. HOSPITALS

1. The minimum lot area shall be 10 acres.
2. The parcel location shall be such that at least one property line abuts a state highway or county primary road as designated by the Kent County Road Commission. Primary access to the facility shall be directly from said streets.
3. The minimum front, rear, and side yards shall be 100 feet.
4. Ambulance, emergency, and supply loading facilities shall be visually screened from adjacent properties by a building or solid masonry wall not less than 6 feet in height.
5. Signs shall be subject to the regulations provided in Chapter 28, Signs.
6. Housing for staff in separate buildings may be considered as an accessory use but shall be subject, in addition to the regulations as stated herein, to the regulations as set forth in the appropriate residential district.

S. CHILD AND ADULT CARE CENTERS

1. One freestanding sign, not to exceed 32 square feet, is permitted.
2. Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily. Dormitory facilities are not permitted.
3. All parking shall be off street and shall conform to ordinance requirements.

4. Setbacks and yard areas shall conform to the requirements of the zoning district.
 5. Based upon the established capacity of the facility, there shall be provided and maintained on the premises a minimum of 150 square feet of outdoor play area per child with not less than 5,000 square feet per facility.
 6. The outdoor play area shall be enclosed by a chain link or solid fence not less than four feet in height.
 7. All facilities must be licensed by the State.
- T. CONVALESCENT HOMES, ADULT FOSTER CARE CONGREGATE FACILITIES OR ADULT ASSISTED LIVING CENTERS.
1. The minimum lot size shall be five acres.
 2. The minimum front yard shall be 75 feet.
 3. The minimum side yard shall be 50 feet.
 4. The minimum rear yard shall be 100 feet.
 5. One identification sign, not exceeding 32 square feet in areas is permitted.
 6. Parking shall conform to ordinance requirements.
 7. Supply loading facilities shall be visually screened from adjacent properties by a building or solid masonry wall not less than six feet in height.
- U. PERMITTED USES NOT CONDUCTED WITHIN A COMPLETELY ENCLOSED BUILDING.
1. Any use that is not conducted within a completely enclosed building shall be located a minimum distance of 100 feet from any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.
 2. The applicant must demonstrate why the specific use cannot reasonably be conducted within a completely enclosed building.
 3. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
- V. BARS, TAVERNS & RESTAURANTS INCLUDING SALE OF ALCOHOLIC BEVERAGES.
1. Any building or use shall be located a minimum distance of 100 feet from any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.
 2. The business shall obtain and continuously keep in force all required State licenses and other permits required for the sale and consumption of any beer, wine and alcoholic liquors that are sold and/or consumed on the premises.

W. BARS, TAVERNS & RESTAURANTS WITH SERVICE FROM DECKS, PORCHES OR OTHER OUTSIDE AREAS.

1. Any outside use area shall be located a minimum distance of 100 feet from any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.
2. Any outside use area shall be completely screened from view, in its entirety from any portion of any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.
3. The applicant shall provide a list of all known and anticipated noise generators including but not limited to paging systems, live or recorded music and any mechanically generated noise. The applicant shall indicate the maximum noise levels stated in dba at all perimeter property lines which shall not exceed 60 dba if the property line is adjacent to any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district or 70 dba for any other zone district.
4. The Planning Commission may regulate the days of the week and hours of operation.
5. In considering the special use the Planning Commission shall consider how well the use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.
6. A deck, porch, or other outside service area may have a minimum front yard setback of 50 feet if the Planning Commission determines that said service area will not cause a negative impact or surrounding area or to the site including but not limited to traffic flow and parking considerations.

X. FUNERAL HOMES

1. The minimum site size is three acres.
2. Each site shall have a minimum width of 300 feet and shall have direct access onto a state highway or county primary road as designated by the Kent County Road Commission.
3. All buildings and uses shall be a minimum distance of 100 feet from any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.
4. A sufficient off-street assembly or staging area shall be provided for vehicles to be used in funeral processions. The area shall be provided in addition to otherwise required off-street parking facilities.
5. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view from any street by the design of the building by a opaque wall or fence that is not more than eight or less than six feet in height.

Y. AUTOMOBILE RENTAL FACILITIES

1. Automobiles and passenger vans only may be offered for rental.

2. The vehicles offered for rent shall contain no advertising materials including signs, banners, or flags.
3. Signs for such facility shall comply with the provisions of Chapter 28.
4. The maximum number of vehicles on the site being offered for rent shall not exceed fifteen and shall be confined to an area defined by the applicant and approved by the Planning Commission.
5. On-site vehicle repair and/or service is prohibited.
6. On-site parking of inoperable vehicles is prohibited.
7. All rented vehicles shall be no more than three years old.
8. The use permitted under this Special Use Permit shall not include rent-to-own type arrangements or the leasing of automobiles with an option or obligation to purchase the automobile.

Z. BILLBOARDS

A billboard is an accessory use of the property in designated commercial, industrial and planned zoning districts subject to the requirements of this chapter and the requirements of the zoning district in which the billboard is located. A billboard may only be installed and used in compliance with all applicable Township ordinances including, without limitation, the Digital Sign and Billboard Ordinance, being Chapter 8, Article VI of the Code of Ordinances.

AA. INDUSTRIAL USES LISTED IN SECTIONS 20.03 A-D.

1. The application shall include a detailed statement of all federal, state and county statutes and regulations that apply to the particular site or activity specific to the contemplated use, a copy of the regulation and a statement indicating the proposed method of complying with each regulation.
2. If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance, and the approximate quantity to be located on site shall be submitted. A detailed plan of substance storage, hazard control and prevention and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.
3. The minimum lot size is 3 acres.
4. The minimum lot width is 300 feet.
5. The lot must front on a state highway or a county primary road as designated by the Kent County Road Commission.
6. Any listed use or activity shall be conducted within a building that is a minimum distance of 300 feet from any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.

7. If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare or heat beyond any property line a detailed statement shall be provided which addresses and quantifies each concern and addresses how each concern will be minimized to the satisfaction of the Planning Commission.

BB. JUNK YARDS

1. Requests for a Special Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a state highway or county primary road as designated by the Kent County Road Commission to ensure safe, direct transport of salvage to and from the site.
3. Any portion of the storage area shall be located a minimum distance of 200 feet of any property that is within a R-1, R-1A, R-2, R-3 or R-4 zone district.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two non-transparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements or 50 feet from any property line, whichever is greater.
7. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
8. All portions of the storage area shall be accessible to emergency vehicles.
9. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20 foot continuous loop drives separating each row to vehicles.
10. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be

removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

11. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
12. The minimum lot area is ten acres..
13. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

CC. VEHICLE REPOSSESSION AND/OR SEIZURE AND AUCTION FACILITY

1. Sales of vehicles shall be limited to not more than two days per week and shall consist of a total of not more than ten hours per week. Such sales shall be conducted only between the hours of 8:00 a.m. to 5:00 p.m.
2. Sufficient off-street parking shall be provided to accommodate the parties attending the sales.
3. All sales shall be conducted within a completely enclosed building except that trailored items, such as boats, may be inspected and sold in a secured outdoor storage area located in the side or rear yard of the premises.
4. Indoor storage shall be available for at least 25 percent of the vehicles on the site.

DD. INDOOR RECREATION AND ENTERTAINMENT CENTERS

1. The Planning Commission may regulate the days of the week and hours of operation.
2. In considering the special use the Planning Commission shall consider how well the use harmonizes, blends with, and enhances adjoining properties and the surrounding neighborhood and may establish conditions for the issuance of a permit to prevent any adverse impacts.

EE. WIRELESS COMMUNICATION FACILITIES (SECTION 3.29A.2)

1. The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location and cannot be reasonably established as a permitted use under Section 3.29 A.1. The applicant shall also demonstrate the need for the facility to be located at the proposed specific site based upon one or more of the following factors:
 - a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.

- d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f. Other specifically identified reason(s) creating facility need.
2. Any proposed wireless communication support structure and any related buildings & structures shall be located on a site that is either owned by or leased to the owner of the support structure. All required setbacks shall be measured from the nearest part of the support structure, building or other structure to the boundary line of the owned or leased site. No other uses, structures or buildings can be located within any setback area.
 3. The setback distances measured from the nearest part of the wireless communication support structure to each boundary line shall be equal to or greater than the height of the support structure unless the application includes a signed certification by a State of Michigan licensed professional engineer indicating the maximum distance, from the base, that any portion of the support structure and antenna can fall. If that distance is less than the height of the structure, the Planning Commission may reduce the required setbacks as deemed appropriate based on that certification and other characteristics of the particular site.
 4. The front, side and rear yard setbacks for any building related to the facility shall be the same as those required for any other building permitted within the particular zone district.
 5. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.
 6. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
 7. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided by an easement. All access drives shall have a minimum:
 - a. Surface width of 14 feet.
 - b. Twelve inch sand sub-base with a sub-base drainage system.
 - c. Six inch gravel base with a minimum crown of two-tenths (0.2) of one foot from the centerline of the access drive to the outside edge.
 - d. Thirty foot by 40 foot turn-around not including the width of the drive.

The location of the drive shall be determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

8. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
9. If an attached wireless communication facility is proposed on the roof of a building and the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.
10. The Planning Commission shall, with respect to the support structure and all accessory buildings, review and approve the application so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly manner.
11. No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna except as may be required by a governmental agency with the authority to require a sign.
12. The wireless communication support structure shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission and all other governmental agencies with regulatory authority shall be noted.
13. Any wireless communication support structure shall be enclosed with "chain link" type of fencing with a minimum height of six feet and with a lockable gate. Said fencing shall be a minimum of ten feet from the nearest portion of any support structure. In lieu of fencing, the Planning Commission may approve an alternative means of deterring entry to the wireless communication facility by uninvited guests.
14. The wireless communication facility and any related building shall be screened by evergreen trees with a minimum height of five feet at the time of planting and spaced not more than 15 feet apart. All proposed landscaping shall be shown on the required Site Plan.
15. Any wireless communication support structure shall be designed and constructed for the collocation of a minimum of three wireless

communication providers. The owner of any wireless communication support structure shall permit collocation on the structure by other wireless communication providers under reasonable conditions.

16. A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required Site Plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by emergency vehicles at all times and to keep the facilities and landscaping from becoming a blight on the neighborhood.
17. The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit or other surety to guarantee the removal of the facility in the event its removal is required in accordance with Section 3.29 C.

FF. WIRELESS COMMUNICATION FACILITIES (SECTION 3.29A.3)

1. The applicant shall submit a grid map illustrating existing and proposed service areas and demonstrating why the proposed facility is required at the specific proposed location and cannot be reasonably established under Sections 3.29A.1. or 3.29A.2. The applicant shall also demonstrate the need for the facility to be located at the proposed specific site based upon one or more of the following factors:
 - a. Proximity to an interstate or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - e. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - f. Other specifically identified reason(s) creating facility need.
2. Any Wireless Communication Facility shall be of a creative or innovative design or shall be constructed on or within an existing structure so as not to be any more visually obtrusive than the existing structure.
3. The Maximum height from the ground elevation the highest part of the structure shall not exceed 120 feet. Provided, however the height of the structure may be increased up to a maximum of 195 feet and installation of any antenna, lightning rod or other accessory shall not cause the tower to require lighting. The tower shall remain unlit, and must be kept below such a level that requires lighting.

The sites located 2910 10 Mile Road NE and 890 Buth Drive NE, may be increase to up to a maximum of 250 feet and any antenna, lightning rod or other accessory may not exceed 20 feet above such structure, based

on a finding that the proposed facility, at the specific site, would offer greater service coverage, accommodate a greater number and type of wireless services. In making its determination, the Planning Commission shall consider all of the following factors:

- a. Consistency with the Wireless Infrastructure Master Plan (dated August 16, 2001) adopted by the Planning Commission on August 28, 2001.
 - b. The design amenities of the proposed site.
 - c. The topography of the proposed site and nearby properties.
 - d. Increased setback distances from abutting properties and streets.
 - e. Natural screening that would help shield the proposed facility from view.
 - f. The existing and likely future use of other property in the area.
 - g. The number and type of wireless services proposed for the facility.
 - h. The towers ability to easily decrease or increase in height should needs change.
 - i. The effect of lighting such a structure, if required by the FAA.
3. Any proposed wireless communication support structure and any related buildings & structures shall be located on a site that is either owned by or leased to the owner of the support structure. All required setbacks shall be measured from the nearest part of the support structure, building or other structure to the boundary line of the owned or leased site. No other uses, structures or buildings can be located within any setback area.
 4. The setback distances measured from the nearest part of the wireless communication support structure to each boundary line shall be equal to or greater than the height of the support structure unless the application includes a signed certification by a State of Michigan licensed professional engineer indicating the maximum distance, from the base, that any portion of the support structure and antenna can fall. If that distance is less than the height of the structure, the Planning Commission may reduce the required setbacks as deemed appropriate based on that certification and other characteristics of the particular site.
 5. The front, side and rear yard setbacks for any building related to the facility shall be the same as those required for any other building permitted within the particular zone district.
 6. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs, which might result in lower heights.
 7. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for communication by the applicant. Any building necessary to enclose switching or other related equipment shall be limited to the maximum height permitted for other buildings within the zone district in which the facility is being proposed.
 8. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided by an easement. All access drives shall have a minimum:

- a. Surface width of 14 feet.
- b. Twelve inch sand sub-base with a sub-base drainage system.
- c. Six inch gravel base with a minimum crown of two-tenths (0.2) of one foot from the centerline of the access drive to the outside edge.
- d. Thirty foot by 40 foot turn-around not including the width of the drive.

The location of the drive shall be determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

9. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning and land division requirements and conditions are met.
10. If an attached wireless communication facility is proposed on the roof of a building and the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be proposed as a separate building. If proposed as a separate building, it shall conform to all district yard setback requirements for principal buildings.
11. The Planning Commission shall, with respect to the support structure and all accessory buildings, review and approve the application so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly manner.
12. No signs or advertising of any kind shall be allowed on any wireless communication support structure or antenna except as may be required by a governmental agency with the authority to require a sign.
13. The wireless communication support structure shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission and all other governmental agencies with regulatory authority shall be noted.
14. Any wireless communication support structure shall be enclosed with "chain link" type of fencing with a minimum height of six feet and with a lockable gate. Said fencing shall be a minimum of ten feet from the

nearest portion of any support structure. In lieu of fencing, the Planning Commission may approve an alternative means of deterring entry to the wireless communication facility by uninvited guests.

15. The wireless communication facility and any related building shall be screened by evergreen trees with a minimum height of five feet at the time of planting and spaced not more than 15 feet apart. All proposed landscaping shall be shown on the required Site Plan.
16. Any wireless communication support structure shall be designed and constructed for the collocation of a minimum of three wireless communication providers, however, the Planning Commission may waive this requirement if it is deemed to not be necessary based on the Site Plan and application submitted for a specific wireless communication facility. The owner of any wireless communication support structure shall permit collocation on the structure by other wireless communication providers under reasonable conditions.
17. A maintenance plan and any applicable maintenance agreement shall be submitted as part of the required Site Plan for the proposed facility to be approved by the Planning Commission. At a minimum, it shall include provisions for maintaining the wireless communication facility, all of the premises, the access drive and all landscaping. The plan shall be sufficient to ensure the safety of the facility, to keep the access drive accessible by emergency vehicles at all times and to keep the facilities and landscaping from becoming a blight on the neighborhood.
18. The Planning Commission may require a performance bond, irrevocable bank letter of credit, cash deposit or other surety to guarantee the removal of the facility in the event its removal is required in accordance with Section 3.29C.

GG. BED AND BREAKFAST ESTABLISHMENTS

1. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest property lines.
2. Such uses shall only be established in single-family dwellings where the rooms utilized are a part of the primary residential use, and not specifically constructed for rental purposes.
3. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
4. Kitchen facilities are allowed as approved by the appropriate Township, County and State agencies.
5. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
6. Only one sign shall be allowed for identification purposes. Such sign shall be non-illuminated and unanimated, be mounted flat against the

wall of the principal building or ground mounted, and not to exceed fifteen (15) square feet in area.

7. Accessory retail or service uses to a bed and breakfast establishment shall be limited to ten (10) percent of the floor area and explicitly intended for patrons of the establishment.
8. Meals shall be served only to residents, employees, family members and overnight guests
9. The use is subject to review at any time and may be revoked after a hearing by the Planning Commission and a finding by the Planning Commission that the use has become detrimental to the surrounding neighborhood.
10. A bed and breakfast must comply with all other provisions of the zone in which it is located.

HH. OUTDOOR STORAGE AREA AND CONTRACTORS EQUIPMENT STORAGE YARD.

1. The applicant shall demonstrate why the proposed storage area or yard will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
2. Any storage area or yard shall be a minimum distance of 200 feet from any RP, RE, R-1, R-1A, R-2, R-3 or R-4 district or any lawfully existing residential use.
3. Any storage area or yard shall be located within the rear yard and is subject to all side and rear yard setback requirements. Any storage area or yard shall be enclosed on all sides by a solid wall or fence with solid gates or by berming and/or landscaping. Any screening shall be at least as tall as the materials being stored and no fence or wall shall exceed a maximum height of eight feet and shall comply with Section 3.27. Chain link fencing with interwoven slats is prohibited as a screening wall or fence.
4. No outdoor storage area or yard, or required screening, shall restrict or interfere with any required access to a building or any required fire lane.
5. If the Planning Commission determines that any storage area or yard will create discernible noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided that addresses and quantifies each concern and addresses how each concern will be minimized.
6. If any hazardous materials are to be stored on the site, a detailed listing of each substance and the approximate quantity to be located on the site shall be submitted. A detailed plan of substance storage, hazard control and prevention and emergency response shall be submitted and reviewed by the Township Fire Chief and a report made to the Planning Commission.

II. INDUSTRIAL USES LISTED IN SECTION 19.03F.

1. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
2. Any proposed structure shall be a minimum distance of 300 feet from any RP, RE, R-1, R-1A, R-2, R-3 or R-4 district or any lawfully existing residential use.
3. The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.
4. The applicant shall submit a detailed list of all equipment that could reasonably be expected to exceed the performance standards contained in Section 19.07 G and provide detailed information regarding the methods that will be used to assure that those standards will not be exceeded.
5. If the entire site is not initially being developed, the applicant shall indicate, on the required Site Plan, any contemplated expansions or additional development that might be expected to take place at a future date.
6. If any hazardous materials are to be stored on the site, a detailed listing of each substance and the approximate quantity to be located on the site shall be submitted. A detailed plan of substance storage, hazard control and prevention and emergency response shall be submitted and reviewed by the Township Fire Chief and a report made to the Planning Commission.

JJ. GOVERNMENT SIGN – OFF PREMISE

1. Off-premise government signs are only permitted to provide directions or to identify a government facility.
2. A maximum of two signs are permitted for any lot on which a government facility is located.
3. Only ground signs are permitted and they must be located in compliance with the requirements of Section 28.05 E.
4. The sign surface of any sign shall not exceed 32 square feet.
5. Off-premise government signs shall not be located more than two miles from the government facility that is being identified.
6. Any off-premise government sign shall be located along the same street as the facility or at an intersection, provided, that one of the intersecting streets is the street along which the facility is located.
7. Any application for an off-premise government sign shall include a signed statement by the owner of the property on which the sign is being located indicating approval of the sign location, the length of time the sign can be located on the property and any other conditions of an agreement permitting the sign.

8. Any application for an off-premise government sign shall include a copy of a maintenance agreement signed by the lot owner on which the sign will be located and an authorized representative of the agency requesting the sign. At a minimum, the agreement shall list the type of maintenance that will be performed, including any landscaping, and the names of any individuals or agencies that will be responsible for assuring that proper maintenance will be performed on a timely basis

KK. SPECIAL CONTROLLED USES.

1. Requirements. Any of the uses listed in Section 14.04 E is permitted if each of the following requirements is satisfied:

- a. A regulated use may be located only within the C-2 District.
- b. Except as provided in subsection 3 below, a regulated use shall not be located within a 1000-foot radius, of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, child care facility, or church or place of worship.

In accordance with the procedures in this subsection, the Planning Commission may permit a regulated use within a 1,000-foot radius, but not within a 500-foot radius, of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, child care facility, or church or place of worship. An applicant seeking approval pursuant to this subsection shall file a completed application on an application form prepared and made available by the Township. The Planning Commission shall approve the application if the Planning Commission determines that each of the following criteria is met:

- (1) That the establishment of a regulated use in the proposed location will not adversely affect the public interest;
 - (2) That the establishment of a regulated use in the proposed location will not be injurious to nearby uses, particularly lots zoned or occupied for a residential purposes or the school, public park, library, child care facility, or church or place of worship;
 - (3) That the establishment of a regulated use in the area will not be inconsistent with the spirit and intent of this Ordinance; and
 - (4) That the establishment of a regulated use in the proposed location would comply with all applicable regulations of this Ordinance and other applicable statutes, ordinances, rules and regulations.
- c. A regulated use shall not be located within a 1,000-foot radius of any other regulated use.

- d. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the property line of the use to the nearest property line of the residential property, public park, school, child care facility, church or place of worship, or other regulated use.
 - e. A regulated use shall not be located in the same structure or on the same parcel as another regulated use.
 - f. All on-site parking areas shall comply with the requirements of the Ordinance and additionally shall be illuminated on any days the business is open from sunset until closing.
2. Conditions and Limitations. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may in its judgement be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to immediately terminate any permit
3. Other Ordinances. Nothing in this section shall be construed to allow any activity or use that is prohibited under the Massage Establishment Ordinance or the Adult Oriented Businesses Ordinance, or to exempt any person or entity from obtaining any necessary permit or license thereunder. In addition to the requirements in this Ordinance, any adult oriented businesses shall comply with all other regulatory ordinances.

CHAPTER 28 SIGNS

SECTION 28.01 DESCRIPTION AND PURPOSE

Except as otherwise or additionally regulated for particular types of signs (e.g., billboards), this chapter sets forth regulations regarding the size, number, location and manner of display of signs in the Township to address the following purposes (without limitation):

- A. To protect and further the health, safety and welfare of Township residents, property owners and visitors.
- B. To prevent traffic and pedestrian hazards caused by signs, which obstruct vision, distract, disorient or confuse drivers, or are improperly secured or constructed.
- C. To conserve and enhance community character and avoid the appearance of clutter.
- D. To promote uniformity in the size, number and placement of signs within districts.
- E. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- F. To balance the public's right to be informed and its desire to avoid visual and hazardous conditions.
- G. To minimize light pollution and light spillover as well as the effects of light pollution and light spillover on adjacent areas.

SECTION 28.02 DEFINITIONS

- A. **Abandoned Sign:** A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.
- B. **Agricultural Industry Sign:** A sign that identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm and also including signs for farm organizations.
- C. **Animated Sign:** A sign, which uses movement or change of lighting to depict action or to create a special effect or scene. The transition time associated with a lawful digital sign does not cause a digital sign to be deemed an animated sign.

- D. **Awning/Canopy:** A retractable or fixed shelter constructed of materials on a supporting framework from the exterior wall of a building. An awning is the same as a canopy.
- E. **Awning /Canopy Sign:** Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.
- F. **Balloon Sign:** A sign composed of a non-porous bag of material filled with air or gas whether or not it contains a message.
- G. **Banner Sign:** A sign constructed of cloth, fabric or other light temporary material with or without a structural frame, used for a limited period of display not to exceed 45 continuous days, including decoration displays for holidays or public demonstrations.
- H. **Banners:** A piece of cloth or other flexible material attached to a pole for decorative purposes.
- I. **Beacon Sign:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with one or more beams that rotate or move.
- J. **Billboard:** A billboard shall constitute an accessory use of property in designated commercial, industrial and planned zoning districts. A billboard is also referenced as an off-premise sign which advertises or depicts an establishment, service, merchandise, use, entertainment, activity, or product that is not conducted, sold, produced, or furnished upon the lot where the sign is located. A billboard may incorporate the technology identified herein for a “digital sign.”
- K. **Campaign Sign:** A temporary sign related to a primary, general or special election, which displays the name, party or other related information of political candidates running for office, issues placed upon a ballot to be voted upon or other political issues. Without limitation, a campaign sign is not permitted in the public right-of-way.
- L. **Clearance (of a Sign):** The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including all framework, except poles, and embellishments, extending over that grade.
- M. **Commercial Establishment:** A business operating independent of any other business which is separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business.
- N. **Community Service Group Sign:** A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee's, Lion's Club or Ambucs.

- O. **Community Special Event Sign:** A portable sign which is erected for a limited time to call attention to special events of interest to the general public which are sponsored by governmental agencies, schools, religious institutions, or other groups which are non-profit and whose purpose is charitable, philanthropic, religious or benevolence.
- P. **Construction Sign:** A sign regarding a project which is under construction and identifies the name of a business or proposed use and any or all of the following: Owners; Developers; Financiers; Contractors; Architects; Landscape Architects; Engineers; and, “Coming Soon” or “Opening Date” types of announcements.
- Q. **Copy:** The wording or graphics on a sign surface in either permanent or removable letterform.
- R. **Digital Sign:** A sign that has or appears to contain movement or that appears to change, caused by a method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the sign. A digital sign often incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. A digital sign may include a rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, “digitalink,” electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays.
- S. **Directional Sign:** A sign providing directions for vehicular or pedestrian circulation within, into or out of a land use. A directional sign shall not contain advertising copy and shall be located on the property where the land use is located.
- T. **Directory Sign:** A sign, which displays the names and locations of occupants or the use of a building. A directory sign shall not contain advertising copy.
- U. **Easel and Sandwich Board Signs:** An easel or sandwich board sign is a portable, fixed copy sign mounted to a freestanding pedestal, sandwich board, or easel frame.
- V. **Exempt Sign:** A sign that is not regulated by the provisions of this Ordinance.
- W. **Expressive Sign:** A sign expressing or communicating a noncommercial message, opinion, or point of view, such as ideological, religious, and social message signs. Without limitation, an expressive sign is not permitted in the public right of way.
- X. **Facade:** The entire building front including the parapet, mansard roof and any planter wall. In the case of a corner lot the building front shall be the wall of the building facing the front lot line as defined in Section 2.83A.

- Y. **Face of Sign:** The area of a sign on which the copy is placed.
- Z. **Farm Identification Sign:** A sign, which identifies the name of the farm, or the family or person operating the farm.
- AA. **Festoons:** A string of lights, ribbons, tinsel, streamers, sequins, disks or pinwheels, whether or not they contain graphics, symbols and/or written copy, except for Christmas decorations.
- BB. **Flag Sign:** A flag that is attached to a pole or a structure.
- CC. **Flashing Sign:** A sign which contains an intermittent or sequential flashing, moving, oscillating, or blinking light source used to attract attention. An otherwise lawful reader board, digital sign or animated sign is not a flashing sign.
- DD. **Freestanding Sign:** A sign not attached to a building or wall which is supported by one, or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- EE. **Government Sign:** A sign erected or required to be erected by the Township, Kent County, a public or private school, or the State or Federal government.
- FF. **Ground Sign:** A freestanding sign supported by a base which rests directly on the ground.
- GG. **Height (of Sign):** The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less compare with "Clearance."
- HH. **Illegal Sign:** A sign that does not meet the requirements of this Ordinance and is not legally nonconforming.
- II. **Illuminated Sign:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- JJ. **Incidental Sign:** A sign, emblem or decal attached to poles, a building or another structure, informing the public of goods, facilities or services available on the premises, e.g., a credit card sign, a restroom sign or a sign indicating hours of business.
- KK. **Inflatable Sign:** A sign that is either expanded to its full dimensions, or supported by gasses contained within the sign, or parts, at pressure greater than atmospheric pressure.
- LL. **Maintenance:** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

- MM. **Memorial or Historical Sign:** A sign, tablet, or plaque memorializing a person, event, structure or site.
- NN. **Marquee:** A permanent structure that projects from the exterior wall of a building.
- OO. **Marquee Sign:** A sign affixed flat against the surface of a marquee.
- PP. **Mural:** A design or representation painted or drawn on a wall of a building, which does not advertise an establishment, product, service, or activity and does not contain letters or numerals.
- QQ. **Nameplate:** A non-illuminated, on-premise sign giving only the name, address and/or occupation of an occupant or group of occupants.
- RR. **Nonconforming Sign:** A sign, which was legally erected prior to this Ordinance but does not conform to this Ordinance. A nonconforming sign is also known as a lawfully nonconforming sign.
- SS. **Obsolete Sign:** Any sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service, or activity that has ceased to operate.
- TT. **Occupancy:** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.
- UU. **Off-Premise Sign:** Another term for a billboard.
- VV. **On-Premise Sign:** A sign, which pertains to the use of the premises on which it is located.
- WW. **Placard:** A sign not exceeding two square feet which provides notices of a public nature, such as "No Trespassing," "No Hunting" signs or "Gas Main" signs.
- XX. **Pennant:** A triangular shaped, lightweight piece of plastic, fabric, or other material, whether or not containing a message of any kind, suspended from or attached to a rope, wire, or string, usually in series, designed to move in the wind.
- YY. **Permanent Sign:** A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the Township Building Code or its successor code.
- ZZ. **Pole Sign:** A free standing sign which is supported by a structure, or poles, pylon or braces.
- AAA. **Portable Sign:** A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as "A" frame signs or signs on moveable trailers whether rented or owned.

- BBB. **Projecting Sign:** A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 36 inches from the face of the building or wall.
- CCC. **Reader Board:** Reader Board means one or more of the following:
- i. **Automatic:** An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board. An automatic reader board is a type of digital sign and subject to all requirements for digital signs.
 - ii. **Manual:** A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials.
- DDD. **Real Estate Sign:** A sign advertising the premises upon which the sign is located as being for sale, rent, or lease.
- EEE. **Residential Development Sign:** A sign identifying a platted subdivision, site condominium development, multi-family development or other residential development
- FFF. **Roof Line:** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- GGG. **Roof Sign:** A sign attached to a building, any portion of which is located above the roofline of a building or is designed to be part of the roof.
- HHH. **Rotating Sign:** A sign in which the sign itself or any portion of the sign visually moves. Such motion does not refer to methods of changing copy on a reader board, or multi-message displays using a series of turning triangles.
- III. **Seasonal, National or Holiday Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with a national, local or similar holiday.
- JJJ. **Sign:** A device, structure, fixture, or placard, which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising, identifying, depicting or commenting about an establishment, product, service, activity, person or idea.
- KKK. **Sign or Copy Area:** The area of a sign shall be measured within a single, continuous perimeter composed of any straight-line geometric figure, which encloses the extreme limits of the sign, excluding the necessary supports, braces or uprights of the sign. Where a sign has two or more faces, the cumulative area of all faces shall be included in determining the area of a sign, except that where two faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be deemed to be only the area of one face,

or if faces are of different sizes, the area of the larger face. Poles and pole covers shall not be included in the area of a sign if they do not bear advertising copy or colors, patterns or logos.

- LLL. **Sign Owner:** The owner of the premises upon which a sign is located is the person responsible for the sign.
- MMM. **Snipe Sign:** Signs that are attached to a utility pole, tree, fence, stake, wire or any object located or situated on public or private property.
- NNN. **Street Banner Sign:** A sign, which is stretched across and hung over a public or private street right-of-way.
- OOO. **Strobe Sign:** Any sign or device that uses a flash lamp that produces high intensity short duration light pulses by electric discharge in a gas.
- PPP. **Temporary Sign:** Any sign that is used only temporarily (or is designed to be used temporarily) and is not permanently mounted which is to be in place for a period of time not to exceed one year.
- QQQ. **Under-Canopy Sign:** A sign suspended beneath a canopy, ceiling, roof, or marquee.
- RRR. **Vehicle Sign:** A vehicle, which is primarily located or used to serve as a sign rather than as transportation. This includes trucks, trailers either attached or detached from a truck tractor, vans, cars, boats and other similar types of vehicles.
- SSS. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.
- TTT. **Window Sign:** A sign installed on the inside surface of a window and intended to be viewed from the outside.

SECTION 28.03 SIGNS PROHIBITED

A sign not expressly permitted by this Ordinance is prohibited. Without limiting the foregoing, the following types of signs are prohibited:

- A. Abandoned signs, including any supporting structure, existing for more than one year.
- B. Animated signs.
- C. Festoons.
- D. Portable signs except as expressly permitted herein.

- E. Balloon signs.
- F. Flashing signs.
- G. Roof signs.
- H. Rotating signs.
- I. Signs imitating or resembling official traffic or government signs or signals.
- J. Snipe signs.
- K. Strobe signs.
- L. Vehicle signs.
- M. Temporary signs, except as expressly permitted herein.
- N. Illegal signs.
- O. Beacon signs.
- P. Flag signs, except as regulated in Section 28.04K.
- Q. Inflatable signs.

SECTION 28.04 SIGNS EXEMPTED

The following signs shall be exempted from the provisions of this Ordinance except for the regulations of Section 28.13.

- A. Government signs with a sign area of two square feet or less.
- B. Window signs.
- C. Memorial signs with a sign area of four square feet or less.
- D. Noncommercial murals with a maximum area of ten percent of the wall area on which it is painted or attached.
- E. Signs that are designed or located so as not to be visible from any adjoining street or property.
- F. Signs for public services with a sign area of four square feet or less.
- G. Placards.
- H. Community service group signs with a sign area of four square feet or less.

- I. Newspaper box signs.
- J. Farm identification signs with a sign area of four square feet or less.
- K. A maximum of three pole-mounted flags or insignia, none of which exceed 60 square feet in area, of any nation, state, township, community organization or educational institution.
- L. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, telephone booths, ATM machines and gasoline pumps.
- M. Real Estate “Open House” signs with a sign area of two square feet or less.

SECTION 28.05 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

The following sign regulations are applicable in all Zone Districts.

- A. **On-Premise Signs:** All signs shall be on-premise signs except for billboards, community special event signs, development identification signs, and signs advertising farm products or operations as permitted herein or government signs as regulated in Section 28.05 K.2.
- B. **Reader Boards/Changeable Copy:** Permitted wall and freestanding signs may include reader boards or any type of digital sign provided, however, that the area of the reader board or digital sign may not exceed 50% of the total sign area.
- C. **Pole Sign Clearance:** Any permitted pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- D. **Vehicle Signs:** Vehicle signs are not permitted, however, commercial vehicles which have signs and are regularly used in the lawful use of the parcel on which the vehicle is located may be parked on site provided they are located in a designated parking area on an approved site plan and they are not parked in a highly visible area to passing motorists to purposefully attract attention in such a manner that they function as a sign.
- E. **Ground Signs:** Any permitted ground sign that is located less than 20 feet from any public or private street right-of-way or the nearest edge of any curb cut or driveway shall not exceed 48 inches in height. Ground signs may be five feet from any side or rear lot line.
- F. **Duration of Real Estate Signs:** Any permitted real estate sign shall be removed within three days after the completion of the sale or lease of the property.

G. **Construction Signs:** One construction sign is permitted on a parcel within any District, subject to the following restrictions:

1. **Size and Height:** Construction signs shall be no larger than 32 square feet and shall not exceed six feet in height and shall comply with Section 28.05E.
2. **Building Permit Required:** Construction signs shall not be erected until a building permit has been issued for the project, which is the subject of proposed sign, and construction activity has begun.
3. **Duration:** Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure, which is the subject of the construction sign.
4. **Warning Signs:** Signs warning of construction, excavation, or similar hazards, so long as the hazard may exist.

H. **Community Special Events Sign:** Community special event signs, including banner signs, are permitted in any District, subject to the following restrictions:

1. **Number and Size:** One special event sign is permitted to be located on the lot on which the special event is being held. Such signs shall have a maximum sign area of 32 square feet, a maximum height of six feet and shall comply with Section 28.05E.
2. **Off-site:** Off-Site special event signs are permitted, provided, that the sign area of any individual sign shall not exceed three square feet and the total sign area of all special event signs shall not exceed 90 square feet.
3. **Duration:** The display of special event signs shall be limited to the ten days immediately preceding the special event being advertised and shall be removed within 48 hours after the completion of the special event being advertised.
4. **Street Banners:** Street banner signs are permitted for a maximum period of 14 continuous days and shall be approved by the agency having jurisdiction.

I. **Directional Signs:** Directional signs are permitted in any district subject to the following restrictions:

1. **Size and Location:** Such sign shall have a maximum sign area of six square feet, shall not exceed three feet in height, and shall not be located within any street or driveway landscaped island. Directional signs may be located adjacent to but not over a lot line.

2. Logo: A directional sign may contain a logo of an on-premise establishment, provided the logo does not exceed half (50%) of the sign size.
 3. Function: Directional signs shall be limited to traffic control functions only.
- J. **Garage Sales, Estate Sales, Auctions and Roadside Stands: Garage sales, estate sales, auctions, and roadside stand signs are permitted in any district subject to the following restrictions:**
1. Location: One sign per premises is permitted, located on the premises on which such sale is being conducted and shall be a minimum of five feet from all lot lines.
 2. Size and Height: Such sign shall have a maximum sign area of six square feet, and shall not exceed three feet in height.
 3. Duration: Such sign shall be erected no more than three days prior to the day(s) of the sale and shall be removed immediately after the completion of the sale.
- K. **Government Signs:** Government signs are permitted within any Zone District in accordance with the following:
1. Government Signs – On-Premise: One ground sign is permitted on a lot on which a government facility is located provided that the sign area does not exceed 32 square feet, the maximum height does not exceed six feet and it complies with Section 28.05 E.
 2. Government Sign – Off-Premise: Signs are permitted subject to the issuance of a Special Use permit by the Planning Commission in accordance with the procedures contained in Section 27.02 and the specific Site Design Standards contained in Section 27.05 JJ.
- L. All regulated signs shall comply with the provisions of Section 28.13.
- M. **Help Wanted:** Temporary “help wanted” signs not exceeding 45 days within any calendar year and provided the sign area does not exceed eight square feet and shall be a minimum of five feet from all lot lines.
- N. **Street Address Numbers:** Any commercial or freestanding sign larger than 24 square feet shall include the street address numbers on each side in block style, at least ten inches height. The address area shall not be included in the computation of the sign size.
- O. **Support Structure Widths:** The support structure, braces or poles of any pole sign shall not have a total or combined width greater than 50% of the sign width or three feet, whichever is less, unless the entire sign is located more than 20 feet

from any public or private street right-of-way, any property line or the nearest edge of any curb cut or driveway.

P. **Business Development Signs:** Business Development Signs are permitted in any non-residential district in accordance with the following:

- i. One ground sign with a maximum sign area of 32 square feet is permitted at each business park development entrance onto a public or private street to identify the park and/or the commercial establishments located within the park.
- ii. The height of any such ground sign shall not exceed six feet and shall comply with Section 28.05E.

Q. **Additional Standards:** See Section 28.13 Design, Construction and Location Standards.

R. **Seasonal, National or Holiday Signs.** Seasonal, holidays or national event signs are permitted to be displayed for 30 days prior to the event and seven days after the completion of the event. Such signs shall not exceed 32 square feet in area.

S. **Campaign Signs:**

1. **Size:** The sign area of any single sign shall not exceed twelve square feet and shall be setback a minimum of five feet from all lot lines.
2. **Number:** There shall be no more than four signs on any single property and all such signs shall be located on private property. The total amount of sign area for all signs utilized shall not exceed 32 square feet.
3. **Duration:** Campaign signs are only permitted for a period not to exceed 60 days prior to an election or voting day, and all such signs shall be removed within 14 days after an election or voting day.

T. **Expressive Signs:**

1. **Size:** The sign area of any single sign shall not exceed twelve square feet and shall be setback a minimum of five feet from all lot lines.
2. **Number:** There shall be no more than four signs on any single property and all such signs shall be located on private property. The total amount of sign area for all signs utilized shall not exceed 32 square feet.

U. **Second Floor Business Signs:** In any non-residential zone district, a business located on the second floor of a building which is a distinct business from that located on the first floor of the same building, shall be permitted one sign not more than 18 inches high or more than three feet wide to be placed on the wall frontage of the business. Interior businesses without wall frontage are not permitted exterior wall signage. However, second floor businesses may be listed

on a directory sign located at the public access to the building. No other signs are permitted for second floor businesses, except upon a permitted freestanding sign.

- V. **Projecting Signs:** A projecting sign shall not exceed a surface area of 12 square feet. It shall be at least nine feet above ground level and shall not project above the roof or parapet line. The front edge of a projecting sign must not project closer than two feet inside the street curb and must receive approval from the highway authority with jurisdiction over the adjacent right-of-way prior to obtaining a building permit. Projecting signs are only permitted for commercial establishments with frontage on West River Drive, between Laramie Avenue and School Street.

SECTION 28.06 RURAL PRESERVATION AND RURAL ESTATE RESIDENTIAL ZONE DISTRICTS

The following signs are permitted:

- A. Signs as permitted and regulated by Section 28.04 and 28.05.
- B. **Ground Sign:** For permitted non-residential uses and religious institutions, special uses and as an entry sign for a residential subdivision or a site condominium development.
1. **Size:** One sign per project not to exceed 32 square feet in area.
 2. **Height:** The height of a ground sign shall not exceed six feet above grade and shall comply with Section 28.05E.
 3. **Setback:** Setbacks for ground signs shall comply with Section 28.05E.
 4. **Religious Institutions:** In lieu of a ground mounted sign, a pole sign is permitted with a maximum sign area of 48 square feet on lots that have more than 66 feet of frontage on U. S. Highway 131.
- C. **Wall Signs:** One wall sign, not including uses accessory to the principal use, is permitted for approved non-residential structures with a maximum sign area of 48 square feet. However, religious institutions may have a wall sign, graphic or image with a maximum sign area not to exceed ten percent of the building wall face upon which the sign is attached.
- D. **Nameplates:** One nameplate with a sign area of two square feet or less may be located on any lot.
- E. **Agriculture Industry Signs, On-premise:** Such signs shall not exceed 24 square feet per sign. Only one sign is permitted on any parcel or for any one, single occupancy and no sign shall exceed six feet in height. Any ground sign shall comply with Section 28.05E.

F. **Roadside Stand Signs, Recreational Facilities, Golf Courses or Agricultural Industry Signs Off-premise:** Such signs are permitted subject to the following restrictions:

1. Number: No more than three such signs shall be displayed within the Township for any roadside stand or farm.
2. Size: Such signs shall have a maximum sign area of 16 square feet and shall not exceed six feet in height and shall comply with Section 28.05E.
3. Location Limitations: Such signs shall not be placed on a lot where another sign is located or which contains a principal use except for a single-family dwelling or farm. Digital and electronic signs are not permitted.
4. Easements: A copy of a recorded easement for such signs shall be provided to the Community Development Department.

G. **Real Estate Signs:** Subject to the following:

1. **Developed Land:** For single-family dwellings and residential lots, one sign is permitted per parcel. Such sign shall have a maximum sign area of four square feet, shall not exceed four feet in height and shall be setback a minimum of five feet from all lot lines.
2. **Undeveloped Land:** For undeveloped land, permitted non-residential uses, new subdivisions and site condominium developments, one ground sign advertising the property is permitted. Such sign shall have a maximum sign area of 32 square feet, shall not exceed a height of six feet, shall be setback a minimum of ten feet from all lot lines and shall comply with Section 28.05E. The sign shall be removed when the land or 80% of the lots or site condominiums are occupied or sold.

SECTION 28.07 R-1, R-1A, R-2, R-3 AND R-4 RESIDENTIAL ZONE DISTRICTS

The following signs are permitted:

- A. Signs as permitted and regulated by Sections 28.04, and 28.05.
- B. **Ground Sign:** For residential subdivisions, site condominium developments, multiple family developments, elderly housing, mobile home or manufactured home parks, schools, religious institutions, and other permitted non-residential uses.
 1. **Sign Area:** One sign per project not to exceed 32 square feet in area.
 2. **Height:** The height of a ground sign shall not exceed six feet above grade and shall comply with Section 28.05E.

3. **Ground Signs:** Setbacks for ground signs shall comply with Section 28.05E.
 4. **Religious Institutions:** In lieu of a ground mounted sign, a pole sign is permitted with a maximum sign area 48 square feet on lots that have more than 66 feet of frontage on U. S. Highway 131.
- C. **Wall Signs:** One wall sign is permitted for approved non-residential structures with a maximum sign area of 48 square feet. However, religious institutions may have a wall sign, graphic or image with a maximum sign area not to exceed ten percent of the building wall face upon which the sign is attached.
- D. **Nameplates:** One nameplate with a sign area of two square feet or less may be located on any lot.
- F. **Real Estate Sign:** Subject to the following:
1. **Developed Land:** For single and two family dwellings and residential lots, one sign is permitted per parcel. Such sign shall have a maximum sign area of four square feet, shall not exceed four feet in height and shall be setback a minimum of five feet from all lot lines.
 2. **Undeveloped Land:** For undeveloped land, permitted non-residential uses, new subdivisions, site condominium developments mobile or manufactured home parks, and condominium or apartment developments, one ground sign advertising the property is permitted. Such sign shall have a maximum sign area of 32 square feet, shall not exceed a height of six feet, shall be setback a minimum of ten feet from all lot lines and shall comply with Section 28.05E. The sign shall be removed when the land or 80% of the lots, site condominiums, condominiums or apartments are occupied or sold.

SECTION 28.08 C-1, C-2, C-3, C-4 and C-5 Zoning Districts

The following signs are permitted:

- A. Signs as permitted and regulated by Sections 28.04 and 28.05.
- B. **Freestanding Sign:** One ground sign or pole sign is permitted on any parcel on which one or more commercial establishments are located.
 1. **Pole Sign:** A pole sign is permitted in accordance with the following:
 - a. **Sign Area, Two or Three Lane Roads:** A pole sign with a maximum sign area of 64 square feet is permitted on a lot that fronts on a two- or three-lane road along which the sign is located.

- b. Sign Area, Four or More Lane Roads: A pole sign with a maximum sign area of 100 square feet is permitted on a lot that fronts on a four or more lane road along which the sign is located, provided, that the sign area of such sign may be increased by one square foot for each ten feet of frontage along a four or more lane road in excess of 100 feet. In no instance shall the sign area exceed 124 square feet.
 - c. Height: The maximum height of a pole sign in the C-1, C-2, C-3 and C-4 Zone Districts is 25 feet.
 - d. C-5 Zone District Exception: The maximum height of a pole sign in the C-5 zone district is 75 feet subject to the following:
 - i. The maximum sign area for signs over 25 feet in height shall be subject to the provisions of this Section 28.08B.1.a. and b. The sign area may be increased by six square feet for every one foot of height, not to exceed 250 square feet.
 - ii. Wireless Collocation Height Increase: The pole sign height may be increased up to a maximum of 120 feet in height, provided that a special use permit has been granted for a wireless facility collocation on the pole sign. The need for additional height shall be the minimum height demonstrated necessary for communication by the applicant. The sign area for a sign exceeding 75 feet in height may be increased six square feet for every one foot of height, not to exceed 300 square feet.
2. Ground Sign: In lieu of a pole sign, a ground sign is permitted on any parcel on which one or more commercial establishments are located. The height of any ground sign shall not exceed six feet and shall comply with Section 28.05E.
- C. Wall Signs: Subject to the following:
- 1. Number: One wall sign is permitted for each commercial establishment if the parcel has a freestanding sign as provided in Section 28.08B.
 - 2. Additional Wall Signage Option(s):
 - a. Wall signs are permitted on two walls of a commercially used building for each commercial establishment if the parcel has no freestanding sign as provided in Section 28.08B, has a ground mounted sign, or a freestanding sign of less than 64 square feet.

- b. An additional wall sign is permitted on the front of a commercial establishment not to exceed 32 square feet that has frontage on U.S. Highway 131, provided that the other wall sign faces the highway.
 - c. An additional wall sign is permitted on a wall which faces a public or private road (i.e. corner lot), or an approved and lawful service drive.
3. **Sign Area Permitted:** The maximum sign area on any one wall shall not exceed ten percent of the building wall face upon which the sign is located. In the case of multiple commercial establishments within a single building, only the portion of any wall face enclosing a particular occupancy can be used in determining the allowable sign area for that occupancy. An additional two square feet of total wall sign area is permitted for each one square foot reduction in the amount of permitted pole sign area. This additional wall sign area may be added to a permitted wall sign to increase its size or may be a separate sign.

D. **Pennants:** Pennants are permitted in accordance with all of the following:

- 1. **Permitted Locations:** Pennants are only permitted on lots that have frontage on four or more lane roads.
- 2. **Text and Logos:** No pennant shall contain any text, logos or other types of advertising.
- 3. **Width and Length (Pennant):** No pennant shall have a width greater than eight inches or a length greater than 15 inches.
- 4. **Length (String):** The total length of strings of pennants that can be displayed shall not exceed the equivalent of one string with a maximum length equal to three times the amount of frontage that the lot has on a four or more lane road.
- 5. **Attachment:** No string of pennants shall be attached to any public utility pole or any other public or semi-public structure.
- 6. **Setback:** All strings of pennants shall be installed with a minimum distance of ten feet between the nearest part of any pennant and the grade directly below the pennant.
- 7. **Maintenance:** All pennants and strings of pennants shall be maintained in a manner so as not to create a safety hazard or nuisance.

E. **Banners:** Banners are permitted in accordance with all of the following:

- 1. **Permitted Locations:** Banners are only permitted on lots that have frontage on four or more lane roads.

2. Text and Logos: No banner shall contain any text, logos or other types of advertising.
 3. Width and Length: No banner shall have a width greater than two feet or a length or height greater than five feet.
 4. Maximum Area: The maximum area of all banners shall not exceed 0.25 square feet for each foot of frontage that the lot has along a four or more lane road.
 5. Attachment: The top and bottom of any banner shall be firmly attached to a pole owned by the lot owner and only one banner shall be attached to a pole.
 6. Setback: All banners shall be installed with a minimum distance of ten feet between the nearest part of the banner and the grade directly below the banner.
 7. Maintenance: All banners shall be maintained in a manner so as not to create a safety hazard or nuisance.
- F. **Real Estate Signs:** One sign per parcel with a maximum sign area of 32 square feet and with a maximum height of four feet is permitted. Such sign shall be set back a minimum of ten feet from all lot lines. The sign shall be removed when the property is sold.

Condominium developments of two or more condominium units may have a maximum of four signs with a maximum sign area for all signs of 32 square feet and shall be setback a minimum of five feet from all lot lines.

- G. **Automobile Service Stations, Automobile Gas Stations, and Sales and Repair Establishments:**
1. Directional or Identification Signs: Shall not exceed six square feet and are permitted over individual vehicular entrance doors or bays in addition to other permitted signs.
 2. Awning/Canopy Signs: Awning and canopy signs with a maximum sign area of ten square feet are permitted on two sides of a pump island canopy or roofed structure in addition to other permitted signs.
- H. **Drive-Thru Restaurants:** Two menu boards, one with a maximum sign area of 24 square feet and the other with a maximum sign area of 48 square feet are permitted in addition to other permitted signs, provided, they are not located so as to be visible from any public or private street.

I. **New Vehicle Dealerships:**

1. **Freestanding Signs:** A maximum of two additional freestanding signs, in addition to a freestanding sign as permitted in Section 28.08 B. are permitted subject to all of the following requirements.
 - a. **Sign Area:** The maximum sign area of each additional sign is 48 square feet.
 - b. **Height:** The maximum height of each additional sign is 16 feet.
 - c. **Distance from other Signs:** No freestanding sign shall be located less than 100 feet from another freestanding sign on the same lot(s) occupied by the new vehicle sales establishment.
 - d. **Setback:** No freestanding sign shall be located less than five feet from a rear or side lot line, except where located adjacent to a residential zone district where the setback shall be 25 feet.
 - e. **Identification Limitations:** The additional freestanding signs shall only be used to identify a manufacturer or brand of vehicle or to identify a particular function such as “used cars” or “truck sales”.
2. **Wall Signs:** The following wall sign provisions only apply to new vehicle dealerships and in lieu of the provisions of Section 28.08C.
 - a. **Sign Area:** Wall signs with a maximum sign area of ten percent of the building wall face, may be placed on three sides of a principal building provided that they only identify the name of the business establishment and/or the manufacturer(s) or brand(s) of products offered by the establishment.
 - b. **Additional Wall Signs:** Additional wall signs may be placed on up to two walls of the principal building to identify any product or service being offered or to provide on-site traffic flow directions. These signs shall be limited in size so that the total sign area of all wall signs on any wall of a principal building does not exceed ten percent of the building wall face. These signs are further limited in size on any front wall to a maximum sign area of 20 square feet. Independent of the remainder of this subsection, an additional wall sign is also permitted which faces a public or private road, or an approved and lawful service drive.
 - c. **Ancillary or Secondary Buildings:** One wall sign is permitted on one wall of any ancillary or secondary building provided that the sign area does not exceed ten percent of the building wall face.

3. Vehicle Advertising Displays: Signs of any type and any other types of displays and devices used to advertise or call attention to a vehicle that is for sale or lease is prohibited from being located on or attached to the exterior of a vehicle.

J. **Easel and Sandwich Boards:**

1. Permitted Location: An easel sign or sandwich board sign is permitted for commercial establishments with frontage on West River Drive between Laramie Avenue and School Street.
2. Number: Only one such sign shall be permitted per lot, located adjacent to the exterior of the business establishment.
3. Design: It shall be designed with a theme related to the individual business or business district.
4. Size: It shall not exceed four feet in height and two feet in width.
5. Pedestrian and Vehicular Traffic: It shall be located so as not to impair pedestrian or vehicular traffic or as to block or obstruct any legally required fire exit, curbside car door opening area, or other exit.
6. Duration: It shall be taken inside at night after the closing of business and during periods of inclement weather, such as rain, snow, and high winds. The sign shall include a stabilizing base to prevent accidental collapse or falling.
7. Nuisance: It shall not include any lighting or sound-generation equipment.

K. **Billboards:** Billboards are allowed in the C-5, Commercial, Zoning District with the approval of a Special Use Permit by the Planning Commission in accordance with Chapter 27, any applicable site design standards, and compliance with all other applicable Township ordinances, including, without limitation, Ordinance No. 830 and 831.

L. **Business Special Events:** For the grand opening of a new business, a change in ownership or tenancy of an existing business, or a going-out-of-business sale, the Township may issue a permit for a business special event sign for a time period not to exceed 14 continuous days, during any calendar year, subject to all of the following conditions:

1. Number: Only one sign shall be permitted for any commercial establishment.

2. **Sign Area:** The sign area shall not exceed 48 square feet.
3. **Setback:** The sign must be located a minimum distance of 10 feet from any property or street right-of-way line.
4. **Height:** The height of the sign shall not exceed 25 feet.
5. **Special Effects:** In addition to a sign, any special effects including pennants, banners or special lighting shall only be approved upon a determination by the Community Development Department that the special effects will not unduly distract motorists, will not interfere with on-site traffic flow, will not be a nuisance to neighboring property owners and will not be a safety hazard.
6. **Permitting:** With the issuance of a permit, a reasonable deposit may be required by the Township to guarantee the prompt removal of the sign within 48 hours after the expiration date of the permit. In the event the sign is not promptly removed, the deposit may be used by the Township to cause its removal with any remaining funds to be returned to the applicant.

SECTION 28.09 O, LI & I ZONE DISTRICTS

The following signs are permitted:

- A. Signs as permitted and regulated by Sections 28.04 and 28.05.
- B. **Ground Sign:** One ground sign, with a maximum sign area of 32 square feet, is permitted on any parcel on which one or more commercial establishments are located. The height of any such ground sign shall not exceed six feet and shall comply with Section 28.05E.
- C. **Wall Signs:** Each commercial establishment is permitted to have one wall sign. The maximum sign area of any wall sign shall not exceed 48 square feet. An additional wall sign is permitted which faces a public or private road, or an approved and lawful service drive.
- D. **Real Estate Signs:** One sign is permitted per parcel with a maximum sign area of 32 square feet and with a maximum height of four feet. Such sign shall be set back a minimum of ten feet from all lot lines.

Condominium developments of two or more condominium units may have a maximum of four signs with a maximum sign area of four square feet and shall be setback a minimum of five feet from all lot lines.

- E. **Billboards:** Billboards are allowed within the I, Industrial Zone District, and the LI, Light Industrial Zone District upon the approval of a Special Use Permit by the Planning Commission in accordance with Chapter 27, any applicable site

design standards, and compliance with all other applicable Township ordinances inducing, without limitation, Ordinance No. 830 and 831.

SECTION 28.10 PUD PLANNED UNIT DEVELOPMENT DISTRICT

The Planning Commission shall determine the number, type, size and location of all signs. This determination shall be included in the Planning Commission's final recommendations, which are transmitted to the Township Board for adoption of the Final Development Plan. Upon a written request by the applicant, the determination of permitted signs shall be deferred until the applicant requests Site Plan review. Under such deferment, the Planning Commission has the sole jurisdiction for approving all signs, provided that the number of signs or the sign area of any sign shall not be greater than would be permitted for a similar use within another zone district.

SECTION 28.11 SIGNS NOT REQUIRING A PERMIT

The following signs shall not require a sign permit but shall be subject to all other applicable regulations of this Ordinance.

- A. Government signs.
- B. Directional signs with a sign area not exceeding six square feet and in accordance with the provisions of Section 28.05I.
- C. Construction signs with a sign area not exceeding 32 square feet and in accordance with the provisions of Section 28.05G.
- D. Public signs or notices, or any sign relating to an emergency.
- E. Signs for residential garage sales in accordance with the provisions of Section 28.05J.
- F. Real estate signs if such signs are not more than six square feet in area for residential property or 32 square feet in area for non-residential property.
- G. Agricultural industry signs as permitted by Section 28.06E.
- H. Help wanted signs.
- I. Incidental signs.
- J. Campaign signs.
- K. Expressive signs.

SECTION 28.12 SIGN PERMITS AND APPLICATION

- A. **Permits Required:** A sign permit shall be required for the erection, use, construction or alteration of any signs except those exempted in sections 28.04 or

28.11 and directional signs, real estate signs and signs for garage sales, estate sales and auction sales. For purposes of this section, alteration shall mean any change to an existing sign including changing the copy of the sign face of any non-conforming sign or any sign permitted by the issuance of a variance from the Zoning Board of Appeals. Alteration shall not include regular maintenance of a sign.

- B. **Application:** An application for a sign permit shall be made to the Community Development Department along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:
1. Name, address, and telephone number of the applicant, the property owner and the person, firm or corporation erecting the sign.
 2. Address or permanent parcel number of the property where the sign will be located.
 3. A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected and showing the proposed sign in relation to buildings, structures, driveways, curb cuts and setback distances from lot lines.
 4. Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground.
 5. Any required electrical permit.
 6. The zoning district in which the sign is to be located.
 7. Any other information, which the Community Development Department may require in order to demonstrate compliance with this Ordinance.
 8. Signature of applicant, the property owner or person, firm or corporation erecting the sign.
- C. **Electrical Signs:** All signs requiring electrical service shall be reviewed for compliance with the Township's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.
- D. **Issuance of Sign Permit:** The Community Development Department shall issue a sign permit if all provisions of this Ordinance, the Building Code and other applicable Township ordinances are met. A sign authorized by a permit shall be installed within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and payment of fee.

SECTION 28.13 DESIGN, CONSTRUCTION AND LOCATION STANDARDS

- A. **Sign Maintenance:** All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the weather.
- B. **Structural Maintenance:** Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- C. **Codes:** Signs shall be constructed in accordance with the requirements of the Building Code and Electrical Code, as amended.
- D. **Sign Illumination:** Signs are not required to be illuminated, but may be internally illuminated or externally illuminated provided that the source of light is shielded and directed to prevent the light intensity or brightness shining or adversely impacting onto traffic or adjacent property. The operation of lighting fixtures on or in signs from midnight to sunrise is prohibited unless premise is open for business. No sign regulated by this ordinance may utilize:
 - 1. Any exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion device.
 - 2. Any exposed incandescent lamp in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture at angles above the signs highest horizontal plane.
 - 3. Any revolving beacon light.

The regulations in this subsection shall not apply to digital signs.

- E. **Right-of-Way:** No sign or supporting mechanism may be located or placed, upon or over any public or private street right-of-way or alley, except as may be permitted by the Township, the Kent County Road Commission or Michigan Department of Transportation. Setbacks may be further restricted by other provisions within this Chapter.
- F. **Light Poles:** A light pole or other supporting member shall not be used for the placement of any sign unless specifically designed and approved for such use.
- G. **Vision Obstruction:** A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance in fact.
- F. **Moving or Animated Parts:** A sign shall not contain any moving or neither animated parts nor have the appearance of having any moving or animated parts except for digital signs or barber pole signs.
- G. **Extension beyond Wall Face:** A wall sign shall not extend more than 20 inches beyond the face of the wall to which it is affixed, and no wall sign shall extend above the roofline of a building.

- H. No part of any sign shall be located closer than ten feet to any side or rear lot line and may be further restricted by other provisions contained within this Chapter.

SECTION 28.14 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- A. Every permanent sign which lawfully existed before the relevant ordinance provision which caused the sign not to conform to the height, size, area, use or location requirements of this Chapter is deemed to be a lawful nonconforming sign.
- B. Except as noted in this Ordinance, lawful nonconforming signs shall not be altered, expanded, enlarged, or extended; however, they may be maintained and repaired so as to continue the useful life of the sign provided that the cost to maintain or repair a lawful nonconforming sign does not exceed 50 percent of the cost to replace the sign with a new conforming sign as determined by the Community Development Department.
- C. For the purposes of this Chapter, a lawful nonconforming sign may be decreased in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of lawful nonconforming, status; however, a lawful nonconforming sign shall not be replaced with a new sign unless it complies with all of the requirements for a new sign.
- D. A sign for a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.
- E. Upon receipt of a sign permit from the Zoning Administrator, and notwithstanding anything herein to the contrary, a lawful nonconforming sign may be upgraded by conversion to new technologies (e.g., digital signs) so long as all necessary approvals are received (e.g., with the approval of a Special Use Permit by the Planning Commission in accordance with Chapter 27 and any applicable site design standards).

SECTION 28.15 MAINTENANCE

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced. The Township Building Inspector has the right to order the repair or removal of any sign that is unsafe, as defined by the Building Code.

SECTION 28.16 ABANDONED, ILLEGAL AND OBSOLETE SIGNS

- A. Criteria for establishing abandonment, illegal or obsolete signs. Without limitation, a sign or sign structure shall be deemed abandoned, illegal or obsolete and shall be removed when any of the following occurs:
 - 1. A sign is erected illegally in violation of this ordinance.

2. Any business advertised thereon is no longer in business at that location and has not been in business at that location for more than one year.
 3. Any product or service advertised thereon is no longer offered and has not been offered at that location for one year.
 4. The structure no longer supports a sign.
- B. Removal of abandoned, illegal or obsolete signs. Following notice to the property owner, the Community Development Department may cause the removal of an abandoned, illegal or obsolete sign to the extent, and in the manner, permitted by law for violations of a zoning ordinance. All costs incurred by the Township in having the abandoned, illegal or obsolete sign removed may be recovered from the property owner or by imposition of a special assessment against the property, the removal of a public nuisance being deemed a public improvement.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign. For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

The Community Development Department may allow an abandoned or obsolete sign or sign structure to remain in place provided that the sign or sign structure is maintained in good condition, or that an abandoned or obsolete sign can be restored or used within a one-year period. The Community Development may require the text or message to be covered or removed from an obsolete or abandoned sign.

Provided that there is a reasonable possibility and that an illegal sign can be permitted within ten days the Community Development Department may permit an illegal sign to remain in place provided that the sign or structure is in good condition.

CHAPTER 29

PARKING

SECTION 29.01 SCOPE AND INTENT This section is intended to provide adequate parking facilities for the use of occupants, employees, and patrons of buildings hereafter constructed, erected, or extended. Off-street parking and loading with access to all spaces shall be provided in all districts in accordance with these provisions at the time any structure or use is established, constructed, altered, or expanded. The number of off-street parking spaces, in conjunction with all building uses, shall be provided prior to the issuance of a Certificate of Occupancy, as hereinafter prescribed. When surfacing of the parking area is impractical due to inclement weather, the Community Development Department may permit temporary occupancy for a period not exceed six (6) months.

SECTION 29.02 GENERAL PROVISIONS

- A. Applicability. The provisions of Section 29.02 shall apply to on-site parking areas for all uses other than single family or two-family residences.
- B. Parking lot landscaping shall be provided in accordance with requirements of Chapter 30.
- C. 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 point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- D. 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, and subject to the provisions of Section 3.01, "ACCESSORY BUILDINGS AND STRUCTURES."
- E. Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere or site plan review approves a change in required parking.
- F. 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 to an amount less than hereinafter required for a similar new building or new use or site plan review approves a change in required parking.
- G. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on any area designated as a parking lot.
- H. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Community Development Department considers to be similar in type.
- I. 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 (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

- J. A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs shall be approved by the Planning Commission, and where required by the Kent County Road Commission and the Michigan Department of Transportation.
- K. Federal and State requirements regarding handicapped parking and access shall apply.
- L. Off-street parking shall be permitted to occupy part of the required front yard only after the approval of the parking plan layout and points of ingress and egress by the Planning Commission provided that there shall be maintained a minimum unobstructed and landscaped setback of fifteen (15') feet between the nearest point of the off-street parking area and the street right-of-way line.
- M. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern.

SECTION 29.03 COLLECTIVE PARKING

- A. The collective provision of off-street parking for two or more structures or uses may be permitted provided that the number of spaces provided collectively is not less than the sum of the requirements for various individual uses, except as provided below.
- B. The total of such off-street parking facilities for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:
 - 1. Uses for which the collective off-street parking facilities are to serve shall either operate during different hours of the day or night, or shall have peak hour parking demands that do not coincide.
 - 2. Not more than fifty (50) percent of the off-street parking facilities required for churches, bowling alleys, dance halls and establishment for sale and consumption of alcoholic beverages, food, or refreshments may be supplied by off-street parking facilities provided for other buildings.
- C. A legally sufficient written agreement assuring the joint usage of said common parking for the combination of uses or buildings shall be properly drawn and executed by the parties concerned, approved as to form and execution by the Planning Commission and Township Attorney, and filed with and made part of the application for a building permit.

SECTION 29.04 OFF-STREET LOADING

- A. Uses involving the receipt or distribution by vehicles of materials or merchandise shall provide and permanently maintain adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys, and thus, help relieve traffic congestion.
- B. Every such building or structure housing such a use shall be provided with at least one truck standing, loading and unloading space on the premises not less than ten (10') feet in width, twenty-five (25') feet in length and fourteen (14') feet in height. One additional truck space of these dimensions shall be provided for

every additional twenty thousand (20,000) square feet or fraction thereof of gross floor area in the building.

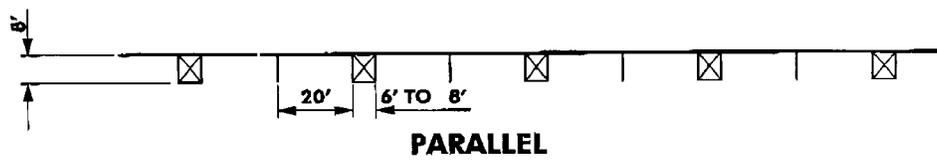
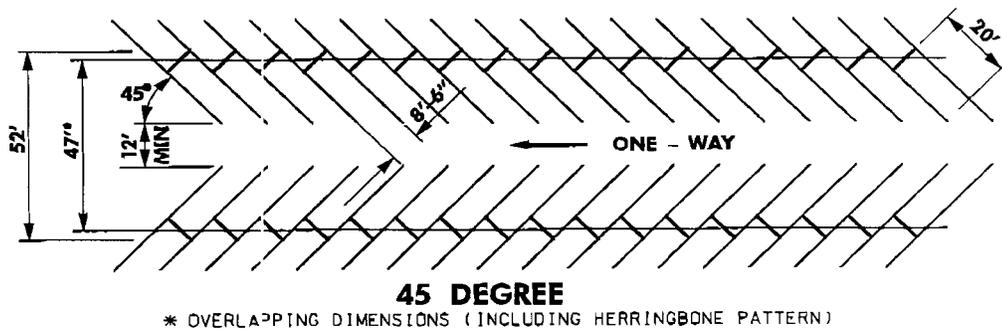
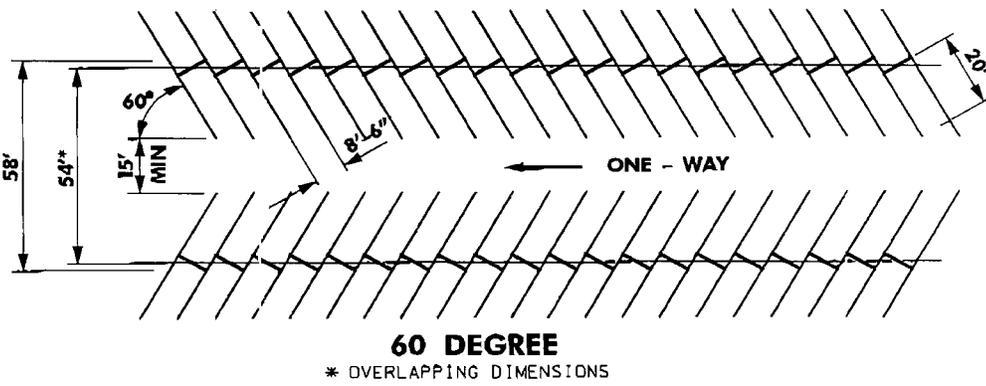
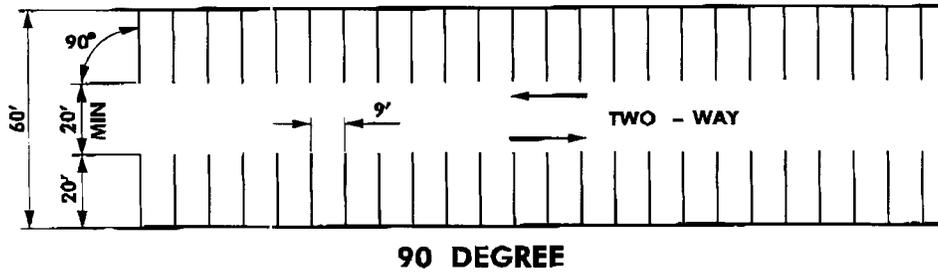
- C. Off-street loading space and access drives shall be drained, lighted and shall have appropriate bumper or wheel guards where needed.
- E. Loading spaces shall not be construed as supplying off-street parking space.

SECTION 29.05 OFF-STREET PARKING SPACE LAYOUT, STANDARDS, AND CONSTRUCTION

Whenever the off-street parking requirements of the Zoning Ordinance require an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a permit therefore is issued by the Community Development Department and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements. Refer to illustration 1.

Illustration 1. Parking Layout



Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane*	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 feet	8 feet	28 feet	--	--
45°	12 feet	8 feet + 6 in.	20 feet	47 feet	52 feet
60°	15 feet	8 feet + 6 in.	20 feet	54 feet	58 feet
90°	20 feet	9 feet	20 feet	60 feet	--

*Measured from the centerlines of the parking stall borders (see illustration 6)

- C. Each entrance and exit, to and from any off-street parking lot located in an area zoned for other than one family residential use shall be at least twenty-five (25') feet distant from adjacent property located in any one family residential district.
- D. Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or landscaping subject to the approval of the Planning Commission.
- E. The entire parking area, including parking spaces, driveways, and maneuvering lanes, required under this section, shall be provided with asphaltic, concrete or double seal-coat surfacing, or similar hard surface material as approved by the Township Engineer. The parking area shall be surfaced prior to issuance of a Certificate of Occupancy for the facility which it serves. All parking lots shall be striped according to the approved site plan.
- F. In the event that inclement weather or other conditions beyond the control of the builder would make the surfacing of the parking area impractical prior to the desired date of occupancy, the Community Development Department may permit temporary occupancy for a period not to exceed six (6) months. A mandatory condition of this temporary occupancy shall be that a case deposit, certified check, irrevocable bank letter of credit or performance bond acceptable to the Township, in the full amount necessary to provide the surfaced area, be deposited with the Township Treasurer, prior to any occupancy of the facility which it serves.
- G. Those nonresidential structures in existence and operational as of the effective date of the adoption of this Ordinance amendment shall be exempt from the provisions regarding hard surfacing except that asphalt, concrete or double seal-coat surfacing shall be required for all parking required as a result of business expansion beyond fifteen (15) percent of the usable floor area of the development existing on-site.
- H. 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 towards buildings and in accordance with the Township's Stormwater Management Ordinance.

- I. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10') feet from such alley line in order to permit a wider means of access to the parking area.
- J. Except for those serving single and two-family dwellings, all parking shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend behind the property lines or into required landscaped areas.
- K. The Planning Commission may modify the yard or wall requirements where no good purpose would be served by compliance with the requirements of this section.

SECTION 29.06 PARKING SPACE REQUIREMENTS.

- A. The minimum number of off-street parking spaces required for any structure or use which is established, constructed, altered or expanded shall be determined in accordance with the following schedule:

Use	Required Parking Spaces
1. One family dwelling or mobile homes.	Two (2) for each dwelling unit.
2. Multiple dwellings.	Two (2) for each dwelling unit.
3. Elderly housing, boarding or lodging houses.	One (1) for each individual living or sleeping unit plus one (1) space for each employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Hotel and motel.	One (1) for each unit, plus one (1) for each employee on the largest shift, and required parking for accessory uses.
5. Bed and breakfast.	Two (2) spaces plus one (1) additional space for each room to be rented.
6. Inns.	Two (2) spaces, plus one space for each room to be rented plus parking as required for each accessory use.
7. Hospitals.	One (1) for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each employee.
8. Churches.	One (1) for each three (3) seats or per each six (6) feet of pews, whichever is greater.
9. Auditoriums (incidental to schools churches, theaters), or buildings of similar uses with fixed seats.	One (1) for each six (6) seats, plus one (1) additional space for each two (2) employees.
10. Auditoriums (other than incidental to schools), lodge halls or buildings of similar uses without fixed seats.	One (1) for each three (3) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshal.
11. Elementary and junior high school.	One (1) for each employee (including teachers and administrators) in addition to the requirements of the auditorium.
12. High schools or business schools	One (1) for each employee (including teachers and administrators) and one (1) for each ten (10) students in addition to the requirements of the auditorium.

13.	Libraries, museums, and post offices.	One (1) for each eight hundred (800) square feet of usable floor area plus one (1) for each two (2) employees.
14.	Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the Fire Marshal.
15.	Private golf clubs, swimming pool clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or each two (2) individuals anticipated, plus spaces required for each accessory use, such as restaurant or bar.
16.	Golf course open to the general public, except miniature golf or "Par 3" courses.	Four (4) for each (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
17.	Miniature or "Par 3" golf course.	Three (3) for each hole plus one (1) for each employee.
18.	Stadium, sports area, or similar place of outdoor assemble.	One (1) for each four (4) seats or six (6) feet of benches.
19.	Theaters and assembly halls.	One (1) for each four (4) seats plus one (1) for each two (2) employees.
20.	Bowling lanes.	Five (5) for each bowling lane plus accessory uses.
21.	Dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum or skating occupancy as established by Fire Marshal or local, county or state fire, building or health codes, or one for each one hundred fifty (150) square feet of usable floor area, whichever is greater.
22.	Restaurants, clubs, establishments for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor area 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.
23.	Furniture and appliance, household equipment, repair shops, personal service establishments, showroom of a plumber, decorator, electrician or similar trade, shoe repair, similar uses.	One (1) for each one thousand of (1,000) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
24.	Automobile service and repair facilities.	Two (2) for each lubrication stall, rack, or pit; one (1) for each gasoline pump and one (1) for each employee.
25.	Self service filling station and convenience store.	One (1) space for each gasoline pump, and one (1) space for each two hundred (200) square feet of usable floor area.
26.	Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
27.	Mortuary establishment including funeral homes.	One (1) for each thirty (30) square feet of usable floor area in assembly, parlor, or slumber rooms.

28.	Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor area of sales room, and one (1) for each (1) auto service stall in the service room.
29.	Retail stores except as otherwise specified herein.	One (1) for each two hundred (200) square feet of usable floor area.
30.	Fast food and drive-in restaurants.	One (1) for each two (2) employees, plus (1) for each two (2) seats intended for patrons within the restaurant building, and one (1) for each twenty (20) square feet of usable floor area available in the order-waiting area.
31.	Beauty shops and barber shops.	Two (2) for each of the first two (2) beauty and/or barber shop chairs and one and a half (1 1/2) spaces for each additional chair.
32.	Planned commercial or shopping centers.	One (1) for each hundred (100) square feet of usable floor area.
33.	Auto wash.	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
34.	Banks.	One (1) for each one hundred (100) square feet of usable floor area.
35.	Drive-in banks, cleaners and similar businesses.	Storage space for five (5) cars between the sidewalk area and the service window and one (1) for each two (2) employees.
36.	Nursery school, day nursery, or child care centers.	One (1) for each three hundred and fifty (350) square feet of usable floor space.
37.	Business offices or professional offices	One (1) for each three hundred (300) square feet of usable office floor area.
38.	Professional office of doctors, dentists or similar professions.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.
39.	Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
40.	Warehouse and wholesale establishments and related accessory offices.	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

- B. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the Michigan Building Code and the American National Standard A117.1-1998 Code Book

SECTION 29.06 DEFERRED PARKING Deferred parking may be permitted subject to the following:

- A. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a plan may be approved the Community Development Department or Planning Commission pursuant to this Ordinance, designating portions of required parking spaces and paving reserved for future

use. Likewise, a parking deferment may be imposed upon a finding by the Township that the standard parking requirements would be initially excessive.

- B. The approval shall require reserved areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
- C. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required, based on parking needs, and shall require the submission and approval of an amended site plan by the Township, as required by this Ordinance.
- D. The owner shall enter into and record an agreement approved by the Township, to construct any deferred parking at such time as deemed to be necessary by the Township.

SECTION 29.07 MAINTENANCE AND USE OF PARKING FACILITIES.

- A. All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow, debris or other materials which prevent the full use and occupancy of those facilities, except for temporary periods of short duration in the event of heavy snowfall.
- B. The parking or storage in any off-street parking area of semi-trucks, trailers, recreation vehicles, mobile homes, machinery, wrecked or junked vehicles, similar materials or any materials not specifically related to the business or activity being conducted on the premises is prohibited in all zoning districts.
- C. Off-street parking facilities shall not be used for repair, dismantling or servicing of any vehicles, machinery or equipment except where permitted by ordinance.
- D. 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.
- E. All required parking surfaces shall be properly maintained.

CHAPTER 30
LANDSCAPING AND BUFFERING PROVISIONS

SECTION 30.01 SCOPE AND INTENT It is the intent of this section to require the use of buffer zones and landscape screening to reduce the negative impacts between potentially incompatible land uses and to provide for specific landscape requirements within parking areas. It is further intended to preserve and enhance aesthetic qualities, privacy, and property values within the Township.

This section is applicable to all new site plans and development proposed after the effective date of this Chapter. Furthermore, this Chapter is applicable to all expansions, renovations, or alterations that increase the gross floor area of the structure by 25% or more above the floor area as it existed on the effective date of this Chapter. In addition, subsection 30.02 F. is applicable to all new or expanded parking areas having a total of more than 25 parking spaces.

SECTION 30.02 REQUIREMENTS

- A. For all uses that require site plan approval, the site shall be landscaped in accordance with a plan and specifications approved by the Planning Commission (or Director of Community Development Department if administratively approved). The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs, and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas, which become disturbed for any reason, shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Director of Community Development Department.

- B. Landscaping Plan. A detailed landscape plan indicating design intent shall be submitted as part of the Planning Commission's site plan review (or the Director of Community Development Department if site plan review is administrative only) and shall include, but not necessarily be limited to, the following:
 - 1. Location, general type, quality, and size of existing vegetation, including specimen trees.
 - 2. Existing vegetation to be saved.
 - 3. Methods and details for protecting existing vegetation during construction.
 - 4. Location, sizes, and labels for all proposed plantings.
 - 5. Typical cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
 - 6. Location, height and type of any walls.
 - 7. Plant list(s) showing the required and proposed quantities.
 - 8. Description of landscape maintenance program, including statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this ordinance.

- C. Tree and Landscape Preservation Requirements.

1. Site plans should preserve all quality existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged and all available measures should be taken to maintain the trees in a healthy condition.
 2. Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.
 3. The area below the drip line of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the drip line and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols notes and details must be shown on the site plan.
 4. Should any tree designated for preservation, for which landscaping credit is given, die; the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread and growth characteristics. The replacement tree must be a minimum of 2.5 inches caliper.
- D. Unaccredited Species. The following species are permitted but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged.

<u>Botanical Name</u>	<u>Common Name</u>
Acer Negundo	Box Elder
Ailanthus Altissima	Tree of Heaven
Catalpa Speciosa	Catalpa
Elaeagnus Angustifolia	Russian Olive
Gingko Biloba (female)	Female Gingko
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen
Salix Spp.	Willow
Juglans Nigra	Black Walnut
Robinia Spp.	Black Locust
Acer Saccharinum	Silver Maple
Ulmus Pumila	Siberian Elm

- E. Buffer Zones. Buffer zones are required on properties in the C-1, C-2, C-3, C-4, C-5, O, LI, and I Districts when they adjoin properties in certain zoning districts as set forth in Table 1. Table 2 specifies the requirements for each buffer zone type listed in Table 1.

Table 1

Zoning District of Proposed Use	Adjacent Zoning District or Land Use: RP, RE, R-1, R-1A, R-2, R-3, R-4	Adjacent Zoning District or Land Use: C-1, C-2, C-3, C-4, C-5, O	Adjacent Zoning District or Land Use: LI, I
C-1, C-2, C-3, C-4, C-5, O	<i>Type B</i>	<i>Type A</i>	<i>Type A</i>
LI, I	<i>Type C</i>	<i>Type B</i>	<i>Type A</i>

Table 2

Feature	Buffer Zone Type		
	Buffer Zone A	Buffer Zone B	Buffer Zone C
Width in Feet of buffer zone	5	15	20
Required Trees/100 Feet	2	5	8
Required Shrubs/100 Feet	4	5	8

1. The number of trees and shrubs in Table 2 is required for every one hundred (100) linear feet of buffer zone length provided, however, that buffer zone length will be rounded to the nearest increment of 100 feet.
 2. For purposes of this section, an “adjacent zoning district or land use” as described in Table 1 includes all zoning districts or land uses on properties directly across a public right-of-way from the subject property.
 3. The existence of access ways or driveways within a buffer zone will not reduce the minimum requirements for trees and shrubs.
 4. Evergreen trees are required for buffer zone Types B and C, while either deciduous or evergreen trees may be used in buffer zone Type A.
 5. All areas of the buffer zones outside of trees, shrubs, and/or flowerbeds shall be covered with a living ground cover.
 6. The buffer zone requirements of this section apply whether or not the property in the adjacent zoning district as set forth in Table 1 is developed.
 7. For reasons of conflicting uses, unfavorable topography or other unique or extraordinary circumstances, the Planning Commission as part of site plan review (or the Director of Community Development Department if site plan review is administrative only) may increase or decrease landscape plantings in any required buffer zone if any increase or decrease is found to be necessary to reasonably achieve the intent of this section as stated in Section 26.01 above.
- F. Front yard; commercial, industrial zones. Notwithstanding any other provision of this section, all properties in the C-1, C-2, C-3, C-4, C-5, O, LI, and I Districts, shall have a buffer zone in the front yard regardless of the adjacent zoning districts or land uses. Unless a Type B or Type C buffer zone is otherwise required under subsection 30.02 E., the buffer zone in the front yard shall, at a minimum, be a Type A buffer zone as described in subsection 30.02 E. above.
- G. Parking, landscaping.
1. No parking lot shall be constructed, enlarged or reconstructed until a parking pattern and a landscape plan for that parking lot has been approved by the Planning Commission, or in the case of a permitted use, the Community Development Department.

2. Landscape plans shall, where appropriate, be submitted as part of the site plan.
 3. Parking lot landscaping design criteria. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other live planting material shall be used to complement the tree landscaping, but shall not be the sole contribution of the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
 - a. Parking lots exceeding five thousand (5,000) square feet (including all parking spaces, lanes, drives and other areas devoted to vehicular use) shall be landscaped with at least one landscaped island. For each additional five thousand (5,000) square feet (or each additional twenty (20) spaces, whichever is greater) an additional landscape island shall be required. Landscape islands shall be at least one hundred eighty (180) square feet in size, with a minimum width of ten (10') feet. Landscape islands shall be landscaped with one shade canopy tree and three (3) shrubs for every eight (8) parking spaces.
 - b. The Community Development Department may allow the substitution of bump-outs or other landscaping elements in lieu of landscape islands, as long as the square footage, width, and landscaping requirements are still met.
 - c. Where plant material exists on a site prior to its development, such landscape material may be used if approved as meeting requirements of this part.
 4. All ground surfaces contained within areas designated on the landscape plan as planting areas shall be planted and maintained in ground cover. Other landscape elements such as decks, patios and stepping, stones, landscape zones, and ponds may also be incorporated into such areas.
 5. All landscaping shall be protected from vehicular traffic by standard concrete curbing and gutter.
 6. Maintenance. The owners and their agents shall be responsible for providing, protecting, and maintaining all landscaping in healthy growing conditions, replacing it when necessary, and in conformance with original approvals. Yards shall be free of refuse and debris. All walls or fences shall be kept in good repair. All landscaping materials shall be placed so as not to grow out into the public right-of-way.
- H. Plant requirements. For trees and shrubs required by subsections 5., 6., and 7. of this section, minimum plant sizes at the time of installation shall conform to the following:

Table 3

Deciduous tree	2 ½ inch caliper
Evergreen tree	5 ft. in height
Deciduous shrub	2 ft. in height
Upright evergreen shrub	2 ft. in height
Spreading evergreen shrub	24 in. spread

1. Trees shall be spaced at a minimum distance that is the average width of such trees one year after the date of planting.
 2. The Community Development Department shall keep on file a suggested species list to accommodate various site situations.
 3. In an effort to allow flexibility in design, various types of required landscaping may be substituted with the approval of the Planning Commission as part of site plan review provided that the desired screening effect is achieved. If site plan review is not required, the Director of Community Development Department may approve such substitution.
 4. If a property owner cannot plant trees or shrubs required by this section due to unfavorable planting conditions, the Director of Community Development Department may grant the property owner not more than six (6) months after completion of the building or site improvements to install the required trees or shrubs. The Director of Community Development Department may require a performance guarantee as a condition of such approval.
 5. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one (1) growing season.
 6. Landscaping areas shall be neatly maintained, including mowing, fertilizing, pruning, and watering, if necessary.
 7. Parking and loading areas shall be landscaped and/or fenced in such a manner as to reasonably interrupt or screen the areas from view.
 8. The extensive use of cobblestones, crushed stones, or other non-living material as a ground cover is discouraged.
 9. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.
- I. Dumpsters. In all Districts, all dumpsters and other detached storage facilities shall be screened on all sides by a continuous, opaque screen at least six feet in height. The screen may be comprised of berms, plant material, screen walls or fences, or any combination of these elements. Gates shall be kept closed except when the dumpster or other detached storage facility is being utilized or serviced.

SECTION 30.03 PERFORMANCE GUARANTEES. The Planning Commission (or the Director of Community Development Department if site plan review is administrative only) may require performance guarantees to ensure compliance with the requirements of this section.

SECTION 30.04 CONFLICT. In the event of any conflict between this section and other provisions of this chapter or between subsections of this section, the more stringent provision shall control.

CHAPTER 31
LIGHTING

SECTION 31.01 GENERAL REQUIREMENTS.

- A. When the installation of outdoor lighting is part of a development proposal for which site plan approval is required, the Planning Commission shall review and approve the lighting installation as part of its site plan approval process.
- B. A lighting plan shall be submitted with the site plan showing luminaire locations, shop drawings with a photometric plan, and additional lighting specifications as may be required by this Ordinance to demonstrate compliance with Ordinance requirements.
- C. Proposed lighting installations not covered by this ordinance may be approved if they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive illumination levels.
- D. The maximum light level within the property for a non-residential use shall not exceed 5.0 initial foot-candles measured at the 30-inch work plane, except gasoline service stations with a canopy shall be permitted to have a maximum light level of 20.0 initial foot-candles as measured at the 30-inch work plan under the canopy.
- E. The maximum light level for the parking area serving a multi-family or institutional use shall not exceed 2.0 initial foot-candles.
- F. The Planning Commission may modify the requirements of this section of the ordinance if it determines that in so doing, it will not jeopardize the intent of the ordinance.
- G. All luminaires including building mounted fixtures, shall be cut-off fixtures as defined by IESNA (Illumination Engineering Society of North America) except those exempted under Section 31.02 below. The intensity of the light emitted from the luminaire at any angle above a cut-off angle of 80 degrees from the vertical must be less than 10% of the total lamp lumens of the outdoor luminaires. No more than 2.5% of the lamp lumens shall be emitted above a horizontal plane running through the lowest point on the luminaire where light is emitted.
- H. Electrical light sources shall have a color rendering index of 65 CRI or better.

SECTION 31.02 EXEMPTIONS. The following outdoor luminaires are exempt from the provisions of this ordinance.

- A. Outdoor luminaires installed prior to the effective date of this ordinance are exempt from its provisions; *provided, however, that when there is any change or any replacement, structural alteration or restoration of such outdoor luminaire, then the luminaire shall thereafter conform to all provisions of this ordinance.*
- B. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility type fuels.
- C. Street lights located within a public right-of-way.

- D. Outdoor luminaires which use a lamp of 2,000 lumens (approximately equivalent to a 150 watt incandescent lamp) or less except where they create a hazard or nuisance from glare or spill light.
- E. Lighting necessary for road or utility construction or emergencies.

SECTION 31.03 PARKING LOT AND ACCESS DRIVE LIGHTING.

- A. Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort and not to cause glare or direct illumination on to adjacent properties or streets.
- B. All luminaires serving parking lots shall be cut-off fixtures as defined by IESNA's Lighting Handbook.
- C. Mounting heights of standard cut-off luminaires shall not exceed 35 feet. Mounting heights of luminaires that are located within 200 feet of a residential use or district shall not exceed 25 feet.
- D. Alternative Lighting: The use of luminaires from a particular period or architectural style may be utilized as either alternatives or supplements to the lighting described above. If such fixtures are not "cut-off" fixtures as defined by IESNA, the maximum initial lumens by each luminaire shall not exceed 2000 lumens. Mounting heights of such alternative luminaires shall not exceed 15 feet.
- E. The level of light trespass onto surrounding properties or roads shall not exceed 0.1 foot-candles.

SECTION 31.04 CANOPY LIGHTING.

- A. Light luminaires mounted in canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the luminaire or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
- B. As an alternative (or supplement) to recessed ceiling lights in a canopy, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case luminaires must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- C. Luminaires shall not be mounted on the top or sides (fascias) of the canopy, and the sides of the canopy shall not be illuminated unless the decorative luminaire puts out less than 500 lumens per linear foot.
- D. The level of light trespass onto surrounding properties or roads shall not exceed 0.1 foot-candles.

SECTION 31.05 SECURITY LIGHTING. All security luminaires shall be shielded and aimed so that illumination is directed only to designated areas within the owner's property and not cast onto other areas. In no case shall lighting be directed above a horizontal plane through the top of the luminaire and the luminaire shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of general floodlighting fixtures shall be prohibited.

SECTION 31.06 ILLUMINATION OF BUILDING FACADES. When buildings and structures including flags mounted on poles or on buildings are to be illuminated, the Planning Commission shall approve a design for the illumination and the following shall apply:

- A. Maximum illumination on any surface shall not exceed 4.0 initial foot-candles.
- B. Luminaires shall be carefully located, aimed and shielded so that light is directed only onto the item being illuminated and not directed skyward. Luminaires shall not be directed toward adjacent streets, roads or properties.
- C. Luminaires mounted on the building and designed to “wash” the facade with light are preferred.
- D. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.
- E. The level of light trespass onto surrounding properties or roads shall not exceed 0.1 foot-candles.

SECTION 31.07 NIGHT LIGHTING. Luminaires for off-street parking lots or building facades which face or abut a residential zone shall be turned off between 11:00 p.m. to 6:00 a.m. except for luminaires which are necessary for security purposes during these hours which shall not exceed 1.0 foot-candles at the 30-inch work plane.

SECTION 31.08 DEFINITION OF TERMS. Lighting terms used in this section shall have the same meaning as set forth in the IESNA's *Lighting Handbook*.

CHAPTER 32
SITE PLAN REVIEW

SECTION 32.01 PURPOSE The intent of these regulations is to provide for consultation and cooperation between the developer and the Township Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this ordinance. As used in this ordinance, "Site Plan" includes those documents and drawings required to insure that the proposed land use or activity complies with applicable law.

SECTION 32.02 SITE PLAN REVIEW REQUIRED A site plan shall be submitted for approval by the Planning Commission for any use or development permitted in the R-3, R-4, C-1, C-2, C-3, C-4, C-5, O, LI, I, PE, and PUD zones. Further, such site plan approval is required for any use or development for which the submission of a site plan is required by any provision of this Ordinance.

SECTION 32.03 SITE PLAN APPROVAL REQUIREMENTS Except as hereinafter provided, no permit shall be issued for any form of construction except in accordance with an approved site plan. No occupancy permit shall be granted until all improvements shown on an approved site plan have been completed, and all conditions imposed upon the approved site plan shall have been satisfied or a satisfactory financial guarantee as determined by the Township shall be provided.

SECTION 32.04 APPLICATION FOR SITE PLAN REVIEW Unless waived by the Planning Commission as not being necessary, site plans shall include all the requirements herein described. The Community Development Department may deny acceptance of any application until such time as these requirements are fulfilled. The request for Site Plan Approval shall include the following:

- A. Application. Each site plan submitted for Site Plan Review shall be accompanied by an application on a form provided for such purpose. The application shall, at a minimum, include the following information:
 - 1. Name, address, and telephone number of the applicant and the owner of the land, if different than the applicant.
 - 2. Address of property.
 - 3. Name of the proposed development.
 - 4. Detailed statement of intent of the proposed use.
 - 5. Zoning classification of the site.

- B. Site plan. Fifteen copies of the site plan, drawn to a minimum scale of 1 inch to 50 feet, shall be submitted. Site Plans shall be dated with any subsequent revisions noted. Each site plan shall indicate the following:
 - 1. Name, address, and telephone number of the applicant.
 - 2. A vicinity map showing the relationship of the site to the surrounding area.
 - 3. Scale of drawing.
 - 4. North arrow.
 - 5. Topography with contour lines at not more than five foot intervals.

6. Property lines and dimensions.
 7. On-site traffic circulation including location and number of parking spaces.
 8. The location, size, height, shape, lighting, and appearance of existing and proposed signs, including a drawing of any proposed sign.
 9. The location of access drives and roads including deceleration and acceleration lanes where required by ordinance or highway authority.
 10. The location of access drives and roads on abutting properties within one hundred feet of the site and an indication as to how interconnections might be made to eliminate unnecessary curb cuts.
 11. The location and sizes of all existing and proposed pedestrian walks, fences, and similar items.
 12. A landscaping plan of the site, including greenbelts if required.
 13. An indication of the adjoining land uses and zoning classifications.
 14. Location and size or capacity of all existing and proposed public utilities.
 15. Location and size or capacity of all existing and proposed storm drainage facilities.
 16. Proposed phases of development.
 17. Location of exterior lighting.
 18. Trash receptacle location and method of screening.
 19. Front, side, and rear yard dimensions.
 20. Location, intended use, and dimensions of existing and proposed buildings and other structures, including any below ground structures.
 21. Location of ponds, rivers, creeks, drainage courses, wooded areas, flood plains, and wet lands.
- C. Multiple family development site plans shall, in addition to "B" above, indicate the following:
1. Site acreage figures.
 2. Density calculations by unit and by bedroom.
 3. Designation of units per building.
 4. Location and sizes of carports and/or garages.
 5. Details of community building and recreational facilities and areas.
- D. Office, Commercial, and Industrial Development site plans shall, in addition to "B" above, indicate the following:

1. Loading, unloading areas.
 2. Total floor area.
- E. A site plan shall not be necessary for issuing permits in the following circumstances:
1. Construction of a one or two-family dwelling.
 2. Construction solely on the interior of a building that does not increase useable floor area.
 3. Construction or erection of retaining walls, fences, refuse containers, sidewalks, lights, and cooling, heating, or mechanical equipment when located on a building or occupying a ground area of less than 100 square feet.

SECTION 32.05 ACCESS STANDARDS/REQUIREMENTS

- A. General Requirements:
1. Each lot shall be permitted to have one driveway provided the spacing requirements of this section can be achieved. Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed which justifies an additional driveway.
 2. The Planning Commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function for the drives can be demonstrated.
 3. The applicant shall submit evidence indicating that the sight distance requirements of the Kent County Road Commission are met.
 4. Driveways shall be located to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.
 5. For the driveway accessing a county primary or state highway, there must be enough on-site storage to accommodate at least five queued vehicles waiting to park or exit in order to minimize the possibility of waiting vehicles creating a conflict with street traffic movement.
 6. Provisions for circulation between adjacent lots should be provided through coordinated and/or joint parking systems, or other methods, determined at the time of the site plan review.
 7. Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
 8. Driveway placement should be such that loading and unloading activities will not hinder vehicle ingress or egress.
 9. For high traffic generators, or for commercial driveways along 10 Mile Road, the Planning Commission may require two egress lanes.

10. A boulevard entrance must comply with the design requirements of the Kent County Road Commission.
- B. Driveway Spacing Standards For Uses Other Than Single Or Two Family Dwellings.
1. Minimum spacing between two driveways along 10 Mile Road shall be 230 feet measured from centerline to centerline.
 2. Minimum spacing requirements between a proposed driveway and a side street intersection either adjacent or on the opposite side of the street shall be at least 230 feet. Such distance may be reduced to 125 feet where a channelized driveway restricting left turns from the site is proposed. Measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge for uncurbed sections.
 3. To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways shall be offset a minimum of 230 feet along 10 Mile Road, measured centerline to centerline. Greater offsets may be required depending on the expected inbound left-turn volumes of the driveways.
 4. For sites with insufficient street frontage to maintain the above spacing requirements, the Planning Commission may require construction of the driveway along a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection or require a service road. If these design options cannot be achieved, the Planning Commission may modify the driveway spacing standards so as to allow reasonable access provided such driveway does not create an unsafe traffic condition.
- C. Shared Driveways, Frontage Roads And Service Drives for Other Than Single Or Two Family Dwellings:
1. A shared driveway should be located so the midpoint of the driveway is on the property line. Owners of the properties shall execute and record a document to provide for joint use and maintenance.
 2. Service roads shall generally be parallel or perpendicular to the front property line and may be located either along the side or behind principal buildings. Where site constraints prohibit the development of a rear service drive, the Planning Commission may permit a front service drive. In considering the most appropriate alignment for a service road, the Planning Commission shall consider the setbacks of existing buildings, anticipated traffic flow for the site and the 10 Mile Road Corridor Plan.
 3. The service road shall be within an access easement permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide.
 4. The service road easement shall be setback a minimum of 25 feet from the required right-of-way to allow for snow storage and landscaping.

5. Where a service road intersects 10 Mile Road, the edge of the service road parallel to 10 Mile Road shall be setback a minimum of 60 feet from the edge of the 10 Mile Road pavement to allow for vehicle stacking.
6. Service roads shall have a base, pavement and curb with gutter in accordance with Kent County Road Commission standards for public streets, except the width of the service road shall have a minimum pavement width of 24 feet.
7. The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road.
8. The Planning Commission may approve temporary driveways where a continuous service road or shared driveway is not yet available. A performance bond or escrow shall be set up to ensure elimination of temporary access when the service road or shared driveway is provided. At such time as the permanent service road or shared driveway is completed, the site shall connect to the service road or shared driveway and the temporary drive shall be closed.
9. Each property owner shall be responsible for maintenance of the easement and service drive.

SECTION 32.06 PROCEDURE The submission of site plans, when required and applicable, shall be processed in accordance with the following procedures established by this Ordinance and appropriate statutory regulations.

- A. A preapplication conference with the Director of Community Development Department is recommended to obtain information and guidance prior to preparation of site plans. There shall be no fee for such conference.
- B. Where rezoning of the land would be required to allow the proposed development of the property as provided for in the site plan, approval of a development plan as required by Section 34.06 B. 6. shall be considered by the Planning Commission contingent upon rezoning of the property by the Township Board. Such development plan approval shall not be construed as assurance of final site plan approval.
- C. The application for Site Plan Approval, proposed site development plans, and all other submission requirements, as herein described, and the payment of the review fee as established by resolution of the Township Board, must be submitted to the Township Community Development Department. Upon submission, the Director of Community Development Department will advise the applicant with respect to review procedures and will discuss tentative meeting dates.
- D. Following receipt of a site plan and a determination that all necessary information is present, the Planning Commission shall, within 65 days, reject, approve, or conditionally approve said site plan provided that this time period may be extended with the consent of the applicant. The applicant shall then be advised of any changes, modifications or additions deemed necessary by the Planning Commission within ten (10) days of its action.
- E. Upon receiving an approved site plan, the applicant may apply for a building permit. If the proposal involves a variance, the plan shall be considered by the Zoning Board of Appeals prior to the issuance of a building permit.

SECTION 32.07 COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL Upon a finding by the Community Development Department that an approved site plan complies with all applicable laws and regulations and that further Planning Commission review is unnecessary, the Director or other designee of the Community Development Department may approve the following changes to an approved site plan:

1. Shape, lighting, or appearance of signs.
2. Change of location or type of landscape materials.
3. Internal rearrangement of parking lots.
4. Additions to parking areas provided such addition is for not more than 20 parking spaces.
5. Decrease in the number or size of buildings.
6. Moving a building no more than ten feet or five percent of the distance to the closest property line, whichever is smaller.
7. An increase in building size that does not exceed 7,500 square feet or fifteen percent of the floor area, whichever is smaller.
8. Decrease in the number of lots or units.
9. Any approvals delegated by the Planning Commission.

SECTION 32.08 STANDARDS No site plan shall be approved unless the Planning Commission finds that the following conditions exist:

- A. The use intended shall have parking facilities as required by the Zoning Ordinance, proper ingress and egress, exits, and entrances, streets, roads, and alleys, and screening walls and/or fences. The construction of the same shall be engineered, planned, and installed correctly to assure the needs of public safety, health, and welfare and to assure rendition of proper services concerning fire and police protection, disposal of surface water and sanitary sewage, traffic control and maintenance services as furnished or may be required by the Township, and to assure preservation and protection of property rights to related or adjoining properties.
- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the existing natural features of the land, the character of adjoining property, and type and size of buildings. Structures, walls, fences, and landscaping will be located so as not to be detrimental to each other or to existing or potential adjacent development. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas. Additional or replacement landscaping shall be provided in accordance with this Ordinance.
- D. The site plan shall provide reasonable visual and acoustical privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants. Objectionable views or uses shall be screened.

- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides wherever possible.
- F. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
- G. Appropriate measures shall be taken to insure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system through the development of a storm water management plan.
- H. All applicable requirements not contained in this Ordinance are satisfied.

SECTION 32.09 CONDITIONS Reasonable conditions may be imposed with approval of a site plan. The conditions may include those necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity, to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land. Conditions imposed shall meet all of the following requirements:

- A. Protection of existing natural features of the land.
- B. Protection of existing and future land uses adjacent to the land described in the site plan.
- C. Compliance with applicable law.
- D. Protection of the general health, safety, and welfare in accordance with the valid exercise of police power.
- E. Carry out the intent and purpose of this zoning ordinance.

SECTION 32.10 CHANGES IN AN APPROVED SITE PLAN A site plan, as approved by the Planning Commission shall become part of the record of approval, and subsequent actions relating to the activity authorized shall conform to the approved site plan unless a change conforming to the Zoning Ordinance receives the mutual agreement of the land owner and Planning Commission or the Director of Community Development Department in accordance with the provisions of Section 32.07.

SECTION 32.11 SITE PLAN APPROVAL - DURATION OF VALIDITY Approval of a site plan shall be valid for one year from the date of approval or from the date of issuance of the building permit if the building permit is issued within one year of the site plan approval.

CHAPTER 33
ZONING BOARD OF APPEALS

SECTION 33.01 CREATION, MEMBERSHIP, TERM OF OFFICE There is hereby created and/or continued a Township Zoning Board of Appeals (hereafter the ZBA) of five (5) members. The first member of such Board shall be a member of the Township Planning Commission; the second member shall be a member of the Township Board; and the remaining three members shall be selected and appointed by the Township Board from the electors of the Township residing in the unincorporated areas of the Township; and shall be representative of the population distribution and of the various interests present in the Township; except as otherwise provided, an employee or contractor of the Township Board shall not serve as a member of the ZBA.

The term of each member shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of their term. The Township Board may appoint not more than 2 alternate members for the same terms as regular members to the ZBA. Alternate members shall be selected from the electors of the Township residing outside of incorporated cities and villages. An alternate member may serve as a regular member of the ZBA in the absence of a regular member if the regular member is absent from or will be unable to attend 1 or more consecutive meetings of the ZBA. Any such alternative members may also be called to serve as a regular member for the purposes of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

SECTION 33.02 RULES OF PROCEDURE The ZBA may adopt those rules of procedure it deems necessary to assist it in the performance of its duties. The ZBA shall elect from its membership a Chairman, Vice-Chairman, and such other officers as deemed necessary; except that an elected officer of the Township shall not serve as chairman of the Board of Appeals. In addition, the ZBA may appoint a person from without its membership to serve as recording secretary. The presence of three (3) members shall constitute a quorum.

A record of the proceedings of each meeting shall be kept by the ZBA, relating evidence presented by the applicant and the resolution by the ZBA, the vote of each member on each question, or if absent or failing to vote, indicating such fact. These shall be a public record and filed with the Community Development Department.

SECTION 33.03 POWERS AND DUTIES The ZBA shall hear and decide questions that arise in the administration of this ordinance, unless otherwise specified herein, including the interpretation of zoning maps. It shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the terms of this Ordinance. An appeal may be made by any person aggrieved or by an officer, department, board, or bureau of the Township, County, or State. In addition, a variance may be applied for and granted pursuant to Section 4 of the uniform condemnation procedures act, being Act No. 87 of the Public Acts of 1980. The grounds for every such determination of the ZBA shall be stated as a public record.

Nothing contained in this chapter shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the zoning map. Where there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, the ZBA, in passing

upon appeals, may vary or modify any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

- A. Appeals. An appeal may be taken from any person or any governmental department affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the director or other administrative official or body charged with the enforcement of any ordinance adopted pursuant to the Michigan Zoning Enabling Act.
 - 1. Appeals shall be taken within such time as shall be prescribed by the board of appeals by general rule, by the filing with the officer from whom the appeal is taken and with the ZBA of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
 - 2. An appeal stays all proceedings in furtherance of the action appealed from except under two conditions:
 - a. the officer who took the appeal certifies to the ZBA that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.
 - b. a restraining order which may be granted by the ZBA or by the Circuit Court for due cause shown.
 - 3. The ZBA shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
 - 4. In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done so using the proper standards and guidelines in the Ordinance. The decision of the ZBA is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate.
 - 5. If a determination is made that the administrative official or body making the decision did so improperly, the ZBA may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
 - 6. The ZBA may hear and decide appeals from the decisions of the Community Development Director pertaining to interpretations of the zoning map to determine the precise location of boundary lines between zoning districts. In making its determination of the boundary lines, the ZBA shall be governed by the rules of this section and the provisions of Chapter 5.
- B. Non-use Variances. Subject to other provisions of this Ordinance, the ZBA shall have jurisdiction to decide applications for non-use variances. The ZBA shall not grant a non-use variance unless there is evidence of a practical difficulty in the official record of the hearing. The ZBA may conclude that an applicant has established a practical difficulty if the following facts and conditions exist:
 - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions may include, but shall not be limited to the following:

- a. Exceptional narrowness in width, breadth, length, or shape of a specific piece of property on the effective date of this Ordinance.
 - b. Exceptional topographic conditions, or other extraordinary situation or condition of the land, building, or structure;
 - c. The use of or development of property immediately adjoining the property in question, such that the literal enforcement of the requirements of this Ordinance would involve practical difficulties.
 - 2. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility that compliance with this Ordinance may prove to be more expensive, or the possibility of increased financial return if a variance is granted shall not, of itself be deemed sufficient to warrant a variance.
 - 3. The variance will not be detrimental to adjacent property and the surrounding neighborhood.
 - 4. The variance will not materially impair the intent and purpose of this ordinance.
 - 5. That the immediate practical difficulty causing the need for the variance request was not created by the applicant.
- C. Use variances. Under no circumstances shall the ZBA grant a variance to permit a use not generally or by special exception permitted in the district involved, or any expressly or by implication prohibited, by the terms of this Ordinance in said district.
- D. Interpretations.
- 1. Text: The board may hear and decide upon requests for the interpretation of the provisions of this Ordinance.
 - a. Text interpretations shall be narrow and address only the situation being interpreted, be based on a thorough reading of this Ordinance, and not have the effect of amending this Ordinance.
 - b. Interpretations shall give weight to practical interpretations by the Community Development Director and other administrative officials if applied consistently over a long period of time.
 - c. Records shall be kept of all interpretations.

SECTION 33.04 COMPENSATION Each member shall receive a reasonable sum as determined by the Township Board for services in attending each regular or special meeting of the ZBA. Said compensation and the expenses of the ZBA shall be appropriated annually in advance by the Township Board.

SECTION 33.05 MEETINGS AND RECORDS Meetings of the ZBA shall be held at the call of the chairman and at such other times as the ZBA in rules of procedure may specify. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the ZBA shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 33.06 PROCEDURE

- A. The ZBA shall not conduct business unless a majority of the members is present. The concurring vote of a majority of the members shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or

body, or to decide on any matter upon which it is required to pass under this Ordinance or to effect any variation in said Ordinance.

- B. Each appeal or application shall be filed with the ZBA and shall state the requested relief. The filing fee as determined by Resolution of the Township Board shall be paid at the time the appeal or application is filed.

When a matter is referred by the Planning Commission as required by the Zoning Ordinance to the ZBA for consideration, no fee shall be charged.

- C. When an application or appeal has been filed in proper form and by the required date, the ZBA shall fix a reasonable time, for the hearing of the appeal and cause notices stating the time, place, and object of the hearing to be served. Such notices shall be served personally or by mail at least fifteen (15) day prior to the day of such hearing, to the applicant, all persons to whom real property is assessed within 300 feet of the property that is the subject of the application and to the occupants of all structures within 300 feet of the property that is the subject of the application. Said notices shall be addressed to the respective property owners of record at the address given in the last assessment roll.
- D. Upon the day for hearing any application or appeal, the ZBA may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- E. At the hearing, any party may be heard in person or by agent or attorney.
- F. The ZBA may reverse or affirm, wholly or partly, or may modify the order to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

SECTION 33.07 IMPOSITION OF CONDITIONS The ZBA may impose conditions with an affirmative decision. Conditions may include those necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will exercise the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and or the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes (of the relevant zone district or section of the Ordinance) which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to any standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

- D. The conditions imposed shall be recorded in the record of the approval action, and shall remain unchanged except as provided by law.

SECTION 33.08 DECISIONS OF THE BOARD The ZBA shall decide all applications and appeals within 30 days after the final hearing thereon. A copy of the decision shall be transmitted to the applicant or appellant and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the ZBA.

- A. Any decision of the ZBA shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the ZBA, unless the ZBA shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. The decision of the ZBA shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court as permitted by law.

Upon appeal the Circuit Court shall review the record and decision of the ZBA Board of Appeals to insure that the decision:

1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the ZBA.
- B. If the court finds the record of the ZBA inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the ZBA, the court shall order further proceedings before the ZBA on conditions which the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Circuit Court.
 - C. No application which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one year from the date of the last denial except as permitted by the ZBA on grounds of newly discovered evidence or upon demonstration by the applicant to the ZBA of a change of circumstances from the previous application.
 - D. As a result of the review required by this section, the Circuit Court may affirm, reverse, or modify the decision of the ZBA.
 - E. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has been commenced within one (1) year after the granting of the variance and is being carried progressively to completion, or the occupancy of land, premises, or structures authorized by the variance has taken place within one (1) year after the variance was granted.

CHAPTER 34
ADMINISTRATION AND ENFORCEMENT

SECTION 34.01 ADMINISTRATIVE OFFICIALS The Township Board shall designate such administrative officials as necessary to administer and enforce this Ordinance including the receiving of applications, the inspection of premises, the issuing of building permits, and the institution of proceedings for enforcement of the provisions of this Zoning Ordinance.

SECTION 34.02 BUILDING PERMIT REQUIRED It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural changes in any existing building or structure, without first obtaining a building permit from the Township Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code. No plumbing, mechanical or electrical permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance.

Fees for building permits shall be in accordance with a schedule established by the Township Board. Such schedule may be changed by ordinance of the Township Board at any regular meeting, said change shall be effective 30 days from the date of publication of such change.

SECTION 34.03 BUILDING PERMIT APPLICATION Every application for a building permit shall be made as required by the Building Code and shall designate the existing or intended use of the structure or premises, or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two ink, blueprint, or photostat copies of drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Building Inspector. One copy of both plans and specifications shall be filed in and retained by the Office of the Building Inspector, and the other shall be delivered to the applicant when the Building Inspector has approved the application and issued the permit. In cases of minor alterations, the Building Inspector may waive portions of the foregoing and the requirements which he deems are not necessary for determination of compliance with this Ordinance. Any permit required by this Zoning Ordinance or the Building Code of this Township shall be displayed face out, within 24 hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest highway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and Building Code and shall subject each person or persons or corporations for whose benefit the permit is required, and the owner or owners of the premises involved to prosecution for such violation. Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance, and the Building Inspector is without authority to alter or vary the terms of this Ordinance.

SECTION 34.04 OCCUPANCY It shall be unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected, until the Building Inspector shall have made an inspection of the premises and shall have approved the same for occupancy in writing. The Building Inspector shall not issue a certificate of occupancy until he has ascertained that there has been compliance with all of the requirements of this Ordinance, the Building Code, and the approved plans of the building.

SECTION 34.05 REMEDIES AND ENFORCEMENT The Community Development Director, Building Inspector, Township Supervisor, Township Manager, or any other officer of the Township designated by the Township Board to enforce the provision of this ordinance or any person or

persons aggrieved by any violation thereof may institute a suit in a court of competent jurisdiction to restrain a person or a governmental unit from violating the provisions of this Ordinance or take any other legal action permissible for the enforcement thereof. Any building erected, moved, altered, razed, or converted, or any land or premises and used in violation of any provision of this Ordinance or the requirements thereof, is hereby declared to be a nuisance. Any person, firm, trust, partnership, or other legal entity, which violated, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine plus any costs, damages, expenses, and other sanctions as authorized under Chapter 87 of the Act No. 236 of the Public Acts of 1961, as amended and other applicable laws. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

SECTION 34.06 AMENDMENTS Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

- A. Initiation
 - 1. The Planning Commission may propose amendments on it's own initiative.
 - 2. Any interested person may bring before the Planning Commission a proposed amendment or change by filing a petition signed by all persons having a legal interest in such premises to be acted upon requesting the adoption of any specified amendment or change or regulation under the Zoning Ordinance.
- B. Contents of Petition. The petition requesting a proposed amendment or change shall contain the following:
 - 1. The legal description of the premises involved.
 - 2. The zone in which such premises are presently situated.
 - 3. The zone into the petitioner desires such premises to be situated.
 - 4. The use to be made of such premises if rezoned.
 - 5. The signatures of all persons having an interest in such premises.
 - 6. A conceptual development plan which shall include the following:
 - a. A topographic map showing existing and proposed contour lines at five-foot intervals.
 - b. A plot plan showing the location of all proposed buildings, and drawings showing the elevations and architectural style thereof.
 - c. All non-enclosed uses.
 - d. All drainage.
 - e. Parking.

- f. Loading and traffic handling facilities.
- g. Screening and other landscaping.
- h. All exterior lighting and signs.
- i. Sewage disposal systems.

Such portions of the development plan may be waived by the Planning Commission if the Planning Commission finds that because of the nature of the proposed use, the same would be unnecessary and serve no useful purpose.

- C. **Filing Fees.** Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as determined by resolution of the Township Board. Said fee shall be paid to the Township Treasurer before any action shall be taken on said petition. Said amount so received shall be retained whether the requested relief is granted or not and shall be used as provided by law. Fees may be changed by resolution of the Township Board.
- D. **Planning Commission Action.** Said petition shall be considered by the Planning Commission at its next meeting following the receipt of the petition by the Secretary of the Planning Commission, provided, however, that there is adequate time for the petition to be placed on the agenda of said meeting. Before submitting its recommendations of a tentative zoning ordinance to the Township Board, the Planning Commission shall hold not less than 1 public hearing, notice of which hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, at least fifteen (15) days before the date of the hearing. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom real property is assessed within 300 feet of the premises in question, and to the occupants of all structures within 300 feet of the premises. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than fifteen (15) days before the public hearing stating the time, place, date, and purpose of the hearing.

Following such hearing, unless the County Board of Commissioners by resolution has waived the County review, the Planning Commission shall submit the proposed amendment or supplement to the County Zoning Commission or such other body designated by the County to perform such duties and responsibilities. The approval of said body shall be conclusively presumed, unless, within 30 days after receipt, it notifies the Township Clerk of its disapproval. Thereafter the Township Board may adopt the proposed amendment with or without any modifications that have been previously considered by said Planning Commission, as provided by law. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.

- F. Power of Revocation. The Township Board shall have the power to revoke or cancel any change of Zone effected for any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petitions, application, specification, plan, or sketch or conditions or provisions on which such rezone of property was granted.

CHAPTER 35
MISCELLANEOUS

SECTION 35.01 SEPARABILITY Should any section, clause, or provision of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, the same shall not affect other than the part so held to be invalid. In such case, should any court ruling fail to provide alternative standards or provisions, the corresponding provisions of the Plainfield Township Zoning Ordinance of 1982, as amended, shall be deemed to be in effect in place of any section, clause, or provision of this Ordinance held by such court to be invalid until this Ordinance is amended to comply with said ruling.

SECTION 35.02 REPEAL The former Zoning Ordinance of the Township, adopted January 18, 1982, and all amendments thereto, except as hereinafter provided, is hereby repealed in so far as the same is inconsistent with this ordinance. Provided, however, that existing permitted uses in the P-1, Planned Development Zone of the Zoning Ordinance, adopted April 7, 1969, which have been placed in the PUD, Planned Unit Development Zone by the zoning map adopted herewith may continue subject to such restrictions as may have been imposed upon such use. Any change of plan in P-1 Zone shall follow the procedures established in the PUD, Planned Unit Development Zone of this ordinance. Provided further, that the adoption of this ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing Ordinance.

SECTION 35.03 EFFECTIVE DATE This Ordinance shall become effective seven days after publication.