

## TITLE XV: LAND USAGE

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### CHAPTER 150: BUILDING REGULATIONS

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#### **§ 150.01 ADMINISTRATION AND ENFORCEMENT OF STATE CONSTRUCTION CODE ACT AND CODE.**

The Township of Southfield assumes responsibility for administering and enforcing the Stille-DeRossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, and State Construction Code prepared and promulgated as provided in that Act (referred to in this chapter as the State Construction Code and Act) within the boundaries of the township.

(A) *Enforcing agency.* The position of Township Building Official is hereby established and designated as the enforcing agency to administer and enforce the State Construction Code and Act in Southfield Township. The Township Building Official shall be an official or agent of a governmental subdivision that is registered under the Building Officials and Inspectors Registration Act, 1986 PA 54, M.C.L. §§ 338.2301 to 338.2313, as amended, that is qualified by experience or training to perform the duties associated with construction code administration and enforcement and shall be appointed by resolution of the Township Board.

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(B) *Enforcement services.* To assist and allow the Township Building Official to fulfill the responsibilities of the township and its enforcing agency in the manner required by the State Construction Code and Act, the Township Board shall contract for, appoint or otherwise secure the services of necessary:

(1) Building, electrical, plumbing and mechanical officials, inspectors and plan reviewers registered under the Building Officials and Inspectors Registration Act, 1986 PA 54, M.C.L. §§ 338.2301 to 338.2313, as amended, that are qualified by experience or training to perform the duties associated with construction code administration and enforcement; and

(2) Administrative and clerical personnel.

(C) *Violations and enforcement.* Violations of the State Construction Code and/or Act shall be a municipal misdemeanor related to the use or occupancy of land, with violations punishable by a civil fine of up to \$500 plus costs, all of which shall be established and enforceable as provided in Act No. 12 of the Public Acts of 1994, as amended, and may be enforced by the township with the same power and authority it possesses for violations of township ordinances, with the township to retain any fines imposed upon a finding of responsibility. In addition, a person determined to be responsible shall pay damages and expenses incurred by the township in responding to a violation, including any costs in securing or placing a structure or property in a safe condition. Each occurrence of a violation of the State Construction Code and/or Act, and each day a violation exists, shall constitute a separate offense. Violations of the State Construction Code and/or Act are considered to be a nuisance per se, with such violations and correction of any conditions resulting from violations, subject to abatement by, and injunctive or other appropriate order of, a court of competent jurisdiction. Violations of the State Construction Code and/or Act subject the violator to township enforcement through one or more of the remedies provided in this section, and the election by the township to pursue one form of remedy does not waive or restrict the township's option to pursue other remedies at the same or later time.

(D) *Construction Board of Appeals.* A Township Construction Board of Appeals is hereby created to consist of three members appointed by resolution of the Township Board. Appointees shall be qualified by experience or training to perform the duties of members of the Construction Board of Appeals, shall be appointed for two-year terms and shall perform their duties as provided in Section 14 of the State Construction Code Act.

(E) *Fees.* Reasonable fees charged and collected for the acts and services performed by the enforcing agency or Construction Board of Appeals under the State Construction Code and Act being administered and enforced by the township shall be established and may be amended from time to time by resolution of the Township Board, with said fees to bear a reasonable relation to the cost, including overhead, in administering and enforcing the State Construction Code and Act and to only be used for the operation of the enforcing agency and/or Construction Board of Appeals.

(Ord. 193, passed 9-9-97; Am. Ord. 195, passed 11-11-97; Am. Ord. 201, passed 10-10-06) Penalty, see § 10.99

### **§ 150.02 ELECTRICAL CODE.**

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(A) *Electrical Code.* The Electrical Code is part of the State Construction Code being administered and enforced by the township.

(B) *State registration and licensing.* An electrical contractor, master electrician, electrical journeyman, fire alarm contractor, fire alarm specialty technician, sign specialty contractor, sign specialist and others shall be licensed, and an apprentice electrician, fire alarm specialty apprentice technician and others shall be registered as required and provided in the Electrical Administrative Act, Act No. 217 of the Public Acts of 1956, as amended.

(Ord. 189, passed 9-9-97; Am. Ord. 201, passed 10-10-06) Penalty, see § 10.99

### **§ 150.03 ADOPTION OF FIRE PREVENTION CODE.**

(A) *Code adoption.* Pursuant to the provisions of the State Construction Code Act (Act 230 of 1972, M.C.L. §§ 125.1501 *et seq.*) as amended, the *National Fire Prevention Code, 1996 Edition*, as published by the Building Officials and Code Administrators International, Inc. (BOCA), is adopted by reference. Notice is given that complete copies of the Code are available for public use and inspection at the office of the Township Clerk.

(B) *References in code.* References in the BOCA Code to "State" and "Michigan" shall mean the State of Michigan; references to "municipality" shall mean the Unincorporated Areas of the Township of Southfield; references to "local ordinances" shall mean ordinances of the Township of Southfield.

(C) *Fees.* The Township Board of Trustees shall from time to time establish by resolution a fee schedule.

(D) *Violations.* Any person, firm, or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof shall be guilty of a misdemeanor punishable as provided in § 10.99. A separate offense shall be deemed committed upon each day during which a violation occurs or continues. (Ord. 190, passed 9-9-97) Penalty, see § 10.99

### **§ 150.04 MECHANICAL CODE.**

The Mechanical Code is part of the State Construction Code being administered and enforced by the township.

(Ord. 191, passed 9-9-97; Am. Ord. 201, passed 10-10-06) Penalty, see § 10.99

### **§ 150.05 PLUMBING CODE.**

The Plumbing Code is part of the State Construction Code being administered and enforced by the township.

(Ord. 192, passed 9-9-97; Am. Ord. 201, passed 10-10-06) Penalty, see § 10.99

**§ 150.06 ADOPTION OF PROPERTY MAINTENANCE CODE.**

(A) *Code adoption.* Pursuant to the provision of the State Construction Code Act (Act 230 of 1972, M.C.L. §§ 125.1501 *et seq.*) as amended, the *National Property Maintenance Code, 1996 Edition*, as published by the Building Officials and Code Administrators International, Inc. (BOCA), is adopted by reference. Notice is given that complete copies of the code are available for public use and inspection at the office of the Township Clerk.

(B) *References in code.* References in the BOCA Code to "State" and "Michigan" shall mean the State of Michigan; references to "municipality" shall mean the unincorporated areas of the Township of Southfield; references to "local ordinances" shall mean ordinances of the Township of Southfield.

(C) *Fees.* The Township Board of Trustees shall from time to time establish by resolution a fee schedule.

(D) *Violations.* Any person, firm, or corporation violating any of the provisions of this code or failing to comply with any order issued pursuant to any section thereof shall be guilty of a misdemeanor punishable as provided in § 10.99. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(Ord. 194, passed 9-9-97) Penalty, see § 10.99

**§ 150.07 BUILDING CODE.**

(A) *The Building Code.* The Building Code is part of the State Construction Code being administered and enforced by the township.

(B) *Code appendix enforced.* Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the Township Building Official.

(C) *Designation of regulated flood prone hazard areas.* The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Flood Insurance Study, Oakland County, Michigan, and Incorporated Areas" and dated September 29, 2006, the Flood Insurance Rate Maps (FIRMS) panel numbers of 26125C0514F, 26125C0519F, 26125C0538F, 26125C0539F, and dated September 29, 2006 are adopted by reference and declared to be part of Section 1612.3 of the Michigan Building Code.

(Ord. 201, passed 10-10-06) Penalty, see § 10.99

**§ 150.08 RESIDENTIAL CODE.**

The Residential Code is part of the State Construction Code being administered and enforced by the township.

(Ord. 201, passed 10-10-06) Penalty, see § 10.99

## **CHAPTER 151: ZONING**

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*Township Zoning Act, see M.C.L. §§ 125.271 et seq.*

**GENERAL PROVISIONS**

**§ 151.001 SHORT TITLE.**

This chapter shall be known and may be cited as "The Zoning Ordinance of the Township of Southfield."

(Ord. 167, passed 6-11-85)

**§ 151.002 DEFINITIONS.**

(A) *Construction of language.* The following rules of construction apply to the text of this chapter:

(1) The particular shall control the general;

(2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control;

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary;

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(4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary;

(5) A "building" or "structure" includes any part thereof;

(6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for";

(7) The word "person" includes an individual, a corporation, a partnership, a public utility, an incorporated association, or any similar entity;

(8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either....or," the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected items, conditions, provisions, or events shall apply;

(b) "Or" indicates that the connected items, conditions or provisions or events may apply singly or in any combination;

(9) Terms not herein defined shall have the meaning customarily assigned to them;

(10) Catch terms and titles and illustrations used in this chapter shall not be construed as specific regulations but rather as guides to the various articles, sections and subsections of the chapter.

(B) *Definitions.* For the purpose of enforcing the provisions of this chapter, certain terms and words herein are defined as follows.

**AUTOMOBILE SERVICE STATIONS.** Buildings or premises arranged or designated to be used for the retail sale of oil, gasoline, or other fuel for the propulsion or lubrication of motor vehicles, polishing, greasing, washing, or servicing motor vehicles; but excluding so-called high-speed automotive washing, steam cleaning, body repairing, bumping, or painting.

**BASEMENT.** A portion of a building partly or wholly below the finished grade level and so located that the vertical distance from the grade level to the floor is greater than the vertical distance from the grade level to the ceiling.

**BASIC PLAN.** The master plan which is the basis for the zoning plan of the township, as defined in Public Act 168 of 1959, being M.C.L. §§ 125.321 *et seq.*

**BUILDABLE AREA.**

(1) Irrespective of the geometric shape of a lot and/or whether any of the lot lines consists of a straight, curved or any combination of two or more straight and/or curved lines, the buildable area for the lot shall be determined in the following sequence:

(a) Establish the front open space with a line parallel to the lot line, regardless of its contour, at the setback distance specified in the schedule of regulations set forth in Appendix A;

(b) Establish the rear lot line as defined in this section for a square, rectangular or irregular shaped lot;

(c) Establish the rear open space with a line parallel to the rear lot line, as determined in subsection (b), extended to intersect both side lot lines. Use the setback distance specified in the schedule of regulations set forth in Appendix A;



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(d) Establish the side open space for one side with a line that is parallel to the lot line, regardless of its contour or angle, between the front open space determined in division (a) and the rear open space determined in division (c), at the setback distance specified in the schedule of regulations set forth in Appendix A, for an interior lot or at the setback distance required for corner lots;

(e) Establish the opposite side open space by repeating division (d). The area encompassed by the front, rear and side open spaces of an unoccupied lot is determined to be the buildable area of the lot.

(2) The buildable area of a lot on which a residential building has been erected shall be reduced for future expansion by that portion of the buildable area, established for the unoccupied lot above, which is forward of an imaginary line extending along and in line with the major front wall of the principal building. Additions to the main or principal structure at the sides or rear, within the buildable area of the unoccupied lot, are permitted without approval of the Zoning Board of Appeals unless otherwise prohibited. Buildings in other zoning districts and all accessory structures are subject to the provisions of this chapter.

**BUILDING.** Any structure, either temporary or permanent, having a roof supported by columns or walls, including but not limited to tents, awning, carports, and mobile homes and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. In addition, a structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for shelter rather than as a means of conveyance. A mausoleum, crematory, columbarium, and garden crypts associated with a cemetery shall be considered structures.

(1) **BUILDING, ACCESSORY.** A subordinate detached building, the use of which is customarily incidental to the permitted principal use of the principal building on the same lot. In case a question arises to the degree of incidentalness or length of custom, the Zoning Board of Appeals shall rule.

(2) **BUILDING, PRINCIPAL.** A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which the building is situated.

**BUILDING HEIGHT.** The vertical distance measured from the bottom of the floor joists or floor slab of the first story to the highest point of the roof or parapet, whichever is higher for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, studio and gambrel roofs.

**BUILDING INSPECTOR or OFFICIAL.** One or more persons designated in this definition or by resolution or contract approved by the Township Board to administer and enforce specified provisions of this chapter. For uses, buildings or structures that require a State Construction (Building) Code permit or certificate, the person administering and enforcing that code for the township shall be the Building Inspector/Official. For uses, buildings or structures not requiring a state construction code permit or certificate, unless otherwise provided by a Township Board resolution or contract, the Township Clerk shall be the Building Inspector/Official.

**CEMETERY.** Any one or a combination of more than one of the following:

- (1) A burial ground for earth interments;
- (2) A mausoleum for crypt entombments;

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- (3) A crematory for the cremation of human remains; or
- (4) A columbarium for the deposit of cremated remains.

**DWELLING UNIT.** One or more rooms and a single kitchen designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

**DWELLING, ONE-FAMILY.** A detached building containing not more than one dwelling unit designed for residential use, provided it meets the following requirements:

- (1) It complies with the minimum square footage requirements of this chapter for the zone in which it is located;
- (2) It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where the standards or regulations for construction are different than those imposed by the township building code, then and in that event, the federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this chapter, nonconforming;
- (3) It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of the materials and type as required in the applicable building code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein, the dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission (M.C.L. § 445.2002) and shall have a perimeter wall as required above;
- (4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis;
- (5) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less;
- (6) (a) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors, with the second one being in either the rear or side of the dwelling; and contains steps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.  
(b) The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 30 days from the receipt of notice of the Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of **SINGLE-FAMILY DWELLING** as well as the character,

design and appearance of one or more residential dwellings to the extent of not less than 20% of the lots situated within the area; or, where the area is not so developed, by the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the township;

(7) The dwelling contains no additions or rooms or other areas which are not constructed with a quality of workmanship equal to the original structure, including permanent attachments to the principal structure and construction of foundations as required herein;

(8) (a) 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 the mobile home shall be of a type and quality conforming to the National Manufactured Housing Construction and Safety Standards Act, being 42 USC 5401 *et seq.*, and the regulations promulgated thereunder, as these standards may from time to time be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(b) The foregoing standard shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise as may be required by an ordinance of the township pertaining to these parks;

(9) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or township departments or commissions of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal system including mains, drains, sewers, pipes, conduits, wires, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, gas regulator stations, and other similar equipment and accessories connected therewith, reasonably necessary for the furnishing of adequate service by those public utilities or township departments or commissions for the public health, safety and general welfare, but not including business or commercial buildings or activities, or commercial wireless communication facilities.

**FAMILY. FAMILY** means either of the following:

(1) A domestic family, that is, one or more persons living together and related to the bonds of consanguinity, marriage, or adoption, together with servants of the principle occupants and not more than one additional unrelated person, with all such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling; or

(2) The “functional equivalent” of a domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render a domestic family a cohesive unit. All persons of the functional equivalent of a family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group where a common living arrangement and/or the basis for the

establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttal presumption enforceable by the zoning or building official in the first instance that the number of persons who may reside as a functional equivalent of a family shall be limited to six. Such presumption may be for a special approval use on the basis of the applicable standards in this chapter.

**FAMILY DAY-CARE HOME.** A private home in which one to six 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 that gives care to an unrelated minor child for more than four weeks during a calendar year.

**FENCE.** A vertically-constructed barrier and/or partial barrier which is intermittently supported and with or without a permanent foundation or base whether used to enclose an area, or for decorative purposes. A fence is not a brick, masonry, concrete, or stone wall.

**FLOOR AREA, USABLE.**

(1) **NONRESIDENTIAL.** The measurement of usable floor area for nonresidential uses shall be to the exterior face of exterior walls of the first story and any other story connected by a fixed stairway or elevator, which may be made fit for human use; the measurement shall include the floor area of all accessory buildings measured similarly, but excluding the floor area for heating and all other mechanical equipment, unenclosed porches, light shafts, public corridors, and public toilets.

(2) **RESIDENTIAL.** The measurement of usable floor area for residential uses shall be the sum of the area of the first story measured to the exterior face of the exterior wall; plus similarly measured, the area, having more than seven feet six inches headroom, or any upper story that is connected by a fixed stairway and which may be made usable for human habitation; but excluding the floor area of basements, accessory buildings, garages, attics, breezeways and unenclosed porches.

**GARAGE, PRIVATE.** An accessory building having not more than 720 square feet in area to be used for the storage of noncommercial vehicles, provided that not more than one commercial vehicle of less than  $\frac{3}{4}$  tons capacity may be stored in this private garage and there shall be no services or commodities offered to the public in connection therewith.

**GROUP DAY-CARE HOME.** A private residence in which between seven but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks in a calendar year.

**HOME OCCUPATION.** Any use customarily conducted entirely within the dwelling and carried on entirely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except that which is produced by this occupation; that the occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals,

kennels, millinery shops, and child care day nurseries and similar uses shall not be deemed to be home occupations.

**LAWFUL.** A use that is in compliance with and allowed by all federal, state, county and township laws, including statutes, ordinances, rules and regulations.

**LOT.** A lot of record or parcel of land required to meet the regulations of this chapter that is occupied or intended to be occupied by a principal and accessory building in use.

(1) **LOT, AREA.** The total horizontal areas of a lot within the lot lines defined.

(2) **LOT, CORNER.** A lot where the corner interior angle at the intersection of two streets is less than 135 degrees.

(3) **LOT, DOUBLE FRONTAGE.** An interior lot having frontages on two more or less parallel streets as distinguished from a corner lot.

(4) **LOT, INTERIOR.** Any lot other than a corner lot.

**LOT LINE.** The lines bounding a lot as defined herein.

(1) **LOT LINE, FRONT.** In the case of an interior lot, the line separating the lot from the street. In the case of a corner or double frontage lot, the line separating the lot from the street which is designated as the front street in the request for a building permit.

(2) **LOT LINE, REAR.** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line, parallel to and farthest from the front line, not less than ten feet long and wholly within the lot.

(3) **LOT LINE, SIDE.** A side lot line is any boundary line not a front lot line or a rear lot line.

**LOT OF RECORD.** A parcel of land delineated on a plat recorded with the Oakland County Register of Deeds.

**LOT WIDTH.** The length of a straight line drawn between the points where the front setback cuts the side lot lines.

**MASTER PLAN.** The master plan which is the basis for the zoning plan of the township, as defined in Public Act 33 of 2008, being M.C.L. §§ 125.3801 *et seq.*

**MOBILE HOME.** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. **MOBILE HOME** does not include a recreational vehicle. (See M.C.L. §§ 125.2301 *et seq.*)

**NONCONFORMING BUILDINGS.** A nonconforming building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the zoning district in which it is located.

**NONCONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**NURSERY SCHOOL.** Any private or public building, institution or other place operated for profit in which children of different parentage under the age of 14 years are received for periods of not less than two, nor more than 15 hours per day, for nursing or

care apart from their parents or guardians. It shall not include any hospital or infirmary, where those children are received solely for the treatment of disease or other illness, and which are under the direct supervision and management of a licensed physician; nor shall it include any public or private schools operated under the supervision of the Superintendent of Public Instruction or parochial schools.

**OFF-STREET PARKING SPACE.** A space of 180 square feet of appropriate dimensions for the parking of an automobile, exclusive of access drives and aisles thereto.

**OPEN SPACE.** The area which is open, unoccupied and unobstructed by any building roof from the ground to the sky, except as otherwise provided in this chapter, having as one dimension the required setback and other dimensions as indicated by the definitions of front, rear, and side open space.

(1) **OPEN SPACE, FRONT.** The open space extending the width of the lot, and of a depth equal to the required setback measured horizontally at right angles to the front lot line or centerline of the front street.

(2) **OPEN SPACE, REAR.** The open space extending the full width of the lot and of a depth equal to the required setback measured horizontally at right angles to the rear lot line.

(3) **OPEN SPACE, SIDE.** The open space extending from the front open space to the rear open space and of a width equal to the required side setback measured horizontally at right angles to the side lot line.

**PARKING AREA, TOTAL.** The actual parking area and the area of the access drives thereto.

**PUBLIC UTILITY.** Any person, firm, corporation, township department or board, duly authorized to furnish and furnishing under federal, state, or township regulations to the public; gas, electricity, steam, communications, telegraph, transportation, sewer lines, or water.

**SATELLITE DISH ANTENNA.** An electronic device which can collect electromagnetic waves transmitted from a satellite for conversion into television or sound.

**SCREENING.** A stone or brick masonry wall constructed upon a permanent base to prevent the passage of persons, lights from vehicles and the scattering of debris or refuse on abutting residential property.

**SETBACK.** That distance set forth on the schedule of regulations between any lot line and a line parallel thereto on the same lot except as otherwise provided herein.

**SOLAR COLLECTOR.** A device or combination of devices, structures or parts thereof, such as flat plate collectors and photovoltaic cells, that collects, transfers or transforms direct solar, radiant energy into thermal, chemical, or electrical energy, and that contributes significantly to a structure's energy supply. In addition to these functions, solar collectors may also serve as part of a structure's roof, wall, window, or other structural member.

**SOLAR ENERGY SYSTEM.** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). Passive solar energy systems use natural and architectural components to collect and store solar energy without using external

mechanical energy. Active solar energy systems utilize mechanically-operated solar collectors to collect, transfer or store solar energy.

**STATE LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Act, and provides residential services for six or fewer persons under 24-hour supervision or care.

**STORY.** That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50% of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less than 50% of the usable floor area is a half story. The first story shall be considered the lowest story of which the distance from surrounding grade at the exterior walls of the building to the ceiling is greater than the distance from the floor to the grade level.

**STREET.** A dedicated and accepted public thoroughfare, or a permanent, unobstructed, private easement of access having a width of more than 25 feet, which affords the principal means of vehicular access to abutting property.

**STRUCTURE.** Anything constructed or erected which requires permanent location on the ground or attachment to something having that location.

**USE.** A purpose and activity for which a lot, building, or structure or any portion thereof is designed, arranged, intended, occupied or maintained, and any activity, occupation, business or operation on a lot or portions thereof.

**USE, ACCESSORY.** A subordinate use which is customarily incidental to the principal use on the same lot. In case a question arises as to the degree of incidentalness or length of custom, the Zoning Board of Appeals shall rule.

**USE, PRINCIPAL.** The main or primary use for which a lot is designed, arranged, intended, occupied or maintained.

**USE, TEMPORARY.** A use in conjunction with and to enhance or promote a principal use on the same lot for a specific and limited period of time. Such temporary uses include, but are not limited to the following:

- (1) Car wash events to support non-profit clubs and organizations.
- (2) Tent or sidewalk sales of retail goods.
- (3) Carnivals and fairs, including outdoor food and/or beverage service.
- (4) Festivals and related activities sponsored by non-profit organizations.
- (5) Special events held to celebrate a grand opening, an anniversary, or promotion of an established business, held on the premises of that business.

(Ord. 167, passed 6-11-85; Am. Ord. 196, passed 9-8-98; Am. Ord. 203, passed 10-9-07; Am. Ord. 204, passed 6-9-09; Am. Ord. 206, passed 11-15-11)

*Cross-reference:*

*Schedule of regulations, see Appendix A*

*Diagrams and illustrations, see Appendix B*

## **§ 151.003 ZONING DISTRICTS AND MAP.**

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(A) *Classification of zoning district.* The township shall be and is hereby divided into zoning districts as enumerated in the schedule of regulations set forth in Appendix A of this chapter. The schedule of regulations with all notations, references and other information shown thereon are hereby incorporated herein and are a part of this chapter.

(B) *Conformity to zoning district regulations required.* Except as otherwise provided in this chapter, no structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or altered unless it is lawful and in conformity with the regulations herein specified for the zoning district in which the structure or land is located.

(C) *Zoning map.* The boundaries of the zoning districts are hereby established as shown on the zoning map on file in the office of the Township Clerk. The zoning map with all notations, references and other information shown thereon is hereby incorporated herein and is a part of this chapter. Unless otherwise shown, the boundaries of the districts shall be lot lines, center lines of streets, alleys, or such lines extended, and the limits of the unincorporated portions of the township.

(D) *Interpretation of zoning map.* Where, due to the scale, lack of detail or illegibility of the zoning map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary shown thereon, the exact location of the district boundary line shall be determined by the Zoning Board of Appeals. (Ord. 167, passed 6-11-85; Am. Ord. 206, passed 11-15-11)

### **§ 151.004 AMENDMENTS.**

(A) The Township Board may, by ordinance, amend, supplement, modify or change the regulations or the district boundaries of this chapter and/or the zoning map pursuant to the authority and according to the procedures set forth in Public Act 110 of 2006, being M.C.L. §§ 125.3101 - 125.3702, as amended. Whenever a petitioner requests a zoning district boundary amendment, he or she shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe.

(B) Application.

(1) An amendment to the text of the chapter shall be submitted for consideration by the Planning Commission and Township Board in accordance with Public Act 110 of 2006, being M.C.L. §§ 125.3101 -125.3702, as amended. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request shall be included in the petition.

(2) An amendment to the zoning map shall be submitted in writing for consideration by the Planning Commission and Township Board in accordance with Public Act 110 of 2006, being M.C.L. §§ 125.3101 -125.3702, as amended, a description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request shall be included in the petition.

(C) Standards for approval. When reviewing an amendment request, the township may consider, but shall not be limited to: future land use recommendation in the Township Master Plan; goals and objectives in the Township Master Plan; the



availability and capacity of utilities; ability of the property to be used as zoned, potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.

(D) **Notice.** Notice of an amendment to the Zoning Ordinance shall be in accordance with the process set forth in § 151.006.  
(Ord. 167, passed 6-11-85; Am. Ord. 203, passed 10-9-07)

### **§ 151.005 INTERPRETATION; VESTED RIGHT.**

(A) **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, other than the provisions of this chapter or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

(B) **Vested right.** It is hereby expressly declared that nothing in this chapter shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.  
(Ord. 167, passed 6-11-85)

### **§ 151.006 PUBLIC NOTICE AND HEARING REQUIREMENTS.**

All applications for development approval, Zoning Ordinance text or map amendments, variances or other deliberations requiring a public hearing under the terms of this chapter shall comply with Public Act 110 of 2006, being M.C.L. §§ 125.3101 - 125.3702, as amended, and the provisions of this section with regard to public notification.

(A) When the provisions of PA 110 require that notice be published, the Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation which is published weekly or more frequently in the township, and mailed or delivered as provided in this section.

(B) All published, mailed or personally delivered notices shall:

- (1) Describe the nature of the request.
- (2) Indicate the property which is the subject of the application. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used. Street numbers are not required when 11 or more adjacent parcels are proposed for rezoning, or when the application is for an ordinance interpretation not involving a specific parcel of property.
- (3) State when and where the request will be considered.
- (4) Indicate when and where written comments will be received concerning the application.

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(5) Be given not less than 15 days before date the request will be considered.

(C) If a hearing involves a request for a special land use, a special accommodation use, an appeal of an administrative decision, or consideration of a zoning map amendment, in addition to the published notice required above, notice shall also be sent by mail or personal delivery to the owner or owners of property for which an application has been submitted or to the person who requested the interpretation or filed the appeal. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located within the township.

(D) If the Zoning Board of Appeals receives a request seeking an interpretation of the Zoning Ordinance, the Zoning Board of Appeals shall hold a public hearing on the request. Notice shall be given in accordance with this section; however, if the request does not involve a specific parcel of property, notice need only be published and provided to the person making the request.

(Ord. 203, passed 10-9-07; Am. Ord. 204, passed 6-9-09)

## REQUIREMENTS AND STANDARDS

### § 151.015 ZONING ON VACATED STREETS.

Whenever any street, alley or other public way shall be vacated, it shall automatically be classified in the same zoning district as the property to which it attaches.

(Ord. 167, passed 6-11-85)

### § 151.016 APPLICATION OF REGULATIONS.

(A) *Use regulations.* Except as otherwise provided herein, regulations governing land and building use are established as shown in the schedule of regulations set forth in Appendix A of this chapter.

(B) *General area, height, bulk and placement regulations.* Except as otherwise provided herein, regulations governing the minimum lot width, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are as shown in the schedule of regulations set forth in Appendix A of this chapter.

(C) *Land required to satisfy regulations.* No portion of a lot used in or necessary for compliance with the provisions of this chapter shall through sale or otherwise again be used to satisfy the zoning requirements of another lot.

(Ord. 167, passed 6-11-85)

### § 151.017 EXCEPTIONS TO HEIGHT LIMITS.

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(A) The height limits of this chapter may be modified by the Zoning Board of Appeals in its application to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, solar collectors, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the zoning districts in which they are located.

(B) The maximum height set forth in the schedule of regulations shall not apply to radio transmitting or television antennae that do not exceed the maximum height by more than ten feet.

(Ord. 167, passed 6-11-85)

### **§ 151.018 CORNER LOTS.**

(A) *Corner lot setback on the side street in residential zoning districts.* Every corner lot in any residential zoning district which has on its side street an abutting interior residential lot, shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which the building is located; provided that this requirement shall not reduce the buildable width of any lot to less than 30 feet. Where there is no abutting interior residential lot on the side street, the minimum side street setback shall be 15 feet for the permitted principal building and 20 feet for permitted accessory buildings.

(B) *Obstructions to vision on corner lots.* No structure, wall, fence, shrubbery or trees shall be erected, maintained or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding 2½ feet in height above the curb level and shade trees where all branches are not less than eight feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the two street curb or roadway surface edge lines and a line connecting them at points 30 feet from the intersection of those lines, or in the case of a rounded corner, the unobstructed area shall be construed to be an area formed by the curved curb or roadway surface edge line and an arc with a radius of 30 feet measured from the midpoint of the rounded corner of those lines extending from one street curb or roadway surface edge to the other street curb or roadway surface edge.

(Ord. 167, passed 6-11-85)

### **§ 151.019 MINIMUM DISTANCE BETWEEN BUILDINGS.**

The sum of the minimum required side setbacks for residential buildings on two lots which abut each other along a common side lot line shall be not less than the total of the two required side setbacks of either of the lots; provided, however, that when the lot to which this section is being applied is less than 60 feet in width, the minimum required distance between the residential buildings may be reduced by six inches for every foot that the lot is less than 60 feet in width.

(Ord. 167, passed 6-11-85)

**§ 151.020 ACCESSORY BUILDINGS.**

(A) *Residential zoning districts.*

(1) No accessory buildings or uses shall be erected in the front or side open space or within permanent easements.

(2) Accessory buildings may occupy a portion of the rear open space and shall be at least five feet from all adjoining lot lines except as otherwise provided herein.

(3) Accessory buildings shall not exceed 15 feet in height.

(4) On corner lots where a rear open space abuts a side open space, accessory buildings on the corner lot shall have a minimum setback from the rear lot line a distance equal to the least side setback required for the lot abutting the corner lot.

(B) *B-1 and B-2 zoning districts.* No accessory building shall be erected in the front, side, or rear open space in B-1 and B-2 Zoning Districts.

(Ord. 167, passed 6-11-85)

**§ 151.021 CONFORMANCE OF LOTS.**

Where the owner of a lot cannot acquire sufficient abutting land to enable him to conform to the required minimum lot width or required minimum lot area regulations herein prescribed, the lot may be used as a building site provided the lot width, open spaces, and other provisions conform as closely as possible to the regulations of the zoning district in which the lot is located and provided, further, that the Zoning Board of Appeals shall determine that the use is consistent with the intent and purpose of this chapter.

(Ord. 167, passed 6-11-85)

**§ 151.022 FENCE REGULATIONS.**

Fences are permitted or required, and are subject to the following requirements.

(A) Fences in RE and R-1 Districts shall not exceed four feet in height above grade and shall not extend toward the front of the lot farther than the rear of the house, provided, however, that should a house have a side door entrance rather than a rear door entrance, then and in that event, when permitted by Zoning Board of Appeals, a fence may extend towards the front of the house sufficiently to enclose the side door entrance; provided, further, that properties whose side or rear yards abut Lahser Road may erect along the side or rear yard which abuts this road or street, a fence not exceeding five feet in height above grade. (See § 151.018(B) for corner lot vision obstructions.)

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(B) Fences which enclose public or institutional playgrounds shall not exceed seven feet in height above grade, and shall not obstruct vision to an extent greater than 25% of their total areas.

(C) Fences are required in B-1, B-2, and CEM Districts for the enclosing of areas of outside storage of goods, material or equipment. These fences shall not be less than six feet in height above grade.

(D) Fences shall not contain barbed wire, electric current or charge of electricity; provided, however, that fences in B-1 or B-2 Districts which enclose storage areas may have barbed wire connected therewith, provided the barbed wire is more than six feet in height above grade.

(Ord. 167, passed 6-11-85)

### **§ 151.023 GRADES AND ELEVATIONS.**

(A) The grading of all building lots shall be such to divert water away from buildings, and prevent standing water and soil saturation detrimental to structures and lot use.

(B) The elevation differential is defined as the difference between the elevation of the final ground level (after landscaping at the front building line, equidistant from the side building lines), and the elevation of the crown of the road (at a point equidistant from the side building lines) abutting the front property line. If a sidewalk is in place, the elevation differential shall be based on the sidewalk elevation in lieu of the crown of road elevation.

(C) The elevation differential for all buildings shall not be less than 15 inches nor more than 24 inches except as hereinafter provided. A building under construction having foundations in place shall be considered an existing building.

(D) All applicants for building permits shall submit with the permit application, plans showing the following:

- (1) The proposed grading plan for the entire lot;
- (2) The direction of flow of surface water off the lot;
- (3) The gradient of all protective slopes around proposed buildings;
- (4) The elevation differential of all proposed buildings and the elevation differential of all existing buildings within 100 feet.

(E) Variances may be granted from the requirement of division (C) by the Zoning Board of Appeals if adequate provisions are made and approved by the Township Engineer to prevent runoff water from flowing onto adjacent property.

(Ord. 167, passed 6-11-85)

### **§ 151.024 SCREENING AND BUFFER YARDS.**

(A) *Requirements for nonresidential property.* Control bumpers, setbacks and screening are required for off-street parking areas which abut upon a street, alley, or residential property in accordance with the regulations of §§ 151.100 through 151.109. However, property which is utilized for nonresidential purposes and not subject

to the regulations of §§ 151.100 through 151.109 shall provide and maintain screening in accordance with the following regulations.

(B) *Side.* Where the side lot line of property utilized for nonresidential purposes abuts public property or a residential zoning district in the same block, screening shall be provided at a height of six feet above the parking area surface grade along the side lot line; provided, however, this screening shall be reduced in height to three feet above grade within 25 feet of any street line. This provision shall not apply to those portions of property along the side lot line which are occupied by the building wall of the permitted buildings.

(C) *Rear.* Where the rear lot line of property utilized for nonresidential purposes abuts a residential zoning district in the same block and wherein there is no alley, screening shall be provided at a height of six feet above the parking area surface grade along the rear lot line; provided, however, that the screening shall be reduced in height to three feet above grade within 25 feet of any street line. In the case where the rear lot line of property utilized for nonresidential purposes abuts a RE or R-1 District in the same block across an alley, screening shall be provided at a height of six feet along the rear lot line. These provisions shall not apply to those portions of the rear lot line abutting an alley which is occupied by the building wall of the permitted building.  
(Ord. 167, passed 6-11-85)

#### **§ 151.025 ACCESS TO RESIDENTIAL PROPERTY.**

No residential building shall be erected on any lot which does not abut for at least 25 feet upon a street or permanent unobstructed easement of access connecting the lot with a street. The street or easement shall have a minimum width of 30 feet, except where the street or easement of less width exist prior to the adoption of this chapter. The building shall not be permitted nearer to the easement line than to the street line. The street or easement of access shall not reduce the side open space of an existing residential building to less than 8 feet or reduce the rear open space to less than 20 feet.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

#### **§ 151.026 DWELLING IN ACCESSORY BUILDING PROHIBITED.**

In all RE and R-1 Districts, residential occupancy of an accessory building is expressly prohibited.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

#### **§ 151.027 ESSENTIAL SERVICES.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention hereof to exempt those essential

services from the application of this chapter, except that all above-grade buildings hereunder shall be subject to site plan review in accordance with §§ 151.050 *et seq.* (Ord. 167, passed 6-11-85)

**§ 151.028 SALE AND DISPLAY OF CHRISTMAS TREES.**

(A) Other provisions of this chapter notwithstanding, Christmas trees may be stored, displayed, and sold without the use of a building or structure by the following:

- (1) Any person on property within any B-1 or B-2 District;
- (2) Churches, schools, or other non-profit organizations on property owned by those institutions or organizations in any zoning district.

(B) All trees, parts of trees, and any other refuse or debris resulting from aforementioned use, and all signs in connection therewith shall be removed from the property no later than the 26th day of December of the year the property is so used. (Ord. 167, passed 6-11-85)

**§ 151.029 AUTOMOTIVE TRAILER CAMPS OR TOURIST CABINS.**

No automotive trailer camps or tourist cabins shall be established, and automobile trailers, similar portable dwellings, or tents shall not be permitted to be used or occupied as dwellings.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.030 READY-MADE BUILDINGS.**

No used ready-build buildings or structures in whole or in sections shall hereafter be moved within or in this township and set up to be occupied as a dwelling unit.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.031 STORAGE REGULATIONS.**

(A) *Open containers.* No garbage, sewage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground, and all containers shall be stored in such a way so as not to be visible from any street.

(B) *Dumping.* The use of land for the storage or collection or accumulation of wood, and other used materials, or for the dumping or disposal of scrap iron, junk, automobiles, trucks, boats, garbage, rubbish, or of other refuse or of ashes, slag, or other wastes or by-products shall not be permitted in any zoning district.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.032 TOPSOIL REMOVAL.**

The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any zoning district except under a temporary certificate from the Building Official after approval of the Township Board that the removal of material will not be below the normal grade as established from the nearest existing or proposed street, when the building grade has been established and approved by the Building Official and for which a temporary certificate may be issued in appropriate cases upon the filing of an application, accompanied by a suitable agreement or bond under § 151.056 that this removal will not cause stagnant water to collect or leave the surface of the land, at the expiration date of the permit, in an unsuitable condition or unfit for the growing of turf or for other land uses permitted in the zoning district in which the removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when the plans have been approved by the Building Official, and a building permit has been issued for the building development.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

### **§ 151.033 GOVERNMENTAL FUNCTIONS PERMITTED.**

The township shall have the right to construct and maintain within the township any building or structure required for the performance of its governmental or proprietary functions; provided that the building, structure, or function shall conform to the regulations of the zoning district in which it is located and of this chapter and be constructed so as to conform with the surrounding uses insofar as possible.

(Ord. 167, passed 6-11-85)

### **§ 151.034 EASEMENTS.**

It shall be unlawful for any person to install, erect, or cause or permit the installation of a permanent structure (garage, building, or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible the easement for its proper use. Where public utilities now exist a six-foot easement shall be maintained.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

### **§ 151.035 NUISANCES.**

No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the zoning district or if obnoxious or offensive to uses permitted in neighboring zoning districts.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99



**§ 151.036 LANDSCAPING.**

(A) Landscaping, as established in this section, will be required for all new development. The landscaping shall be completed within six months after the issuance of the certificate of occupancy for the building and also pursuant to an approved grading plan, as required under § 151.023, unless an extension of time, not to exceed six months, is authorized by the Building Official owing to seasonal weather conditions. The landscaping shall thereafter be maintained with permanent plant materials to enhance and complement the building(s), structure(s), or open air land use on the site and to provide a screen to abutting properties.

(B) Landscaping shall be planted and maintained in a healthy growing condition with suitable materials equal in characteristics to the plant materials listed below.

<i><b>Evergreen Trees</b></i>	<i><b>Narrow Evergreens</b></i>	<i><b>Evergreen Shrubs</b></i>
Douglas Fir	Blue Columnar	Yews
Hemlock	Chinese Juniper	Juniper
Juniper	Column Hinok Cypress	
Pine	Arborvitae	
Spruce	Irish Yew	
White Fir	Pyramidal Red Cedar	
	Swiss Stone Pine	
<i><b>Ground Covers</b></i>	<i><b>Large Deciduous Trees</b></i>	<i><b>Small Trees</b></i>
Euonymus	Beech	Dogwood
(Winter Creeper)	Birch	Flowering Crab
Pachysandra	Ginkgo	Hawthorn
Terminals (Japanese Spurge)	Hackberry	Hornbeam
Vincas (Creeping Myrtles)	Hard Maple	Magnolia
	Honeylocust	Mountain Ash
	Hop Hornbeam	Redbud
	Linden	Russian Olive
	Oak	
	Planetree (Sycamore)	
	Sweet-Gum	
<i><b>Large Deciduous Shrubs</b></i>	<i><b>The Following Trees Are Not Permitted</b></i>	
Buckthorn	Aspen-Poplar	
Cotoneaster	Box Elder	
Euonymus	Catalpa	

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<i>Evergreen Trees</i>	<i>Narrow Evergreens</i>	<i>Evergreen Shrubs</i>
Forsythia		Cottonwood
Hazelnut		Elms, Chinese
Honeysuckle		Horse Chestnut (nut bearing)
Mock-Orange		Poplars
Ninebark		Soft Maples (Silver)
Privet		Tree of Heaven
Rose of Sharon		Willows
Sumac		
Viburnum		

(C) Spacing of plant materials, where used as a greenbelt along a property line, shall conform to the following requirements:

(1) Plant materials shall not be placed closer than four feet to the fence line or property line;

(2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows;

(3) Evergreen trees, other than those described in subsection (4) of this division, shall be planted not more than 20 feet on center, and shall not be less than three feet in height;

(4) Narrow evergreens shall be planted not more than six feet on center, and shall not be less than three feet in height;

(5) Large deciduous trees shall be planted not more than 30 feet on center, and shall be not less than eight feet in height;

(6) Small trees shall be planted not more than ten feet on center, and shall not be less than four feet in height;

(7) Large deciduous shrubs shall be planted not more than six feet on center, and shall not be less than three feet in height;

(8) All trees shall be kept away from shrub plantings but shall be encouraged to be planted in association with the shrub plantings. The remainder of the greenbelt area which is not planted with the aforementioned stock shall be kept in lawn or planted in a ground cover with evergreen vines, such as Vincas or Japanese Spurge, or covered with stone or wood chips.

(D) Landscaping of parking areas shall comply with the following standards:

(1) Not less than one tree shall be planted for every 15 car spaces, provided no spot in any parking area shall be more distant than 150 feet from a living plant, landscaped area. These landscaped areas shall include no less than one tree with a 30 foot plus high normal growth potential;

(2) Drainage or parking areas shall be so designated as to not drain into or discharge onto any planted or landscaped areas;

(3) Parking design should consider and provide for needs of the handicapped, including reserved stalls and safe unloading zones. Ramps through curbs

shall also be provided, these ramps to meet minimum specification for facilities for disabled persons.

(4) Median strip planting in parking lots shall have a minimum width of eight feet. If median strips are to be walked across, tree planters shall be provided with mineral chip (slag, gravel, and the like). Trees used shall be of a type to permit pruning up to a seven-foot high clearance on curb side. No lawn grass shall be used in parking median strips.

(E) Lawn areas shall be used where fully accessible and comfortably maintainable, with full normal access for irrigation, mowing, and fertilizing. As far as practicable, shrub and ground cover areas shall be separated from lawn areas by a concrete mow strip four inches deep by six inches wide, or one inch by six inch redwood headers, or appropriate steel curb, their tops being placed flush with soil level. Angle corners shall be avoided. Edges at corners shall be curved. Lawn areas shall not be used in any planting strip less than 36 inches wide unless as an extension of a continuous larger area. Adequate and appropriate irrigation systems shall be provided.

(F) All planting areas shall be provided with adequate "on site" water sources. Sprinklers shall be designed to provide uniform, even coverage at a rate not to exceed one inch of water per hour.

(G) Lighting of site shall provide adequate but minimum outdoor illumination. Only high efficiency lighting units with enclosed lamp sources shall be used and no direct lighting or glare shall be directed onto any adjacent residential property or adjacent roadways.

(H) Design and specifications for fences, walls and other protective barriers, where required, will be indicated on the greenbelt plan.

(I) All local air, water, land, and noise pollution standards, laws, and regulations will be complied with.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

## **§ 151.037 SATELLITE DISH ANTENNAE.**

Placement of satellite dish antennae in any zoning district in the unincorporated portion of the township shall comply with the following requirements.

(A) *Permit required.* All satellite dish antennae which are to be constructed, placed, or established in the open and not contained within a building in any zoning district shall be considered structures subject to the provisions and terms of this chapter and a permit for the installation shall be obtained from the Building Official prior to the installation of any satellite antenna. Antennae having a diameter of three feet or less and mounted on the roof of a building are exempted from the requirements of this section.

(B) *Requirements for permit.*

(1) Application for a permit to install a satellite dish antenna shall be submitted to the Building Official. The application shall include a site plan showing the proposed location of the installation, including location of any buildings on the site and on any contiguous lot, a picture or sketch of all the elements of the antenna which would be exposed to view from adjacent properties and the dimensions of all buildings, size

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and exact location of the antenna, lot lines and setback lines as established in this chapter.

(2) There shall be compliance with the following design standards:

(a) Maximum number per residential lot - one;

(b) Maximum diameter of antenna dish - 10 feet;

(c) Maximum height above grade - 12 feet;

(d) Location - location in only the rear yard space between rear lot line and rear building line of the principal building on the site. There shall also be compliance with required yard setbacks for the zoning district wherein located;

(e) Ground installation on a pedestal or other type of support shall provide landscaping and fencing insofar as possible to screen antenna from adjacent properties;

(f) By placement of the antenna on the ground, area so occupied shall be considered in calculating compliance with lot coverage limits in this chapter;

(g) Signs or lettering, numbers, logos, symbol, or other illustrative markings attached to or painted on the satellite dish antenna are prohibited;

(h) No satellite dish antenna shall be made operational until the Building Official shall certify in writing that both construction plans and final construction of the antenna meet the requirements of this chapter and the Building Code and afford safety to the public at time of high winds. Satellite dish antennae shall be designed and constructed to resist wind and seismic forces. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. Antennae manufacturer's standards for ground installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings. Where deemed necessary by the Building Official, installation and structural plans shall be designed by a registered professional engineer.

(3) The Building Official shall submit all applications for a permit to install a satellite dish antenna for site plan review, together with recommendations concerning screening, landscaping, fencing or other matters having an impact on adjoining properties.

(4) The Township Planning Commission may grant the request, may deny the request if it is found to be injurious to the surrounding neighborhood, or may grant the request subject to conditions. The conditions may relate to the location, size, elevation, screening, landscaping, fencing, or other matters having impact upon adjoining properties. Upon the approval of the application, the Building Official shall issue a permit for installation.

(C) *Prior nonconforming installation.* Satellite dish antennae in existence on the effective date of these regulations shall be deemed to be nonconforming and shall not be moved or relocated without securing a permit for installation as provided in this section. A record of all known nonconforming antennae shall be maintained by the Building Official.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.038 NONCONFORMING USES AND BUILDINGS.**

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(A) *Nonconforming use limitations.* Any nonconforming land use existing on October 26, 1982 may be continued if maintained in good condition, but with the following conditions:

(1) The use shall not be changed to another nonconforming use except as permitted by the Zoning Board of Appeals;

(2) The use shall not be re-established after discontinuance for six months;

(3) The use or building shall not be extended or enlarged;

(4) Whenever in the opinion of the Township Board an area will be improved by the removal of a nonconforming use, the Township Board may by resolution determine to cause the removal by purchase or condemnation or otherwise proceed in accordance with the laws and statutes of the state made and provided, and may pay the cost and expense thereof by special assessment against the area especially benefitted in accordance with any special assessment ordinance of the township which may be applicable;

(5) There may be a change in tenancy, ownership, or management of an existing nonconforming use provided there is no change in the character of the use.

(B) *Nonconformance with prior ordinance.* A building or use which was a legal nonconforming building or use under the provisions of Ordinance 152, being the 1982 version of the Zoning Ordinance, adopted specifically on October 26, 1982, and all amendments thereto, shall not be a nonconforming building or use permitted by the provisions of this chapter.

(C) *Nonconforming structures.* Where a lawful structure exists on October 26, 1982 that could not be built under the terms of this chapter by reasons of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, the structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;

(2) Should the structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(D) *Repairs and maintenance.*

(1) On any nonconforming building or structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50% of the current state equalized valuation of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

(2) If a nonconforming building or structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance, and is declared by the Building Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zone in which it is located.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

*Statutory reference:*

*Nonconforming uses, acquisition for removal, see M.C.L. § 125.286*

### **§ 151.039 SPECIAL ACCOMMODATION USE.**

(A) *Purpose.* This section is intended to authorize the grant of relief from the strict terms of the chapter in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state or federal law, such as, The Federal Fair Housing Amendments Act of 1988, requires the township to make "reasonable accommodation" for a particular proposed user of property, the Township Board, following public hearing under the authority of M.C.L. § 125.286c, may administratively approve a special accommodation use, subject to and in accordance with this section.

(B) *Requirements.* As a condition to approval of a special accommodation use, the applicant must comply with all of the terms of this section, and must demonstrate all of the following:

(1) The ultimate residential user or users of the property shall be persons for whom state or federal law mandates the township to make reasonable accommodations in connection with proposed uses of land;

(2) Taking into consideration the needs, facts, and circumstances which exist throughout the community, and within the population to be served by the use, including financial and other conditions, making the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity to the proposed use and enjoyment within the community;

(3) Approval of the proposed housing shall not require or will not likely result in a fundamental alteration in the nature of the land use district and neighborhood in which the property is situated, considering cumulative impact of one or more other uses and activities in, or likely to be in, the area, and shall not impose undue financial and administrative burden. The interests of the community shall be balanced against the need for accommodation on a case-by-case basis; and

(4) No other specific provision exists and is available to provide the relief sought.

(C) The application for a special accommodation use shall include the following:

(1) A plan drawn to scale showing the proposed use and development;

(2) A separate document providing a summary of the basis on which the applicant asserts entitlement to approval of a special accommodation use, covering each of the requirements of subsections (B)(1) through (B)(4), above. This summary shall include the documentation on which the applicant relies, as well as the name, address, and a summary of all statements with regard to each person whose statements shall be relied upon by the applicant (and, if such persons are relied upon for their expertise, a resume of their backgrounds shall be included);

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(3) The information required for site plan review, provided, upon a showing by the applicant that the inclusion of specified information generally required for site plan review would be irrelevant, the Township Supervisor may waive the requirement to include such material in the application. As part of the recommendation made by the Supervisor to the Township Board, the Supervisor shall inform the Board of the required information waived by the Supervisor under this subsection. If, during review, the Township Board determines that information waived by the Supervisor is needed for decision making, the Board may require the submission of such information.

(D) *Standards and Regulations.* In order to be entitled to the approval of a special accommodation use, the following must be demonstrated by the applicant to the Township Board, after public hearing. If the Township Board determines to approve a special accommodation use, a tentative motion for approval shall be made, and referred to the Planning Commission, and also to the Township Planner and/or Engineer, as deemed appropriate, for their recommendations with respect to these standards:

(1) All of the requirements for entitlement to approval under subsections (B)(1) through (B)(4), above, will be met.

(2) If the proposed housing does not constitute a permitted use in the zoning district in which the property is situated, the intensity of the use (such as, number of residents in the residential facility) shall be the minimum required in order to achieve feasibility of the use.

(3) The use, and all improvements on the property shall be designed and constructed to meet the following standards and conditions:

(a) Taking into consideration the size, location, and character of the proposed use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall be established in such a manner to be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; and/or (2) the orderly development of the surrounding neighborhood and/or vicinity;

(b) The proposed use shall be designed to ensure that vehicular and pedestrian traffic shall be no more hazardous than is normal for the district involved, taking into consideration turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provision for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing;

(c) The proposed use shall be designed and operated so as not to unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration, and shall not unreasonably impact upon persons perceiving the use in terms of aesthetics;

(d) The proposed use shall be such that the location and height of buildings or structures and location, nature, and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings and will not have a detrimental effect upon their value;

(e) The proposed use shall be designed, located, planned, and operated in such a manner that the public health, safety, and welfare will be protected;

(f) The proposed use shall be designed and operated so as not to cause substantial injury to the value of other property in the neighborhood in which it

is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District.

(E) *Design Standards.* All regulations and standards for buildings, structures, and site improvements within the district in which the property is situated shall apply, subject to the right of the Township Board to alter and supplement such standards and regulations the Board finds to be needed given the facts and circumstances attendant to a particular case, provided, in all events, the spirit of the chapter shall be observed, public safety secured, and substantial justice done, and, moreover, standards and regulations shall be enforced so that the essential character of the neighborhood and/or district is not altered.

(F) *Conditions.* In connection with the approval of a special accommodation use, the Township Board may impose such conditions as are authorized by law.

(G) *Effect of Approval.*

(1) Approval of a special accommodation use shall be solely for the benefit of the particular class of users who were the basis of requiring the township to make a reasonable accommodation under applicable state and/or federal law, and not for the benefit of any other persons. Accordingly, the effect of an approval under this section shall be for the exclusive benefit and occupancy of such class of persons. If a change in such use occurs such that it is occupied by others, all of the regulations applicable within the district in which the property is situated shall thereupon immediately and fully apply. An approval under this section shall not be final until such time as the applicant records an affidavit at the office of the Register of Deeds in connection with the property, in a form approved by the Township Attorney, providing notice of the terms of this provision.

(2) An approval under this section shall be effective for a period of one year, and shall thereafter be void unless there is an occurrence of actual occupancy by persons for whom the special accommodation has been made in granting approval.

(3) If the Township Board approves an application, the Planning Department shall place a notation on the zoning map reflecting that the subject property is the subject of a "PUD" approval.

(H) *Application Fee.* The Township Board shall establish an application fee for resolution, which fee may be amended by the Board from time to time.

#### **§ 151.040 UNLISTED USE DETERMINATION.**

Where a proposed use of land, or use of a building, is not contemplated or specified by this chapter, or where the zoning official has a question as to the appropriateness of a use which involves other features which were not contemplated or specified by this chapter, the zoning official shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this chapter, or that it involves features that were not contemplated, or in the event a proposed use does not appear to be expressly authorized in this chapter, as determined by the zoning official in the first instance, a special land use application may be filed by a party in interest consistent with the provisions of this chapter. In acting upon the application, in addition to the standards of



this chapter, the review by the Planning Commission shall seek to ascertain the district or districts, if any, in which the proposed use was intended to be permitted, taking into consideration the spirit, purpose, and intent of the code as a whole, as well as the spirit, purpose, and intent of the Township's Master Plan.

**§ 151.041 SPECIAL LAND USES.**

(A) The Township Planning Commission shall have the authority to review special land use applications, subject to such conditions of design, operation, time limitations, and other safeguards as it may determine, as specified in this chapter.

(B) An application for a special land use shall be accompanied by a site plan containing all of the information required under § 151.052.

(C) Such special land use may be granted only after a public hearing before the Planning Commission, with notification as specified in § 151.006. Following such hearing, the Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the application, according to the following standards:

(1) Taking into consideration the size, location, and character of the proposed land use, viewed within the context of surrounding land uses and land use planning for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with (1) the surrounding uses; (2) the orderly development of the surrounding neighborhood and/or vicinity; and/or future uses reasonably anticipated in the area;

(2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing;

(3) The proposed use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and shall not unreasonably impact upon person perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed, and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout, and periods of operation of such use;

(4) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature, and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value;

(5) The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township;

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(6) The proposed use is so designed, located, planned, and to be operated that the public health, safety, and welfare will be protected;

(7) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District and/or the present and/or intended character of the area;

(8) The proposed use shall not result in an impairment, pollution, and/or destruction of the air, water, natural resources, and/or public trust therein;

(9) The proposed use shall not unreasonably burden the capacity of public services and/or facilities;

(10) The proposed use is consistent with the township's Master Plan;

(11) The proposed use will have adequate service by public services and facilities, and shall not unduly burden public sewers and facilities.

(D) Following recommendation by the Township Planning Commission, the Township Board shall make the final determination on the application for special land use approval. Such determination shall be based on the requirements and standards of this chapter. The special land use application shall be placed on the agenda of the next available regular meeting of the Township Board, at which time the Township Board may take formal action on the request. The Township Board may approve, approve with conditions or deny the special land use application.

(Am. Ord. 203, passed 10-9-07)

### **§ 151.042 TEMPORARY USES.**

(A) *Administratively approved temporary uses.* A temporary use as defined in § 151.002 may be approved by the Building Official in the B-1 and B-2 Districts as provided in this section if the use will not be for more than ten consecutive days. The Building Official shall also have the discretion to refer any such temporary use application to the Planning Commission for review and decision.

(B) *Temporary uses requiring planning commission approval.* An application for a temporary use referred by the Building Official under division (A) above or for more than ten consecutive days may be approved by the Planning Commission as provided in this section.

(C) *Review standards.* The Building Official and Planning Commission shall consider the following factors in action on an application for a temporary use:

(1) Adequacy and safety of parking, traffic control and access with respect to vehicles, fire and emergency vehicles, and pedestrians.

(2) Compatibility with and proximity and off-site impacts to surrounding land uses with respect to hours of operation, noise, odors, dust, lighting glare, signage, and the size, height and type of any temporary shelters or structures.

(3) Safety and adequacy of utilities, sanitary facilities.

(4) Arrangements for trash disposal and site clean-up and whether a performance bond for those purposes and to assure compliance with approval conditions is necessary or appropriate.

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(5) Other licenses or permits required, such as for food/beverage service.

(6) That appropriate liability insurance naming the township as an additional insured for purposes of claims arising from the temporary use to be permitted is provided.

(7) Any other factor which may impact the public health, safety or general welfare, including whether the number or cumulative length of time of temporary uses approved and applied for on the lot for a calendar year is such that site plan review and approval should be required.

(D) *Application requirements.* Application for approval of a temporary use shall be filed with the Building Official, be accompanied by the required fee(s) as established by resolution of the Township Board, and shall include the following information:

(1) A plot plan with dimensions showing the locations, sizes and details of all areas, structures, facilities and arrangements for the temporary use, and to the extent applicable, conforms to the requirements in § 151.171(D) for building permit applications.

(2) The name, address, telephone number and all available contact information of the applicant, and written permission of the property owner.

(3) A complete explanation of the proposed temporary use, including dates, hours, all persons or companies involved in any fashion and that addresses and confirms compliance with all review standards under division (C) above.

(4) Any other information requested by the Building Official or Planning Commission and deemed necessary to satisfy the review standards for approval under division (C) above.

(E) *Conditions of approval.* Temporary use applications may be approved, conditionally approved, or denied based on the review standards in division (C), with approval conditions to be related to those standards. Any approval conditions shall be included in the temporary use permit issued by the Building Official under § 151.171(H).

(F) *Revocation or suspension of permit.* If one or more conditions of a temporary use approval have been violated, a temporary use permit may be revoked, or suspended pending correction of the violation, by written notice from the Building Official. Continuation of the temporary use while the permit for it is revoked or suspended is a violation of this chapter.

(G) *Vehicles and trailers.* Trucks, truck trailers, vans or other passenger vehicles or trailers shall not be used for storage, warehousing, retail sales, services or offices during the temporary use, except as specifically permitted by the approval.

(H) *Signs.* Portable signs and temporary signs shall be allowed during the time of a temporary use subject to compliance with § 151.129.

(Ord. 206, passed 11-15-11)

## SITE PLAN REVIEW; IMPROVEMENTS

### § 151.050 STATEMENT OF PURPOSE.

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The intent of site plan review is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development of adjacent land. The following approvals, required information, procedures, and standards are provided to accomplish this end. (Ord. 167, passed 6-11-85)

### **§ 151.051 TOWNSHIP APPROVAL REQUIRED.**

In each zoning district, except for detached one-family residential uses, no building shall be erected, moved, relocated, converted, or structurally altered and no change or addition of use, expansion of off-street parking, or filling, excavation, or grading shall be undertaken until the township has reviewed and approved a site plan for the use. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading, or excavation which causes more than five cubic yards of earth material to be disturbed shall require a site plan approval.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

*Statutory reference:*

*Use of site plans authorized, see M.C.L. § 125.286e*

### **§ 151.052 APPLICATION FOR SITE PLAN APPROVAL; REQUIRED INFORMATION.**

(A) *Filing fee.* Application for site plan review shall be made to the township by filing of not less than 25 copies of the detailed site plan with the office of the Township Clerk at least 15 days in advance of the regularly scheduled Planning Commission meeting. Fees are required to be paid within the fee schedule as established by the Township Board at time application is made.

(B) *Clerk to examine.* The Township Clerk shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the owner or contractor. If complete and if it appears to comply with this chapter, it shall be processed in accordance with this chapter.

(C) *Required site plan information.* The following required information shall be included on all site plans:

- (1) Name of development and general location sketch;
- (2) Name, address, and phone number of owner(s), developer, and designer. Date drawn and revision dates shall be indicated on the site plan;
- (3) Site plans prepared by and bearing the seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a registered architect;

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- (4) A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor;
- (5) A legal description and address of the property in question;
- (6) Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property;
- (7) Existing zoning classification of the parcel;
- (8) Adjacent land uses and zoning, and if the parcel is a part of a larger parcel, boundaries of total land holding;
- (9) To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to occupy the buildings if this has been determined, and should indicate cases where exact occupancy has not yet been determined;
- (10) The scale of the site plan shall be not less than 1 inch = 20 feet if the subject property is less than three acres, and 1 inch = 100 feet if three acres or more;
- (11) The area of the site in square feet and acres excluding all existing and proposed public rights-of-way;
- (12) The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties;
- (13) The location and dimensions of all existing proposed structures on the subject property and all existing structures within 100 feet of the subject property;
- (14) The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets;
- (15) Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks;
- (16) Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed, per ordinance requirements) and type of surfacing;
- (17) Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within 100 feet of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions;
- (18) Proposed finish grade of buildings, driveways, walkways, parking lots, and lawned areas;
- (19) With residential proposals, a site summary indicating the number and location of one bedroom unit, two bedroom units, and the like, typical floor plans with square feet of floor areas; density computation, recreation facilities, open spaces, street names, and lot coverage;
- (20) With nonresidential proposals, the number of offices, number of employees, the number of floors, and typical floor plans and cross sections;
- (21) Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, pump stations, and lift stations;

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- (22) Proposed storm sewer facilities (sewers and appurtenances) including outlets (enclosed or open ditches) and proposed methods of storm water retention on site, if any;
- (23) Sufficient off-site drainage basin data and estimated runoff in cubic feet per second to permit review of any proposed retention or off-site drainage swale;
- (24) Proposed water service including any proposed main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains in adjacent public rights-of-way;
- (25) Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment;
- (26) Location and typical dimensions of rubbish storage areas and screening construction;
- (27) Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any outdoor mechanical equipment, such as air-conditioning, heating units, and transformers that will be visible;
- (28) Required easements for public right-of-way, utilities, access and shared access;
- (29) Notation of any variances which have been secured;
- (30) Performance guarantees to be provided, amounts, type and length of time;
- (31) Soil erosion and sedimentation control measures;
- (32) Detailed landscaping plan indicating location, types and sizes of material, a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross-section of berms shall be provided;
- (33) Location of all existing trees over three inches in diameter;
- (34) The locations of all signs, free-standing signs, and lighting structures and shielding;
- (35) Types of soils; location of floodplain and wetland, if any;
- (36) All proposed screen and free standing architectural walls, including typical cross-sections and the height above ground on both sides;
- (37) The location of any outdoor storage of materials and the manner in which it shall be screened or covered;
- (38) Provisions by the applicant of information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or township. The data requirements may include traffic studies, market analysis, environmental assessments (including impact data on flora, fauna, natural resources, hazardous materials, erosion control, and pollution), demands on public facilities and services and estimates of potential costs to the township due to failures as a basis for performance guarantees;
- (39) Statement of how applicant proposes to comply with applicable state, local and federal laws;
- (40) The names of any township officials who will benefit financially from the approval of the site plan shall be disclosed; and

(41) Other data which the township may reasonably deem necessary for adequate review.  
(Ord. 167, passed 6-11-85)

**§ 151.053 CRITERIA FOR APPROVAL OF SITE PLANS.**

(A) The following criteria shall be used by the Township Planning Commission as a basis upon which site plans will be reviewed and approved. The Township Planning Commission shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards.

(B) All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on the property.

(C) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the schedule of regulations unless otherwise provided in this chapter.

(D) The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties. Landscaping shall be required on the site and shall be in keeping with the character and design of building(s) or structure(s) on site and existing vegetation and shall comply with landscaping standards set forth in § 151.036.

(E) There shall be reasonable visual and sound privacy. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.

(F) All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

(G) Where possible and practical, drainage design shall recognize existing natural drainage patterns.

(H) There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.

(I) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a recognized source of reference. The applicant may be required to dedicate adequate land and improvements in order to achieve access which is safe and convenient.

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(J) Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public storm drainage system. Provisions shall be made for the construction of storm water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties.

(K) Off-street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls, fencing or landscaping of effective height.

(L) Exterior lighting shall be so arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

(M) Adequate services, utilities and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development. Any use permitted in any zoning district must also comply with all applicable federal, state, county and township health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, floodplains, and requirements of the State Fire Marshal.

(N) An objective of site plan review shall be to protect and promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values, to conserve energy, provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with the township's character.

(O) It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the township.

(P) A major objective shall be to retain, enhance and protect the quality, value, and privacy of the township's single-family land uses.

(Q) All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient, and efficient manner without being dependent upon improvements of a subsequent phase and by not precluding subsequent development potential of lands.

(R) All sites shall be designed to comply with state and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99



**§ 151.054 REVIEW OF PLANNING COMMISSION; APPROVAL.**

(A) *Review of site plans.* The Township Clerk shall forward all site plans to the Township Board which shall refer the plans to the Planning Commission for its review. The Planning Commission shall review the plans and solicit comments from the Township Planner, Township Engineer, and other agencies, groups, or persons of its choice.

(B) *Site plan approval.*

(1) *Planning Commission.* The Township Planning Commission is authorized to review and approve, to review and approve with conditions, or review and deny approval of all site plans submitted under this chapter. Guidelines for consideration of each case shall follow this zoning chapter and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Commission. When the Commission approves a site plan with conditions, the Building Official shall require a revised site plan with a revision date, indicating the conditions on the site plan, and notify the Commission of the receipt of same, prior to issuance of a building permit.

(2) *Township Board.* The Township Board may take action on the site plan within 30 days of the Planning Commission's action. The Township Board may review, approve, approve with conditions, deny or table for further consideration all site plans, except if the Township Board takes no action within 45 days of the Board's action, the Planning Commission's action shall become effective. The Township Board is not obligated to follow the recommendation of the Township Planning Commission, and may grant approval, approval with conditions, or denial based on its review of the site plan in accordance with the requirements of this section.

(Ord. 167, passed 6-11-85; Am. Ord. 203, passed 10-9-07)

**§ 151.055 CONFORMANCE WITH CONSTRUCTION PLANS; COMPLIANCE.**

(A) When an applicant receives site approval as provided previously herein, the applicant shall develop the site in complete conformity with the approved site plan. Complete construction plans, including component phases, shall be submitted for review by the Building Official with a landscape plan prepared by a registered landscape architect for all landscape areas. Upon review and finding by the Building Official that the construction plans meet with the requirements of this section and applicable ordinances of the township, the Building Department shall issue a building permit for the construction. Site plan approval hereunder shall be valid for one year. If the project is not substantially under way by construction upon the site at the expiration of the one-year period, approval expires and is of no force and effect.

(B) A certificate of occupancy shall be withheld by the Building Official in any case where the site plan and major conditions as approved by the township has not been complied with. Any minor variations may be approved by the Building Official, and shall be reported to the Township Board and Planning Commission at the issuance of certificate of occupancy.

(Ord. 167, passed 6-11-85)

**§ 151.056 PERFORMANCE GUARANTEES; IMPROVEMENTS.**

(A) *Required.* To insure compliance with this zoning chapter and any conditions imposed under this zoning chapter including conditions of the site plan approval, special approval, cluster development, planned development, and street access approval, the Planning Commission, Township Board or Zoning Board of Appeals may require that financial security acceptable to the township be deposited with the Township Clerk to insure faithful completion of improvements as defined in division (B) of this section. The amount of the cash deposit, certified check, or irrevocable bank letter of credit shall cover the estimated cost of improvements associated with a project and other reasonable incidental costs associated therewith, for which approval is sought.

(B) *Improvements.* **IMPROVEMENTS** means those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, landscaping, parking, paving of parking and circulation areas, screening, drainage, and other site improvements. **IMPROVEMENTS** does not include the entire project which is the subject of the approval.

(C) *Timing.* The performance guarantee along with a detailed description and schedule of improvements to be completed shall be deposited with the Township Clerk prior to the issuance of a certificate of occupancy authorizing use of the activity or project.

(D) *Type.* The applicant shall be required to provide the performance guarantee or financial security in one or a combination of the following arrangements, whichever the applicant elects.

(1) *Irrevocable letter of credit.* An irrevocable letter of credit by a bank authorized to do business in Michigan in an amount to cover the cost of the contemplated improvements as estimated by the township.

(2) *Escrow fund.* A cash deposit, or deposit by certified check drawn on a bank authorized to do business in Michigan sufficient to cover the cost of the contemplated improvements as estimated by the township shall be deposited with the Township Clerk. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.

(E) *Rebate.* In the case of cash deposits, the Township Clerk shall rebate or release to the applicant, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project, after approvals described in this section.

(F) *Inspection and certification.* Private improvements and acceptance for maintenance of required public improvements.

(1) *Certification by the Building Department.* The applicant shall furnish the Township Clerk a letter or document signed by the Building Official indicating satisfactory completion of the required improvements in accordance with the description of improvements set forth in division (B) of this section.

(2) *Inspection of public improvements.* After the completion of the construction of the required public improvements, the Engineer or Building Official, or

the county, state or federal agency with jurisdiction to grant approval or accept, shall conduct a final inspection and certify compliance with the above required improvements. This inspection shall be made to assure the improvements are completed according to the approved plans and specifications.

(3) *Partial acceptance.* In no case shall a partial acceptance of any street be made for maintenance.

(G) *Failure.* In case the applicant shall fail to complete the required improvements within the time period as required by the conditions or guarantees as outlined in this section, the Township Board may proceed to have the work completed and reimburse itself for the cost thereof by appropriating the cash deposit or certified check, or by drawing upon the letter of credit.

(H) *Bond.* The Planning Commission or Township Board may require, prior to the acceptance by the township of public improvements, a maintenance bond acceptable to the township for a period of up to three years in an amount not to exceed 35% of the total cost of the public improvements.

(I) *Subdivisions.* This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L. §§ 560.101 *et seq.*, as amended.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

## DISTRICTS

### § 151.070 RE, RESIDENTIAL DISTRICT.

(A) *Statement of purpose.* The intent of the RE District is to provide for the creation of a large lot single-family residential district, and protect a unique resource in the community by establishing a residential district of very low density detached single-family dwellings and accessory facilities. The preservation of yards, open space, existing vegetation, and other natural and man-made landscaping features shall be an important consideration.

(B) *Principal permitted uses.* In the RE District, no uses shall be permitted unless otherwise provided in this chapter, except the following:

- (1) One-family detached dwellings.
- (2) Family day-care homes.
- (3) State-licensed residential facilities.
- (4) Accessory buildings and uses customarily incident to the above

principal permitted uses, including home occupations for the providing of instruction in a craft or fine art.

(C) *Special land uses.* The following shall be permitted as a special land use upon application and approval under § 151.041.

- (1) Group day-care homes, subject to the following conditions:

(a) Such homes shall not be located closer than 1,500 feet to any of the following facilities:

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1. Another state licensed adult or child group day-care home.
2. Another state licensed adult foster care small group home or large group home.
3. A state licensed facility offering substance abuse treatment and rehabilitation services to seven or more people.
4. A state licensed community correction center, resident home, halfway house, or other similar facility.

(b) For purposes of determining the 1,500-foot minimum, the distance shall be determined by measuring along roads, streets or places maintained by the state or Road Commission for Oakland County and generally open to the public as a matter of right for the purpose of vehicular travel.

(2) Maintaining the property consistent with the visible characteristics of the neighborhood.

(3) Not exceeding 16 hours of operation during a 24-hour period.

(4) Providing no more than two identifiable off-street parking spaces for employees.

(5) Compliance with all requirements set forth by the state for the issuance of a day-care license, including, but not limited to, the enclosure of any play areas with a four-foot high fence.

(D) *Area, height, bulk and placement regulations.* Area, height, bulk and placement regulations, unless otherwise specified, are as provided in the schedule of regulations set forth in Appendix A of this chapter.

(E) *Required conditions.* All uses permitted in this district shall meet the following specific minimum conditions in addition to other requirements established in this chapter or other township ordinances.

(1) All lots shall front on a public road for a minimum to 200 feet, or abut for at least 30 feet on a permanent unobstructed private easement of access connecting the lot with a public street. The public street or private easement shall have a minimum width of 30 feet, except where a street or easement of less width existed prior to the adoption of this chapter.

(2) The street or easement of access shall not reduce the side open space of an existing single-family residential structure to less than eight feet. The private access easement may be included in calculating side open space for residential structures built subsequent to the adoption of this chapter, but in no case shall the side open space be less than 38 feet.

(F) *Location of private access easement.* In no case shall a private access easement be granted which traverses a front or rear open space of lots created subsequent to the effective date of this chapter.

(G) *Sharing easements.* Access easements shall be shared as much as possible, but in no event shall more than three dwelling units be dependent on one private road easement or any portion thereof.

(H) *Provisions for easements.* Provisions, which run with the land, shall be made to provide for physical maintenance, repair, drainage and clearance of snow or any obstacles which will inhibit access along access easements.

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(l) *Parcel division.* In no case shall a parcel existing at the effective date of this chapter be split into more than three separate lots.

(Ord. 167, passed 6-11-85; Am. Ord. 203, passed 10-9-07) Penalty, see § 10.99

*Statutory reference:*

*State licensed residential facilities permitted, see M.C.L. § 125.286a*

**§ 151.071 R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

(A) *Statement of purpose.* The R-1 District is established as a district in which the principal use of land is for single-family dwellings. In promoting the general purpose of this section, the specific intent of this section for the R-1 Residential District is as follows:

(1) To encourage the construction of, and the continued use of the land for single-family dwellings;

(2) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.

(B) *Principal permitted uses.* In the R-1 District no uses shall be permitted except the following:

(1) Any permitted principal use in the RE District subject to the minimum regulations of R-1 District;

(2) One-family dwellings;

(3) Churches, parish houses and public and private schools which are operated on a non-business basis;

(4) Public off-street parking in connection with division (B)(3) of this section and provided the parking areas are improved and maintained in accordance with § 151.108;

(5) Any use which is similar in character to those permitted herein;

(6) Accessory uses include the following:

(a) A private garage, swimming pool and private greenhouse;

(b) Private off-street parking facilities;

(c) Signs;

(d) Fences;

(e) Any use customarily incidental to the permitted principal use.

(f) Home occupations for the providing of instruction in a craft or

fine art.

(C) *Special land uses.* The following shall be permitted as a special land use upon application and approval under § 151.041.

(1) Group day-care homes, subject to the following conditions:

(a) Such homes shall not be located closer than 1,500 feet to any of the following facilities:

1. Another state licensed adult or child group day-care home.

2. Another state licensed adult foster care small group home or large group home.

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3. A state licensed facility offering substance abuse treatment and rehabilitation services to seven or more people.

4. A state licensed community correction center, resident home, halfway house, or other similar facility.

(b) For purposes of determining the 1,500-foot minimum, the distance shall be determined by measuring along roads, streets or places maintained by the state or Road Commission for Oakland County and generally open to the public as a matter of right for the purpose of vehicular travel.

(2) Maintaining the property consistent with the visible characteristics of the neighborhood.

(3) Not exceeding 16 hours of operation during a 24-hour period.

(4) Providing no more than two identifiable off-street parking spaces for employees.

(5) Compliance with all requirements set forth by the state for the issuance of a day-care license, including, but not limited to, the enclosure of any play areas with a four-foot high fence.

(D) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements, unless otherwise specified, are as provided in the schedule of regulations set forth in Appendix A of this chapter.

(E) *Site plan review.* Site plan review requirements are as provided in §§ 151.050 through 151.056 for other than single-family detached dwellings and accessory uses thereto.

(Ord. 167, passed 6-11-85; Am. Ord. 203, passed 10-9-07) Penalty, see § 10.99

*Statutory reference:*

*State licensed residential facilities permitted, see M.C.L. § 125.286a*

**§ 151.072 B-1, NON-RETAIL BUSINESS.**

(A) *Statement of purpose.* The B-1 District is designed to accommodate office uses, office sales uses and basic personal services characteristically provided to service office areas.

(B) *Principal permitted uses.* In the B-1 District no uses shall be permitted unless otherwise provided in this section, except the following:

(1) Business uses which do not entail the sale, lease, processing or servicing of personal property. Examples of permitted principal offices, occupations and professions are advertising, architectural, artist, attorney, banking, building, chiropractic, credit bureau, designing, employment, legal, manufacturers representative, medical, planning, real estate, secretarial and any similar uses;

(2) Community buildings and uses, private and social clubs, which operate on a non-business basis;

(3) Public-owned building, public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations with service yards but without storage yards;

(4) Accessory uses incidental to the permitted principal uses; or

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(5) A temporary use that has been approved under § 151.042 and is in compliance with that approval and the permit issued for it under § 151.171(H).

(C) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements, unless otherwise specified, are as provided in the schedule of regulations as set forth in Appendix A of this chapter.

(D) *Site plan review.* Site plan review requirements are as provided in §§ 151.050 through 151.056.

(Ord. 167, passed 6-11-85; Am. Ord. 206, passed 11-15-11) Penalty, see § 10.99

### **§ 151.073 B-2, RETAIL BUSINESS DISTRICT.**

(A) *Statement of purpose.* The B-2 District is intended to permit retail business and service uses which are needed to serve the residential areas. In order to promote these business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare or heavy truck traffic. The intent of this district is also to encourage the concentration of shopping areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the marginal strip shopping development along major thoroughfares.

(B) *Principal permitted uses.* In the B-2 District no uses shall be permitted unless otherwise provided in this section, except the following:

(1) Any permitted principal use listed under § 151.072;

(2) Retail business uses to serve neighborhood and community needs such as grocery stores, bakeries, drug stores, dry cleaning and dyeing establishments, delicatessens, restaurants, paint stores, hardware stores, clothing stores, greenhouses, flower and gift stores, plumbing stores, furniture stores, department stores, bus passenger stations, electrical stores, veterinary hospitals provided the animals and birds are kept entirely within the permitted principle building; and any similar use to those permitted herein;

(3) The uses permitted herein shall be conducted without the outside sale or display of products or the outside storage of goods, material or equipment;

(4) Accessory uses incidental to the permitted principal uses; or

(5) A temporary use that been approved under § 151.042 and is in compliance with that approval and the permit issued for it under § 151.171(H).

(C) *Area, height, bulk and placement requirements.* Area, height, bulk and placement requirements, unless otherwise specified, are as provided in the schedule of regulations as set forth in the schedule of regulations, Appendix A of this chapter.

(D) *Site plan review.* Site plan review requirements are as provided in §§ 151.050 through 151.056.

(Ord. 167, passed 6-11-85; Am. Ord. 206, passed 11-15-11) Penalty, see § 10.99

### **§ 151.074 CEM, CEMETERY DISTRICT.**

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(A) *Statement of purpose.* The CEM Cemetery District is intended to preserve the amenities and functioning of cemetery properties pursuant to state statutes and rules and regulations and permit desirable land use and traffic relationship with adjacent properties. Only those activities associated with cemetery use and management are permitted in the district.

(B) *Principal permitted uses.* In the CEM District no uses shall be permitted unless otherwise provided in this section. Cemeteries and other facilities normally incidental thereto are subject to the following standards and conditions:

(1) A fence at least five feet in height shall be provided around the entire site with self-locking gates at entrance and exit points. The fence along Southfield Road shall be a wrought iron style fence made of wrought iron, aluminum, steel or similar material, including but not limited to such uniform traditional elements as height, black color, proportions, decorations, finials, rails and posts. Any decorative finials on the fence shall have a flat top, and finials which would pose a danger to the public or wildlife or the possibility of impalement are prohibited. Chain link, split wood or mesh fences are prohibited along Southfield Road as well. In addition, a greenbelt conforming to standards in § 151.036(A) and (B) shall be established around the perimeter of the cemetery so as to provide a screen from adjacent property.

(2) Site shall abut a hard surfaced, all-season road with all vehicular ingress and egress directly to the road(s).

(3) Internal cemetery roads shall be ten feet wide if one-way, 18 feet wide if two-way. If one-way roads are provided, off-road parking shall be located at convenient intervals. All roads shall be hard surfaced, be kept accessible, and be maintained in good repair.

(4) Site shall be suitably graded to dispose of all surface water on-site.

(5) Any impoundment of water on-site shall be kept reasonably free of trash and odors.

(6) There shall be a permanent-type sign at least three square feet in size, but not to exceed ten square feet in size near the entrance of the cemetery indicating the name of the cemetery and address of office of cemetery if not on-site.

(7) Maintenance equipment not in use shall be stored in maintenance service areas. Where the storage is not inside a building it shall be screened from view from adjacent properties or from public rights-of-way by an opaque screen wall or fence not less than six feet in height.

(8) Trash receptacles shall be provided on-site.

(9) Public rest room accommodations on-site shall be provided.

(C) *Area, height, bulk and placement requirements.* Area, height, bulk and placement, unless otherwise specified, are as provided in the schedule of regulations as set forth in Appendix A of this chapter.

(D) *Site plan review.* Site plan review requirements are as provided in §§ 151.050 through 151.056.

(Ord. 167, passed 6-11-85; Am. Ord. 207, passed 6-9-15) Penalty, see § 10.99

## SINGLE-FAMILY CLUSTER OPTION



**§ 151.085 INTENT; GENERAL APPLICATION.**

(A) *Intent.* The intent of this section is to permit the development of one-family residential patterns which, through design innovation, will provide for an alternate means for development of single-family areas. To accomplish this, modifications to the RE and R-1 District standards as outlined in the schedule of regulations set forth in Appendix A of this chapter shall be permitted, subject to the conditions imposed by this subchapter.

(B) *General application.*

(1) This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.

(2) For the RE and R-1 Districts, the requirements of Appendix A, schedule of regulations, may be waived and the attaching of one-family dwelling units may be permitted subject to qualifications.

(Ord. 167, passed 6-11-85)

**§ 151.086 QUALIFICATIONS.**

(A) The Planning Commission may approve of the clustering or attaching of buildings on parcels of land under single ownership and control, which, in the opinion of the Planning Commission, have characteristics which would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site had natural characteristics which are worth preserving or which make platting difficult. The Planning Commission shall hold a public hearing on the site plan prior to approval of a single-family residential cluster option.

(B) In approving an area for cluster development the Planning Commission shall find at least one of the following conditions to exist:

(1) The parcel to be developed has frontage on a major or intermediate thoroughfare and is generally parallel to the thoroughfare and is of shallow depth as measured from the thoroughfare;

(2) The parcel has frontage on a major or intermediate thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult;

(3) The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontages on a major or intermediate thoroughfare;

(4) A substantial part of the parcel's perimeter is bordered by a major or intermediate thoroughfare which would result in a substantial proportion of the lots of the development abutting the major or intermediate thoroughfare;

(5) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of 15% between these elevations. These elevation changes and slopes shall appear as the typical feature of the site and shall represent at least 15% of the horizontal development area of the site, rather than the exceptional or infrequent features of the site. The topography is such

that achieving road grades of less than that permitted by the township would be impossible unless the site were mass graded. The providing of single-family clusters will in the opinion of the Planning Commission, allow a greater preservation of the natural setting;

(6) The parcel is in a floodplain or has documented poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable;

(7) The parcel contains natural assets which would be preserved through the use of cluster development. The assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.

(C) In order to qualify a parcel for development under subsections (5), (6), or (7) of this section, the Planning Commission shall determine that the parcel has some of these characteristics and the request shall be supported by documented evidence prepared by a qualified professional in the field. The evidence shall include the following as appropriate: soil test borings, a floodplain map, topographic map of maximum two-foot contour interval, an inventory of natural assets.

(Ord. 167, passed 6-11-85)

#### **§ 151.087 APPROVAL OF SITE PLAN.**

(A) The first step in the approval of a cluster option will be a preliminary determination as to whether or not a parcel qualifies for the cluster option under one of the provisions in § 151.086. The second step is the approval of the site plan, upon which a public hearing will also be held. A preliminary determination that a parcel qualified for cluster development does not assure approval of the site plan and therefore the cluster option, but does give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.

(B) In areas meeting the qualifications in § 151.086, the minimum setbacks, heights, and minimum lot sizes per unit, as required by the schedule of regulations, may be waived and the attaching of dwelling units may be accomplished subject to the following:

(1) The attaching of one-family dwelling units, one to another, may be permitted when the units are attached by means of one of the following:

(a) A common party wall which does not have over 30% of its area in common with an abutting dwelling wall;

(b) An architectural wall detail which does not form interior room space;

(c) A common party wall in only the garage portion of adjacent structures;

(d) No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four;

(2) In a cluster development, the densities permitted may not be increased to over two dwelling units per acre;

(3) Water areas within the parcel may be included in the computation density provided that land adjacent to the water is substantially developed as open space.

(Ord. 167, passed 6-11-85)

### **§ 151.088 OPEN SPACE REQUIREMENTS.**

Open space requirements shall be provided as follows:

(A) Spacing between groups of attached buildings or between groups of four unattached buildings shall be equal to at least 30 feet, measured between the nearest points of adjacent buildings;

(B) Building setbacks from minor residential streets shall be determined after consideration of potential vehicular traffic volume, site design, and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one car-length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from minor residential streets, the Planning Commission may use the following guidelines:

(1) Garages or required off-street parking spaces shall not be located less than 20 feet from the right-of-way of a public street unless the street (or portion thereof) is serving as access to not more than 16 residential units;

(2) Where streets are private or the Planning Commission does not require the 20-foot setback from a public right-of-way, garages or required off-street parking spaces shall not be located less than 20 feet from the pavement edge of the street or the shoulder of a street;

(3) That side of a cluster adjacent to a major or intermediate thoroughfare shall not be nearer to the street than 25 feet, except that in those areas where topography meets the topographic qualification set forth herein on lands immediately adjacent to the streets having sloped in excess of 10%, the front open space may be reduced by five feet, but in no instance shall a structure be closer to the road right-of-way line than one-half the front open space setback for the district in which it is located;

(4) Any side of a cluster adjacent to a private road shall not be nearer to the road than ten feet;

(5) In computing the height of any individual dwelling unit in a cluster on a slope in excess of 10% and when the unit is constructed on posts, the first ten feet of height in the posts shall not be computed. Application of the definition of **BUILDING HEIGHT** in § 151.002 shall apply over and above this ten feet of post height;

(6) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of the following within the cluster development:

(a) Single-family lots subject to the standards of the schedule of regulations;

(b) Detached buildings with setbacks as required by the schedule of regulations for the applicable residential district;

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- (c) Open or recreation space;
- (d) Changes in topography which provide an effective buffer;
- (e) A major or intermediate thoroughfare;
- (f) Some other similar means of providing a transition.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.089 APPLICATION AND FINAL APPROVAL.**

(A) In making application for approval under this section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.

(B) In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two-foot contour intervals, all computations relative to acreage and density, and any other details which assist in reviewing the proposed plan.

(C) Site plans submitted under this option shall also be accompanied by information as required for site plan review and/or for subdivisions as applicable.

(D) If the Planning Commission is satisfied that the proposal meets the letter and spirit of this chapter and should be approved, it shall give tentative approval with the conditions upon which the approval should be based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of this chapter, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefore in the minutes of the Planning Commission meeting. Notice of approval or disapproval of the proposal, together with copies of the proposal, together with copies of all layouts and other relevant information shall be forwarded to the Township Board. If the proposal has been approved by the Planning Commission the matter shall be placed upon the agenda of the Township Board. If disapproved, the applicant shall be entitled to a hearing before the Township Board if he requests one in writing within 30 days after action by the Planning Commission.

(E) The Township Board shall conduct a public hearing on the proposed site plan on the cluster option. If the Township Board approves the site plan, it shall instruct the Township Attorney to prepare a contract, setting forth the conditions upon which the approval is based, which contract, after approval by the Township Board, shall be entered into between the township and the applicant prior to the issuance of a building permit for any construction in accordance with site plans.

(F) As a condition for the approval of the site plan by the Township Board, the applicant may be required to provide a performance guarantee in accordance with § 151.056.

(G) Actual development of the open space shall be carried out concurrently with the construction of the dwelling units.

(Ord. 167, passed 6-11-85)

## **OFF-STREET PARKING AND LOADING**

### **§ 151.100 OFF-STREET PARKING FACILITIES REQUIRED.**

In all zoning districts off-street parking facilities shall be provided in an amount not less than hereinafter specified for the parking of self-propelled vehicles for the use of the occupants, employees, patrons, members, and clientele of buildings erected after October 26, 1982. Existing off-street parking facilities actually being used on October 26, 1982 for the parking of automobiles in connection with the operation of an existing building or use shall not be reduced to an amount less than that hereinafter required for a similar new building or use unless additional parking facilities of the same amount are provided by the methods described herein.

(Ord. 167, passed 6-11-85)

### **§ 151.101 REQUIREMENTS.**

(A) *Residential zoning districts.* Every building intended for residential occupancy shall provide, on the same lot with the building, off-street parking facilities. No part of the front yard open space shall be intended to provide off-street facilities. All required parking shall consist of an enclosed garage served by a paved driveway from the garage to the access street.

(B) *Nonresidential uses of residential buildings.* In any zoning district a residential building being used for nonresidential purposes except places of public assembly as hereinafter provided, shall provide in addition to the off-street parking space or spaces for the dwelling units required under division (A) of this section, off-street parking in the same amounts set forth in § 151.105, for that portion of the floor area which is being utilized for nonresidential purposes.

(C) *B-1 or B-2 zoning districts.* New business buildings erected within B-1 or B-2 Zoning Districts shall provide off-street parking facilities for any extension or addition in the same amount as specified for new business buildings in § 151.105.

(D) *Methods of providing parking facilities.* The required off-street parking facilities for buildings used for other than residential purposes may be provided by any one of the following methods:

(1) By providing the required off-street parking on the same lot as the building served.

(2) By providing the required off-street parking within 300 feet of the building being served; or

(3) By the collective provisions of the required off-street parking for two or more buildings or uses, provided that the total of the off-street parking area shall not be less than the sum of the requirements of the various buildings or uses computed separately and the parking areas are within 300 feet of the buildings being served.

(E) *Purpose.* The off-street parking facilities required hereunder shall be used solely by the occupants, employees, visitors, patrons, and clientele of business

building and uses. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is expressly prohibited.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

### **§ 151.102 DUTY OF CONTINUING COMPLIANCE.**

The owner and occupants of real estate on which new buildings have been built after October 26, 1982, and the owner and occupants of real estate on which buildings, whether built before or after October 26, 1982, are altered or additions made thereto after October 26, 1982 shall have the duty to provide and maintain the off-street parking requirements of this subchapter. The Building Inspector may require a written designation of the required off-street parking area in recordable form. Upon any transfer of the title to the real estate on which the building or buildings are located, the transferee or transferees and the occupants shall have the continuing duty to maintain the off-street parking requirements of this subchapter. It shall be unlawful for the owner and occupants of any building to discontinue or change, or cause the discontinuation or change of the required off-street parking without establishing, prior to the discontinuance or change, alternative off-street parking which meets the requirements of and is in compliance with this subchapter.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

### **§ 151.103 PARKING AND STORAGE OF CERTAIN CONVEYANCES.**

(A) *Prohibition.* From and after June 1, 1980, parking and/or outside storage of any conveyance for use on land, in the air or on the water, other than licensed private passenger cars or vehicles, shall be prohibited in the RE, R-1 and B-1 Zoning Districts except as herein permitted.

(B) *Definitions.*

**LICENSED PRIVATE PASSENGER CAR OR VEHICLE.** Any vehicle for which the principal purpose is transportation of people on streets and highways. This classification shall not include recreational vehicles as defined in this division, nor shall it include any conveyance, equipment, or vehicle the primary purpose of which is other than the transportation of people on streets and highways.

**RECREATIONAL VEHICLES.** Boats, boat trailers and any vehicle equipped for camping, sleeping or living purposes or any part thereof. The classification includes mobile homes, campers, truck campers, camper trailers, and motor homes.

(C) *Exceptions.*

(1) Any recreational vehicle bearing a current license plate and owned by and titled to an occupant of a residential dwelling may be parked and/or stored in the rear open space of the residence not less than ten feet from the rear lot line when abutting a residential dwelling and not less than five feet from any side lot line which abuts a residential dwelling, and not less than 25 feet or the equivalent of the side setback of the principal building, whichever is least, when abutting a setback of the principal building, whichever is least, when abutting an adjacent side street.

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(2) Any recreational vehicle as defined in this section may be parked on a driveway for purposes of loading and/or unloading for a total of not more than six days (144 hours) during any one calendar month; provided, however, that the loading and/or unloading period shall not exceed three consecutive days, or 72 hours.

(3) Any vehicle designed for use on streets and highways may be parked in the driveway of a residence if it is the sole means of transportation to and from work for one or more occupants of the residence, notwithstanding the fact that it may not be a licensed private passenger vehicle.

(4) No recreational vehicle as defined in this section shall be used for living purposes within the township or shall be connected to the sewer or water system of the township.

(5) Upon special permit first obtained from the Building Inspector, a recreational vehicle undergoing repair or a recreational vehicle offered for sale without advertisement or sign on vehicle or recreational vehicle not exceeding a one-week period.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.104 PARKING FOR PERSONS WITH DISABILITIES.**

(A) In accordance with the provisions of Public Act 88 of 1978, being M.C.L. §§ 257.942a *et seq.*, as amended, parking spaces specifically designated for persons with disabilities in numbers to conform with the requirements of Section 2 of Public Act 1 of 1966, being M.C.L. §§ 125.1351 *et seq.*, as amended, shall be provided in each shopping center as defined in Public Act 235 of 1969, being M.C.L. § 157.941, as amended.

(B) **DISABLED PERSON** or **PERSON WITH DISABILITIES** means a person who is determined by a physician or an optometrist as specifically provided in this section licensed to practice in this state to have one or more of the following physical characteristics:

- (1) Blindness as determined by an optometrist or a physician;
- (2) Inability to walk more than 200 feet without having to stop and rest;
- (3) Inability to do both of the following:
  - (a) Use one or both legs or feet; and
  - (b) Walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person;
- (4) A lung disease from which the person's forced expiratory volume for one second, when measured by spirometry, is less than one liter, or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest;
- (5) A cardiovascular condition that causes the person to measure between three and four on the New York heart classification scale, or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American Heart Association and approved by the department of public health;
- (6) An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk;

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(7) The persistent reliance upon an oxygen source other than ordinary air.  
(Ord. 167, passed 6-11-85)

**§ 151.105 OFF-STREET PARKING SPACES.**

(A) The minimum number of off-street parking spaces by use shall be determined in accordance with the following schedule:

Barber shops	3 spaces for each chair
Beauty shops	5 spaces for each work station for each beauty operator, manicurist, shampoo attendant or other employee assigned to serve customers
Churches	1 space for each 3 seats or fraction thereof based upon maximum seating capacity in the main place of assembly therein
Furniture and appliance, household equipment, shoe, clothing stores	1 space for each 500 square feet of usable floor space
General offices and banks	1 space for each 100 square feet of usable floor space
Laundromats and coin operated dry cleaners	1 space for each 2 machines
Medical and dental offices	1 space for each 75 square feet of usable floor space
Nursery schools, pre-schools, day nurseries, child day-care centers, or private schools	1 space for each 350 square feet of usable floor area, plus 1 space for each faculty member, employee or owner, plus three passenger vehicle or unloading spaces
Private clubs, golf, tennis, swim, or similar	1 space for each member family or individual
Restaurants	3 spaces for each 100 square feet of usable floor space Retail, except as otherwise specified
Retail, except as otherwise specified	1 space for each 150 square feet of usable floor space
Single-family dwelling units	2 spaces for each dwelling unit
Shoe repair and dry cleaning	1 space for each 500 square feet of usable floor space

(B) For all uses, in addition to the requirements listed in division (A) of this section, adequate space for vehicle maneuvering or standing must also be provided so



as not to interfere with pedestrian movement, vision requirements or traffic flow and circulation within and without parking area. A site plan showing in detail the parking layout, traffic flow, points of ingress and egress and other data relating to parking shall be submitted for approval by the Township Planning Commission.

(C) Any interior change within the building which would affect parking must go before the Planning Commission for review and possible revision of the parking requirements.

(Ord. 167, passed 6-11-85)

### **§ 151.106 LOADING AND UNLOADING FACILITIES.**

In all zoning districts, there shall be provided and maintained on the same premises with every building, or part thereof, hereafter erected, which is to be occupied for a use requiring the receipt of distribution in vehicles of material or merchandise, off-street loading and unloading space in relation to building floor as follows:

<b>Total Floor Area of Building</b>	<b>Off-Street Loading</b>
<b>Space Requirements</b>	
1,000 square feet - 10,000 square feet	One space
10,001 square feet - 30,000 square feet	Two spaces
30,001 square feet - 50,000 square feet	Three spaces
For each 100,000 square feet in excess	One
additional space	
of 50,000 square feet	

(Ord. 167, passed 6-11-85)

### **§ 151.107 PLANS SUBMITTED; CERTIFICATE OF OCCUPANCY.**

(A) *Plans submitted.* Plans must be submitted to the Building Official showing how the required parking and loading spaces shall be arranged in the area supplied for that purpose as to indicate sufficient space for parking maneuvers, as well as an adequate ingress and egress to the parking or loading area.

(B) *Certificate of occupancy.* No certificate of occupancy will be issued upon completion of any building or addition thereto unless and until all off-street parking and off-street loading space or area requirements, shown on the plans, or made a part of the building permit, shall be in place and ready for use.

(Ord. 167, passed 6-11-85)

### **§ 151.108 REQUIRED IMPROVEMENTS AND MAINTENANCE.**

Property which is utilized for off-street parking facilities in § 151.101(B) or in any B-1 or B-2 Districts shall be improved and maintained in accordance with the following regulations.

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(A) *Control bumper.* A control bumper, consisting of a continuous concrete curb constructed upon a suitable base having a minimum width of four inches and a minimum height of six inches above grade, shall be provided where the boundary of the parking facility abuts a street, alley, or a RE or R-1 District. When the front lot line of the parking facility abuts a street, a control bumper shall be provided along the front street line of the parking facility. Where the side lot line of the parking facility abuts a side street, or a RE or R-1 District in the same block, a control bumper shall be provided along the side lot line of the parking facility. Where the rear lot line of the parking facility abuts a rear street or a RE or R-1 District in the same block, a control bumper shall be provided along the rear lot line of the parking facility.

(B) *Setback.* The control bumper shall set back from the property lines as follows:

(1) *Front and rear street lot line.* The control bumper shall have a minimum setback of ten feet from the rear street lot line.

(2) *Side street line.* The control bumper shall have a minimum setback of three feet from the side street lot line or alley lot line.

(3) *Side lot line other than a side street lot line.* The control bumper shall have a minimum setback of three feet from the side lot line.

(4) *Rear lot line other than a rear street lot line.* The control bumper shall have a minimum setback of three feet from the rear lot line.

(C) *Screening.* In each instance where a control bumper is required hereunder, screening shall be provided along the lot line in question subject to the following regulations:

(1) *Any street lot line.* Screening shall be three feet in height above grade, except that at the intersection of two intersecting streets, the height may be reduced to less than three feet above grade to insure sight clearance for drivers properly using the streets. The screening shall be installed along the interior edge of the alley lot line and side street lot line and seven feet from the interior edge of the front or rear street lot line.

(2) *Side lot line other than a side street lot line.* Screening shall be six feet in height above the parking lot grade, except that the screening shall be three feet in height above grade within 25 feet of any street lot line and shall not extend to within seven feet of any street lot line. The screening shall be installed along the interior edge of the side lot line.

(3) *Rear lot line other than a rear street lot line.* Screening shall be six feet in height above the parking lot grade and shall be installed along the interior edge of the rear lot line.

(D) *Landscaping.* In the cases where the screening shall be placed seven feet from the front or rear street lot line, the area between the street lot line and the screening shall be suitably landscaped and perpetually maintained with lawn, low evergreens and appropriate trees which allow adequate sight clearance for drivers properly using the ingress and egress system of the parking facility. All landscaping shall comply with standards in § 151.036.

(E) *Lighting.* Property utilized for off-street parking facilities during the hours of darkness shall be lighted. Lighting fixtures in connection with the parking area shall not exceed an overall height of 12 feet in height above grade. The lighting fixtures shall

be arranged in a manner so as to reflect the light away from any adjacent RE or R-1 District.

(F) *Surfacing, grading and drainage.* The off-street parking facilities in all non-single-family residential districts shall be provided with asphalt or concrete surfacing in accordance with township standards. Off-street parking facilities in all single-family residential districts shall be provided with a dustless surface which shall be graded in a manner so as not to allow formation of ruts where water may gather and stagnate. Drainage of all off-street parking facilities must be provided so as to collect and dispose of surface water so that water will not flow over abutting properties or otherwise become a nuisance or health hazard.

(G) *Ingress and egress.* Adequate entrance to and exit from the off-street parking facilities shall be provided. The ingress and egress must be a minimum distance from abutting RE or R-1 Districts of 15 feet. Control bumpers and screening shall not be required for those areas connected with the ingress and egress driveways. The entrance to and exit from the parking facilities shall be surfaced and maintained in accordance with the regulations outlined above in division (F) of this section.

(Ord. 167, passed 6-11-85) Penalty, see § 10.99

**§ 151.109 SCHEDULE OF STANDARDS AND PARKING LAYOUTS.**

***Off-street Parking Space Standards***

	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneu-ving Lane	Total Width of Two Tiers of Spaces Plus Maneu-ving Lane
0 (parallel parking)		8 ft.	23 ft.	20 ft.	28 ft.
30 - 53	12 ft.	9 ft.	18.5 ft.	33 ft.	47 ft.
54 - 74	16 ft.	9 ft.	18.5 ft.	35 ft.	54 ft.
75 - 90	26 ft.	9 ft.	18.5 ft.	44.5 ft.	63 ft.

(Ord. 167, passed 6-11-85)

*Cross-reference:*

*Parking Layouts, see Appendix B, diagram 9*

**SIGNS**

**§ 151.120 PURPOSE AND INTENT.**

Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and welfare, facilitating police and fire protection, preventing adverse community appearance and protecting the character of the district in which they are located. Regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. In general, it is intended that signs of a general commercial nature be prohibited in districts where commercial activities are prohibited; that signs in residential districts be limited to those directly related to activities on the premises. Further, that because aesthetic value of the total environment does affect economic values of the community, and the unrestricted proliferation of signs can and does detract from the aesthetic value of the total environment, it is the intent of this subchapter, in addition to the purposes cited above to provide discretionary controls, where necessary, to preserve community, scenic, aesthetic, and economic values. (Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18)

### **§ 151.121 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply.

**ACCESSORY SIGN.** A sign which pertains to the principal use of the premises upon which the sign is located.

**ADMINISTRATIVE SIGN COMMITTEE.** The Administrative Sign Committee shall consist of the Chairman of the Planning Commission, the Township Supervisor and Township Clerk or their designee. The Committee shall have the function of approving temporary signs as regulated in § 151.130.

**BANNER SIGN.** A sign on paper, cloth, fabric or other flexible or nondurable material of any kind, either with or without frames.

**DIRECTIONAL SIGN.** A sign, the sole purpose of which is to expedite and control the flow of vehicular and/or pedestrian traffic to, from and within a site.

**GROUND SIGN.** A sign supported on a base or foundation and constructed flush with the ground surface.

**HEIGHT OF SIGN.** Permitted height of sign shall be the maximum allowable distance from the highest edge of a sign surface or its projecting structure to the surrounding grade around the base of the sign.

**ILLUMINATED SIGN.** Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed to the sign.

**INSTITUTIONAL SIGN.** A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.

**INTERIM SIGN.** A sign that is placed on the premises prior to the placement of a permanent sign.

**NON-COMMERCIAL BANNER SIGN.** A banner or pennant containing messages for any purpose other than for a commercial purpose including but not limited to those displaying the name of a school, college or university, announcing a birth or graduation, or used in conjunction with a holiday, special event or similar.

**NON-COMMERCIAL SIGN.** Those signs containing messages for any purpose other than for a commercial purpose including but not limited to those containing political, opinion and religious messages. This includes the definitions of political signs and opinion signs contained in this section.

**OCCUPATIONAL SIGN.** A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.

**OPINION SIGN.** A sign that does not advertise products, goods, businesses, or services and that expresses an opinion or other point of view.

**OUTLINE TUBING SIGN.** A sign arranged of exposed gaseous tubes that outline and call attention to certain features of an advertising device, such as individual letters, figures, shapes or words.

**POLITICAL SIGN.** A sign relating to the election of a person to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

**PORTABLE SIGN.** A sign, sign board, display board or lighting panel which is free standing and not permanently grounded, such as, but not limited to, so-called "A" frame, "T" shaped or inverted "T" shaped stands, or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising.

**PROJECTING SIGN.** A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting therefrom.

**PYLON SIGN.** A sign supported by one or more uprights, poles, pylons or braces placed in the ground surface and not attached to any building or other structure.

**REAL ESTATE SIGN.** A sign to make known that the property the sign is located upon is for sale, rent, or lease.

**SIGN.** A name, identification, description, display, light, balloon, banner or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business, and which is visible from any public street, sidewalk, alley, park or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window or flags representing a territory, nation, or other governmental entity.

**TEMPORARY SIGN.** An information sign or banner, with or without a structural frame, intended for a limited period of display, not including accessory signs, real estate signs, garage sale signs, or noncommercial signs as defined in this section.

**WALL SIGN.** A sign affixed directly on an exterior or interior surface of a building which is visible from outside the building.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18)

## **§ 151.122 SCHEDULE OF SIGN REGULATIONS.**

A schedule of sign regulations for this section is set forth in Appendix C of this chapter. It includes the types of signs that require Administrative Sign Committee

approval, the types that require Planning Commission approval, those signs that are permitted without approval or an erection permit, and signs that are prohibited.

(A) Administrative Sign Committee approval is required for all temporary signs set forth in the schedule and outlined in § 151.130 including but not limited to banners, signs for sales and special events, interim signs, and going out of business signs.

(B) Planning Commission approval is required for all signs which are more permanent in nature and are not defined as temporary, are not exempt from an erection permit, and are not prohibited.

(C) Standards for approving signs which require review by the Administrative Sign Committee, Planning Commission, or Zoning Board of Appeals are set forth in § 151.137(C).

(D) Approval is not required and an erection permit is not issued for certain types of signs set forth in the schedule and outlined in § 151.126 such as real estate signs, political signs, institutional signs, and directional signs, provided such signs meet all other provisions of this chapter.

(E) Signs not specifically set forth in the schedule as being permitted or exempted are prohibited.

(Ord. 209, passed 5-8-18)

#### **§ 151.123 SIGN AREA.**

(A) The total sign area is to be expressed in square feet and shall be computed as herein set forth and permitted in the schedule of sign regulations, § 151.122, attached to and made part of this subchapter.

(B) A single face sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including any open space(s), together with any frame or other material forming an integral part of the display used to differentiate the sign from the background against which it is placed.

(C) A sign having two faces of equal size arranged and/or positioned back to back and parallel or with the faces at an included angle of not more than 30 degrees in the plan or vertical view, the area of the sign shall be computed as one-half the total area of the two faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.

(D) When two single face signs are arranged and/or positioned within 36 inches of each other, the area of the two signs shall be computed as one single face sign and total area shall include the open space between the two separate faces.

(E) No sign or banner shall be permitted to be affixed on the inside or outside of any glass window or any similar transparent window within the township if the sign or banner occupies more than 25% of the total area of the window or if, when considered with other signs or banners in connection with the window, the total area of the several signs or banner exceeds 25% of the total window area. If more than one pane of glass or other transparent material are placed together so as to create the effect of one

window, they shall be treated in the same manner as one window for purposes of this division. All such window signs shall be professionally prepared.  
(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18)

#### **§ 151.124 PERMITS AND APPLICATIONS.**

(A) *Permit required.* It shall be unlawful for any person to erect, re-erect, alter or relocate any sign unless a permit shall have been first obtained from the Building Inspector, except as provided in §151.126, and a permit fee paid in accordance with the schedule adopted by resolution of the Township Board. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size. Further, no sign shall be issued a permit unless there is submitted to the Building Inspector written approval by the owner, or his or her representative, of the property on which the sign is to be installed.

(B) *Permits.* Permits for the erection of signs shall only be issued to persons qualified to carry on the work under the provisions of § 151.127.

(C) *Permit expiration.* A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.

(D) *Applications.* Applications for sign permits shall be made upon forms provided by the Building Department for this purpose and shall contain the following information:

- (1) Name, address, and phone number of applicant;
- (2) Location of the building, structure or lot on which the sign is to be attached or erected;
- (3) Position of the sign on the building, structure, or lot on which the sign is to be attached or erected with complete distance dimensions on an elevation drawn to a specific scale;
- (4) Relationship of the sign to relevant property lines and to nearby and/or abutting property, building(s), structure(s), and signs with complete distance dimensions on a plan drawn to a specific scale;
- (5) Two copies of sign plan with all pertinent data including highest point, low point of clearance from the ground, face width and/or outline, total face area with the calculations used to obtain same and method of mounting;
- (6) Name and address of the sign erector;
- (7) Insurance policy as required in § 151.127 and/or performance bond as required;
- (8) Other information which the Building Inspector may require to show full compliance with this and other applicable laws of the township and the state;
- (9) When public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18)

#### **§ 151.125 SERVICING.**

The provisions and regulations of this section shall apply to servicing, painting, repainting, cleaning, and other normal maintenance and repair; except no permit shall be required unless a structural erection or alteration change is made.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18)

**§ 151.126 EXEMPT SIGNS; LOCATION, SIZE, HEIGHT AND DURATION RESTRICTIONS.**

*Exempt signs.* No erection permit shall be required for signs enumerated below. The exemptions however, shall not be construed to relieve the owner of the sign from responsibility to comply with all other provisions of this chapter including but not limited to its proper location, size, duration, erection and maintenance.

(A) *Real estate signs.*

(1) There shall only be one sign per premises.

(2) In a residential zone district, the sign shall not be more than four square feet in area or four feet in height.

(3) In a business or cemetery zone district, the sign shall not exceed eight square feet or five feet in height.

(4) In all zone districts, the setback of the sign shall be a minimum of the sign height from the property line. The sign shall not be located within any public right-of-way.

(5) An off-premises real estate sign (such as, "open house" sign) not to exceed four square feet in area and three feet in height above grade is permitted for purpose of directing to a premises which is for sale, rent or lease provided it is not located on a street right-of-way. Permission to locate an off-premises sign on private property shall be obtained from the owner or occupant of the property on which the sign is located. Failure to comply with this condition shall be cause for immediate removal of the sign.

(B) *Small accessory signs.*

(1) Any accessory sign erected on a premise which is not more than two square feet in area.

(2) The total area of all small accessory signs on one premise shall not exceed four square feet.

(C) *Garage sale signs (including yard sale, estate sale, basement sale).*

(1) Shall not be more than three square feet in area.

(2) Shall not exceed two signs per premises.

(3) Shall not be placed on property more than seven days in any 180-day period.

(D) *Directional signs.* The size shall not be more than six square feet and the height shall not be more than three feet.

(E) *Noncommercial signs.* All noncommercial signs shall be subject to the following regulations:

(1) The size of the sign shall be a maximum of four square feet.

(2) No more than two noncommercial signs may be located on one property.



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(3) All noncommercial signs may be located on the owner's property for a period not to exceed 60 days in any single calendar year. If the owner wishes to post the sign for longer than the original 60-day period, approval is required from the Administrative Sign Committee.

(4) No noncommercial sign shall be placed in the public right-of-way.

(F) *Noncommercial banners.* The size of the banner shall be a maximum of 14 square feet and the length shall be a maximum of 14 feet. They shall only be permitted in the RE, R-I zone districts.

(G) *Institutional signs.* The size of the sign shall be a maximum of six square feet. The maximum height shall be ten feet, and they shall only be permitted in the B-2 district.

(H) Exempt signs exceeding the above size, height and/or duration limits require approval by the Planning Commission.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

### **§ 151.127 PROCEDURES FOR SIGN ERECTORS.**

Permits may be issued to sign erectors only under the following conditions:

(A) *Insurance certificates.* Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Township Clerk, a certificate of insurance, with a hold harmless agreement made out to the township, approved by the Township Attorney for public liability in the amount of \$100,000 for injuries to one person and \$300,000 for injury to more than one person, and property damage insurance in the amount of \$25,000 for damage to any property due to actions of himself or any of his agents or employees.

(B) *Lapsing of insurance.* At any time the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.

(C) *Notification of change.* A sign erector shall notify the Building Department of any change in address and, if a firm or corporation, any change in ownership or management if another is indicated on the insurance certificate.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

### **§ 151.128 APPROVED CONSTRUCTION RULES.**

In the absence of approved rules governing details of construction, all signs shall be in conformance with the Stille-Derossett-Hale Single State Construction Code Act, PA 230 of 1972, M.C.L. 125.1501 *et seq.* and all those rules promulgated thereunder unless otherwise specified in this subchapter.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

### **§ 151.129 SIGN REQUIREMENTS.**

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(A) *Erector's imprint.* Signs of every type which come within the purview of this section must carry the identification and address of the sign erector, electrical voltage, when applicable, and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign.

(B) *Proximity to electrical conductors.* No sign shall be erected so that any part including cables, guys, and the like, will be within ten feet of any electrical conductor, electrical light pole, street lamp, traffic light, or other public utility pole or standard.

(C) *Traffic interference.* No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

(D) *Sign heights.* Sign height shall be as specified in the schedule of sign regulations, § 151.122. All projecting and/or pylon signs shall have an under clearance from the lowest point of the sign to the ground or grade level of not less than eight feet.

(E) *Signs permitted.* See schedule of sign regulations in § 151.122.

(F) *Illumination.* Reflectors, lights or other forms of illumination on signs shall be allowed except:

(1) No sign shall be illuminated by other than approved devices and the illumination of the sign shall be directed or shaded so as not to interfere with the vision of persons on adjacent public rights-of-way or adjacent properties.

(2) No sign shall be illuminated in such a manner as to interfere with, mislead or confuse traffic.

(3) All illumination shall be a steady, continuous burning of bulbs or lights. The flashing, blinking, oscillating, rotating or intermittent turning on and off of any illuminating device is prohibited.

(4) The use of string electric light bulbs, which illuminate products out-of-doors is prohibited.

(5) An outline tubing sign, including that which is covered with a transparent surface, is prohibited except for an indoor neon "open sign."

(6) In no case shall any sign exceed a level of illumination of 0.08 footcandles and a luminaire brightness of 2,400-foot lamberts, when measured at the property line at any height.

(7) There shall be no illumination of signs in residential districts.  
(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

### **§ 151.130 TEMPORARY SIGNS.**

The following types of temporary signs may be approved by the Administrative Sign Committee as established in § 151.137. If the committee withholds its approval or the proposed sign does not meet the specified requirements of this section, the applicant may request a hearing before the Planning Commission. Signs exempted in § 151.126 and meeting the requirements set forth in the schedule of sign regulations do not require Administrative Sign Committee approval.

(A) *Temporary signs.*

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- (1) Exterior banners, pennants, spinners and streamers, including those for new store openings, special events, happy hours, and festivals.
- (2) Signs inside store windows advertising sales.
- (3) Going out of business signs.
- (4) Interim signs on a building until a permanent sign is constructed.
- (5) Portable signs.
- (6) Signs, banners and flags when in the nature of special decorative displays used for promotions of civic welfare or charitable purposes.

(B) Size of temporary signs shall not exceed 14 square feet. Only one temporary sign is permitted on a premise. Banners, pennants, and streamers shall not extend in length more than 14 feet.

(C) Time of display may be for a period not to exceed ten days, except that a "going-out-of-business" sign, and an interim sign pending delivery of a permanent sign meeting ordinance requirements may be allowed up to 30 days. Extension for a further 30-day period may be approved.

(D) No temporary sign may extend over or be located on a public street right-of-way.

(E) Temporary signs exceeding the above size and/or duration limits require approval by the Planning Commission.

(Ord. 176, passed 1-9-90; Am. Ord. 204, passed 6-9-09; Am. Ord. 209, passed 5-8-18)  
Penalty, see § 10.99

### **§ 151.131 SIGNS PROHIBITED.**

In addition to other regulations of this subchapter, including exempt signs found in § 151.126, the following types of signs are prohibited:

(A) Any sign which has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, by action of normal wind current, or by any other means;

(B) Signs or displays employing moving or flashing lights, including search lights, strobe lights, flashing light bars, and other similar lighting features;

(C) Exterior strung lights used in connection with a commercial premises other than holiday decorations;

(D) Signs employing noise making devices and components;

(E) Signs employing unedged or uncapped plastic letters or letters with no returns and exposed fastenings;

(F) Any sign erected on a tree or utility pole;

(G) Any sign erected, constructed, and/or maintained on or above the roof of a building or any portion thereof.

(H) Any sign painted or otherwise inscribed directly on the exterior or interior surface of a building which is visible from outside the building.

(I) Any sign relating to a business activity, use, service, or product not performed or sold on the premises upon which the sign is displayed.

(Ord. 176, passed 1-9-90; Am. Ord. 206, passed 11-15-11; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

**§ 151.132 OWNER RESPONSIBILITY; MAINTENANCE AND SANITATION.**

(A) *Responsibility of compliance.* The owner of any property on which a sign is placed or the person maintaining the sign are declared to be responsible for the erection of the sign and the condition of the sign and the area in the vicinity thereof, and further, may be required to furnish a performance bond at the direction of the Planning Commission.

(B) *Sanitation.* Property surrounding any ground or pylon sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and flammable material.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

**§ 151.133 SAFETY.**

No sign or signs shall be permitted at any location which, in the sole discretion of the Planning Commission, would or could create any type of safety hazard.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

**§ 151.134 SIGN INSPECTION.**

(A) *Certificate of inspection.* All signs shall be inspected by the Building Inspector and Electrical Inspector, when required, and if found to have been properly constructed and installed in accordance with the provisions of this subchapter, then a certificate of inspection shall be issued, upon request.

(B) *Concealed work.* In cases where fastenings are to be installed and enclosed in such a manner that the building and electrical inspectors cannot easily remove material to be used, the sign erector must advise the Building Department so that inspection may be made before concealment.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

**§ 151.135 REMOVAL.**

(A) The Building Inspector may order the removal of any new sign that is erected or maintained in violation of this subchapter. The order shall be in writing to the owner of the sign, and to the owner of the building, structure, or premises on which the sign is located, and shall allow three days for the removal of the sign to ensure that it is brought into conformance with the terms of this subchapter.

(B) The Building Inspector may order the removal of any sign existing at the time of or erected after the adoption of this subchapter if either by its location or

structural characteristics it is deemed to be immediately hazardous to the safety of the general public. The order shall be in writing to the owner of the sign, and to the owner of the building, structure, or premises on which the sign is located, and shall allow 48-hours from the time of notification in writing for compliance, and if the notice is not complied with within the specified time, the Building Inspector shall initiate appropriate legal action.

(C) The Building Inspector shall order the removal of any sign whenever an activity to which the sign pertains ceases to exist. The order shall be in writing to the owner of the sign, and to the owner of the building, structure, or premises on which the sign is located, and shall allow 30 days from the time of notification in writing for the removal of the sign.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

### **§ 151.136 NONCONFORMING SIGNS.**

(A) *Lawful existing signs.* Any sign lawfully existing at the time of the adoption of this subchapter which does not fully comply with all the provisions of this subchapter shall be considered a nonconforming sign and may remain as an accessory sign to the premises upon which it is located as long as the use to which it pertains is not changed, the structural conditions of the sign are not detrimental to the health, safety and welfare of the township, and the sign is properly maintained. No sign shall be structurally altered, so as to prolong the life of the sign except as noted above, or to change the shape, size, type or design of the sign. No nonconforming sign shall be repaired after being damaged if the repair would cost more than 50% of the cost of an identical new sign.

(B) *Judgment.* All signs at “the corners” shopping center and office center shall meet the requirements of the consent judgement entered on September 14, 1982, in Oakland County Circuit Court Case #81-227946-CH and any amendments which may be made to that judgement.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18) Penalty, see § 10.99

### **§ 151.137 ADMINISTRATION AND ENFORCEMENT.**

(A) *Enforcement.* This subchapter shall be administered and enforced by the Building Inspector.

(B) *Administrative Sign Committee.* The Administrative Sign Committee shall consist of the Chairman of the Planning Commission, the Township Supervisor, and the Township Clerk or their designee. The Committee shall have the function of approving temporary signs regulated in § 151.130. If the Committee withholds its approval or the proposed sign does not meet the specified requirements of this section, the applicant may request a hearing before the Planning Commission.

(C) *Review by Administrative Sign Committee, Planning Commission or Zoning Board of Appeals.* Sign approval shall be granted only upon determining the following:

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(1) The scale, color, texture and materials of the sign being used will identify the business succinctly and will enhance the building on which it is located, as well as the immediate neighborhood.

(2) The scale, color, texture and materials of the sign will be compatible with the building on which it is located, as well as neighboring buildings and tenant spaces.

(3) The appearance of the building exterior with the signage will preserve or enhance, and not adversely impact, the property values in the immediate neighborhood.

(4) The sign is neither confusing nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety.

(5) The sign is consistent with the intent of the Master Plan.

(6) The sign otherwise meets all requirements of this chapter.

(D) *Appeals.* Any person aggrieved by a decision of the Planning Commission or a decision, ruling or order from the Building Inspector may make an appeal to the Zoning Board of Appeals in the manner provided in § 151.173 of this chapter.

(Ord. 176, passed 1-9-90; Am. Ord. 209, passed 5-8-18)

## WIRELESS COMMUNICATION FACILITIES

### § 151.150 PURPOSE AND INTENT.

(A) 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 is the further purpose and intent of the township to provide for this authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this subchapter, an attempt has been made to balance these principles with potentially competing interests.

(B) Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to do the following:

(1) Allow the Planning Commission of Southfield Township, hereinafter referred to as "the Commission," and the Southfield Township Board of Trustees, hereinafter referred to as "the Board," to regulate and restrict wireless communication facilities and services as principal permitted, accessory permitted, special land use, or prohibited land uses;

(2) Allow the Commission to establish predetermined zoning districts of the number, shape, and in the location considered appropriate for the establishment of wireless communication facilities, subject to applicable standards and conditions;

(3) Recognize that operation of a wireless communication system may, in the opinion of the applicant, require the establishment of facilities in locations not within the predetermined zoning districts. In these cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within

the township. Consequently, more stringent standards and conditions should apply to the review, approval and use of the facilities;

(4) Ensure that wireless communication facilities are situated in appropriate locations and with relationships to other land uses, structures and buildings;

(5) Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs;

(6) Promote the public health, safety and welfare;

(7) Provide for adequate information about plans for wireless communication facilities in order to permit the township to effectively plan for the location of the facilities;

(8) Minimize the adverse impacts of technological obsolescence of the facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner;

(9) Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice tower structures that are unnecessary, taking into consideration the purpose and intent of this section;

(10) Facilitate adequate and efficient provision of sites for wireless communication facilities;

(11) Recognize that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the township. This, in turn, would have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous, relatively tall tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

(Ord. 196, passed 9-8-98)

## **§ 151.152 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply.

### ***ATTACHED WIRELESS COMMUNICATION FACILITIES (ANTENNAE).***

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.

***COLOCATION.*** The location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the

view toward reducing the overall number of structures required to support wireless communication antennae within the community.

**WIRELESS COMMUNICATION FACILITIES.** 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 buildings and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, short wave facilities, HAM and amateur radio facilities, satellite dishes; and government facilities which are subject to state or federal law or regulations which preempt township regulatory authority.

**WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWER).**

Structures erected or modified to support wireless communication antennae. 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 support structure.

(Ord. 196, passed 9-8-98)

**§ 151.153 PERMITTED PRINCIPAL USES.**

In the following circumstances, a new wireless communication facility shall be deemed a permitted principal use, subject to site plan review and the conditions set forth in § 151.156, and if approved, constructed and maintained in accordance with the standards and conditions of this section.

(A) An attached wireless communication facility within all B-1 Non-retail Business and B-2 Retail Business Districts, where the existing structure is not, in the discretion of the Commission or the Board, proposed to be either materially altered or materially changed in appearance.

(B) Colocation of an attached wireless communication facility which had been pre-approved for the colocation as part of an earlier approval by the township.

(C) An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Commission or the Board, would materially alter the structure and/or result in an impairment of sight lines or other safety interest.

(Ord. 196, passed 9-8-98)

**§ 151.154 SPECIAL LAND USE.**

(A) *Special land use designation.* New wireless communication support structures (excluding lattice towers) shall be deemed a special land use within B-1 Non-retail Business and CEM Cemetery Districts, conditioned upon site plan and special land use review and approval. All wireless communication support structures are subject to the standards and conditions provided in § 151.156, the application



requirements specified in § 151.157, the requirements outlined in sections 16b and 16d of Public Act 184 of 1943 (the Township Zoning Act), being M.C.L. §§ 125.286b and 125.286d, as amended, and the review procedure described in this section.

(B) (1) *Special land use review procedure.* Special land use approval shall not be granted until a public hearing has been held by the Commission. Upon receipt of an application for a new wireless communication support structure, one notice of a public hearing shall be published in a newspaper of general circulation within the township; the notice shall be posted in the township offices, and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 500 feet of the boundary of the property in question, and to the occupants of all structures within 500 feet. The notice shall be published, posted, and post-marked, mailed, or personally delivered not less than 5 nor more than 15 days before the date the application will be considered. 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, notice may be given to the manager or owner of the structure who shall then be requested to post the notice at the primary entrance to the structure. The notice shall do the following:

- (a) Describe the nature of the special land use request;
- (b) Indicate the property which is the subject of the special land use request;
- (c) State when and where the special land use request will be considered;
- (d) Indicate when and where written comments will be received concerning the request.

(2) Upon receipt of the special land use request, the Township Clerk shall forward the request to the Board which shall refer the request to the Commission for its review. The Commission shall review the special land use request and may solicit comments from the Township Planner, Township Engineer, and other agencies, groups, or persons of its choice.

(3) Special land use approval shall not be granted until a public hearing has been held by the Commission in accordance with the procedure described in this section. The Commission shall review and recommend approval, approval with conditions, or denial of the special land use request. Each action taken with reference to the special land use request shall be duly recorded in minutes of the Commission.

(4) The Board shall take action on the special land use request subsequent to receipt of the Commission's recommendation. The Board may review, approve, approve with conditions, deny or table for further consideration all special land use requests.

(B) *Compatibility of design.* The Commission or the Board may require that wireless communication facilities subject to special land use approval be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area.

(Ord. 196, passed 9-8-98)

**§ 151.155 APPLICATIONS FOR FACILITIES OUTSIDE PERMITTED DISTRICTS.**

If it is demonstrated by an applicant to the satisfaction of the Commission and the Board that a wireless communication facility may not be reasonably established as a permitted principal use under § 151.153 or a special land use under § 151.154, and is required to be established outside of a district identified in §§ 151.153 and 151.154, in order to operate a wireless communication service, then, wireless communication facilities may be permitted elsewhere in the township as a special land use, subject to the criteria and standards of § 151.154 and §§ 151.156 through 151.159, and further subject to the following:

(A) At the time of the submission, the applicant shall demonstrate that a location permitted within §§ 151.153 and 151.154 cannot reasonably meet the coverage and/or capacity needs of the applicant;

(B) Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the township;

(C) In single-family residential neighborhoods, site locations outside of a permitted district identified in §§ 151.153 and 151.154 shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:

- (1) Township-owned sites;
- (2) Other governmentally-owned sites;
- (3) Religious or other institutional sites;
- (4) Public or private school sites;
- (5) Public parks and other large permanent open space areas when

compatible.

(Ord. 196, passed 9-8-98)

**§ 151.156 STANDARDS AND CONDITIONS.**

(A) *Conditions generally.* All applications to erect, construct, or modify wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with these standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Commission or the Board in their discretion.

(B) *Public health and safety.* Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

(C) *Compliance with federal, state, and local standards.* Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

(D) *Maximum height for a new wireless communication support structure.*

(1) The maximum permitted height of any new wireless communication support structures shall be 110 feet.

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(2) The height of the support structure shall be measured from the average grade surrounding the base of the support structure to the highest point of the highest proposed antennae or structure. At the discretion of the Commission or the Board, all proposed towers shall be constructed to accommodate the collocation of up to three providers or antennae.

(3) The maximum height of 110 feet shall not apply when attached wireless communication facilities are proposed on an existing support structure which was not erected solely for the purpose of supporting wireless communication facilities.

(E) *Maximum permitted height of the equipment enclosure.* The accessory building constructed to enclose things such as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

(F) *Minimum setbacks.* The setback of a new or modified support structure from any residential district shall be at least the height of the tower as measured to the highest point of the approved support structure and antennae. The setback of a new or modified support structure and accessory structures from any nonresidential district shall be the minimum required setback for principal buildings, as provided in the schedule of regulations, for the zoning district in which the support structure is to be located.

(G) *Minimum distance between towers.* At the time a proposal is submitted to the township for a new wireless communication support structure, the location of other existing wireless communication support structures, both within the township and in surrounding communities, shall be provided in accordance with § 151.157. The minimum distance between the proposed and existing wireless communication support structures shall be 220 feet.

(H) *Access.* There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as the location of adjacent thoroughfares and traffic and circulation within the site, utilities needed to service the tower and any attendant facilities, the location of buildings and parking facilities, proximity to residential districts and minimizing disturbance to the natural landscape, and the type of equipment which will be needed to access the site.

(I) *Division of property.* The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

(J) *Equipment enclosure.* Where an attached wireless communication facility is proposed on the roof of a building or if 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 an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

(K) *Design objectives.* The support structure and all accessory buildings shall be designed to minimize distraction, reduce its visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. The Commission or the Board shall have the discretion to require the use of certain colors, building materials, or

design elements to ensure compatibility. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. No signs or logos visible from off-site shall be permitted on a support structure, with the exception of approved warning signs.

(L) *Landscaping and fencing.* The Commission or the Board shall have the discretion to require landscaping to provide screening and aesthetic enhancement for the structure base and accessory buildings. The Commission or the Board shall also have the discretion to permit or require fencing for protection of the support structure and security from children and other persons who may otherwise access facilities.

(M) *Soil conditions and structural integrity.* The support system 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. 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 shall be noted.

(N) *Written notification to potential colocators.* Documentation that other service providers have been notified in writing of the proposed support structure shall be provided, in accordance with § 151.158.

(Ord. 196, passed 9-8-98) Penalty, see § 10.99

## **§ 151.157 OTHER REQUIREMENTS.**

All applications to erect, construct, or modify any part or component of a wireless communication facility shall include the following.

(A) A site plan prepared in accordance with §§ 151.050 through 151.056, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping, and as-built drawings for all proposed attached wireless communication facilities and/or wireless communication support structures.

(B) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. The plan shall be designed to ensure the long-term, continuous maintenance to a reasonably prudent standard.

(C) A disclosure of what is proposed, demonstrating the need for the proposed wireless communication support structure to be located as proposed based upon the presence of one or more of the following factors:

- (1) Proximity to a major thoroughfare;
- (2) Areas of population concentration;
- (3) Concentration of commercial or other business centers;
- (4) Areas where signal interference has occurred due to buildings, masses of trees, or other obstruction;

- (5) Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.

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(D) The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs, goals and objectives.

(E) The service area of the proposed wireless communication facility, and signal power expressed in Effective Radiated Power (ERP) upon which the service area has been planned. A propagation map shall be provided to illustrate this information.

(F) The nature and extent of the provider/applicant's ownership, easement, or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.

(G) The identity and address of all owners and other persons with a real property interest in the property, buildings, or structure upon which facilities are proposed for placement, construction or modification.

(H) A map showing existing and known proposed wireless communication facilities within the township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the township which are relevant in terms of potential colocation sites or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same approximate height within a one-half mile radius of the proposed site which could accommodate a feasible colocation of the applicant's proposed attached wireless communication facility.

(I) For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant/provider expected to exercise reasonable due diligence in attempting to obtain information prior to application:

(1) The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified;

(2) Whether property owner approvals exist or have been requested and obtained;

(3) Whether the location could be used by the applicant/provider for placement of its attached wireless communication facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communication services.

(J) A certification by a state licensed and registered professional engineer regarding the manner in which the proposed structure will fail or fall. The certification may be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.

(K) A description of the security to be posted at the time of receiving a building permit for the wireless communication support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in § 151.159. The security, in the form of a surety bond, shall be a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the township in securing removal.

(L) The Commission or the Board shall have the discretion to require a detailed landscape plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening for the wireless communication support structure base, accessory buildings and enclosure.

(M) The Commission or the Board shall have the discretion to require the applicant to provide a visual simulation or rendering of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. If required, the visual simulation shall be provided from two different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.

(N) The proposal shall be reviewed for conformity with the colocation requirements of § 151.158. (Ord. 196, passed 9-8-98) Penalty, see § 10.99

### **§ 151.158 COLOCATION.**

(A) *Generally.* It is the policy of the township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in § 151.150. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the township that all users should collocate on attached wireless communication facilities and wireless communication support structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in § 151.150. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result would be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the township. The provisions of this section are designed to carry out and encourage conformity with this policy.

(B) *Feasibility of collocation.* Colocation shall be deemed to be feasible for purposes of this section where all of the following are met:

(1) The wireless communication provider entity under consideration for collocation will provide fair compensation for collocation;

(2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support;

(3) The collocation being considered is technologically feasible, therefore, the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennae, and the like;

## Southfield Township, Michigan Code of Ordinances

(4) The height of the structure necessary for colocation shall not exceed the maximum height identified in § 151.156.

(C) *Requirements for colocation.*

(1) A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.

(2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation.

(3) The policy of the township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible colocation, the facility shall be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

(4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the township, and, consequently the party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the township for a period of five years from the date of the failure or refusal to permit the colocation. The party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that the enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(D) *Notification of potential colocators.* In an effort to promote colocation, an applicant submitting a request to erect a new support structure shall be required to send a written notice to all current wireless communication providers licensed by the Federal Communication Commission within the Detroit Standard Metropolitan Statistical Area. Copies of the notice letter shall be provided to the township at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential colocators, a user or users request, in writing, to colocate on the proposed support structure, the applicant shall accommodate the request(s), unless colocation is not reasonably possible based on the criteria of this section.

(Ord. 196, passed 9-8-98) Penalty, see § 10.99

### **§ 151.159 REMOVAL OF FACILITIES.**

(A) All providers with facilities within the township shall notify the township, in a timely manner, when a facility is no longer in operation.

(B) All wireless communication providers with facilities in the township shall be required to submit an annual status report to the township that describes the current

operational status of the facilities and any planned changes or modifications to the structure, site, or ownership, lease, or maintenance agreement.

(C) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners. Provisions for removal shall be made if the facility has not been used for 180 days or more. For purposes of this section, the removal of antennae 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.

(D) The situation in which removal of a facility is required, as set forth in division (C) of this section, may be applied and limited to portions of a facility.

(E) Upon the occurrence of the event requiring removal, specified in division (C) of this section, 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 and complete the demolition/removal, restoring the premises to its prior condition as reasonably determined by the Commission or the Board.

(F) If the required removal of a facility or a portion thereof has not been lawfully completed 60 days after 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 surety bond posted at the time application was made for establishing the facility.

(Ord. 196, passed 9-8-98) Penalty, see § 10.99

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 151.170 ADMINISTRATIVE OFFICER.**

(A) The provisions of this chapter shall be administered by the Building Official or other official designated by the Township Board.

(B) The Building Official shall have the power to do the following:

- (1) Grant certificates of occupancy;
- (2) Make inspections of buildings and premises necessary to carry out the duties of the enforcement of this chapter;
- (3) Issue building permits.

(Ord. 167, passed 6-11-85)

### **§ 151.171 BUILDING PERMITS.**

(A) No building or structure within the unincorporated portions of the township shall hereafter be erected, moved, repaired, altered or razed, nor shall any work be started to erect, move, repair, or raze until a building permit shall have been obtained from the Building Official, nor shall any change be made in the use of any building or



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land without a building permit having been obtained from the Building Official, except that no building permit shall be required for non-structural alterations costing less than \$500. No building permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of this chapter and all amendments hereto. Unless construction is started within six months after the date of issuance of a building permit, the building permit shall automatically become void and fees forfeited. The Building Official may reinstate a building permit that has become void for failure to commence construction without payment of further fees at his discretion. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the Building Official in advance of issuance. The amount of the fees shall be established by resolution of the Township Board.

(B) The Building Official shall record all nonconforming uses for the purposes of carrying out the provisions of § 151.038.

(C) The Building Official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of the permit.

(D) The Building Official shall require that all applicants for building permits be accompanied by plans and specifications including a plot plan in duplicate, which shall agree with the site plan approved by the Township Board, when required, under §§ 151.050 through 151.056. The plot plan shall be prepared, signed, and sealed by a registered professional civil engineer or a registered professional land surveyor and shall show the following:

(1) Legal description of the property and a statement affirming that the property had been surveyed and that the boundary corners of the property have been marked by placing permanent points at each corner of the property;

(2) North point and scale of not less than 1 inch = 100 feet;

(3) Exact dimensions of the property including bearings and distances as described in the legal description;

(4) Proper relationship of subject property with all abutting property lines;

(5) Two-foot contours or pegged grade elevations at 50 feet on center for the entire property and for a distance not less than 50 feet outside the entire perimeter of the property;

(6) The existing finish grade elevations of all existing buildings or structures on or within 50 feet of the property;

(7) The location of all existing and/or proposed drives and parking areas;

(8) The location of all existing or proposed underground utilities;

(9) Proposed finished grade of all buildings, the site itself, and the entire perimeter of the property including property corners;

(10) The location and widths of all existing and/or proposed rights-of-way and/or easements and all abutting streets and alleys;

(11) The point, area, ditch, or enclosure to which storm water is to drain, including discharge of sump pumps;

(12) The location of the existing and/or proposed buildings on the property shall be clearly shown and shall include the dimensions to front, side, and rear property lines and ties from the proposed building to any adjoining building on or within 50 feet of the proposed building;

(13) Other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the chapter are being observed;

(14) Prior to pouring concrete for any footings, the builder shall demonstrate to the Building Official that the footing forms are properly located on the lot and that the footing grade is set to the proper elevation, both according to the dimensions and elevations as indicated on the plot plan. One copy of the plans shall be returned to the applicant by the Building Official, after the Building Official shall have marked the copy either as approved or disapproved. The remaining copy shall be retained in the office of the Building Official.

(E) Upon the completion of the work authorized by a building permit, the holder thereof shall seek final inspection thereof by notifying the Building Official who shall then make the final inspection promptly.

(F) Whenever the building, land and uses thereof as set forth in the application are in conformity with the provisions of this chapter it shall be the duty of the Building Official to issue within seven working days after the receipt of the application a building permit, and when the permit is refused, to state the refusal in writing with the reasons therefor.

(G) Whenever the application for a building permit involves an addition or alteration to an existing building or structure, the Building Official may waive the requirements herein of the furnishing of a plot plan when he determines that the public health, safety and welfare will not be adversely affected by doing so.

(H) A permit application for a temporary use in the B-1 and B-2 Districts shall be made to the Building Official and reviewed, acted on and be subject to the provisions in § 151.042. A temporary use permit issued by the Building Official shall be in accordance with the approval under that section, including all approval conditions and shall be subject to revocation or suspension. If a temporary use permit application is denied, the Building Official shall provide written notice of that denial and the reasons for it to the permit applicant.

(Ord. 167, passed 6-11-85; Am. Ord. 206, passed 11-15-11)

## **§ 151.172 CERTIFICATE OF OCCUPANCY; REQUIREMENTS.**

(A) No land, building, structure, or part thereof shall be occupied by or for any use for which a building permit is required by this chapter unless and until a certificate of occupancy shall have been issued for the new use.

(B) The following shall apply in issuance of any certificate:

(1) *Certificates not to be issued.* No certificates of occupancy pursuant to the Building Code of the township shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.

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(2) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for the building or structure. The certificate shall not be issued until the following requirements are complied with and are approved by the Building Official.

(a) Prior to the official issuance of a certificate of occupancy the Building Official shall inspect the site to determine if the grading is in accordance with the approved plot plan. If, in the judgement of the Building Official, there is doubt that the grading is in accordance with the plot plan, the Building Official shall request a grading certificate prepared, signed and sealed by a registered professional civil engineer or a registered professional land surveyor be submitted to the Building Official, in duplicate, attesting to the fact that the site has been constructed and graded in accordance with the plot plan, permanent irons at each lot corner are in evidence, and that the drainage pattern is in accordance with the plot plan as approved at the time of issuance of the building permit.

(b) In lieu of a grading survey, a surety bond, letter of credit, or cash deposit in an amount set by the Building Official may be required to insure grading and submission of the survey at a later date when a building, land or structure is otherwise suitable for occupancy during that season of the year when weather conditions make finish grading unfeasible. In this case a temporary certificate of occupancy may be issued and the date for completion of grading shall be indicated on the temporary certificate of occupancy or its related documents.

(3) *Certificates including zoning.* Certificate of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificate of occupancy as required by this chapter.

(4) *Certificates for existing buildings.* Certificates of occupancy will be issued for existing buildings, structures, or parts thereof, or existing uses of land, if after inspection it is found that the buildings, structures, or parts thereof, or the use of land are in conformity with the provisions of this chapter.

(5) *Temporary certificates.* Nothing in this section shall prevent the Building Official from the issuing of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that the temporary certificate shall not be effective for a period of time in excess of six months nor more than five days after the completion of the entire building, to a state ready for occupancy, and provided further that the portion of the building, structure, or premises is in conformity with the provisions of this chapter.

(6) *Records of certificates.* A record of all certificates issued shall be kept of file in the office of the Building Official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(7) *Certificates for dwelling accessory buildings.* Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as the dwellings.

(8) *Application for certificates.* Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by the

official, and the certificates shall be issued if, after final inspection, it is found that the building or structure, or part thereof, or the use of land, is in accordance with the provisions of this chapter. If the certificate is refused for cause, the applicant therefore shall be notified in writing of the refusal and cause thereof.  
(Ord. 167, passed 6-11-85)

### **§ 151.173 ZONING BOARD OF APPEALS.**

(A) (1) *Creation.* There shall be established and appointed by the Township Board, in accordance with Public Act 110 of 2006, being M.C.L. §§ 125.3101 - 125.3702, as amended, a Zoning Board of Appeals consisting of five members, each to be appointed for a term of three years, which terms are to be staggered; provided, however, that those persons serving on the Zoning Board of Appeals prior to the adoption hereof are hereby appointed to the Zoning Board of Appeals for the balance of their unexpired terms of the Board of Appeals. One member of the Zoning Board of Appeals shall be a member of the Planning Commission and one may be a member of the Township Board. A member of the Township Board sitting as a Zoning Board of Appeals member shall not be appointed Chairperson of the Zoning Board of Appeals. The remaining members shall be appointed from the township at large, except that it is recommended that one member be a resident of an unincorporated area of the township.

(2) *Conflict of interest.* A member of the Zoning Board of Appeals who is also a member of the Planning Commission or Township Board cannot participate in a public hearing or vote on the same matter that the Zoning Board of Appeals member voted on as a member of the Planning Commission or Township Board. However, the Zoning Board of Appeals member may vote on other unrelated matters involving the same property.

(B) *Procedure.* Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson, and at other times as the Board may determine. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall adopt rules and procedures and shall keep records of applications and the action thereon, which shall be a public record. The fees to be charged for appeals shall be set by resolution of the Township Board.

(C) *Appeal procedures.* An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this chapter may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the Building Official. All appeals shall be taken by filing a notice of appeal with the Zoning Board of Appeals on appropriate forms provided by the Building Official, payment of the required fee, and shall specify the grounds for the appeals. The Building Official shall transmit all papers constituting the record of the appeal to the Zoning Board of Appeals. Upon a hearing before the Zoning Board of Appeals, any person or party may appear in person, or by an agent or attorney. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give notice as required under § 151.006. The Zoning Board of Appeals may reverse or

affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made on the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the members of the Board, notwithstanding the number in attendance at the meeting, shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant any matter upon which they are required under this chapter to review or to effect any variation in this chapter. The decision of the Zoning Board of Appeals shall not become final until the expiration of five days from the date of entry of the order unless the Board shall find the immediate effect of the order is necessary for the preservation or property or personal rights and shall so certify on the record. The Township Board may authorize the payment of not more than \$5 per member for attendance at regular meetings of the Zoning Board of Appeals.

(D) *Powers.* The Zoning Board of Appeals is authorized in those cases where, owing to the special conditions, a literal enforcement of the provisions hereof results in practical difficulty, to approve issuance of a permit containing the variations of the terms hereof or the special requirements or conditions the Board may impose. The Zoning Board of Appeals shall have the power to allow variances as will remove existing hardships, and which are not contrary to the public interest, nor inconsistent with the spirit and intent of this chapter, and not injurious to the surrounding neighborhood, or that will imperil public safety. The decision of the Zoning Board of Appeals shall, in absence of any showing of mistake, fraud, misrepresentation or undue influence, be final insofar as the same involved discretion or finding of facts. The Zoning Board of Appeals shall not have the power to change the zoning classification of any property, nor to make any change in the terms of this chapter, but to act on these matters where the chapter provides for an administrative review, interpretation, and to authorize a variance as defined in this section and the laws of the state. These powers include the following:

(1) *Administrative review.* To hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Official or any other administrative official in carrying out or enforcing any provisions of this chapter.

(2) *Interpretation of zoning map.* To hear and decide in accordance with the provisions of this chapter requests for interpretation of zoning map, and for decisions on other special questions on which this chapter specifically authorized the Zoning Board of Appeals to pass. Any interpretation shall be subject to the conditions which the Zoning Board of Appeals may require to preserve and promote the character of the zoning districts in question and otherwise promote the purpose of this chapter.

(3) *Variance.* To authorize, upon an appeal, a variance from the strict applications of the provisions of this chapter, where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property on October 26, 1982, or by reason of exceptional topographic conditions of the property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of the property, provided the relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a

variance the Board may attach thereto conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter.

(4) *Reconstruction of a nonconforming use.* The Zoning Board of Appeals shall have the power to grant permits for the reconstruction within a period not to exceed 12 months, of a nonconforming use which has been destroyed by fire or other calamity to the extent of not more than 50% of its true market value immediately prior to its destruction. No building shall be rebuilt or repaired after damage exceeding 50% of the true market value of the use immediately prior to damage.

(5) *Public service or public utility building variance.* The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or larger area than the zoning district requirements herein established, and permit the location in any RE or R-1 District of a noncommercial public utility building or use if the Board shall find the use, building or structure reasonably necessary for public convenience and service, and provided the building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of the RE or R-1 District.

(Ord. 167, passed 6-11-85; Am. Ord. 203, passed 10-9-07; Am. Ord. 204, passed 6-9-09)

**Statutory reference:**

*Zoning Board of Appeals, see M.C.L. §§ 125.288 et seq.*

**§ 151.174 RESERVED.**

**§ 151.175 VIOLATIONS AS NUISANCE.**

(A) *Public nuisance per se.* Any building or structure which is erected, altered or converted, or any use of premises or and which is begun or changed subsequent to and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

(B) *Penalties.* The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and any person who has assisted knowingly in the commission of a violation, shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment set forth in § 10.99.

(Ord. 167, passed 6-11-85; Am. Ord. 203, passed 10-9-07)

**APPENDIX A: SCHEDULE OF REGULATIONS**

<p style="text-align: center;"><b>SCHEDULE OF REGULATIONS AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS</b></p>
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Zoning District	Minimum Lot Size		Maximum Building Height		Maximum Coverage of Lot By All Buildings (Percent)	Minimum Yard Setback In Feet				Minimum Usable Floor Area Per Unit (In Square Feet)
	Area (Sq. Ft.)	Width (Sq. Ft.)	In Stories	In Feet		Front	Side Yards		Rear	
							Least 1	Total 2		
RE, Residential Estate	43,560 <sup>C</sup>	200 <sup>C</sup>	2	30	25	175	20 <sup>B,C</sup>	50 <sup>C</sup>	40	1 Story = 1,600;  1½ or 2 story = 2,000
R-1, Single Family	20,000	100	2	30	35	40 <sup>A</sup>	12.5	30	40	1 Story = 1,400  1½ or 2 story = 1,800
B-1, Non-Retail Business	-	-	1	30	35	35	0 <sup>D</sup>	0 <sup>D</sup>	20	none
B-2, Retail Business	-	-	2	30	35	35	0 <sup>D</sup>	0 <sup>D</sup>	20	none
CEM, Cemetery	91.76 Acres	-	-	30	10 <sup>E</sup>	125	125	125	125	none

(A) Where a front open space of greater or less depth than 40 feet exists in front of a single-family residence or residences presently on one side of a street in any block and within 200 feet of the lot or parcel, the depth of the front open space of any building subsequently erected or remodeled on that side of the street in that block shall not be less and need not be greater than the average depths of the front open space of the existing residences.

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(B) Corner lot setback on the Side street-See § 151.018; Accessory building setback and height-see § 151.020.

(C) Access easements may be included in calculation of minimum lot area, width and open space. When the access easement is included in the computation of a side yard, the side yard minimum shall be increased to 38 feet.

(D) Except the corner lot setback from the side street lot line shall not be less than ten feet. See § 151.108 for screening required on business property abutting public property or residential property.

(E) Includes area occupied by columbariums and garden crypts.

### **APPENDIX B: DIAGRAMS**

#### Section

1. Basement and story
2. Building height requirements
3. Floor area terminology
4. Lot terms
5. Corner, interior, and double frontage lots
6. Nonconforming use
7. Yard requirements
8. Basic structural terms
9. Parking layouts

#### **1. BASEMENT AND STORY.**

[\[Click here to view diagram\]](#)

#### **2. BUILDING HEIGHT REQUIREMENTS.**

[\[Click here to view diagram\]](#)

#### **3. FLOOR AREA TERMINOLOGY.**

[\[Click here to view diagram\]](#)

#### **4. LOT TERMS.**

[\[Click here to view diagram\]](#)

#### **5. CORNER, INTERIOR, AND DOUBLE FRONTAGE LOTS.**

[\[Click here to view diagram\]](#)



**6. NONCONFORMING USE.**

[Click here to view diagram]

**7. YARD REQUIREMENTS.**

[Click here to view diagram]

**8. BASIC STRUCTURAL TERMS.**

[Click here to view diagram]

**9. PARKING LAYOUTS.**

[Click here to view diagram]

**APPENDIX C: SCHEDULE OF SIGN REGULATIONS.**

<b>SCHEDULE OF SIGN REGULATIONS</b>								
<i>Type of Sign</i>	<i>Administrative Sign Committee Approval</i>	<i>Planning Commission Approval Required</i>	<i>Sign Permit and Inspection Required</i>	<i>Sign Area on one Premises (Sq. Ft.) One Total</i>	<i>Maximum Height of Sign (Feet)</i>	<i>Permitted in Zoning Districts</i>		
						<i>B-2</i>	<i>B-1</i>	<i>CEM</i>
<i>Administrative Sign Committee Approval</i>								
Banner	X	If exceeds limits		14 14	14 (length)	X	X	
Going out of business signs	X	If exceeds limits		14 14				
Interim Signs	X	If exceeds limits		14 14				
Temporary Signs	X	If exceeds limits		14 14	8	X	X	
*Section 151.074 for permitted signs								
<b>SCHEDULE OF SIGN REGULATIONS</b>								
<i>Type of Sign</i>	<i>Planing and Zoning</i>	<i>Sign Permit and</i>	<i>Sign Area on one</i>	<i>Maximum Height of</i>	<i>Permitted in Zone Districts</i>	<i>No. of Days S</i>		

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	<b>Commission Approval Required</b>	<b>Inspection Required</b>	<b>Premises (Sq. Ft.) One Total</b>	<b>Sign (Feet)</b>	<b>B-2</b>	<b>B-1</b>	<b>CEM*</b>	<b>RE, R-1</b>	<b>May be Displayed</b>
<i>Planning Commission Approval</i>									
Accessory	X	X	100 200	20	X	X			
Ground	X	X	100 200	20	X				
Illuminated Signs**	X	X			X	X			
Portable Signs	X		14 14	6	X				
Projecting Signs***	X	X	12 24	12	X				
Pylon Sign***	X	X	60 120	20	X				
Wall Signs	X	X	100 100	****	X	X			

Section 151.074 for permitted signs:

\*\* See § 151.129(F) for regulations regarding illumination of signs.

\*\*\* See § 151.129(D). Projecting and pylon signs shall have an under clearance from the lowest point of the sign to the ground of at least eight feet.

\*\*\*\* See § 151.131. Wall signs shall not be erected, constructed, and/or maintained on or above the roof of a building or any portion thereof.

**SCHEDULE OF SIGN REGULATIONS**

<b>Type of Sign</b>	<b>Planing and Zoning Commission Approval Required</b>	<b>Sign Permit and Inspection Required</b>	<b>Sign Area on one Premises (Sq. Ft.) One Total</b>	<b>Maximum Height of Sign (Feet)</b>	<b>Permitted in Zone Districts</b>				<b>No Sign Displayed</b>
					<b>B-2</b>	<b>B-1</b>	<b>CEM*</b>	<b>RE, R-1</b>	
<i>Regulations of exempt signs</i>									
Accessory Sign-Small	If exceeds limits		2 4		X	X			
Directional	If exceeds limits		6 6	3	X	X			
Garage sale	If exceeds limits		3 6	3				X	N tha 1
Institutional	If exceeds limits		4 8	10	X				
Non-Commercial	If exceeds		14	3	X	X		X	N

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<b>SCHEDULE OF SIGN REGULATIONS</b>									
<i>Type of Sign</i>	<i>Planing and Zoning Commission Approval Required</i>	<i>Sign Permit and Inspection Required</i>	<i>Sign Area on one Premises (Sq. Ft.) One Total</i>	<i>Maximum Height of Sign (Feet)</i>	<i>Permitted in Zone Districts</i>				<i>No Sign District</i>
					<i>B-2</i>	<i>B-1</i>	<i>CEM*</i>	<i>RE, R-1</i>	
Sign	limits		14						tha in a y
Non-Commercial Banner	If exceeds limits		2 2	14 (length)				X	N tha in a
Occupational	If exceeds limits		4 8	10	X	X			
Political Signs	If exceeds limits		4 8	3	X	X		X	N tha in a

\* See § 151.074 for permitted signs

<b>SCHEDULE OF SIGN REGULATIONS</b>									
<i>Type of Sign</i>	<i>Planing and Zoning Commission Approval Required</i>	<i>Sign Permit and Inspection Required</i>	<i>Sign Area on one Premises (Sq. Ft.) One Total</i>	<i>Maximum Height of Sign (Feet)</i>	<i>Permitted in Zone Districts</i>				<i>No Sign District</i>
					<i>B-2</i>	<i>B-1</i>	<i>CEM*</i>	<i>RE, R-1</i>	
<i>Regulations of exempt signs (Cont'd)</i>									
Real Estate - Commercial	If exceeds limits		4 4	5	X	X			9 be 7 c
Real Estate - Residential	If exceeds limits		4 4	4				X	9 be 7 c
Real Estate - Off Premise	If exceeds limits		4 4	3	X	X		X	be hou af

\* See § 151.074 for permitted signs

**Prohibited Signs**

- Signs with visible moving parts
- Signs with flashing lights
- Exterior strung lights on commercial premises other than holiday decorations
- Noise-making devices and components
- Signs with unedged or uncapped letters
- Signs on a tree or utility pole
- Signs erected, constructed, and/or maintained on or above the roof of a building or any portion thereof
- Signs painted directly on the exterior or interior surface of a building
- Signs relating to a business activity, use, service, or product not performed or sold on the premises upon which the sign is displayed
- Signs that pose a safety hazard
- Signs that are not in compliance with Chapter 151 of the Code
- Signs that are not defined in this chapter or listed in this schedule

(Ord. 209, passed 5-8-18)

**CHAPTER 152: LAND DIVISION**

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Section

- 152.01 Intent
- 152.02 Definitions
- 152.03 Requirements for the division or partitioning of land
- 152.04 Application for approval
- 152.05 Procedures for review

**§ 152.01 INTENT.**

The following provisions shall govern the division or partitioning of land subject to the provisions of the State Land Division Act, being Public Act 288 of 1967, as amended.

(Ord. 198, passed 5-8-01)

**§ 152.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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**APPLICANT.** A proprietor who is seeking approval for a division or partition pursuant to this chapter.

**COMBINATION.** Attaching two or more parcels of land to form a new parcel.

**COMPLETE APPLICATION.** An application, documentation, and Final Land Division Map providing the minimum information required for submission by this chapter for review and approval of a land division or partition.

**DEVELOPMENT SITE.** Any parcel or lot on which a building exists or which is intended for building development other than the following:

(1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(2) Forestry use involving the planting, management, or harvesting of timber.

**DIVIDE OR PARTITION.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of §§ 108 and 109 of Public Act 591 of 1996, as amended. Division does not include a property transfer between two or more adjacent parcels; if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of Act 288 or the requirements of any applicable chapter of the township code.

**DRIVEWAY.** A strip of land, not dedicated to the public, used to provide vehicular access to a single zoning lot.

**EXEMPT SPLIT.** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of an applicable local chapter.

**FORTY ACRES OR THE EQUIVALENT.** Forty acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

**LAND.** All land areas occupied by real property.

**OUTLOT.** When included within the boundary of a recorded plat, a lot set aside for purposes other than a development site, park, or other land dedicated to public use or reserved to private use.

**PARCEL.** A continuous area or acreage of land.

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**PARCEL AREA.** The total horizontal area within the parcel lines of the parcel. For parcels adjacent to a private road or road easement, the parcel area shall not include any portion of the private road or road easement.

**PARENT PARCEL** or **PARENT TRACT.** A parcel or tract, lawfully in existence on March 31, 1997.

**PRIVATE ROAD.** An area of land used for ingress and egress to and from land which does not abut a street, and said area is not owned or maintained by the public.

**TRACT.** Two or more parcels that share a common property line and are under the same ownership.

**WETLAND.** An area subject to the authority of the NREPA, Public Act 451 of 1994.(Ord. 198, passed 5-8-01)

### **§ 152.03 REQUIREMENTS FOR THE DIVISION OR PARTITIONING OF LAND.**

(A) Pursuant to the Land Division Act, it shall be unlawful for any person to divide, partition, or combine any lot, outlot, or other parcel of land in a recorded plat, or divide, partition, or combine any unplatted parcel or tract of land, except in accordance with the provisions of this chapter, unless the division or partition is approved as a part of a recorded plat pursuant to the Land Division Act, being Public Act 591 of 1996 or a Condominium Subdivision Plan pursuant to the Condominium Act, being Public Act 59 of 1978, as amended. The number of parcels resulting from such division shall be limited to the number permitted by Act 591.

(B) Divisions of land shall meet the following requirements:

(1) *State Land Division Act.* Land divisions shall conform with any applicable provisions of Public Act 591 of 1996, the State Land Division Act.

(2) *Access.* Every resultant parcel shall abut a public street and provide the minimum lot width as required by Chapter 151, unless private streets have been appropriately approved by the township.

(3) *Future road right-of-way.* Right-of-way shall be dedicated as necessary to provide for streets as depicted in the township's Master Plan.

(4) *Zoning standards.* No land division shall be permitted unless all new and remaining parcels meet all the minimum requirements of Chapter 151, including requirements as to width, area, setbacks, open spaces, access, and density.

(a) Land within existing or future right-of-way shall not be included in the calculation of parcel area and width.

(b) Setbacks shall be measured from future right-of-way lines as depicted on the Master Plan.

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(c) The minimum area of each new parcel shall not be smaller than the minimum lot size permitted in the applicable zoning district.

(d) Unless declared and approved as "not buildable" as per division (e) below, all divisions shall result in parcels containing sufficient land outside of wetlands, flood plains, and other water bodies to allow use of the property in conformance with all required setback provisions, minimum floor areas, of street parking spaces, and other chapter requirements.

(e) A proposed land division which does not fully comply with the applicable requirements of Chapter 151 may be approved in any of the following circumstances:

1. Where the applicant executes and records an affidavit or deed restriction with the County Register of Deeds, in a form acceptable to the township, designating the parcel as "not buildable." Any such parcel shall also be designated as "not buildable" in the township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot area and setback requirements, and shall not be developed with any building or above ground structure exceeding five feet in height.

2. Where, in circumstances not covered by division (e)1. above, the Zoning Board of Appeals has, prior to the adoption of this chapter, granted a variance from the lot area, width, coverage, or other requirements with which the parcel failed to comply.

(5) *Compatibility with existing parcels.* In order to assure that the public health, safety, and welfare will be served by the permission of any partition or division of land, the Planning Commission's review shall be in accordance with the following standards:

(a) Any partition or division shall be of such location, size, and character that, in general, it will be compatible with the existing development in the area in which it is situated.

(b) The Planning Commission shall give consideration to the following:

1. The conformity of the resultant parcels with Chapter 151 standards and the creation of parcels compatible with those in the surrounding area as to size and width.

2. The orientation of the yards of proposed parcels in relationship to the yards of existing parcels in order to avoid incompatible relationships, such as but not limited to, front yards to rear yards.

3. Consideration shall be given to the impact of any existing flood plains, wetlands, or other natural features on the buildable areas of the resulting parcels so that they are compatible with other developed parcels in the area.

4. The relationship of the front, side, and rear yards to the yards and orientation of buildings on other existing and potential parcels. This shall include the probable orientation of buildings on the parcels resulting from the proposed division or partition.

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(6) *Parcels without utilities.* If public sewer and water are not available, approval of a land division under this chapter should not be considered an indication that the parcel is buildable under or adheres to requirements of the Oakland County Environmental Services Department.

(7) *Special assessments.* In those cases where water, sanitary sewer, paving, storm water drainage, sidewalks, road rehabilitation, or other services have been installed within a plat, condominium, or parcel by special assessment or payback agreement and the parcel proposed to be divided or combined has been assessed therefore, no division shall be permitted unless the applicant agrees, in writing, to pay into the current special assessment district an additional amount to be determined by the Township Assessor representing the pro rata share of the cost of the special assessment district which should be borne by said parcel as the result of increased benefit received by said parcel when divided into separate parcels.

(8) *Improvements.* When land is to be divided as provided herein, final approval shall not be given until the required improvements have been completed in accordance with township standards and specifications or until cash or letter of credit for performance in the amount of the estimated cost of the improvements has been received. The improvements required are as follows:

(a) *Road access standards.*

1. Streets shall be constructed to the standards required of public roads for subdivisions in the township.

2. When the street is in excess of 330 feet in length, a turnaround of not less than 100 feet in diameter shall be provided.

3. Access to rights-of-way shall be reviewed by the township in relationship to any proposed division of nonresidential parcels.

(b) *Water.*

1. If any part of the parcel or tract is within 200 feet of a public water main, the water main must be extended to and across and through each resulting parcel.

2. Fire hydrants shall be required in accordance with Fire Department standards.

(c) *Sanitary sewers.* If any part of the original parcel or tract is within 200 feet of a public sanitary sewer with available depth and capacity, the sewer must be extended to, across, and through each resulting parcel.

(d) *Storm drainage.* A master grading plan must be provided for each resulting parcel.

(e) *Street signs.* Street signs and traffic control signs, such as, but not limited to, stop signs, street names, and signs indicating "no outlet," shall be installed. Signs shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices. Street numbering shall be addressed to the public right-of-way for all parcels included in the division.



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(Ord. 198, passed 5-8-01)

### **§ 152.04 APPLICATION FOR APPROVAL.**

The applicant shall submit a plan drawn to scale prepared by a registered civil engineer or land surveyor licensed to practice in the state of Michigan. Such plans shall include at least the following:

- (A) A legal description of the parcel to be divided and of each parcel resulting from the division.
- (B) The subject property, including dimensions of all property lines.
- (C) The location of all existing structures with dimensions to all property lines.
- (D) Legal descriptions for all access streets.
- (E) Existing and proposed utilities and utility easements.
- (F) The area of existing and proposed parcels.
- (G) Specific information identifying which parcels, if any, will retain the rights for future divisions.
- (H) The location of any on-site wetlands, flood plains, or water bodies.
- (I) Topography on contours based on U.S.G.S. datum at intervals of not more than two feet, extending to the opposite right-of-way line of any abutting street or highway, and extending at least 50 feet on to all abutting property.
- (J) Location and description of any buildings located on abutting property and within 50 feet of the boundaries of the parcel to be divided.
- (K) Preliminary grading plan for any street providing vehicular access to any new parcels.
- (L) Completely dimensional limits within which principal buildings and accessory buildings shall be confined on each parcel. The purpose of designating such areas is to maintain proper yard relationships and building placements with respect to adjoining or nearby parcels and/or buildings and with respect to existing or proposed roads or easements.

(Ord. 198, passed 5-8-01)

### **§ 152.05 PROCEDURES FOR REVIEW.**

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(A) *Complete application required.* Applications for land divisions shall be approved or denied by the Planning Commission within 45 days of filing a complete application with the Township Planning Department.

(B) *Review and approval by the Planning Commission.*

(1) Land may be detached from any parcel and added to another parcel or land may be divided into two or more separate parcels upon approval by the Planning Commission. Application for such division shall be filed with the Township Clerk's office. A copy of the application shall be forwarded to the Township Planner, Township Assessor, and the Township Attorney for review.

(2) *Approval or denial.*

(a) The Planning Commission shall review and act upon each request for division of land submitted in accordance with the provisions of this chapter. Action shall be taken within 45 days.

(b) Subsequent to review, the Planning Commission shall:

1. Grant preliminary approval conditioned upon the petitioner fulfilling certain requirements;
2. Grant preliminary approval if the request meets all requirements of this chapter; or
3. Deny the request with reasons.

(3) *Final administrative review.*

(a) Proposed land divisions shall be submitted to the Township Clerk's office for final review to assure that all conditions and requirements for land divisions have been met and that there is compliance with all requirements applicable to the approved preliminary plan.

(b) If all requirements have been met, the Clerk shall so notify the Township Assessor. Should the Clerk find that all requirements have not been met, the petitioner shall be so notified.

(4) After final review, the Township Assessor shall note the fact of such division upon the assessment roll and thereafter the divided portions of the parcel shall be considered to be separate parcels for tax assessment and all other purposes.

(C) The Township Assessor shall review and approve property transfers that adjust common boundary lines or involve conveyances between adjacent parcels, where all resulting parcels conform with Act 288 and the requirements of any chapter to the township's code.

(D) *Appeals.* The applicant may appeal a decision by the Planning Commission to the Township Board, which may authorize a variance from this chapter when, in its opinion, undue hardship may result from strict compliance and provided the variance does not pertain to the requirements of Chapter 151. In granting any variance, the Board shall prescribe only conditions

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that it deems necessary to or desirable for the public interest. In making its findings, as required herein below, the Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed division and the probable effect of the proposed division upon traffic conditions in the vicinity. No variance shall be granted unless the Board finds that:

(1) There are special circumstances or conditions affecting the property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the applicant's land.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated. (Ord. 198, passed 5-8-01)