
CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

Adopted March 16, 2004

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ZONING ORDINANCE
CHARTER TOWNSHIP OF BRIGHTON, LIVINGSTON COUNTY, MICHIGAN
PREAMBLE

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This Ordinance is enacted under Michigan Zoning Enabling Act P.A. 110 of 2006 as amended, governing the unincorporated portions of the Charter Township of Brighton, Livingston County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residential use, and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures, to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population, and, for said purposes, to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a Zoning Board of Appeals; and, to impose penalties for violation of this Ordinance.

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Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, convenience, and general welfare of the inhabitants of the Charter Township of Brighton, provision is made herein for the conservation and protection of the land resource together with the full and equitable enjoyment of that resource, by securing the most appropriate use of land, by preventing undue crowding and congestion of the population, by supporting the economic need of the people of the township through adequate provision for the industrial utilization of natural resources and the development of commercial and industrial enterprise, and by providing freedom and ease for the circulation of people and movement of goods throughout the Township as well as the access for public services to all citizens, all in accordance with a comprehensive plan; now therefore, the Charter Township of Brighton, Livingston County, Michigan, hereby ordains:

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(Ord. #234, 12/28/06)

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

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ARTICLE 1
GENERAL AUTHORITY

Sec. 1-01 Title

This publication shall be known and may be cited as the "Charter Township of Brighton Zoning Ordinance" and may hereinafter be referred to as "this Ordinance."

Sec. 1-02 Intent

This Ordinance is based upon the Brighton Township Master Plan and is intended to:

- (a) Promote the public health, safety, and general welfare.
- (b) Encourage the use of land in accordance with its character and adaptability and limit the improper use of land.
- (c) Ensure that uses of land shall be situated in appropriate locations and relationships.
- (d) Avoid the overcrowding of land and congestion of population, transportation systems, and other public facilities.
- (e) Provide adequate light and air.
- (f) Protect environmental quality and positive aesthetic features.
- (g) Lessen congestion on the public roads and roads, maintain traffic efficiency, and encourage development consistent with long-term transportation planning.
- (h) Reduce hazards to life and property.
- (i) Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.

- (j) Conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources, and properties.

5 This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.

10 **Sec. 1-03 Legal Basis**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

15 (Ord. #234, 12/28/06)

20 **Sec. 1-04 Scope and Interpretation**

This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those
20 repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.

25 **Sec. 1-05 Conflicting Regulations**

- (a) Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other
30 use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provision or standard which is more restrictive or limiting shall govern.

- 35 (b) Except as otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of

this Ordinance which are applicable in the zoning district in which the use, building, or structure is located.

5 (c) No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein in this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein in this Ordinance.

10 (d) This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant, or private agreement, except that the regulations or provisions of this Ordinance shall govern if it imposes a more restrictive or higher standard.

15 (e) The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare. Any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.

20 **Sec. 1-06 Site Plans Submitted Prior to Effective Date**

25 (a) Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one (1) year of the effective date of this Ordinance. The Zoning Board of Appeals may permit an extension of up to one (1) year for completion. The Zoning Board of Appeals may permit one (1) additional one (1) year extension for large-scale projects.

30 (b) A site plan application shall meet the requirements of the Ordinance effective on the date of submission. A site plan submitted before the effective date of this Ordinance must be approved by the Planning Commission within three (3) months of the application submission date or the requirements of this
35 Ordinance shall be followed.

(c) If a lot has an approved site plan or has been approved as a PUD within six (6) months of the effective date of this Ordinance, the site plan or PUD shall remain valid if construction is begun within one (1) year and completed within

two (2) years of the effective date of this Ordinance. The Zoning Board of Appeals may permit one (1) additional one (1) year extension for large-scale projects.

- 5 (d) If the conditions of this Section are not met the standards and provisions of this Ordinance shall govern.

ARTICLE 2
ZONING DISTRICTS IN GENERAL

Sec. 2-01 Zoning Map

(a) **Established.** The boundaries of these districts are hereby established as shown on the Zoning Map, Township of Brighton Zoning Ordinance, with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

(b) **Adoption of Map.** All zoning districts are hereby described by the boundaries established by the Official Zoning Map of the Charter Township of Brighton as adopted March 16, 2004 by the Township Board, published and effective April 5, 2004, this map being a compilation of the geographic designation of all zoning districts, including changes or amendments formally approved by action of the Township Board since the December 29, 1993 Zoning Map which was adopted December 21, 1993.

(c) **Signature.** The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words:

"This is to certify that this is the Official Zoning Map referred to in **Section 2-01** of the Zoning Ordinance of the Charter Township of Brighton March 16, 2004. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, those changes shall be made on the Official Zoning Map after the amendment has been approved by the Township Board together with an entry on the Official Zoning Map as follows: On (date), by official action of the Township Board, the following change(s) were made: (brief description with reference number to Board proceedings)."

(d) **Official Copy.** One (1) copy of the Official Zoning Map is to be maintained and kept up-to-date by the Township Clerk's Office, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the Township.

Sec. 2-02 Zoning Districts

For the purpose of this Ordinance, the Township is hereby divided into the following districts which shall be known by the following names and symbols:

| Table 2-02 Zoning Districts | |
|--------------------------------|--|
| Residential Districts | |
| R-CE | Residential Country Estates District |
| R-C | Residential Country District |
| R-1 | Residential Single Family District |
| R-2 | Residential Single Family District |
| R-3 | Residential Single Family District |
| R-4 | Residential Single Family District |
| R-5 | Waterfront Residential |
| RM-1 | Residential Multiple Family District |
| RMH | Residential Manufactured Home District |
| Non Residential Districts | |
| B-1 | Local Business District |
| B-2 | General Business District |
| B-3 | Special Business District |
| OS | Office Service District |
| I-1 | Industrial District |
| NR | Natural Resources District |
| P-SP | Public/Semi-Public District |

(Ord. #243, 8/1/08)

Sec. 2-03 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules apply:

- (a) **Right-of-Ways.** Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow the center lines.
- (b) **Lot Lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- (c) **Section Lines.** Boundaries indicated as approximately following section lines or other lines of a government survey shall be construed as following the section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

(d) **Township Boundaries.** Boundaries indicated as approximately following Township limits shall be construed as following Township limits.

5 (e) **Rail Roads.** Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

10 (f) **Shorelines.** Boundaries indicated as following shorelines shall be construed to follow the shorelines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the center lines.

15 (g) **Parallel Boundaries.** Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (f) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

20 (h) **Interpretation.** Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) through (g) above, the Township Planner shall interpret the district boundaries. That interpretation may be further appealed to the Zoning Board of Appeals under *Article 22*.

25 **Sec. 2-04 Zoning of Vacated Areas**

30 Whenever any street, alley, or other public way within the Township shall be vacated, the street, alley, or other public way or portion thereof, shall automatically and without further action of the Township Board be classified in the same zoning district and be subject to the same zoning regulations as the property to which it adjoins and becomes attached.

Sec. 2-05 District Requirements

35 All buildings and uses in any district shall be subject to the provisions of *Articles 3 through 12*.

Per *Chapter 25* of the Brighton Township Code of Ordinances, any property owner that applies for a water well restricted zone must adhere to all requirements listed in that chapter.

5 **Sec. 2-06 Prohibition of Recreational Marihuana Establishments**

- 10 (a) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the “Act”), are prohibited in all zoning districts, and shall not be permitted as home occupations under ***Section 3-07*** of this Zoning Ordinance.
- 15 (b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance, shall be deemed to have been a legally established use under the provisions of the Charter Township of Brighton Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.
- 20 (c) Violations of this section are considered a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs, and are subject to the violations and penalties pursuant to ***Section 23-09*** of this Zoning Ordinance and if provided for separately may be abated as nuisances pursuant to ***Section 23-09***.
- 25 (d) This section does not supersede rights and obligations with respect to the transportation of marihuana by marihuana secure transporters through the Charter Township of Brighton to the extent provided by the Act, and the consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property and does not supersede rights and the regulations under ***Section 2-06*** of this ***Article 2*** with respect to medical marihuana facilities established pursuant to the Michigan Medical Marihuana Act.
- 30 (e) In conformance with Sections 4.1(e) and 6.2(b) of the Act, the sale or consumption of marihuana in any form and the sale or display of marihuana
- 35

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accessories, as defined by the Act, is prohibited in any public places within the boundaries of the Charter Township of Brighton.

(Ord. # 270, 5/3/19), (Ord. # 264, 5/1/15), (Ord. #250, 5/27/11)

ARTICLE 3
RESIDENTIAL DISTRICTS

Sec. 3-01 Description and Purpose

(a) The regulations concerning Residential Districts provide for a variety of residential opportunities to meet the housing needs of people who choose to live in the Township. The Township shall consist of an environment of predominantly low density, single family dwelling units, with a limited range of other uses that are considered necessary or appropriate to enhance the quality of life within the Township's residential areas. Generally, the regulations set forth herein are intended to:

(1) Provide a high-quality residential living environment which encourages safety and enhancement of property values.

(2) Protect open areas, lakes, woodlands, wetlands, topography, and other distinctive natural features that contribute to the overall quality of life.

(3) Promote residential patterns and designs that integrate and conserve environmental features rather than removing the features.

(4) Prevent overcrowding by establishing standards for density, minimum lot sizes, and minimum yard dimensions.

(5) Direct higher density residential development to areas adequately served by transportation and public utilities and facilities.

(6) Ensure development is in accordance with the availability of public utilities, facilities, and services.

(7) Ensure lot sizes for residential uses served by private septic systems and wells are adequate to meet Livingston County Public Health Department regulations.

(8) Require high standards in housing developments so that attractive neighborhoods, good housing design and construction, privacy, and access to usable and convenient open space are achieved.

5 (9) Accommodate institutional uses such as primary schools, Township facilities, public buildings, and places of worship or public assembly that serve neighborhood residents and are of a scale and design that is compatible with Single Family Residential Districts.

10 (10) Remove or reduce the impacts of conflicting or undesirable land uses near residential areas and prevent the creation of new conflicts.

(b) **RC and RCE Residential Country and Country Estates Districts.**

15 Residential Country Districts and Residential Country Estates Districts are intended to protect the rural character of those area of the Township where large parcel home sites, farming, dairying, forestry operations, and other rural activities are found. The district protects land needed for low density residential and agricultural pursuits from encroachment by untimely, unplanned urban residential, commercial, and industrial development.

20 (c) **R-1 and R-2 Residential Single-Family Districts.** The R-1 and R-2 Residential Single-Family Districts are intended to provide predominantly for low-density, single family detached dwellings along with other residentially related facilities which serve the residents in the district.

25 (d) **R-3 and R-4 Residential Single-Family Districts.** The R-3 and R-4 Residential Single-Family Districts are intended to provide for an environment of predominantly single-family detached dwellings on smaller lots, typically found in established neighborhoods near the City of Brighton. Other residentially related facilities which serve the residents in the district are permitted in these districts.

30 (e) **R-5 Waterfront Residential.** The R-5 District is intended to protect the Township's water resources. This district ensures that infill development is consistent with the established character of older lakefront neighborhoods, compatible with the scale of surrounding homes, does not overbuild small lakefront lots, and protects open views of the waterfront.

35

- (f) **RM-1 Residential Multiple-Family District.** The RM-1 Residential Multiple-Family District is intended to provide sites for two-family and multiple family dwelling structures, and related uses, which will generally serve as zones of transition between Non-Residential Districts and lower density Single Family Districts. The Multiple Family District is further provided to allow for a mixture of residential units attractive and affordable to a variety of household types, lifestyles, and individual preferences.

Sec. 3-02 Uses Permitted

- (a) Land and/or buildings in the districts indicated at the top of Table 3-02 may be used for the purposes denoted by a “P” in the column below by right. Land and/or buildings in the districts indicated at the top of Table 3-02 may be used for the purposes denoted by “S” after special land use approval by the Planning Commission in accordance with the procedures and requirements of *Article 18 and Article 19*. A notation of “--” indicates that the use is not permitted within the district. The “Requirements” column indicates additional requirements or conditions applicable to the use.

| Table 3-02 Schedule of Residential Uses | | | | | | | | | |
|---|------|-----|-----|-----|-----|-----|-----|------|---------------|
| | R-CE | R-C | R-1 | R-2 | R-3 | R-4 | R-5 | RM-1 | Requirements |
| Residential | | | | | | | | | |
| Home Occupations | P | P | P | P | P | P | P | P | Sec. 3-07 |
| Multiple Family Dwellings | -- | -- | -- | -- | -- | -- | -- | P | -- |
| Single Family Dwellings | P | P | P | P | P | P | P | P | Sec. 14-01(f) |
| Two Family Dwellings | -- | -- | -- | -- | -- | S | S | P | |
| Temporary Accessory Residential Sales | P | P | P | P | P | P | P | P | Sec. 13-14(a) |
| Agriculture | | | | | | | | | |
| Commercial Kennels | P | P | -- | -- | -- | -- | -- | -- | (6) |
| Commercial Stables | P | P | -- | -- | -- | -- | -- | -- | (6) |
| Farms | P | P | P | P | P | P | P | -- | (8) |
| Farm Employee Dwelling | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| Intensive Livestock Operation | S | -- | -- | -- | -- | -- | -- | -- | (8) |
| Seasonal Accessory Roadside Stands | P | P | -- | -- | -- | -- | -- | -- | Sec. 13-14(a) |
| Tree/Shrub Farming | P | P | -- | -- | -- | -- | -- | -- | (8) |
| Care Facilities | | | | | | | | | |
| Adult Foster Care Family Home (1-6 Adults) | P | P | P | P | P | P | P | P | (1) |
| Adult Foster Care Small Group Home (7-12 Adults) | S | S | S | S | S | S | S | S | (1) |
| Adult Foster Care Large Group Home (13-20 Adults) | -- | -- | -- | -- | -- | -- | -- | S | (1) |
| Foster Family Home (1-4 Children 24 hrs.) | P | P | P | P | P | P | P | P | -- |
| Foster Family Group Home (5-6 Children 24 hrs.) | P | P | P | P | P | P | P | P | (1) |
| Family Day Care Home (1-6 Children < 24 hrs.) | P | P | P | P | P | P | P | P | (1) |

| Table 3-02 Schedule of Residential Uses | | | | | | | | | |
|--|-------------|------------|------------|------------|------------|------------|------------|-------------|---------------------|
| | R-CE | R-C | R-1 | R-2 | R-3 | R-4 | R-5 | RM-1 | Requirements |
| Group Day Care Home (7-12 Children < 24 hrs.) | S | S | S | S | S | S | S | S | (1) |
| Senior Independent Housing | -- | -- | -- | -- | -- | -- | -- | P | (12) |
| Senior "Interim Care" & "Intermediate Care" Units | -- | -- | -- | -- | -- | -- | -- | S | (12) |
| Congregate Care & Dependent Care (Convalescent/Nursing Home Units) | -- | -- | -- | -- | -- | -- | -- | S | (12) |
| Services | | | | | | | | | |
| Airports & Related Uses | -- | -- | -- | S | -- | -- | -- | -- | (2) |
| Bed & Breakfast Establishments | S | S | -- | -- | -- | -- | -- | -- | (3) |
| Cemeteries (Public Only) | S | S | S | S | S | S | S | S | (4) |
| Golf Courses | S | S | S | S | S | S | S | S | (9) |
| Parks & Public Recreation Facilities | P | P | P | P | P | P | P | P | -- |
| Swimming Pool Clubs & Recreation Clubs | S | S | S | S | S | S | S | S | (13) |
| Public, Institutional, & Utilities | | | | | | | | | |
| Churches, Temples, & other Places of Worship or Public Assembly | S | S | S | S | S | S | S | P | (5) |
| Essential Public Services | P | P | P | P | P | P | P | P | (7) |
| Essential Public Service/Utility Buildings | S | S | S | S | S | S | S | S | (7) |
| Governmental Administrative Offices | P | P | P | P | P | P | P | P | (10) |
| Libraries | P | P | P | P | P | P | P | P | -- |
| Police & Fire Stations | P | P | P | P | P | P | P | P | (10) |
| Schools, Primary including Charter, Montessori | P | P | P | P | P | P | P | P | (11) |
| Event Barns | S | S | S | S | S | S | S | S | (14) |

(b) **Notes.** Uses noted in Table 3-02 shall comply with the following requirements:

5

(1) Adult and Child State Licensed Residential Care Facilities

10

a. All residential care uses shall be located within a residential building that has an appearance that is non-intrusive and consistent in color, materials, roof-line, and architecture with the Residential District in which it is located.

15

b. All child day care uses shall provide sufficient indoor classroom, crib or play area meeting state requirements. Documentation of approved areas, as licensed by the state, shall be provided to the Township.

c. All child day care uses shall provide sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence in accordance with **Section 13-04**, provided that no fence shall be located in a front yard.

- d. All day care uses shall provide an on-site drive for drop offs\loading. This drive shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public road or on the site.

- e. The use shall comply with the sign provisions of *Article 17*.

- f. Off-street parking shall be provided for the maximum number of employees on site at any one time.

- g. Lots containing adult foster care small group homes, foster family group homes or group day care homes shall be at least one thousand five hundred (1,500) feet from the lot line of any other of the above listed group care homes.

(2) Airports and Related Uses

- a. The airport shall be limited to a single runway or an airport park. The plans for such facility shall have received approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics (MDA) prior to submittal to the Township Board for their review and approval.

- b. The standards of the FAA and MDA for determining obstruction to air navigation shall be complied with. These standards shall be applied by the class of airport as determined by the above agencies.

- c. The area of the "runway protection zone or clear zone" (see FAA definition) shall be provided for within the land area under airport ownership.

(3) Bed and Breakfast Establishments

- a. Each bed and breakfast establishment shall maintain a guest register on the premises.

- b. A maximum of four (4) occupants per sleeping room shall be allowed.

c. There shall be no separate cooking facilities within sleeping rooms or elsewhere in the structure.

d. All operations shall be conducted solely by the owner who also resides on the premises.

e. All proposed bed and breakfast establishments with access from a private road shall have the approval of the association or approval from a representative from each lot that has access rights to the road.

f. Signs identifying the bed and breakfast shall comply with ***Section 17-04***.

g. If more than two (2) sleeping rooms are made available for rent, each room shall have direct access to two (2) separate means of egress.

h. No bed and breakfast establishment may offer boating amenities to their guests.

i. One (1) off-street parking space shall be provided in the rear or side yard, behind the front building setback line, for each guest room.

j. All structures and operations shall comply with current and applicable Township, County, and State construction and health codes.

(4) **Cemeteries (Public/Institutional Only).** Any new cemetery shall comply with the following requirements:

a. The design and layout shall be harmonious with the sites natural features including topography, vegetation, preservation of view sheds, and maintenance of a park-like setting.

b. The building design, scale, and mass shall be planned to minimize environmental impacts and views from adjacent properties.

c. A buffer type A, as defined in ***Section 14-02***, shall be provided for property lines which abut a residential zoning district, buffer type B shall be provided when adjacent to other zoning districts. Existing vegetation shall be preserved within twenty-five (25) feet of any property line, or the required setback, whichever is greater.

d. Entrances to cemeteries shall be from a major thoroughfare with an existing or planned right-of-way width of at least eighty-six (86) feet.

5 e. Roads and parking within cemeteries shall be paved.

f. The Planning Commission may require the establishment of a perpetual care fund to ensure long term maintenance of the cemetery.

10 **(5) Churches, Temples, and other Places of Religious Worship or Public Assembly**

15 a. The site shall have ingress and egress directly onto an arterial or collector road having an existing or planned right-of-way at least eighty-six (86) feet in width.

b. The height of main buildings shall not exceed the height limitation permitted in the district.

20 c. Off-street parking shall not be permitted in the required side yard setback. Parking in the front of the building (i.e. the front yard, as defined) shall be limited to drop-off activities and a limited amount of parking for disabled persons and seniors. The Planning Commission
25 may allow up to twenty-five percent (25%) of the required parking in front yard upon a finding this is compatible with surrounding uses or better preserves natural features than alternative parking locations.

30 d. Parking/loading and staging spaces for service vehicles or buses shall only be located within the rear yard, provided the Planning Commission may allow use of the side yard upon a finding site conditions make exclusive use of the rear yard impractical.

35 e. A landscape berm as required in *Section 14-02 (f)(1)* shall be required along parking and paved areas adjacent to a Residential District or use lot line, to screen outdoor activities and headlight glare.

f. Accessory uses shall be limited to those commonly associated with the principal use. For churches, this may include living quarters for clergy, church ministry or other members of religious orders who carry

5 out their primary duties on the site, religious education classes, private schools, church sponsored day care, unlighted outdoor recreation facilities, religious office space, youth centers and other similar uses commonly associated with church or religious activities. Clinics, rescue missions, residences for those not engaged in the ministry and other uses not specifically noted are prohibited.

10 g. Places of religious worship or public assembly with more than fifty thousand (50,000) square feet of gross floor area, or a seating capacity of one thousand (1,000) or more, shall also meet the following conditions in order to address potential demands on the roadways and maintain compatibility with adjacent uses:

15 1. The site shall consist of at least twenty (20) acres.

2. The site shall provide a transition between Residential Districts or uses and Non-Residential Districts and uses.

20 3. Buildings shall be set back fifty (50) feet from side property lines and seventy-five (75) feet from the rear property line when adjacent to a Residential District or use.

25 4. Traffic from events, including worship services and other large assemblies, shall be controlled by the institution, church or its agents so as not to create congestion or unreasonable delays on a public road. A schedule of expected frequency of events, including worship services and assemblies and a description of the methods of traffic control shall be submitted to the Township for review and approval as part of the site plan.

30 **(6) Commercial Kennels and Stables**

a. Public stables and riding academies shall be allowed on sites with a minimum of forty (40) acres.

35 b. The keeping of animals must be in accordance with *Chapter 5 Animals* of the Township Code of Ordinances.

(7) **Essential Public Service/Utility Buildings and Uses (without Storage Yards).** Utility and public service buildings and uses (without storage yards) shall only be permitted when operating requirements necessitate the locating of the building or use within the district in order to serve the immediate vicinity.

(8) **Farms and Related Uses**

a. Farms shall only be located on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat which includes site condominiums and having an area of not less than five (5) acres, except for chickens as otherwise allowed under *Chapter 5, Sec. 5-3(b)(1)* of the Code of Ordinances, all subject to the health and sanitation provisions of the Township.

b. All accessory farm buildings for uses other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling, except for chicken coops which are allowed in the rear yard and not less than twenty-five (25) feet from any lot line or property boundary or the minimum side yard setback, for the zoning district, whichever is larger, with the exception that the main farm barn building(s) shall not be less than one hundred fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.

(9) **Golf Courses**

a. The site shall provide all access directly an arterial or collector road (a road of at least eighty-six (86) feet of right-of-way, existing or proposed).

b. The relationship between the arterial or collector road and any proposed service roads, entrances, driveways, and parking areas shall be designed to maintain pedestrian and vehicular traffic safety.

5 c. All principal and accessory buildings and structures shall be located to minimize any adverse effects upon adjacent property. All principal or accessory buildings and structures shall be not less than two hundred (200) feet from any property line abutting Residential Districts; provided that where topographic conditions are such that buildings would be screened from view the Planning Commission may reduce this requirement.

10 d. Whenever a swimming pool is constructed under this Ordinance, the pool area shall be developed in accordance with *Section 13-13*.

(10) Government Buildings and Uses

15 a. Outdoor storage of materials is not permitted.

 b. Municipal uses will be permitted where not in conflict with the residential character of the area, in the opinion of the Planning Commission.

20 **(11) Schools, Primary including Charter, Montessori**

 a. All access to the site shall be directly from an arterial or collector road of at least eighty-six (86) feet of right-of-way, existing or proposed.

25 b. No building shall be closer than one hundred fifty (150) feet to any property line.

30 **(12) Senior Independent Housing, Senior "Interim Care" & "Intermediate Care" Units, Congregate Care & Dependent Care (Convalescent/ Nursing Home Units)**

 a. All buildings must be connected to the public sewer and water system.

35 b. The site shall provide five hundred (500) square feet of open space for each one (1) bed. The open space shall provide for landscape setting, service drives, loading space, yard requirements, and space required for accessory uses. The five hundred (500) square feet requirement is over and above the lot coverage area.

c. Main and accessory buildings shall be setback at least forty (40) feet from any property line.

d. The proposed site shall have at least one (1) property line abutting an arterial or collector road (a road of least eighty-six (86) feet of right-of-way, existing or proposed).

e. All ingress and egress to any off-street parking areas shall be directly from an arterial or collector road.

(13) **Swimming Pool Clubs and Recreation Clubs.** Areas such as institutional or community recreation centers, non-profit swimming pool club.

a. The proposed site shall have at least one (1) property line abutting an arterial or collector road (a road of at least eighty-six (86) feet of right-of-way, existing or proposed), and the site shall provide all access directly to that arterial or collector road.

b. Minimum front, side, and rear yards shall be eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass in accordance with **Section 14.02**. All landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

c. The Planning Commission may modify the off-street parking requirements of **Article 15** in those instances wherein it is specifically determined that the user will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases, wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of use.

d. Whenever a swimming pool is constructed under this Ordinance, the pool area shall be developed in accordance with **Section 13-13**.

(14) **Event Barns.**

- a. The site shall be a minimum of twenty (20) acres.
- b. The site shall have at least one (1) property line abutting Old 23, Grand River, Hyne, Kensington, Maxfield, or McClements and the site shall provide all access directly to that road.
- c. Minimum front, side, and rear setbacks shall be one hundred (100) feet wide, and shall be landscaped with trees, shrubs, and grass in accordance with *Section 14.02*. Event barns must be centered in the property. All landscaping shall be maintained in a healthy condition. No parking or structures shall be permitted in these yards, except required entrance drives and any walls as may be used to obscure the use from abutting residential districts.
- d. Parking must be sufficient to handle the number of attendees plus staff.
- e. All lighting shall meet Brighton Township ordinance.
- f. All applicants shall meet Brighton Township noise ordinance.
- g. All applicants shall comply with all safety requirements per the Building and Fire Codes.
- h. All applicants shall meet Brighton Township sign ordinance.
- i. All applicants shall have sanitary facilities as approved by the Livingston County Health Department if not on public sewer and water.
- j. All serving of alcohol shall have proper licensing per the Michigan Liquor Control Commission.
- k. All serving of food shall have all permits as required by the Livingston County Health Department.
- l. Hours of operation are 10 a.m. to 11 p.m. maximum (for music) and midnight for the event.

m. Events to be allowed include weddings, birthdays, anniversaries, family reunions, graduation events, non-profit or fundraising events, or similar.

n. The maximum number of events is one large event (greater than 50 persons) and one small event (smaller than 50 persons) on the weekends (Friday through Sunday) and only one event per date; no concurrent events. Events cannot exceed the maximum occupancy of the building where the event is held but in no case more than 300 persons.

o. Tents are only to be utilized for wedding ceremonies, if inclement weather, but the reception must be inside the barn.

p. Only one event barn is allowed on the property and the event is to be held inside other than wedding ceremonies which can have outside ceremonies.

(Ord. #284, 1/2/26), (Ord. #273, 11/3/19), (Ord. # 231, 12/27/05)

Sec. 3-03 District Regulations

(a) **Residential Schedule of Area and Bulk Requirements.** All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 3-03.

| Table 3-03 Residential Schedule of Area and Bulk Requirements (1) | | | | | | | | |
|--|-----------------|--------------|------------|------------|---------------|---------------|----------------|-------------|
| Districts | RCE | RC | R-1 | R-2 | R-3 | R-4 | R-5 | RM-1 |
| Lot Requirements | | | | | | | | |
| Minimum Lot Area (sq.ft.)(2) | 5.0 acres | 2.5 acres | 70,000 | 40,000 | 20,000 (3) | 12,000 (3) | 12,000 (11) | (13) |
| Minimum Lot Width(ft.)(4)(5) | 330 | 200 | 180 | 160 | 80 | 65 | 65 | - - |
| Setback Requirements (6) | | | | | | | | |
| Front Yard(ft.)(7)(8) | 60 | 60 | 40 | 35 | 30 | 25 | 25 | 30 (14) |
| Side Yard | Least One(ft.) | 40 | 40 | 20 | 12 | 5 | 5 (15) | 30 (14) |
| | Total Both(ft.) | 80 | 80 | 40 | 24 | 10 | 10 (15) | (14) |
| Rear Yard(ft.) | 60 | 60 | 35 | 35 | 35 | 35 | 35 | 30 (14) |
| Natural Feature/Waterfront(ft.)(9) | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 |
| Maximum Building Height | | | | | | | | |
| In Feet | 35 | 35 | 35 | 35 | 35 | 35 | 35 | 40 |
| In Stories | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 |

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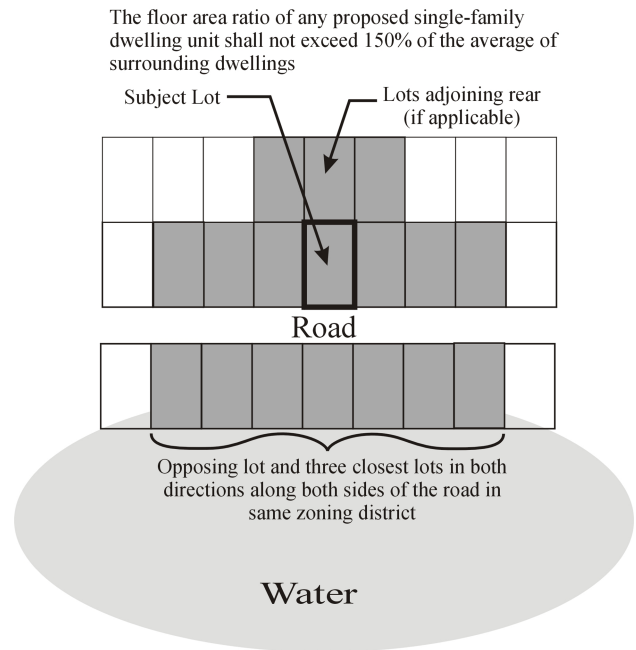
| Minimum Useable Floor Area | | | | | | | | |
|-----------------------------------|-------|-------|-------|-------|-----|-----|---------|------|
| Min. Useable Floor Area (sq.ft.) | 1,300 | 1,300 | 1,300 | 1,100 | 950 | 950 | 950(12) | (16) |
| Maximum Lot Coverage (10) | | | | | | | | |
| Max. Lot Coverage (%) | 5 | 5 | 10 | 15 | 20 | 25 | 25 | 25 |

(b) **Notes.** The following notes apply to Table 3-03.

- 5 (1) **PUD.** Modifications to dimensional requirements and maximum density may be permitted by the Township with a PUD approved under *Article 12*.
- 10 (2) **Lot Area.** The total horizontal area within the lot lines of the lot exclusive of any abutting public right-of-way. Any submerged area of a lake, river, pond, or stream at the shoreline or high water mark shall not count towards meeting the minimum lot area. Regulated wetlands may be included within the area of a lot, provided at least seventy-five percent (75%) of the minimum required lot area shall be buildable upland area.
- 15 (3) **Reduction of Lot Area.** In those instances where both a public sanitary sewer and public water system are provided, the minimum lot area requirements shall be as follows:
 - a. R-3 - minimum of fifteen thousand (15,000) square feet.
 - 20 c. R-4 - minimum of nine thousand six hundred (9,600) square feet.
- 25 (4) **Lot Depth to Width Ratio.** The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.
- 30 (5) **Lot Frontage.** All lots shall have frontage on a dedicated public road, approved private road, or shared driveway as required in *Section 13-12*, meeting the requirements of *Article 16* in order to be considered “accessible.” All lots must meet the minimum lot width requirements at the minimum setback line.
- 35 (6) **Projections into Yards.** Architectural features and vertical projections, may extend or project into a required yard as provided in *Section 13-10*.
- (7) **Setbacks.** Setback requirements shall be provided whether the right-of-way is public, private, or an access easement.

(8) **Through Lots.** All double or multiple fronted lots or parcels of land shall provide the minimum front yard setback required by the zoning district in which it is located on each abutting road.

(9) **Natural Features Setback.** A twenty-five (25) foot natural feature setback shall be maintained from the ordinary high-water mark (shoreline) of any lake, pond, or stream and to the edge of any drainage way, or regulated wetland. Along lakes within all Single-Family Residential districts, the setback from the shoreline of any main building subsequently erected shall not be less than the average shoreline setback of main buildings within three hundred (300) feet in both directions along the shoreline. Only waterfront structures and appurtenances permitted under *Section 3-05* may be located within the shoreline or the natural feature setback.



(10) **Maximum Lot Coverage.** The maximum lot coverage percentage shall be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area.

(11) **Waterfront Residential Minimum Lot Size.** No density bonus will be granted for any waterfront property regardless of the zoning.

(12) **Waterfront Residential Floor Area Ratio.** In the R-5 district, the floor area ratio shall not exceed one and one half (1.5) times the floor area ratio of surrounding dwellings located on the opposing lot, three (3) closest lots in each direction along both sides of the road that the subject lot fronts, and all lots abutting the rear lines of the subject lot. Only lots in the same zoning district as the subject lot shall be included. The floor area ratio

shall be determined as the ratio of the residential floor area of the dwelling to the net lot area. The applicant is responsible for supplying the calculations.

5 (13) **Multiple Family Residential Density.** In the RM-1 Multiple-Family District the maximum density, as defined in *Section 25-03*, shall be ten (10) dwelling units per each one net (1) acre of site area.

10 (14) **Multiple Family Residential Building Requirements.** In the RM-1 Multiple-Family District all buildings shall meet the following:

a. Shall be setback a minimum of thirty (30) feet from the boundary of the site.

15 b. Shall be setback a minimum of twenty (20) feet from any internal road, drive or parking lot within the site excluding drives connecting to garages.

20 c. Shall be a maximum of one hundred eighty (180) feet in length. The Planning Commission may allow an increase in building length up to two hundred fifty (250) feet in length if the facades of the building are varied in accordance with *Section 14-01 (c) (4)*.

25 d. Buildings located internally to the multiple family site shall be spaced a minimum of thirty (30) feet apart except that single family residences and single detached condominiums located in a RM-1 zoning district may have five (5) ft. side yard setbacks and two-family dwellings may have ten (10) ft. side yard setbacks.

30 (15) **Two Family Dwelling Residential Building Requirements.**

Two-family dwellings located in an R-4 or R-5 zoning district shall have ten (10) ft. side yard setbacks.

35 (16) **Multiple Family Residential Minimum Useable Floor Area.**

Minimum sizes for multiple family units are as follows:

a. Efficiency 350 sq. ft.

b. 1-bedroom units 600 sq. ft.

- c. 2-bedroom units 800 sq. ft.
- d. 3-bedroom units 1,000 sq. ft.
- e. 4-bedroom units 1,200 sq. ft.

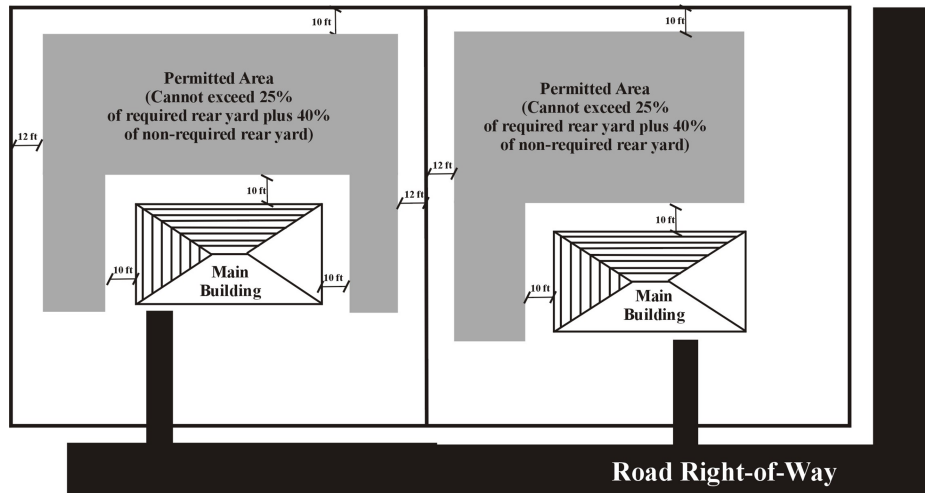
(Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

Sec. 3-04 Accessory Buildings

Residential accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- (a) Accessory buildings shall only be permitted accessory to a principal use in the zoning district.
- (b) Lots of less than five (5) acres may have no more than one (1) private detached garage plus one (1) accessory building shall be erected on a lot in a Residential District. Lots of five (5) acres or more may have one private detached garage and two (2) accessory buildings.
- (c) All detached accessory buildings shall be located in the rear or non-required side yards. On waterfront lots in the R-5 district, accessory buildings shall be permitted in the front yard, provided the accessory building meets the setback requirements applicable to main buildings.
- (d) Detached accessory buildings shall be located no closer than ten (10) feet from any main building and shall be set back a minimum of ten (10) feet from the rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be located no less than one (1) foot from the rear lot line. In no instance shall any accessory building be located within a dedicated easement right-of-way.
- (e) Where the accessory building is structurally attached to a main building, it shall be subject to all regulations of this Ordinance applicable to the main building.
- (f) An attached or detached accessory building shall not occupy more than twenty-five percent (25%) of a required rear yard, plus forty percent (40%) of any non-required rear yard and, other than an accessory building that is used entirely for agricultural or farming purposes or as a stable or riding arena, no

accessory building shall exceed the ground floor area of the main building. Any accessory building used for agricultural or farming purposes or as a stable or riding arena shall be located no closer than twenty-five (25) feet from any side or rear property line and no closer than one hundred (100) feet from any dwelling. The property owner or occupant constructing an accessory building with ground floor area exceeding that of the main building shall record no later than commencement of construction of the accessory building, a document with the Livingston County Register of Deeds, sufficiently describing and identifying the accessory building and acknowledging that the use of the accessory building shall be entirely for



agricultural or farming purposes or as a stable or riding arena.

- (g) When an attached or detached accessory building is located on a corner lot, the accessory building shall be located in the rear yard and shall be no closer to the road frontage than the side yard setback of the main building. In no instance shall an accessory building be located nearer than ten (10) feet to a road right-of-way line.
- (h) Detached accessory buildings in any Residential District shall not exceed one (1) story or eighteen (18) feet in height to the midpoint of the roof, except as provided in *Section 13-05*.
- (i) Accessory buildings shall not be used as habitable space.
- (j) Accessory buildings two hundred (200) sq. ft. or less shall have a pitched roof and accessory buildings greater than two hundred (200) sq. ft. shall have a minimum 4:12 roof pitch. All accessory structures shall have a drainage

system that will concentrate the discharge of storm water or snow away from the sides of the building.

(Ord. #273, 11/3/19), (Ord. #265, 11/6/15), (Ord. #251, 7/1/11), (Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

Sec. 3-05 Waterfront Accessory Uses

(a) Waterfront structures and appurtenances may be allowed as an accessory use to the principal use permitted in the zoning district of the waterfront property. Only docks, mooring apparatus, pools, and decks shall be permitted within the required waterfront yard. The allowable accessory use of the waterfront property shall be limited to not more than one (1) dock per lot or dwelling unit, which shall be limited to the docking of watercraft owned by the occupants of the dwelling.

(b) Boat launching sites and boat docks within a common use riparian lot and dockominiums shall comply with the multi-access riparian sites' provisions of *Section 13-07*.

(c) All waterfront uses must meet the requirements of *Article 24*.

(Ord. #243, 8/1/08)

Sec. 3-06 Parking

(a) Parking shall be provided for as required by *Section 15-01*.

(b) The parking of recreational equipment shall be permitted only as provided for in *Section 15-03*.

Sec. 3-07 Home Occupations

It is the intent of this Section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located and which will preserve the peace, quiet, and domestic tranquility within all Residential Districts in the Township. Home occupations may be permitted subject to the following conditions:

- (a) No more than two (2) employees other than members of the family residing on the premises shall be engaged in the operation.
- 5 (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty percent (20%) of the habitable floor area of the dwelling unit may be used for the purposes of the home occupation.
- 10 (c) A home occupation, including storage of materials and goods, shall be entirely conducted within the confines of the dwelling unit, except that an accessory building may be used for home occupations conducted on lots larger than two and one-half (2½) acres.
- 15 (d) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the home occupation, and there shall be no external or internal alterations that are not customary in residential areas.
- 20 (e) Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet, or similar facility is prohibited.
- 25 (f) Traffic generated by such operation shall not be greater than that for normal residential purposes.
- 30 (g) No equipment or process shall be used in the home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. Any electrical equipment or process which creates visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- 35 (h) Signs for the home occupation shall be limited to one (1) non-illuminated, non-protruding name plate, not more than one (1) square feet in area, attached to the building, located near the front entrance, and which sign shall contain only the name, occupation, and/or address of the premises.

- 5
- (i) No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises with the exception of one (1) commercial vehicle or trailer and/or trailer combination.
 - (j) Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided off the road.

ARTICLE 4
RESERVED

ARTICLE 5

RESIDENTIAL MANUFACTURED HOME DISTRICT

This Article was reviewed and approved by the Michigan Department of Consumer and Industry Services, Corporation and Securities Bureau, Manufactured Home Commission pursuant to Public Act 306 of 1969, as amended (MCLA 24.201 et seq.) and Public Act 96 of 1987, as amended (MCLA 125.2301 et seq.), and the rules promulgated there under, per an order dated December 6, 1995.

Sec. 5-01 Description and Purpose

(a) **RMH Residential Manufactured Home District.** This district is intended to provide suitable areas for manufactured home parks and other compatible uses. These regulations are intended to ensure that manufactured home parks will provide a comfortable, pleasing, and safe living environment. These regulations are also intended to protect the health and welfare of manufactured home park residents by ensuring that manufactured home parks will be served adequately by essential public facilities such as access roads, water, wastewater treatment, stormwater drainage facilities, fire protection, and other emergency services.

Sec. 5-02 Uses Permitted

(a) Land and/or buildings in the districts indicated at the top of Table 5-02 may be used for the purposes denoted by a “P” in the column below by right. The final column includes additional requirements that apply to the use by either referencing a footnote to Table 5-02.

| Table 5-02 Schedule of Manufactured Home Uses | | |
|--|-----|--------------|
| | RMH | Requirements |
| Single Family Dwellings | P | |
| Manufactured Homes Permitted under the American National Standards (A.N.S.I.) Code | P | |
| Manufactured Home Condominium Projects as Regulated by the Condominium Act, being Act 59 of 1978, as Amended | P | |

| Table 5-02 Schedule of Manufactured Home Uses | | |
|--|-----|--------------|
| | RMH | Requirements |
| Parks, Playgrounds, Community Buildings, Open Space Areas, & other Facilities for Use by Manufactured Home Park Tenants | P | |
| Utility Buildings Used for Laundry Facilities by Manufactured Home Park Tenants or for Storage Space for Personal Property of Manufactured Home Park Tenants | P | |
| Office Buildings | P | (1) |

(b) Uses noted in Table 5-02 shall comply with the following requirements:

- (1) **Office Buildings.** One (1) office building per manufactured home park is allowed exclusively for conducting the business operations of the manufactured home park.

Sec. 5-03 Required Conditions

A manufactured home park shall comply with the requirements of Public Act 96 of the Michigan Public Acts of 1987 (MCLA 125.2301 to 125.2350 inclusive), as amended and all other provisions as herein established. In order to ensure an adequate local review of a manufactured home park in compliance with Section 11(2) of PA 96 of 1987 (MCLA 125.2311), the rules of the State Manufactured Home Commission as set forth and provided for under Section 4(1)(a) of PA 96 of 1987 as amended and the requirements of this Section.

(a) **Construction.** To construct a manufactured home park, a person shall comply with all of the following:

- (1) Obtain a construction permit from the Department of Consumer and Industry Services as required in the Manufactured Home Commission Act, Act 96 of the Public Acts of 1987, as amended.
- (2) Obtain all applicable permits as required for optional improvements within the park per this Section.
- (3) Furnish the Township Clerk a performance bond in the amount of one hundred percent (100%) of the cost of public improvements approved as part of the site plan. This bond will be rebated upon satisfactory

completion and acceptance of a proportional amount of public improvements.

5 (b) **Operation.** To conduct or operate a manufactured home park, a person shall comply with all of the following:

(1) Obtain approval from the Department of Consumer and Industry Services as required by the Manufactured Home Commission Act, Act 96 of the Public Acts of 1987, as amended.

10 (2) Obtain a certificate of occupancy from the Building Official for each permanent structure constructed on site.

15 (3) Obtain an annual license from the Department of Consumer and Industry Services as required in the Manufactured Home Commission Act, Act 96 of the Public Acts of 1987, as amended.

20 (c) **Sales Office.** The offering for sale of a manufactured home by an individual resident owner, and the sale of units by a licensed dealer/broker on defined individual home sites, provided that the units are blocked, leveled, skirted, and otherwise appear to be completely installed on site is permitted. The operation of a commercial sales lot offering manufactured housing or manufactured home for placement on sites other than the manufactured home park where they are offered for sale is prohibited in this district.

25 (d) **Rezoning.** In connection with a request for rezoning any area to the RMH zoning classification, a preliminary sketch plan shall be submitted in accordance with information required by *Article 18*. A preliminary sketch plan shall also:

30 (1) Illustrate the general layout of the manufactured home park.

(2) Indicate the number and type of units proposed.

35 (3) Exhibit the vehicular circulation pattern.

(4) Detail the buffering treatment along perimeter lots.

- (5) Provide a detailed statement about services to be provided by public and private utilities.

Sec. 5-04 Site Location Standards

5

The minimum size for a manufactured home park shall be fifteen (15) contiguous acres.

Sec. 5-05 Bulk and Area Requirements

10

(a) **Site Dimensions.** A manufactured home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured home unit. The five thousand five hundred (5,500) square feet area requirement for any individual site may be reduced by twenty percent (20%), provided that the individual site shall equal at least four thousand four hundred (4,400) square feet. For each one (1) square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

15

20

(b) **Setbacks.** The requirements of Rules 941 and 944 of the Michigan Manufactured Home Commission Regulations must be met for all appropriate distances and setbacks.

25

(c) **Maximum Height.** The maximum height for any building or structure in a manufactured home park shall not exceed the lesser of twenty-five (25) feet or one and one-half (1 1/2) stories.

30

(d) **Minimum Floor Area.** The minimum floor area for any dwelling unit within a manufactured home park shall be seven hundred twenty (720) square feet, exclusive of garage, basement, porch or other accessory structure.

Sec. 5-06 Site Development Standards

35

(a) **Accessory Buildings.** One (1) accessory building for private uses may be placed on each manufactured home site. No personal property shall be stored outside or under any manufactured home. Storage sheds may be used to store

property, but need not be supplied by the owner of the manufactured home development. All storage sheds shall comply fully with Manufactured Home Commission Rules, including Rule 941(1)(f).

5 (b) **Foundation/Anchoring.** Each manufactured home shall be installed pursuant to the manufacturer's setup instructions and pursuant to the Michigan Manufactured Home Commission Regulations. All manufactured homes shall be required to be anchored to their foundations in accordance with Manufactured Home Commission Rules 605, 607 and 608.

10 (c) **Skirting.** All manufactured home located in a mobile home park within the Township shall be skirted in accordance with the Manufactured Home Commission Rule 604.

15 (d) **Unit Certification.** Any manufactured home built after 1976 must be certified by HUD (Department of Housing and Urban Development). Manufactured home or modular dwellings constructed prior to 1976 shall meet all requirements and specifications of the State Construction Code, the A.N.S.I. Code, or any other applicable code.

20 (e) **Screening/Landscaping.** Manufactured home parks shall be landscaped as follows:

25 (1) If the manufactured home park abuts an existing Residential District or use, the park shall be required to provide screening along the park boundary abutting the Residential District or use.

(2) If the park abuts a Non-Residential District or use, the park need not provide screening along the Non-Residential District or use.

30 (3) In all cases, a park shall provide screening along a park boundary abutting a public right-of-way.

35 Screening required by this Section shall consist of evergreen trees or shrubs of a minimum of three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home park as effectively as the required landscaping described above. The greenbelt shall be maintained thereafter in a neat and orderly manner. Withered and/or dead

plant material shall be replaced within a reasonable period of time with stock of like species and size, but the replacement period shall be no longer than one (1) growing season.

5 (f) **Reserved**

10 (g) **Ground Cover.** All unpaved ground surfaces in a manufactured home park shall be planted with trees, grass or shrubs, or ground cover capable of preventing soil erosion. At least one (1) tree shall be planted on every other manufactured home site.

15 (h) **Environmental.** Any encroachment of the construction, operation and/or stormwater discharge into any wetland covered under the jurisdiction of the Michigan Department of Environmental Quality or the Township regulations shall be subject to the permit requirements of those agencies as provided by State law.

20 (i) **Storage of Recreational Vehicles.** The storage of recreational vehicles shall be permitted only in the storage area designated by the owner/operator of a manufactured home park. This storage area shall be screened around its entire perimeter by a solid-type screening device at least six (6) feet in height.

25 (j) **Recreation Areas.** If a recreational area is to be provided in a manufactured home park, the area shall be designated on the preliminary plan, and if so designated, must be developed and maintained by the proprietor of the manufactured home park. Such area shall be clearly separated and protected from roads, drives, and parking areas. The development and maintenance of each recreational area shall be the responsibility of the park manager/owner.

30 (k) **Utilities.** All electric, telephone, telecommunication, and other service lines from supply poles, or other sources to each manufactured home site shall be underground and shall comply fully with Manufactured Home Commission Rules 932 and 933. Proposed water supply and wastewater treatment processes must provide sufficient capacity to service all uses on the site. All
35 other utilities for manufactured homes located in the manufactured home park shall be designed, installed, operated and maintained in accordance with Manufactured Home Commission Regulations, Michigan Department of Public Health and Livingston County Department of Public Health.

(l) **Lighting.** The lighting system in the manufactured home park shall comply with the Michigan Manufactured Home Commission Regulations.

5 (m) **Signs.** Signs in the manufactured home park shall conform with the requirements of Michigan Manufactured Home Commission. A sign advertising the park shall not exceed thirty-two (32) square feet in sign face area. This sign may have copy on both sides.

10 (n) **Traffic Circulation.** A manufactured home park internal road shall have at least one (1) access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement which shall be recorded before approval by the Department of Consumer and Industry Services. This access shall be a boulevard access road with at least one (1) lane for ingress and at least one (1) lane for egress if it is the only access to the manufactured home site.

15 (o) **Reserved**

20 (p) **Parking Requirements.** Parking requirements for an approved park shall be determined under the provisions of *Section 15-01(c)* of this Ordinance. Parking spaces for manufactured home park visitors shall be provided at convenient and appropriate locations throughout the manufactured home park.

25 (q) **Paving.** All roads and parking areas in a manufactured home park shall, at a minimum, be covered with materials meeting AASHTO standards. Paving standards shall comply with Rule 922 of the Manufactured Home Commission Regulations. All internal roads must be named and the park operator shall be responsible to place and maintain road identification signs at all road intersections.

30 (r) **Sidewalks.** Sidewalks shall be located along one (1) [side,] the road side of all collector roads, as determined by the Department of Consumer and Industry Services, and shall be at least three (3) feet in width, per Rule 928 of the Manufactured Home Commission Regulations.

35 (s) **Hazardous Material.** Any flammable or hazardous material shall be centrally stored in compliance with Federal, State, and Township regulations.

- (t) **Optional Improvements.** All optional improvements such as, but not limited to: laundries, swimming pools, garages, carports, buildings, service facilities, and areas for recreational or service use, shall comply with current building codes of the Township pertinent to construction, including the obtaining of the appropriate permits from the Township Building Official prior to the facility or structure being constructed.

Sec. 5-07 Site Plan Review

Application for the construction, alteration, or extension of a manufactured home park or site that is zoned RMH shall be accompanied by a site plan showing the proposed park layout and/or the location of permanent buildings. The site plan shall be in conformance with the provisions and requirements of *Article 18* and Rule 81 (R 325.3381 of the Michigan Administrative Code) of the Michigan Department of Public Health's Manufactured Home Park Standards as applicable. Once the Michigan Department of Consumer and Industry Services approves the construction plan, the applicant shall submit four (4) copies of this plan to the Township Building Official. The construction plan is based upon the Township approved preliminary plan, as described in Section 11 of 1987 Public Act, as amended, and Rules 904 and 904a of the Manufactured Home Commission Rules. Notice of any suspected noncompliance with the approved site plan shall be forwarded by the Township Building Official to the Department of Consumer and Industry Services with a copy to the Planning Commission, along with any available evidence.

Sec. 5-08 Inspections

The Township Building Official, Livingston County Health Department, or any of their authorized agents may inspect the manufactured home park whenever there is reasonable cause to believe that Act 96 of 1978, as amended, being the Michigan Manufactured Home Commission Act, and the accompanying promulgated rules, or any provision of a local Ordinance or code applicable to the manufactured home park in accordance with these act and rules, have been violated.

Sec. 5-09 Variances

The Zoning Board of Appeals shall not grant any variances to regulations that are contrary to the minimum design and construction standards contained within Act

96 of 1987, as amended, and the rules promulgated thereto. The Township Building Official shall notify the Corporations and Securities Bureau of the Michigan Department of Consumer and Industry Services in writing within fifteen (15) days of the granting of any variance consistent with Act 96 and related rules.

ARTICLE 6
BUSINESS DISTRICTS

Sec. 6-01 Description and Purpose

- (a) **B-1 Local Business District.** The B-1 Local Business District is intended to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.
- (b) **B-2 General Business District.** The B-2 General Business District is intended to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Business District.
- (c) **B-3 Special Business District.** The B-3 Special Business District is intended to provide sites for more diversified commercial uses which would often be incompatible in the B-1 or B-2 Business Districts, and yet recognizes and provides for more intensive commercial uses at planned locations in the Township.
- (d) **OS Office Service District.** The Office Service District is intended to accommodate offices, banks, and personal services which can serve as transitional areas between Residential and Business Districts and to provide a land use transition between arterial and collector roads and Residential Districts.

Sec. 6-02 Uses Permitted

- (a) Land and/or buildings in the districts indicated at the top of Table 6-02 may be used for the purposes denoted by a “P” in the column below by right. Land and/or buildings in the districts indicated at the top of Table 6-02 may be used for the purposes denoted by “S” after special land use approval by the Planning Commission in accordance with the procedures and requirements of *Article 18 and Article 19*. A notation of “--” indicates that the use is not permitted within the district. The “Requirements” column indicates additional requirements or conditions applicable to the use. Residential uses located above a business use are allowable in the designated mixed use areas of the Township as defined on the future land use map (Map Two) in the Brighton Township Master Plan.

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

Residential uses in the business districts will be reviewed per the site plan requirements outlined in **Article 18** of the Zoning Ordinance.

| Table 6-02 Schedule of Business Uses | | | | | |
|---|------------|------------|------------|-----------|---------------------|
| | B-1 | B-2 | B-3 | OS | Requirements |
| Retail Trade | | | | | |
| Auto Parts Supply Stores | -- | P | P | -- | -- |
| Boat, Recreational Vehicle, & Motorcycle Dealerships | -- | S | S | -- | (9) |
| Drug Stores with Drive Through Pickup | -- | S | S | -- | (7) |
| Hardware, Paint, Glass, Tile, & Wallpaper Stores | -- | P | P | -- | -- |
| Lumber Stores & Yards | -- | S | S | -- | -- |
| Manufactured Home Dealers | -- | S | S | -- | (9) |
| New & Used Automobile Dealerships | -- | S | S | -- | (9) |
| Nurseries, Garden Retail Stores, & Greenhouses | -- | P | P | -- | -- |
| Open Air Businesses | S | S | S | -- | (5) |
| Outdoor Storage Accessory to a Permitted Use | -- | S | S | -- | (6) |
| Propane Sales | -- | S | S | -- | -- |
| Retail Establishments & Shopping Centers of 30,000 sq.ft. or Less | P | P | P | -- | -- |
| Retail Establishments & Shopping Centers Greater Than 30,000 sq.ft. | S | S | S | -- | -- |
| Seasonal Commercial Outdoor Sales | P | P | P | P | Sec. 13-14(a) |
| Service Stations | -- | S | S | -- | (10) |
| 24-Hour Retail Use | S | P | P | -- | |
| Finance, Insurance & Real Estate, Professional Office & Related Services | | | | | |
| Banks, S & L, Credit Unions up to 4 Drive-Through Windows | S | P | P | P | -- |
| Banks S & L, Credit Unions with 4 or More Drive-Through Windows | -- | S | S | S | -- |
| Contractors Offices & Buildings without Outdoor Storage | -- | P | P | -- | -- |
| Insurance Carriers, Agents, Brokers, & Service | P | P | P | P | -- |
| Laboratories - Experimental, Film, or Testing Enclosed within a Building | -- | -- | -- | S | -- |
| Mortgage, Loan Security, & Commodity Brokers | -- | P | P | P | -- |
| Offices for General Executive, Administrative Functions, Accounting, Law, Professional Engineering, & Management Services | P | P | P | P | -- |
| Real Estate Agents, Leasers, Developers, Operators, & Title Companies | P | P | P | P | -- |
| Research, Testing, Design, Technical Training, or Experimental Product Development Enclosed within a Building | -- | -- | -- | S | -- |
| Health Care | | | | | |
| Congregate Care & Dependent Care, Convalescent Homes & Nursing Homes | -- | -- | -- | P | -- |
| Extended Care Facilities | -- | S | S | P | -- |
| Hospitals | -- | S | S | P | -- |
| Medical Centers/Urgent Care | -- | S | S | P | -- |
| Medical Offices up to 40,000 sq.ft. | P | P | P | P | -- |
| Medical Offices over 40,000 sq.ft. | S | S | S | P | -- |
| Senior Independent Housing | P | -- | -- | P | |
| Senior "Interim Care" & "Intermediate Care" Units | P | -- | -- | P | |
| Consumer Services | | | | | |
| Automobile Washes | -- | S | S | -- | -- |
| Beauty & Barber Shops | P | P | P | P | -- |
| Carpet & Upholstery Cleaners | -- | P | P | -- | -- |
| Child Day Care | P | P | P | P | -- |
| Coin-Operated Laundries | S | P | P | -- | -- |

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

**Table 6-02
Schedule of Business Uses**

| | B-1 | B-2 | B-3 | OS | Requirements |
|---|------------|------------|------------|-----------|--|
| Conference Centers, Exhibit Halls, & Similar Uses | -- | S | S | S | -- |
| Equipment Rental & Leasing | -- | S | S | -- | -- |
| Funeral Homes & Mortuaries | S | S | S | S | (3) |
| Hookah Lounges, Tobacco Specialty Retail Stores & Cigar Bars | -- | P | P | -- | See Chapt. 12, Art. VII - Code of Ordinances |
| Hotels & Motels | S | P | P | S | (4) |
| Laundries, Dry Cleaners, & Tailors | P | P | P | P | -- |
| Massage Therapy/Massage Therapy Clinic | S | P | P | P | |
| Minor Automotive Repair Shops including Oil & Lubrication Change, Exhaust System Repair, Glass Repair, Tire, Brake & Suspension Shops | -- | S | S | -- | -- |
| Passenger Car Rental | -- | S | S | -- | (9) |
| Photocopying, Printing & Office Services | P | P | P | P | -- |
| Photography, Art & Graphic Design Studios | P | P | P | P | -- |
| Repair Services (Watches, Radio, TV & Appliances) | P | P | P | -- | -- |
| Restaurants & Bars Serving Alcoholic Beverages, Lodge, Tavern | S | P | P | S | (8) |
| Restaurants & Bars with Dancing & Live Entertainment | -- | S | S | -- | (8) |
| Restaurants, Carryout | S | P | P | S | (8) |
| Restaurants not Serving Alcoholic Beverages | P | P | P | S | (8) |
| Restaurants with Open Front Windows, Cafe or Outdoor Seating | S | P | P | -- | (8) |
| Restaurants with Drive-Through or Drive-Up Service | -- | S | S | -- | (7) (8) |
| 24-Hour Restaurant | S | P | P | -- | |
| Shoe Repair Shops | P | P | P | -- | -- |
| Truck & Trailer Rental | -- | S | S | -- | -- |
| Veterinary Clinic | -- | S | S | S | |
| Entertainment & Recreational | | | | | |
| Adult Entertainment Uses | -- | S | S | -- | (1) |
| Billiard/Pool Halls | S | S | S | -- | (2) |
| Bowling Centers | S | P | P | -- | (2) |
| Dance Studios, Schools & Halls | P | P | P | P | -- |
| Golf Courses, Miniature Golf Courses, Driving Ranges & Batting Cages | -- | S | S | -- | -- |
| Marinas Without Boat Storage or Repair | S | S | S | -- | -- |
| Marinas With Boat Storage & Repair | -- | S | S | -- | -- |
| Motion Picture Theaters | -- | P | P | -- | -- |
| Physical Fitness Facilities, Sports & Recreation Clubs | S | S | S | -- | -- |
| Sports Arenas, Skating Rinks, Indoor Tennis & Racquetball Courts, or Similar Forms of Indoor Commercial Recreation | -- | S | S | -- | (2) |
| Special Events | -- | S | S | -- | Sec. 13-14(a) |
| Theatrical Producers, Orchestras, & Entertainment Groups | P | P | P | -- | -- |
| Video Tape Rental | P | P | P | -- | -- |
| Public Administration, Institutional & Utilities | | | | | |
| Churches, Temples or other Places of Worship or Public Assembly | P | P | P | P | -- |
| Colleges & Universities or other such Institutions of Higher Learning | P | P | P | P | -- |
| Essential Public Services | P | P | P | P | -- |
| Essential Public Service/Utility Buildings | -- | S | S | -- | -- |
| Governmental Executive, Legislative & Administrative Offices | P | P | P | P | -- |
| Halls For Private Clubs & Membership Organizations | P | P | P | P | -- |
| Libraries | P | P | P | P | -- |

| Table 6-02 Schedule of Business Uses | | | | | |
|--|-----|-----|-----|----|--------------|
| | B-1 | B-2 | B-3 | OS | Requirements |
| Police & Fire Stations | P | P | P | P | -- |
| Post Office | P | P | P | P | -- |
| Schools, Primary or Secondary, Charter, Montessori | P | P | P | P | -- |
| Manufacturing & Warehousing | | | | | |
| Administrative Offices Related to Manufacturing, Engineering, Construction, Transportation, Utility, Governmental & other Similar Uses | -- | -- | P | -- | -- |
| Manufacture and/or Repair Shops Provided not More than 10 Persons Shall be Involved & that the Process, Service, Loading, or Unloading of any Vehicle Shall not be Detrimental to any Residential Area | -- | -- | P | -- | -- |
| Mini-Storage/Self-Storage Warehousing | -- | -- | S | -- | -- |
| Warehousing Accessory to a Permitted Use | -- | -- | P | -- | -- |
| Warehousing, Wholesale & Distribution Facilities Including Truck Terminals | -- | -- | S | -- | -- |
| Billboards | -- | -- | S | -- | -- |
| Major Automotive Repair, such as Engine, Transmission or Chassis Repair, Undercoating, Glass Replacement, Bumping & Painting | -- | -- | S | -- | -- |
| Residential | | | | | |
| Residential and business uses including live-work units in commercial districts | P | P | P | P | (11) |

(b) Uses noted in Table 6-02 shall comply with the following requirements:

(1) **Adult Entertainment Uses**

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a. **Intent.** In the development and enactment of this Section it is recognized that there are some uses, which because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated into limited areas of the Township, thereby having a deleterious effect upon the adjacent areas. Such concentration tends to detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in, or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulation of these uses is necessary to insure that these adverse secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area.

b. **Findings.** More specifically, the secondary effects upon the Township of a concentration of these uses in any one (1) area are concluded to be:

1. Creation of a red-light/skid row district of adult entertainment uses in the Township.

5 2. A negative impression and impact on young children in the community.

10 3. Discouraging new development of housing and businesses and continuance of existing uses in proximity to adult entertainment uses, thus causing a decline of property values.

15 4. Characterizing the Township as an unregulated community and an assembly ground for undesirables, an appearance totally opposite from the fine reputation the Township commands.

5. Resulting in crime incidence, including prostitution, drug abuse, and gambling.

20 6. Introducing need for increased security surveillance owing to transient traffic, hours of operation and contribution to delinquency of minors.

25 7. Impact on nearby schools and religious institutions and related family and moral ethics and values, also invite molesting, abduction and other crimes upon children, women and others who may have to travel past adult entertainment uses.

30 8. Inviting lurid advertising incongruous with the low profile nature of the local business areas.

The above concerns have been witnessed in other communities whose former vitality has not been restored and there has been an exodus of families and businesses.

35 **c. Locational Standards**

1. Adult entertainment uses shall not be established within a one thousand (1,000) foot radius of any Residential District.

Measurement shall be from the nearest premises of the use to the nearest Residential District lot line.

2. Adult entertainment uses shall not be permitted within a one thousand (1,000) foot radius of the following uses: public, private or parochial school, child day care facility, library, park, playground or other recreational facility or church, convent, monastery, synagogue or similar place of worship. Measurement shall be made from the nearest premises of the named use to the nearest property line of a school, library, recreational facility or place of worship.

3. Adult entertainment uses shall not be permitted within a one thousand (1,000) foot radius of an existing adult entertainment use. Measurement shall be from the nearest premises of the adult entertainment use to the nearest property line of another adult entertainment use.

d. Required Conditions

1. The premises shall be constructed and maintained in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any display, decoration, sign show window, or other opening by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.

2. Building size shall not exceed five thousand (5,000) square feet of gross floor area.

3. The adult entertainment use shall be located within a free-standing building. A shared/common wall or shopping center shall not be considered to be a free-standing building.

4. The building shall provide sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way.

- 5
6. The hours of operation shall be approved by the Planning Commission.
- 10
7. Access shall be from an arterial or collector road.
- 15
8. Any adult entertainment use which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one (1) security guard on duty outside the premises. The security guard will patrol the grounds and parking areas at all times while the business is in operation.
- 20
9. Persons operating an adult entertainment use shall not permit any person under the age of eighteen (18) to be on the premises of said business either as an employee or customer.
- 25
10. Persons shall not reside in or permit any person to reside in the premises of an adult entertainment use.
- 30
11. Persons shall not operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the price for all services performed by the business. Persons operating or working at such a place of business shall not solicit or accept any fees except those indicated on any such notice.
- 35
12. Persons shall not become the lessee or sub lessee of any property for the purpose of using said property for an adult entertainment use without the express written permission of the owner of the property for the use.
13. Lessees or sub lessees of any property shall not convert that property from any other use to an adult entertainment use without the express written permission of the owner of the property for that use.

14. Violations of any of these requirements, in addition to any other laws, are grounds for revocation of the special land use.

5 (2) **Billiard/Pool Halls, Bowling Centers, Sports Arenas, Skating Rinks, Indoor Tennis and Racquetball Courts, or Similar Forms of Indoor Commercial Recreation.** A minimum one hundred (100) foot setback shall be provided from any adjacent Residential District.

10 (3) **Funeral Homes and Mortuaries**

a. Adequate assembly area shall be provided off-street for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area.

15 b. A caretaker's residence may be provided within the main building.

(4) **Hotels and Motels**

20 a. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

b. No guest shall establish a legal residence at a motel.

25 (5) **Open Air Businesses**

a. All open air businesses shall be accessory to the approved principal use, and shall be directly related to the business or activity conducted within the main building.

30 b. The material(s) utilized for any use shall not create a noxious odor, create blight condition, or create an unsafe traffic condition (i.e. reduction of sight distance to road(s), maneuvering lanes and/or parking areas).

35 c. The display of any material(s) and/or products shall be limited to not more than ten percent (10%) of the existing front or side yard(s), exclusive of all required maneuvering lanes, driveways and/or parking spaces.

d. The minimum setback from a front or side property line for any open air business shall be twenty (20) feet from the front property line and not less than one-half (1/2) of any required side yard.

e. All display materials shall be safely anchored or secured in place, in a method and manner designed to safely resist overturn by wind loads or impact.

f. Display materials shall be limited to those approved for use by the Michigan State Construction Code and Fire Codes.

g. The Planning Commission may require fencing, greenbelts and/or masonry walls to isolate or screen any outdoor display area.

h. Open air businesses which require lighting or the use of electricity shall not be constructed, installed or utilized unless and until a certificate of safety compliance has first been issued by the Township Electrical Inspector. Display lighting shall comply with the lighting standards of *Section 14-03*.

i. Any display involving soil or berming shall be constructed in a manner which will eliminate surface water, soil, sand, sediment and/or any other material from eroding, washing or otherwise being transported onto any roadway, storm sewer, or adjacent property.

j. A site plan, drawn to scale, shall be submitted to the Planning Commission for review in accordance with *Article 18*. The plot plan shall clearly illustrate the location, setbacks, and the designated area of the property proposed for outdoor display.

(6) Outdoor Storage Accessory to a Permitted Use

a. Outdoor storage shall be accessory only to a permitted use on a site containing a main building of five hundred (500) square feet or more.

b. The storage and/or display of any materials and/or products shall meet all setback requirements of a main building in a B-2 General Business District.

c. All loading and parking shall be provided off-street in accordance with this Ordinance, and outdoor storage of any kind shall not utilize or obstruct any required parking, loading-unloading space(s), and/or maneuvering lane(s).

d. The storage of any soil, fertilizer, or other loose, unpackaged materials, shall be contained so as to prevent any spread thereof to adjacent properties or roadways.

e. All storage shall be confined to the rear yard and shall be suitably screened from the view of adjoining property owners with opaque fencing.

f. The storage shall comply with the standards established by the Michigan State Construction Code and the Township Fire Code for storage.

g. The height of the storage shall not exceed the height of the screening fence.

h. All empty pallets must be removed from the site or screened from view.

i. Except in approved vehicle sales dealerships, all motor vehicles, licensed or unlicensed, which are parked outdoors on any portion of any property not designated as an approved parking area shall be considered as outdoor storage, and subject to the requirements of this subsection.

j. Except in approved vehicle sales dealerships, trailers, recreational vehicles, tractors, farm implements, farm equipment and/or landscape equipment parked or maintained outside of a main or accessory building shall be considered outdoor storage and shall be subject to the foregoing requirements.

(7) Restaurants and other Uses with Drive-through or Drive-up Service

a. A minimum sixty (60) foot setback shall be provided from the front lot line and any adjoining Residential District.

b. A six (6) foot high, completely obscuring brick wall shall be provided between the site and any adjoining Residential District.

- c. When constructed adjacent to other commercial developments, the restaurant shall have a direct vehicular access to the existing commercial development where possible.

- 5
- d. Clear delineation between the drive-through stacking lane and the parking lot shall be provided such that vehicles waiting in the drive-through lane do not block access to parking spaces.

- 10
- e. Each drive-through facility shall provide a lane to allow other vehicles to pass those waiting to be served at the drive-through.

(8) **Restaurants (OS District).** Restaurants located in the OS District are permitted under the following regulations. These regulations do not apply to restaurants located in other Business Districts.

- 15
- a. Restaurants are permitted in the OS District as an accessory use within an office building or as a stand-alone building that is an integral part of an office park where the restaurant floor area is no more than twenty-five percent (25%) that of the office floor area on the site.

- 20
- b. The restaurant shall be accessed internally from the office development and shall not have a separate driveway to a public road.

25

(9) **Sale and/or Rental of New or Used Automobiles, Manufactured Homes, Boats, Recreational Vehicles, and Motorcycles**

- a. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

- 30
- b. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) roads.

- 35
- c. No major repair or major refinishing shall be done on the site, other than as set forth in e. below.

- d. All lighting shall be shielded from adjacent Residential Districts.

- e. Major automotive repair is allowed as a subordinate or ancillary use of the site to a new and/or used automotive dealership, which shall be the principal use of the site.

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(10) Service Stations

- a. Three (3) off-street car storage spaces shall be provided for each car repair bay.

10

- b. Outside storage of oil drums, trailers, tires, equipment for rent, or other materials shall not be permitted.

- c. Engine rebuilding, vehicle dismantling, upholstering, and other types of major repair work shall not be permitted.

15

- d. A six (6) foot tall obscuring wall or solid fence shall be provided along the property line when abutting a Residential District or use.

20

- e. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited, unless such storage is required under police or court order. Vehicles shall not be stored outdoors for more than seven (7) days.

25

- f. There shall be no outdoor storage or display of vehicle components and parts, supplies equipment or other merchandise, except the Planning Commission may approve an area for display of retail merchandise within ten (10) feet of the main building.

30

- g. Details on the proposed canopy and lighting shall be provided with the site plan in accordance with **Section 14-01(e)(4)**.

35

- h. Roofs on all buildings and canopies shall be designed with a pitched roof.
- i. The applicant shall submit a Pollution Incidence Protection Plan that describes measures to prevent groundwater, soil or surface water contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins, and automatic shut off valves.

- j. A combination service station, convenience store, restaurant, or carwash shall be permitted only if there is adequate space for safe and efficient pedestrian and vehicular circulation and sufficient parking for each use. Parking shall be provided for each use, provided the Planning Commission may allow a twenty-five percent (25%) reduction in the total collective requirement based on multi-purpose customer visits and employees.

(11) Residential and Business Uses including Live Work Units

Live-Work units are dwelling units wherein each unit is designed to accommodate a small business and living quarters. A person(s) or entity must own the entire unit. An owner may lease both the residential and business portion of the unit to a single entity or person(s), or may lease the business portion of the unit only, retaining occupancy of the residential portion. The owner may not lease out the residential and business portions of the unit to unrelated persons or entities. A minimum of twenty (20%) percent of each unit must be used for business usage. Live-work units shall meet the design standards applicable to mixed-use buildings.

- a. Size: Number of employees including owner. Owner can mean a married couple. Maximum three (3) employees allowed. Total 900 s.f. per unit maximum for work component.
- b. On-site Orientation: Business shall must face street, service drive, alley, or other means of access. Address shall be visible from street, service drive, alley, or other means of access.
- c. Stairways: On a two (2) story building, each unit shall have its own interior stairway.
- d. Decks/Patios: No decks/patios are allowed for the business portion of the units. Decks/patios can be a part of the residential portion of the building but they shall be constructed of a maintenance-free material.
- e. Parking Requirements: Two (2) enclosed parking spaces per unit and three (3) outside parking spaces per unit. (Parking may be reduced depending on the square footage and the use which will be reviewed as part of site plan review).

- f. Outdoor Use: No outdoor business use/storage is permitted.
- g. Business Usage: Business usage only allowed in accordance with Zoning Ordinance **Article 6, Table 6-02**, Permitted Uses: Finance, Insurance and Real Estate, Professional Office, and Related Services, and Consumer Services (if by appointment only) or related uses based on similar usage and parking usage.
- h. Hours of Operation: Shall close business use by 10:00 p.m.
- i. Business Use: In a two (2) story building, the business use shall be on the first (1st) floor.

(Ord. 278, 8/27/21), (Ord. # 262, 10/31/14) (Ord. #257, 11/1/13) (Ord. #246, 12/25/09) (Ord. #231, 12/27/05)

Sec. 6-03 District Regulations

- (a) **Business Schedule of Area and Bulk Requirements.** All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 6-03.

| Table 6-03 Business Districts Schedule of Area and Bulk Requirements | | | | | |
|---|-------------|--------|--------|--------|--------|
| Districts | | B-1 | B-2 | B-3 | OS |
| Lot Requirements | | | | | |
| Minimum Lot Area (sq. ft.)(1) | | 20,000 | 40,000 | 40,000 | 40,000 |
| Minimum Lot Width (ft.) (1)(2) | | 100 | 150 | 150 | 150 |
| Setback Requirements (3) | | | | | |
| Front Yard (ft.) (4) (5) | | 25 | 30 | 30 | 20 |
| Side Yard (ft.) | | 10 (6) | 10 (6) | 10 (6) | 15 |
| Rear Yard (ft.) (7) | | 20 | 20 | 20 | 20 |
| Parking Lot (ft) | Front (8) | 20 | 20 | 20 | 20 |
| | Side & Rear | 10 | 10 | 10 | 10 |
| Natural Feature/Waterfront (ft.) (9) | | 25 | 25 | 25 | 25 |
| Maximum Building Height | | | | | |
| In Feet | | 25 | 45 | 45 | 45 |
| In Stories | | 2 | 3 | 3 | 3 |
| Maximum Lot Coverage | | | | | |
| Max. Lot Coverage (%) (10) | | 75% | 50% | 50% | 50% |

- (b) **Notes.** The following notes apply to Table 6-03:

- 5 (1) **Reduction of Lot Area and Width.** For any lot created after the effective date of this Ordinance, the lot area and lot width requirements may be waived where the lot has a recorded easement for an existing or future shared driveway and service drive, meeting the requirements of *Article 16* connecting the lot to all adjacent lots zoned for business or office and all adjacent lots master planned for commercial, office, or mixed use.
- 10 (2) **Lot Frontage.** All lots shall have frontage on a dedicated public road or approved private road as required in *Section 13-12*, meeting the requirements of *Article 16* in order to be considered “accessible.” All lots must meet the minimum lot width requirements at the minimum setback line.
- 15 (3) **Projections into Yards.** Architectural features and vertical projections may extend or project into a required yard as provided in *Section 13-10*.
- (4) **Setbacks.** Setback requirements shall be provided whether the right-of-way is public, private, or an access easement.
- 20 (5) **Through Lots.** All double or multiple fronted lots or parcels of land shall provide the minimum front yard setback required by the zoning district in which it is located on each abutting road.
- 25 (6) **Side Yard Setbacks.** Where fire walls are provided, no side yards are required along the interior side lot lines except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.
- 30 (7) **Loading and Unloading.** All loading and unloading shall be provided in the rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley. Where shared access is provided for more than one site, the loading and unloading area may be permitted in the non-required
- 35 side yard.
- (8) **Parking Setback Landscaping.** The setback required between off-street parking and the front, side, or rear lot line shall be landscaped except for access driveways, service drives and parking lots shared with adjacent uses.

(9) **Natural Features Setback.** A twenty five (25) foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainage way, or regulated wetland. Only docks or decks shall be permitted within the natural feature setback area. All waterfront uses must meet the requirements of **Article 24**.

(10) **Maximum Lot Coverage.** The maximum lot coverage ratio shall be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area.

(c) **Use Requirements.** All business establishments shall be retail or service establishments dealing directly with consumers involving sales to the public. All goods produced on the premises shall be sold at retail on the premises where produced. Storage or warehousing on the premises, shall be directly related to the retail or service sales to the public on the same premises. The space required for this activity shall not exceed fifty percent (50%) of the total floor area of the main building. All businesses, servicing, or processing, except for off-street parking, loading or approved outdoor sales, display or storage, shall be conducted within a completely enclosed building except when permitted by the Article.

(d) **Restrictions on Semi-Trailer Trucks.** In no instance shall a semi-trailer truck, shipping container, or motor vehicle be used for an accessory building, storage, or sales purposes in any district. Where such vehicle is parked on premises, it shall be located at least twenty (20) feet from any building or structure. Exceptions to this rule would be a commercial delivery vehicle for a business use which may be parked on site for a period not to exceed twenty-four (24) hours, and may be located in an off-street loading space adjacent to the building.

ARTICLE 7
INDUSTRIAL DISTRICT

Sec. 7-01 Description and Purpose

(a) **I-1 Industrial District.** The I-1 Industrial District is intended to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and do not have a detrimental effect on any of the surrounding districts and uses. The I-1 District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material. It is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted in locations where surrounding land uses could be adversely affected. The general goals of this district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for a variety of manufacturing and related uses.
- (2) To protect abutting Residential Districts by separating them from manufacturing activities, and by prohibiting the use of industrial areas for new residential development.
- (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences.
- (4) To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to enhance the Township's tax revenue.

Sec. 7-02 Uses Permitted

(a) Land and/or buildings in the districts indicated at the top of Table 7-02 may be used for the purposes denoted by a “P” in the column below by right. Land and/or buildings in the districts indicated at the top of Table 7-02 may be used for the purposes denoted by “S” after special land use approval by the Planning Commission in accordance with the procedures and requirements of *Article 18 and Article 19*. The “Requirements” column indicates additional requirements or conditions applicable to the use.

| Table 7-02 Schedule of Industrial Uses | | |
|--|-----|--------------|
| | I-1 | Requirements |
| Manufacturing | | |
| Administrative Offices Related to Manufacturing, Engineering, Construction, Transportation, Utility, Governmental & other Similar Uses | P | |
| Chemical & Allied Products Manufacturing | S | |
| Concrete Plants, Asphalt Plants & Brick/Block Manufacturing | S | |
| Lumber & Planing Mills | S | |
| Manufacture, Compounding, Processing, Packaging, or Treatment of such Products as, but not Limited to: Bakery Goods, Candy, Cosmetics, Pharmaceuticals, Toiletries, Food Products, Hardware & Cutlery, Tools, Die, Gauges, & Machine Shops | P | |
| Manufacture, Compounding, Assembling, or Treatment of Articles or Merchandise from Previously Prepared Materials: Bone, Canvas, Cellophane, Cloth, Cork, Feathers, Felt, Fiber, Fur, Glass, Hair, Horn, Leather, Paper, Plastics, Rubber, Precious or Semi-Precious Metals or Stones, Sheet Metal, Shells, Textiles, Tobacco, Wax, Wire, Wood, & Yarns | P | |
| Manufacture of Pottery & Figurines or other Similar Ceramic Products Using only Previously Pulverized Clay, & Kilns Fired only by Electricity, Gas, or Oil | P | |
| Manufacture of Musical Instruments, Toys, Novelties, & Metal or Rubber Stamps, or other Molded Rubber Products | P | |
| Manufacture or Assembly of Electrical Appliances, Electronic Instruments & Devices, Audio & Video Equipment | P | |
| Manufacturing & Repair of Electric or Neon Signs, Light Sheet Metal Products, Including Heating & Ventilating Equipment, Cornices, Eaves, & the Like | P | |
| Meat & Dairy Products Processing, Slaughter Houses | S | |
| Medical, Dental, Pharmaceutical, Computer, Electronic & Robotics Research, Development, Instruction or Application, & any Office Space, Laboratories, Interior Storage, & Equipment Incidental Thereto | P | |
| Metal Plating, Buffing, & Polishing | S | |
| Paper & Allied Products Manufacturing | S | |
| Research, Design & Pilot or Experimental Product Development & Testing, Including Vehicle Testing & Proving Grounds | P | |
| Utilities & Communication | | |
| Power Generation Plants | S | |
| Public Utilities, including Buildings, Telephone Exchange Buildings, Electrical Transformer Stations & Substations, & Gas Regulator Stations, Storage Yards, Water Supply & Sewage Disposal Plants, Water & Gas Tank Holders & Related Uses | P | |
| Printing Plants, Bookbinders And Publishing | P | |
| Radio & Television Broadcasting Stations | P | |
| Recycling Centers | S | |

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

| Warehousing, Transportation & Construction | | |
|---|----------|------------|
| Airports & Heliports | S | (1) |
| Construction Contractor Equipment & <u>Outside Supply Storage</u> | S | (3) |
| Mini-Storage/Self Storage Warehousing | P | |
| Mini-Storage/Self Storage Warehousing with Outdoor Storage including Vehicle, Boat Recreational Vehicle & Trailer Storage | S | (5) |
| Open Air Businesses | S | (6) |
| Outdoor Storage of Materials to a Permitted Use | S | (7) |
| Railroad Freight Terminals Transfer & Storage Tracks | S | |
| Warehousing Accessory to a Permitted Use | P | (9) |
| Warehousing, Wholesale & Distribution Facilities Including Truck Terminals | S | (9) |
| Retail & Services | | |
| Billboards | S | (2) |
| Central Dry Cleaning Plants or Laundries that do not Deal Directly with Consumers | P | |
| Domestic/Household Animal Daycare and Boarding Facility | P | |
| Greenhouses | P | |
| Major Automotive Repair, such as Engine, Transmission or Chassis Repair, Undercoating, Glass Replacement, Bumping & Painting | P | (4) |
| Retail & Service Uses which have an Industrial Character in Terms of Either their Outdoor Storage Requirements or Activities such as Lumberyards, Building Materials Outlets, Upholsterer; Cabinet Maker; Outdoor Boat or House Trailer; Automobile, or Agricultural Implement Sales | S | |
| Retail Uses which Serve Convenience Needs of the Industrial District such as Eating & Drinking Establishments, Banks, Savings & Loan Associations, Credit Unions, or Hotel/Motel | S | (8) |
| School, Vocational/ Trade | P | |
| Veterinary Clinic | P | |

(b) **Notes.** Uses noted in Table 7-02 shall comply with the following requirements:

5 (1) Airports and Heliports

- a. The plans for these facilities shall have received approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics (MDA) prior to submittal to the Planning Commission for their review and approval.
- b. The standards of the FAA and MDA for determining obstruction to air navigation shall be complied with. These standards shall be applied by the class of airport as determined by the above agencies.
- c. The area of the "runway protection zone or clear zone" (see FAA definition) shall be provided for within the land area under airport ownership.

20 (2) Billboards

a. Billboards shall only be on property abutting I-96 and U.S. 23 Freeways and shall be considered a principal use of property.

5 b. The sign must be located to be viewed principally from the freeway(s) and in compliance with *Article 17*.

(3) Construction Contractor Equipment and Supply Storage

10 a. The area designated for storage of specific materials shall be shown on an approved site plan.

 b. The storage area shall be situated entirely to the rear of the main building on same zoning lot with the main building.

15 c. The area shall be set back a minimum of one hundred and fifty (150) feet from any public road right-of-way or any private road easement, a minimum of two hundred (200) feet from any Residential District, and a minimum of twenty (20) feet from any Non-Residential District or
20 property line.

 d. A six (6) foot tall obscuring wall or solid fence shall be provided around the perimeter of the storage area.

25 e. An access way to the designated storage area shall be provided, graded and surfaced with an all weather durable pavement, and maintained from the public right-of-way or private road easement to permit free access of emergency vehicles at any time.

30 f. The designated area for outside storage other than an access way shall be paved and suitably drained. The Planning Commission may grant an exception for an alternate surface material (e.g., crushed aggregate, grass pavers) when deemed appropriate by the Planning Commission for the intended use.

35 g. No materials shall be stored higher than eight (8) feet.

 h. Cranes or other lifting equipment shall be stored with movable or projecting section(s) at the lowest elevation possible.

(4) Major Automotive Repair

- 5 a. Vehicles awaiting repair shall be parked in a screened storage area located in the rear or side yard. The area shall be screened by a six (6) foot wall or solid fence.
- 10 b. Vehicles shall not be stored, parked, or placed in any outdoor parking area in excess of seventy-two (72) hours.
- c. All automotive repair work shall be conducted within of a fully enclosed building.

(5) Mini-Storage/Self Storage Warehousing with Outdoor Storage

- 15 a. All stored vehicles, boats, and/or trailers must be operable shall have a current title.
- 20 b. Machinery, equipment, lumber crates, pallets, boxes, building or other materials either discarded, unsightly, or showing evidence of a need for repairs shall not be stored, parked, or abandoned in an outside storage area.
- 25 c. The storage of junk or inoperable vehicles shall be prohibited.

(6) Open Air Businesses

- 30 a. All open air businesses shall be accessory to the approved principal use, and shall be directly related to the business or activity conducted within the main building.
- 35 b. The material(s) utilized for any use shall not create a noxious odor, create blight condition, or create an unsafe traffic condition (i.e. reduction of sight distance to road(s), maneuvering lanes and/or parking areas).
- c. The display of any material(s) and/or products shall be limited to not more than ten percent (10%) of the existing front or side yard(s),

exclusive of all required maneuvering lanes, driveways, and/or parking spaces.

5

- d. The minimum setback from a front or side property line for any open air business shall be twenty (20) feet from the front property line and not less than one-half (1/2) of any required side yard.

10

- e. All display materials shall be safely anchored or secured in place, in a method and manner designed to safely resist overturn by wind loads or impact.

15

- f. Display materials shall be limited to those approved for use by the Michigan State Construction Code and Fire Codes.

20

- g. The Planning Commission may require fencing, greenbelts, and/or masonry walls to isolate or screen any outdoor display area.
- h. Open air businesses which require lighting or the use of electricity shall not be constructed, installed or utilized unless and until a certificate of safety compliance has first been issued by the Township Electrical Inspector. Display lighting shall comply with the lighting standards of *Section 14-03*.

25

- i. Any display involving soil or berming shall be constructed in a manner which will eliminate surface water, soil, sand, sediment, and/or any other material from eroding, washing or otherwise being transported onto any roadway, storm sewer, or adjacent property.

30

- j. A site plan, drawn to scale, shall be submitted to the Planning Commission for review in accordance with *Article 18*. The plot plan shall clearly illustrate the location, setbacks, and the designated area of the property proposed for outdoor display.

35

(7) Outdoor Storage

- a. Outdoor storage shall be accessory only to a permitted use on a site containing a main building of five hundred (500) square feet or more.

b. The storage and/or display of any materials and/or products shall meet all setback requirements of a main building in an I-1 Industrial District.

5 c. All loading and parking shall be provided off-street in accordance with this Ordinance, and outdoor storage of any kind shall not utilize or obstruct any required parking, loading-unloading space(s), and/or maneuvering lane(s).

10 d. The storage of any soil, fertilizer, or other loose, unpackaged materials, shall be contained so as to prevent any spread thereof to adjacent properties or roadways.

15 e. All storage shall be confined to the rear yard and shall be suitably screened from the view of adjoining property owners with opaque fencing.

20 f. The storage shall comply with the standards established by the Michigan State Construction Code and the Township Fire Code for storage.

g. The height of the storage shall not exceed the height of the screening fence.

25 h. All empty pallets must be removed from the site or screened from view.

(8) Retail Uses which Serve Convenience Needs of the Industrial District

30 a. Retail uses which serve the convenience needs of the Industrial District are permitted as an accessory use within an industrial building or as a stand-alone building that is an integral part of an industrial park where the retail use floor area is no more than twenty-five percent (25%) that of the total floor area on the site.

35 b. The retail use shall be accessed internally from the development and shall not have a separate driveway to a public road.

(9) **Warehousing**

- a. The storage area shall be approved and in accordance with the provisions of the current State of Michigan Construction Code, as amended.
- b. Proposed warehouse use(s) shall not be approved until the Planning Commission receives a written compliance report, prepared by the: (1) Township Fire Inspector; (2) Township Building Official or State Construction Code Commission or Bureau, or his/their duly authorized agent(s), in which the product(s) to be stored or enclosed within the subject warehouse are described, classified as Low, Medium, or High Hazard, and upon review of state and local fire and building codes, the materials are approved for storage, within the structure in question.

(Ord. #243, 8/1/08)

Sec. 7-03 District Regulations

- (a) **Industrial Schedule of Area and Bulk Requirements.** All lots, buildings, and structures shall comply with the area height and bulk requirements in Table 7-03.

| Table 7-03 Industrial District Schedule of Area and Bulk Requirements | | |
|--|-------------|--------|
| District | | I-1 |
| Lot Requirements | | |
| Minimum Lot Area (sq. ft.) | | 40,000 |
| Minimum Lot Width (ft.) (1)(2) | | 150 |
| Setback Requirements (3) | | |
| Front Yard (ft.) | | 60 |
| Side Yard (ft.) (3) | | 20 |
| Rear Yard (ft.) (4) | | 50 |
| Parking Lot (ft) | Front (5) | 60 |
| | Side & Rear | 10 |
| Natural Feature/Waterfront (ft.) (6) | | 25 |
| Maximum Building Height | | |
| In Feet | | 40 |
| In Stories | | 4 |
| Maximum Lot Coverage | | |
| Max. Lot Coverage (%) (7) | | 50 |

(b) **Notes.** The following notes apply to Table 7-03:

- 5 (1) **Reduction of Lot Area and Width.** For any lot created after the effective date of this Ordinance, the lot area and width requirement may be waived for lots that only have access from a private road or local public road within an industrial park or business center.
- 10 (2) **Lot Frontage.** All lots shall have frontage on a dedicated public road or approved private road meeting the requirements of *Article 16* in order to be considered “accessible.” All lots must meet the minimum lot width requirements at the minimum setback line, except as provided for in (1) above.
- 15 (3) **Residential Setback.** No building shall be located closer than fifty (50) feet to a Residential District property line.
- 20 (4) **Loading and Unloading.** All loading and unloading shall be provided in the rear yard. Where an alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of the alley.
- 25 (5) **Parking.** Off-street parking for visitors, over and above the number of spaces required under *Article 15* may be permitted within the required front yard provided that the off-street parking is not located within forty (40) feet of the front lot lines.
- 30 (6) **Natural Features Setback.** A twenty five (25) foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainageway, or regulated wetland. Only docks or decks shall be permitted within the natural feature setback area. All waterfront uses must meet the requirements of *Article 24*.
- 35 (7) **Maximum Lot Coverage.** The maximum lot coverage ratio shall be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area.

5 (c) **Restrictions on Semi-Trailer Truck or Motor Vehicle Use.** Semi-trailer trucks, shipping containers, or motor vehicles shall not be used for an accessory building, storage, or sales purpose. Where these vehicles are parked on a premises, they shall be located at least twenty (20) feet from any building or structure. Exceptions to this requirement would be a commercial delivery vehicle for a business or industrial use which may be parked on site for a period not to exceed twenty-four (24) hours, and may be located in an off-street loading space adjacent to the building.

10 (d) **All Uses Indoors.** All business, servicing, or processing shall be conducted within completely enclosed, approving buildings, except for off-street parking and loading and approved outdoor storage.

15 (e) **Screening of Outdoor Storage.** That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall. The extent of the wall shall be determined by the Planning Commission on the basis of use. The wall shall not be less than six (6) feet in height and may, depending upon
20 land use, be required to be eight (8) feet in height, and shall be subject further to the requirements of *Section 14-02(f)(2)*. The Planning Commission may permit a chain link fence, with staggered rows of evergreen trees space ten (10) feet on center instead of an obscuring wall.

25 (f) **Performance Standards.** Any use established in the I-1 District shall be operated so as to comply with the performance standards set forth in the *Section 13-08*.

ARTICLE 8

NATURAL RESOURCES DISTRICT

5 **Sec. 8-01 Description and Purpose**

NR Natural Resources District. The NR Natural Resources District is designated with the recognition that the sand and gravel deposits within the Township are unrenewable natural resources necessary and beneficial to the economy and welfare of the Township and the regional area. To provide for the utilization of this resource in a manner compatible with nearby residential areas, and to ensure complete restoration of the sand and gravel areas ready for another land use at the conclusion of excavation and treatment, this Natural Resources District is hereby established. The land uses allowed in this district are subject to depletion of the available natural resources for which they exist. For this reason, this district is considered an interim zoning classification, with the operations of the permitted uses eventually leading to other uses. The uses allowed in the NR District, by their on-going operation, can create significant changes to the environment, influencing the site, the surrounding land uses and long term community planning efforts. These uses are monitored through a permit process to ensure compliance with an approved restoration plan.

(Ord. #252, 11/18/11)

25 **Sec. 8-02 Uses Permitted**

- (a) Land, buildings, and uses indicated in Table 8-02 are permitted by right and are denoted by a “P”. The final column includes additional requirements that apply to the use which are referenced in a footnote to Table 8-02.

| Table 8-02 | | |
|---|-----------|---------------------|
| Schedule of Natural Resources Uses | | |
| | NR | Requirements |
| Mining | | |
| Extraction of Sand & Gravel | P | (1) |
| Extraction of other Materials as defined in Chapter 15 of the Code of Ordinances | P | (1) |
| Mining of Deposits of Limestone or other Similar Materials as defined in Chapter 15 of the Code of Ordinances | P | (1) |
| Processing of Sand & Gravel | P | (1) |

(b) Uses noted in Table 8-02 shall comply with the following requirements:

(1) The extraction/removal of sand, gravel, limestone, or similar materials by excavation, stripping, mining, or otherwise taking (and including on-site operations appurtenant to the taking, including washing, grading, sorting, and grinding operations) shall be carried on within the limits of the NR District. All extraction from new pits begun subsequent to the effective date of this Ordinance shall be washed, graded, and further processed and/or stored within the limits of the NR District, and no natural resource extracted outside the limits of this district shall be brought in for washing, grading, or further processing, except in the event of a public emergency as declared by the Township Board, requiring the use of the natural resource. Resource related industries including, but not limited to, concrete batching plants and asphalt mixed plants, shall not be permitted as a part of this NR District.

(Ord. #252, 11/18/11)

Sec. 8-03 District Regulations

(a) **Natural Resources Schedule of Area and Bulk Requirements.** All lots, buildings and structures shall comply with the area height and bulk requirements in Table 8-03. Numbers included within the table are additional requirements that apply to the use which are referenced in a footnote to Table 8-03.

| Table 8-03 Natural Resources Schedule of Area and Bulk Requirements | |
|--|-----|
| District | NR |
| Lot Requirements | |
| Minimum Lot Width(ft.) (1) | 250 |
| Maximum Building Height | (2) |
| Setback Requirements (3)(4) | |
| Front Yard(ft.) | 300 |
| Rear Yard(ft.) | 25 |
| Side Yard(ft.) – each | 50 |

(a) **Notes.** The following notes apply to Table 8-03.

(1) **Reduction of Lot Width.** A tract that has no frontage may be approved by the Planning Commission if it is fronted by an active natural resource operation that is properly zoned and is operating in compliance with

Township regulations and has a recorded legal easement allowing for direct access to a major or secondary thoroughfare. Joint excavation/removal operations may have setbacks from the joint site; setbacks are not required from each individual operator's site.

5

(2) **Building Height.** The building height cannot exceed the minimum distance between any property line and structure.

10

(3) **Operational Setback.** To reduce the effects of airborne dust, dirt, and noise, all equipment for sorting, crushing, loading, weighing, and other operational structures shall not be placed or constructed closer than three hundred (300) feet from any public road right-of-way or from any property line adjoining a Residential District.

15

(4) **Natural Resources District Setback.** Excavation, washing, and stockpiling of extracted material shall not be conducted closer than fifty (50) feet from the outer boundary of any NR District. This setback area shall not be used in conjunction with a natural resources operation, except for access roads, fencing, and posting of public notices. Greenbelt plantings, berms, and landscaping shall be provided and adequately maintained in this setback area as required in the approved restoration plan.

20

(5) **Natural Features Setback.** A twenty five (25) foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainageway, or regulated wetland. The natural feature setback shall be maintained in a natural condition with all natural vegetation and groundcover left undisturbed. All waterfront uses must meet the requirements of *Article 24*.

25

30

(b) **Internal Access Roads.** All internal access roads shall be treated so as to create a dust-free surface for a distance of three hundred (300) feet from the connection with any public road.

35

(c) **Environmental Performance Standards.** Each restoration plan reviewed by the Planning Commission in the NR District shall fully address applicable environmental performance standards and shall be designed in a manner that ensures continuing compliance with all applicable Ordinances.

(Ord. #252, 11/18/11), (Ord. #243, 8/1/08)

Sec. 8-04 Review Requirements

(a) **Restoration Plan Review.** All uses in the NR District shall be subject to the restoration plan review standards as designated in this Ordinance. However, changes to a restoration plan that are directly related to the removal of product under an approved Township permit shall not require a new restoration plan review, if the changes are consistent with both of the following:

(1) The operational requirements stated in the Township Code of Ordinances.

(2) The approved restoration plan.

(b) **Operational Considerations.** Extraction/removal operations in this district are subject to the extraction/removal permit requirements of *Chapter 15, Secs. 15-27 and 15-28*, other applicable sections and ordinances in the Township Code of Ordinances, and any other applicable zoning ordinances. These general operational requirements are hereby referenced as additional conditions of the Planning Commission restoration plan review.

(c) Initial Review of Soil Removal Uses

(1) **Planning Commission Review.** The applicant shall submit all information required for a permit under the Township Code of Ordinances. The Planning Commission shall review an application for a new use in the NR District prior to the applicant receiving a permit review from the Township Board. Any Planning Commission recommendation of approval of a restoration plan for a new natural resources use shall be contingent upon the approval of a required extraction/removal permit by the Township Board.

(2) **Restoration Plan.** In addition to the restoration plan requirements stated in this Ordinance, the initial restoration plan review of a use in the NR District shall require the submission of a restoration plan that indicates the feasible re-use of the site in a manner compatible with surrounding areas and the Future Land Use Designation in the adopted Township Master Plan following termination of activities. The approved restoration plan

shall be the benchmark against which the Township review of restoration activities will be determined. The restoration plan shall include information as identified in the application, which include the following.

- 5 a. Proposed after-use of site following restoration.
- b. Proposed final topography of site at a minimum of five (5) foot contour intervals.
- 10 c. Proposed water bodies or wetlands.
- d. Proposed closing elevations with adjoining properties.
- e. Delineation of areas to be subdivided or otherwise partitioned for
- 15 development.

- (d) **Post Restoration Use.** The Planning Commission shall designate the post-restoration zoning district based upon compatibility with surrounding areas and the Future Land Use Designation in the Township Master Plan.
- 20 Development of the site following restoration shall require rezoning, following the procedures of *Section 23-10*, and approval of a site plan, condominium, plat, or PUD based upon the proposed use.

25 (Ord. #252, 11/18/11)

ARTICLE 9

PUBLIC/SEMI-PUBLIC DISTRICT

Sec. 9-01 Description and Purpose

- (a) **P/SP Public/Semi-Public District.** The Public/Semi-Public District is intended to provide suitable locations for desirable and necessary community facility activities, such as schools, hospitals, and public and private recreational areas which serve the residents of the Township, and to limit the location, size, and character of these uses so that the activity which they generate does not become a nuisance and will not overburden the facilities of the Township.

Sec. 9-02 Uses Permitted

- (a) Land and/or buildings in the districts indicated at the top of Table 9-02 may be used for the purposes denoted by a “P” in the column below by right. Land and/or buildings in the districts indicated at the top of Table 9-02 may be used for the purposes denoted by “S” after special land use approval by the Planning Commission in accordance with the procedures and requirements of *Article 18 and Article 19*. The “Requirements” column indicates additional requirements or conditions applicable to the use.

| Table 9-02 Schedule of Public/Semi-Public Uses | | |
|---|------|---------------|
| | P/SP | Requirements |
| Services | | |
| Health Care Centers & Extended Care Facilities | P | (1) |
| Hospitals | P | (1) |
| Medical Centers/Urgent Care | P | (1) |
| Medical Offices | P | (1) |
| Parks & Public Recreation Facilities | P | |
| Special Events | S | Sec. 13-14(a) |
| Swimming Pool Clubs & Recreation Clubs | P | |
| Public, Institutional, & Utilities | | |
| Cable TV Reception & Broadcasting Stations – excl. Commercial Antenna | P | |
| Churches, Temples or other Places of Worship or Pubic Assembly | P | |
| Colleges & Universities & other such Institutions of Higher Learning | P | (2) |
| Courts | P | |
| Governmental Administrative Offices | P | |

| Table 9-02 Schedule of Public/Semi-Public Uses | | |
|---|-------------|---------------------|
| | P/SP | Requirements |
| Essential Public Services | P | |
| Essential Public Service/Utility Buildings | P | |
| Halls for Private Clubs & Membership Organizations | P | |
| Job Training Centers | P | |
| Libraries | P | |
| Pipeline Stations | P | |
| Police & Fire Stations | P | |
| Post Office | P | |
| Radio & Television Broadcasting Stations | P | |
| School, Primary & Secondary | P | |
| School, Trade/Vocational | P | |
| Sewage Treatment Plants | P | |
| Telephone Administrative Offices | P | |
| Telephone Switching Stations | P | |
| Water Treatment & Supply Facilities | P | |

(b) Uses noted in Table 9-02 shall comply with the following requirements:

(1) Health Care Facilities, Hospitals, & Medical Centers

- a. The minimum site area shall be five (5) acres and site must abut a state truckline or Class A all weather county primary road, with all ingress and egress directly to and from that road.
- b. Ambulance and delivery areas shall be obscured from the views of all residential properties with a wall or barrier of opaque material at least six (6) feet in height.
- c. All structures shall be a minimum of one hundred (100) feet from any lot line of an adjacent Residential District.
- d. Main buildings may be up to five (5) stories or sixty (60) feet in height.

(2) Colleges, Universities, and other such Institutions of Higher Learning

- a. All access to said site shall be directly from a major or secondary thoroughfare of at least eighty-six (86) feet of right-of-way, existing or proposed.

- b. All structures shall be a minimum of one hundred (100) feet from any lot line of an adjacent Residential District.

Sec. 9-03 District Regulations

- (a) **Public-Semi-Public Schedule of Area and Bulk Requirements.** All lots, buildings and structures shall comply with the area height and bulk requirements in Table 9-03.

| Table 9-03 Public/Semi-Public Schedule of Area and Bulk Requirements | | |
|---|-----------------|------|
| Districts | | P/SP |
| Lot Requirements | | |
| Minimum Lot Area (sq.ft.) | | -- |
| Minimum Lot Width(ft.)(1) | | 200 |
| Setback Requirements | | |
| Front Yard(ft.)(2) | | 100 |
| Side Yard | Least One(ft.) | 40 |
| | Total Both(ft.) | 80 |
| Rear Yard(ft.)(3) | | 40 |
| Natural Feature/Waterfront(ft.)(4) | | 25 |
| Maximum Building Height | | |
| In Feet | | 40 |
| In Stories | | 3 |
| Maximum Lot Coverage | | |
| Max. Lot Coverage (%) (5) | | 50 |

- (b) **Notes.** The following notes apply to Table 9-03.

- (1) **Lot Frontage.** All lots shall have frontage on a dedicated public road, approved private road, or shared driveway meeting the requirements of *Article 16* in order to be considered “accessible.” All lots must meet the minimum lot width requirements at the minimum setback line.
- (2) **Setbacks.** Setback requirements shall be provided whether the right-of-way is public, private, or an access easement.
- (3) **Storage.** All outside storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent Residential or Business District or from a public road.

(4) **Natural Features Setback.** A twenty five (25) foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainageway, or regulated wetland. All waterfront uses must meet the requirements of *Article 24*.

(5) **Maximum Lot Coverage.** The maximum lot coverage ratio shall be calculated as the maximum allowable ground area that may be covered by main buildings and above ground accessory structures as a percentage of the lot area.

(Ord. #243, 8/1/08)

ARTICLE 10
NATURAL FEATURES OVERLAY DISTRICT

Sec. 10-01 Description and Purpose

The purpose of this Article is to ensure that property is developed in a manner consistent with its zoning designation, and the proposed physical elements are designed and arranged to protect the priority resource protection areas both on the site and in the vicinity of the site as identified by Brighton Township and Livingston County. The Overlay District establishes procedures to enable the applicant and Planning Commission to achieve the mutually compatible objectives of reasonable use of land and protection of vital natural resources. It is the intent of this Article to allow for development in a creative fashion that protects vital natural features of a site while preserving the property owner's right for reasonable use of their land. The use of a PUD option to achieve this purpose is encouraged.

Sec. 10-02 Applicability

(a) This Article shall apply to all land divisions and development plans requiring site plan approval, subdivision plat approval, and condominium plan approval that are located within the natural features protection areas as illustrated on the Natural Features Protection Area Map. Development subject to this Article shall be designed and arranged to ensure that disturbance to any natural features in those areas as a result of development shall be minimized through the use of natural area buffers, conservation easements or creative land development techniques, as specified herein.

(b) The provisions of this overlay zoning district shall apply in addition to the applicable regulations of the underlying zoning district. The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district, the more restrictive requirement(s) shall apply.

Sec. 10-03 Uses Permitted

The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed with the additional information required by this overlay zoning district.

Sec. 10-04 Environmental Impact Assessment

(a) An environmental impact assessment shall be submitted with any application for site plan, condominium, or preliminary subdivision plat approval that is located in the Natural Features Overlay District and includes natural features such as wetlands, woodlands, drainageways, or other natural features in need of protection. The Planning Commission may waive the requirement for an environmental impact assessment where the applicant demonstrates that the site does not contain any of the above natural features.

(b) The report shall be prepared by a professional qualified in the areas of ecology, botany, wildlife biology, or other relevant discipline acceptable to the Planning Commission and describe the following:

(1) Wildlife use and habitat showing the species of wildlife using the area, the times or seasons that the area is used by those species, and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species.

(2) Boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands.

(3) Pattern, species, and location of any significant native trees and other native site vegetation.

(4) Bank, shoreline, and ordinary high water mark of any stream or body of water on the site.

(5) Wildlife movement corridors including greenways that connect habitat areas.

(6) General ecological functions provided by the site and its features.

Sec. 10-05 Establishment of Natural Features Protection Areas

- (a) All plans submitted in conformance with this Article shall divide the site into the following two areas based upon the environmental impact assessment:

(1) Development area(s).

(2) Natural features protection area(s), as described below and illustrated on the Natural Features Protection Area Map.

- (b) The development area shall be established based on the development capability of the site and indicate the specific area(s) of a site within which the developed project may be constructed and within which the development activity shall be contained. The actual boundary of development area to be shown on a site plan shall be proposed by the applicant, and approved by the Planning Commission through site evaluations or site plan review, and shall be based on the environmental impact assessment. The development area shall be established in consideration of the practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

- (c) The natural features protection area shall be established in areas of the site that will provide the following based upon data contained in the environmental impact assessment:

(1) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan.

(2) Preservation of significant native trees and other native site vegetation, including protection of natural area buffers zones.

(3) Stream corridor and wetland protection and buffering.

(4) Minimization of visual impacts, including but not limited to ridgeline protection areas.

(5) Conservation of natural surface hydrology, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.

5 (6) Preservation of site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, geologic features, ridgelines, and scenic topographic features.

10 (7) Presence of floodplains and floodways.

(8) Maintaining continuity of wildlife movement corridors.

15 (9) Preservation of natural area buffer zones as delineated below.

(d) Nothing herein shall prohibit the inclusion of natural features protection areas within a portion of an individual lot, provided each lot hereafter created shall contain a buildable development area of sufficient area to allow for the establishment of a permitted use meeting all dimensional requirements of the underlying district without impacting the portion of the lot designated as a natural features protection area. The use of the PUD option contained in *Article 12* to place priority protection areas into common open space is encouraged.

20

25 **Sec. 10-06 Development Standards and Guidelines**

(a) No construction activity, including, without limitation, grading, excavation, stockpiling of fill material, or storage of building equipment supplies or vehicles shall be permitted within the natural features protection areas except as provided for below:

30

(1) Minor disturbance to the natural features protection area, such as a road or utility crossing, may only be permitted by the Planning Commission under all of the following conditions:

35

a. There is a clear public need for the disturbance that outweighs the impact to the natural feature(s).

b. There is no other feasible and prudent alternative to the disturbance.

c. The disturbance is the minimal necessary and is proposed at a location and in a manner that will have the least detriment to the natural feature(s).

5 d. That any necessary MDEQ permits are obtained.

e. That measures are employed to control impacts, such as soil erosion and alterations to surface water hydrology.

10 f. Mitigation of disturbance is provided in accordance with section (b) below.

15 (2) Restoration of previously disturbed or degraded areas as a result of historic uses of the land. This could include the reestablishment of wetland areas that were drained for farming purposes, establishment of a woodland where native vegetation was removed or removal of invasive plant species to reestablish a natural habitat.

20 (3) Emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained to areas outside of those identified as significant.

25 (4) Construction of trails or pedestrian walkways that will provide access in an environmentally appropriate manner.

(5) The enhancement of the habitat values or other natural resource values of a natural area.

30 (6) The decision of the Planning Commission under this Section may be appealed to the Zoning Board of Appeals under *Article 22*.

35 (b) **Mitigation of Disturbance.** While development is anticipated outside of natural features protection areas, any disturbance to natural features protection areas shall be limited to the extent permitted by the Planning Commission under section (a) above and the applicant shall undertake mitigation measures to restore any damaged or lost natural resource. Any such mitigation or restoration shall be two (2) times greater than the loss suffered because of the disturbance, and shall be based on a mitigation and restoration plan that provide the following:

(1) A written description of the mitigation program.

(2) Replacement calculations.

5 (3) Planting plan, showing the location of trees, shrubs, and ground cover and a plant list, including botanical and common names, caliper sizes, root type, and height. All plantings must consist of native vegetation.

10 (4) Timing schedule for the implementation of the mitigation measures.

(5) Monitoring plan that documents the establishment of plants and hydrology, as applicable, ensure long term maintenance of the mitigation. Annual reports shall be provided to the Township for three (3) years following installation of mitigation.

15 (c) **Natural Features Setbacks.** Setbacks shall be maintained from natural features protection areas. There shall be no structures placed within the natural features setback area. Natural vegetation shall be maintained in the natural features setback area, provided supplemental landscaping may be permitted to enhance the natural quality of the area. Such setbacks shall have a minimum width of one hundred (100) feet, provided the Planning Commission may reduce the width to no less than twenty-five (25) feet in consideration of the following criteria:

20 (1) Foreseeable impacts of development on the wildlife usage or ecological character or function of the natural area.

(2) Ecological and wildlife use characterization of the natural area.

30 (3) Existence of wildlife movement corridors.

(4) Extent of floodplains and floodways.

(5) Type, amount, and extent of existing vegetation on the site.

35 (6) Existence of special wildlife habitat features.

(7) Character of the proposed development in terms of use, density, traffic generation, quality and quantity of runoff water, noise, lighting, and similar potential development impacts.

5 (8) Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, ridgelines, and scenic topographic features.

10 (d) **Protective Fencing.** Prior to any development or site clearing, barrier fencing shall be installed at the limits of soil disturbance adjacent to natural features protection areas. Barrier fencing shall be a minimum of four (4) feet in height and shall remain in place in good condition until the Township authorizes the developer to remove the fencing. No filling, excavating, or storage of materials, debris, or equipment shall take place within the fenced area, except
15 where permitted by the Planning Commission under subsection (a) above.

20 (e) **Connections.** If the development site contains natural features protection areas that connect to off-site areas of a similar nature, the development plan shall preserve these connections. Such connections shall be maintained to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife. Breaks or gaps in wildlife movement corridors should be minimized and when possible re-established using appropriate native vegetation.

25 (f) **Lakes, Ponds, and Streams.** If the development site contains a lake, pond, or stream, the development plan shall include enhancements and restoration as necessary to provide wildlife habitat and improve the aesthetic quality in areas of the shoreline. The development plan shall also include a design that
30 addresses erosion control protection and shoreline landscaping on or adjacent to the lots or tracts.

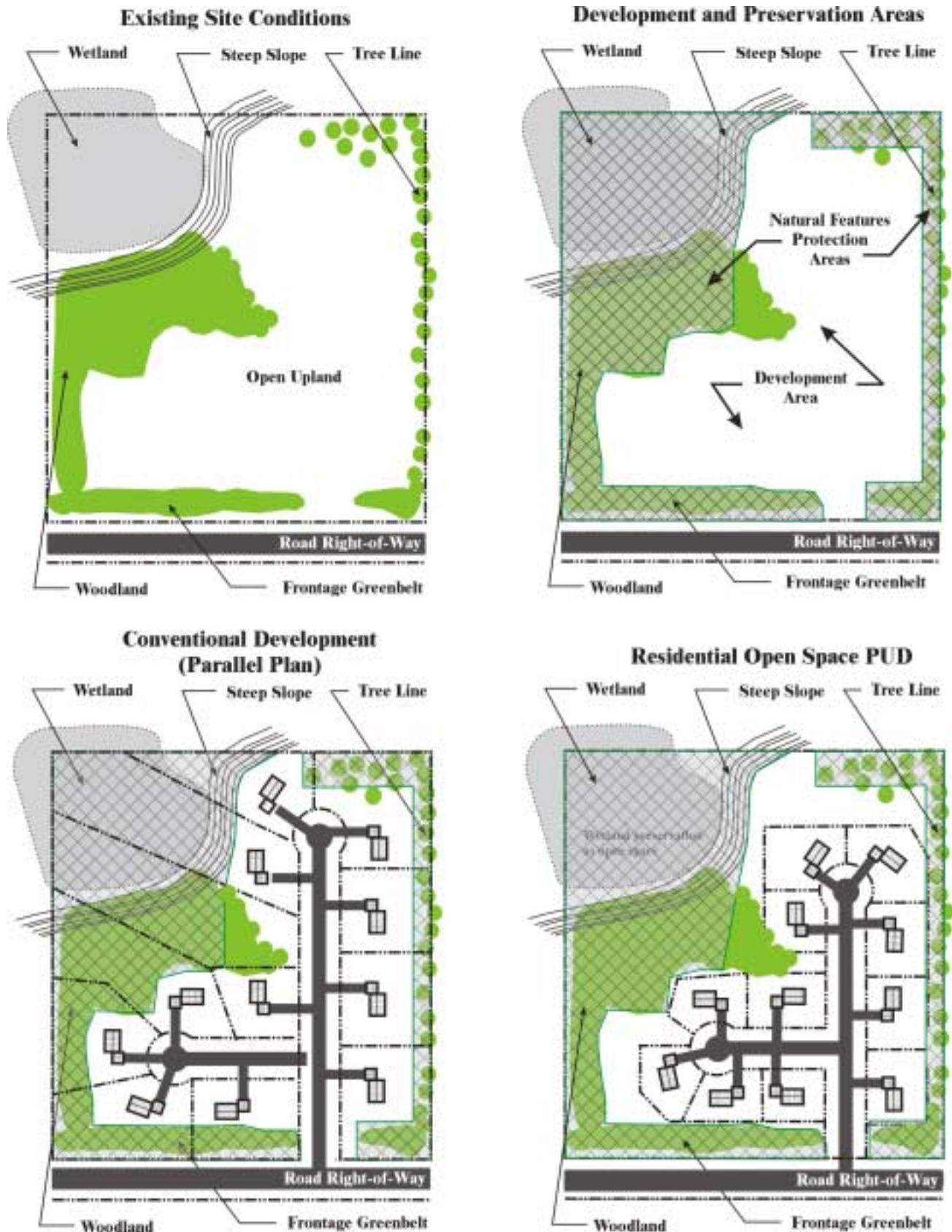
35 (g) **Design and Aesthetics.** Projects located within the overlay district, shall be designed to complement the visual context of the natural area. Techniques including architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area. Landscape plans for proposed developments shall

incorporate native plant materials to create native landscapes. Signage may be incorporated to identify protected natural areas, wildlife movement corridors, buffer strips, and waterways. Signs must be designed to meet Township standards and be constructed of natural materials to be compatible with the rural character of the site.

(h) **Stormwater Drainage/Erosion Control.** All stormwater drainage and erosion control plans shall meet all generally accepted best management practices as reviewed and approved by the Township Engineer for design and construction. The Township may adopt specific engineering standards for stormwater management, which shall be complied with. Where feasible, nonstructural control techniques shall be utilized, including but not limited to:

- a. Limitation of land disturbance and grading.
- b. Maintenance of vegetated buffers and natural vegetation.
- c. Minimization of impervious surfaces.
- d. Use of terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
- e. Use of infiltration devices.

Example Application of Natural Features Overlay District



ARTICLE 12
PLANNED UNIT DEVELOPMENT DISTRICTS (PUDs)

Sec. 12-01 Intent

(a) The intent of this Article is to permit the coordinated development on larger sites, protect significant natural features present which the property owner and Township wish to preserve, to provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space and natural features.

(b) The PUD standards are provided to:

(1) Permit flexibility in the regulation of land development allowing for higher quality of design through innovation in land use, variety in design, layout, and type of structures constructed.

(2) Ensure compatibility of design and function between neighboring properties.

(3) Protect and preserve natural resources, natural features, open space, and historical or significant architectural features.

(4) Promote efficient provision of public services, utilities and transportation facilities.

(5) Provide convenient vehicular access throughout the development and minimizing adverse traffic impacts.

(6) Provide complete non-motorized circulation to, from, and within developments.

(7) Provide adequate housing and employment.

(8) Encourage development of convenient recreational facilities as an integral part of residential developments.

(9) Ensure various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

5 (10) Encourage development that is consistent with the goals stated within the Township's Master Plan.

(11) Eliminate or reduce the degree of nonconforming uses or structures.

10 (c) These PUD regulations are not intended to be used for circumventing the more specific standards in the Zoning Ordinance, or the planning upon which the standards are based. Rather, these provisions are intended to result in development which is substantially consistent with the zoning standards as generally applied to the proposed uses, but with specific modifications to the
15 general standards that, in the judgment of the Township, assure a superior quality of development. If this improved quality is not clearly apparent upon Township review, a site shall not qualify for the modifications allowable under this Article.

20 **Sec. 12-02 Eligibility Criteria**

To be eligible for PUD approval, the applicant must demonstrate that each of the following criteria will be met:

25 (a) **Demonstrated Benefit.** The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:

30 (1) Preservation of significant natural or historic features.

(2) A complementary mixture of uses or a variety of housing types.

(3) Common open space for passive or active recreational use.

35 (4) Mitigation to offset community impacts.

(5) Redevelopment of a nonconforming site where creative design can address unique site constraints.

(b) **Availability and Capacity of Public Services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.

5 (c) **Compatibility with the Master Plan.** The proposed development shall not have an adverse impact on future development as proposed in the Master Plan of the Township.

10 (d) **Compatibility with the Planned Unit Development Intent.** The proposed development shall be consistent with the intent and spirit of this Ordinance.

15 (e) **Development Impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

20 (f) **Unified Control of Property.** The proposed development shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the Township Clerk.

Sec. 12-03 Types of PUDs

25 A property meeting the eligibility criteria may be rezoned to a PUD District, based on the requirements shown in Table 12-03 and appropriate requirements contained elsewhere in this Ordinance. The Township's Master Plan is the basis for which type of PUD is appropriate in specific areas in the Township.

30 The PUD rezoning shall be concurrent with the approval of a PUD Conceptual Plan. Any changes to the underlying/pre-PUD zoning designation may be done concurrently with the PUD rezoning where such rezoning would be in accordance with the Township's Master Plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.

| Table 12-03 Types of PUDs | | | |
|--------------------------------------|--|---|---------------------|
| PUD District Name | Locations Allowed | Permitted Uses – The Planning Commission shall establish a list of permitted uses as part of the PUD agreement, based upon the following: | Requirements |
| Residential Open Space PUD | Permitted only where the pre-PUD underlying zoning is residential or where the Master Plan designates a site as residential. | Open space residential projects may be permitted with recreational uses. Residential types permitted in the pre-PUD zoning district shall be permitted with additional uses as provided for herein. | Sec. 12-04 |
| Mixed Use PUD | Permitted only where the pre-PUD underlying zoning is business or office or where the Master Plan designates a site as “Mixed Use Corridor” or “Planned Unit Development.” | A mixture of residential, commercial, office, recreational & open space uses shall be permitted based upon the zoning/ land use designation of each PUD component. | Sec. 12-05 |
| Commercial PUD | Permitted only where the pre-PUD underlying zoning is business or where the Master Plan designates a site as commercial. | A mixture of public, office, commercial, light industrial, recreational & open space uses shall be permitted, subject to the limitations herein. | Sec. 12-06 |
| Industrial PUD | Permitted only where the pre-PUD underlying zoning is industrial or where the Master Plan designates a site as industrial. | Uses permitted in the Light Industrial & Office Service Districts shall be permitted where integrated into an office/research/ light industrial park setting. | Sec. 12-07 |

Sec. 12-04 Residential Open Space PUD

(a) **Uses.** Residential uses, as regulated in this Section, shall be allowed in a Residential Open Space PUD.

(b) **Residential Density.** The density of dwelling units within the Residential Open Space PUD shall be based upon the underlying/pre-PUD zoning district. The number of dwelling units allowed within a Residential Open Space PUD site shall be determined in the following manner:

The applicant shall prepare, and present to the Planning Commission for review, a parallel design plan showing the number of lots that could be developed on the site under the pre-PUD zoning district. The layout of the parallel plan shall comply with State and Township requirements and design criteria for a tentative preliminary plat, fully consistent with Public Act 288 of 1967 (Land Division Act), as amended and the Township subdivision control regulations. This design shall include all information that would be required for a tentative preliminary plat. The Planning Commission shall review the

design and determine the number of lots that could be feasibly constructed following the parallel design. This number, as determined by the Planning Commission review, shall become the maximum number of dwelling units allowable within the Residential Open Space Planned Unit Development site. A density bonus may be granted by the Planning Commission as follows:

| Table 12-04 Schedule of Density Bonuses | |
|---|--------------------------|
| Connection to Public Utilities | Density Bonus Percentage |
| Connection to neither public sewer nor public water | 10% |
| Connection to either public sewer or public water | 20% |
| Connection to both public sewer and public water | 30% (1) |
| (1) In R-3 and R-4 districts, the above density bonus for both public sewer and water shall not be permitted; however the reduced minimum lot area as described in <i>Section 3-03(b)(3)</i> may be used in the preparation of the parallel plan. | |

(c) **Dimensional Requirements.** Once the density has been established, the allowable number of dwelling units may be clustered with lot areas and widths reduced below the minimum requirement of the pre-PUD underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot area reduction.

(d) **Open Space.** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation, or agriculture. A Residential Open Space PUD shall maintain a minimum of fifty percent (50%) percent of the gross area of the site as dedicated open space held in common ownership. Open space shall be provided along the exterior public roads with a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.

(e) **Townhouses.** Where the pre-PUD underlying zoning is RM-1, multiple family dwelling units shall be permitted meeting the density and design standards of this Ordinance. Where the pre-PUD underlying zoning is single family residential, up to forty percent (40%) of the dwelling units may be townhouses, provided the remaining dwelling units (at least sixty percent (60%)) shall be detached single-family residential. The townhouses shall be located to minimize impacts from existing abutting single family residential neighborhoods.

(f) **Design Standards.** The PUD shall be in accordance with the design standards in *Section 12-08*.

Sec. 12-05 Mixed Use PUD

(a) **Uses.** A mixed use PUD shall include a mixture of uses that are considered by the Planning Commission to be consistent with the Master Plan. A concept plan shall be prepared for the PUD that divides the PUD into components for various uses. Each use component of the PUD shall be designated with a specific corresponding zoning district (e.g. RM-1, B-1, etc.), which shall provide the basis for determining the uses permitted, dimensional standards, and density. The Planning Commission shall determine the appropriate mixture of uses and how much of the PUD land area shall be occupied by residential uses, nonresidential uses, recreational area, or open space. The Planning Commission shall make this determination based upon the concept plan's ability to provide an integrated mixture of uses, maintain compatibility with surrounding uses, meet the intent of *Section 12-01*, and eligibility criteria of *Section 12-02*. The list of permitted uses shall be established by the Planning Commission in the PUD agreement.

(b) **Residential Density.** The residential density shall be based upon the zoning district designation on the PUD concept plan. A density bonus of up to ten percent (10%) may be granted by the Planning Commission for sites served by both public sewer and water.

(c) **Dimensional Requirements.** All area and bulk dimensional standards shall comply with that of the respective underlying zoning district. To encourage flexibility and creativity consistent with the intent of the PUD, the Planning Commission may permit specific departures from the requirements of this Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

(d) **Open Space.** A minimum of twenty-five percent (25%) of the site shall be common open space. Such open space shall be dispersed throughout the site and linked through greenway or pedestrian corridors or located along road frontages. Parking lot landscaping and greenbelts required by *Section 14-02* shall not count towards meeting the twenty-five percent (25%) open space requirement.

(e) **Parking.** To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

(f) **Design Standards.** The PUD shall be in accordance with the design standards in *Section 12-08*.

Sec. 12-06 Commercial PUD

(a) **Uses.** A maximum of sixty percent (60%) of the site, exclusive of public rights of way, may contain retail commercial uses such as shopping centers or freestanding retail/department stores including areas required for setbacks, storm water, and parking associated with such uses. The remainder of the site shall include open space, office, research, and development, lodging, restaurants, recreation, or entertainment related uses. The list of permitted uses shall be established by the Planning Commission in the PUD agreement.

(b) **Dimensional Requirements.** All area and bulk dimensional standards shall comply with that of the respective underlying zoning district. To encourage flexibility and creativity consistent with the intent of the PUD, the Planning Commission may permit specific departures from the requirements of this Ordinance as a part of the approval process. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

(c) **Open Space.** Sites two (2) acres and greater shall have a minimum fifteen (15%) percent of the site as open space. Sites less than two (2) acres shall have a minimum ten percent (10%) of the site as open space. Such open space may be dispersed throughout the site. The open space shall constitute one or more of the following: undisturbed areas of key natural features, landscaped open space or pedestrian plaza areas that include outdoor seating and gathering areas.

- (d) **Design Standards.** The PUD shall be in accordance with the design standards in *Section 12-08*.

(Ord. # 246, 12/25/09)

Sec. 12-07 Industrial PUD

- (a) **Uses.** OS Office Service District permitted and special land uses, and I-1 Light Industrial permitted uses shall be allowed in an Industrial PUD.

- (b) **Dimensional Requirements.** All buildings, structures, accessory structures and parking areas shall meet the minimum setback standards of the I-1 Light Industrial District shall be met for the perimeter of the PUD. Dimensional standards for interior setbacks and building height shall be approved by the Planning Commission through the PUD agreement. There shall be a one hundred (100) foot deep open space greenbelt along the exterior public roads and any adjoining Residential District, either landscaped or preserved in a natural wooded condition.

- (c) **Open Space.** A minimum twenty-five percent (25%) of the site shall be open space. Such open space shall be dispersed throughout the site and linked through pedestrian corridors. The open space shall constitute one or more of the following: undisturbed areas of key natural features, landscaped open space or pedestrian plaza areas that include outdoor seating and gathering areas.

- (d) **Design Standards.** The PUD shall be in accordance with the standards in *Section 12-08*. In addition, all buildings shall utilize high quality architecture and landscaping that create a research and office-park environment with primary use of masonry material, such as brick, stone or split face block, and glass on buildings and landscaping along internal roadways and around the perimeter of the PUD. Metal paneling and plain concrete masonry units shall constitute no more than twenty-five percent (25%) of the facades of buildings visible from the internal roadway or any adjoining public roadway.

Sec. 12-08 PUD Design Standards

In addition to the standards for specific types of PUDs above, all PUDs shall meet the following standards:

5 (a) **Regulatory Flexibility.** The setback requirements of the pre-PUD zoning district shall be used as guidelines for the PUD. To encourage flexibility and creativity consistent with the intent of the PUD regulations, the Township may permit specific departures from the requirements of the Zoning Ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the Planning Commission that the deviation will result in a higher quality of development than would be possible using conventional zoning standards. Only those deviations consistent with the intent of this Article shall be considered.

(b) **Open Space Requirements**

15 (1) **Common Open Space.** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation, or agriculture.

20 (2) **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of meeting minimum open space requirements:

a. Area proposed as single family residential or site condominium lots.

25 b. Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.

c. Any area proposed for an office, commercial, or industrial land use.

30 d. The area of any road right-of-way or private road easement.

e. Any submerged land area of a pond, lake or stream. Protected wetlands and stormwater basins designed to appear and function similar to a natural wetland may be counted for up to fifty percent (50%) of the minimum required open space.

35 f. Golf courses.

40 g. Parking and loading areas, including landscaped islands, except those exclusively associated with a recreation facility or common open space area.

- h. Any other undeveloped areas not specifically addressed in this Article, but determined by the Planning Commission to inadequately meet the intent and standards for open space.

5 (3) **Open Space Location.** Common open space shall be planned in locations visible and accessible to all in the development. The common open space may either be centrally located, located to preserve natural features, located to buffer adjacent farmland, or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:

- a. Open space shall be situated to maximize the preservation of any existing site woodlands.

- 15 b. A minimum one hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or natural lake and fifty (50) feet from the edge of any wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback. Docks may be permitted in accordance with *Section 13-07*.

- 20 c. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.

- 25 d. Where a site is located within the Natural Features Overlay District, the natural features protection areas shall be included in the PUD's open space.

30 (4) **Open Space Protection.** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the Township. The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement shall provide the following:

- a. Allowable use(s) of the dedicated open space shall be indicated. The Township may require the inclusion of open space restrictions that prohibit the following:
- 5 1. Dumping or storing of any material or refuse.
2. Activity that may cause risk of soil erosion or threaten any living plant material.
- 10 3. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
4. Use of motorized off road vehicles.
- 15 5. Cutting, filling, or removal of vegetation from wetland areas.
6. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.
- 20 b. Require that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Requirements for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken
- 25 by the Township in the event that the open space is not adequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the owners of the open space.
- 30 c. The dedicated open space shall forever remain open space, subject only to uses approved by the Planning Commission on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the
- 35 approved site plan shall require Township Board approval, based upon a recommendation by the Planning Commission, and shall not diminish compliance with the requirements of this Article.
- d. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.

5 (c) **Natural Features**

(1) **Limits of Tree Clearing.** The development shall be designed to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.

10 (2) **Animal or Plant Habitats.** If animal or plant habitats that are characteristic of pre-settlement habitat exist on the site, as determined through an environmental impact assessment prepared under *Article 10*, the Planning Commission, as a condition of approval, may require that the
15 site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

(d) **Landscaping.** The following landscaping requirements shall be met in addition to other landscaping requirements contained in *Section 14-02*:

20 (1) **Street Trees.** Both sides of all internal roads shall be landscaped with street trees. One (1) canopy tree shall be provided on each side for every forty (40) feet of road. Existing trees preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this
25 requirement.

(2) **Stormwater Detention Basins.** All basins and stormwater management facilities shall be designed to fit into the natural landscape and provide a natural appearance. Landscaping shall be provided around the perimeter
30 of the basin to create the appearance of a natural pond or wetland. Landscaping shall include a combination of canopy trees, shrubs, and grasses that are adapted to saturated soil conditions. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the
35 sun on the stormwater detention basin. Stormwater detention basins shall be designed with shallow side slopes that do not require security fencing. For ponds not dedicated to the county drain commission, the development agreement shall provide for long term maintenance of the stormwater detention pond by the homeowners association.

(3) **Parking Lots.** Site design and landscaping shall diminish the prominence of parking lots as viewed from public roads.

5 (e) **Driveway Access and Circulation.** Any non-residential use in a PUD must meet the following standards:

10 (1) Access shall be limited to one (1) major entrance along any arterial road, excluding an entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study demonstrates overall traffic operations and safety will be improved.

15 (2) Main access points shall be spaced from existing signalized intersections to ensure proper spacing and progression if the main access point is signalized in the future in accordance with *Section 16-05*.

20 (3) The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Internal service drives shall provide circulation between all uses.

25 (4) Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

(f) **Design Standards**

30 (1) **PUD Design Standards.** Signs, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area. The Planning Commission
35 may require a consistent type of pedestrian scale ornamental lighting along all roads and sidewalks and within any off-street parking lots. Residential entrance signs and commercial signs shall be approved as part of the final plan.

(2) **Mixed Use PUD and Commercial PUD.** Pedestrian gathering and seating plazas, greenways, and tree lined drives shall be provided to break-up parking lots and other paved areas of the site to provide an inviting pedestrian environment, protect the pedestrian from vehicular circulation, and improve traffic operations and views. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate main buildings from the parking lots.

(Ord. #243, 8/1/08)

Sec. 12-09 Development Agreement

The applicant shall submit an Agreement stating the conditions upon which approval is based, for review and approval by the Township. The Agreement, after review by the Planning Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the County Register of Deeds. Approval shall be effective upon recording. At a minimum, the Agreement shall provide:

- (a) A survey of the acreage comprising the proposed development.
- (b) The manner of ownership of the developed land.
- (c) Provisions requiring future connection to both public sewer and water when it becomes available if not currently offered.
- (d) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
- (e) Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to accomplish this.
- (f) Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the

Township Board. The Township may require a performance guarantee to accomplish this.

(g) Provisions to ensure adequate protection of natural features.

(h) The preliminary site plan shall be incorporated by reference and attached as an exhibit.

Sec. 12-10 PUD Approval Process

(a) **Pre-Application Workshop.** An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring a workshop shall request placement on the Planning Commission agenda.

(b) **Application.** The applicant shall prepare and submit to the Township Planner a request for rezoning to the appropriate PUD designation, including copies as determined by the Township Planner of all conceptual submittal items listed in *Section 12-11*. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Planning Commission shall first review the request.

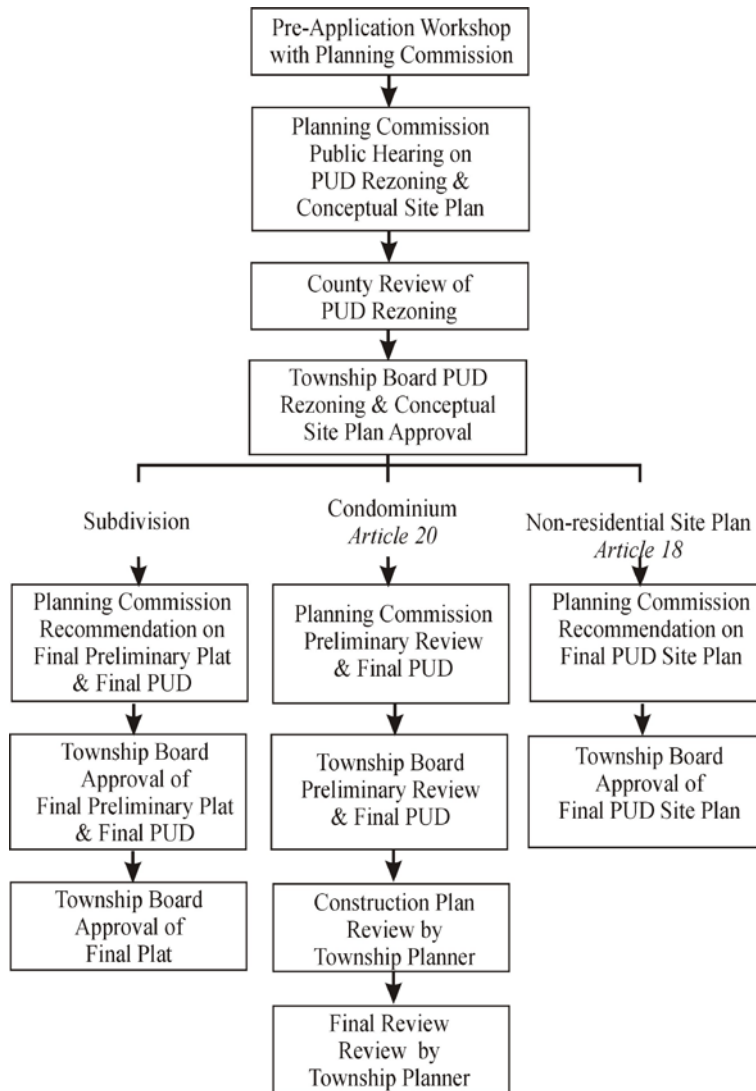
(c) **Planning Commission Public Hearing.** The Planning Commission shall review the rezoning request, the conceptual PUD site plan, and PUD Agreement, conduct a public hearing, noticed in accordance with rezoning requirements identified in *Article 23*. Following the public hearing, the Planning Commission shall make a recommendation to the Township Board based on the following standards:

(1) The PUD shall satisfy the eligibility criteria of *Section 12-02*.

(2) The PUD shall comply with the requirements of this Article other applicable Sections of this Ordinance and the subdivision or condominium requirements of the Township, as applicable.

(3) The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.

(4) The PUD shall be adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply, and sewage facilities. The design shall minimize the negative impact on the road system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.



(5) The proposed PUD shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with a conventional development.

(d) **County Review.** Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Livingston County

Planning Commission shall review the requested PUD rezoning and make a recommendation for approval or denial to the Township Board.

5 (e) **Revisions.** The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit copies as required by the Township Planner to provide sufficient time for review prior to the Township Board meeting.

10 (f) **Township Board Preliminary Approval.** Following receipt of a recommendation from the Planning Commission and Livingston County, the Township Board shall review the requested PUD rezoning, conceptual PUD site plan and PUD agreement and either approve, deny or approve with a list of conditions made part of the approval. The Township Board may require a resubmittal of the application reflecting the conditions for approval by the
15 Planning Commission, Township Planner, and Township consultants if appropriate.

(g) **Time Limits for Preliminary Approval.** Approval of the Conceptual PUD Site Plan by the Township Board shall confer upon the owner the right to
20 proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for Final PUD Site Plan approval is not requested within this time period, the land shall automatically revert back to its original zoning classification as set forth in the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. The Township Board
25 may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

(h) **Conditions.** Reasonable conditions may be required with the approval of a
30 PUD for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the
35 Brighton Township Master Plan. Conditions attached shall be included in the PUD agreement.

(i) **Final Approvals.** Following preliminary approval, the application shall follow the procedures and requirements for approvals under the subdivision,

condominium or site plan review process, as applicable. All site plans or tentative preliminary plats subsequently submitted shall conform with the preliminary PUD concept plan, all conditions attached to preliminary approval, the PUD agreement and the requirements of this Ordinance. Where the Planning Commission determines that changes to the final site plan or final preliminary plat significantly deviate from the preliminary PUD concept plan, the Planning Commission shall conduct another public hearing and review the plan as an amended resubmission of the concept plan under the requirements of this Article.

(Ord. #231, 12/27/05) (Ord. #250, 5/27/11)

Sec. 12-11 PUD Rezoning and Concept Plan Submission Requirements

A PUD requires the rezoning of the site. The following information shall be submitted with any application for PUD rezoning and concept plan approval:

(a) Existing Site Conditions

(1) An overall area map at a scale of not less than one inch equals two thousand feet (1"=2000') showing the relationship of the open space cluster development to its surroundings such as section lines and/or major roads or collector roads.

(2) Physical development plan prepared at a minimum scale of one inch equals one hundred feet (1"=100').

(3) Boundaries of proposed PUD, Section or corporation lines within or adjacent to the tract, and overall property dimensions.

(4) Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the PUD site, including those of areas across abutting roads.

(5) Location, widths, and names of existing or prior platted roads and private roads, and public easements within or adjacent to the PUD site, including those located across abutting roads.

(6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the PUD site.

(7) Topography drawn as contours with a two (2) foot contour interval. Topography to be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the PUD boundaries.

(b) Proposed Development Features

(1) For a residential PUD, a parallel plan consistent with State, County, and Township requirements and design criteria for a tentative preliminary plat that shows the number of dwelling units that could be developed on the site with a conventional subdivision.

(2) Layout of roads indicating proposed road names, right-of-way widths, and connections with adjoining roads, and also the widths and location of easements and public walkways.

(3) Layout, numbers, and dimensions of single family lots, including building setback lines.

(4) Layout of proposed multiple family dwellings, including setbacks, buildings, drives, parking spaces, walkway systems, and landscaping.

(5) Location and definition of function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces.

(6) Depiction of major wooded areas and description of means to be employed to preserve them.

(7) An indication of ownership and existing and proposed use of any parcels identified as "excepted."

(8) An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the County Drain Commissioner. Storm drainage must be provided to an approved outlet or retention basin.

(9) Conceptual site grading plan and conceptual landscaping plan, including pedestrian circulation system.

(10) Depiction of proposed development phases.

(11) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.

(12) Traffic Impact Study may be required at the Planning Commission's request when the use generates traffic that exceeds trip generation rates recognized by the Institute of Traffic Engineers (ITE) in accordance with *Section 18-09*.

(c) Tabulations

(1) Total site acreage and percent of total project in various uses, including developed and undeveloped open space.

(2) Total site density and density of single family and multiple family dwellings and percent of ground area covered by buildings.

(3) Acreage and numbers of single family lots and multiple family dwellings to be included in development phases.

(d) Supporting Materials

(1) Legal description of the total site.

(2) Draft of the Development Agreement required by *Section 12-09*.

(3) Statement of developer's interest in the land proposed for development.

(4) Statement regarding the developers intentions regarding sale and/or lease of all or portions of the PUD, including land areas, units, and recreational facilities.

(5) Statement of requested modifications to the regulations that are otherwise applicable to the site.

(e) Final Site Plans and Plats

- 5 (1) PUD plans for final site plans, condominiums, or subdivision plats shall provide the information required under the site plan, condominiums, or subdivision regulations, as applicable.

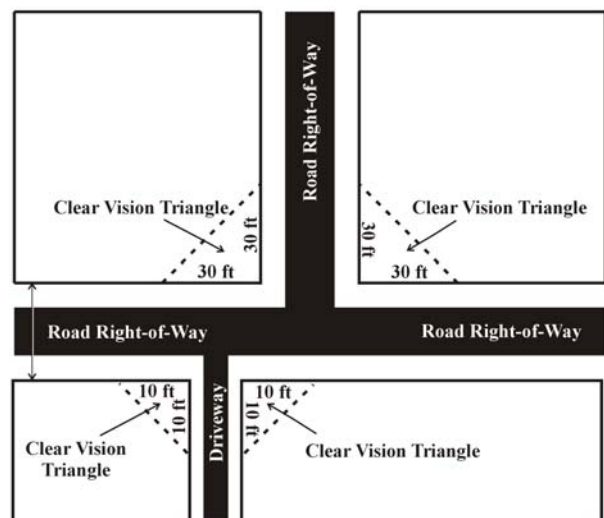
ARTICLE 13 GENERAL PROVISIONS

5 **Sec. 13-01 Accessory Uses and Buildings - Generally**

- (a) In any District, only accessory uses, incidental only to a permitted use, are allowed when located on the same lot or parcel as a permitted use, provided the accessory use is clearly incidental to the principal use of the property.
- 10 (b) In any District an accessory building may be erected detached from the main building, or it may be erected as an integral part of the main building. Except as may otherwise be required, all accessory buildings shall comply in all respects with the requirements of this Ordinance applicable to the main building.
- 15 (c) No accessory building shall be used as a dwelling unit or any part of a dwelling unit.
- 20 (d) All accessory buildings within a Residential District shall comply with the requirements of ***Section 3-04***.

Sec. 13-02 Corner Clearance

No fence, wall, structure, shrubbery, sign, or other obstruction to vision shall be erected, established, or maintained on any corner lot which will obstruct the view of drivers in vehicles approaching the intersection. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to exceed a height of thirty (30) inches above the lowest point of the intersecting road(s). The unobstructed triangular area is described as follows:



- (a) The area formed at the corner intersection of two (2) road right-of-way or easement lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along abutting public right-of-way lines, and third side being a line connecting these two (2) sides.

- (b) The area formed at the corner intersection of a road right-of-way or easement and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.

Sec. 13-03 Essential Public Services

Essential public services/utility buildings shall be permitted as authorized and regulated by state, federal, and local law and Ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance. Proposals for construction of essential public services/utility buildings shall be subject to review, following the procedures and requirements of *Article 18 and Article 19*, as applicable; it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential public services/utility buildings shall comply with all applicable regulations that do not affect the basic design or nature of operation of those services.

Sec. 13-04 Fences

- (a) Poles shall be located on the inside of the fence, such that the finished side faces the exterior of the property for all lots.

- (b) Fences in all Residential are allowed within a required side or rear yard but shall not exceed four (4) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback, whichever is greater.

- (c) Residential lots that are two (2) acres or more, have a road frontage of two hundred (200) feet or more, and are not included within the boundaries of a recorded plat shall be permitted to have a fence within the non-required front yard provided it shall not be a solid, privacy or screening fence.

- (d) Fences shall not contain barbed wire, electric current, or charge of electricity,

except as provided in (g) below.

5 (e) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25%) percent of their total area.

10 (f) The Building Department may, upon application by the property owner, review and allow a modification of the height of the fence which is intended to enclose property, subject to the following conditions. The Building Department shall be furnished with photographs clearly portraying the area to be fenced, as well as the abutting properties affected.

15 (1) The height shall in no instance exceed six (6) feet, measured from the surface of the ground.

(2) The modification shall not obstruct the light and air of any neighboring residence.

20 (3) The modified fence shall only be permitted in the rear yard.

(4) The modified fence shall be required to offer privacy in swimming pool, patio, terrace, and similar private areas.

25 (g) Fences on property zoned OS, B-1, B-2, B-3 and I-1 shall be of an ornamental nature of standard commercial fencing not to exceed six (6) feet in height. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings, which may exceed six (6) feet in height and shall be located in a front yard wherever deemed necessary in the interests of public safety, provided that shrubs or evergreens are planted which will eventually screen the barbed wire cradles. Notwithstanding the above, security fencing is allowed in an I-1 District within ten (10) feet of the front property line provided it is suitably landscaped; provided further that if barbed wire cradles on top of fences are proposed, they shall be six (6) feet or greater in height. (See also *Section 14-02(f)(2)*).

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(Ord. # 231, 12/27/05)

Sec. 13-05 Height Limitations

5 The following structural appurtenances may be permitted to exceed the height limitations of this Ordinance:

10 (a) Chimneys, church spires, cupolas, domes, towers, penthouses, water tanks, wind turbines, and monuments may be erected to a height up to sixty (60) feet; flag poles may be erected to a height up to thirty (30) feet. The Township shall be provided sufficient evidence to assure that adjacent uses and structures are not threatened due to a collapse of the structure for any reason.

15 (b) Applicants proposing wind turbines for their property must present specifications on the turbines. Sound level may not exceed 55 dB (decibels) maximum measured at the highest pitch at the property line. No shadow flicker shall be cast on the windows of any principal structure located on adjacent parcels at any time. Towers must be designed to collapse onto the
20 parcel upon which it is located. The required minimum setbacks from all property lines shall be at least the distance as measured from the ground level to the highest tip of the windmill blades when revolving (sixty (60) ft. maximum). All other structures shall be setback at least twenty (20) feet or the minimum side yard setback for that district, whichever is greater,
25 including guy wire anchors. Wind turbines located on top of buildings must meet the same height restriction as identified above, and if part of a site plan will require screening. If wind turbines are part of a site plan, a performance guarantee must be posted for removal of the turbine if that becomes necessary (Please refer to *Sec. 23-08* of the Zoning Ordinance). If the wind turbine has
30 not been used for a period of twelve (12) months or more to generate wind energy, the structure and all accessory structures must be removed. A wind site assessment may be required to determine the impact on existing or planned land use development in the area adjacent to the proposed wind turbine which would include information on wind speed, sound level, and
35 shadow flicker. Please refer to *Sec. 25-10* and *Sec. 25-12* of the Zoning Ordinance for definitions corresponding to this section (Shadow Flicker, Sound Level, Wind Energy Systems, and Wind Site Assessment).

5 (c) Any mechanical and electrical equipment, including water and gas meters, elevator housings, stairways, tanks, generators, transformers, heating, ventilation and air conditioning equipment, and other similar equipment, located on the roof of any building shall comply with the following requirements:

10 (1) All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural feature that is constructed of the same material and compatible in appearance with the main building.

15 (2) Roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.

20 (d) Structural extensions appropriate to the building design, such as cornices, shall be limited to five (5) feet above the stated height limit.

(Ord. # 246, 12/25/09)

Sec. 13-06 Lots Adjoining Alleys

25 In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of the alley abutting the lot shall be considered as part of the lot.

Sec. 13-07 Multi-Access Riparian Sites

30 (a) **Intent and Scope of Application.** The purpose of this Section is to promote safe and appropriate use of land contiguous to an inland lake, and adjacent upland areas. This Section applies to waterfront property. The objectives of this Section shall be carried out by regulating the land uses related to the manner and extent of access to a lake, river, stream, or other waterbody.

35 (b) **Procedure.** At the time of site plan review the applicant must supply a site plan in accordance with *Article 18*.

(c) Requirements

(1) All Zoning Districts

- 5 a. Where a parcel of land is contiguous to a lake, river, stream, or other waterbody, and is presented for subdividing, a parcel of land bordering on the body of water may be used and developed as a recreational park subject to the following requirements:
- 10 1. There shall be full compliance with the terms, conditions, and limitations imposed by *Chapter 17* of the Township Code of Ordinances and/or this Ordinance.
- 15 2. The recreational park shall be dedicated as a recreation park at the time of recording of a plat, a condominium master deed, or approved site plan.
- 20 3. The recreational park may be used for swimming and picnicking and other passive recreational activities, the privileges of which may be reasonably enjoyed by the owners and occupants of subdivision, condominium, or multiple family developments.
- 25 4. The recreational park is only for the use of owners or occupants of lots included in any plat or plats recorded within the parcel and/or condominium master deed, and provided that the recreational park is appropriately dedicated.
- 30 5. Each recreational park shall contain a lot depth of at least one hundred fifty (150) feet.
- 35 6. Each recreational park shall have at least twenty (20) linear feet of water frontage for each dwelling unit to which said privileges are extended or dedicated, provided there shall be at least three hundred (300) feet of water frontage.
7. That in no event shall the launching of boats or the construction of piers or wharfs there from be permitted from the recreational park.
- b. In residential developments, including platted subdivisions,

condominium projects, multiple family developments, and PUD districts where no lakefront lots are created within the development, the maximum number of boats that can be moored or docked from a common open space or stored in any manner with access through the common open space or recreational park area or on the water, shall be determined by the following:

| Table 13-07 Maximum Number of Boats by District (per linear feet of shoreline) | | | |
|---|------------------------------|---------------------------------|--|
| District | Feet of Lake Frontage | Number of Boat Docks (1) | Number of Boat Slips (per dock) |
| RCE/RC | 125 | 1 | 2 |
| R-1 | 100 | 1 | 2 |
| R-2 | 80 | 1 | 2 |
| R-3/R-4/R-5 | 70 | 1 | 2 |
| RM-1/RMH | 70 | 1 | 2 |
| All Other Districts | 70 | 1 | 2 |

1. Lake frontage shall be measured along the shoreline. Where streams, canals, or cuts are used in calculating shoreline length, boats permitted shall be moored within such stream, canal, or cut.
2. The use or storage of boats in any manner in the common open space or recreational park shall be prohibited.
3. Prior to any building permits being issued, the developer shall provide the Township with evidence that the limitations on the number of boats have been included within the condominium master deed, and/or deed restrictions or covenants.

(d) **Exceptions.** The Zoning Board of Appeals (ZBA), following a public hearing, may waive or modify any of the provisions stated in this Section provided that the ZBA determines that such an exception is appropriate for the multi-access application. Requests for such an exception shall be made to the ZBA in such form as the ZBA shall prescribe and shall include, but not be limited to, a description of the multi-access plan, a description of the efforts that have been made to comply with the provisions of these regulations and the reasons such an exception is necessary. In reviewing a request for such exception, the ZBA shall consider public safety, project design, potential

impact on other riparian rights, lake capacity, and other factors deemed appropriate by the ZBA.

(Ord. #231, 12/27/05)

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Sec. 13-08 Performance Standards

10 (a) **Performance Standards.** All agricultural uses shall be conducted in accordance with the Michigan Right to Farm Act, P.A. 93 of 1981 and the Michigan Commission of Agriculture's Generally Accepted Agricultural and Management Practices. All non-agricultural uses within any District shall conform to the following standards of use, occupancy, and operation:

15 (1) **Airborne Solids.** Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or
20 devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

25 The drifting of airborne matter beyond any property line, including wind-blown dust, particulates or debris from open stock piles, is prohibited. Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

30 (2) **Electromagnetic Radiation and Radio Transmission.** Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio,
35 television, or other electronic equipment on surrounding or nearby property.

(3) **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all

applicable Federal, State, and County regulations.

a. **Above Ground Storage of Toxic and Hazardous Material.** The above ground storage of toxic and hazardous material shall be located within a secondary containment structure that will prevent a leak of the tank from flowing onto the soil in order to protect against groundwater contamination. The volume of the secondary containment shall be of sufficient size to contain the total capacity of the tank. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining wall which will contain the total capacity of all tanks so enclosed.

b. **Underground Storage Tanks.** All underground storage tanks shall be registered with the Michigan Department of Natural Resources, in accordance with Public Act 165 of 1985, as amended. The location and contents of all such tanks shall be indicated on the site plan. Storage of flammable liquids or hazardous materials below ground shall be located not closer to a lot line than the greater depth to the bottom of the buried tank, and shall be enclosed by an impervious envelope adequate to prevent a liquid from contaminating the groundwater in an event of a rupture of the tank.

c. **Detonable Materials.** The storage, utilization, or manufacture of detonable materials shall be permitted subject to approval by the Fire Department and the following restrictions:

| Table 13-08.1 Detonable Material Storage | |
|--|---|
| Proposed Activity | Restrictions |
| Storage, utilization, or manufacture of 5 lbs. or less | Permitted accessory use in I-1 District |
| Storage or utilization of over 5 lbs. | Special land use in I-1 District |
| Manufacture of over 5 lbs. | Not permitted |

Detonable materials covered by these requirements include, but are not limited to the following:

1. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
2. All high explosives such as TNT, RDX, HMX, PETN, and picric acid.
3. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
4. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
5. Blasting explosives such as dynamite and nitroglycerine.
6. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
7. Strong unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%).
8. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

d. **Liquefied Petroleum Gas.** The storage or utilization of liquefied petroleum gas may be permitted, but subject to approval by the Fire Department and with the following restrictions:

| Table 13-08.2 Liquid Petroleum Gas Storage | |
|---|--|
| Proposed Activity | Restrictions |
| Storage, utilization of 80 lbs. or less | Permitted accessory use in all districts |
| Storage, utilization of more than 80 lbs. | Permitted in I-1 District |

(4) **Gases.** The escape of or emission of any gas that may be injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, the

federal Clean Air Act of 1963, as amended, and any other applicable Federal, State, or County regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart, that is based on the National Ambient Air Quality Standards, unless a higher standard is imposed by a Federal, State, or County agency that has jurisdiction:

| Table 13-08.3 Standards For Gaseous Emissions | | |
|--|-------------------------|-------------------|
| Gas | Maximum Emissions Level | Sampling Period |
| Sulfur dioxide | 0.14 ppm | 24 hours |
| Hydrocarbons | 0.24 ppm | 3 hours |
| Photochemical oxidants | 0.12 ppm | 1 hour |
| Nitrogen dioxide | 0.05 ppm | Annual |
| Carbon monoxide | 9.0 ppm 35.0 ppm | 8 hours 1 hour |
| Lead | 1.5 ug/cubic meter | 3 months |
| Mercury | 0.01 mg/cubic meter | 10 hours |
| Beryllium | 2.0 ug/cubic meter | 8 hours |
| Asbestos | 0.5 fibers/cc | 8 hours |

(5) **Glare and Heat.** Any operation or activity that produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation or process that produces glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the property lines. If heat is a result of an industrial operation or process, it shall be so insulated as to not raise the temperature at any property line at any time.

(6) **Noise**

a. **Noise Disturbance Prohibited.** No activity, operation, or use of land, open body of water, buildings, or equipment shall make, continue, or cause to be made or continued, any noise disturbance or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described below exceeds the sound level limits in Table 13-08.4.

| Table 13-08.4 A-Weighted Sound Level Limits Decibels | | | | |
|---|-----------------------|-------|---------------------------|-------|
| Duration | Residential Districts | | Non-Residential Districts | |
| | Night* | Day** | Night* | Day** |
| A fraction (%) of any one-hour period | | | | |
| 50%/30 min or greater | 45 | 50 | 55 | 65 |
| More than 10%/6 min but less than 50%/30 min | 50 | 55 | 60 | 70 |
| 10%/6 min or less | 55 | 65 | 70 | 75 |
| Maximum, any duration | 65 | 75 | 80 | 80 |
| * Night - after 10:00 p.m. until 7:00 a.m. | | | | |
| **Day - after 7:00 a.m. until 10:00 p.m. | | | | |

b. **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential district boundary.

c. **Measurement of Sound Level.** Measurement of sound level shall be made at a height of 4.5 feet (+ or -) at a horizontal distance of 5.5 (+ or -) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located. A violation shall be deemed to exist only if the sound level measured with the sound source or combination of sources of interest in operation is at least six (6) decibels greater than the sound level measured with the sound source or sources not in operation. Sound shall be measured at intervals of time not to exceed five (5) minutes. Reported duration associated with the reported sound level is that amount of time encompassing all measurements taken to obtain the sound level. For each measurement, observations shall be made of the meter reading each five (5) seconds until the number of observations equals the difference in decibels between the largest and smallest observed sound level; the measured sound level shall be equal to the average of the observations so obtained. The reported sound level shall be the lowest measured sound level.

(7) **Odor.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations that are offensive, that produce a public nuisance, create a hazard to adjoining property, or would be otherwise detrimental to human, plant, or animal life.

5 (8) **Radioactive Materials.** Radioactive materials, wastes, and emissions, including electromagnetic radiation such as generated from an x-ray machine, shall not exceed levels established by Federal, State, or County agencies with regulatory jurisdiction. No operation shall be conducted in a manner that emits, outside of any property line, levels of radiation that exceed the lowest concentration permitted for the general population.

10 (9) **Sewage Wastes and Water Pollution.** Sewage disposal or pretreatment facilities (including septic systems) and water pollution control facilities shall be subject to the applicable standards and regulations established by Federal, State, and County regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environmental Quality, the Livingston County Health Department, any applicable local
15 sewer and water regulations and the U.S. Environmental Protection Agency.

20 (10) **Vibration.** Machines or operations which cause vibration shall be permitted in the Light Industrial District, provided vibrations emanating there from shall not be discernable and substantially annoying or injurious to property beyond the lot lines of the affected premises.

25 (b) **Procedures for Determining Compliance.** In the event that the Township receives a complaint or otherwise has an indication of possible violation of any of these performance standards, the following procedures shall be used to investigate and, if necessary, resolve a violation:

30 (1) **Official Investigation.** The Building Official shall determine whether there is reasonable cause to suspect that an operation or process is in violation of these performance standards. The Building Official may initiate an official investigation in order to make such a determination.

35 Upon initiation of an official investigation, the Building Official is empowered to require the owner or operator of the facility in question to submit data along with any evidence deemed necessary to make an objective determination regarding the possible violation within a time period specified by the Building Official, but in every case, a reply must be forthcoming within three (3) calendar days from the receipt of notice.

Failure of the owner or operator to supply requested data within the stated time period shall be considered an admission of violation and provide prima facia evidence of grounds for taking any action, including legal action, to terminate the use and/or deny or cancel any permits or licenses required for continued use of the land. Data that may be required includes, but is not limited to, the following:

a. Plans of the existing or proposed facilities, including buildings and equipment.

b. A description of the existing or proposed machinery, processes, and products.

c. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.

d. Measurement of the amount or rate of emissions of the material, including but not limited to, heat, sound, and glare, purported to be in violation.

e. Copies of studies, reports, specifications, and any other compilation of available data, including, but not limited to, filings, and reports related to:

1. Resource Conservation and Recovery Act of 1976 (RCRA) (42 USC 6901 et seq.).

2. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC 7401 et seq.).

3. Occupational Safety and Health Act (OSHAct) (42 USC 651 et seq.).

4. Toxic Substances Control Act (TSCA) (15 USC 2601 et seq.).

5. Michigan Occupational Safety and Health Act (MIOSHA) (MCLA 408.1001 et seq.).

5 (2) **Method and Cost of Determination.** The Building Official shall take measurements, or cause measurements to be taken by a competent contractor, and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Building Official using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation may be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured in order to make the required determination.

10
15 If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be allowable. If the bill is not paid within thirty (30) days, the Township shall take whatever appropriate action is necessary to recover such costs, or alternately, the cost shall be charged against the property where the violation occurred. If it is determined that no substantive violation exists, then the costs of this determination shall be paid by the Township.

20
25 (3) **Appropriate Remedies.** If, after appropriate investigation, the Building Official determines that a violation does exist, the Building Official shall take such lawful action as provided by this Section or any State or Federal regulation to eliminate such violation. The owners or operators of the facility deemed responsible shall be given written notice of the violation. The Building Official shall take appropriate action in accordance with the owner's or operator's response to the notice of violation. Appropriate action includes the following:

30 a. **Correction of Violation within Time Limit.** If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Building Official shall note "Violation Corrected" on the Township's copy of the notice, and the notice shall be retained on file. If necessary, the Building Official may take any other action as may be warranted by the circumstances of the case, pursuant to this
35 Section and any other applicable regulation.

b. **Violation not Corrected and no Reply from Owner or Operator.** If there is no reply from the owner or operator within the specified time

limits, and the alleged violation is not corrected in accordance with the regulations set forth in this section, then the Building Official shall take any action reasonably calculated to correct or abate the violation.

5 c. **Reply Requesting Extension of Time.** If the alleged violator
responds to the Township within the specified time limit of the
original notice and requests an extension of time, the Building Official
shall review the information submitted with the reply. Upon finding
10 that an extension is warranted because of unique circumstances and
that an extension will not cause imminent peril to life, health, or
property, the Building Official may extend the specified time limit to a
date certain, if the Building Official concurs that one (1) or more of the
following:

- 15 1. The information requested pursuant to **Section 13-08(b)(1)** is
impractical to readily produce.
2. An extreme hardship exists.
- 20 3. The reply indicates that an alleged violation shall be corrected or
abated by the date certain and that all future operations shall
comply with the regulations as set forth herein.

25 d. **Reply Requesting Technical Determination.** If a reply is received
within the specified time limit requesting further review and technical
analysis even though the alleged violations continue, then the Building
Official may call in properly qualified experts to complete such
analysis and confirm or refute the initial determination of violation.

30 If expert findings indicate that violations of the performance standards
exist or did exist at the specified time, all costs incurred by the
Township in making such a determination shall be paid by the persons
responsible for the violations, in addition to such other penalties as
may be appropriate under the terms of this Ordinance or other
35 applicable regulations. Such costs shall be billed directly to the
owners or operators of the subject use who are deemed responsible for
the violation. If the bill is not paid within thirty (30) days, the
Township shall take appropriate action to recover such costs, or
alternately, the cost shall be charged against the property where the

violation occurred. If no substantial violation is found, cost of determination shall be borne by the Township.

(4) **Continued Violation.** If, after the conclusion of the time period granted for compliance, the Building Official finds that the violation continues to exist, any permits previously issued shall be void and the Township may initiate appropriate legal action, including possible pursuit of remedies in circuit court.

Sec. 13-09 Principal Building, Structure, or Use

No zoning lot may contain more than one (1) principal building, structure, or use except groups of multiple family dwellings under the same ownership, condominium developments, mobile or manufactured housing parks, shopping centers, or office and industrial complexes.

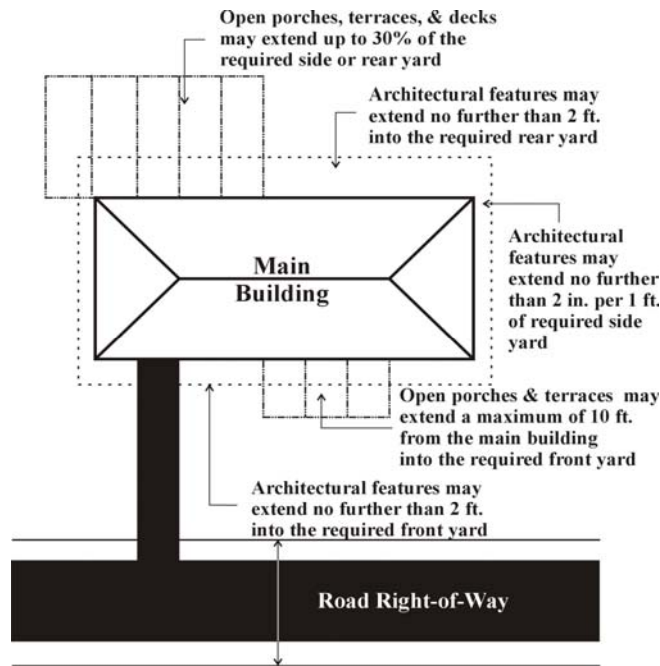
Sec. 13-10 Projections into Yards

(a) Architectural features and vertical projections may extend or project into a required yard as shown in the Table 13-10.

| Table 13-10 Schedule of Permitted Projection into Yards | | | |
|--|-----------|-------------------------|-----------|
| Projection | All Yards | Rear or Waterfront Yard | Side Yard |
| Air Conditioning Equipment Shelters | -- | X | X |
| Air Conditioning Units, Window Mounted | X | -- | -- |
| Access Drives | X | -- | -- |
| Arbors & Trellises | X | -- | -- |
| Architectural Entrance Features (1) | X | -- | -- |
| Awnings & Canopies | X | -- | -- |
| Bay Windows (1) | X | -- | -- |
| Decks, Open or Enclosed (2) | -- | X | X |
| Eaves, Overhanging (1) | X | -- | -- |
| Fences | X | -- | -- |
| Fireplace (Outside) | | X | X |
| Flagpoles (3) | X | | -- |
| Gardens | X | -- | -- |
| Gutters (1) | X | -- | -- |
| Hot Tubs | -- | X | X |
| Landscaping | X | -- | -- |
| Laundry Drying Equipment | -- | X | X |
| Light Standard, Ornamental | X | -- | -- |
| Paved Terraces & Open Porches (2) | X | -- | -- |

| Table 13-10 Schedule of Permitted Projection into Yards | | | |
|--|----|----|----|
| Privacy Walls | -- | X | -- |
| Sidewalks, Bikepaths & Walkways | X | -- | -- |
| Stairways, Open Unroofed | X | -- | -- |
| Steps & Stoops | X | -- | -- |
| Swimming Pools | -- | X | -- |
| Walls | X | -- | -- |
| x = Permitted in any area of yard | | | |

(b) **Notes.** The following notes apply to Table 13-10.



- (1) **Architectural Features.** Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such required side yard, and may extend into any required front, rear, or waterfront yard not more than twenty-four (24) inches.
- (2) **Terraces, Decks, and Porches.** Open paved terraces and open porches may project into a required front yard up to ten (10) feet. Open paved terraces, decks and open porches may project into a required side, rear, or waterfront yard up to thirty percent (30%) of the required minimum side, rear, or waterfront yard. Second story decks and porches with roofs shall be considered to be part of the main building for purposes of determining

setbacks.

- (3) **Flagpoles.** Flagpoles are not permitted within a yard that abuts U.S. 23 or I-96.

- (b) Mechanical and electrical equipment such as blowers, generators, transformers, ventilating fans, and air conditioning units, shall be placed no closer than three (3) feet to any lot line in Business Districts and no closer than twelve (12) feet to any lot line in Residential Districts. Mechanical equipment in the Industrial District shall comply with all yard setbacks.

(Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

Sec. 13-11 Residential Entranceway

In all Residential Districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single family subdivisions or multiple housing projects may be permitted at major entrances and may be located in a required yard, except as provided in **Section 13-05**; provided that such entranceway structures shall comply to all codes of the Township and shall be approved by the Building Department and a permit issued.

Sec. 13-12 Road Frontage

- (a) No lot shall be used for any purpose permitted by this Ordinance unless the lot abuts a public or private road having a width of at least sixty-six (66) feet or a shared driveway. This requirement shall not apply to lots abutting roads or roadways which were platted prior to adoption of this amendment or otherwise dedicated and accepted as a public roadway.

- (b) No lot or parcel shall be used for any purpose permitted by this Ordinance unless the lot abuts a public road, approved private road, shared driveway, or roads or roadways which were platted prior to the adoption of this amendment or approved in accordance with an existing Township Ordinance in effect at the time of the establishment of the private road.

Sec. 13-13 Swimming Pools

Private swimming pools shall be permitted as an accessory use only within the

rear yard (except for lakefront lots, see *Sec. 3-05*), provided they meet the following requirements:

5 (a) There shall be a distance of not less than ten (10) feet between the adjoining property line and outside of the pool wall.

(b) There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.

10 (c) No swimming pool shall be located less than thirty-five (35) feet from any front lot line.

15 (d) No swimming pool shall be located less than ten (10) feet from any side road or alley right-of-way, or the distance required for side yard by this Ordinance, whichever is greater.

20 (e) If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.

(f) No swimming pool shall be located in an easement.

25 (g) For the protection of the general public, all swimming pools will be completely enclosed by a fence not less than four (4) feet in height measured vertically from final or finished grade immediately adjacent to the swimming pool. Any gate required shall be of a self-closing and self-latching type with the latch on the inside of the gate not readily available for children to open. All enclosing fences shall be so constructed so that a four (4) inch sphere will not
30 pass through at any point, and shall be capable of safely sustaining a fifty (50) pound per lineal foot impact load. Construction shall be of steel, wrought iron, pressure-treated lumber or any other approved permanent material that does not provide an exterior stepping or horizontal ladder effect for the mounting thereof. All fences enclosing pools shall be continually maintained in accordance with the
35 above requirements. Any enclosing fence which does not or cannot comply with all of the above requirements shall not be permitted, and in the alternate, the entire yard in which the pool is located shall be fenced in accordance with the requirements hereinbefore set forth.

40 (Ord. #243, 8/1/08), (Ord. # 231, 12/27/05)

Sec. 13-14 Temporary Uses, Buildings, and Structures

(a) **Temporary Uses.** All temporary uses shall hereafter be regulated by the following requirements:

5

| Table 13-14 Temporary Commercial Uses & Events ¹ | | | | |
|---|--|--|--|--------------|
| Use | Districts Permitted | Length of Time | Permit Approval By | Requirements |
| Seasonal Accessory Roadside Stands Sale of fruit & vegetables, hobby-craft, fish bait, & firewood grown, produced, or obtained from the site | Permitted use in RC & R-CE | 60 days per permit, with a maximum of 2 permits per year, for a total of 120 days | Township Planner & Building Official | (1) |
| Temporary Accessory Residential Sales Garage, moving & yard sales, sales of fish bait, produce, flowers, personal motor vehicles, hobby-craft, firewood, & personal effects | Permitted use in all Residential Districts | 1-4 days without permit 5-7 days with permit, with a maximum of 7 days per year | Township Planner & Building Official if more than 4 days | (2) |
| Seasonal Commercial Outdoor Sales Seasonal outdoor sale of merchandise related to holidays, promotional sales, or special events | Permitted use in B-1, B-2, B-3, & OS | 60 days per permit, maximum of 2 permits per year, for a total of 120 days | Township Planner & Building Official | (3) |
| Special Events (Minor) Motor vehicle shows, charity events, & other activities open to the public where the normal parking and occupancy loads are not exceeded | Permitted use in OS, B-1, B-2, B-3, I-1, Commercial, Mixed Use or Industrial PUD, & P-SP | 14 days per year | Township Planner, Fire Department & Building Official | (4) |
| Special Events (Major) Carnivals, festivals, motor vehicle shows, rodeos, animal shows, charity events, & other activities open to the public | Special Land Use in B-2, B-3, I-1, Commercial, Mixed Use or Industrial PUD & P-SP | 3 days per year | Planning Commission & Fire Department | (5) |
| ¹ Where a temporary commercial use or event is proposed that is not specifically addressed above, the Township Planner shall determine the appropriate review and approval procedures based upon similarity with the uses above. | | | | |

(1) Seasonal Accessory Roadside Stands

10

- a. Requires a temporary use permit from the Township. Prior to permit issuance, the applicant must provide the Township with a site plan, drawn to scale, clearly indicating required off-street parking, means of

ingress/egress, and location of all proposed signs, equipment, and structures. After inspection and approval of the premises and approval of the site plan, a seasonal accessory use permit may be issued.

5 b. As a condition of the permit, the subject site shall be completely restored to its original condition within seven (7) days after expiration of the seasonal accessory use permit. All equipment, shelving, and/or temporary structures shall be promptly removed.

10 c. Failure by the applicant to maintain a safe parking area and proper means of ingress/egress shall constitute grounds for immediate termination of a seasonal accessory use permit.

(2) Temporary Accessory Residential Sales

15 a. Any of the temporary accessory residential sales are allowed without a temporary use permit for a period of time, not to exceed four (4) days, within a six (6) month period, provided that such use does not create a traffic hazard or otherwise disturb the peace and tranquility of the subject neighborhood.

20 b. Temporary accessory residential sales in operation for a period of time in excess of four (4) days, shall require a temporary use permit from the Township Planner. Prior to the issuance of a permit, the applicant shall demonstrate the availability of adequate parking in a designated area off of the road shoulder, and shall provide traffic control if required, and shall provide such other personnel, facilities, or devices as may be required for the health and safety of the general public.

25 c. A temporary use permit shall be granted to the property owner of record only.

30 d. Temporary accessory residential sales shall not include the addition or alteration of any permanent buildings.

35 **(3) Seasonal Commercial Outdoor Sales**

 a. Requires a temporary use permit from the Township. Prior to permit issuance, the applicant must provide the Township with a site plan,

drawn to scale, clearly indicating required off-street parking, means of ingress/egress, and location of all proposed signs, equipment, and structures. After inspection and approval of the premises and approval of the site plan, a seasonal accessory use permit may be issued.

5

- b. As a condition of the permit, the subject site shall be completely restored to its original condition within seven (7) days after expiration of the temporary use permit. All equipment, shelving, and/or temporary structures shall be promptly removed.

10

- c. Failure by the applicant to maintain a safe parking area and proper means of ingress/egress shall constitute grounds for immediate termination of a temporary use permit.

15

- d. If the use is accessory to an established principal use, the use must be in compliance with ***Section 13-01***.

(4) Special Events (Minor)

20

- a. Special events shall be subject to the Livingston County Sanitary Code, the regulations of the Livingston County Health Department, Livingston County Road Commission, and appropriate the Brighton Township Code of Ordinances.

25

- b. Special events are restricted to hours of operation set forth by the Township Planner, Fire Department and/or Building Official.

30

- c. Special events involving the assembly of people in temporary structures shall be expressly prohibited until such time as proper plans have been reviewed and approved by the Building and Fire Officials of the Township.

35

- d. Parking shall be computed at the rate of one (1) space for each two (2) persons predicated on the imposed occupancy load, where assembly within temporary structures is proposed. Parking for outdoor activities shall be established at the rate of one (1) parking space for each thirty-three (33) square feet of usable area. Parking shall be provided on-site or within five hundred (500) feet of the site(s).

e. Dust control shall be maintained by the applicant throughout the duration of the temporary use permit, in areas of driveway and parking, through the use of approved dust control chemicals.

5 f. Traffic control shall be present, if required by the Township Planner, Fire Department and/or Building Official throughout the duration of a temporary use permit.

10 g. Failure to comply with any of the foregoing shall render the temporary use permit void.

(5) Special Events (Major)

15 a. Special events shall be subject to the Livingston County Sanitary Code, the regulations of the Livingston County Health Department, Livingston County Road Commission, and the Brighton Township Code of Ordinances.

20 b. Special events are restricted to hours of operation set forth by the Planning Commission.

25 c. Special events involving the assembly of people in temporary structures shall be expressly prohibited until such time as proper plans have been reviewed and approved by the Building and Fire Officials of the Township.

30 d. Parking shall be computed at the rate of one (1) space for each two (2) persons predicated on the imposed occupancy load, where assembly within temporary structures is proposed. Parking for outdoor activities shall be established at the rate of one (1) parking space for each thirty-three (33) square feet of usable area. Parking shall be provided on-site or within five hundred (500) feet of the site(s).

35 e. Dust control shall be maintained by the applicant throughout the duration of the temporary use permit, in areas of driveway and parking, through the use of approved dust control chemicals.

f. Traffic control shall be present, if required by the Planning Commission, throughout the duration of a temporary use permit.

- g. Failure to comply with any of the foregoing shall render the temporary use permit void.

5 **(b) Temporary Buildings or Structures.** All temporary accessory buildings or structures shall hereafter be regulated by the following requirements:

10 (1) Only one (1) temporary building or structure shall be permitted on a lot, in addition to a private garage (attached or detached), and one (1) additional permanent accessory building.

15 (2) Temporary accessory buildings or structures shall include pre-manufactured steel, aluminum, metal, fiberglass, and/or wood sheds. Conventionally constructed temporary buildings or structures shall be constructed to the minimum standards of the Michigan State Construction Code, less concrete or permanent foundations.

20 (3) A temporary building or structure shall not possess a permanent foundation. Such structures shall be anchored in position through the use of iron or steel stakes, located at or near all corners, or anchorage may be provided by an approved alternate device. Additionally, all temporary accessory structures shall be elevated to a minimum height of four (4) inches above the ground on timbers, planks, or bricks, and shall be maintained free of vermin infestation. In no instance shall a temporary building or structure be held in position through the use of guy wires, ropes, or cables.

30 (4) The maximum floor area of a temporary building or structure shall not exceed one hundred fifty (150) square feet, and/or twenty-five percent (25%) of the rear yard.

35 (5) A temporary building or structure shall be located and confined to the rear yard, at least ten (10) feet from any and all structures on the site. In the case of a lake or river front lot, the temporary building or structure shall be located and confined to the yard adjacent to the road or road frontage side, and shall be screened or landscaped and observe the minimum front yard setback from the road, as for main building of the district where located.

 (6) Temporary buildings or structures shall not be located nearer than twenty

(20) feet to any side or rear lot line.

(7) Temporary buildings or structures shall not exceed ten (10) feet in height.

5 (8) Any temporary building or structure associated with a temporary accessory use or seasonal accessory use (both as defined), shall comply with the regulations set forth in **Section 6-02**. Temporary accessory structures, as regulated in **Section 3-07**, shall not require a hearing before the Zoning Board of Appeals, prior to erection and utilization.

10 (9) A zoning or land use permit shall be secured for any temporary accessory building or structure, and a fee paid for processing, pursuant to **Section 23-07**.

15 (10) Temporary accessory structures shall be permitted in the Residential Districts, after approval by the Township Building Official. Temporary accessory structures shall be expressly prohibited in all other districts.

20 (11) Temporary accessory structures shall conform to the minimum side yard setback requirements specified in **Article 3**.

(Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

25 **Sec. 13-15 Voting Place**

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

30 **Sec. 13-16 Wireless Communication Facilities**

35 (a) **Purpose and Intent.** The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of these facilities within Brighton Township. It is the Township's intent to reasonably regulate the location and design of these facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the Township. Given the increase in the number of wireless communication facilities

requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the Township's concern that technological advances may render certain Wireless Communication Facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.

(b) **Zoning Districts and Approval Process for Wireless Communication Facilities.** Wireless Communication Facilities may be located within the Township in accordance with Table 13-16.

| Table 13-16 Wireless Communication Facilities | | |
|--|-------------------------------|--|
| Type/Location of Wireless Communication Facility | Districts Permitted | Approval Procedure |
| Attached to Existing Structures | | |
| Attached to an existing conforming structure that will not be materially altered or changed in appearance | All Non-Residential Districts | Approval by the Township Planner |
| Attached to an existing utility pole that will not be modified or materially alter the pole or impair sight lines or compromise safety | All Districts | Approval by the Township Planner, provided letter of acceptance is provided by the utility company |
| Co-location upon an attached wireless communication facility previously approved for such co-location | All Districts | Approval by the Township Planner |
| Located on a Municipally Owned Site | | |
| Monopole up to 150 feet in height ¹ | All Districts | Site Plan approval in accordance with Article 18. |
| Located on a Site Owned by Another Governmental Entity, Religious Institution, or Public School | | |
| Monopole up to 100 feet in height ¹ | All Districts | Special Land Use and Site Plan approval in accordance with Articles 18 & 19. |
| New Facility not Addressed Above | | |
| Monopole up to 120 feet tall ¹ | All Non-Residential Districts | Special Land Use and Site Plan approval in accordance with Articles 18 & 19. |
| Monopole any height | I-1 District | Special Land Use and Site Plan approval in accordance with Articles 18 & 19. |
| Lattice tower where it can be demonstrated that a monopole is not feasible. | I-1 District | Special Land Use and Site Plan approval in accordance with Articles 18 & 19. |
| ¹ Height may be increased ten (10) feet where determined necessary to provide future co-location. | | |

(c) **Application Requirements.** The following information shall be provided

with the application, in addition to other submittal requirements for sketch plan or site plan, as required in *Article 18*.

5 (1) Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. “fall zone”), and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

10 (2) A description of the performance guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it is abandoned or is no longer needed. The applicant shall demonstrate that funds will be available to the Township for removal of
15 any structure used for wireless communication in an amount which reasonably reflects the cost of removal of the facility and restoration of the property or structure upon which the facility is located or placed. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the Wireless Communication Facility in a timely manner.

20 (3) The security shall, at the election of the Planning Commission, be in the form of: cash; security bond; letter of credit; or, an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of
25 the property, or their successors, to remove the facility in a timely manner as required under this Section of the Ordinance. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.

30 (4) A map that illustrates existing and known proposed wireless communication facilities within Brighton Township and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. To the extent the
35 information in question is on file with the Township, the applicant shall be required only to update as needed. Any information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of

governmental policy MCL 15.243(l)(g). This Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

5

(5) For all new facilities, in recognition of the Township's policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.

10

(6) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

15

(d)Design Standards Applicable to All Facilities. In addition to the criteria of Site Plan Review listed in *Article 18* and Special Land Use Review listed in *Article 19*, all wireless communication facilities shall be constructed and maintained in accordance with the following requirements and standards:

20

(1) Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require unique design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.

25

(2) A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.

30

(3) All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Township Attorney.

35

(4) Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from the views of adjacent uses and public rights-of-way.

(5) Elevations of the accessory buildings shall be provided. All accessory

buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in the Industrial District and is not visible from a public right-of-way or Non-Industrial District.

5

(6) Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.

10

(7) Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.

15

(8) The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

20

(9) The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.

25

(10) Minimum required setbacks for new facility or support structure.

a. From any Residential District - the height of the structure, plus twenty five (25) feet, provided the engineering information required in (c)(1) above, is provided. The person or body with authority to approve the facility may decrease this setback to that provided in c. below, upon a finding that no residential use exists or is expected on the adjacent site.

30

b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways - one half (1/2) the height of the structure, plus twenty five (25) feet, provided the engineering information required in (c)(1) above, is provided; otherwise the setback shall be the height of the facility.

35

- c. From any Non-Residential District - one half (1/2) the height of the structure, plus ten (10) feet, provided the engineering information required in (c)(1) above, demonstrates such setback is adequate.

5

- (11) Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for main buildings in that zoning district.

10

- (12) 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 need to access the site.

15

20

- (13) Where an attached wireless communication facility is proposed on the roof of a building 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 main building. The equipment enclosure may be located within the main building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for main buildings, including yard setbacks.

25

30

- (14) 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 of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.

35

- (15) The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.

- (16) 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 reasonable standard.

5 (e) **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:

10 (1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this Section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

15 (2) Six (6) months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the communication system without the requirement of the support structure.

20 (3) The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.

25 (4) Upon the occurrence of one (1) or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township Planner.

30 (5) If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application
35 was made for establishing the facility.

(f) **Co-Location**

(1) **Statement of Policy.** 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 Township and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit co-location on a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Co-location shall be required unless an applicant demonstrates that co-location is not feasible.

(2) **Feasibility of Co-Location.** Co-location shall be deemed "feasible" for the purpose of this Section where all of the following are met:

a. The wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay these rates.

b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

c. The co-location being considered is technically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

(g) Nonconforming Facilities and Penalties for not Permitting Co-Location.

If a party who owns or otherwise controls a wireless communication facility fails or refuses to alter a structure to accommodate a proposed and otherwise feasible co-location, that facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section, and this action results in construction of a new tower, the Township may refuse to approve a new wireless communication support structure from that party for a period of up to five (5) years. Such a 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 (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that enforcement would have the effect of prohibiting the provision of personal wireless communication services.

(h) **Variances.** The Zoning Board of Appeals may consider a variance from the requirements of this Section, based upon a finding that one (1) or more of the following factors exist, as appropriate for the type of variance requested:

(1) **Location.** The applicant has demonstrated that a location within a district or location in accordance with the requirements of this Section can not reasonably meet the coverage or capacity needs of the applicant.

(2) **No Co-Location.** The applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures can not support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.

(3) **Setback.** The applicant has provided engineering information that documents that the tower is self collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.

(4) **Height.** The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the Township.

(5) **All.** The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the Township, and special design of the facility and site.

(6) **All.** The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

(Ord. #243, 8/1/08), (Ord. #234, 12/28/06)

ARTICLE 14
DESIGN REGULATIONS

Sec. 14-01 Architecture and Building

(a) **Intent.** The intent of these regulations is to provide specific design guidelines that achieve the following:

(1) Encourage development and redevelopment that protects and enhances the rural character and creates a character that reinforces a sense of community identity.

(2) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the business districts, maintain the desired character of the Township, prevent the creation of blight, and protect property values.

(3) Implement recommendations of the Master Plan.

(b) **Applicability.** All uses except single family residential uses shall comply with the design standards of *Sections 14-01 (c), (d), and (e)* under the following circumstances. Refer to *Section 14-01 (f)* for building design standards for single family residential units. All sites shall meet the requirements of the Brighton Township Engineering Design Standards.

(1) **New Buildings.** All uses that receive a building permit or site plan approval for construction of a new building after the effective date of this Ordinance shall fully comply with the design standards of this Section.

(2) **Expansions to Buildings.** For buildings existing prior to the effective date of this Ordinance, major building improvements or expansions that require site plan approval may be permitted by the Planning Commission without a complete upgrade to meet the requirements of this Section, provided there are reasonable improvements to the building in relation to the scale and construction cost of the building improvements or expansion. Major exterior renovations shall be consistent with the building design standards herein to the extent deemed practical by the Township.

(3) **Minor Improvements to Buildings.** For buildings existing prior to the effective date of this Ordinance, minor changes, improvements, and modifications that are approved administratively shall be permitted, provided the improvements shall not increase noncompliance with the requirements of this Section.

(c) **Exterior Wall Design Standards**

(1) **Wall Materials.** The use of exterior wall materials on walls that are visible from a public road or a parking lot shall be in compliance with the maximum percentages permitted in Table 14-01. A table must be provided on the site plan depicting the percentage planned of each material.

| Table 14-01 Schedule of Regulating Exterior Building Wall Materials | | | | | |
|--|--|------|---------|---------------|------|
| Building Materials | Maximum Percent of Wall that can be Covered by Certain Building Materials by Zoning District | | | | |
| | RM-1 | OS | B-1 (a) | B-2 & B-3 (a) | I-1 |
| Brick or Face Brick | 100% | 100% | 100% | 100% | 100% |
| Stone | 100% | 100% | 100% | 100% | 100% |
| Split Face Block | 25% | 25% | 50% | 50% | 100% |
| Cast Stone | 25% | 25% | 25% | 25% | 100% |
| Precast Concrete | 0% | 25% | 0% | 25% | 75% |
| Concrete Formed in Place | 0% | 25% | 0% | 25% | 75% |
| Metal (b) | 0% | 25% | 0% | 25% | 50% |
| Reflective Glass | 0% | 50% | 0% | 0% | 50% |
| Glass Block | 25% | 25% | 25% | 25% | 25% |
| Wood Siding | 75% | 50% | 50% | 0% | 0% |
| Vinyl Siding | 75% | 50% | 50% | 0% | 0% |
| Finishes (c) | 0% | 25% | 10% | 25% | 25% |
| Footnotes: (a) All walls exposed to public view from the road or an adjacent residential area shall be constructed of not less than seventy-five (75%) brick, face brick, stone, or cast stone. (b) Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. These materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless the walls are adequately protected to prevent damage. (c) Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco, and similar materials. These materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless the walls are adequately protected to prevent damage. | | | | | |

(2) **Allowance for Other Materials.** The Planning Commission may waive strict compliance with the *Section 14-01 (c)(1)* when the following qualities can be demonstrated. The proposed building design and materials schedule shall be accompanied by a written design statement which shall describe how the selected wall materials and material combinations will be consistent with and enhance the building design.

a. The design and materials are found to be in keeping with the character of the Township.

b. The materials are found to be permanent and durable.

c. The design and materials are compatible with the type of use and development proposed.

d. The design and materials can easily be adapted to another use in the future.

e. The design and materials meet the intent of this Section.

(3) **Mixture of Materials.** The application of these requirements should promote integration and mixture of materials where more than one (1) material is used on a building. If only one (1) material is used, architectural detailing and articulation, massing, texture and form must be introduced into the building design. Building roof materials should be in harmony with the style and material used on the building walls.

(4) **Long Walls.** When buildings are one hundred (100) feet or greater in length, design variations must be applied to assure that the building is not monotonous in appearance. Variations include but are not limited to the following:

a. Recess and projections along the building façade. Variations in depth shall be a minimum of ten (10) feet.

b. Architectural details or features.

c. Enhanced ornamentation around building entryways.

d. Landscaping.

e. Streetscape elements.

f. Variations in building height.

5 (5) **Colors.** Information on building colors shall be submitted with the site plan and considered to be part of any site plan approval under *Article 18*. The primary building color shall be earth tone colors and be compatible with the surrounding area.

10 (d) **Roof Design Standards**

15 (1) **Compatible Design Character.** Roof design and materials are considered to be key elements to the Township character, and thus shall be consistent with the intent of this Article. As a part of building design, roofs shall be designed in keeping with the overall architecture of the building.

 (2) **Roof Materials.** The following regulations apply to roof materials:

20 a. Asphalt, fiberglass, tile, slate, metal, or cedar shingles may be used in all districts.

 b. Standing seam metal roof systems shall be permitted only in the B-2, OS, and I-1 Districts.

25 c. Asphalt shingles shall be heavily textured with colors that are compatible with the building architecture.

30 d. When permitted, the color of standing metal seam roof systems shall be subtle and compatible with exterior building materials.

35 (3) **Screening Rooftop Equipment.** Rooftop equipment shall be screened by a pitched roof enclosure or parapet wall of sufficient height so as to not be visible from the adjoining public road or adjacent property. The method to screen rooftop equipment shall be compatible with the building through color, scale, materials, and architectural style. The Planning Commission may require cross-Section details to confirm compliance.

(e) **General Building Design Accent Standards**

(1) **Front Facade.** Blank walls shall not face a public road. Walls facing a public road shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A prominent and usable public building entrance shall be provided at the front of the building. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.

(2) **Pedestrian Orientation.** Buildings shall be designed at a pedestrian scale with relationship to the road and sidewalk. Convenient and safe pedestrian access shall be provided between the public sidewalk and the building entrance.

(3) **Awnings.** Awnings with straight sheds may supplement facades. Awnings shall not be cubed or curved except over doorways. Awnings shall be of an opaque material. Translucent or internally lit awnings shall not be permitted. Signs are not permitted on the awning.

(4) **Canopies.** Canopies, such as over gasoline pumps or drive-through structures, shall be designed to be consistent with the approved building materials and colors. Support columns shall be brick or materials compatible with the main buildings. The Planning Commission may require a peaked roof to complement the main building. Any canopy lighting shall be flush with the canopy.

(5) **Neon.** Exposed neon shall not be permitted on a building except on signs as provided for in *Article 17*.

(6) **Quality and Workmanship.** This Section is not intended to regulate the quality, workmanship and requirements for materials relative to strength and durability.

(f) **Building Design Standards for Single Family Residential Units.** To ensure the compatibility in appearance of single-family dwelling units, such units shall meet the following design and site standards:

(1) Shall be constructed to the most current State or Federal Building Standards. These include the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended) and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

(2) Have a minimum width dimension of twenty-four (24) feet.

(3) The gross floor area and lot coverage of any proposed single-family dwelling unit shall comply with the standards set forth in Table 3-03.

(4) Have two (2) exterior doors (front and rear, or front and side), and where there is a difference in ground elevation, steps must be permanently attached, on a frost depth foundation, either to the perimeter wall or to porches connected to the perimeter wall.

(5) Have a roof with a minimum 4:12 pitch and minimum eight (8) inch eave, and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt or other acceptable shingles, and meet the snow load standards for southern Michigan.

(6) Have an exterior finish architecturally compatible to that of other similar homes in the surrounding area.

(7) Shall be firmly attached to a permanent foundation constructed on the site in accordance with the applicable building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings.

(8) The compatibility of design and appearance shall be determined by the Township Planner upon review of the plans submitted for a particular dwelling. An aggrieved party may appeal the Township Planner's decision to the Zoning Board of Appeals as provided for in **Article 22**.

(9) Any determination of compatibility shall be based upon the standards set forth in the definition of dwelling as well as the character, design, and appearance of one (1) or more residential dwellings within five hundred (500) feet of the subject dwelling provided the surrounding existing

dwelling considered are located outside of manufactured housing community. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design homes.

5

(10) All dwelling units shall be oriented toward the public right-of-way so that the facade that faces the road contains a door, windows, and other architectural features customary of the front facade of a residence.

10

(11) The provisions of this Section shall not apply to manufactured homes situated in licensed manufactured home parks.

(Ord. #281, 12/9/22) (Ord. #231, 12/27/05)

15 **Sec. 14-02 Landscaping**

(a) **Intent.** The intent of this Section is to promote the public health, safety and welfare by establishing minimum standards for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter, and other impacts. Specifically, the intent of these provisions is to:

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25

(1) Improve the appearance of off-street parking area, vehicular use areas, and property abutting public rights-of-way.

30

(2) Protect and preserve the appearance, character, and value of the neighborhoods which abut non-residential areas, parking areas, and other intensive use areas.

35

(3) Integrate the various elements within a site and link a development with the surrounding environment.

(4) Reduce soil erosion and depletion.

(5) Increase soil water retention, thereby helping to prevent flooding, erosion, and sedimentation.

(6) Remove air pollutants, and control glare and reflection.

(7) Assist in directing safe and efficient traffic flow and prevent vehicular and pedestrian circulation conflicts.

(8) Create a more desirable microclimate.

(9) Provide natural green space to allow infiltration of stormwater, minimize erosion and filter sediments from runoff.

(b) Applicability

(1) The requirements of this Section shall apply to all projects subject to administrative review, site plan review, or condominium review. No site plan, condominium, or land use permit shall be approved unless landscaping consistent with the requirements of this Section is provided.

(2) The landscaping requirements shall be met prior to the issuance of a certificate of occupancy and shall be continuously maintained in a sound, healthy, and vigorous growing condition.

(3) Creativity in landscape design is encouraged. The standards are intentionally flexible to encourage adaptability and creative design. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent of the Township to coordinate landscaping on adjacent properties. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(4) The requirements herein, shall be independent of each other and shall not be double counted to fulfill the requirements of different required landscape elements.

(5) In any case where an existing building and/or parking area is being increased by twenty-five percent (25%) or more over the original site plan,

the site shall be brought into full compliance with the landscape standards herein.

- 5 (6) Where an increase in an existing building and/or parking area is less than twenty-five percent (25%), the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in the building or parking footprint. For example, a ten percent (10%) building expansion shall require forty percent (40%) compliance with these landscape requirements.

10 (c) **General Requirements**

- 15 (1) Plant material shall be installed so that at maturity it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists or disrupt drainage patterns on the site or on adjacent properties.

- (2) Landscaped areas shall be covered by grass or other living ground cover.

- 20 (3) A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.

- 25 (4) Planting beds shall be maintained with woodchips or similar natural material, non-stone, at a minimum depth of three (3) inches. Planting beds shall be limited to the area immediately surrounding the plant material.

- (5) Planting beds must be curbed or defined with steel edging.

- 30 (6) Trees and shrubs shall be set back ten (10) feet from the edge of a road and five (5) feet from a vehicular access or pathway.

- 35 (7) The overall landscape plan shall not contain more than thirty-three percent (33%) of any one (1) species. The use of trees native to the area and mixture of trees from the same species association are encouraged.

- (8) Ornamental trees may be used to fulfill the tree requirement, provided two (2) ornamental trees shall be the equivalent of one (1) required tree.

(d) **Plant Material Specifications**

- (1) **Size.** The following minimum specifications shall apply to all plant material at the time of planting proposed in accordance with the landscaping requirements of this Section:

| Table 14-02.1 Minimum Plant Material Size | | | |
|--|------------------------------------|-------------------------------------|-----------------------|
| Plant Type | Minimum Caliper¹ | Minimum Height | Minimum Spread |
| Deciduous Shade Trees | 3 inches | 4 feet ² first branch | -- |
| Ornamental Trees | 2 inches | 4 feet ³ | -- |
| Evergreen Trees ⁴ | -- | 6 feet | -- |
| Shrubs | -- | 2 feet | 15 inches |
| Hedges ⁵ | -- | 4 feet | -- |
| Footnotes: ¹ Measured 12 inches above grade. ² Trees planted along pedestrian routes (i.e. sidewalks, plazas, etc.) shall not have branches lower than 6 feet. ³ Clumped trees (e.g. birch) shall have a minimum height of 6 feet above grade. ⁴ The size of the burlapped root ball for evergreen trees shall be at least 10 times the caliper measured 6 inches above grade. ⁵ Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within 2 years after planting. | | | |

- (2) **Spacing.** Planting in informal groupings to create a naturalistic appearance is desirable. Wherever possible, plant materials shall not be placed closer than four (4) feet from the fence line or property line.

- (3) **Recommended Plant Materials.** Table 14-02.2 lists recommended plant materials for required landscaping. Plant materials of equal or better quality may be substituted for suggested plant materials.

| Table 14-02.2 Recommended Plant Materials* | |
|---|--------------|
| Common Name | Genus |
| Deciduous Canopy Trees | |
| Beech | Fagus |
| Birch | Betula |
| Ginkgo (male) | Ginkgo |
| Hackberry | Celtis |
| Hard Maple | Acer |
| Hickory | Carya |
| Honeylocust (Thornless Cultivars only) | Gleditsia |
| Hophornbeam (Ironwood) | Ostrya |

| Table 14-02.2 Recommended Plant Materials* | |
|--|---------------|
| Hornbeam (Blue Beech) | Carpinus |
| Linden | Tilia |
| Oak | Quercus |
| Planetree (Sycamore) | Platanus |
| Deciduous Ornamental Trees | |
| Dogwood (Tree Form)* | Cornus |
| Downy Serviceberry | Amelanchier |
| Flowering Crabapple (Disease Resistant Cultivars) | Malus |
| Flowering Plum (Tree Form) | Prunus |
| Flowering Pear | Pyrus |
| Hawthorn | Crataegus |
| Hornbeam | Carpinus |
| Magnolia | Magnolia |
| Redbud | Cercis |
| Rose of Sharon | Hibiscus |
| Evergreen Trees (Dwarf, Globe, Pendulous species/Cultivars are not permitted) | |
| Douglas Fir | Pseudotsuga |
| Fir | Abies |
| Hemlock | Tsuga |
| Pine* | Pinus |
| Spruce | Picea |
| Narrow Evergreens (Dwarf, Globe, Pendulous species/Cultivars are not permitted) | |
| Arborvitae (Columnar Giant, Douglas) | Thuja |
| Column Hinoki Cypress | Chamaecyparis |
| Juniper (Blue Columnar Chines) | Juniperus |
| Pyramidal Red Cedar | Cedrus |
| Pyramidal White Pine | Pinus |
| Swiss Stone Pine | Pinus |
| Large Shrubs | |
| Deciduous | |
| Cotoneaster | Cotoneaster |
| Dogwood (Shrub Form)* | Cornus |
| Euonymus | Euonymus |
| Forsythia | Forsythia |
| Lilac | Syringa |
| Mock-Orange | Philadelphus |
| Ninebark | Physocarpus |
| Privet | Ligustrum |
| Spiraea | Spiraea |
| Sumac | Rhus |
| Viburnum | Viburnum |
| Witchhazel | Hamamelis |
| Buckthorn | Rhamnus |
| Evergreens | |
| Juniper (Hetz, Pfitzer, Savin) | Juniperus |
| Yew (Pyramidal Japanese) | Taxus |
| Small Shrubs | |
| Deciduous | |
| Barberry | Berberis |
| Boxwood | Buxus |

| Table 14-02.2 Recommended Plant Materials* | |
|---|---------------|
| Burning Bush | Euonymus |
| Cotoneaster | Cotoneaster |
| Currant* | Ribes |
| Euonymus* | Euonymus |
| Forsythia | Forsythia |
| Holly* | Ilex |
| Hydrangea | Hydrangea |
| Lilac | Syringa |
| Potentilla* | Potentilla |
| Privet | Ligustrum |
| Quince | Chaenomeles |
| Viburnum* | Viburnum |
| Weigela | Weigela |
| Evergreens | |
| Arborvitae (Globe/Dwarf) | Thuja |
| False Cypress | Chamaecyparis |
| Fir | Abies |
| Juniper (Low Spreading)* | Juniperus |
| Pine | Pinus |
| Spruce | Picea |
| Yew (Globe, Spreading, Upright)* | Taxus |
| *See <i>Section 14-02 (c) (4)</i> Undesirable Plant Materials | |

- (4) **Undesirable Plant Materials.** Use of the following plant materials (or their clones and cultivars) is not encouraged because they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers or they are unusually susceptible to disease or insect pests. These plant materials may be permitted to remain in their natural setting but cannot be transplanted. The Planning Commission, however, may allow trees from this list when associated with an appropriate ecosystem, such as a wetland area.

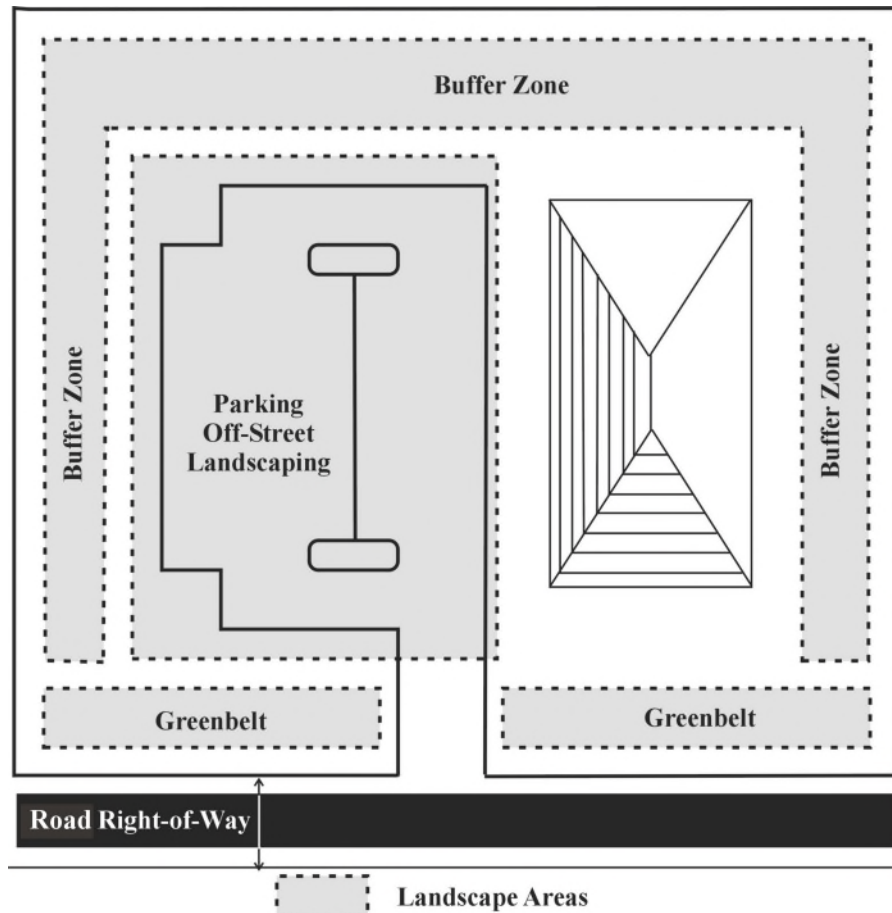
| Table 14.02.3 Undesirable Plant Materials | |
|--|------------------------|
| Common Name | Genus Species |
| American Elm | Ulmus Americana |
| Ash (All Varieties) | Fraxinus |
| Box Elder | Acer Negundo |
| Eastern Red Cedar | Juniperus Virginiana |
| European Barberry | Berberis Thunbergii |
| Horse Chestnut (Nut Bearing) | Aesculus Hippocastanum |
| Northern Catalpa | Catalpa Speciosa |
| Poplar (All Varieties) | Populus |
| Soft Maple (Silver) | Acer Sacharinum |
| Tree of Heaven | Ailanthus Altissima |
| Willow | Salix Spp. |

(e) **Greenbelts.** Greenbelts, where required, shall conform to the following standards:

(1) Non-residential uses requiring site plan approval shall provide a twenty (20) foot wide greenbelt along the lot's frontage, adjacent to and outside of the road right-of-way. A minimum of one (1) deciduous canopy tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length.

(2) Multiple family developments and site condominiums shall provide greenbelts in accordance with *Section 14-02 (i)(1)*.

(3) For the purpose of calculating required plant material, greenbelt length shall be measured between the side lot lines along the site's frontage, following the road right-of-way. The frontage calculation shall include any openings for driveways, sidewalks, or easements with the number of trees. Fractions of trees shall be rounded upward to the nearest whole number.



(4) All existing trees six (6) inches in diameter at breast height within the greenbelt shall be preserved, except where necessary to install vehicular, pedestrian, and utility access points.

(5) Greenbelt plantings shall be designed to simulate a natural appearance and include a variety of plant species.

(6) A required greenbelt may be interrupted only to provide for pedestrian or vehicular access.

(7) All tree plantings within the greenbelt shall be located to not block vision for motorists and to avoid overhead utility lines.

(f) **Buffer Zones**

In order to provide protective screening and buffers between abutting land uses, a landscaped buffer zone, and wall, fence or berm shall be provided by the applicant in accordance with this subsection. This subsection applies to any application for site plan, or condominium approval. These regulations do not apply along a lot line where the abutting land use is separated by a public road right-of-way or private road easement.

Table 14-02.4 identifies where and what type of buffer is required between land uses. Table 14-02.5 details the minimum landscape elements that must be included in each type of buffer zone.

| Table 14-02.4 Required Buffer Zones | | | | | |
|---|---------------------------|--------------------------|---------------------------------|-------------------|---------------------|
| Proposed Use | Proposed Use Adjacent to: | | | | |
| | Single Family District | Multiple Family District | Manufactured Home Park District | Business District | Industrial District |
| Single Family Residential ¹ | None | B | B | B | A |
| Multiple Family Residential | B | C | B | B | A |
| Manufactured Home Park | B | B | C | B | A |
| Commercial ² | B | B | B | C | B |
| Industrial | A | A | A | B | None |
| Footnotes: | | | | | |
| ¹ Applies to applications for subdivision plat or condominium site plan approval only. | | | | | |
| ² Includes non-residential special land uses in a Residential District. | | | | | |

| Table 14-02.5 Description Of Required Buffer Zones | | | |
|---|----------------------|------------------------------|---|
| Buffer Zone | Minimum Width | Wall/Berm | Minimum Plant Materials |
| A | 50 feet | Required See (1) & (2) below | 1 deciduous tree, 2 evergreen trees and 4 shrubs per each 20 linear feet along the property line, rounded upward. |
| B | 20 feet | Required See (1) & (2) below | 1 deciduous tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line, rounded upward. |
| C | 10 feet | None Required | 1 deciduous or evergreen tree or 4 shrubs per each 20 linear feet along the property line, rounded upward. |

(1) **Minimum Requirements for Berms.** Where required or provided, berms shall conform to the following standards:

- a. Required berms shall be at least three (3) feet above grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal (twenty-five percent (25%) slope), with at least a two (2) foot flat area on the top. The Planning Commission may modify the height requirement in cases where sufficient room does not exist to construct a three (3) foot high berm.
- b. Required berms shall be planted with grass, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape.

(2) **Minimum Requirements for Walls and Fences.**

- a. **Location.** Required walls shall be located on the lot line except in the following instances:
 1. Where underground utilities interfere with placement of the wall on the property line, the wall shall be placed on the utility easement line located nearest the property line.
 2. Where located adjacent to a side road, the wall shall be set back eight (8) feet from the side property line. The area between the wall and the property line shall be landscaped in accordance with the greenbelt provisions set forth previously.

b. **Openings for Access.** Walls shall be continuous except for approved pedestrian or vehicular connections.

5 c. **Substitution.** As a substitute for a required wall, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed natural or man-made landscape features (such as evergreens spaced ten (10) feet on center) that would produce substantially the same results in terms of screening, durability, and permanence.

10 d. **Wall Specifications**

15 1. Required obscuring walls shall be six (6) feet in height, and shall be constructed of the materials that are architecturally compatible with the materials used on the facade of the principal structure on the site.

20 2. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.

25 3. The Planning Commission may require brick or decorative facing with the same or complementary materials as the main building on one (1) or both sides of the wall.

e. **Fence Specifications**

30 1. Fences erected for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, with posts sunk into the ground at least three (3) feet.

2. Chain link fences shall not be permitted for screening purposes.

35 (g) **Off-Street Parking.** Off-street parking lots shall provide the following landscaping:

(1) All off-street parking lots containing greater than twenty (20) spaces shall provide the following landscaping within the parking lot envelope,

described as the area including the parking lot surface and extending eighteen (18) feet from the edge of the parking lot.

a. One (1) canopy tree shall be required for each ten (10) parking spaces, provided that in no case less than two (2) trees shall be provided.

b. A minimum of one-third (1/3) of the trees required shall be placed within landscape islands in the interior of the parking lot.

(2) Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles.

(3) When visible from a street or service drive, landscape shall shield views of parked cars from passing motorists and pedestrians. Screening shall be provided by a continuous row of shrubs along the front of the parking lot.

(4) Landscape islands shall meet the requirements listed in Table 14-02.6.

| Table 14-02.6 Parking Lot Island Requirements | |
|--|---|
| Minimum Size | 150 square feet; 75 square feet if irrigated |
| Minimum Width | 10 feet |
| Required Depth | 2 feet shorter than adjacent parking space |
| Required Radii | Minimum 10 feet at ends facing main circulation aisles, minimum 1 foot for others |

(5) When off-street parking and loading of a non-residential use abuts a Residential District, the parking lot and loading area shall be screened from the Residential District by a solid, ornamental masonry wall at least six (6) feet tall meeting the requirements of **Section 14-02 (f)(2)d**. In lieu of a wall, the Planning Commission may permit or require one (1) evergreen tree planted every ten (10) feet along the mutual property boundary, in addition to the landscape plant materials required in **Section 14-02 (f)**.

(6) Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants, interfere with adequate sight

distance for motorists, nor disrupt drainage patterns on the site or adjacent properties.

- 5 (7) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.

10 (h) **Detention and Retention Basins.** Detention and retention basins shall provide the following landscaping:

- 15 (1) Plantings shall be provided a rate of one (1) tree and ten (10) shrubs per fifty (50) linear feet of basin perimeter as measured along the top elevation of the basin bank.

- 20 (2) Basins shall be designed to not require fencing whenever possible by utilizing a gradual slope not to exceed 5:1. If fencing is unavoidable the use of ornamental fencing shall be used with appropriate landscaping to provide attractive views to the basin.

- 25 (3) To the extent possible, basin configuration shall be incorporated into the natural topography of the site and shall not be permitted in the front yard. Where these requirements are not practical, the basin shall be shaped to emulate a natural formed ‘free form’ depression and shall be part of the natural landscape and open space system of the site.

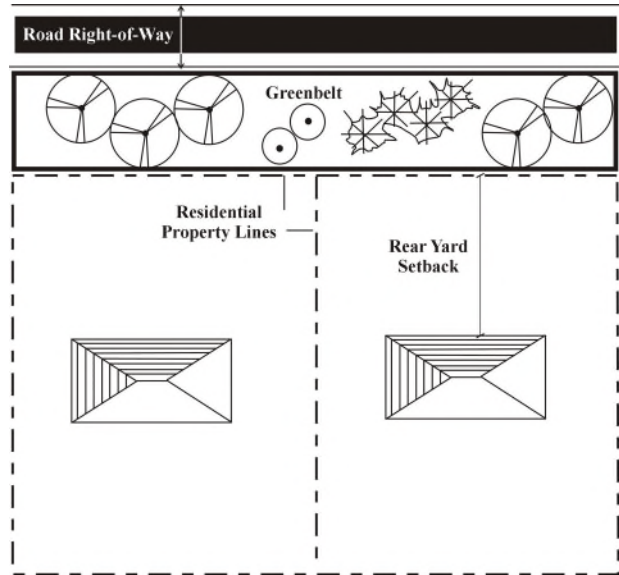
- 30 (4) The edge of the basin shall consist of sculptured landforms to filter and soften views of the basin.

- 35 (5) Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material.

- (6) Trees must be planted above the freeboard line of the basin. Shrubs planted below the freeboard line of the pond must be tolerant of wet or moist soil conditions. The location of plant material shall consider the need to provide access for and minimize disruption of plant material during routine basin maintenance.

 (i) **Residential Landscaping.** Multiple family developments and site condominiums shall provide the following landscaping:

(1) A thirty (30) foot wide greenbelt shall be provided along the site frontage adjacent to and outside of the road right-of-way. A minimum of one (1) deciduous canopy tree and one (1) evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt



length. The greenbelt requirement applies to all roadways around the perimeter of the site and any proposed internal collector roads that will not have individual unit driveway approaches. The greenbelt requirement does not apply to proposed internal roadways that serve to provide frontage and driveway access to individual units.

(2) Front yard landscaping for individual units shall be provided at a rate of two (2) deciduous canopy trees for every unit.

(3) Cul-de-sacs with islands shall be planted at a rate of one (1) canopy tree, or two (2) ornamental trees, per one thousand (1,000) square foot area. Fractions of trees shall be rounded upward to the nearest whole number.

(4) Cul-de-sacs with islands, site entrances, and boulevard medians shall be landscaped with species tolerant of roadside conditions. The landscape plan shall take into consideration sight distance, size of planting area, location of pathways, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility of approved signs, and compatibility with the visual character of the surrounding area.

(j) **Landscaping of Rights-of-Way.** Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

(k) **Modification of Landscape Requirements.** The Planning Commission may reduce or modify the location of the landscape requirements contained in this Section based upon a determination that the landscaping required in this Section will not be necessary or effective in meeting the intent of this Article. In making such a determination, the following shall be considered:

(1) Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.

(2) Parking, vehicular circulation, or existing or planned land use are such that required landscaping would not enhance the site or result in the desired screening effect.

(3) The public benefit intended by the landscape requirements could be better achieved with a plan that varies from the strict requirements of the Ordinance.

(4) The intent to comply with the requirements has been demonstrated by the applicant with alternatives considered by the applicant prior to the Planning Commission consideration of modification to requirements.

(l) **Installation and Maintenance.** The following requirements shall be observed where installation and maintenance of landscape materials is required:

(1) **Installation.** Landscaping shall be installed in a sound, professional manner to ensure the continued growth of healthy plant material.

(2) **Protection from Vehicles.** Landscaping shall be protected from vehicles through use of wheel stops or other means. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt, and other hazards.

(3) **Maintenance.** Required landscaping (including berms, greenbelts, buffer zones, walls, woodlots, trees, lawns and ground cover) shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next

appropriate planting period. The landscape plan shall indicate the individual(s) or business(es) who will be responsible for continued maintenance of the landscaping. Those charged with this responsibility shall also be responsible for maintenance of adjacent landscaped areas in public rights-of-way. Tree stakes, guy wires, and tree wrap must be removed after one (1) year.

(4) **Irrigation.** The method of irrigation must be specified. Irrigation equipment is not permitted within the right-of-way.

(m) **Treatment of Existing Plant Material.** The following regulations shall apply to existing plant material:

(1) **Utilization of Existing Elements in the Landscape Design.** In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided the substitution is in keeping with the spirit and intent of this Section and this Article in general. Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this Section.

(2) **Preservation of Existing Plant Material.** Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are six (6) inches or greater in diameter at breast height. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan.

(3) In the event that healthy plant materials which are intended to meet the requirements of this Article are cut down, damaged or destroyed during construction, the removed plant material shall be replaced.

Sec. 14-03 Outdoor Lighting

(a) **Intent.** The intent of this Section is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this Section provides standards for various forms of lighting that will: minimize

light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow,” reduce light pollution and light trespass from light sources onto adjacent properties; conservation of electrical energy; and curtail the degradation of the nighttime visual environment.

(b) **Applicability.** The requirements of this Section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Township Planner may review any building or site to determine compliance with the requirements under this Section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signs, special land use approval, or site plan approval, the applicant shall submit sufficient information to enable the Township Planner and/or Planning Commission to determine whether the proposed lighting will comply with this Section.

(c) **Submittal Requirements.** The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the Township Planner prior to lighting installation:

(1) Location of all freestanding, building mounted, and canopy light fixtures on the site plan and building elevations.

(2) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).

(3) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp, and method of shielding.

(4) Use of the fixture proposed.

(5) Any other information deemed necessary by the Township Planner to determine compliance with provisions of this Section.

(d) **Lighting Standards.** Unless exempted under *Section 14-03 (e)*, all lighting must comply with the following requirements:

(1) **Exterior Lighting.** All exterior lighting including free-standing, canopy, pole, and building mounted, shall be fully shielded and directed downward to prevent off-site glare.

5 (2) **Intensity.** The intensity of light within a site shall not exceed ten (10) footcandles within any part of the site and one (1) footcandle at any property line, except where it abuts a Residential District or use where a maximum of 0.5 footcandles is permitted. The only exception is with gas
10 station canopy and automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above requirements shall apply to intensity at the property line.

(3) **Fixtures**

15 a. Metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent “sky glow.”

b. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be
20 no off-site glare and the proposed fixtures will improve the appearance of the site.

(4) **Pole Height.** The maximum height of parking lot light fixtures shall be fifteen (15) feet.

25 (5) **Hours of Operation.** Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within Business or Industrial Districts shall be turned off between 11:00 p.m. and sunrise, except when used for
30 commercial and industrial uses, such as in sales, assembly and repair areas, where such use continues after 11:00 p.m. but only for so long as that use continues.

(6) **Luminous Tube and Exposed Bulb Lighting**

35 a. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g. along the roof line and eaves, around windows, etc. The Planning Commission may approve

internally illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building.

- b. Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of **Article 17** of this Ordinance.

(7) Other Lighting

- a. The internal illumination of building-mounted canopies is prohibited.

- b. Indirect illumination of signs, canopies and buildings is permitted provided a maximum one hundred twenty-five (125) watt bulb is utilized and there is no glare.

- c. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.

- d. Lighting shall not consist of or have the appearance of movement or flashing components.

- (8) Installation and Operation Cost.** The cost of installing and operating approved roadway lighting on any public road shall be through a financial method approved by the Township Board or by the Livingston County Road Commission. The costs of all other lighting systems shall be borne by the developer/property owner.

(e) Exceptions

- (1) Considerations.** The Planning Commission may waive any of the provisions stated in **Section 14-03(d)** when, after a request for an exception has been made and reviewed, the Planning Commission determines that such an exception is necessary for the lighting application. Requests for an exception shall be made to the Planning Commission and shall include, but not be limited to, a description of the lighting plan, a description of the efforts that have been made to comply with the provisions of these requirements, and the reasons an exception is necessary. In reviewing a request for exception, the Planning Commission shall consider safety, design, and other factors deemed appropriate by the Planning Commission, and in particular the following:

a. The new or replacement luminaire is a full-cutoff luminaire when the rated output of the luminaire is greater than one thousand eight hundred (1,800) lumens.

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b. If a lighting recommendation or regulation applies, the minimum/maximum illuminance specified by the recommendations or regulation is used.

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c. If no lighting recommendation or regulation applies, the minimum illuminance adequate for the intended purpose is used, giving full consideration to safety, energy conservation, glare, and minimizing light trespass.

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d. For roadway lighting, a determination is made that the purpose of the lighting installation or replacement cannot be achieved by installation of reflectorized roadway markers, lines, warnings or informational signs, or other passive means.

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e. Adequate consideration has been given to conserving energy and minimizing glare, light pollution, and light trespass.

(2) **Uses.** The following are exempt from the lighting requirements of this Section, except that the Township Planner may take steps to eliminate the effects of the below exempted items when deemed necessary to protect the health, safety, and welfare of the public:

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a. Sports fields.

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b. Swimming pools.

c. Holiday decorations.

d. Window displays without glare.

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e. Shielded pedestrian walkway lighting.

f. Soffit lighting.

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g. Residential lighting with no off-site glare.

h. Street lights.

i. Lighting of government flags.

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(Ord. #243, 8/1/08)

Sec. 14-04 Waste Receptacles and Enclosures

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Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed, and maintained according to the requirements of this Section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this Section. The requirement to provide a waste

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receptacle may be waived by the Planning Commission if the applicant provides documentation that the development will not necessitate a waste receptacle.

(a) Waste receptacles shall be located in the rear yard or non-required side yard unless otherwise approved by the Planning Commission. Waste receptacles shall be as far as practical, and in no case be less than twenty (20) feet from any Residential District and located so that they are not easily damaged by the refuse device. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public road or adjacent Residential Districts.

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(b) Waste receptacles shall be easily accessed by refuse vehicles without potential of damaging the building or automobiles parked nearby.

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(c) The receptacle base shall be constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the front of the waste receptacle pad or gate to support the front axle of a refuse vehicle.

(d) Waste receptacles shall meet the following requirements:

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(1) Each waste receptacle shall have an enclosing lid or cover.

(2) Waste receptacle enclosures shall be enclosed on three (3) sides with a berm or wall meeting the requirements of subsection (3), below, and with a gate on the fourth side. A gate shall not be required if the opening of the

enclosure is not visible from the public road or a Residential District, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition and must be lockable.

- 5 (3) The enclosure shall be a wall constructed of brick, concrete block or a wooden enclosure provided the lumber is treated to prevent decay with a minimum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle. Suggested timber materials include Cedar, No. 2 Cedar rough
10 sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Posts shall be set in concrete forty-two (42) inches below grade. Posts shall be either six by six (6 x 6) inch pressure treated wood or three (3) inch diameter galvanized steel posts.
- 15 (4) Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.
- (5) Wherever the enclosure wall is visible to a public road or residential
20 district, it shall be screened with evergreen shrubs or other suitable landscape screening.

Sec. 14-05 Mechanical and Electrical Equipment

25 Mechanical and electrical equipment, such as blowers, ventilating fans, generators, transformers, and air conditioning units, must be attached to or within ten (10) feet of the main building and be placed no closer than twenty (20) feet to adjoining properties. Ground mounted equipment will be screened with landscaping or a screening wall. Roof mounted equipment will be screened in accordance with *Section 14-01(d)(3)*.

Sec. 14-06 Public Utilities

35 All developments will be required to connect to public utilities at the time of construction, if available. If public utilities are not available at the time of construction the development must be designed to accommodate future connection to the system upon availability.

ARTICLE 15
PARKING

Sec. 15-01 Off-Street Parking Requirements

(a) **Intent and Scope of Application.** Compliance with the off-street parking regulations set forth herein shall be required as follows:

(1) **General Applicability.** For all buildings and uses established after the effective date of this Article, off-street parking shall be provided as required in this Section prior to issuance of a permit under **Section 23-04**. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirement, at the time of issuance of the building permit, shall be required.

(2) **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Article for the new use. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

(3) **Existing Parking Facilities.** Off-street parking facilities in existence on the effective date of this Ordinance, in connection with the operation of any existing building or use, shall not be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Article. Any area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere in accordance with the provisions of this Article.

(4) **Additional Off-Street Parking.** Nothing in this Article shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, provided all such parking is in conformance with the regulations set forth herein, provided the amount of parking does not exceed the limits set under **Subsection (d)(6)**.

(5) **Review and Permit Requirements.** In the event that new off-street parking is proposed as part of a development requiring site plan review, the proposed parking shall be shown on the site plan submitted to the Planning Commission for review. In the event that proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a sketch plan to the Township Planner for review and approval. The site plan shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing.

(b) **General Requirements.** In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

(1) **Location**

a. **Proximity to Building or Use Being Served.** Required off-street parking shall be located either on the same zoning lot, or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest point of the building or use to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

b. **Within Yards.** Off-street parking spaces shall be located in accordance with the parking lot setback standards of the zoning district, provided that all landscaping and berm requirements in *Section 14-02* are complied with.

(2) **Residential Parking**

a. For all Single Family Residential Districts except R-4 and R-5, residential parking shall consist of an enclosed attached garage providing two (2) or more parking spaces, for each dwelling on the property, and shall be served by a paved driveway from said garage to the access road or alley.

b. Off-street parking spaces in Single Family Residential Districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No

parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas.

- 5 c. No person shall park any motor vehicle between the building and a public right-of-way or easement of access, except on a parking strip, parking bay, driveway, attached garage, or combination thereof; and further, that any such parking in the front yard shall not exceed twenty percent (20%) of the area between the building and right-of-way or
10 easement. The provisions of **Section 13-01** of this Ordinance shall apply. Carports are specifically prohibited.

15 (3) **Control of Off-Site Parking.** It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of the private property. Where required parking is permitted on land other than
20 on the same lot as the building or use being served, the land on which the parking is located shall be under the same ownership or recorded agreements for shared parking shall be provided.

25 (4) **Access to Parking.** Each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design to provide safe and efficient access to or from a public road or alley in a manner that will least
30 interfere with the smooth flow of traffic.

35 (5) **Collective Use of Off-Street Parking.** Off-street parking space for separate buildings or uses may be provided collectively subject to the following:

- 40 a. The total number of spaces provided shall not be less than the number which would be required if the spaces were provided separately. However, the Planning Commission may reduce the total number of spaces provided collectively by up to twenty-five percent (25%) upon making the determination that the parking demands of the uses being
45 served will not be at the same time of day or same day of the week or for a use that has a shared driveway with an adjacent use or a service drive connection with an adjacent use.

b. Each use served by collective off-street parking shall have direct access to the parking without crossing roads.

c. The collective off-street parking shall not be located farther than five hundred (500) feet from the building or use being served.

d. Written easements that provide for continued use and maintenance of the parking shall be submitted to the Township for approval.

e. A change in use that does not comply with the above standards will be required to provide the required parking.

(6) **Storage and Repair Prohibited.** The use of required parking and loading areas for refuse storage stations/dumpsters, storage or display of merchandise, sale of motor vehicles, storage of inoperable vehicles, or for vehicle or machinery repair or maintenance is expressly prohibited. The use of semi-trailers for storage purposes on the premises for five (5) or more consecutive days is prohibited. Emergency service required to start vehicles shall be permitted.

(7) **Duration.** Except when land is used as permitted storage space in direct connection with a legitimate business, there shall be a twenty-four (24) hour time limit for parking in non-residential off-street parking areas, provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.

(c) **Schedule of Off-Street Parking Requirements.** The amount of required off-street parking space shall be determined in accordance with the following schedule.

| Table 15-01.1 Schedule of Off-Street Parking Requirements | |
|---|---|
| Use | Number of Minimum Parking Spaces per Unit of Measure |
| Residential Uses | |
| Congregate Care & Dependent Care (Convalescent/ Nursing Home Units) | One (1) space per each four (4) beds or two (2) rooms, whichever is less, plus one (1) space for each employee during peak shift |
| Manufactured Home Parks | Two (2) spaces for each manufactured home site, plus one (1) visitor space for every three (3) sites which shall be located convenient to the area served, in addition to one (1) parking space for each three hundred (300) sq. ft. of building area for accessory buildings, such as clubhouses & offices |

| Table 15-01.1 | |
|---|--|
| Schedule of Off-Street Parking Requirements | |
| Use | Number of Minimum Parking Spaces per Unit of Measure |
| Multiple-Family Dwelling Units | Two (2) spaces for each dwelling unit, plus 1 per three hundred (300) sq. ft. of floor area in community buildings, and 1 per 5 units designated for visitor parking |
| Single Family Dwelling Units | Two (2) spaces per each dwelling unit |
| Senior Independent Housing | One & one-half (1.5) spaces per unit |
| Senior "Interim Care" & "Intermediate Care" Units | One (1) space per each room or two (2) beds, whichever is less, plus one (1) space per each employee expected during the peak shift |
| Note: In addition, multiple family & attached single family developments shall be required to provide supplemental guest off-street parking equal to at least twenty percent (20%) of the space required by the above requirements. Should senior developments revert to general occupancy, the requirements for multiple family housing shall be met. | |
| Institutional or Public Uses | |
| Churches, Temples, Places of Worship | One (1) space for each three (3) seats or six (6) lineal feet of pews in the main unit of worship |
| Group Day Care Homes, Adult Foster Care Group Homes, & Children's Homes | One (1) space per four clients plus one (1) space per each employee plus designated drop-off spaces |
| Hospitals | One (1) space for every two (2) beds plus one (1) for each five (5) outpatients plus one (1) additional space for each employee |
| Municipal Office Buildings | One (1) space per two hundred fifty (250) sq. ft. gross floor area |
| Museum, Library, Post Office, Cultural Center, or Similar Facility | One (1) space for each three hundred (300) sq. ft. of floor space, plus one (1) space per employee |
| Public Utility Use | One (1) space per every employee on the maximum shift |
| Schools, Primary | One (1) space for each teacher, employee, or administrator in addition to the requirements of the auditorium or other public meeting spaces |
| Schools, Secondary | One (1) space for each teacher, employee, or administrator, plus one (1) space for each ten (10) students, in addition to the requirements of the auditorium or other public meeting spaces |
| Theaters, & Auditoriums, & Community Centers | One (1) space for each three (3) persons who may be legally admitted at one time according to the occupancy load established by local, county & state codes, plus one (1) space per one (1) employee |
| Retail Uses | |
| Bookstores | One (1) space per two hundred (200) sq. ft. useable floor area |
| Furniture & Appliance Sales, Household Equipment, Repair Shops, Showrooms of a Plumber, Decorator, Electrician, or Similar Trade, or Similar Uses | One (1) space for each eight hundred (800) sq. ft. of usable floor area plus one (1) space for each employee |
| General Retail Business/Supermarkets | One (1) space for every two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee |
| Home Improvement Centers | One (1) space per two hundred fifty (250) sq. ft. useable floor area |
| New & Used Automobile Dealerships | One (1) space for each two hundred (200) sq. ft. of usable floor area exclusive of service areas, plus one (1) space for each auto service stall in the service area, plus one (1) space for each employee. Vehicles on display pods shall not be included in parking requirements |
| Outdoor Commercial Display & Sales | One (1) space for each five hundred (500) sq. ft. of land area being used for display, plus one (1) space for each employee |
| Boat, Recreational Vehicle & Motorcycle Dealerships | One (1) space per eight hundred (800) sq. ft. useable floor area, plus 2 spaces per each vehicle sales service bay |
| Shopping Centers with Multiple Tenants | One (1) space for each 250 sq. ft. of useable floor area |

| Table 15-01.1 Schedule of Off-Street Parking Requirements | |
|--|--|
| Use | Number of Minimum Parking Spaces per Unit of Measure |
| Service Uses | |
| Automotive Repair Shops | One (1) space for each employee plus three (3) stacking spaces for each service or repair bay |
| Automobile Wash, Automatic | One (1) space for each two (2) employees, plus stacking equal in number to sixteen (16) spaces for each wash lane |
| Automobile Wash, Self-Service | Five (5) stacking spaces for each washing stall in addition to the stall itself, plus 2 drying spaces for each washing stall |
| Banks & Financial Institutions | One (1) space for every two hundred (200) sq. ft. of usable floor area, plus one (1) space for each employee. For those financial institutions with drive-up windows or remote tellers, there shall be provided six (6) stacking spaces for the first window, plus three (3) spaces for each additional window |
| Bars, Lounges, Taverns, Nightclubs (Majority of Sales Consist of Alcoholic Beverages) | One (1) space per seventy (70) sq. ft. useable floor area or one-half (0.5) space per seat, whichever is greater, plus any spaces required for any banquet or meeting rooms |
| Beauty or Barber Shops | Three (3) spaces per each beauty or barber chair plus three (3) spaces per chairs used for other services such as nail care & shoe shines |
| Child Care Centers, Nursery Schools, Day Nurseries | At least one (1) drop off/pick-up parking space shall be provided for each five (5) children for whom care is provided, with a minimum of three (3) drop off/ pick-up parking spaces, plus one (1) parking space per employee (defined as the maximum number of staff on duty at a time). |
| Pick-up windows such as pharmacies, but not including drive through restaurants | All establishments providing a drive-through pick-up window require four (4) stacking spaces. |
| Dry Cleaners | One (1) space per five hundred (500) sq. ft. useable floor area |
| Laundromats & Coin-Operated Dry Cleaners | One (1) space for each two (2) washing &/or dry-cleaning machines |
| Mini or Self Storage Warehouse | Minimum of six (6) spaces |
| Mortuaries, Funeral Homes | One (1) space for each fifty (50) sq. ft. of useable floor area plus one (1) for each employee |
| Motel, Hotel or other Commercial Lodging Establishments | One (1) space per guest room, plus one (1) space per one hundred (100) sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space |
| Personal Service Establishments Not Otherwise Specified | One (1) space per three hundred (300) sq. ft. of usable floor area, plus one (1) space per employee |
| Restaurants, Fast-Food, including drive- through | One (1) space per seventy-five (75) sq. ft. of eating area, plus one (1) space for each employee. Eight stacking spaces shall be required for drive-through lane |
| Restaurants, Full-Service | One (1) space per two (2) seats, plus one (1) space for each employee |
| Restaurants, Take Out | Six (6) spaces per service or counter station, plus one (1) space for each employee |
| Service Stations | Two (2) spaces for each service or repair bay, plus one (1) space for each employee. In addition, convenience stores operated in conjunction with an auto service station shall provide one (1) space for every two hundred fifty (250) sq. ft. of store area |
| Video Rental Establishments | One (1) space per one hundred (100) sq. ft. useable floor area, with a minimum of eight (8) spaces provided |
| Office Uses | |
| Business & Professional Offices, except as Otherwise Specified | One (1) for each two hundred (200) sq. ft. of usable floor area |

| Table 15-01.1 Schedule of Off-Street Parking Requirements | |
|---|---|
| Use | Number of Minimum Parking Spaces per Unit of Measure |
| Professional Offices of Doctors, Dentists, & Similar Medical Professions | One (1) space for each one hundred fifty (150) sq. ft. of usable floor area with a minimum of four (4) spaces, plus one (1) space for each employee |
| Industrial Uses | |
| Manufacturing Establishments, or Establishments for Industrial Production, Processing, Assembly, Compounding, Preparation, Cleaning, Servicing, Testing, Repair, plus Accessory Business Offices & Storage Facilities | Five (5) spaces plus one (1) space per employee on the largest working shift, but with a minimum of one (1) space per five hundred (500) sq. ft. of gross floor area. |
| Wholesale & Warehouse Establishments | Five (5) spaces plus one (1) space for every one (1) employee in the largest working shift, or one (1) space for every one thousand seven hundred (1,700) sq. ft. of usable floor area, whichever is greater |
| Recreation Uses | |
| Athletic Fields | Twenty-five (25) spaces per field |
| Batting Cages | Two (2) spaces per cage |
| Bowling Alleys | Five (5) spaces per bowling lane, plus one (1) for each employee & additional spaces as may be required for restaurants, bars, or other affiliated uses |
| Commercial Outdoor Recreation Centers | One (1) space per two hundred (200) sq. ft. gross floor area |
| Dance Halls, Health Spas, Pool or Billiard Parlors, Skating Rinks, Exhibition Halls, & Assembly Hall without Fixed Seats | One (1) space for each two (2) persons allowed by the maximum occupancy load as established by local, county, or state fire, building, or health codes |
| Golf Courses, Public or Private | Six (6) spaces for each golf hole, plus one (1) for each employee, plus parking spaces as may be required for clubhouse, restaurant, pro shop, or other affiliated facilities |
| Ice/Roller Skating Rink | One (1) space per one hundred fifty (150) sq. ft. gross floor area |
| Marina | One (1) space for each boat berth, not to include area required for winter boat storage, plus additional spaces as may be required for other uses such as clubhouse |
| "Miniature" or "Par 3" Golf | Three (3) spaces for each hole, plus one (1) space for each employee |
| Private Clubs & Lodges | One (1) space for each two (2) persons who may be legally admitted at one time according to the occupancy load established by local, county, & state fire, building, or health codes, plus one (1) space per employee |
| Stadium, Sports Arena, or Similar Place of Assembly | One (1) space for each three (3) seats or six (6) lineal ft. of benches |
| Theater, Cinema | One (1) space per each four (4) seats, plus four (4) spaces per screen or stage |
| Video Arcades | Two (2) spaces per machine, plus one (1) space for each employee |

(d) **Standards for Parking Space Requirements.** The following standards shall be used in determining the required number of parking spaces:

- 5 (1) **Definition of Floor Area.** For the purposes of computing the number of parking spaces required, "usable floor area" shall be measured in accordance with the definition of floor area, usable provided in ***Section 25-04.***

(2) Units of Measurement

5 a. **Fractional Spaces.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

10 b. **Employee Parking.** Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one (1) time.

15 c. **Bench Seating.** In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one (1) seat.

 d. **Stacking Space.** Each required drive-through stacking space shall be twenty (20) feet long and nine (9) feet wide.

20 (3) **Uses Not Cited.** For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission.

25 (4) **Accessible Parking.** Parking for the disabled shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, and the adopted Township Building Code. For uses where there may be a higher number of persons with disabilities, such as medical uses or senior housing, the Planning Commission may require a larger proportion of the parking spaces be barrier-free.

30 (5) **Parking Deferment.** A smaller amount of parking may be approved by a finding by the Planning Commission that the required amount of parking is excessive, provided that the area to meet the full parking requirement is retained as open space. The site plan shall note the area where parking is being deferred with a dotted parking lot layout. If within a two (2) year period following issuance of a certificate of occupancy the Township Planner determines based on observed use that the deferred parking is needed, then the parking shall be constructed by the applicant within six
35 (6) months of being informed in writing by the Township Planner. The

Planning Commission may require posting of a performance guarantee to cover the estimated construction cost of the deferred parking with a refund in two (2) years if a cash deposit was made and the additional parking is not found to be necessary.

5

(6) **Limits on Excessive Parking.** In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

10

(7) **Garages.** Garages for dwellings shall be calculated as parking spaces on a one-to-one basis.

15

(e) **Layout and Construction.** Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements.

20

(1) **Review and Approval Requirements.** Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Building Inspector for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Building Inspector before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

25

(2) **Dimensions.** Off-street parking shall be designed in conformance with the dimensions in Table 15-01.2.

30

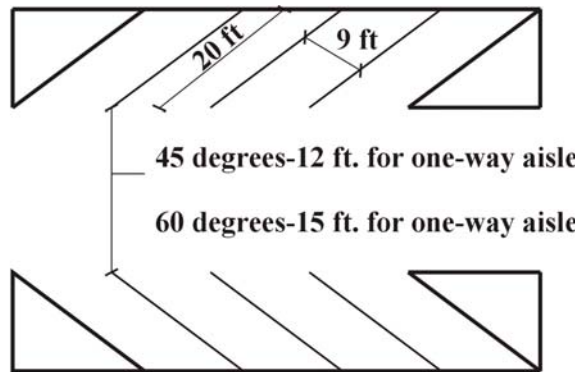
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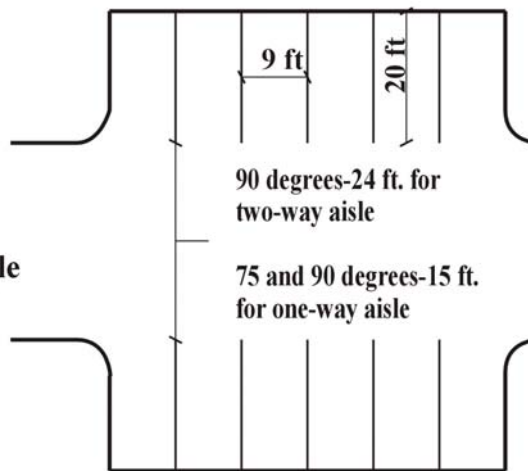
| Table 15-01.2 Off-Street Parking Standards | | | |
|---|-------------|--------------------------|--------------------|
| Parking Angle | Stall Width | Stall Depth ¹ | Aisle Width |
| 0°(parallel) | 8 ft | 28 ft | 12 ft ² |
| 45° | 9 ft | 20 ft | 12 ft ² |
| 60° | 9 ft | 20 ft | 15 ft ² |
| 75° | 9 ft | 20 ft | 15 ft ² |
| 90° | 9 ft | 20 ft | 24 ft ² |

Footnotes:
¹ If parking lot is designed with a 6-inch curb, deduct 1.5 feet for angled parking & 2 feet for 90° parking.
² All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.

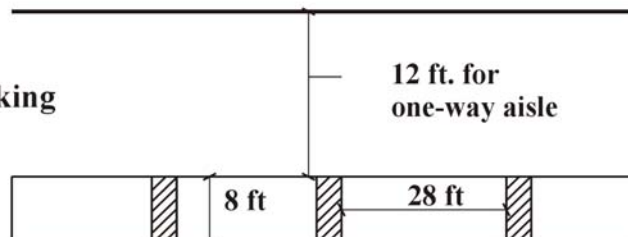
**45 and 60 Degree
Parking Space Angle**



**75-90 Degree
Parking Space Angle**



Parallel Parking



(3) **Ingress and Egress**

- 5
- a. All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes or driveways.
- b. Spaces located to cause backing directly onto a road shall be prohibited.
- 10
- c. Entrances and exits from off-street parking lots shall be located at least twenty-five (25) feet from the nearest point of any property zoned for single-family residential use. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single family residential use.
- 15
- d. For multiple family developments with more than thirty two (32) dwelling units, parking lots shall be separate from the main collector road circulating traffic through the site. The site's collector road shall be constructed to the standards of **Section 16-04** and have no parking spaces that back directly onto the road.
- 20

(4) **Surfacing and Drainage**

- 25
- a. **Surfacing.** All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete, asphalt, or plant-mixed bituminous material. Alternative surfaces will be considered upon review and recommendation by the Township Engineer and approval by the Township Planning Commission. Grading, surfacing, and drainage plans shall be subject to review by the Township Engineer. Requirements for concrete or asphalt may be
- 30
- modified by the Planning Commission upon making the determination that the surfacing would not be feasible or practical because of inadequate drainage in the area or if the property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged.
- 35
- b. **Drainage.** Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. Drainage catch basins shall not be located within parking spaces, with
- 40
- the exception of curb boxes.

- 5 (5) **Curbing.** Off-street parking shall be provided with concrete curbs, where necessary to protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot. Sidewalks abutting parking spaces shall be seven (7) feet wide. Plantings shall be set back sufficient distance from curbs to allow for bumper overhang.
- 10 (6) **Striping.** To facilitate movement and to help maintain an orderly parking arrangement, all parking spaces shall be clearly striped with paint. Except for parallel parking spaces, each stall shall be delineated with four (4) inch wide double yellow lines twenty-four (24) inches apart. The width of the parking stall may be computed from the centers of the double striping.
- 15 (7) **Lighting.** All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in ***Section 14-03***.
- 20 (8) **Screening.** All off-street parking areas, except those serving single family residences, shall be screened from adjoining residential property. Such screening shall consist of a continuous obscuring wall or landscaped screen in accordance with ***Section 14-02***, subject to approval by the Planning Commission.
- 25 (9) **Landscaping.** Landscaping requirements contained in ***Section 14-02*** must be met.
- 30 (10) **Maintenance.** All parking areas shall be maintained free of dust, trash, and debris by the property owner. Surfacing, curbing, lighting fixtures, signs, and related facilities shall be maintained in good condition.
- 35 (11) **Snow Plowing.** All parking areas shall be maintained in a safe condition by the property owner free of snow and ice. The parking lot design shall provide a location for snow storage that does not encroach into required parking spaces.

(12) **Grading**

- 5 a. All driveways within all Residential Districts shall not exceed a grade differentiation of ten percent (10%) for a distance of twenty-five (25) feet, in the direction of the lot or parcel interior, from the point of intersection with any roadway.
- 10 b. All driveways, parking lots, and loading-unloading areas in all other districts shall not be less than one percent (1%) and not exceed a grade differentiation of five percent (5%).

(Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

Sec. 15-02 Off-Street Loading and Unloading

- 15 (a) **Intent and Scope of Application.** Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of roads, alleys, parking areas, driveways, sidewalks, and other public areas.

20 (1) **General Applicability.** For all buildings and structures established after the effective date of this Article, loading space shall be provided as required in this Section.

25 (2) **Change in Use or Intensity.** Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Article for the new use.

30 (b) **General Requirements**

35 (1) **Location.** Required loading space shall be located in the rear yard of the same zoning lot as the use being served so that it is screened from view from adjoining roads. Where shared access is provided for more than one site, the loading and unloading area may be permitted in the non-required side yard. Loading space or access thereto shall not be located where loading/unloading operations will interfere with traffic on public roads or off-street parking.

40 (2) **Size.** Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fourteen (14) feet. The Planning Commission may

modify size requirements for certain uses if smaller delivery vehicles or larger semi-trucks are expected.

(3) **Surfacing and Drainage.** Loading spaces shall be hard-surfaced with concrete, asphalt, or a plant-mixed bituminous material. Surface requirements may be modified by the Planning Commission upon making the determination that the surfacing would not be feasible or practical because of inadequate drainage in the area. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township Engineer.

(4) **Storage and Repair Prohibited.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

(5) **Use of Loading Space.** Required loading space shall not be counted or used for required parking.

(c) **Required Loading Spaces.** The amount of required loading space shall be determined in accordance with Table 15-02. The Planning Commission may modify these requirements upon making the determination that another requirement would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

| Table 15-02 Schedule of Loading Space Requirements | |
|---|---|
| Gross Floor Area | Number of Loading and Unloading Space Required |
| Commercial Uses | |
| 0 - 2,999 sq ft | See Note |
| 3,000 - 19,999 sq ft | 1 |
| 20,000 sq ft or more | 1 additional space for every 40,000 sq ft or fraction thereof |
| Industrial Uses | |
| 0 - 2,999 sq ft | See Note |
| 3,000 - 19,999 sq ft | 1 |
| 20,000 - 39,999 sq ft | 2 |
| 40,000 sq ft or more | 1 additional space for every 40,000 sq ft or fraction thereof |
| Note: Establishments containing less than 3,000 sq ft of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading | |

| |
|---|
| space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 10 ft. by 50 ft. space in the event that the use of the property changes. |
|---|

Sec. 15-03 Recreational Vehicle Parking and Storage

5

(a) Standards in Residential Districts

10

(1) Except as otherwise permitted in this Section, recreational vehicles and equipment greater than one hundred and four (104) inches in width or thirty-seven (37) feet in length shall not be parked or stored on any lot or parcel or on the road in any Residential District.

15

(2) Recreational vehicles and equipment one hundred and four (104) inches in width or thirty-seven (37) feet in length or less shall be parked and stored in the side or rear yards. Definitions for yards and lot lines are found in *Article 25*. In the case of a parcel which fronts on a lake, recreational vehicles and equipment of the size above may be permitted within the front yard but outside of all easements, right-of-ways, and utility easements.

20

(3) For the purposes of loading and unloading, recreational vehicles, and equipment may be parked anywhere in a driveway or parking area on a residential premises for a period not to exceed three (3) days.

25

(4) Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

30

(5) Recreational vehicles and equipment shall not be parked or stored on any public right-of-way or easement.

35

(6) Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or equipment.

(7) Recreational vehicles must have a current or prior year license plate and registered to an occupant of the dwelling unit on the parcel on which it is stored.

5 (b) **Non-Residential Districts.** The storage of recreational vehicles and equipment in Non-Residential Districts when it is not associated with the business of the property, shall provide proper screening so that it is not visible from the road and abutting residential areas.

10 (Ord. #237, 7/24/07)

Sec. 15-04 Repair of Vehicles

15 The parking, carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

20 (a) All vehicles parked or being worked on outside shall be on an improved driveway surface, licensed, and operable.

(b) Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be inoperable in excess of forty-eight (48) hours shall be conducted within an enclosed building.

25 (c) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

Sec. 15-05 Parking of Commercial Vehicles

30 Parking of commercial vehicles over two (2) tons shall be prohibited in all Residential Districts; except this restriction shall not apply to essential public service vehicles. Parking and storage of larger vehicles for farming or lumbering operations is permitted in the R-C Districts if the Township Planner determines
35 the vehicle is used exclusively for uses or activities permitted in the district.

It shall be unlawful for the owner, tenant, or lessee of any lot to permit the open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks and/or semi-trailers, bulldozers, earth carriers, cranes, or any other similar equipment or

machinery, unless the storage or display of such vehicles is an approved use or unless the vehicles are temporarily parked while in use for approved construction on such lot.

ARTICLE 16

PRIVATE ROADS, ACCESS MANAGEMENT, BIKEPATHS, AND SIDEWALKS

5

Sec. 16-01 Intent

It is the intent of this Article to:

10

(a) Provide for access to private property in a manner that protects public health, safety and welfare and the goals of the Township Master Plan by assuring continuous vehicular access to parcels without access to a public road or private road regardless of weather conditions, while preserving natural resources and protecting the environment.

15

(b) Provide minimum requirements and procedures are herein established to assure adequate construction, operation, and maintenance of private roads, shared driveways and service roads.

20

(c) Provide regulations and minimum requirements necessary to insure that roads remain passable in all weather conditions and are adequate to provide safe, year-round access by fire, police and other public and emergency vehicles.

25

(d) Promote a vehicular circulation system to complement the orderly development and access to land, as indicated by the Township's Master Plan.

30

(e) Preserve the capacity of major roads by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access from cross roads in certain locations.

35

(f) Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.

(g) Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the requirements herein, when the opportunities arise.

- (h) Required coordinated access among adjacent lands where possible.
- (i) Require demonstration that resultant parcels are accessible through compliance with the access requirements herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
- (j) Promote safe and efficient travel within the Township.

Sec. 16-02 Applicability

This section shall apply to the construction of all private roads, driveways, and service roads, as follows:

- (a) **Shared Residential Driveways.** Shared driveways that provide access to two (2) or three (3) dwelling units or residential lots, created through land division, subdivision or condominium, and are not dedicated to the Livingston County Road Commission shall comply with the requirements of *Section 16-03*.
- (b) **Private Roads.** All roads that provide access to more than three (3) dwelling units or lots that are not dedicated to the Livingston County Road Commission shall comply with the requirements of *Section 16-04*.
- (c) **Private Drives.** Individual residential driveways, and drives within a development owned and managed by a single person or company, such as an apartment complex or attached and detached condominium development are exempt from the private road regulations, provided such uses shall comply with the parking requirements of *Section 15-01 (c)* and the access management requirements of *Section 16-05*.
- (d) **Service Drives.** The requirements of this Article apply to service drives and shared driveways that provide access to two (2) or more non-residential lots.
- (e) **Accessibility Requirements.** All lots shall have frontage on a dedicated public road, approved private road, or shared driveway meeting the requirements of this Article in order to be considered “accessible.”

Sec. 16-03 Shared Residential Driveways

(a) Two (2) to three (3) residential dwelling units or residentially zoned lots may have access from a shared driveway when the conditions of this Section are met. A deed restriction shall be recorded for the lots served by the shared driveway indicating that land divisions that create more than three (3) lots shall not be permitted, unless the access is improved to a private road meeting the requirements of this Article.

(b) Gravel driveways shall have a width of at least sixteen (16) feet and be constructed of eight (8) inches of compacted MDOT 22A gravel and six (6) inches of sand sub base. Paved shared driveways shall have a width of at least sixteen (16) feet and include, at a minimum, a two and a half (2.5) inch min. bituminous surface; six (6) inches of aggregate base (21AA limestone); and a six (6) inch min. sand sub base. The width may be reduced to not less than twelve (12) feet if the length of the shared driveway is less than three hundred (300) feet long or if there are significant topographic, wetland, or other natural features on the site and sixteen (16) foot wide passing flares are provided at least every three hundred (300) feet.

(c) The shared driveway shall be a maximum of six hundred fifty (650) feet in length. Shared driveways in excess of one-hundred fifty (150) feet shall be provided with an approved area for turning around for emergency apparatus, approved by the Fire Department.

(d) The shared driveway shall have a recorded shared access agreement with an easement of a minimum width of thirty (30) feet. This easement may be included in the calculation for minimum lot area and width.

(e) The shared driveway must be accessed from a public or private road that meets the requirements of this Article.

(f) A copy of a Shared Driveway Maintenance Agreement which provides for the financial and administrative mechanisms to ensure maintenance of the shared driveway shall be provided to the Township in a manner acceptable to the Township Attorney.

(g) All permit requirements of the County must be met, in addition to the above.

(Ord. #243, 8/1/08), (Ord. #231, 12/27/05)

Sec. 16-04 Private Roads

5 (a) **Private Road Submittal Requirements.** The following items shall be
provided on a site plan and submitted for Planning Commission approval,
either separately or combined with other required site plan submittal
information, to the Township Planner with an application for a private road
construction permit. Roads that are only proposing lot splits along the road
10 can be handled administratively but must still follow all of the submittal
requirements of this section.

(1) Completed application form and fee established by the Township Board.

15 (2) Parcel numbers and names of owners for all properties having legal
interest in the private road.

(3) Construction plans stamped and signed by a professional engineer
registered in the State of Michigan showing location, dimension, and
20 design of the private road. The plan shall identify existing and proposed
elevation contours within all areas to be disturbed or altered by
construction of the private road. The Township Engineer and Fire
Department shall review the construction plans and provide
recommendations to the Township.

25 (4) Private road easement shown on the plan and legal description.

(5) Location of all public or private utilities located within the private road
right-of-way or easement, or within twenty (20) feet including, but not
30 limited to: water, sewer, telephone, gas, electricity, and television cable.

(6) Location of any lakes, streams, drainageways, floodplains, or Michigan
Department of Environmental Quality regulated wetlands within one
hundred (100) feet of the proposed private road right-of-way or easement.

35 (7) A copy of a Private Road Maintenance Agreement which provides for the
financial and administrative mechanisms to ensure maintenance of the
private road shall be provided to the Township in a manner acceptable to
the Township Attorney.

(8) If the applicant intends to sell lots along the private road before the private road construction is complete, the applicant shall provide a performance guarantee in an amount equivalent to the construction costs of the remaining improvements yet to be completed on the private road. The construction costs shall include the remaining costs associated with the survey layout of the road, testing services, and inspection services during the private road construction. The applicant's engineer shall prepare the construction cost opinion for the improvements to be covered under the performance guarantee, which will be verified by the Township Engineer.

All necessary modifications encountered during construction that significantly change the design of the proposed private road shall be incorporated into revised construction plans and submitted to the Township for review and approval. These changes must be approved by the Township before they are constructed.

(b) **Private Road Design Requirements.** No permit shall be issued for a private road unless the proposed construction is in conformance with the following requirements:

(1) **Access Easements.** Easements shall give access from a public road or roads to all parcels resulting from the proposed division not having road frontage and shall be established for the joint use of owners of all resultant parcels of the original property for ingress and egress and also for the location of private or publicly-owned utilities serving the resultant parcels

(2) **Access Easement Width.** A minimum sixty-six (66) foot wide easement shall be provided.

(3) **Road Design.** All private roads shall meet the public road base, pavement width, surface, slope and drainage system requirements of the Livingston County Road Commission, except as provided for in this Section. The design of private roads shall be approved by the Township Engineer. A private road serving no more than eight (8) lots or dwelling units in a single family residential district may be constructed of eight (8) inches of compacted MDOT 22 A gravel instead of asphalt or concrete.

(4) **Curbing and Drainage.** All private roads shall be constructed with

concrete curb and gutter. The Planning Commission may allow open ditch drainage in single family residential developments where all lot areas are greater than one half (1/2) acre and surrounding environmental conditions make open ditch drainage preferable.

- 5
- (5) **Reduced Width for Private Roads.** The minimum pavement width shall be thirty (30) feet, measured back to back of curb. The pavement width may be reduced to not less than twenty-six (26) feet wide, measured back to back of curb. For residential roads with open ditch drainage, the
- 10
- pavement width shall be twenty-two (22) feet with four (4) foot gravel shoulders on both sides. The width reduction may be approved by the Planning Commission and Township Board where significant natural features will be preserved or the road will serve fewer than twenty (20) dwelling units. Where the width of the road has been reduced, the road
- 15
- shall be posted to prevent parking as necessary.

(6) Maximum Length, Cul-de-sac Turnarounds

- 20
- a. The maximum length of a private road served by a single point of access shall be seven hundred fifty (750) feet with a maximum twenty-four (24) lots or dwelling units served by a single means of access. Fire Code Standards for roads over seven hundred fifty (750) ft. require special permission by the Fire Department. If the Fire Department and Township Engineer agree that a road can extend
- 25
- beyond seven hundred fifty (750) ft., no Zoning Board of Appeals (ZBA) variance is required.

Roads longer than seven hundred and fifty (750) feet are permitted where stub roads are provided to allow future road connections when adjacent land is developed and cross access easements are granted. The Planning Commission may allow cul-de-sacs longer than seven hundred fifty (750) feet if all of the following apply:

- 30
1. The applicant demonstrates that there are no feasible options to access the property.
- 35
2. The Fire Department has reviewed and approved the length of the road.
- 40
3. The road does not access more than twenty-four (24) lots.
-

b. The terminus of all roads shall include a cul-de-sac turn-around with a minimum thirty-five (35) foot radius or an approved radius by the Fire Department if a center landscaped island is included. A larger turnaround may be required for commercial and industrial private roads where truck traffic is anticipated.

c. The requirements of this subsection (6) may be modified by the Planning Commission, based upon the recommendation of the Fire Department and Township staff or consultants, provided there is a finding that traffic impacts are adequately mitigated. A second means of emergency access may be required by the Planning Commission and/or the Fire Department having jurisdiction.

(7) **Grade.** Road grades shall not exceed ten percent (10%), with a maximum grade of two percent (2%) for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private road.

(8) **Compliance with AASHTO Requirements.** Where no specific standard is provided in this section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Roads."

(9) **Horizontal Curve.** The minimum horizontal curve shall be two hundred thirty (230) feet in radius. The Planning Commission may reduce this radius to not less than one hundred fifty (150) feet if the design would accommodate expected vehicle speeds, as determined by the Township Engineer, in cases where rolling terrain or a significant number of mature trees would be preserved, or where the width of the parcel would not accommodate wider radii. This radius may be further reduced where an eye-brow bump-out is provided on the outer edge of the curve.

(10) **Intersection Design Requirements**

a. Private roads, which intersect with existing or proposed private roads or public road rights-of-way, should intersect at a ninety degree (90°) angle. Where constrained by environmental features or parcel configuration, a reduced angle of intersection, but in no case shall the

angle be less than seventy degrees (70°).

- 5 b. Proposed private roads shall align directly across from, or be offset at least two hundred fifty (250) feet from, public roads or private road intersections on the opposite side of the road, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission.

10 (11) **Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the gravel or pavement.

15 (12) **Road Names.** The road name shall be approved by the Planning Commission, based upon recommendations from the Fire Department and the Livingston County Road Commission. Proposed names will be checked against other existing roads within the Township for potential conflicts that may be confusing to emergency services. Any proposed roadway which is an extension of, or in a direct line with, an existing road shall carry the name of the road that is in existence at the time the proposal is made.

20 (13) **Signs.** All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Road signs shall be provided at all intersections. These signs shall contrast in terms of color with public road signs with a white background and green letting, and shall indicate the road is private.

25 (c) **Final Acknowledgement.** At the completion of the private road construction, including final restoration and sign installation, the following items shall be submitted to the Township for final acknowledgment:

30 (1) One (1) set of reproducible “Conforming to Construction Records’ or As-Built drawings of the completed private road including:

- 35 a. Sewer and water main locations, materials, sizes, invert elevations, and slopes.

- b. Manhole and catch basin locations with the rim elevations.
 - c. Bottom elevation of the catch basins or inlets.
 - 5 d. Grades and slopes of the road.
 - e. Original stamp and signature of the applicant's registered professional engineer.
- 10 (2) Copies of all the inspection reports, including the daily reports, the test results, the engineer's 'permit to place' the bituminous pavement material, and the engineer's certifications of the mix designs and the suitability of the road subgrade and subbase material.
- 15 (3) The applicant's engineer shall submit written certification with their original stamp and signature stating that the private road construction is complete and that the construction activities, testing and documentation were carried out under their supervision and that the private road was properly constructed in substantial compliance with the approved
- 20 construction plans and the Township private road requirements. The applicant's engineer shall identify any departures in the road construction from the approved construction plans and provide a justification for such departures. The justification shall made using reasonable engineering judgments. A written certification from a Registered Land Surveyor or a
- 25 Registered Professional Engineer shall be submitted stating that the private road was located in accordance with the approved construction plans. All inspections and design shall be as specified in the Brighton Township Engineering Standards.
- 30 (4) The Township Engineer shall review the information required in this Section and perform a final site visit to visually confirm the documentation submitted by the petitioner's engineer for the Township's final acknowledgment that the private road construction was completed in substantial compliance with the Township Ordinance requirements. The
- 35 Township Engineer shall make a recommendation to the Township on whether all the required documentation has been submitted and the private road construction has been properly completed. The applicant's engineer shall be informed of any review comments preventing the final acknowledgment of the private road.

- (d) **Performance Guarantee and Release.** If the applicant has submitted a performance guarantee, the Township shall release or return the performance guarantee to the applicant once the Township acknowledges that all the documentation has been submitted and that the construction of the private road was properly completed in substantial compliance with the Township Ordinance requirements. At a minimum, no Land Use Permits should be issued to the new properties along the private road until the Township acknowledges that of the private road has been properly completed.

(Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

Sec. 16-05 Access Management

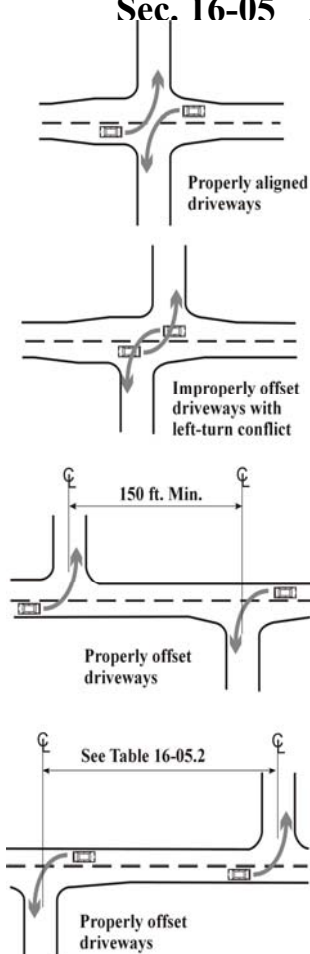
All driveways except those serving a single dwelling or essential service facility structure shall meet the following access management requirements.

- (a) Each lot shall be permitted one (1) access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road.

(b) The access point location shall be in accordance with the requirements of this section and shall provide the opportunity for shared access with adjoining lots. Each business, office, or industrial lot developed under this Ordinance shall be required to grant shared access easements to adjoining lots to allow for future shared access. Where a proposed parking lot is located adjacent to the parking lot of a similar use, there shall be a vehicular connection where feasible, as determined by the Planning Commission.

(c) An additional driveway may be permitted by the Planning Commission upon finding that one (1) of the following conditions below exists. The additional driveway may be required to be along a side road or a shared access with an adjacent site.

(d) The site has adequate frontage to meet the spacing requirements between access points listed below, and the additional access will not prevent adjacent lands from complying with the access spacing requirements when those lands develop or redevelop in the future.



(e) A traffic impact study, prepared in accordance with accepted practices as described in this Section, demonstrates the site will generate over three hundred (300) trips in a peak hour or three thousand (3,000) trips daily and the traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.

(f) Access points shall provide the following spacing from other access points along the same side of the public road, measured from centerline to centerline, based on the posted speed limit along the public road segment.

| Table 16-05.1 Minimum Commercial Driveway Spacing from other Commercial Driveways | |
|--|--------------------------|
| Posted Speed Limit (MPH) | Minimum Driveway Spacing |
| 25 | 125 ft |
| 30 | 155 ft |
| 35 | 185 ft |
| 40 | 225 ft |
| 45 | 300 ft |
| 50 & Higher | 330 ft |

(g) Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location requirements in the future.

(h) Access points shall be aligned with driveways on the opposite side of the road or offset the distance indicated in the table above, measured centerline to centerline. The Planning Commission may reduce this to not less than one hundred fifty feet (150) feet where the offsets are aligned to not create left-turn conflicts.

(i) Minimum spacing of access points from intersections shall be in accordance with the Table 16-05.2, measured from pavement edge to pavement edge:

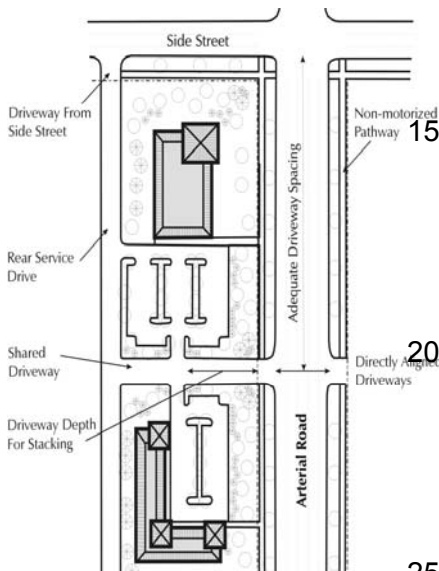
| Table 16-05.2 Minimum Commercial Driveway Spacing from Road Intersections | | |
|--|--|---|
| Location of Driveway | Minimum Spacing for a Full Movement Driveway | Minimum Spacing for a Channelized Driveway Restricting Left Turns |
| Along Major Thoroughfare, intersecting road is a Major Thoroughfare | 250 ft | 125 ft |

| | | |
|--|--------|--------|
| Along Major Thoroughfare, intersecting road is not a Major Thoroughfare | 200 ft | 125 ft |
| Along other Roads | 75 ft | 50 ft |
| Major Thoroughfares include: Commerce, Grand River, Hacker, Hilton, Hyne, Jacoby, Kensington, Pleasant Valley, Stobart, Old US-23, & any other roads with an existing or proposed right-of-way of at least eighty-six (86) feet. | | |

(j) For sites with insufficient road frontage to meet the spacing requirements of this Section, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or require access by a service road.

(k) In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum commercial driveway spacing requirements, the Planning Commission may modify the driveway spacing requirements. Such modifications shall be of the

minimum amount necessary but in no case shall spacing of a full-access driveway be less than sixty (60) feet, measured centerline to centerline.



(l) Where direct access consistent with the various requirements above cannot be achieved, access should be via a shared driveway or service drive, and or side road. In particular, the Planning Commission may require development of frontage roads, or rear service drives where these facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.

(m) Where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road, or rear service drive connecting two (2) or more lots or uses may be required. In particular, service drives may be required where near existing traffic signals or near locations having potential for future signalization, along major arterial roadways with high traffic volumes, and along segments with a relatively high number of accidents or limited sight distance. Frontage roads or service drives shall be constructed in accordance with the following requirements:

(1) Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, main buildings.

5

(2) The service drives shall be within an access easement permitting traffic circulation between properties. This easement shall be recorded with the Livingston County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the easement and service drive.

10

(3) Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public road. A minimum of twenty (20) feet shall be maintained between the public road right-of-way and the pavement of the frontage road, with a minimum sixty (60) feet of throat depth provided at the access point, measured between the public road right-of-way and the pavement of the parallel section of the frontage road.

15

20

(4) Service drives shall have a minimum pavement width of twenty-six (26) feet and be constructed of a base, pavement, and curb with gutter that is in accordance with the private road requirements in **Section 16-04**.

25

(5) The service road is intended to be used exclusively for circulation, not as a parking maneuvering aisle. The Planning Commission may require the posting of "no parking" signs along the service road. One-way roads or two way roads constructed with additional width for parallel parking may be allowed if it can be demonstrated through traffic impact studies that parking along the service road will not significantly affect the capacity, safety or operation of the service road.

30

(6) The site plan shall indicate the proposed elevation of the service road at the property line and the Township shall maintain a record of all service road elevations so that their grades can be coordinated.

35

(7) The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may

require use of aerial photographs, property line maps, topographic information and other supporting documentation.

(8) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. The Township may require posting of a financial performance guarantee.

(n) Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

Sec. 16-06 Existing Non-Conforming Private Roads

(a) The Township recognizes there exist private roads which were lawful prior to the adoption of this Article that do not fully conform with the requirements of this Article. Such roads are declared by this section to be nonconforming roads.

(b) Routine maintenance, including repaving, for safety purposes is permitted for legal nonconforming roads and easements.

(c) New construction is permitted to occur on existing lots of record that front along a nonconforming road on the effective date of this Article, if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles, as determined by the Township. For purposes of determining whether a lot along a private road or access easement qualifies as an "existing lot" as used in this section, at least one of the following conditions must have existed at the time this Article was adopted.

(1) The lot consists of a "condominium unit" for which a master deed had been recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and Ordinances.

(2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.

5 (3) The lot had been assigned a unique parcel number by the Livingston County Register of Deeds and was individually assessed and taxed on that basis.

10 (d) Any new lot created after the effective date of this Ordinance shall not be considered a buildable lot and a building permit shall not be granted unless the road is upgraded as follows:

15 (1) Lot splits that require an extension of an existing road must meet the requirements of **Section 16-04** for the new portion of the road.

20 (2) Lot splits along an existing road that do not require an extension of the road must upgrade the entire road frontage of the proposed splits and the applicant's parent parcel to meet the requirements of the Township Engineer and Fire Department's recommendations to provide a safe roadway.

25 (3) A private road maintenance agreement for the new road must be submitted along with the application for the construction, maintenance and improvement of the private road per **Sec. 16-04(a)(7)**. If there is already an existing private road maintenance agreement on file at the Township, then the applicant proposing the splits must sign the existing agreement.

30 (4) The existing portion of the road that is not adjacent to the applicant's property must be upgraded per the Township Engineer and Fire Department's recommendations to provide a safe roadway.

35 (e) Any widening, paving, or extension of a non-conforming private road shall only be done in a manner that brings the road into conformance with the requirements of this Article.

(Ord. #228, 7/6/05)

Sec. 16-07 Appropriate Remedies.

If after appropriate investigation, the zoning official and the fire chief determine that any private road has deteriorated to such disrepair that the Township may not be able to supply adequate police, fire and emergency vehicles access to property owners located on the private road, the zoning official shall give written notice of the violation to those property owners having access onto the private road.

(a) If there is no reply from the property owners within the specified time limit, and repairs and corrective maintenance are not corrected or abated by the date specified, the zoning official shall request authorization for the Township Board to bring the road up to the design standards specified in *Sec. 16-04* and assess owners of parcels on the private road for the improvements, plus an appropriate administration fee, to reimburse costs incurred by the Township as permitted by appropriate law. No public funds of the Township are to be used to build, repair or maintain the private road.

(b) If the property owners respond to the Township within the specified time limit of the original notice and request an extension of time, the zoning official shall review the information submitted with the reply. Upon finding that an extension is warranted because of unique circumstances and that an extension will not cause imminent peril to life, health or property, the zoning official may request the Township Board to extend the specified time limit to a date certain if the Board concurs that:

1. The information requested pursuant to subsection (a) is impractical to readily produce,
2. An extreme hardship exists, or
3. The reply indicates that the violation shall be corrected or abated by the date certain and that all future maintenance will comply with the regulations as set forth herein.

(Ord. #231, 12/27/05)

Sec. 16-08 Bikepaths and Sidewalks

(a) **Intent.** It is hereby determined that bikepaths and sidewalks promote and provide for the public health, safety, and general welfare by achieving the following public purposes:

(1) Bikepaths and sidewalks provide a safer location for travel along roads for bicyclists and pedestrians than the edge of the traveled road.

(2) Bikepaths and sidewalks encourage and promote aerobic exercise.

(3) Bikepaths and sidewalks conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.

(4) Bikepaths and sidewalks reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the road.

(b) Scope of Application

(1) Sidewalks shall be required along the entire site frontage of any development requiring site plan review and which is part of the Pathways Plan, and is designated as Planned or Priority A on the Proposed Pathway System (Map Six) of the Pathways Plan.

(2) Bikepaths shall be required along the entire site frontage of any development requiring site plan review and which is part of the Pathways Plan, and is designated as Priority B on the Proposed Pathway System (Map Six) of the Pathways Plan.

(3) The Planning Commission may waive the requirement for a bikepath or sidewalk along all or a portion of the site frontage if all of the following exist:

a. There will be significantly adverse impacts to regulated wetlands that cannot be mitigated.

b. The development of a boardwalk or other elevated structure is not practical based upon the cost estimates provided by the applicant's engineer.

c. All practical alternatives to provide a sidewalk or bikepath system elsewhere on site have been evaluated.

(4) In lieu of constructing the bike path or sidewalk, and only with the recommendation of the Planning Commission and approval of the Township Board, a developer may be allowed to pay to the Township a sum of money equivalent to the actual cost of construction for the bike path or sidewalk, including permit, engineering and inspection fees. The actual cost of construction, including fees, shall be determined by the Township Engineer and shall be based on current costs in the industry. All funds collected shall be deposited in the Township Pathway Fund and used for the construction of the pathway system. In all cases in which payment for required bike paths or sidewalks is allowed in lieu of construction, a written contract (development agreement), drafted by the Township and indicating the sum of money to be paid to the Township and associated provisions shall be executed by both the Developer and Brighton Township as a condition of preliminary site plan approval. All provisions of said contract, including the financial contribution to the Township Pathway Fund, shall be satisfied prior to the issuance of any building permits by the Township Building Department. Alternatively, the applicant may be allowed to propose a development agreement outlining the timeframe when sidewalk or pathway will be constructed or monies deposited into the Township Pathway Fund by the applicant upon recommendation and approval by the Planning Commission.

(5) Sidewalks shall be required along at least one (1) side of all internal roads within any residential subdivision, residential site condominium, and multiple family development requiring site plan review. The Planning Commission may modify this requirement within residential developments that have an overall density less than one (1) dwelling unit per acre provided another type of pedestrian trail system is provided by the applicant that meets the intent of this Section.

(c) **Pathway Design.** The following construction requirements shall apply to all bikepaths and sidewalks:

(1) All bikepaths shall be a minimum five (5) foot wide asphalt and constructed in accordance with the specifications of the Township Engineering Standards and/or the Livingston County Road Commission.

(2) All sidewalks shall be a minimum five (5) foot wide concrete and constructed to the specifications of the Township Engineer. Four (4) inch

class A unstamped, uncolored, and unstained concrete (6 inch at driveway crossings) on six (6) inch MDOT CI II sand sub base is required.

(3) All sidewalks and bikepaths shall be located within the right-of-way.

(4) Where walking trails are being provided within open space areas of residential developments, trails shall be a minimum of five (5) foot wide crushed aggregate stone, woodchip or asphalt, or wooden boardwalks in areas with sensitive environmental features. If providing asphalt pathways or concrete sidewalks, the same standards in (c)(1) and (c)(2) above shall apply.

(5) An inclined approach shall be required where sidewalks and bikepaths intersect curbs for barrier free access. Crosswalk pavement markings and signs may be required by the Planning Commission.

(6) Residential subdivisions or site condominiums shall provide pathway or sidewalk connections to adjacent residential subdivisions or site condominiums.

(d) Installation

(1) A certificate of occupancy shall not be issued until the required bikepath or sidewalk is installed along the road frontage.

(2) A performance guarantee, in lieu of bikepath or sidewalk construction, may be allowed by the Planning Commission in instances where utility and other infrastructure improvements are planned for the site within a two (2) year period. Under these circumstances, the bike path or sidewalk shall be constructed once the utility improvement is complete.

(Ord. # 246, 12/25/09), (Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

ARTICLE 17
SIGN REGULATIONS

Sec. 17-01 Intent

The intent of this Article is to regulate signs and to minimize outdoor advertising within the Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the Township. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the Township in order to:

- (a) Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
- (b) Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- (c) Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- (d) Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
- (e) Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.

(f) Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.

(g) Prevent placement of signs which will conceal or obscure signs of adjacent uses.

(h) Prevent off-premise signs from conflicting with other land uses.

(i) Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

(j) Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

Sec. 17-02 Scope of Requirements

It shall be unlawful for any person, firm, or corporation to erect, place, construct, or alter any sign in the Township except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.

Sec. 17-03 Exempt Signs

The following signs are specifically exempt from the provisions of this Article provided they are not located in the public right-of-way or in conflict with the provisions of *Section 13-02*:

(a) **Device Signs.** Permanent signs on vending machines or other containers indicating only the contents of such devices, provided that the sign area of each device shall not exceed three (3) square feet.

(b) **Employment Signs.** "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six (6) square feet.

(c) **Enclosed Signs.** Any sign that is located completely within a building and is not visible from the outside.

(d) **Historical Signs.** Plaques or signs designating a building or premises as a historic structure or premises not to exceed six (6) square feet.

(e) **Incidental Signs.** Incidental signs, provided that the total of all such incidental signs shall not exceed two (2) square feet.

(f) **Non-Conforming Signs.** Legal nonconforming signs existing on the effective date of the adoption of the Ordinance. Removal of the sign shall constitute an elimination of the non-conforming status.

(g) **Public Signs.** Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.

(h) **Traffic Control Signs.** Private traffic control and parking signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

Sec. 17-04 Prohibited Signs

The following signs are strictly prohibited within the Township:

(a) Any sign not expressly permitted.

(b) **Banners.** Banners, pennants, spinners, and streamers, unless specifically allowed elsewhere in this Article.

(c) **Commercial Vehicles used as Signs.** No commercial vehicle may be parked on a business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign.

(d) **Emergency Vehicles Simulation Signs.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals.

(e) **Exterior String Lights.** String lights used in connection with a commercial enterprise, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.

(f) **High Intensity/Flashing Light Signs.** Signs using high intensity or flashing lights, spinners or animated devices; neon signs in Residential Districts.

(g) **Moving Signs.** Signs having moving members or parts or appearance of movement.

(h) **Non-Regulatory Signs.** Signs placed in any public right-of-way, attached to a utility pole, or affixed to a tree.

(i) **Obsolete Signs.** As defined in *Section 25-10*.

(j) **Off-Premise Signs.** As defined in *Section 25-10*, except for billboards, as regulated in *Section 17-06 (b)(5)*.

(k) **Portable Signs.** Except where expressly allowed in this Article.

(l) **Public or Private Tower Signs.** Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, unless approved by the Township Board.

(m) **Roof Signs.** As defined in *Section 25-10*.

(n) **Signs that Confuse Traffic.** Signs that make use of the words "Stop", "Look", "Go", "Slow", "Caution", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.

(o) **Signs that Obstruct Access.** Signs that prevent free and unobstructed access to any door, window, fire escape, or other required exit.

(p) **Signs that Obstruct Vision.** Signs that obstruct any approved traffic control device, road sign, or signal from view; interferes with site distance necessary for traffic safety; or distracts from visibility of existing traffic signs or devices.

(q) **Road Furniture Signs.** Signs which displays a message on road furniture, such as benches, pedestrian lights, and decorative trash receptacles.

(r) **Structurally Unsafe Signs.** Signs which are deemed structurally unsafe or are constructed in violation of the requirements of any adopted Township Construction Code.

(Ord. #246, 12/25/09)

Sec. 17-05 General Requirements for Permitted Signs

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided, that no such sign shall be erected or altered until approved by the Township and until a permit has been issued.

(a) **Determination of Sign Display Area.** No sign shall exceed the maximum sign display area allowed for a district. The sign display area is to be expressed in square feet, computed to the nearest tenth of a square foot, and shall be computed as follows:

(1) **Single-Face Sign.** The allowable area for a single-face sign shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle, including any frame.

(2) **Wall Signs.** Where a sign consists of individual letters and/or a logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo.

(3) **Double-Face Signs.** Where a sign has two (2) or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back and are separated by no more than two (2) feet, including any frame.

(b) Design Requirements

(1) **Architectural Features.** All signs shall be placed in a manner that does not obstruct or intrude upon architectural features of a building.

(2) **Materials.** Sign materials shall be designed to complement the original construction materials and architectural style of the building façade to promote an overall unified and aesthetic effect as permitted in the various zoning districts. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose.

(c) **Illumination**

5 (1) **General Requirements.** Signs may be illuminated only by steady, stationary, shielded light sources using approved electrical devices directed solely at the sign, or internal to it.

10 (2) **Timer Controls.** Each illuminated sign shall be equipped with a functional timer control. No sign shall be illuminated after 10:00 p.m. or one half (1/2) hour following the close of the business, whichever is later. No sign shall be illuminated before 6:00 a.m., or one half (1/2) hour prior to the beginning of the opening of the business, whichever is earlier.

15 (3) **Nonglare, Shielded Lighting.** Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded and/or shielded downward so as not to project onto adjoining properties or thoroughfares.

 (4) **Traffic Hazards.** Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.

20 (5) **Bare Bulb Illumination.** Illumination by bare bulbs or flames is prohibited.

25 (6) **Internal Illumination.** The use of internal illumination is prohibited on properties visible from U.S.23 and I-96.

 (7) **Wiring.** Underground wiring shall be required for all illuminated signs not attached to a building.

30 (d) **Location**

 (1) **Public Right-of-Way.** No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise allowed herein.

35 (2) **Setbacks**

 a. All permanent signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public road right-of-way line in all non-industrial districts and setback twenty (20) feet from any public road right-of-way in the industrial district. This distance shall be

measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

b. Temporary signs must be set outside of the public road right-of-way.

c. Side yard setbacks for signs shall be the same as that required for the main structure or building, and provided that all non-residential signs shall be setback at least one hundred (100) feet from any residential district.

(3) **Measurement.** The following guidelines shall be used to determine compliance with setback and distance measurements:

a. **Two Signs.** The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two (2) signs including the base/monument.

b. **Sign and Property Line.** The distance between a sign and a property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the property line including the base/monument.

c. **Sign and Other.** The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the sign and the outer edge of the parking lot or building including the base/monument.

(e) **Construction Requirements.** The following construction requirements apply to all permanent signs.

(1) **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. No sign may be placed upon a tree or utility pole, except signs of a unit of government or utility.

(2) **Support Location.** No pole, cable or support of any nature shall be placed on any publicly owned property, road right-of-way, or proposed road right-of-way.

(3) **Sign Safety**

- 5 a. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot.
- 10 b. All signs shall be erected so that any part including cables, guys, etc. shall have a minimum clearance of four (4) feet from any electrical conductor, electric light pole, road lamp, traffic light, or other public utility pole or standard.
- 15 c. All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code. Signs with electrical connections shall comply with Electrical Code requirements, including the application, inspection, and approval of an electrical permit.

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

25 (5) **Safety Triangle.** No sign shall be located within, project into, or overhang the triangular area formed at the intersection of any two road right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

30 (Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

Sec. 17-06 Specific Sign Requirements

- 35 (a) The number, display area, and height of signs within the various zoning districts are provided in Table 17-06 and its accompanying set of additional requirements.

**Table 17-06
Specific Sign Requirements**

| Type of Sign | Districts Permitted | Max. Height | Max. Size (sq ft) (1) | Max. Number | Permit Required | Additional Requirements |
|--------------------------|--------------------------------------|--|------------------------------|--------------------------------------|------------------------|--------------------------------|
| Aerial Balloon | All Non-Residential Zoning Districts | 40 ft., not including the height of the structure to which the balloon is attached | | 2 per 12 month period | yes | (3) |
| Awning/ Canopy | All Non-Residential Zoning Districts | --- | --- | --- | yes | (4) |
| Banner | All Non-Residential Zoning Districts | | 16 | 1 | yes | (5) |
| Billboard | All Non-Residential Zoning Districts | | | | yes | (6) |
| Business Center | All Non-Residential Zoning Districts | 5 ft. | 32 per face | 1 wall or double faced freestanding | yes | (7) |
| Community Event | All Zoning Districts | -- | 10 | -- | no | (8) |
| Construction | All Residential Zoning Districts | -- | 12 | 1 wall & 1 single faced freestanding | no | (9) |
| | All Non-Residential Zoning Districts | -- | 32 | | | |
| Development Entry | All Residential Zoning Districts | 42 in. | 20 per face | 1 each entrance | yes | (10) |
| Device Signs | All Non-Residential Zoning Districts | -- | 3 | 1 per vending machine or container | no | |
| Directional | All Non-Residential Zoning Districts | -- | 4 | 1 wall or double faced freestanding | yes | (11) |
| Employment | All Non-Residential Zoning Districts | -- | 6 | -- | no | |
| Flags | All Zoning Districts | 30 ft. | -- | 3 | no | (12) |
| Freestanding | All Non-Residential Zoning Districts | 42 in. | 32 per face | 1 | yes | (2) (13) |

**Table 17-06
Specific Sign Requirements**

| Type of Sign | Districts Permitted | Max. Height | Max. Size (sq ft) (1) | Max. Number | Permit Required | Additional Requirements |
|----------------------------------|--------------------------------------|--------------------|------------------------------|--------------------------------------|------------------------|--------------------------------|
| Garage Sale | All Zoning Districts | | 6 | | no | (14) |
| Gasoline Service Station | All Non-Residential Zoning Districts | -- | 12 per face | 2 wall or double faced freestanding | yes | (15) |
| Historic | All Zoning Districts | -- | 6 per face | -- | no | -- |
| Home Occupation | All Zoning Districts | -- | 3 | -- | yes | -- |
| Identification | All Zoning Districts | -- | 1 | 1 wall or double faced freestanding | no | (16) |
| | All Non-Residential Zoning Districts | 6 ft. | 3 | 1 parking lot sign & 1 driveway sign | no | -- |
| Incidental | All Zoning Districts | -- | 2 (total of all) | -- | no | -- |
| Marketing | All Zoning Districts | 42 in. | 32 | 1 per 6 mo. Period | yes | |
| Marquee (Canopy) | All Non-Residential Zoning Districts | -- | -- | -- | yes | (17) |
| Memorial | All Zoning Districts | -- | -- | -- | no | -- |
| Model | All Zoning Districts | -- | 6 | -- | no | -- |
| Murals | All Zoning Districts | -- | -- | -- | no | (18) |
| Political | All Zoning Districts | -- | -- | 1 per issue or candidate | no | (19) |
| Public | All Zoning Districts | -- | -- | -- | no | -- |
| Real Estate | All Zoning Districts | 42 in. | 6 per face | 1 wall or double faced freestanding | no | (20) |
| Recreation/ Institutional | All Zoning Districts | 42 in. | 20 per face | 1 freestanding | yes | (21) |
| Sandwich/Menu Boards | All Non-Residential Zoning Districts | -- | 16 each | 2 | yes | (22) |
| Traffic Control | All Zoning Districts | -- | -- | -- | no | -- |
| Vehicle | All Zoning Districts | -- | -- | -- | no | (23) |
| Wall | All Non-Residential Zoning Districts | -- | -- | -- | yes | (24) |
| Warning | All Zoning Districts | -- | 3 | -- | no | -- |

| Table 17-06 Specific Sign Requirements | | | | | | |
|---|--------------------------------------|-------------|-----------------------|-------------|-----------------|-------------------------|
| Type of Sign | Districts Permitted | Max. Height | Max. Size (sq ft) (1) | Max. Number | Permit Required | Additional Requirements |
| Window | All Non-Residential Zoning Districts | -- | 20% of glass surface | -- | no | (25) |

(b) Signs noted in Table 17-06 shall comply with the following requirements:

(1) The Planning Commission may permit a fifteen percent (15%) increase in the allowable sign area where the site has shared access with an adjoining site in accordance with **Section 16-05**, the sign has a brick base, and additional landscaping is provided around the base of the sign.

(2) **West Grand River Sign District.** The West Grand River Sign District consists of properties with a minimum of fifty (50) feet of frontage on West Grand River Avenue from the City of Brighton city limits to the township line with Genoa Township. This special district is unique due to its compactness, being less than a mile in length, and is bounded at each end by other municipalities with existing sign heights up to fifteen (15) feet. Further, the district contains an expressway exit ramp bringing in travelers, unfamiliar with the area, in search of businesses to fulfill their needs. Requirements for signs located within the West Grand River Sign District are as follows:

a. The maximum height of freestanding signs shall not exceed fifteen (15) feet.

b. Multifaced signs shall not exceed seventy-two (72) square feet per face.

(3) Aerial Balloon

a. Limited to placement on the premises where the business or product advertised is located or sold and only allowed for thirty (30) calendar days per calendar year.

b. May exceed the roof line or parapet of the structure to which it is anchored or attached.

- c. Must be firmly attached to a structure and shall not be free floating or anchored by cables that would allow the aerial balloon to drift or float above the anchor site.

- 5
- d. Shall not contain any dangerous or explosive gas.

(4) Awning/Canopy Sign

- 10
- a. The maximum aggregate surface display area shall be ten percent (10%) or forty (40) square feet, whichever is greater, of the total area of the awning on which it is displayed.

- 15
- b. Signs displayed on not more than three (3) exterior walls of the main structure.

- c. The maximum aggregate total of the surface display area of all wall, window and awning/canopy signs on any premises is one hundred twenty (120) square feet for any premises.

20

(5) Banner Sign

- a. Firmly attached to the wall of the main building.

- 25
- b. Limited to advertising the opening of a new business or special/seasonal sale.

- c. A maximum display time of an aggregate total of thirty (30) calendar days per calendar year.

- 30
- d. Not to be used as a permanent display.

(6) Billboard

- 35
- a. **Special Use.** The erection of any billboard requires special land use approval per *Article 19*, conditioned upon the terms of this and other Township Ordinances. Following a special land use approval, a sign permit may be granted, subject to compliance with all of the following requirements:

1. **Allowable Zoning Districts.** Billboards are allowed as a principal use subject to special land use approval in the B-2 and I-1 Zoning Districts abutting I-96 and U.S. 23 Freeways on a premise where no other main structure exists. The billboard must be constructed in such a manner as to be viewed principally from the freeway(s) and not from auxiliary roadways, side road, traffic intersections, or residential areas.

2. **Location.** Billboards shall be constructed so that its principal view is fully screened from an interchange area involving merging traffic. Any billboard shall comply with the following:

i. Shall be located at least five hundred (500) feet from any residentially zoned area, historic district or outdoor park/recreational facility.

ii. The premises must have a roadway easement to a non-freeway primary or secondary road such that the persons maintaining and servicing the sign may reach the site without danger from high speed traffic.

b. **Billboard Construction Details.** A billboard shall be constructed according to building requirements, codes, and zoning regulations then in effect for Brighton Township that may apply to it and its surrounding premises. A billboard shall comply with the following height requirements:

1. A maximum height of twenty (20) feet in height above the median ground level within a five hundred (500) feet radius of the site.

2. Shall be prohibited from:

i. Extending above the tree line or horizon when viewed from any portion of the roadway that it faces.

ii. Being located on or over the roofs of buildings.

iii. Projecting over any public easement or right-of-way.

c. **Surface Display Area.** A billboard shall have a maximum of two hundred (200) square feet in surface display area and shall be limited to one (1) face. Faces may not be joined horizontally or vertically. Only one (1) business or organization may advertise on any one (1) face.

d. **Spacing and Setbacks.** A billboard shall maintain all of the following spacing and setback requirements:

1. A minimum of two thousand (2,000) feet between any other billboard, measured in all directions and including billboards in adjacent Townships, Villages, Municipalities, and Counties.

2. A minimum of one hundred (100) feet between any allowable on-premises sign.

3. At least three hundred (300) feet from any park, school, church, hospital, cemetery, or government building.

e. **Setbacks.** Billboards shall comply with all setback requirements for a structure in the district in which they are located.

f. **Sign Face Limitations.** A billboard shall be prohibited from having moving, flashing, oscillating or other distracting parts visible to drivers or vehicles.

g. **Colors.** Billboard colors used shall not include fluorescent or brilliant shades that may be distracting, except that commonly used company logo colors may be used if the logo does not exceed five percent (5%) of the face area of the sign when including these fluorescent or brilliant colors.

h. **Illumination.** A billboard may be illuminated subject to all of the following requirements:

1. Illumination must be directed in such a manner that all incidental light generated falls on the sign face.

2. All lights must be shielded such that the light is not visible to traffic or surrounding homes or businesses.

3. The intensity of the lighting shall be low enough and a color such that the reflected lights from the sign do not create a traffic hazard nor interfere with the normal vegetation growth on the billboard site.

4. Billboards within view of any Residential District may not be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

i. **Landscaping.** The billboard site shall be planted with low growing shrubbery in front of and at the road end of the sign and evergreen trees behind the sign such that the framework or superstructure of the sign is generally not readily visible to passing traffic.

j. **Non-use.** Any billboard not in use shall have the unused surface display a scenic view, consistent with the Township scenery, or a public service display.

k. **Maintenance and Unsafe Conditions.** Any billboard that collapses, topples or disintegrates shall be made safe within thirty (30) days or the site shall be cleared of the debris.

l. **State Compliance Required.** All billboards shall comply with applicable requirements and conditions of P.A. 106 of 1972 as amended, "The Highway Advertising Act of 1972."

m. **Identification Plate.** The framework, foundations or superstructure of the billboard shall have a metal identification plate, as defined, firmly attached thereto.

(7) **Business Centers.** Each business center with at least two hundred (200) feet of major road frontage may be allowed one (1) on-premises freestanding or one (1) wall sign, subject to the following:

a. May be directly or indirectly illuminated.

b. May be double-faced.

- 5 c. Shall not reduce the number of signs or sign area otherwise allowed for the premises included within the business center, but shall prohibit any other freestanding signs from being permitted within the business center.

(8) Community Event Signs

- 10 a. Placing of all signs shall be approved and the locations designated by the Building Official.
- 15 b. Signs shall be installed no sooner than twenty-one (21) days preceding the event and removed no later than seven (7) days following the event.

(9) Construction Signs

- 20 a. Signs shall be removed from premises within thirty (30) days after issuance of the occupancy permit or temporary occupancy permit.
- 25 b. The message shall pertain only to the building or project under construction and information related thereto such as its developers, contractors, engineers, brokers and architects.

(10) Development Entry Signs

- 30 a. Freestanding signs of low profile design.
- b. May be directly or indirectly illuminated.

(11) Directional Signs

- 35 a. Located immediately adjacent to a driveway and within five (5) feet of the property line at each exit or entrance to the premises.
- b. A low profile sign design.
- 40 c. May be directly or indirectly illuminated.

(12) **Flags.** Includes flags or insignia bearing the official design of a nation, state, municipality, educational institution, or non-commercial organization

5 (13) **Freestanding Signs.** One (1) on-premises freestanding sign may be allowed for those premises having at least fifty (50) feet of arterial road frontage. Freestanding signs shall be subject to all of the following:

10 a. Freestanding signs shall be of a low profile design.

b. Signs shall be located completely outside of the existing road right-of-way.

15 c. Freestanding signs may be directly or indirectly illuminated.

d. Freestanding signs may include changeable but non-moving, non-scrolling copy and the copy may only change once a day.

20 e. **Joint Applicants.** If, due to inadequate frontage on a major road under the provisions of *Section 17-05 (b)(4)* above, a commercial premises is prohibited from having a freestanding sign, the owner may obtain a joint permit for a sign with one (1) or more adjacent commercial premises, subject to all of the following requirements:

25 1. The aggregate frontage of all joint applicants exceeds fifty (50) feet of frontage of an arterial road.

30 2. A limit of one (1) freestanding sign shall be allowed for the aggregate frontage of all joint applicants.

3. An applicant shall be limited to participating in one (1) joint application for a sign permit.

35 (14) **Garage Sale Signs.** Must be erected no more than ten (10) business days before and are removed within one (1) business day after the announced sale.

40 (15) **Gasoline Service Stations.** Each gasoline service station may be allowed the following signs in addition to the signs otherwise allowed by this Article:

- a. Gasoline pump signs not exceeding three (3) square feet per pump containing customary information regarding the brand, type of gasoline sold, and service provided.

5

- b. Shall be a low profile sign.

- c. May not project into the public right-of-way.

10

- d. May contain up to two (2) pump island signs located on the structural supports identifying "self-serve" and "full-serve" operations, provided that there is no business identification or advertising copy on such signs and that such signs do not exceed four (4) square feet in area.

15

(16) Identification Signs

- a. For the sole purpose of designating an assigned house number, owner name, occupant, or building name.

20

- b. Identification signs shall not be counted in the total sign area allowed on the premises, however, such signs in excess of one (1) square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this Ordinance.

25

(17) Marquee Signs. Signs on marquees, and canopies may be allowed, subject to compliance with all of the following requirements:

- a. A total area of the lettering and logo shall not exceed twenty-five (25) percent of the total area of the marquee, or canopy (excluding supports) that is visible from the road.

30

- b. The display area of the sign on a marquee, or canopy shall be counted toward determining compliance with the requirements for total allowable area of wall signs allowed on the parcel.

35

- c. Marquee signs are prohibited from projecting over any public easement or right-of-way, however, other limitations imposed by this Article concerning projecting signs shall not apply to marquee, or canopy signs.

d. Any lettering used solely for the purpose of presenting the numerals of a road address shall not be included within the computed sign area on a marquee, or canopy, provided that the height or width of the numerals does not exceed the height or width of other letters or numerals on the marquee, or canopy.

e. Awnings and canopies shall not be internally illuminated.

(18) **Murals.** Murals shall be allowed providing no text, commercial logos or other identifiable commercial representation are included.

(19) **Political Signs**

a. Placed with the permission of the owner or entity in charge of the premises where located.

b. The owner of the property or the person in charge thereof shall be responsible for the removal of the signs.

c. Located in an area that can be accessed without trespass to other owners of adjoining properties.

d. Removed within seven (7) days after the election at which the vote for the question or person is held.

(20) **Real Estate Signs**

a. Must be removed ten (10) days after the sale, lease, or rental of the property upon which erected.

b. Freestanding signs shall be of low profile design.

(21) **Recreational/Institutional Signs**

a. A freestanding sign of a low profile design.

b. May be directly or indirectly illuminated.

- c. Limited to placement at the entrance of a structure or facility on the premises.

(22) Sandwich/Menu Board

- a. A maximum display time of an aggregate total of ninety (90) calendar days per calendar year.

(23) Vehicle Signs

- a. The sign may either be painted or permanently attached to the vehicle.
- b. Sign denotes only the products, business, or services offered by the owner of a licensed, insured vehicle.
- c. The primary use of the vehicle displaying the sign is not for the purpose of advertising a business on the premises where the vehicle is parked.

(24) Wall Signs

- a. The maximum aggregate surface display area shall be ten percent (10%) or forty (40) square feet, whichever is greater, of the total area of the wall on which it is displayed.
- b. Sign shall not extend more than twelve (12) inches beyond the surface of the portion of the building wall area upon which it is painted, erected, or fastened.
- c. Signs displayed on not more than three (3) exterior walls of the main structure.
- d. The maximum aggregate total of the surface display area of all wall signs on any premises is one hundred twenty (120) square feet for any premises.
- e. Wall signs may be directly or indirectly illuminated.

(25) **Window Signs**

- 5
- a. The area of permanent window signs shall be counted in determining compliance with requirements for total area of wall signs.
 - b. Window signs that are faded, yellowed, ripped, or otherwise damaged shall be removed immediately.

10 (Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

Sec. 17-07 Application Requirements

- 15
- (a) **Permits Required.** No person shall erect, place, construct, structurally alter, inflate any aerial balloon or add to any sign for which a permit is required, nor attach any sign to an existing sign, that shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining all permits to do so in the manner hereinafter provided.
 - 20 (b) **Exceptions to Permit.** No permit shall be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as lettering on a marquee or numbers on a gasoline price sign). Furthermore, a permit shall not be required of signs which are stated as being allowable without a permit.

25 **Sec. 17-08 Application Procedure**

- 30
- (a) **Application Form.** Application for a permit for a sign shall be filed with the Township Planner and shall provide the following information:
 - (1) Name, address, and telephone number of the applicant.
 - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
 - 35 (3) Position of the sign in relation to buildings, structures, and property lines within one hundred (100) feet of the proposed sign.

(4) Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.

(5) Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.

(6) Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.

(7) Information concerning required electrical connections.

(8) A bond, as may be required by this Article.

(9) Written consent of the owner or lessee of the premises upon which the sign is to be erected.

(10) Other information required by the Township Planner to make the determination that the sign is in compliance with all applicable laws and regulations.

(b) Application Review

(1) **Planning Commission Review.** All locations for placement of a sign submitted in conjunction with the proposed construction of a new building or addition to an existing building or as part of a site plan review required by this Zoning Ordinance shall be reviewed by the Planning Commission as a part of the required site plan review. The location, size and height of all existing and proposed signs must be shown on the site plan.

(2) **Township Planner Review.** The Township Planner shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

(3) **Issuance of a Permit.** Following review and approval of a sign application by the Township Planner, as appropriate, the Township Planner shall have the authority to issue a sign permit upon payment by the applicant of the required fees.

- (4) **Denial of a Permit.** The Township Planner shall deny the application for any sign that does not comply with the requirements of this Ordinance or is found to be inconsistent with any of the requirements herein.

5 **Sec. 17-09 Sign Inspection and Maintenance**

(a) **Sign Inspection**

- 10 (1) **Responsibility for Compliance.** The owner of any property on which a sign is located is declared to be responsible for the permit, erection, inspection, safety, condition, and removal of a sign and the area in the vicinity thereof.
- 15 (2) **Inspection of New Signs.** All signs for which a permit has been issued shall be inspected by the Township Planner when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable requirements of Township Ordinances and Codes.
- 20 (3) **Inspection before Enclosure.** In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Building Official when such fastenings are to be installed so that inspection may be completed before enclosure.
- 25 (4) **Inspection of Existing Signs.** The Building Official or Township Planner may, at such times as deemed necessary, inspect any sign allowed under this Section, and if upon inspection a sign is found to be unsafe or in a condition that does not comply with all the provisions of this Section, the Building Official Department or Township Planner shall give notice of
- 30 such condition to the owner for such sign and cause to be made the necessary repairs or alterations, or remove the sign.

(b) **Sign Maintenance**

- 35 (1) **Maintenance of Signs.** All signs for which a permit is required and all supports therefore shall:
- a. Be kept in compliance with the plans and specifications filed and approved for issuance of the construction permit.

b. Be kept and maintained in a safe condition, consistent with adopted building and mechanical codes.

5 c. At all times conform to all the provisions of this Article.

(2) **Correction of Defects.** If the Building Official or Township Planner finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Building Official or Township Planner. Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired within twelve (12) hours of notification.

15 (c) **Removal of Obsolete Signs.** Any sign that no longer identifies a business that is in operation; or identifies an activity or event that has already occurred shall be considered abandoned and shall be removed by the owner of the property within seven (7) calendar days of the cessation of operation. The owner of the property shall be responsible for removal of all signs and sign faces used in conjunction with a business upon vacation of a commercial or industrial establishment. Where a sign structure and frame can typically be reused by a new occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied.

(d) **Nonconforming Signs**

30 (1) **Continuance.** Any sign lawfully existing at the time of the adoption of this Article that does not fully comply with all provisions shall be considered a legal nonconforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as herein provided.

35 (2) **Restrictions.** A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with the provisions of this Section. For the purpose of this Article only, the term "altered" or "reconstructed" shall not include any of the following:

- a. Normal maintenance.
- b. Changing of surface sign space to a lesser or equal area.
- 5 c. Ornamental molding, frames, trellises, or ornamental features or landscaping below the base line.
- d. The addition, construction, installation, or changing of electrical wiring or electrical devices.
- 10 e. Changing backgrounds, letters, figures, or characters, or other embellishments.

(3) **Requirements.** Nonconforming signs shall comply with the following requirements:

- a. **Repairs and Maintenance.** Normal maintenance shall be allowed, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-existing fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.
- 20 b. **Nonconforming Changeable Copy Signs.** The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.
- 25 c. **Substitution.** No nonconforming sign shall be replaced with another nonconforming sign.
- 30

Sec. 17-10 Appeal to the Zoning Board of Appeals

Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals (ZBA) within thirty (30) calendar days of the decision, in accordance with provision of the Township Zoning Ordinance. If a party is seeking a variance for a sign proposal from the requirements of the Ordinance, the ZBA shall have the authority to grant a variance where the strict application of the regulations would result in peculiar or exceptional practical

difficulties upon the applicant, provided such relief may be granted without substantially impairing the intent and purposes of this Ordinance. The ZBA shall consider the following in arriving at a decision. In granting a variance the ZBA may attach such conditions regarding the location, character, and other features of the proposed sign as it may deem reasonable. In granting a variance, the ZBA shall state the grounds and findings upon which it justifies granting the variance.

(a) **Visibility.** Conforming signs could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions.

(b) **Safety.** Conforming signs could not be seen by passing motorists in sufficient time to allow safe deceleration. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

(c) **Clutter.** Existing signs on nearby parcels would substantially reduce the visibility or advertising value of a conforming sign on the subject parcel.

(d) **Natural Features.** Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, or obstruction of a natural drainage course.

(e) **Obstruction.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passersby.

(f) **Enhancement.** Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements to the premises, so that the net effect is an improvement in appearance, compared to the result that would be otherwise achieved with construction of a conforming sign.

(g) **Scale.** A sign that exceeds the allowable height or area requirements of the Ordinance would be more appropriate in scale because of the unusually large size or frontage of the premises or building.

Sec. 17-11 Fees/Costs

(a) **Fees.** Any application for a sign permit or other request for other action pursuant to the regulations set forth in this Article shall be subject to and accompanied by a fee as established by resolution of the Board of Trustees. Such fees shall be collected in advance of any application review, inspection, or issuance of any permit or approval. Upon notification of deficient payment of fees, the Township Planner shall cause any permits to be suspended and reject applications for new permits directly associated with the request.

(b) **Township Costs.** All costs incurred by the Township in removing signs not in accord with this Article shall become a lien on the property on which said sign is erected and may be collected at law from those responsible for said sign or equity by foreclosure and sale of the land upon which the sign was erected or may be assessed to the property and collected as a property tax.

ARTICLE 18
SITE REVIEW

5 **Sec. 18-01 Intent**

10 The review procedures and standards set forth herein provide a consistent and uniform method for review of proposed projects, development plans, activities, and use changes, and to ensure full compliance with the requirements and standards contained in this Ordinance, other applicable local Ordinances, standard engineering practices, and state and Federal laws. The procedures set forth herein are further intended to:

15 (a) Achieve efficient use of the land.

 (b) Protect natural resources.

 (c) Minimize adverse impacts on adjoining or nearby properties.

20 (d) Provide a mechanism for review of activities.

 (e) Encourage cooperation and consultation between the Township and the applicant to facilitate activities in accordance with the Township's land use objectives.

25 (f) Protect the private property rights of Township residents through timely, consistent and fair administration of the Township's site review processes.

30 (Ord. #234, 12/28/06)

30 **Sec. 18-02 Uses Subject to Review**

35 Table 18-02 sets forth the four (4) distinct review processes appropriate for a range of situations, activities and uses. Table 18-02 graphically illustrates the relevant review process for each particular activity for which the Township requires review. For situations and uses requiring a site plan or sketch plan, associated permits shall not be issued until the requisite plan is approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The following

descriptions (a-d) of the review processes are informational and illustrative; they do not supplement or supersede the review procedures and requirements set forth in this Ordinance.

- 5 (a) **Full Site Plan.** The most involved process for large and complex projects, including most new developments and major expansions.
- 10 (b) **Sketch Plan.** Small scale projects and expansions or changes in use are permitted to provide less detailed information than a full site plan review. The level of information is intended to be proportionate to the extent of the change and yet insure adequate review for compliance with applicable standards. Sketch plans shall still undergo a formal review by the Planning Commission.
- 15 (c) **Administrative Review.** Select small scale projects and expansions or changes in use to sites are required to provide a plan that describes the proposed activity, and do not require review by the Planning Commission; but instead, shall undergo a formal review for approval by the Township Planner.
- 20 (d) **Exempt.** Select projects and activities are exempt from site review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable zoning regulations can be addressed during the building permit review process.

| Table 18-02 Required Review Processes | | | | |
|--|-----------------|--------------------------|----------------------------|---------------------|
| Activity/Situation/Use | Required Review | | | |
| | Full Site Plan | Sketch Plan ¹ | Admin. Review ² | Exempt ³ |
| New Development | | | | |
| Construction of 1 Single Family Dwelling Unit on 1 Lot in a Residential Zoning District | | | | X |
| Multiple Family Dwellings | X | | | |
| Construction of any Nonresidential Use or Building | X | | | |
| Establishment of Special Land Uses in all Zoning Districts, Except Where Specifically Noted Elsewhere in this Table | X | | | |
| Erection of Cellular Phone Towers & other Communication Towers | X | | | |
| Construction of Essential Public Service Buildings & Storage Areas | X | | | |
| Golf Courses & Public/Private Parks | | X⁴ | | |
| Minor Changes During Construction such as Changes in Landscape Species to a Similar Variety, Realignment of a Driveway or Road Due to an Unanticipated & Documented Constraint During Construction, or to Improve Safety or Protect Natural Features | | | X | |
| Minor Changes During Construction Required by Outside Agencies | | | X | |
| Expansions | | | | |
| Expansion of 1 Single Family Dwelling Unit on 1 Lot in a Residential Zoning District | | | | X |

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

**Table 18-02
Required Review Processes**

| Activity/Situation/Use | Required Review | | | |
|---|-----------------|--------------------------|----------------------------|----------------------|
| | Full Site Plan | Sketch Plan ¹ | Admin. Review ² | Exempt ³ |
| An Increase in the Floor Area up to 25% of the Existing Floor Area for a Use Requiring Site Plan Approval | | X | | |
| An Increase in the Floor Area Greater than that Specified Above | X | | | |
| An Increase in Parking or Loading Area of up to 25% or 6,000 sq. ft. of Pavement Area without any Building Changes | | | X⁵ | |
| An Increase in Parking or Loading Area over 25% or 6,000 sq. ft. of Pavement Area without any Building Changes | | X⁵ | | |
| Changes to Building Height that do not Add Additional Floor Area | | | X | |
| Changes in Use⁶ | | | | |
| Any Change in the Use of Land or a Building to a More Intensive Use, in Terms of Parking Needs, Noise, Traffic Volumes, & Similar Impacts | | X | | |
| A Change in Use to a Similar or Less Intense Use Provided the Site shall Not Require any Significant Changes in the Existing Site Facilities such as Parking, Landscaping, Lighting, or Signs | | | X | |
| Improvements to Outdoor Recreational Uses & Parks that are Permitted Uses | | | X | |
| A Change from a Nonconforming Use, Building or Site, to a More Conforming Situation | | X | | |
| Other Types of Projects | | | | |
| Accessory Open-Air Businesses | | X | | |
| Accessory Buildings & Structures Constructed or Erected Accessory to a Permitted Single Family Dwelling Unit; & those up to 100 sq. ft. in Area in other Districts | | | | X⁴ |
| Accessory Buildings & Structures Greater than 100 sq. ft associated with a Non-Single Family Residential Use in any Zoning District | | | X | |
| Architectural Changes to a Non-Single Family Residential Structure (an Elevation Plan Describing Changes & Construction Materials is Required) | | | X | |
| Bike path, Pathway or Sidewalk Construction or Relocation | | | X⁵ | |
| Construction of an Entrance Feature Associated with a Non-Single Family Residential Use (Walls, Landscaping, etc.) | | X | | |
| Fences Associated with a Non-Single Family Residential Use, Installed or Improved | | | X⁵ | |
| Grading, Excavation, Filling, Soil Removal, Creation of Basins unless such activity is normally & customarily incidental to Single Family Uses on the Site. | | | X⁵ | |
| Clearing 5 or more trees if the total number of trees cleared is more than twenty-five percent (25%) of the trees measuring six (6) inch caliper or larger on a Site within a twelve-month period. | | | X⁷ | |
| Home Occupations | | X | | |
| Internal Construction or Change in the Floor Plan that Does not Increase Gross Floor Area, Increase the Intensity of Use or Affect Parking Requirements on a Site which Meets all Site Design Standards of this Ordinance | | | | X |
| Landscape Changes to Similar Species & that are Consistent with the Standards of this Ordinance | | | X | |
| Modifications to Upgrade a Non-Single Family Residential Building to Improve Barrier-Free Design, or to Comply with the Americans with | | | X | |

| Table 18-02 Required Review Processes | | | | |
|---|------------------------|--------------------------------|----------------------------------|---------------------------|
| Activity/Situation/Use | Required Review | | | |
| | Full Site Plan | Sketch Plan¹ | Admin. Review² | Exempt³ |
| Disabilities Act or Other Federal, State or County Regulations | | | | |
| Parking Lot Improvements Provided the Total Number of Spaces shall Remain Constant | | | X⁵ | |
| Private Roads | X | | | |
| Residential Care Facilities Licensed by the State that Require Special Land Use Approval | | X | | |
| Sign Relocation or Replacement Provided it Meets the Dimensional & Location Standards of this Ordinance | | | X | |
| Site Improvements such as Installation of Walls, Fences, Lighting or Curbing Consistent with Ordinance Standards | | | X | |
| Temporary Uses, Sales & Seasonal Events | | X | | |
| Utility System Improvements | | | | X⁵ |
| Waste Receptacle Relocation to a More Inconspicuous Location or Installation of Screening around the Waste Receptacle | | | X | |
| Other projects not specifically listed in this Table | | | X | |
| Footnotes: | | | | |
| ¹ Requires review & approval by the Planning Commission (see Section 18-04) | | | | |
| ² If the modifications are not deemed minor, then normal site plan review by the Planning Commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, or special land use | | | | |
| ³ A building permit is still required | | | | |
| ⁴ For a golf course, a general layout of holes, ball trajectory & natural features is required; full site plan review is required for buildings, structures & parking areas that illustrate the area around such facilities | | | | |
| ⁵ Construction plans must be approved by the township engineer | | | | |
| ⁶ The new use must be fully described & all applicable utility fees paid | | | | |
| ⁷ No administrative review fee | | | | |

(Ord. #243, 8/1/08), (Ord. #234, 12/28/06)

Sec. 18-03 Site Plan and Sketch Plan Review Procedures and Requirements

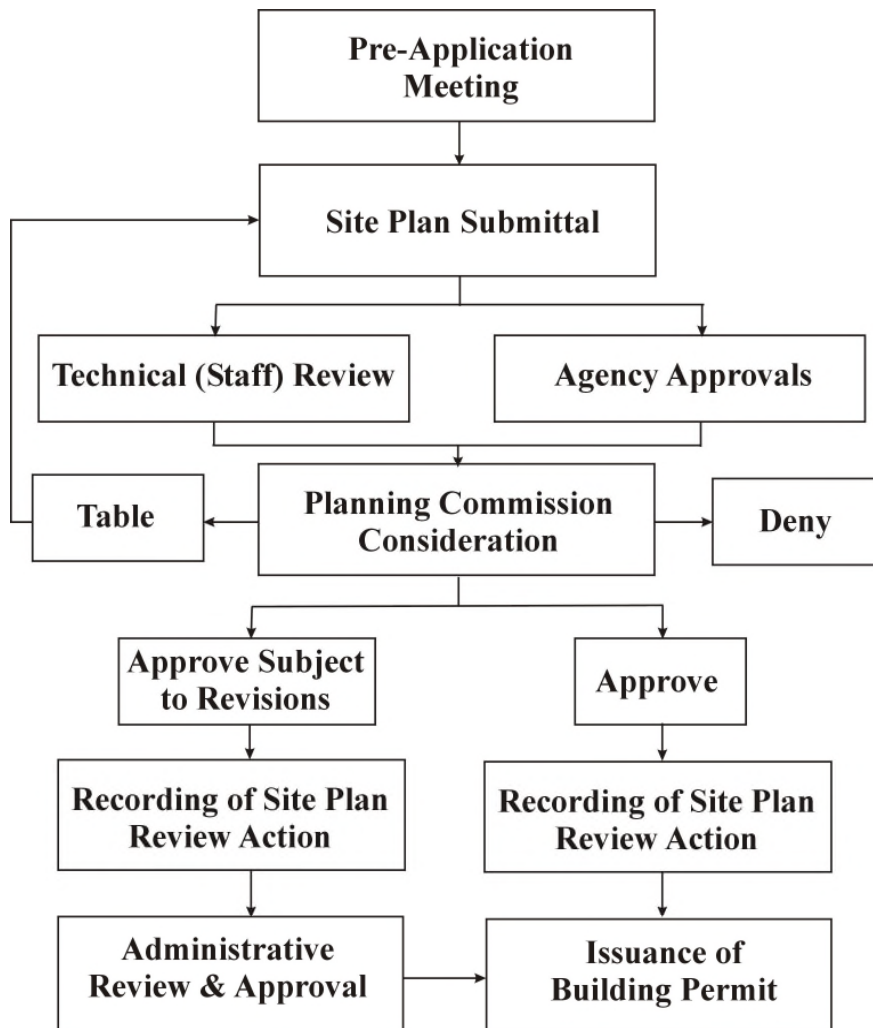
5

Except as otherwise set forth in **Section 18-04**, site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

10

- (a) **Applicant Attendance.** The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled without consideration of the site plan due to lack of representation. The representative must be the property owner or someone designated in writing by the property owner as the authorized representative. The Township Planner may recommend to the Planning Commission that the applicant's

15



architect or engineer be required to be present at the meeting in order to address technical matters related to the application.

(b) **Pre-Application Meeting.** The applicant may be required to schedule a meeting with the Township Planner to discuss the project, submittal requirements, and review procedures. The purpose of this meeting is to discuss applicable requirements and technical issues, and to determine the appropriate type of review process based on Table 18-02. Sufficient information shall be submitted prior to the meeting that describes the proposed project. Discussion at this meeting is in no way a formal approval or decision on any aspect of a proposed project.

(c) **Site Plan Submittal.** The applicant shall submit copies as outlined in the various submittal applications to the Township Planner. Plans will not be accepted unless all materials are submitted.

(1) Complete application form supplied by the Township.

(2) Written description of the proposed project or use.

(3) Documentation that the applicant has submitted one (1) copy of the application plus two (2) copies of the site plan to the Livingston County Drain Commissioner, the Livingston County Health Department, and all applicable public utility companies.

(4) A complete site plan or sketch plan that includes the information listed in *Section 18-05*.

(5) Any additional information the Planning Commission finds necessary to make the determinations required herein.

(d) **Technical (Staff) Reviews.** The Township Planner shall forward the application and site plan(s) to the Township Engineer and Fire Department for review and comment.

(e) **Agency Approvals.** The applicant shall be required to obtain all other necessary agency permits from the Livingston County Drain Commissioner, Livingston County Road Commission, the Livingston County Health Department, and all applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the final site plan.

(f) **Planning Commission Consideration.** Following technical review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan review, together with the reports and recommendations from the Township Planner, Township Engineer, Fire Department and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based on the requirements and standards of this Ordinance. The Planning Commission is authorized to table, grant approval, grant approval subject to conditions, or denial as follows:

(1) **Table.** The application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the

technical review, a variance is needed from the Zoning Board of Appeals, or revisions are necessary to bring the site plan into compliance with applicable standards and requirements. The Planning Commission shall direct the applicant to prepare additional information, revise the site plan, or direct the Township staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, signed by the applicant's design professional.

(2) **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, approval shall be granted subject to the applicant providing copies of all required outside agency approvals.

(3) **Approval Subject to Revisions.** Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall correct the site plan prior to applying for a building permit. The applicant shall resubmit the site plan, accompanied by a complete list of all changes, signed by the applicant's design professional, to the Township Planner for final approval after the revisions have been completed. The Township Planner shall review and approve the resubmitted plan if all required revisions have been addressed and copies of any permits required by outside agencies have been provided. The Planning Commission may approve subject to the submission of all applicable County permits.

(4) **Denial.** Upon determination that a site plan does not comply with standards and requirements set forth in this Ordinance site plan approval shall be denied. Any resubmittal shall be considered a new site plan and be required to reinitiate the full site plan review process. Any person aggrieved by the decision of the Planning Commission in denial of a site plan shall have the right to appeal the decision to the Zoning Board of Appeals.

(g) **Recording of Site Plan Review Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission's meeting. The grounds for action taken upon each site plan shall also be recorded in the minutes. After action has been taken, one (1) copy of the application and site plan(s) shall be transmitted to each of the applicant,

along with a written transmittal of the grounds of action and any conditions of approval.

5 (h) **Completion of Site Design**

10 (1) Following final approval of the site plan or sketch plan and final approval of the engineering plans by the Township Engineer, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

15 (2) If construction has not commenced within two (2) years of site plan approval, then staff can approve a one (1) year administrative extension if the site plan complies with current requirements. After that time period, the approval becomes null and void and a new application for site plan review shall be required unless the applicant receives an extension from the Planning Commission. The applicant may request a one (1) year extension by the Planning Commission, provided a written request is received before the expiration date and the site plan complies with current requirements (i.e., any amendments to the Zoning Ordinance since the site plan was approved).

20 (Ord. #281, 12/9/22), (Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

25 **Sec. 18-04 Administrative Review Procedures and Requirements**

For activities, uses and projects requiring administrative review, as identified in Table 18-02, the following procedures and requirements apply:

30 (a) **Submittal Requirements.** Copies of the plan as outlined in the application package that contains the information listed in *Section 18-05* shall be submitted to the Township Planner. The Township Planner may waive some of the submittal requirements if the information is not relevant or necessary to ensure review of and compliance with the applicable zoning requirements.

35 (b) **Review by Township Planner.** The Township Planner shall confine his/her review to the proposed alterations only, rather than review of the entire use, building or layout. If the Township Planner determines that the proposed

alterations do not comply with one or more provisions of this Ordinance, the Township Planner shall disapprove them in writing, and shall cite the section(s) of the Ordinance that would be violated by the alteration. The Township Planner shall otherwise either approve the plan or approve the plan with a condition that certain revisions be made, if such revisions are necessary to achieve compliance with a provision or provisions of this Ordinance that have been identified, in writing, by the Township Planner.

(c) **Planning Commission Review.** The Township Planner and the applicant have the option to request sketch plan review by the Planning Commission. Each such request must be accompanied by a short narrative statement describing the circumstances that prevent the Township Planner from approving or disapproving the sketch plan, or that justify the referral of the sketch plan to the Planning Commission.

(d) **Issuance of Building Permit.** A building permit shall be issued following review and approval of any construction plans by the Township Engineer, as appropriate.

(Ord. #234, 12/28/06), (Ord. #231, 12/27/05)

Sec. 18-05 Submittal Requirements

The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review:

| Table 18-05 Site Plan and Sketch Plan Submittal Requirements ¹ | | |
|---|---------------|-------------|
| Plan Data | Required for: | |
| | Site Plan | Sketch Plan |
| Application Form | | |
| Name & Address of the Applicant & Property Owner | X | X |
| Address & Common Description of Property & Complete Legal Description | X | X |
| Dimensions of Land & Total Acreage | X | X |
| Zoning on the Site & All Adjacent Properties | X | X |
| Description of Proposed Project or Use, Type of Building or Structures, & Name of Proposed Development, if Applicable | X | X |
| Name & Address of Firm or Individual Who Prepared Site Plan | X | X |
| Proof of Property Ownership | X | X |
| Site Plan Descriptive & Identification Data | | |
| Site Plans Shall Consist of an Overall Plan for the Entire Development, Drawn to an Engineer's Scale of not Less than 1 in. = 50 ft. for Property Less than 3 Acres, or 1 in. = 100 | X | X |

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

| Table 18-05 Site Plan and Sketch Plan Submittal Requirements¹ | | |
|--|----------------------|--------------------|
| Plan Data | Required for: | |
| | Site Plan | Sketch Plan |
| ft. for Property 3 Acres or More in Size. Sheet Size shall be at Least 24 x 36 in. If a Large Development is Shown in Sections on Multiple Sheets, then One Overall Composite Sheet shall be Included | | |
| Title Block with Sheet Number/Title; Name, Address & Telephone Number of the Applicant & Firm or Individual Who Prepared the Plans; & Date(s) of Submission & any Revisions (Month, Day, Year) | X | X |
| Scale & North-Point | X | X |
| Location Map Drawn to a Separate Scale with North-Point, Showing Surrounding Land, Water Features, Zoning & Roads within 1/2 Mile | X | |
| Legal & Common Description of Property | X | X |
| Identification & Seal of Architect, Engineer, Land Surveyor, or Landscape Architect Who Prepared Drawings | X | |
| Zoning Classification of Petitioner's Parcel & all Abutting Parcels | X | X |
| Proximity to Section Corner & Major Thoroughfares | X | |
| Net Acreage (Minus Right-of-Ways & Submerged Land) & Total Acreage | X | X |
| Site Data | | |
| Existing Lot Lines, Building Lines, Structures, Parking Areas & Other Improvements on the Site & within 100 ft. of the Site | X | X |
| Topography on the Site & within 100 ft. of the Site at Two-Foot Contour Intervals, Referenced to a U.S.G.S. Benchmark | X | |
| Proposed Lot Lines, Lot Dimensions, Property Lines, Setback Dimensions, Structures, & other Improvements on the Site & within 100 ft. of the Site | X | X |
| Location of Existing Drainage Courses, Floodplains, Lakes & Streams, & Wetlands with Elevations | X | X |
| Location of any Natural Features Protection Areas, as Identified on the Natural Features Protection Area Map, if Applicable | X | X |
| Location of any Wellhead Protection Areas, as Identified on the Natural Features Protection Area Map, if Applicable | X | X |
| All Existing & Proposed Easements Including Type | X | X |
| Location of Exterior Lighting (Site & Building Lighting) | X | |
| Location of Trash Receptacle(s) & Transformer Pad(s) & Method of Screening | X | X |
| Extent of any Outdoor Sales or Display Area | X | X |
| Access & Circulation | | |
| Dimensions, Curve Radii & Centerlines of Existing & Proposed Access Points, Roads & Road Rights-of-Way or Access Easements | X | X |
| Driveways & Intersections within 250 ft. of Site | X | |
| Cross Section Details of Proposed Roads, Driveways, Parking Lots, Sidewalks & Non-Motorized Paths Illustrating Materials & Thickness | X | |
| Dimensions of Acceleration, Deceleration, & Passing Lanes | X | |
| Dimensions of Parking Spaces, Islands, Circulation Aisles & Loading Zones | X | X |
| Calculations For Required Number of Parking & Loading Spaces | X | X |
| Designation of Fire Lanes | X | X |
| Traffic Regulatory Signs & Pavement Markings | X | |
| Location of Existing & Proposed Sidewalks/Pathways within the Site or Right-of-Way | X | X |
| Location, Height, & Outside Dimensions of all Storage Areas & Facilities | X | X |
| Traffic Impact Study may be Required at the Planning Commission's Request when the Use Generates Traffic that Exceeds Trip Generation Rates Recognized by the Institute of Traffic Engineers (ITE) in accordance with Section 18-09 | X | X |

| Table 18-05 Site Plan and Sketch Plan Submittal Requirements¹ | | |
|---|----------------------|--------------------|
| Plan Data | Required for: | |
| | Site Plan | Sketch Plan |
| Landscape Plans | | |
| Location, Sizes, & Types of Existing Trees 6 in. or Greater in Diameter, measured at 3.5 ft. off the Ground, Evergreen Trees 10 ft. or Taller & the General Location of all other Existing Plant Materials, with an Identification of Materials to be Removed & Materials to be Preserved | X | X |
| Description of Methods to Preserve Existing Landscaping | X | |
| The Location of Existing & Proposed Lawns & Landscaped Areas | X | X |
| Landscape Plan, Including Location & Type of all Proposed Shrubs, Trees, & other Live Plant Material | X | |
| Planting List for Proposed Landscape Materials with Caliper Size or Height of Material, Method of Installation, Botanical & Common Names, & Quantity | X | |
| Proposed Dates of Plant Installation | X | |
| Landscape Maintenance Schedule | X | |
| Building & Structure Details | | |
| Location, Height, & Outside Dimensions of all Proposed Buildings or Structures | X | X |
| Building Floor Plans & Total Floor Area | X | |
| Details on Accessory Structures & any Screening | X | |
| Size, Height & Method of Shielding for all Site & Building Lighting | X | |
| Location, Size, Height, & Lighting of all Proposed Site & Wall Signs | X | X |
| Location, Size, Height & Material of Construction for all Obscuring Wall(s) or Berm(s) with Cross-Sections, where Required | X | X |
| Building Facade Elevations for all Sides, Drawn at an Appropriate Scale | X | |
| Description of Exterior Building Materials & Colors (Samples may be Required) | X | |
| Information Concerning Utilities, Drainage & Related Issues | | |
| Location of Sanitary Sewers & Septic Systems, Existing & Proposed | X | |
| Location & Size of Existing & Proposed Water Mains, Well Sites, Water Service, Storm Sewers Loads, & Fire Hydrants | X | |
| Stormwater Drainage & Retention/Detention Calculations | X | X |
| Indication of Site Grading, Drainage Patterns & other Stormwater Management Measures | X | X |
| Stormwater Retention & Detention Basins, including Grading, Side Slopes, Depth, High Water Elevation, Volume & Outfalls | X | X |
| Location & Size of Underground Storm Sewers & Drains | X | X |
| Location of Above & Below Ground Gas, Electric & Telephone Lines, Existing & Proposed | X | |
| Location of Transformers & Utility Boxes | X | |
| Assessment of Potential Impacts from the Use, Processing, or Movement of Hazardous Materials or Chemicals, if Applicable | X | |
| Additional Information Required for Multiple Family Residential Development | | |
| The Number & Location of Each Type of Residential Unit (One Bedroom Units, Two Bedroom Units, etc.) | X | |
| Density Calculations by Type of Residential Unit (Dwelling Units Per Acre) | X | |
| Garage &/or Carport Locations & Details, if Proposed | X | |
| Mailbox Clusters | X | |
| Location, Dimensions, Floor Plans & Elevations of Common Building(s) (E.G., Recreation, Laundry, etc.), if Applicable | X | |
| Swimming Pool Fencing Detail, including Height & Type of Fence, if Applicable | X | |
| Location & Size of Recreation & Open Space Areas | X | |
| Indication of Type of Recreation Facilities Proposed for Recreation Area | X | |
| ¹ If any of the items listed above are not applicable, a list of each item considered not applicable & the reason(s) why each listed item is not considered applicable should be provided on the site plan | | |

Digital files must be submitted to the Township after site plan approval. The files shall be compatible with the Township's geographic information system software (AutoCAD). Acceptable data formats are DXF or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. Any digital files which are not created 1:1 shall include appropriate scale information. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers/levels. Any other information provided within the digital files shall be layer isolated and shall include a written description of both the layer name and the information contained on the layer(s). Digital information provided to the Township shall be delivered in a format compatible with the Windows NT operating system. The media shall be contained on a CD for Township use.

(Ord. #243, 8/1/08)

Sec. 18-06 Standards for Site Plan Approval

Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this Section as outlined below:

(a) **Adequacy of Information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).

(b) **Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site shall be designed to conform to all provisions of this Ordinance. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of this Ordinance which are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission.

(c) **Buildings.** Buildings and structures will meet or exceed setback requirements, height and other dimensional requirements, and be placed to preserve environmentally sensitive areas. Redevelopment of existing

structures shall meet or exceed all requirements for which a variance has not been obtained. Buildings shall comply with the design standards of **Section 14-01**.

5 (d) **Preservation of Natural Areas.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Natural features and the site topography shall be incorporated into the proposed site design to the maximum extent practical.

10 (e) **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all vehicles.

15 (f) **Vehicular and Pedestrian Circulation Layout.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned roads and pedestrian or bicycle pathways in the area.

20 (g) **Drainage.** Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall not substantially reduce or increase the natural retention or storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off the site.

25 (h) **Soil Erosion.** The proposed development shall include measures to prevent soil erosion and sedimentation during and after construction.

30 (i) **Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public roads, adversely impact abutting properties or adversely impact the natural evening sky.

35 (j) **Public Services.** The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the Township or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control, and administrative services.

(k) **Traffic Impact.** The expected volume of traffic to be generated by the proposed use shall not adversely impact existing roads and the circulation thereon. Driveways shall be located to minimize conflict with traffic operations on the adjoining road. The number of driveways shall be the minimum needed to provide reasonable access to the site. Access shall comply with the requirements of *Section 16-05*. The width of roads and drives shall be appropriate for the volume of traffic they will carry.

(l) **Hazardous Materials.** Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Such sites shall be designed to meet all applicable state and federal regulations.

Sec 18-07 Amendments to Approved Site Plans

The holder of an approved site plan shall notify the Township Planner of any proposed change to an approved site plan. Documentation outlining conditions necessitating the changes shall be provided. Changes to the approved site plan shall be permitted only under the following circumstances:

(a) **Minor Amendments.** Minor amendments may be approved by the Township Planner upon determining that the proposed revisions(s) comply with this Ordinance and will not alter the basic design nor any specific conditions imposed as part of the original approval. Minor amendments shall include the following:

(1) Change in the building size, up to five percent (5%) in total floor area.

(2) Movement of buildings or other structures by not more than ten (10) feet.

(3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

(4) Changes in building materials to a comparable or higher quality.

(5) Changes in floor plans which do not alter the character of the use.

(6) Changes required by outside agencies such as the County, State, or Federal departments.

(b) **Major Amendments.** A proposed amendment not determined by the Township Planner to be minor shall be submitted to the Planning Commission as a major site plan amendment and shall be reviewed in the same manner as the original application.

(Ord. #243, 8/1/08), (Ord. #234, 12/28/06)

Sec. 18-08 Property Maintenance after Approval

(a) It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. This maintenance requirement includes maintaining healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site.

(b) Any property owner who fails to maintain an approved site design shall be deemed in violation of this Ordinance.

Sec. 18-09 Traffic Impact Study

(a) A Traffic Impact Study, which evaluates current and future traffic operations at site access points shall be required for projects which could generate fifty to ninety-nine (50-99) directional trips during a peak hour.

(b) A Traffic Impact Study which evaluates current and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent roads, or over seven hundred fifty (750) trips in an average day. The exact study area of a Traffic Impact Study shall be established by the Planning Commission.

(c) A Traffic Impact Study shall also be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than two percent (2%) annually; or for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least seven hundred fifty (750) vehicle trips per day for the entire project.

(d) The contents of the Traffic Impact Study shall include:

(1) Illustrations and a narrative that describes the characteristics of the site and adjacent roadway system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, current traffic conflicts, etc.) This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.

(2) For a site plan review, manufactured home park, condominium project, a subdivision tentative preliminary plat, or specified Special Land Uses; a description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors.

(3) Existing traffic conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on road(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Commission or its staff/consultants shall be provided for projects requiring a Traffic Impact Study. Traffic count data shall be collected using accepted practices and shall not be over two (2) years old.

(4) The existing right-of-way shall be identified along with any planned or desired expansion of the right-of-way requested by the applicable road agency.

(5) Traffic generated by other projects in the vicinity which have been approved or are under construction.

5 (6) For any project with a completion date beyond one (1) year at the time of the Traffic Impact Study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent road network using a forecast based on a network traffic assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved.

10 (7) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in
15 Michigan.

20 (8) A rezoning Traffic Generation Comparison which details the current and proposed traffic impact is required for all rezonings. After review of the traffic generation comparison, it will be determined if a more detailed Traffic Impact Study (TIS) is required. The Traffic Generation Comparison should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission with input from Township staff and consultants. The
25 maximum density or intensity of uses in both districts shall also be considered.

30 (9) Any trip reduction for pass-by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the Township and applicable road agency. The community may elect to reduce the trip reduction rates used.

35 (10) For projects intended to be developed in phases, the trip generation by phase shall be described.

(11) The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing road network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A

description of the application of standards engineering procedures for determining the distribution should be provided (trip distribution model, market studies, counts at existing driveways, etc.).

5 (12) Level of service or "capacity" analysis at the proposed access points using
the procedures outlined in the most recent edition of the Highway
Capacity Manual published by the Transportation Research Board. For
projects requiring a Traffic Impact Study or Regional Traffic Analysis,
before and after capacity analyses shall also be performed for all road
10 intersections where the expected traffic generated at the site will comprise
at least five percent (5%) of the existing intersection capacity, unless other
intersections are identified by the Township. Gap studies for unsignalized
intersections shall be provided where applicable.

15 (13) The report shall include a map and description of the location and design
of proposed access (driveways or new road intersections) including: any
sight distance limitations, dimensions from adjacent driveways and
intersections within 250 feet on either side of the main roadway, potential
for shared access facilities, data to demonstrate that the number of
20 driveways proposed is the fewest necessary, support that the access points
will provide safe and efficient traffic operation and be in accordance with
the standards of **Article 16** and the applicable road agency. Comments
shall also be provided on internal circulation design such as the adequacy
of queuing (stacking) at site access points and other features that may
25 affect traffic operations and safety.

(14) The study shall outline mitigation measures and demonstrate any changes
to the level of service achieved by these measures. Any alternatives or
suggested phasing of improvements should be described. The mitigation
30 measures may include items such as roadway widening, need for bypass
lanes or deceleration tapers/lanes, changes to signalization, use of access
management techniques or a reduction in the proposed intensity of use.
Proposed mitigation measures should be discussed with the Livingston
County Road Commission and Michigan Department of Transportation, as
35 applicable. The responsibility and timing of roadway improvements shall
be described.

(e) The person responsible for the preparation of the study shall have a degree or
specific professional training in the preparation of Traffic Impact Studies.

5 The preparer shall have at least three (3) years of recent experience in the preparation of Traffic Impact Studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations, and be either a registered engineer (PE) or a planner with AICP or PCP certification. Any study involving roadway or traffic signal design work shall be prepared by or under the supervision of a registered engineer (PE) with specific training in traffic engineering.

10 (f) The requirement for a Traffic Impact Study, or the specific study elements of
a required Study may be waived or modified by the Planning Commission based on input from township staff and consultants or a representative of the applicable road agency. Reasons for the waiver or modification shall be
15 documented. Factors to be considered include:

 (1) Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.

20 (2) The existing level of service along the roadway is not expected to drop below C due to the proposed project.

 (3) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.

25 (4) A similar Traffic Impact Study was previously prepared for the site and is still considered applicable.

30 (Ord. #243, 8/1/08)

ARTICLE 19
SPECIAL LAND USE REVIEW

Sec. 19-01 Intent

Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. These provisions encourage cooperation and consultation between the Township and the applicant to facilitate development in accordance with the Township's land use objectives. An approved special land use shall be considered a conforming use permitted in the district at the specific site where it is located. The review procedures and standards set forth herein are intended to accomplish the following purposes

- (a) Accommodate uses which are needed and beneficial to the Township but need to be carefully located due to their potential impacts.
- (b) Provide a consistent and uniform method for review.
- (c) Provide a mechanism for public input.
- (d) Ensure full compliance with the standards contained in this Ordinance and other applicable federal, state, and local regulations.
- (e) Regulate the use of land operations and site design based on the characteristics of a particular use.
- (f) Achieve efficient use of the land.
- (g) Minimize impacts associated with a specific use within the environmental capacities of the impacted area.
- (h) Provide site design and operational standards to minimize any negative impact on adjoining or nearby properties.

- (i) Establish procedures for expansion or change in use of a special land use for both uses which have received special land use approval and those which existed prior to the adoption of special land use review procedures.

5 **Sec. 19-02 Special Land Use Application Procedure**

An application for a special land use shall be submitted in accordance with the following procedures, standards and requirements. A site plan must be submitted with the application for special land use. Approval of the proposed land use is required prior to the site plan approval by the Planning Commission.

- (a) **Applicant Eligibility.** An application shall be submitted by the owner of an interest in land for which approval is sought, or by an agent designated by the owner. The applicant or agent shall be present at all scheduled review meetings or consideration of the proposal may be tabled by the reviewing body.

- (b) **Required Information.** An application for a special land use permit shall include all of the following document and information:

- (1) **Application Form.** A special land use application form supplied by the Township Planner which has been completed in full by the applicant.

- (2) **Site Plan.** A full site plan in accordance with *Article 18*.

- (3) A statement with regard to compliance with the standards for approval in *Section 19-03*.

- (c) **Planning Commission Consideration.** After all required information has been received and review fees paid, the application shall be processed in accordance with the following procedures:

- Acceptance for Processing.** The application shall be placed on the agenda of a scheduled Planning Commission meeting and a public hearing scheduled.

- (2) **Public Hearing.** Notice of the public hearing shall be in accordance with *Section 23-11*.

(3) **Planning Commission Review.** Following the public hearing, the special land use proposal and plan shall be reviewed by the Planning Commission, based upon the standards and requirements of this Article.

Plan Revision. If the Planning Commission determines that revisions are necessary to bring the proposed special land use application into compliance with applicable standards and regulations, the applicant shall submit a revised application and site plan. A second hearing is not required on a revised application that addresses concerns raised through the review process unless the Planning Commission determines that it is necessary. Following submission of revised application materials, the proposal shall be placed on the agenda of a scheduled meeting of the Planning Commission for review and possible action.

(d) **Planning Commission Determination.** The Planning Commission shall review the application, together with the public hearing input, and reports from the Township Planner, Township Engineer, Fire Officials, and other reviewing agencies. The Planning Commission shall then make a determination on the application, based on the requirements and standards of this Article. The Planning Commission may approve, approve with conditions, or deny a request as follows:

(1) **Approval.** Upon determination by the Planning Commission that the application for a special land use is in compliance with the standards and requirements of this article and other applicable laws, approval shall be granted.

(2) **Approval with Conditions.** With an approval of a special land use proposal, the Planning Commission may impose reasonable conditions to the extent authorized by Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. A listing of conditions shall be sent to the applicant by registered mail, return receipt requested. The applicant shall submit a revised site plan or other information that demonstrates compliance with the conditions for administrative approval by the Township Planner within sixty (60) days of the date of conditional approval and prior to issuance of a building permit or the submission shall be considered null and void. The Township Planner may submit the revised site plan to the Planning Commission for comments or approval.

(3) **Denial.** Upon determination that a special land use does not comply with standards and regulations set forth in this Ordinance, or requires excessive revisions in order to comply with the standards and regulations, the Planning Commission shall deny the application. Resubmittal of an application which was denied shall be considered a new application.

(e) **Recording of Planning Commission Action.** Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the grounds for the action taken, and any conditions imposed in conjunction with approval.

(f) **Effect of Approval.** Any special land use approval shall run with the land in perpetuity, unless the use is specifically determined to be temporary in nature or the use is discontinued. The special land use approval shall apply only to the land area contained within the parcel, lot, condominium unit, or other legally defined location for which the special land use approval was granted.

(g) **Building Permits.** Following final approval of the special land use, and site plan, the applicant shall submit engineering plans to the Township Engineer. The applicant shall also obtain all other applicable Township, County or State permits. The Building Department shall issue a building permit once all required approvals and permits are granted.

(h) **Expiration of an Approved Special Land Use.** If construction has not commenced within twelve (12) months of the date of final approval, the approval becomes null and void and a new application shall be required. Upon written request from the applicant, a twelve (12) month extension may be granted by the Planning Commission if they find that the approved application and site plan continue to represent conditions on and surrounding the site. A written request for an extension of time must be received by the Township prior to the special land use expiration date or a new application will be required.

(i) **Revocation of an Approved Special Land Use.** The Planning Commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original

approval. The applicant shall be provided an opportunity to present information and to answer questions. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied prior to the hearing.

- 5
- (j) **Performance Guarantee.** The Planning Commission may require that a performance guarantee be deposited with the Township of an amount sufficient to insure full completion of physical improvements per **Section 23-08**. Site improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, roads, lighting, and sidewalks.
- 10

(Ord. #248, 1/22/10), (Ord. #234, 12/28/06)

15 **Sec. 19-03 Standards for Approval**

A special land use proposal shall be approved by resolution that the proposed use will comply with all applicable requirements of this Ordinance including site plan review criteria set forth in **Article 18**, standards for specific uses listed in the district, and all of the following standards

20

- (a) **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with existing or planned uses on surrounding land. The design of the site shall minimize the impact of site activity on neighboring properties. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected benefit to the community. The following types of impacts shall be considered:
- 25
- 30

(1) Use activities, processes, materials, equipment, or conditions of operation.

(2) Vehicular circulation and parking areas.

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(3) Outdoor activity, visible storage and work areas and mechanical equipment.

(4) Hours of operation.

(5) Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

5 (6) Impacts on adjacent property values.

(7) The relative ease by which the impacts above will be mitigated.

10 (b) **Use of Adjacent Property.** The proposed land use shall not substantially interfere with the use and enjoyment of adjacent property.

15 (c) **Isolation of Existing Uses.** The location of the proposed land use shall not result in a small residential area being substantially surrounded by nonresidential development. Also, the location of the proposed land use shall not result in a small nonresidential area being substantially surrounded by otherwise incompatible uses.

20 (d) **Impact on Public Health, Safety, and Welfare.** The proposed land use shall not include any activities, processes, materials, equipment, or conditions of operation that may threaten public health, safety, and welfare. The physical layout of the site shall be designed in a manner that is not detrimental to public health, safety, and welfare. In determining whether this requirement is met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

25 (e) **Enhancement of Surrounding Environment.** The proposed land use shall complement and enhance the surrounding environment, and shall not unreasonably interfere with nor discourage the appropriate future development and use of adjacent land and buildings nor unreasonably affect their value. In
30 determining whether this requirement is met, consideration shall be given to:

(1) The provision of landscaping and other on-site amenities. Provision of additional landscaping over and above the specific requirements in this Ordinance may be required as a condition of approval of special land use
35 approval.

(2) The bulk, placement, and materials to be used in the construction of proposed structures as they relate to surrounding land uses.

(f) **Compatibility with the Master Plan.** The proposed special land use shall be consistent with and in accordance with the general principles and objectives of the adopted Township Master Plan and shall promote the intent and purpose of this Ordinance and the district in which it is located.

5

(g) **Compliance with Applicable Regulations.** The proposed special land use shall be designed, constructed, operated and maintained to meet all applicable Federal, State, and local Ordinances.

10

(h) **Public Services.** The proposed special land use shall be located where it can be adequately served by and not exceed the capacity of existing essential public facilities and services, including, but not necessarily limited to utilities, public roads, and public safety services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the permitted use after special approval is available for occupancy.

15

(i) **Impacts of Traffic.** The location and design of the proposed special land use site shall minimize the negative impact of traffic generated by the proposed use on the road system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, road and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require mitigation to maintain the pre-existing traffic operations. Route and operational restrictions (such as hours, cleaning of dust or debris) may be established for construction traffic to minimize negative impacts. The Township may require submittal of a traffic impact study to ensure compliance with this standard. The traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional.

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25

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(j) **Impact on the Overall Environment.** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.

35

Sec. 19-04 Special Land Use Amendments or Expansions

5 (a) **Major Amendments.** Any person or agency shall notify the Township
Planner of any change in an existing special land use. Any major amendment
to an approved special land use shall require submittal of a new application
for special land use and follow the review procedures contained in this
Article. Amendments to the site plan shall bring the site into compliance with
10 all zoning Ordinance requirements determined to be reasonable by the
Planning Commission in proportion with the extent of the change at the site
and in consideration with the physical constraints of the site. The Township
Planner shall determine whether the proposed amendment constitutes a minor
or major amendment, based on the requirements below:

15 (1) **Increase in Building.** Changes increasing the building's usable floor area
by more than twenty-five percent (25%) since the originally approved
building.

20 (2) **Increase in Parking.** Parking lots are expanded by more than twenty-five
percent (25%) since the originally approved lot.

25 (3) **Existing Special Land Uses:** Any expansion of a special land use that
predates the special land use requirements of this Ordinance and has not
previously received a special land use permit.

(b) **Minor Amendment.** Minor amendment to an approved special land use does
not require submittal of a new application for a special land use.

30 (c) **Change in Use.** Change to another special land use shall require submittal of
a new application for special land use and follow the review procedures
contained in this Article.

35 (d) **Required Site Plan.** Any changes, whether it is deemed minor and major,
shall require submittal of a site plan in accordance with *Article 18*.

(e) **Multiple Uses.** For a use or building which involves more than one (1)
activity classified as a special land use, a separate special land use permit shall
be required for each use requiring special land use review on a lot.

ARTICLE 20
CONDOMINIUMS

Sec. 20-01 Intent

New condominium projects and conversion condominium projects shall conform to the requirements of this Ordinance and all other applicable regulations of the Township and the Condominium Act, P.A. 59 of 1978, as amended. Each condominium project shall be reviewed in a manner consistent with like projects within the underlying zoning district. A site condominium project shall be considered equivalent to a platted subdivision for the purposes of enforcing the zoning, site and building requirements of the Township. It is the intent to regulate site condominium projects and other condominium projects in a manner consistent with a traditional subdivision plat, except that the review procedures within the following sections shall apply.

Sec. 20-02 General

The following regulations shall apply to condominium projects:

- (a) **Lot.** For all purposes of this Ordinance, each condominium lot or unit lot shall be considered the equivalent of a platted lot of record as defined in this Ordinance and shall comply with all applicable regulations for the zoning district in which it is located. The relocation of the boundaries or any other change in the dimensions of a condominium lot or unit lot shall be considered an amendment to the condominium documents of the project and the related site plan.
- (b) **Computation.** Any area within a public or private road right-of-way shall not be included in the computation of the minimum area of a condominium lot or in determination of dwelling density for a site.
- (c) **Dwelling Unit.** In the case of a condominium project in which the condominium units are intended for single family residential purposes, not more than one (1) single family dwelling unit shall be proposed or constructed on a condominium lot, nor shall any dwelling unit be located on a condominium lot with any other principal use.

(d) **Setback Requirement.** Yard setback requirements as specified in each district shall be measured from the perimeter of the condominium lot to the appropriate part of a structure.

5 (e) **Utility Connections.** Each condominium unit shall be separately connected to any available community or public water supply and/or sanitary sewer system. This requirement may be waived by the Township Board for cause upon recommendation of the Township Engineer.

10 (f) **Relocation of Lot Boundaries.** Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in Section 48 of the Condominium Act, shall comply with the requirements of this Ordinance.

15 (g) **Resulting Lots.** Each condominium lot formed by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with the requirements of this Ordinance.

20 (h) **Road Requirements in Condominium Projects.** All condominium projects shall require direct access and direct connection to a public road from the project site. Public roads within a condominium project shall conform to the requirements and specifications established by the Livingston County Road Commission for road design and maintenance. Private roads shall conform to the requirements of *Section 16-04*. Shared drives must conform to the requirements of *Section 16-03*.

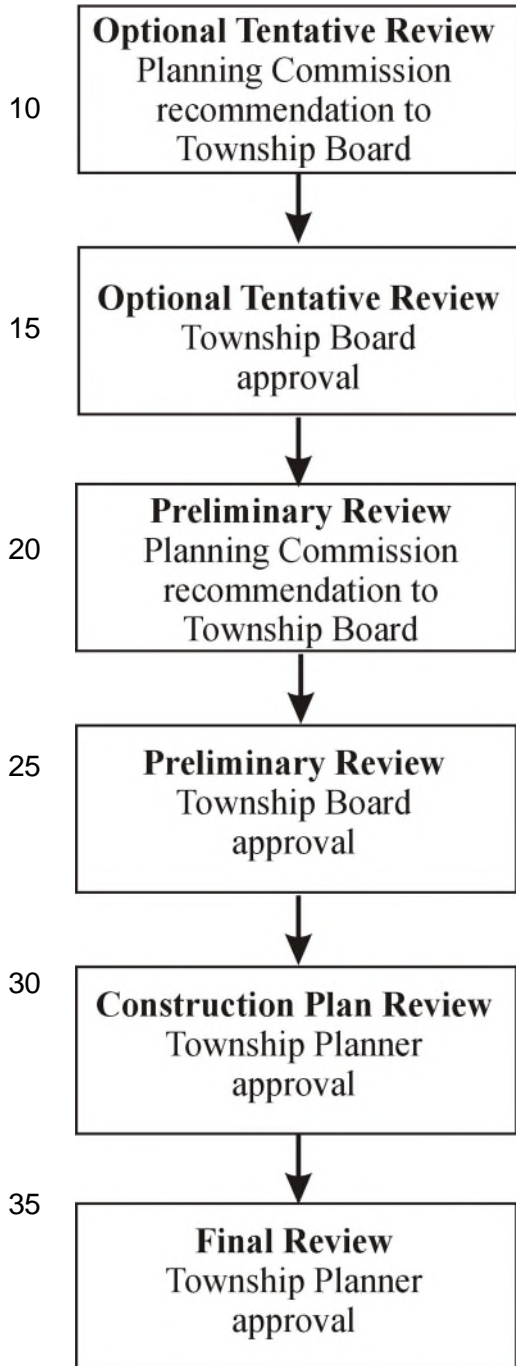
25 (i) **Stormwater.** Stormwater detention and retention ponds shall be included as general common elements within the condominium and shall not be included within individual lots. Where the ponds are not part of a County drainage district, the master deed shall establish a mechanism for long term
30 maintenance of the ponds by the condominium association.

(Ord. #231, 12/27/05)

35 **Sec. 20-03 Condominium Plan Review Process**

(a) **Optional Tentative Review.** A developer of a condominium may seek an optional tentative condominium site plan review prior to the forwarding of the ten (10) day notice of proposed action as required in Section 71 of the

Condominium Act. A tentative approval may be beneficial to the developer of a site condominium as it parallels a tentative preliminary plat. Based upon the design requirements and requirements set forth in this Ordinance, the Planning Commission shall review and make a recommendation to the Township Board for an optional tentative condominium site plan. The Board shall tentatively approve, subject to conditions, or deny the site plan.



(1) **Effect of Denial.** A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this or other Township Ordinances. A Township Board motion of denial shall specify the reasons for the denial and those requirements which are not met.

(2) **Effect of Tentative Approval.** A tentative approval shall confer upon the developer the approval of unit sizes, unit orientations, and road layout only. All required additional information must be submitted and reviews processed. A tentative preliminary site plan approval shall be valid for one (1) year from the date of approval.

(b) **Preliminary Review.** Prior to recording of the master deed of the condominium project, as required by Section 72 of the Condominium Act, each condominium project shall receive a preliminary condominium site plan approval from the Township Board.

Based upon the design requirements and requirements set forth in this Ordinance, the Planning Commission shall review and make a recommendation to the Township Board for a preliminary condominium site plan. The Board shall preliminarily approve, preliminarily approve subject to conditions, or deny the site plan.

(a) **Effect of Denial.** A denial shall mean that the site plan for the proposed condominium project does not meet the requirements of this or other Township Ordinances. A Township Board motion of denial

shall specify the reasons for the denial and those requirements which are not met.

5 (b) **Effect of Approval.** A preliminary approval shall mean that the site plan for a condominium project meets the requirements of this Ordinance. Subject to any conditions imposed by the Township Board as part of its motion of approval, a preliminary approval assures the applicant that the project and site plan shall receive final approval if:

10 a. The applicant meets the requirements as stated in *Section 20-09* for Final Site Plan Approval.

 b. All other governmental approvals are obtained.

15 c. No substantive negative comments are received from any governmental agencies or public utilities during the required notice period.

20 d. All Federal, State, and local laws and Ordinances are met. All site condominium projects shall require the review and approval or comments from the following agencies prior to final site plan review by the Township:

25 1. The Livingston County Road Commission if any part of the project includes or abuts a county road.

 2. The Livingston County Drain Commissioner.

30 3. Michigan Department Health and/or the Michigan Department of Environmental Quality shall approve the extension of the water and sewer utilities.

35 A preliminary condominium site plan approval shall be valid for a period of two (2) years from the date of Township Board approval. Staff can approve a one (1) year administrative extension of the site plan if it complies with current requirements. After that time period, the approval becomes null and void and a new application for site plan review shall be required unless the applicant receives an extension from the Planning Commission. The applicant may request a one (1) year extension by the Planning Commission, provided a

written request is received before the expiration date and the site plan complies with current requirements (i.e., any amendments to the Zoning Ordinance since the site plan was approved).

- 5 (c) **Construction Plan Review.** After preliminary site plan approval, a complete set of construction plans must be submitted to the Township for review. Construction plans will not be considered for review until the applicant receives Township approval of the preliminary site plan. The Township Planner shall forward the construction plans to the Township Engineer and
10 other Township consultants or agencies as deemed necessary for review.

Based on the review comments and recommendations of the Township Engineer and other review agencies, the Township Planner shall approve or not approve the construction plans. The reasons that the construction plans
15 are not approved will be given to the applicant.

Upon receiving Township approval of the construction plans and final review plans and documentation as outlined below, applicable permits for construction may be issued by the Building Official following payment of the
20 required fees. Construction plan approval shall be valid for a period of two (2) years from the date of Township approval of the construction plans. The applicant is required to obtain the soil erosion and sedimentation control permit from the Livingston Drain Commissioner and other applicable agency permits before starting construction.

- 25 (d) **Final Review.** Prior to the Township assigning parcel identification numbers to each unit in the condominium development, a condominium project shall receive final condominium site plan approval from the Township Planner. The final site plan drawings shall be Exhibit B Drawings to the Master Deed meeting the requirements of Condominium Act, Public Act 59 of 1978, as
30 amended.

The applicant will be required to provide a performance guarantee to the Township to cover the costs of all site improvements included in the approved construction plans that are not completed at the time of final site plan approval. The performance guarantee shall meet the requirements of **Section**
35 **23-08.**

A final site plan approval shall be valid for a period of two (2) years from the date of approval.

(Ord. #281, 12/9/22) (Ord. #231, 12/27/05) (Ord. #250, 5/27/11)

5

Sec. 20-04 Optional Tentative Plan Submission Requirements

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Application for a tentative condominium site plan review may be provided to the Zoning Official at least thirty (30) days in advance of a meeting for which a review is scheduled. The tentative review will allow a developer to receive a limited approval for unit lot sizes, unit lot orientation, and road layout only. The following information must be included on, or attached to a tentative condominium project site plan:

15

(a) **Ownership Interests.** All persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).

20

(b) **Proposed Use.** The proposed use of the condominium project (for example: residential, commercial, or industrial).

25

(c) **Density.** The total acreage of the condominium site, acreage set aside for roads, number of condominium units to be developed on the subject parcel, and density computation on a unit per acre basis.

30

(d) **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any road(s) as to private ownership or proposed dedication to the public.

35

(e) **Road Layout.** The tentative location of existing private and public roads adjacent to the proposed development with an indication of how they will connect with the proposed circulation system for the new condominium project.

(f) **Unit Lot Orientation.** The proposed layout of structures, unit lots, parking areas, open space and recreation/park areas.

(g) **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention and/or detention areas.

(h) **Natural Features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams, and water drainage areas. Acreage of wetland areas and open space.

(i)

Sec. 20-05 Preliminary Site Plan Submission Requirements

A preliminary site plan for a condominium project shall be provided to the Zoning Official at least thirty (30) days in advance of a meeting for which a review is scheduled. The site plan may be reviewed and processed concurrently with the notice required to be given the Township pursuant to Section 71 of the Condominium Act. The following information shall be included on, or attached to a preliminary condominium project site plan:

(a) **Tentative Site Plan Data.** All information required for the optional tentative site plan review in *Section 20-04* above shall be submitted. If tentative approval was received, the information must be updated with any changes clearly delineated.

(b) **Landscaping.** Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities.

(c) **Condominium Regulations.** All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments, and enforcement of condominium regulations. These items shall be physically incorporated as part of the site plan through detail sheets attached with the plan.

(d) **Common Areas Shown.** Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.

(e) **Condominium Documents.** All condominium documents must be provided for review by the Township Attorney.

(f) **Additional Information.** The following additional information must be submitted for Township review:

(1) Cross sections of roads, drive aisles, and paved area.

(2) Preliminary approval by the county health department and drain commissioner of proposed septic, sanitary, storm, and/or water system locations.

(3) All condominium documents as defined in this Ordinance.

(4) All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of the structures.

Sec. 20-06 Final Site Plan Submission Requirements

The developer or proprietor may request final approval by submitting to the Township the following items:

(a) **Revised Plan.** A revised, dated condominium plan incorporating all of the changes, if any, required for preliminary approval.

(b) **Approvals or Comments.** Verification of all required State and County approvals or comments pursuant to *Section 20-08*.

(c) **Section 71 Comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act.

- (d) **Condominium Documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium site plan.

5 **Sec. 20-07 Project Requirements**

The following requirements are applicable to condominiums:

- 10 (a) **Single Family Site Condominiums.** Single family site condominium units and unit lots shall be subject to all dimensional and area requirements for lots and other Township design requirements for the zoning district in which they are located as stated in each district, and other requirements of this Ordinance. These regulations shall be applied by requiring that the minimum area of condominium unit and the surrounding limited common element be, at least
15 equal to the minimum lot area and lot width requirements for lots of record in the district in which the project is located. The area that the condominium unit encompasses for the principal building and the surrounding limited common element shall incorporate, at a minimum the equivalent of the minimum yard setback requirements as defined within this Ordinance and
20 shall meet all the dimensional requirements of a lot for the zoning district in which it is located.
- 25 (b) **Commercial, Office, or Industrial Site Condominiums.** Commercial, office, or industrial site condominium projects shall be subject to all requirements applicable to the zoning district in which they are located. These regulations shall be applied by requiring that minimum area of the site condominium unit and a surrounding limited common element be at least
30 equal to the minimum area and width requirements for the district in which the project is located. The uses contained in a commercial, office, or industrial site condominium project must be appropriate as allowed uses of the underlying zoning district.
- 35 (c) **Subdivision Requirements.** The substantive requirements for roads, sidewalks, utilities, storm drainage and subdivision lot layout and design as set forth in the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended, MCLA 560.101 et.seq., and ***Chapter 17 Subdivision Regulations*** of the Township Code, are intended to apply to all site condominium projects.

5 (d) **Conversion Condominium.** All conversion condominium projects shall be subject to the provisions of this Ordinance and shall require site plan approval by the Planning Commission prior to the occupancy of any converted condominium unit. The site plan submitted for a conversion project shall include all existing conditions and clearly identify all proposed site changes. The Planning Commission will review the site plan for a condominium conversion as a new site plan and may modify any previous site plan approval. Approval of a conversion condominium site plan shall be subject to site plan requirements and review of the Planning Commission.

10 (e) **Public Utilities.** All condominium projects will be required to connect to public utilities at the time of construction, if available. If public utilities are not available at the time of construction the development must be designed to accommodate future connection to the system upon availability.

15 **Sec. 20-08 Monuments Required**

All site condominium projects shall be marked with monuments as follows:

20 (a) **Required.** Monuments shall be placed in the ground according to the following requirements but it is not intended or required that monuments be placed within the traveled portion of a road to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the roads.

25 (b) **Construction.** All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

30 (c) **Location.** Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side
35 lines of roads and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.

(1) If the required location of a monument is inaccessible, or if the locating of a monument would be clearly impracticable, it is sufficient to place a

reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.

(2) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.

(3) All required monuments shall be placed flush with the surrounding grade where practicable.

(d) **Condominium Unit.** Each condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter, or markers approved by the Township Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

(e) **Timing.** The Township Board, on recommendation of the Township Engineer, may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, following the date of final site plan approval, on the condition that the applicant deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township, whichever the applicant selects, in an amount approved by the Township. Such cash, certified check or irrevocable bank letter of credit shall be returned to the applicant upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(Ord. #243, 8/1/08)

Sec. 20-09 Post Construction Documents

(a) It shall be the responsibility of a developer or applicant of a condominium project to furnish the Township, through the Building Official, the following items:

(1) One (1) copy of the recorded master deed.

(2) One (1) copy of all restrictive covenants.

(3) Two (2) copies of an "as built survey" sealed by a licensed professional engineer, landscape architect or registered planner.

(4) One (1) eighteen by twenty-four-inch (18" x 24") and one (1) eleven by seventeen-inch (11" by 17") drawing of the site plan sealed by a professional engineer, registered landscape architect, or registered planner.

(5) One (1) CD containing digital files that are compatible with the Township's geographic information system software (AutoCAD). Acceptable data formats are DXF or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. Any digital files which are not created 1:1 shall include appropriate scale information. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers/levels. Any other information provided within the digital files shall be layer isolated and shall include a written description of both the layer name and the information contained on the layer(s). Digital information provided to the Township shall be delivered in a format compatible with the Windows NT operating system.

(b) The above documents must be submitted prior to the issuance of any certificate of occupancy to any structure within the condominium project.

(c) The developer or applicant must also furnish one (1) copy of the site plan sealed by a professional engineer, registered landscape architect or registered planner on a drawing sheet of at least thirteen by sixteen (13" x 16") inches with an image not to exceed ten and one-half by fourteen (10 1/2" x 14") inches to the Livingston County Register of Deeds.

(Ord. #231, 12/27/05) (Ord. #250, 5/27/11)

Sec. 20-10 Temporary Occupancy

The Township Board, upon recommendation from the Township Building Official, may allow occupancy of a condominium unit before all required improvements are installed, provided that a bond is submitted sufficient in amount and type to provide for the installation of all remaining improvements without

expense to the Township before the expiration of the Temporary Occupancy Permit.

Sec. 20-11 Condominium Plan Revision

5

If the condominium subdivision plan as required by the Condominium Act is revised, the final site plan shall be revised accordingly and submitted for review by the Township Board prior to the issuance of any additional building permit. A new condominium site plan review, consistent with the procedures of these regulations, shall be required for any major change to an approved site plan as defined by the requirements stated in *Article 18*.

10

Sec. 20-12 Amendment of Condominium Documents

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An amendment to any condominium document that affects the preliminary or final site plan, or any conditions of the preliminary or final site plan approval shall be approved by the Township Board prior to the issuance of a building permit. The Township Board may require a new site plan review of the amended site plan, if, in its sole opinion, such changes in a document require significant changes to an approved site plan.

20

ARTICLE 21
NON-CONFORMING BUILDINGS, LOTS AND USES

Sec. 21-01 Intent

(a) Nonconformities are lots, uses, structures, buildings, or site plans for developed sites which do not conform to one or more provisions or requirements of this Ordinance or to any subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are considered to be incompatible with the current or intended use of land, buildings or structures in the district in which they are located. This Article is intended to meet the objectives stated below by establishing regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of non-conformities, and specify the circumstances and conditions under which nonconformities shall be permitted to continue.

(b) The intent of this Article are to eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this Ordinance, but do not meet the current standards of this Ordinance. This Ordinance also has special provisions to permit certain non-conforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension. The requirement and standards of this Article are intended to accomplish the following:

(1) Terminate and remove any use, building, accessory structure or any combination thereof that was established after the effective date of this Ordinance and in violation of this Ordinance. Such uses, buildings, or accessory structures are classified as violations of this Ordinance and shall not receive any of the rights, privileges or protection conferred by this Article for non-conforming situations.

(2) Discourage the continuation of non-conforming uses that are more intense than the uses permitted within the zoning district and are considered to be incompatible with permitted uses, or encourage their redevelopment into a more conforming use.

(3) Permit legal non-conforming buildings, structures or uses to remain until they are discontinued, removed or abandoned.

(4) Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signs or other features of a site required by the Zoning Ordinance developed in compliance with the requirements at the time of their construction, but which do not meet the site requirements of this Ordinance.

(5) Encourage the combination of contiguous non-conforming lots of record to create lots which conform or more closely conform to current requirements, are compatible with other lots in the zoning districts in which they are located, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.

Sec. 21-02 Applicability

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, upon which actual building construction has been diligently continued and there is a valid building permit. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such work shall be deemed to be actual construction, provided that such work shall be diligently continued until completion of the building involved.

Sec. 21-03 Non-Conforming Uses

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on open land, a lot(s), building(s) or accessory structure(s) exists that is made non-conforming by this Ordinance or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

(a) **Expansions.** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this Ordinance. Except for single family dwellings as permitted below, a non-conforming use shall not be enlarged,

expanded or extended to occupy a greater area of land, constructed, reconstructed or structurally altered except with approval by the Zoning Board of Appeals (ZBA).

5 (b) **Accessory Uses and Structures.** No new accessory use, building or structure shall be established.

10 (c) **Relocation.** The non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Ordinance.

15 (d) **Change in Use.** If no structural alterations are made, any non-conforming use of a building, or building and land in combination, may be changed to another non-conforming use if the ZBA finds the proposed use is more appropriate to the district than the existing non-conforming use. In permitting the change, the ZBA may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

20 (e) **Removal.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

25 (f) **Abandonment or Discontinuance.** If the non-conforming use of land ceases for any reason for a period exceeding one (1) year and the Township Planner determines that the owner has established intent to abandon the non-conforming use, any subsequent use of such land shall conform to the requirements specified by this Ordinance for the zoning district in which it is located. A non-conforming use shall be determined to be abandoned if one (1)
30 or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:

35 (1) Utilities, such as water, gas and electricity to the property, have been disconnected.

 (2) The property, buildings, and grounds, have fallen into disrepair.

(3) Signs or other indications of the existence of the non-conforming use have been removed.

(4) Removal of equipment or fixtures which are necessary for the operation of the Non-conforming use.

(5) Other actions, which in the opinion of the Township Planner, constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.

(g) Special Standards for Single Family Homes in a Non-Residential District

(1) A single family residential dwelling in a zoning district which does not permit that use may be expanded to occupy the floor area necessary for living purposes.

(2) A single family dwelling and its accessory structures, in a zoning district which does not permit that use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the ZBA. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such non-conforming single family building shall commence no sooner then receiving a valid building permit and no latter than six (6) months of the date of damage. Work shall be diligently pursued toward completion. The applicant may be required to provide the Township with evidence, visual or otherwise demonstrate to the satisfaction of the Township Planner that work is being diligently pursued. Failure to complete replacement or diligently work toward completion shall constitute abandonment and result in the loss of its non-conforming status unless good cause for the delay is accepted at a hearing before the ZBA.

Sec. 21-04 Non-Conforming Buildings or Structures

Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, that building or structure may be continued provided it remains otherwise lawful, subject to the following provisions. Except as noted below, no building or structure may be enlarged unless a variance is granted by the ZBA.

5 (a) **Damage by Fire or Other Catastrophe.** Any non-conforming structure or building, or any structure or building that contains a non-conforming use that is damaged by fire, flood, or other means to a point where the cost of repairs will be in excess of the structure and/or building's precatastrophe market value (as described in paragraph (i) below) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.

10 In the event that the cost of repairing the damage is less than the structure or building's precatastrophe market value (as described in paragraph (i) below), the structure or building may be restored to its precatastrophe status. Such restoration shall take place only upon approval of the Building Official and all construction shall be in full compliance with applicable provisions of this Ordinance and other applicable Township Codes. Any request for such
15 rebuilding, repair, or restoration shall be made to the Building Official within one hundred eighty (180) days following the incident. Any such rebuilding, repair, or restoration shall be completed within one (1) year from the date of the catastrophe.

20 (b) **Replacement of a Non-Conforming Single Family Dwelling.** A non-conforming building used as a single family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster if approved by the ZBA. Such approval requires a finding that the resulting building footprint
25 will be the same size or smaller than that of the building before such change or that the building will become more conforming. Replacement of such a non-conforming single family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or diligently work toward completion shall
30 result in the loss of legal, non-conforming status unless good cause for the delay is accepted at a hearing before the ZBA.

35 (c) **Relocation of a Non-Conforming Building or Structure.** Should any non-conforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.

(d) **Safety Related Repairs, Improvements, and Modernization.** Repairs, improvements, or modernization of non-conforming buildings or structures

deemed necessary by the Building Official to maintain a non-conforming building in a structurally safe and sound condition are permitted provided such repairs or improvements do not exceed the market value (as described in paragraph (i) below) of the building or structure during any period of twelve (12) consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the non-conforming structure. However, if a non-conforming building or a structure containing a non-conforming use becomes physically unsafe, dangerous, and/or unlawful due to lack of maintenance and repairs and is formally declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

(e) **Non-Safety Improvements and Modernization.** Repairs, improvements, or modernization of non-conforming structures which are not deemed necessary by the Building Department to keep a non-conforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the market value of the structure (as described in paragraph (i) below) during any period of twelve (12) consecutive months. Any such repairs, improvements or modernization shall not result in an enlargement of the non-conforming structure or building.

(f) **Alterations That Decrease Nonconformity.** Any non-conforming structure or building, or any structure or building, or portion thereof containing a non-conforming use, may be altered if such alteration serves to clearly decrease the non-conforming nature of the structure, building, and/or use. The Building Official shall determine if a proposed alteration decreases the degree of nonconformity.

(g) **Permitted Expansions to Single Family Dwellings.** An expansion (footprint or floor area) of a non-conforming single family building or structure shall be permitted when both of the following conditions exist:

(1) Only one (1) side of the building or structure does not conform with setback requirements.

(2) The expansion is on the conforming side of the building and will conform with all setback and height requirements.

(h) **Elimination of Nonconformity.** In the event a non-conforming situation is removed, the corresponding section of the building or structure shall thereafter conform.

5 (i) **Market Value.** For the purpose of this Article, market value shall be determined by an acceptable independent appraisal provided by the applicant. The Township Assessor and Building Official shall review the appraisal. The value of the repairs or improvements shall be based on a written estimate from a licensed contractor provided by the applicant. This estimate shall be
10 reviewed by the Building Official.

Sec. 21-05 Non-Conforming Lots

15 The following regulations shall apply to any non-conforming lot of record or non-conforming lot described in a deed or land contract executed and delivered prior to the effective date of the Zoning Ordinance or amendment thereto:

20 (a) **Use of Non-Conforming Lots.** Any non-conforming lot may be used only for a use permitted in the zoning district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building(s) may be erected on any single lot of record in existence on the effective date of adoption or amendment thereto. This provision shall apply even though the lot fails to meet the requirements for
25 area or width, or both, that are applicable in the district, provided that the lot is in conformance with all other applicable yard setback, minimum floor area and maximum height requirements for the district in which it is located.

30 (b) **Variance from Area and Bulk Requirements.** If the use of a non-conforming lot requires a variance from the area or bulk requirements, then the use shall be permitted only pursuant to a variance granted by the ZBA.

35 (c) **Non-Conforming Contiguous Lots under the Same Ownership.** To develop a non-conforming lot(s) under the provisions of paragraphs (a) and (b) of this Section, the applicant is required to submit evidence that ownership of the lot is not under contiguous single ownership with other lots that could be combined into a conforming or more conforming lot. The following regulations shall apply to non-conforming contiguous lots under the same ownership.

(1) If two (2) or more lots or combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands shall be considered as a singular, individual parcel for the purposes of this Ordinance. Any altering of lot lines or combination of lots shall result in lots that more closely conform to the requirements of this Ordinance.

(2) No portion of the nonconforming parcel shall be used, occupied, or sold in a manner that diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made that creates a new lot having a width or area less than the requirements stated in this Ordinance.

(3) These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing dwelling unit.

(d) **Combination of Non-Conforming Lots.** The following regulations shall apply to the combination of non-conforming lots.

(1) Any combination, in whole or in part, of non-conforming lots of record shall result in lots that more closely conform to the requirements of this Ordinance to the maximum extent feasible.

(2) Once any combination that creates a conforming lot occurs, the resulting lot shall not retain non-conforming lot of record status and will hereafter be required to comply with the lot requirements of this Ordinance.

Sec. 21-06 Non-Conforming Sites

The intent of this Section is to permit improvements and minor modifications to an otherwise conforming use and building which does not meet all of the various site improvement related regulations of this Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various Ordinance standards for landscaping, paving, and other non-safety site related items.

Improvements or expansions may be permitted by the Planning Commission during special land use or site plan review without a complete upgrade of all site

elements under the following conditions. The Township may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.

(a) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.

(b) The applicant has addressed safety related site issues on the overall site.

(c) The improvements or minor expansion will not increase noncompliance with site requirements.

(d) The applicant has upgraded the overall site landscaping consistent with *Article 14*.

(e) Driveways that do not conform with the access management requirements of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained, as determined by the standards of *Article 16*.

(f) Signs must conform with *Article 17*.

(g) A site plan shall be submitted in accordance with *Article 18*.

Sec. 21-07 Change of Tenancy or Ownership, Purchase, or Condemnation

(a) In the event there is a change in tenancy, ownership, or management of an existing non-conforming use or structure and/or building shall be allowed to continue provided there is no change in the nature or character of such nonconformity and the use, structure, and/or building is otherwise in compliance with this Ordinance.

(b) The Township Board may acquire, by purchase, condemnation or otherwise private property or an interest in private property for the removal of non-conforming buildings, structures or uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in Townships.

- 5 (c) The elimination of the non-conforming buildings or uses is declared to be for a public purpose and for a public use. The Township Board may institute and prosecute proceedings for condemnation of non-conforming buildings, structures or uses under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

Sec. 21-08 Acquisition of Non-Conforming Buildings, Structures, or Uses

10 The Building Official, from time to time, may recommend to the Township Board, the acquisition of private property for the purpose of removal of nonconformities. Where such acquisition is contemplated, the following procedures shall be followed:

- 15 (a) **Building Official Documentation and Recommendation.** Prior to instituting acquisition, the Building Official shall prepare or cause to have prepared a report for the Township Board. The report shall include the following:

20 (1) A list of all requirements of this Ordinance that are not met by the subject property.

(2) An estimate of the expense of such acquisition.

25 (3) An estimate of the cost of removing the non-conformities.

(4) An estimate of the probable resale price of the property after acquisition and removal of the non-conformities.

30 (5) Recommendations concerning the allocation of costs to be incurred by the Township.

(b) Township Board Consideration

- 35 (1) **Public Hearing.** After receiving and reviewing the report from the Building Official, the Township Board shall determine if acquisition of the non-conforming property should be pursued. If the Township Board decides to pursue acquisition, then it shall first set a public hearing. Not less than fifteen (15) calendar days prior to the public hearing, notice of the time, place, and purpose of the public hearing shall be published in the

official newspaper of the Township, and sent by mail to the owners of property for which acquisition is being considered. The notice shall be sent to the owner's address as stated in the most recent assessment roll.

5 (2) **Special Assessment.** If any or all of the expense related to acquisition of
the subject property is assessed to a special district, then the Township
Assessor shall be directed to furnish the Township Board with a tentative
special assessment district and tentative plan of assessment. The names
and addresses of the owners of property located in the district (as stated in
10 the latest assessment roll) shall be provided to the Township Board.
Notice of the time, place, and purpose of the public hearing shall be sent
by mail to the owners of property located in the tentative special
assessment district.

15 (3) **Township Board Determination.** If, following the public hearing, the
Township Board finds that elimination of the non-conforming use,
structure, and/or building would be for a legitimate public purpose, then it
shall declare by resolution of the Township Board that the Township shall
proceed to acquire the non-conforming use, structure, and/or building in
20 accordance with the laws of the State of Michigan and applicable
Township Ordinances. The Township Clerk shall send by registered mail
a certified copy of the resolution of the Township Board to the owners of
property to be acquired and to owners of property in any special
assessment district, at the addresses stated in the latest assessment roll.

25 (c) **Removal of Non-Conformity.** Upon passing of title of the property so
acquired by the Township, the Township Board shall cause the discontinuance
or removal of the non-conforming use, or the removal or demolition or
remodeling of the non-conforming building or structure.

30 (d) **Disposition of Property.** The Township Board may thereafter elect to retain
all or part of the property so acquired for municipal purposes. If acquisition
costs and expenses are to be assessed against a special assessment district, the
amount to be assessed shall be reduced by the market value of any part of the
35 property retained for municipal use, as determined by the Township Assessor.
The Township Board shall thereafter order the sale of the portion of the
property not retained for municipal purposes, but only for use in conformance
with this Ordinance. The Township Board shall confirm the expenses related
to the project and report the assessable cost to the Township Assessor, who

shall then prepare an assessment roll in the manner provided for law. Such an assessment may, at the discretion of the Township Board, be paid in one (1) or more, but not to exceed ten (10) annual installments.

ARTICLE 22
ZONING BOARD OF APPEALS (ZBA)

Sec. 22-01 Creation and Membership

There is hereby created a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, the requirements of any other statute or Ordinance and substantial justice done. The ZBA shall consist of the following seven (7) members:

- (a) The first member shall be a member of the Township Planning Commission, recommended by the Commission and appointed by the Township Board to serve for a term of one (1) year.
- (b) The second member shall be a member of the Township Board who may not be the Chairperson of the ZBA.
- (c) The remaining five (5) members shall be electors of the Township, selected and appointed by the Township Board from among the electors, residing in the Township, who shall be representative of the population distribution and of the various interests present in the Township. No employee or contractor of the Township Board may serve simultaneously as a member or employee of the ZBA.
- (d) Terms of members of the ZBA shall be for three (3) years, except for members serving because of his or her membership on the Township Board whose term shall be limited to the time he or she is a member of the Township Board. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term by the Township Board.
- (e) The ZBA shall elect a chairperson, a vice-chairperson, and a secretary from its members. The term of all officers shall be for one (1) year.

- 5 (f) The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings of the ZBA or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called upon to serve as a regular member for the purpose of reaching a decision in which a regular member has abstained for reasons of conflict of interest. The alternate member so appointed shall serve in the case until a final decision is made. The alternate member when serving has the same voting rights as a regular member of the ZBA.

(Ord. #246, 12/25/09), (Ord. #234, 12/28/06), (Ord. #229, 7/6/05)

15 **Sec. 22-02 Procedures**

(a) **Meetings**

- 20 (1) All meetings of the ZBA shall be held at the call of the chairperson and at other times as the ZBA, in its adopted rules of procedure, may specify.
- (2) The Board of Appeals shall not conduct business unless four (4) members of the Board of Appeals are present.
- 25 (3) All meetings and hearings conducted by the ZBA shall comply with the Open Meetings Act, PA 276 of 1976, as amended.
- 30 (4) The ZBA shall provide for notice in accordance with **Section 23-11** of meetings and hearings to the parties and shall render a decision on the application without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

35 (b) **Procedure**

- 40 (1) The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote due to a conflict of interest, indicating the fact; and shall file a record of its proceedings in the office of the Township Clerk, which shall be public record.

(2) The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official or body, or to decide in favor of an applicant on any matter upon which the ZBA are required to pass under this Ordinance or to effect any variation in this Ordinance.

(3) A member of the ZBA who is also a member of the Planning Commission, or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

(c) **Notice.** The ZBA shall make no decision except in a specific case and after a public hearing conducted by the ZBA. Notice of public hearing shall be in accordance with *Section 23-11*.

(d) **Stay of Proceedings.** An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the Planning Commission, zoning official, or any other administrative official certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order granted by the circuit court.

(e) **Limitations.** Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the zoning map, such power and authority being reserved to the Township Board in the manner provided by law.

(Ord. #248, 1/22/10), (Ord. #234, 12/28/06), (Ord. #229, 7/6/05)

Sec. 22-03 Powers

The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein.

With an affirmative decision, the ZBA may impose conditions pursuant to Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. The decision of the ZBA shall be final. However, a person having an interest affected by this Ordinance may appeal to the circuit court for review pursuant to Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

(Ord. #234, 12/28/06)

Sec. 22-04 Jurisdiction

The ZBA shall have power to act on those matters as defined in this section and by the laws of the State of Michigan. Jurisdiction shall include:

(a) **Appeals.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by any administrative or enforcement official or body charged with administration or enforcement of this Ordinance.

(b) **Variance.** To authorize, upon application, a variance from the strict application of the provisions of this Ordinance. In granting a variance, the ZBA may attach thereto such conditions and safeguards regarding the location, character, and other features of the proposed uses as it may deem reasonable so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. In granting a variance, the ZBA shall state the grounds upon which it justifies the granting of a variance. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance.

(c) **Interpretation.** To interpret boundaries of zoning districts as presented in the official zoning map. Upon request of the Planning Commission or any administrative or enforcement officer charged with administration or enforcement of this Ordinance, the ZBA may interpret and clarify the meaning of Ordinance text.

(d) **Approvals.** To hear and decide in accordance with the provisions of this Ordinance, requests for decisions under the Ordinance as provided for and referred to it within the Ordinance and for decisions on which this Ordinance specifically authorizes the ZBA to pass.

- 5 (e) **Special Land Uses.** While the ZBA may grant dimensional or other site plan related variances for special land uses. The ZBA shall not have the power to reverse or modify the Planning Commission decision to approve or deny a special land use permit nor grant variances to any special land use standards or conditions of special land use approval.

Sec. 22-05 Application Requirements

- 10 (a) **Application to the ZBA.** Decisions for which ZBA action is sought shall be commenced by a person filing an application to the ZBA on forms as specified by the ZBA and accompanied by required fees. The application shall specify the grounds upon which the request is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number(s)
15 containing the requirements from which a variance is sought and the nature and extent of the variance.

- 20 (b) **Fees.** The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants to the ZBA. At the time the application is filed, the fee shall be paid to the Township.

- 25 (c) **Sketch Plan Requirements.** Applications involving a specific site must be accompanied by a sketch that includes the following information, where applicable:

(1) Applicant's name, address, and telephone number.

30 (2) Property identification (Sidwell) number, scale, north point, and dates of submission and revisions.

(3) Zoning classification of petitioner's parcel and all abutting parcels.

35 (4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.

(5) For variances requested from any dimensional standard of this Ordinance, the sketch plan shall include verified measurements of existing conditions

and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.

- (6) Any additional information required by the building official or the ZBA to make the determination requested herein.

Where an application to the ZBA involves a variance sought in conjunction with a site plan review by the Planning Commission, the application data requirements for site plan review as set forth in *Article 18* shall be followed.

- (e) **Approval Period.** If construction has not commenced within twelve (12) months after the day the ZBA grants a variance to allow the erection or alteration of a building, then the variance becomes null and void. The period of approval may be automatically extended by twelve (12) months if the variance was sought in conjunction with a site plan for which approval has been extended by the Planning Commission.

Sec. 22-06 Standards for ZBA Action

Variances and appeals shall be granted only in accordance with the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, and based on the findings set forth in this section. Variances and appeals shall not be granted solely upon economic or financial considerations. The extent to which the following criteria apply to a specific case shall be determined by the ZBA:

- (a) **Criteria Applicable to Appeals.** The ZBA may reverse an order of an enforcement official only if it finds that the action or decision appealed meets one (1) or more of the following requirements:

(1) Was arbitrary or capricious.

(2) Was based on an erroneous finding of a material fact.

(3) Constituted an abuse of discretion.

(4) Was based on erroneous interpretation of the zoning Ordinance or zoning law.

(b) **Criteria Applicable to Dimensional Variances**

(1) **Practical Difficulty/Substantial Justice.** Practical difficulty must be shown that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and vicinity of the subject parcel.

(2) **Public Safety and Welfare.** The requested variance does not interfere with the public safety and welfare, increase the hazard of fire, impair the adequate supply of light and air, or create nuisances.

(3) **Impact on Surrounding Neighborhood.** The variance will not interfere with or discourage the appropriate development, continued use, or value of adjacent properties and the surrounding neighborhood.

(4) **Extraordinary Circumstances.** There are exceptional circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses. The need for the variance was not self-created by the applicant.

(c) **Criteria Applicable to Use Variances.** The zoning board of appeals may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A 2/3rd vote of the members of the Zoning Board of Appeals is required to grant a use variance. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following:

(1) **Unreasonable Current Zoning Designation.** The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed within the current zoning district designation. The ZBA may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.

(2) **Unique Circumstances.** The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the

area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

(3) **Not Self-Created.** The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's immediate predecessor.

(4) **Capacity of Roads, Infrastructure and Public Services.** The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.

(5) **Character of Neighborhood.** The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.

(d) **Record of Appeal.** The ZBA shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include all of the following:

(1) The relevant administrative records and the administrative orders issued thereon relating to the appeal.

(2) The notice of the appeal.

(3) Such documents, exhibits, plans, photographs, or written reports as may be submitted to the ZBA for its consideration.

(4) The written findings of fact, the decisions, and the conditions imposed by the ZBA in acting on the appeal shall be entered into the official record, after being signed by the chairperson of the ZBA, thereby effectuating the decision and any conditions imposed thereon.

(5) Any approval granted by the ZBA may be made subject to such conditions as the ZBA may require, including deed restrictions and performance guarantees, to ensure that the applicable review standards are satisfied.

Conditions imposed shall be as required by the Zoning Act. Any conditions imposed must be stated in writing as part of the record of the approval. The ZBA may require that a performance guarantee per **Section 23-08** be furnished to insure compliance with certain conditions imposed with the granting of any appeal or variance.

- (e) **Appeal of ZBA Decision to Court.** Any appeal of a decision by the Zoning Board of Appeals must be filed within thirty (30) days after the ZBA certifies its decision in writing, signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision, whichever occurs first.

(Ord. #248, 1/22/10), (Ord. #234, 12/28/06)

Sec. 22-07 Time Requirements

- (a) **Building Permit Required.** No order of the ZBA allowing the erection of a building or other structure shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

- (b) **Use Establishment.** No order of the ZBA allowing the use of a building premises shall be valid for a period longer than twelve (12) months unless such a use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building or structure, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

ARTICLE 23
ADMINISTRATION AND ENFORCEMENT

Sec. 23-01 Duties of the Township Planner

(a) Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Township Planner or such other official or officials as may be designated by the Township Board; provided, that special land use permits and certain site reviews shall be carried out by the Township Planning Commission, and shall precede an issuance of permits.

(b) The Township Planner shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

Sec. 23-02 Duties of the Building Official

(a) The Building Official shall have the power to grant permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Ordinance.

(b) Under no circumstances is the Building Official to make changes to this Ordinance or vary the terms of this Ordinance in carrying out his duties as Building Official.

(c) The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance 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.

Sec. 23-03 Plot Plan

The Building Official shall require that all applications for building permits be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (a) The actual shape, location, and dimensions of the lot.
- (b) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
- (c) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (d) Other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Sec. 23-04 Permits

The following shall apply in the issuance of any permit:

- (a) **Permits not to be Issued.** No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land which is not in accordance with the provisions of this Ordinance.
- (b) **Permits for New Use of Land.** No vacant land shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

Permits for New Use of Buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

(d) **Permits Required.** No building or structure, or part thereof, shall be hereafter erected, altered, expanded, moved, or repaired unless a building permit shall have been first issued for the work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, change in or any additional use or occupancy not previously specifically approved by permit and/or certificate as required, or change in light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

(e) **Compliance Deposits.** No permits shall be issued until a deposit, in an amount established by the Township Board, has been placed at the disposal of the Township as set forth hereafter.

Such deposit shall be held by the Township and applied as required to defray all expenses necessary to secure compliance by the permit holder to the conditions of the permit; including but not limited to, saving the Township and/or the public harmless from any damage to the health, safety and welfare of the community, administrative expenses, legal fees and court costs.

(f) **Notification of Permit Expiration.** If any work for which a permit is required is not completed within one (1) year of the date of issuance of the permit, or within one (1) year of the date of any renewal thereto, the Building Official shall send a letter of notification of permit expiration to the permit holder, at least two (2) weeks prior to the permit expiration date, requesting the work under the permit be completed or renewed prior to the expiration date. If the permit is allowed to expire, a second and final notice of forfeiture of the permit deposit will be sent to the permit holder by ordinary mail allowing the permit holder thirty (30) days to renew the permit or complete the permit requirements prior to

forfeiture of the permit deposit to the Township and termination of the permit.

- (g) **Renewal of Permits.** Permits may be renewed for one (1) year periods of time upon application of the permit holder and approval by the Building Official. The permit holder must be making reasonable progress toward completion of the permit to obtain an extension. Upon renewal of a permit, the permit holder shall replenish the cash deposit in the amount established in (e) above.
- (h) **Forfeiture.** If any structure is occupied prior to issuance of an occupancy use permit or certificate of completion, the permit deposit shall be immediately forfeited to the Township. If any work for which a permit is required is not completed within one (1) year of the issuance date of the permit, or within one (1) year of the issuance of any renewal thereof as set forth in (f) above, the permit deposit shall be immediately forfeited to the Township.
- (i) **Interest.** All interest earned on permit deposits shall be to the property of the Township.
- (j) **Unclaimed Permit Deposits.** Upon completion of all work required by the terms of the permit and approval of the Building Official, the unused permit deposit, less accumulated interest, shall be refunded to the permit holder. If a permit deposit remains unclaimed for a period of five (5) years or more from the date of completion of the work and approval of the Building Official, the Building Official shall send a written notice of forfeiture to the permit holder, at the last known address of the permit holder on the records of the Township, by ordinary mail, declaring that unless the remaining permit deposit is claimed within one hundred twenty (120) days from the date of the notice, the remaining permit deposit shall immediately be escheated to the State of Michigan. If the permit holder claims the remaining permit deposit within the one hundred twenty (120) days, it shall be refunded after deduction of the following fees as may be established by the Township Board: inspection fees, custodial charges, service fees and bookkeeping costs. Escheatment of the permit deposit does not prevent the Township from seeking any other remedies as may be available in law or equity for securing compliance by the permit holder with the terms of the permit issued.

(k)Exception-Permits for Non-Conforming Uses. Permits may be issued for a non-conforming use when said use complies with the following: the use may be reasonably expanded, modified, or abandoned in whole or in part, provided that the modification in use, and the modification in any structure, or the building of any structure thereon, shall move said building or land in closer conformity to a conforming use, and/or which modification shall not be inconsistent with the conforming use of the land nearest the non-conforming uses to be modified.

(l)Changes in Use

(1) All changes in use shall be reviewed by the Building Official and shall not be approved unless and/or until any and all such proposed changes strictly comply with all requirements set forth in this Ordinance.

(2) Any proposed alteration or modification to a building site, building, and/or structure which could or would create a drainage deficiency, either on the site in question or the adjacent properties, shall be remanded to the Township Engineer for review, disposition, and recommendation for correction which shall be made under the direction of the Building Official.

(3) Prior to any change in use, the owner and/or proprietor shall obtain fire safety, electrical, mechanical, plumbing, and general building inspection approvals at such fees as the Township Board shall set by resolution.

(4) Upon compliance with the requirements set forth by this Ordinance and the Michigan State Construction Code, a Certificate of Use and Occupancy shall be issued for all use changes. No building or property shall be occupied prior to compliance herewith.

(5) Failure to comply with the provisions herein set forth shall subject the owner and/or proprietor to the penalties of this Ordinance as provided in *Section 23-09*, and all such

provisions and penalties shall be enforced by any court with appropriate jurisdiction.

5 (m) **Temporary Permits.** The following provisions apply to permits being granted for the placing of trailers temporarily on property in Brighton Township:

10 (1) The Building Official may, upon application signed by all of the owners of the premises containing the owners' addresses and the limitations of the request, issue permits for the placing of temporary construction trailers for a period not to exceed sixty (60) days. If the permittee intends to maintain the temporary construction trailer for a period in excess of sixty (60) days, they shall forthwith make application to the Township Board for
15 any period in excess of the original sixty (60) day period and shall agree in writing to remove the temporary construction trailer at the end of the time permitted, either by the Building Official or the Township Board.

20 (2) Temporary residential trailers, when in compliance with the State Construction Code, may be allowed by permit of the Township Building Official for a period not to exceed one hundred twenty (120) days at the site of any catastrophic destruction of a building. The application shall be in writing,
25 signed by all owners of the premises, shall comply with all the Ordinances of the County of Livingston and statutes of the State of Michigan as they apply to the public health code of the State of Michigan. In the event that the owner desires to apply for the permit for a period of time in excess of one hundred twenty (120)
30 days, the application shall be made forthwith to the Township Board upon the Building Official's initial issuance of the one hundred twenty (120) day permit, shall be in writing signed by all owners of the premises, shall contain the time limitation requested and agreement to remove the trailer at the expiration of
35 that term, and shall be approved in writing by the Township Board provided that its issuance shall not interfere with the rights of adjoining land owners and shall comport to all setbacks, side yards, and applicable zoning requirements, and shall be placed in as unobtrusive a manner as possible so as not to interfere with

the adjoining landowners.

(3) No permit shall be issued until a cash deposit, in an amount established by the Township Board, has been placed at the disposal of the Township and administered as set forth in sub-paragraphs (e) through (j) above.

(n) No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all of the provisions of the State of Michigan Construction Code and all of the Building Ordinances of the Charter Township of Brighton, as amended. In the event that there is any conflict between any of the above-named Ordinances, the Building Code of the State of Michigan as amended, shall control and override, unless and in the event that the erection, alteration or use of the building or structure in question or part thereof is specifically exempted by provisions of this Ordinance.

(Ord. #246, 12/25/09), (Ord. #243, 8/1/08)

Sec. 23-05 Certificates

No land, building, or part thereof, shall be occupied or re-occupied by or for any use unless and until a certificate of occupancy shall have been issued for each such use or new use, or additional use. The following shall apply in the issuance of any certificate:

(a) **Certificates not to be Issued.** No certificates of occupancy 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 Ordinance.

(b) **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 such building or structure.

(c) **Certificates for Site Plans.** No building, structure or land shall be used, for which a site plan was approved by the Planning Commission, until such

time as the engineer or architect responsible for the design presents to the Building Official either sealed and signed plans or a letter with seal indicating complete compliance with the approved site plan of record.

5 (d) **Certificates, including Zoning.** Certificates of occupancy as required by the Township 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 certificates of occupancy as required by this Ordinance.

10 (e) **Certificates for Existing Buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

15 (f) **Records of Certificates.** A record of all certificates issued shall be kept on 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.

20 (g) **Certificates for Dwelling Accessory Buildings.** Buildings or structures accessory to dwelling shall not require separate certificate 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 such dwelling.

25 (h) **Temporary Certificates of Occupancy.** Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such temporary certificates of occupancy shall not remain in force longer than a period of one
30 (1) year or for a period of time as determined by the Building Official after the building or structure is fully completed and ready for occupancy; and provided further, that such portions of the buildings or structures are in conformity with the provisions of this Ordinance. If such temporary certificates of occupancy are requested, the Township Building Official may
35 require the permittee to furnish a cash deposit, certified check, irrevocable bank letter of credit or surety bond, in an amount equal to the total estimated cost of completing construction of the specific site improvement including contingencies, as established by the Township Building Official based upon

an estimate prepared by the permittee or his authorized representative and approved by the Township Engineer.

No certificate of occupancy shall be issued whether or not a temporary certificate of occupancy has been issued unless the following standards have been met:

(1) That the building or structure is in full conformity with this Ordinance and the State of Michigan Construction Code and/or Charter Township of Brighton Building Code.

(2) That the interior space to be lived in or otherwise used is finished so as to meet minimum square foot standards of this Ordinance for the particular type of dwelling unit or other use as specified in the zoning district wherein located.

(3) That the term "finished" noted in subsection b. above means that all interior walls and ceilings shall be sealed with dry wall or other approved material, that all floors shall be covered with a surface permitting safe and sanitary walking thereon, and that said finished space shall otherwise meet all requirements of the State of Michigan Construction Code and/or the Charter Township of Brighton Building Code.

(4) That other space provided in any building or structure in excess of minimum Ordinance requirements shall be so completed as not to cause hazards to occupants therein by reason of exposed wiring, plumbing, stairwells, or inadequate protection from weather conditions.

(i) **Application for Certificates.** Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period. If

not issued within the five (5) day period, this default shall not be grounds for invalidating the enforceability of this Ordinance.

(Ord. #243, 8/1/08)

5

Sec. 23-06 Final Inspection

10 The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for final inspection.

Sec. 23-07 Fees

15 Fees for inspection and the issuance of permits or certificates of copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Official in advance of issuance. Fees shall be required for review of site plans, engineering plans, special land use applications, petitions for rezoning, traffic impact studies, and site inspections. The amount of such fees shall be
20 established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

Sec. 23-08 Performance Guarantee

25 (a) Where in this Ordinance there is delegated to the Township Board, Zoning Board of Appeals, or the Planning Commission, the function of establishing certain physical site improvements, engineering, supervision, and review as a contingency to securing a special land use approval, site plan approval, or variance, the Township Board, Board of Appeals, or the Planning
30 Commission may, to insure strict compliance with any regulation contained or required as a condition of the issuance of a permit, or variance, require the permittee to furnish a cash deposit, certified check, irrevocable bank letter of credit, or surety bond. The performance guarantee shall be deposited with the Township Treasurer in an amount determined by the Township Board, Zoning
35 Board of Appeals, or the Planning Commission to be reasonably necessary to insure compliance hereunder. The amount of the performance guarantee shall be based on the recommendation of the Township Engineer who shall consider the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator,

estimated expenses to compel operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

(b) The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee before the date on which the Township is prepared to issue the permit.

(c) The Township shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Section 505 of the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

(Ord. #248, 1/22/10)

Sec. 23-09 Violations

(a) **Public Nuisance Per Se.** Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(b) **Fines, Imprisonment.** The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

(c) General Penalties and Sanctions for Violations of this Codified Ordinance; Continuing Violations; Injunctive Relief

(1) Unless a violation of this Ordinance is specifically designated in this Ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.

(2) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding ninety (90) days or both, unless a specific penalty is otherwise provided for the violation by this Ordinance.

(3) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance or otherwise established by resolution of the Township Board, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

a. Unless otherwise specifically provided for by this Ordinance the civil fine for a municipal civil infraction violation shall not be less than \$50.00, plus costs and other sanctions, for each infraction.

b. Increased civil fines may be imposed upon a person for repeated violations of any requirement or provision of this Ordinance. As used in this section, "repeat offense" means a second (or subsequent) municipal civil infraction violation of the same requirement or provision:

1. Committed by a person within any six (6) month period (unless some other period is specifically provided by this Ordinance); and

2. For which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Ordinance, the increased fine for a repeat offense shall be as follows:

(i) The fine for any offense which is a first repeat offense shall be not less than \$250.00 plus costs.

(ii) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.

(iii) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance; and

any omission or failure to act where the act is required by this Ordinance.

(iv) Each day on which any violation of this ~~codified~~ Ordinance or continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

(v) In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Ordinance.

Sec. 23-10 Amendments

(a) The Township Board may, from time to time, on recommendation, amend, supplement, or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

(b) Upon presentation to the Township Planning Commission of petition for amendment of this Ordinance by owner of real estate to be affected, or, such petition shall be accompanied by a fee, the amount of which shall be set by Resolution of the Township Board; such fee shall be paid to the Township.

(c) Processing of Proposed Zoning Map Amendments (Rezoning)

(1) **Application for Zoning District Change.** With the exception of an application for a change to PUD, Planned Unit Development, as stated in **Article 12** of this Ordinance, petitions for rezoning of a specific lot or parcel(s) shall comply with the requirements stated in this section and must be accompanied by:

a. A signed application including proof of ownership from the applicant(s).

b. A plot plan or survey, drawn to a minimum scale of 1" = 200' produced and sealed by a registered engineer, surveyor, land planner, or landscape architect containing all of the following information:

1. Name, address, and telephone number of owner and/or agent.
 - 5 2. Legal description of property proposed for change; total acreage involved.
 3. Scale, north arrow, and date of submission and dates of all revisions.
 - 10 4. A location map indicating major roads and section numbers.
 - 15 5. Zoning classification of petitioner's parcel, all abutting parcels, and all parcels within five hundred (500) feet of the site.
 - 20 6. Existing lot lines, building lines, structures, parking areas, and driveways within five hundred (500) feet of the site.
 - 25 7. Locations and dimensions of all structures, improvements to land, and land uses on the site and within five hundred (500) feet of the site.
 8. Site dimensions, distance to road centerlines, and right-of-way widths of all abutting roads and alleys, sight distances from public roads for all proposed accessways.
 9. Location of natural features such as: existing drainage courses, wetlands, floodplain, streams, and woodlots.
 - 30 10. All existing and proposed easements or proposed rights-of-way.
 - 35 11. Information regarding soil types, location of any sanitary sewer systems either existing or proposed.
 - 40 12. Location, size, and/or capacity of all existing utility lines abutting, entering, or proposed to service the site.
- c. Traffic Impact Study may be required at the Planning Commission's request when the potential uses may generate traffic

that exceeds trip generation rates recognized by the Institute of Traffic Engineers (ITE) in accordance with *Section 18-09*.

d. A sign shall be posted on the property by the applicant indicating that the property is proposed to be rezoned in accordance with the following:

1. The sign shall be four (4) feet by eight (8) feet in size.

2. The sign shall be erected in full public view along the road frontage.

If the property to be rezoned is located at an intersection, a sign for each road frontage must be provided which must be readable from the adjacent roadway.

The sign shall state “THIS PROPERTY IS PROPOSED TO BE REZONED”.

The sign shall include the current and proposed zoning, area in acres of the property, and a generalized map of the property.

Such sign shall indicate to contact the Planning Department for information regarding the date, time, and location of the Planning Commission public hearing i.e. when and where the proposal will be reviewed.

The sign shall be erected twenty-one (21) days prior to the scheduled public hearing.

The applicant shall be responsible for erecting, maintaining through the public hearing date and removing the sign. The sign shall be removed three (3) days after the public hearing.

The required sign shall be exempt from the regulations of *Article 17*.

Sign lettering size shall be eight (8) inches for the first line announcing the rezoning and four (4) inches for all other text and must be readable from the adjacent roadway.

THIS PROPERTY IS PROPOSED TO BE REZONED

Current Zoning:
Proposed Zoning:

___ acres

Planning Commission Public Hearing
4363 Buno Road

Contact Planning Dept. for more information

**Generalized map
of property**

(2) **Review Procedures.** After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

a. **Township Planning Commission Review.** The petition shall be placed on the agenda of a regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. Notice of the hearing shall be given in accordance with *Section 23-11*.

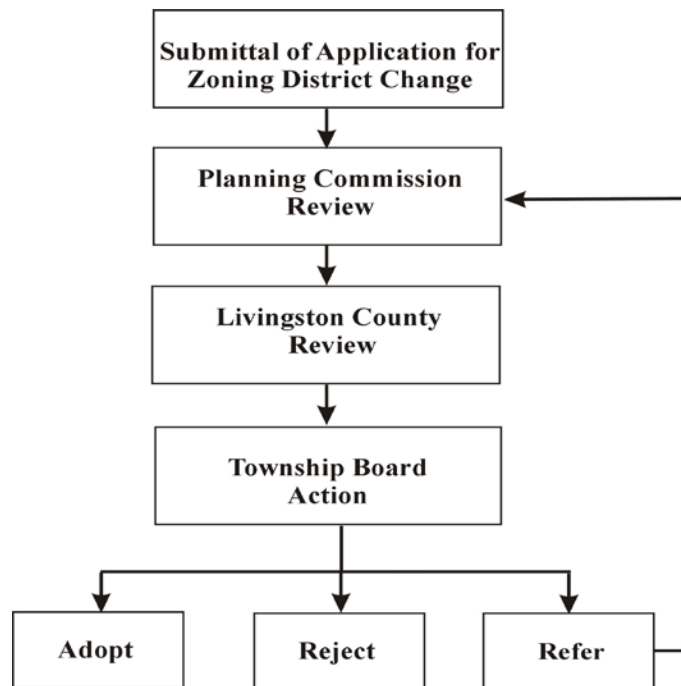
b. **Action by the Planning Commission and County Review.** Following the public hearing on the proposed amendment, the Planning Commission shall make written findings of fact that shall be transmitted together with the comments made at the public hearing and the Commission's recommendation to the Livingston County Planning Department and the Brighton Township Board.

c. **Action by the Township Board.** Following receipt of the recommendation of the Township Planning Commission and receipt of the minutes of the County Review, Township Board, solely at their discretion, may hold an additional hearing at a meeting of the Township Board. The Township Board may do one of the following by majority vote of its membership:

1. **Adopt.** Adopt the proposed amendment to the Zoning Map by Ordinance.

2. **Reject.** Deny the proposed amendment.

3. **Refer.** Return the proposed amendment to the Planning Commission with comment for further review and recommendation within a specified time period. Thereafter, the



Township Board may either adopt the amendment with or without the recommended revisions, or reject it.

d. **Reconsideration of a Proposed Map Amendment.** An application for a map amendment that has been previously denied by the Township Board shall not be reconsidered by the Township unless there have been substantial changes in the facts, evidence, conditions, and/or error in the case. Determination of whether there have been such changes shall be made by the Planning Commission at the time of re-application.

(d) **Review Considerations.** The Planning Commission and Township Board shall, at minimum, consider the following before making recommendation on any proposed amendment:

5 (1) Consistency with the goals, policies and future land use map of the Brighton Township Master Plan including any sub area or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

10 (2) Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses permitted in the proposed zoning district.

15 (3) Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.

20 (4) The capacity of Township infrastructure, utilities and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.

25 (5) The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.

30 (6) If a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another zoning district.

 The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

35 (e) **Notice and Record of Amendment.** Following adoption of an amendment by the Township Board, notice shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Section 401 of the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

A record of all amendments shall be maintained by the Township Clerk. The Master Zoning Map identifying all map amendments by consecutive number and date shall be maintained by the Township Clerk.

5

(f) Conditional Rezoning.

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Conditional rezonings are a voluntarily offered contract from an applicant to a municipality that offers a tightly packaged project that may not by itself be harmonious with the surrounding properties. For a proposed rezoning, where the applicant is proposing a specific use and a traditional rezoning may open up future uses on a broader scale that may not be harmonious to surrounding property, a conditional rezoning may be proposed. Conditional rezonings allows negotiation between the applicant and the Township. The applicant initially submits a conceptual conditional zoning agreement (CCZA) to the Township and the Township reviews and either accepts or denies the proposal based on the master plan for the Township. The conditions in the CCZA must be voluntary and equally or more restrictive than the regulations that would normally apply under the proposed zoning district. The applicant follows the basic process that regular rezonings follow but includes a CCZA and a conceptual site plan (CSP) as defined in Sec's. (1) and (2) below.

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An applicant requesting a rezoning shall voluntarily offer a CCZA and CSP and application for rezoning prior to the public hearing for a proposed rezoning. The conditions set forth in the CCZA must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The CCZA must be voluntarily offered by the applicant and the Township shall not have the authority to require modification to a CCZA without the consent of the petitioner; provided, the Township shall not enter into a CCZA that is not found acceptable to the Township Board. An election to submit a CCZA shall be pursuant to Section 405 of the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, and this Article.

35

The CCZA shall meet the following requirements:

- a. May include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictions on the location,

size, height, or other measures for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features.

5

b. Shall not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district, but may restrict the use of the property to only certain uses permitted in the proposed zoning district.

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c. Shall not permit variations from height, area, setback, or similar dimensional requirements that are less restrictive than the proposed zoning district, but may require more restrictive dimensional requirements, unless variances have been granted by the Township Board.

15

d. Shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. The conditional zoning agreement may include conditions related to the use and development of the property that are necessary to:

20

1. Serve the property with improvements, including but not limited to, the extension, widening, or realignment of roads; construction, or extension of utilities, or other infrastructure improvements serving the site; or the construction of recreational facilities;

25

2. Minimize the impact of the development on surrounding properties and the Township overall; or,

30

3. Preserve natural features and open space beyond what is normally required.

35

(1) Content of Conditional Conceptual Zoning Agreement (CCZA). In addition to any limitations on use or development of the site, preservation of site features or improvements described above, the CCZA shall also include the following:

a. An acknowledgement that the CCZA was proposed voluntarily by the applicant.

b. A statement that the property shall not be developed or used in any manner that is inconsistent with the CCZA.

5 c. A statement that the approval of the rezoning and the CCZA shall be binding upon and inure to the benefit of the property owner and the Township, and also their respective heirs, successors, assigns, receivers, or transferees. Where the applicant for rezoning is acting on behalf of the landowner through some form of purchase agreement or other mechanism, then the landowner must also consent and sign the agreement.

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d. A statement that the CCZA shall not permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.

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e. Acknowledgement that the CCZA was proposed voluntarily by the applicant and that the Township relied upon the agreement and may not grant the rezoning but for the conditions offered in the CCZA.

20 f. Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under *Article 18*, or subdivision approval under the Township Subdivision Ordinance and obtaining other necessary approvals required by the Township and all applicable county, and state agencies.

25

g. A legal description of the land to which the agreement pertains.

h. The CCZA shall include and incorporate, by reference, a CSP. This CSP shall not replace the requirement for a site plan as outlined in *Article 18*. The CSP requirements are outlined in subsection (2) below.

30

i. Any other provisions as are agreed upon by the parties.

35 (2) **Content of Conceptual Site Plan (CSP).** The following information shall be submitted with any application for conditional rezoning and CSP approval:

(a) **Existing Site Conditions**

(1) An overall area map on a scale of not less than one inch equals two thousand feet (1"= 2000') showing the relationship of the development to its surroundings such as section lines and/or major roads or collector roads.

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(2) Physical development plan prepared at a minimum scale of one inch equals one hundred feet (1"=100').

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(3) Boundaries of the proposed development, section or corporation lines within or adjacent to the development, and overall property dimensions.

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(4) Property lines of adjacent tracts of subdivided and unsubdivided land in relation to the development, including those of areas across abutting roads.

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(5) Locations, widths and names of existing or prior platted roads, private roads and easements within or adjacent to the development, including those of areas across abutting roads.

25

(6) Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the development.

(7) Topography drawn as contours with a two foot contour interval. Topography to be based on USGS data and be extended a minimum distance of two hundred feet (200') outside the development's boundaries.

(b) Proposed Development Features

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(1) Layout of roads including proposed road names, right-of-way widths, and connections with adjoining roads, and also the widths and locations of easements and public walkways.

35

(2) Layouts, numbers and dimensions of single family homes, including building setback lines.

- (3) Layout of proposed multiple family dwellings, including setbacks, buildings, drives, parking spaces, walkway systems and landscaping.
- 5 (4) Location and definition of function of both developed and undeveloped space within the development. Layout of facilities to be included.
- 10 (5) Description of major wooded areas and description of means to preserve them.
- (6) An indication of ownership and existing and proposed use of any parcels identified as “excepted”.
- 15 (7) An indication of the proposed sewage, water supply and drainage system. If county drains are involved, the proposed drainage shall be acceptable to the County Drain Commissioner. Storm drainage must be provided to an approved outlet or retention basin.
- 20 (8) Conceptual site grading plan and conceptual landscaping site plan, including pedestrian circulation system.
- (9) Depiction of proposed development phases.
- 25 (10) Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.
- 30 (11) Traffic impact study may be required by the Planning Commission when the use generates traffic that exceeds trip generation rates recognized by the Institute of Traffic Engineers (ITE) in accordance with *Section 18-09*.
- 35 (c) **Tabulations.**
- (1) Total site acreage and percent of total project in various uses.
- (2) Draft of the CCZA.

(3) Statement of developer's intention in the land proposed for development.

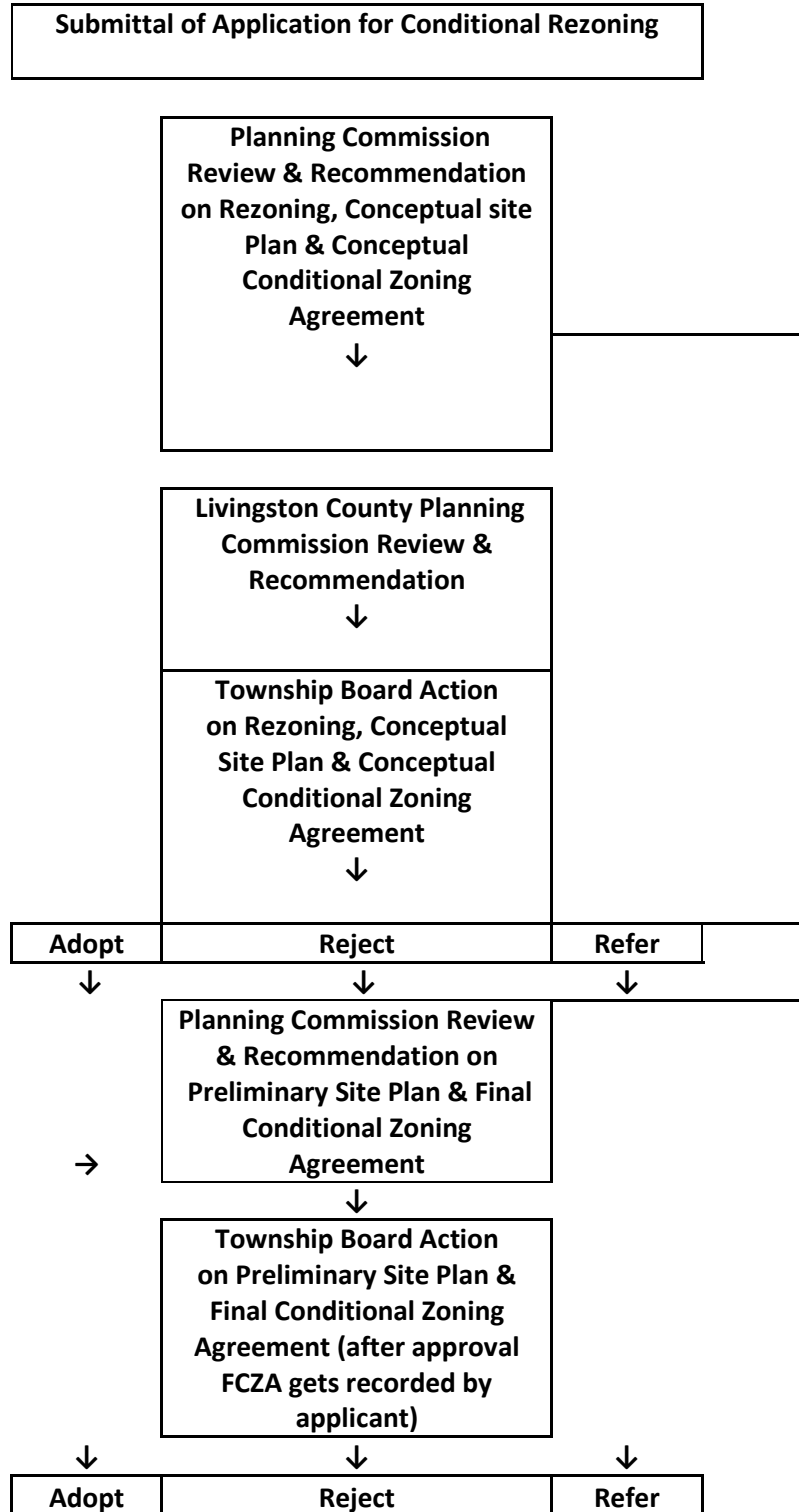
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(4) Statement regarding the developer's intention regarding sale and/or lease of all or portions of the development, including land area, units and recreational facilities.

10

(5) Statement of requested modifications to the regulations that are otherwise applicable to the site.

(3) **Process.** The CCZA shall be reviewed concurrently with the petition for rezoning following the process in *Section 23-10(c)* and the following:



5 a. The CCZA and CSP must be submitted prior to the Planning Commission public hearing. The CCZA shall be reviewed by the Township Attorney to determine that it conforms to the requirements of this Section and the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended, and shall confirm that the CCZA is in a form acceptable for recording by the Livingston County Register of Deeds.

10 Revisions may be made to the CCZA following the public hearing in response to issues discussed at the public hearing. Any revisions to the CCZA must be reviewed by the Planning Commission prior to the Planning Commission making its recommendation on the rezoning to the Livingston County Planning Commission and the Township Board.

15 b. Following the public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the Livingston County Planning Commission and the Township Board based upon the Criteria listed in *Section 23-10(d)*. In addition, the
20 Planning Commission shall consider whether the proposed CCZA and CSP:

25 1. Is consistent with the intent of this Ordinance and is clearly in the public interest;

 2. Is consistent with the recommendations of the Master Plan;

30 3. Bears a reasonable and rational connection or benefit to the property being proposed for rezoning;

 4. Is necessary to insure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties; and,

35 5. Leads to a development that is more compatible with abutting or surrounding uses than would have been likely if the property had been rezoned without a conditional zoning agreement, or if the property were left to develop under the existing zoning classification.

5 c. If a CCZA and CSP has been offered by the applicant and recommended for approval or denial by the Planning Commission and the Livingston County Planning Commission, the Township Board may approve, table, or deny the CCZA and CSP as a condition to the rezoning if it meets all of the requirements of subsection “b” above.

10 If variances from the requirements of the underlying zoning district are necessary, the applicant will apply and, if appropriate, receive variances from the Township Board. Criteria for consideration of variances by the Township Board shall include, but not be limited to:

15 (a) circumstances or conditions applicable to the property or the intended use that do not generally apply to other properties or uses; (b) the variance will not interfere with or discourage the appropriate development, continued use or value of adjacent properties; and (c) the proposed variance does not interfere with the public safety or create nuisances.

20 If the rezoning, CCZA and CSP are approved, the applicant will proceed to the next step.

(4) Final Preliminary Site Plan (PSP).

25 a. The applicant must submit his PSP and FCZA for review and approval by the Planning Commission and Township Board. The applicant will follow the requirements for site plan approval under *Article 18* or subdivision approval under the Township Subdivision Ordinance and obtain any other necessary approvals required by the Township and all applicable county and state agencies for PSP approval. The applicant will submit his PSP and FCZA to the

30 Planning Commission. The Planning Commission will review the PSP and FCZA and make a recommendation for approval or denial to the Township Board. The Township Board may approve, table, or deny the PSP and FCZA.

35 b. Applicant shall sign the approved FCZA and PSP within thirty (30) days of approval by the Township Board or the Township approval becomes null and void. The approved and executed FCZA and PSP

shall be submitted to the Livingston County Register of Deeds for recording by the applicant after approval by the Township Board.

5 c. After approval of the PSP and FCZA, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, and a reference be made to the FCZA and PSP. The FCZA and PSP shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. The Township Clerk shall
10 maintain a listing of all properties subject to FCZA and shall provide copies of the Agreements upon request. Per State law, the ordinance is effective on the date stated herein.

15 (5) **Expiration**

a. The rezoning, PSP and FCZA shall expire two (2) years after adoption of the rezoning, FCZA and PSP, unless substantial construction on the approved project or phase of the project as outlined in the FCZA occurs pursuant to building and other required permits
20 within the two (2) year period or has been extended by the Planning Commission under subsection “d” below.

b. The FCZA shall specify that if substantial construction has not commenced within two (2) years after the rezoning, the rezoning, FCZA and PSP shall be void and of no effect.
25

c. Should the rezoning, FCZA and PSP become void, all development on the subject property shall cease, and no further development shall be permitted. The Township shall withhold permits and certificates until action satisfactory to the Township is taken to bring the property into compliance with the FCZA and approved site plan. The Township shall also revoke permits, and certificates, following notice to the applicant and giving the applicant an opportunity to be heard, in addition to or in lieu of any other lawful
30 action to achieve compliance.
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Notwithstanding the above, if the property owner applies in writing for an extension of the rezoning, FCZA and PSP at least thirty (30) days prior to the expiration date, the Planning Commission may grant an

extension of up to one (1) year. Further extensions may be granted by the Planning Commission although the number of previous extensions granted shall be considered in relation to the diligent effort of the land owner to satisfy the conditions of the FCZA and PSP.

5

(6) **Reversion of Zoning.** If the rezoning, approved site plan, and FCZA become void as outlined above, then the land shall automatically revert back to its original zoning classification as set forth in the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended. The Township Clerk will advise the land owner, of, the reversion of zoning.

10

(7) **Continuation.** Provided that all development and use of the property in question is in compliance with the FCZA approved site plan, a use or development authorized may continue indefinitely, provided that all terms of the FCZA continue to be met.

15

(8) **Amendment.** The approved PSP and FCZA may be amended by the Township with the landowner's consent. If the amendment is considered a major amendment per *Section 18-07*, then the applicant must proceed forward in the same manner as was prescribed for the original rezoning, FCZA and PSP. If the amendment is considered a minor amendment per *Section 18-07*, it can be handled administratively. The approved amendment shall be submitted to the Livingston County Register of Deeds for recording by the applicant after approval by the Township Board.

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(9) **Violation of Agreement.** Failure to comply with the approved site plan and FCZA at any time after approval will constitute a breach of the agreement and also a violation of this Ordinance and further use of the property may be subject to legal remedies available to the Township.

30

(10) **Subsequent Rezoning of Land.** Nothing in the FCZA, nor any statement or other provision, shall prohibit the Township from later rezoning all or any portion of the property that is the subject of the FCZA to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

35

(11) **Failure to Offer Conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this Ordinance.

5 (12) **Township Not Obligated.** The Township is not required or obligated to accept any or all conditions offered by a developer on a rezoning application. In no way is an offer of a conditional zoning agreement the basis for requiring the Township to approve a rezoning application.

10 (Ord. #248, 1/22/10), (Ord. #243, 8/1/08), (Ord. #234, 12/28/06),
(Ord. #231, 12/27/05)

15 **23-11 Public Hearing Notices.** In instances where a public hearing is required under this Ordinance with the Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be as follows:

(a) **Notice Content.** The notice shall do all of the following:

20 (1) Describe the nature of the request.

(2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses
25 currently exist within the property. If there are no street addresses, other means of identification may be used.

(3) State when and where the request will be considered.

30 (4) Indicate when and where written comments will be received concerning the request.

(b) **Notice Publication and Mailing.** Notice shall be published and mailed no less than fifteen (15) days prior to the public hearing as follows:

35 (1) Notice of the request shall be published in a newspaper of general circulation in the Township.

(2) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

(3) Notice shall also be sent to all property within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the Township. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

(4) The notice under subsection (3) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.

(c) Ordinance Amendments and Rezoning of More Than Ten (10) Properties. Public hearings for an amendment to the Zoning Ordinance, or the Zoning Map that affects more than ten (10) properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under (a)(2) above, and notice shall not be required to be mailed to individual properties under (b)(2) and (b)(3) above.

(d) ZBA Interpretations and Appeals. Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in (b)(1) above but if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in (b)(2) above.

(Ord. #248, 1/22/10)

23-12 Annual Report. The Planning Commission shall submit a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements at least once a year.

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(Ord. #234, 12/28/06)

ARTICLE 24
WETLAND AND WATERWAYS PROTECTION

Sec. 24-01 Intent

The intent of this Article is to provide for:

- (a) The protection, preservation, replacement, proper maintenance and use of the Township wetlands, wetland edges and watercourses in order to prevent their pollution or contamination; minimize their disturbance and the disturbance of the natural habitat therein; and prevent damage from erosion, siltation, and flooding.
- (b) The encouragement of proper and reasonable economic use of wetlands and wetland edges and watercourses, the discouragement and limitation of improper use, the reduction of financial burdens imposed on the community, the maintenance of harmonious and compatible land use balance within the Township, and prevention of nuisance conditions that would arise with the indiscriminate development of existing wetlands, wetland edges, and watercourses.
- (c) The protection of the Township's potable water supplies from drought, overdraft, pollution, or mismanagement.
- (d) The reduction of property damage or other risks associated with flood conditions and/or reduced financial burdens imposed upon the Township by improper use of land subject to periodic flooding; to preserve the location, character, and extent of natural drainage sources.
- (e) The enforcement of this Article and the coordination of the enforcement and support of applicable Federal, State and County statutes, Ordinances, and regulations including but not limited to:
 - (1) Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act 1994 PA 451 (NREPA), as amended, enforced by the Michigan Department of Environmental Quality (MDEQ).

(2) Soil Erosion and Sedimentation Control Act (Act 347, Public Acts of 1972, as amended) enforced by the Livingston County Drain Commission.

(3) Floodplain Regulatory Authority (Act 245, Public Acts of 1929, as amended by Act 167 Public Acts of 1968) enforced by the Land and Water Management Division of the MDEQ.

(4) Subdivision Control Act (Act 288, Public Acts of 1967, as amended), enforced by the MDEQ.

(5) Dam Safety Act (Act 300, Public Acts of 1989, as amended), Plans prepared by Professional Engineer.

(6) Inland Lakes and Streams Act (Act 346, Public Acts of 1972, as amended) enforced by the MDEQ.

(7) Natural Rivers Act (Act 231, Public Acts of 1970, as amended) enforced by the Land and Water Management Division of the MDEQ.

(f) Compliance with the Michigan Environmental Protection Act (Act 127, Public Acts of 1970, as amended), which imposes a duty on government agencies and private individuals and organizations to prevent or minimize the pollution, impairment or destruction of natural resources that is likely to be caused by their activities.

(g) The establishment of standards and procedures for the review and regulation of the use of wetlands, wetland edges, and watercourse.

(h) The issuance of wetland permits for approved activities.

(i) The establishment of enforcement procedures and penalties for the violation of this Article.

Sec. 24-02 Applicability

(a) This Article shall apply to all watercourses and to all wetlands that possess one (1) of the following conditions:

(1) Contiguous to any lake, pond, river, or stream.

(2) Not contiguous to any lake, pond, river or stream; and more than two (2) acres in size.

(3) Not contiguous to any lake, pond, river or stream; and two (2) acres or less in size where the Township determines that the wetland is essential to the preservation of the natural resources of the Township. In making this determination, the Township must find that one (1) or more of the following exist at the particular site:

a. The site supports state or federal endangered or threatened plants, fish, or wildlife appearing on a list specified in Part 365 of Act 451 of 1994.

b. The site represents what is identified as a locally rare or unique ecosystem.

c. The site supports plants or animals of an identified local importance.

d. The site provides groundwater recharge documented by a public agency.

e. The site provides flood and storm control by the hydrologic absorption and storage capacity of the wetland.

f. The site provides wildlife habitat by providing breeding, nesting, or feeding grounds or cover for forms of wildlife, waterfowl, including migratory waterfowl, and rare, threatened, or endangered wildlife species.

g. The site provides protection of subsurface water resources and provision of valuable watersheds and recharging groundwater supplies.

h. The site provides pollution treatment by serving as a biological and chemical oxidation basin.

i. The site provides erosion control by serving as a sedimentation area and filtering basin, absorbing silt, and organic matter.

j. The site provides sources of nutrients in water food cycles and nursery grounds and sanctuaries for fish.

(b) The Official Wetland and Watercourse Map shall serve as a general guide for the location of protected wetlands. It shall not substitute for the on-site field inspection to delineate the precise boundaries of any wetland or wetland edge.

(c) "Official Wetland and Watercourse Map" refers to the Brighton Township Official Wetland and Watercourse Map, based on the National Wetland Inventory Map of the U.S. Fish and Wildlife Service; the Michigan Resource Information System Mapping (MIRIS) of the MDEQ; the soil maps of the Soil Conservation Service, aerial photography, and on-site inspection.

(d) The Planning Commission shall be empowered to change or alter the boundaries established by the official wetland and watercourse map(s) at any time by amendment, after a public hearing, providing new and substantiated data shows a change in the boundaries.

Sec. 24-03 Existing Non-Conforming Lots, Uses, and Structures

Existing non-conforming lots, uses, and structures lawfully existing at the effective date of this Ordinance shall be subject to the requirements of this Article, except as follows:

(a) Plats that have received tentative preliminary approval and site plans approved prior to the effective date of this Ordinance shall be entitled by right to all uses authorized by those approvals according to the zoning district in which the property is located. Prior to any construction, however, a wetland use permit under this Article shall be required for any construction or structure to ensure that the construction will occur with no damage to the wetland, wetland edge, or watercourse.

(b) Any activity, structure or use normally accessory to a structure, lawfully existing at the enactment of, but not in conformity with the provisions of this Article, may be continued, maintained, and operated. Before an existing structure is expanded or enlarged in a manner that increases its infringement on a wetland, wetland edge or watercourse, a wetland use permit shall be required under this Article.

(c) All use permit applications involving and possibly impacting on wetlands, wetland edge or watercourse, must be completed and submitted to the Township for their review and determination as to whether a use permit shall be approved, approved with modifications or conditions or denied.

Sec. 24-04 Acts not Ordinarily Requiring Permits

Wetlands may be used for the following activities without the necessity of a Township wetland use permit under this Ordinance. The intent of this Section is to provide consistency with the Goemaere-Anderson Wetland Protection Act (Act 203, Public Acts of 1979, as amended), however the uses listed below may not be permitted by this Ordinance within the various zoning districts. All activities are subject to the regulations and restrictions of all other Township Ordinances.

(a) Fishing, trapping, hunting, or bird-watching.

(b) Swimming, boating, or canoeing.

(c) Hiking.

(d) Grazing and/or watering of animals.

(e) Farming, horticulture, silviculture, lumbering, and ranching activities, including plowing, irrigation, irrigation ditching, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices. Clear-cutting within forested wetlands where more than seventy percent (70%) of the basal area is removed shall not be allowed without a permit under **Section 24-06**.

(f) Maintenance or operation of serviceable structures in existence on the effective date of this amendment or constructed pursuant to this Ordinance.

(g) Construction or maintenance of farm or stock ponds.

(h) Maintenance, operation, or improvement which includes straightening, widening, or deepening of the following which is necessary for the production or harvesting of agricultural products:

(1) An existing private agricultural drain.

(2) That portion of a drain legally established pursuant to the drain code of 1956, Act. No. 40 of the Public Acts of 1956, as amended, being Section 280.1 to 280.630 of the Michigan Compiled Laws, which has been constructed or improved for drainage purposes.

(3) A drain constructed pursuant to other provisions of this Ordinance.

(i) Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining or forestry equipment, if the roads are constructed and maintained in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(j) Drainage necessary for the production and harvesting of agricultural products if the wetland is owned by a person who is engaged in commercial farming and the land is to be used for the production and harvesting of agricultural products. Except as otherwise provided in this Article, wetland improved under this Section after the effective date of this amendment shall not be used for non-farming purposes without a permit from the Township. This shall not apply to a wetland which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland which the Township has determined by clear and convincing evidence to be a wetland which is necessary to be preserved for the public interest, in which case a permit shall be required. This section shall not apply to wetlands that are connected with other off-site wetlands where drainage may result in impacting the hydrology of the off-site wetland.

(k) Maintenance or improvement of public roads or highways within the right-of-way and in such a manner as to assure that any adverse effect on the wetland will be otherwise minimized. Maintenance or improvement does not include adding extra lanes; increasing the right-of-way; or deviating from the existing location of the road or highway.

(l) Maintenance, repair, or operation of gas or oil pipelines and construction of gas or oil pipelines having a diameter of six inches (6) or less, if the pipelines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(m) Maintenance, repair, or operation of electric transmission and distribution power lines and construction of distribution power line if the distribution power lines are constructed, maintained, or repaired in a manner to assure that any adverse effect on the wetland will be otherwise minimized.

(n) Operation or maintenance, including reconstruction of recently damaged parts, of serviceable dikes and levees in existence on the effective date of this amendment or constructed pursuant to this Article.

(o) Construction of iron and copper mining tailings basins and water storage areas.

(p) Installation of non-commercial docks, rafts, diving platforms, and other recreational devices in a watercourse, provided they do not interfere with reasonable use of the watercourse, as may be regulated by the MDEQ. (Some temporary recreational structures may still require a permit from the MDEQ).
Any multi-access riparian sites shall comply with *Section 13-07*.

(q) Operation and maintenance of existing dams and water control devices, (Huron-Clinton Metropolitan Authority, re: Kensington Metropark; Woodland Lake; Lake Moraine) for temporary maintenance or aquaculture purposes, if in compliance with federal, state and county statutes as may be regulated by the MDEQ.

(r) Any activity normally accessory to a structure consistent with this Article and not requiring a permit including but not limited to gardening, mowing, landscaping, lawn maintenance and improvements and the erection of swing sets, fences and similar structures not requiring a building permit as may be required by the MDEQ.

(s) Educational programs, wildlife preserves and natural trails as may be regulated by the MDEQ.

(t) Actions taken in time of emergency, including the repair or restoration of existing public roads, electrical lines, natural gas lines, storm drainage systems, when immediate action is necessary to prevent public health or safety or to prevent damage to property. A person taking such emergency action shall, within fourteen (14) days thereof provide a written report to the Planning Commission describing the action taken and the nature of the emergency necessitating the action. State permits may still be required for the action as may be required by the MDEQ.

Sec. 24-05 Acts Requiring Permits

The Planning Commission may issue use permits for certain acts in the watercourses and wetlands of the Township, provided such use permit does not violate the intent of this Ordinance nor of other Federal, State or County statutes as may be regulated by the MDEQ. To preserve and protect wetland, wetland edge and watercourse habitat and wildlife in an undisturbed natural state, the following activities are strictly prohibited in a wetland, wetland edge, and watercourse unless reviewed, and approved by the Planning Commission and appropriate permits issued.

- (a) Remove any and all vegetation from a wetland, wetland edge or watercourse, which includes the cutting of trees, removal of stumps, plants, wildlife, and natural habitat except agricultural uses allowed under *Section 24-04*.
- 5 (b) Drain or causing to be drained, any water into or from a wet land, wetland edge or watercourse which is contiguous to a lake or stream, or to a tributary of a lake or stream, or to a wetland or wetland edge or watercourse being preserved for the public interest.
- 10 (c) Construct sewer, gas, or oil pipelines through or in a wetland, wetland edge, or watercourse.
- (d) Mine, drill, remove or permit the removal of soil or materials or any other natural resource from a wetland, wetland edge, or watercourse.
- 15 (e) Drill wells within a wetland, wetland edge, or watercourse.
- (f) Drain surface waters from man-made structures including roads, parking lots, retention and detention basins, agricultural runoff into wetland, wetland edge, or watercourse, including any other land or water use permitting the discharge of silt, salts, sediment, organic or inorganic materials, chemical, fertilizers, flammable liquids, or any substance producing turbidity, dyes, insecticides, herbicides, or detergents.
- 20 (g) Construct, enlarge, extend or connect any private or public sewage or waste treatment plant discharge to any lake, pond, stream, water or drainage course or wet land, wetland edge, or watercourse not in compliance with the latest requirements of the Federal, State, County and Township regulations governing the improvement and maintenance of clean waters.
- 25 (h) Deposit or permit to be deposited any material, including structures, into, within or upon any bottomland, wetland, wetland edge, or watercourse in a manner that would interfere with natural conditions of the wet land, wetland edge, or watercourse.
- 30 (i) Construct any structure, building, road, tennis court, paving, towers, or stanchions upon a bottomland, wetland, wetland edge, or watercourse.
- 35 (j) Dredge, fill, or otherwise alter the profile of bottomlands, wetlands, wetland edge, or watercourse.
- 40

(k) Enlarge, diminish, or alter a lake stream or other natural occurring waterway; create, enlarge, or diminish any natural or artificially constructed canal, channel, ditch, lagoon, pond, lake for navigation or any other purpose, whether or not connected to an existing lake, stream, or watercourse.

(l) Construct, place, enlarge, extend, or remove a temporary, seasonal, or permanent operation or structure upon a bottomland, or over, on, or under the surface of a wetland, wetland edge, or watercourse.

(m) Any other activities which, upon review, conflict with the intent of this Article.

Sec. 24-06 Application Requirements for Wetland Use Permits

Application, approval, appeal, and issuance of wetland use permits shall be concurrent with the issuance of other necessary Township approvals. The applicant for a wetland use permit shall submit to the Planning Commission, copies of the following:

(a) One (1) copy of a wetlands use permit application form of the MDEQ.

(b) Wetlands use permit review fee.

(c) One (1) copy of a drawing of the proposed activity, including at least the following:

(1) Title block, including the applicant's name, name of body of water, Section of Township, description of activity, scale of drawing, and date drawing was prepared. The title block shall indicate the name and professional credentials of the engineer, architect, planner, or other person preparing the site drawing and the name and professional credentials of the wetlands scientist or environmental specialist, such as a biologist, landscape architect or horticulturists, who has delineated wetlands boundaries and types. Professional credentials will include a resume and list of experience for the firm or individual preparing the wetland delineation, confirmed by the Township.

(2) Location and extent of protected wetlands and waterways on the site, as identified through field survey and presented on a topographic map of suitable scale. For wetland use permit applications that are accompanying

a site plan or plat, the wetlands map/survey shall be at the same scale as the site plan or plat. For wetland use permit applications that are not accompanying a site plan or plat, projects five (5) acres or smaller, shall be at a scale of at least one (1) inch equals fifty (50) feet is required; projects larger than five (5) acres, shall be at a scale of at least one (1) inch equals one hundred (100) feet is acceptable.

(3) Types of wetlands on the site, i.e., forested, shrub, emergent marsh, wet meadow, and aquatic bed, identified by using methods approved by the MDEQ as set forth in the Michigan "Wetland Determination Manual Draft for Field Testing" or other official publications.

(4) A site plan, subdivision plat, or planning map which overlays the proposed development or project onto the wetland district and waterways. Existing and proposed structures shall be clearly identified in relation to existing shore features (length of frontage, water depth and bottom configuration). If existing structures were previously authorized by Township, State or Federal permit show corresponding permit numbers.

(5) Typical cross sections of existing and proposed shoreline, waterline, structures, dredge cuts and fills, including dimensions and elevations, and location of wetlands.

(6) Type, volume, and area for proposed shoreline construction materials, dredge material, and fill materials.

(7) Type and location of soil erosion control measures, such as silt fences, straw bale berms, and sediment basins to be used during construction, including measures which will be used to trap sediment which might otherwise run off into wetlands.

(8) If the proposed activity involves bulkhead construction, show the distance along both property lines from the face of the bulkhead to the center line of a road or other definable reference point (e.g. northeast corner of concrete patio, twelve (12) inch maple on west property line).

(9) If the proposed activity involves dredging, furnish the following:

a. If the dredging material is to be placed on-site, outline the disposal areas on the drawing. If the dredge material is to be hauled away,

provide a vicinity map showing the disposal area.

b. Show method of containing dredge material to prevent reentry of the material into any waterway or wetlands. Describe all procedures which the applicant will use to minimize adverse effects of construction.

(10) If the activity involves a bridge or culvert crossing, furnish the following:

a. Typical cross section of the waterway representative of the channel and area downstream of the proposal.

b. Plan view of the proposal.

c. Cross section view of the proposed structure on the existing structure (if applicable). This view should include the existing and proposed road center line for the width of the watercourse or a minimum of three hundred (300) feet on either side of the structure.

d. A profile view of the proposed structure showing the proposed end treatment and bank stabilization.

(d) One (1) copy of a cover letter signed by the landowner including the following information:

(1) Name of project and one sentence description.

(2) Date upon which the activity is proposed to commence.

(3) A full description of any potential pollution, impairment or destruction to the water or any natural resources resulting from the project.

(4) List of all Federal, State, County or other local government agency permits or approvals required for the proposed project including permit approvals or denials already received. In the event of denials, the reasons for denials shall be given. Attach copies of all permits which have been issued.

(5) Signature of applicant.

5 (e) Use applications shall be submitted to the Township Planner on or before the date that application is made for Township approvals including, but not limited to preliminary subdivision plats, site plans, lot splits, grading approvals, or building permits. Township approvals for preliminary subdivision plats, site plans, lot splits, grading approvals, or building permits shall not be granted until approval for the use of protected wetlands, or waterways has been obtained.

10 (f) If the use application is for a wetland which is regulated by the MDEQ, then the applicant shall make complete application for a use permit with the MDEQ. The Township shall review a copy of the application and may make written recommendations to the MDEQ that the wetland use permit application has been filed. The Township shall request that such agency hold a public hearing prior to making a determination on the wetland use permit application, as provided for by Section 8 of the Goemaere-Anderson Wetland Protection Act (Act 203, Public Acts of 1979, as amended), being Section 281.708 of the Michigan Compiled Laws.

20 (g) If the use application is for a wetland which is regulated solely by the Township, the applicant shall submit a complete application to the Township Planner. Upon receipt, the Township Planner shall review the use application for completeness. Applicants shall be notified in writing of any missing items. Following a determination that a use application is complete, the Township Planner shall specify the number of copies to be submitted by the applicant. The application shall be reviewed under the procedures of **Section 24-07**. The Township Planner shall forward one copy of the use application to the MDEQ.

30 **Sec. 24-07 Review of Wetland Use Permit Application**

(a) At the request of the applicant, an administrative meeting may be held to review the proposed activity in light of the purposes of this Ordinance.

35 (b) Upon receipt of a complete application, the Township Planner shall examine wetland mapping and shall conduct or authorize the completion of a field inspection to verify the accuracy of information received. The receipt of a use application shall comprise permission from the owner to complete a wetlands and waterways inspection.

(c) The Planning Commission shall be responsible for reviewing the use application for approval, approval with conditions, or disapproval. Applicants shall be notified in writing of the Township decision, including reasons for denial of the use application, within ninety (90) days of filing a complete application meeting all of the requirements of **Section 24-06**.

(d) The Township shall notify the MDEQ of the Township decision.

(e) Prior to review of any use application by the Planning Commission, notice shall be provided to adjacent property owners within three hundred (300) feet of the subject parcel containing the wetland (including property directly across public right-of-ways and easements). The notice shall identify the location and proposed use of wetlands and waterways, the time and place at which the use application may be inspected, and the date, time, and place of any scheduled public meetings where the proposed use application will be discussed.

(f) Township administrative officials may coordinate field inspections and assessments with state and federal agencies to the maximum feasible extent.

(g) Final Township authorization to undertake any approved project in wetlands and waterways shall be contingent upon receipt of evidence that required State and Federal permits, if any, have been obtained.

(h) Any change in the size, scope, or use of a project site shall be considered to be a new activity and shall require the filing of a new wetlands and waterways use application.

Sec. 24-08 Review Standards for Wetland Use Permits

The decision shall reflect the national, state, and local concern for the protection of natural resources from pollution, impairments, and destruction. The following general criteria shall be applied in undertaking this decision:

(a) The relative extent of the public and private need for the proposed activity.

(b) The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.

(c) The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private uses to which the area is suited, including the benefits the wetlands provides.

5 (d) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated activities in the watershed.

10 (e) The probable impact on recognized historic, cultural, scenic, ecological, or recreational values, and on the public health, safety, and welfare of fish or wildlife.

(f) Economic value, both public and private, of the proposed land change to the general Township area.

15 (g) The size and quality of the wetland being considered.

(h) The amount and quality of remaining wetland in the area.

20 (i) Amount of wetland remaining in general area and proximity to a waterway.

(j) Extent to which upland soil erosion adjacent to protected wetlands or waterways is controlled.

Sec. 24-09 Wetland Use Permit Conditions of Issuance

25 The issuance of a wetland use permit shall be governed by the following conditions:

30 (a) The Planning Commission may attach any reasonable conditions considered necessary to insure that the intent of this Article will be filled and to minimize or mitigate damage or impairment to, encroachment in, or interference with natural resources and processes within the protected wetlands or wetland edge, or to otherwise improve or maintain the water quality.

35 (b) The Planning Commission shall fix a reasonable time for the undertaking and completion of all activities and structures.

(c) The Planning Commission, upon issuance of a wetland use permit, may require the applicant to file with the Township treasurer, cash, certified check,

or irrevocable bank letter of credit to the amount determined is necessary to insure compliance with the wetland use permit approval conditions and this Article.

5 (d) At no time shall the Planning Commission issue a wetland use permit that allows a more extensive alteration of the wetland than permitted by State or Federal law.

10 (e) Wetland use permits for seasonal operations must be renewed annually unless otherwise stated in the permit.

(f) Any change that increases the size or scope of the operation must be examined as a new operation and shall require filing of a new wetland use permit application.

15 (g) Any temporary, seasonal or permanent operation that is discontinued for one (1) year or one (1) season shall be presumed to have been abandoned and the wetland use permit automatically voided.

20 (h) Any permit granted under this Article may be revoked or suspended by the Planning Commission, after notice, for any of the following causes:

(1) A violation of a condition of the permit.

25 (2) Misrepresentation or failure to fully disclose facts in the application.

(3) A change in condition that requires a temporary or permanent change in the activity.

30 (i) An applicant who has received a wetland use permit under this Article shall comply with the following in connection with any construction or other activity on the property for which the wetland use permit has been issued:

35 (1) Maintain soil erosion control structures and measures, including but not limited to site fences, straw bail berms, and sediment traps. The permittee shall provide for periodic inspections throughout the duration of the project.

40 (2) Maintain clear delineation of the protected wetlands and wetland edges, (so marked by the wetland administrator/enforcement official, during the

on-site inspection) so that such locations are visible to all construction workers.

(3) Post on the site, prior to commencement of work on the site and continuing throughout the duration of the project, a copy of the approved wetland use permit containing the conditions of issuance, in a conspicuous manner such that the wording of that permit is available for public inspection.

(j) A wetland use permit shall remain in effect for one (1) year from the date of approval by the Planning Commission or until the permitted activity is completed, whichever occurs sooner. If applied for prior to the expiration date, the applicant may be granted a one (1) year extension by the Planning Commission.

Sec. 24-10 Wetland Mitigation

(a) Prior to considering a proposal for wetland mitigation, the applicant shall submit evidence that all of the following requirements have been satisfied:

(1) That all feasible and prudent efforts have been made to avoid the loss of wetland resource values.

(2) That all practical means have been considered to minimize impacts.

(3) That it is practical to replace the wetland resource values which will be unavoidably eliminated.

(b) If the Planning Commission determines that it is practical to replace the wetland resource values which will be unavoidably impacted, the following criteria shall be considered when reviewing an applicant's mitigation proposal:

(1) Mitigation shall be provided on-site where practical and beneficial to the wetland resources. If mitigation on-site is not practical and beneficial, mitigation in the immediate vicinity of the permitted activity may be considered. In all cases, mitigation shall be provided within the jurisdiction of Brighton Township. Wetland replacement may be done off site on public land or other habitat area within the Huron River watershed.

(2) Any proposal shall assure that, upon completion, there shall be no net loss to the wetland resources. To ensure adequate replacement of wetland resources lots, wetland replacement shall be done at a 2:1 ratio.

(4) The proposal shall give consideration to replacement of the predominant functional values lost within the impacted wetland.

(5) Any mitigation activity shall be completed before initiation of other permitted activities, unless a phased concurrent schedule can be agreed upon between the Township and the applicant.

(6) Monitoring to establish documentation of the functional performance of the mitigation shall be required as permit conditions, as well as necessary corrective actions required, to deliver the wetland resource values identified. Monitoring shall be conducted for a period of three (3) to five (5) years, as determined by the Township reviewing authority (Township Planner or Planning Commission), with written reports provided to the Township on an annual basis. If wetland mitigation is not successful, as measured by the establishment of wetland hydrologic conditions and vegetation, then additional mitigation and monitoring may be required by the Township.

(7) The applicant shall be required to post a performance bond with the Township prior to undertaking any wetland activity approved by the Township under this Ordinance. The Township shall refund the performance bond to the applicant after the monitoring period is successfully completed.

(c) If the Planning Commission determines that it is not practical to replace the wetland resource values which will be unavoidably impacted, then the Township may require other measures to ensure preservation or enhancement of the natural ecosystems associated with the on-site wetlands to remain. This may include the following:

(1) Restoration to a natural state of an area which is an ecologically integral part of the on-site wetlands to remain.

(2) Dedication of a preservation easement over an area which is an ecologically integral part of the on-site wetlands to remain. This shall be done to preserve the natural quality of these wetlands and minimize additional wetland impacts.

(d) Wetland impact mitigation and monitoring plans shall become conditions of use approval.

(e) All costs for preparing and carrying out mitigation and monitoring plans shall be the responsibility of the applicant.

Sec. 24-11 Wetland Administration

The Township Planner shall:

(a) Identify conflicts with wetland protection by present Township Ordinances.

(b) Provide recommendations and assist the Planning Commission in completing the wetland inventory, including coordination with State, Federal and County agencies.

(c) Coordinate with the MDEQ in keeping up-to-date on issues affecting wetland protection.

(d) Recommend a program to protect and acquire important wetlands through tax incentives, donations, development rights, easements, land exchange, purchase and other means.

(e) Develop educational programs for the public and for Township schools. The programs should promote awareness of wetland values and the hazards and threats to wetlands. The program should be particularly targeted to landowners with wetlands and emphasize how best to protect wetland values on their property.

(f) Develop an adopt-a-wetland program for interested citizens to participate more directly in preservation of specific wetlands.

(g) Review degraded or destroyed wetlands in the Township for possibility of rehabilitation or restoration.

(h) Plan for wetland determination training by the MDEQ.

Sec. 24-12 Penalties and Enforcement

The provisions of this Article shall be administrated and enforced by the Township Planner.

(a) In addition to the rights and remedies herein provided to the Township, any person violating any of the provisions of this Article shall be subject to the penalties and sanctions for violations of *Section 23-09*.

(b) Any person violating the provisions of this Article shall become liable to the Township for any expenses or loss or damage occasioned by the Township by reason of such violation. Furthermore, if it is determined by the Planning Commission that the effects of the violation can be repaired, the violator shall be liable for such repair.

(c) Whenever any work is being done contrary to the provisions of this Article, the Township Planner shall order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such person shall forthwith stop work until authorized by the Township Planner to proceed with the work.

(d) Any use of the land or premises carried on in violation of any provision of this Article is declared to be a nuisance. Whenever any work is being done contrary to the provisions of this Article, the Township may commence judicial proceedings for injunctions, mandamus, or other appropriate relief to prevent, enjoin, correct, restore, or remove any violation of this Article. The rights and remedies herein provided are civil in nature and in addition to any criminal remedies under this Ordinance or provided by state law.

Sec. 24-13 Inventory of Wetlands

(a) The wetlands administrator/enforcement official shall make or cause to be made a preliminary inventory of all wetlands in the Township and file the inventory with the agricultural extension office, register of deeds, and county clerk. The inventory may consist of wetland type, location, acreage, the role each wetland plays in the ecosystem and any other important information needed to adequately inventory wetlands. Fish and Wildlife Service Maps, MDEQ Maps, and Soil Conservation Service Soils Maps shall be used as guidelines for locating wetlands.

5 (b) At least two (2) hearings on the proposed wetland inventory, shall be held in the Township. The hearings shall be held by the Planning Commission, after publication and due notice, so that interested parties may comment on the inventory. After the hearings, the Planning Commission shall issue a final inventory which shall be sent and kept by the agricultural extension office, register of deeds, county clerk, Planning Commission and building department.

10 (c) Before an inventory is made of the Township, interested persons may request the Township Planner to inspect property and make a written wetlands determination. The determination shall be made within thirty (30) days after on-site evaluation. Completion of the inventory shall not delay implementation of this Article.

15 (e) When the inventory of wetlands is completed, the inventory shall be used in reviewing the criteria and updating the official map. The inventory shall be periodically updated. The map's ground surveys, and descriptions of wetlands shall be submitted to the county register of deeds and shall become a public document available to review by any member of the public.

20 (f) As wetland determinations or inventoried are completed, owners of record as identified by current property tax roll shall be notified of the possible change in status of their property. Notification shall be permitted on the next tax bill mailed to the property owners of the Township. The notice shall contain
25 information specifying that a wetland determination or inventory has been completed and is on file with the Agricultural Extension Office, Register of Deeds, County Clerk, Township Clerk, Planning Commission, and Building Department and that property owners may be subject to regulation under this Article.

30 **Sec. 24-14 Notice to the MDEQ**

35 The Township clerk shall notify the MDEQ of the adoption of this Ordinance. The Township shall enter into an agreement with the MDEQ providing for the exchange of information and for the coordination of the granting of permits, as required by Section 8 (4) of the Goemare-Anderson Wetlands Protection Act (Act 203, Public Acts of 1979, as amended).

ARTICLE 25
DEFINITIONS

Sec. 25-01 Construction of Language

The following rules of construction apply to the text of this Ordinance:

- (a) The particular shall control the general.
- (b) In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- (c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, Township Board, or Zoning Board of Appeals, as indicated.
- (d) The masculine gender includes the feminine and neuter.
- (e) All measurements shall be to the nearest integral number, except density and lot measurements.
- (f) Words used in a singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- (g) 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.
- (h) The word "build" includes the words "erect" and "construct".
- (i) The phrase "used for" includes "arranged for", "designed or", "intended for", "maintained for", or "occupied for".
- (j) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other entity recognizable as a "person" under the laws of Michigan.

(k) In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.

(l) 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:

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

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or");

(3) "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

(m) All defined terms used in this Ordinance shall have their defined meanings unless otherwise specifically stated.

(n) Words or terms not herein defined shall have the meaning customarily assigned to them.

Sec. 25-02 Definitions A-B

Abandonment. The relinquishment of land or cessation of the use of the land by the owner or leasee without any intention of transferring rights to the land to another owner or of resuming use of the land or building (i.e. a discontinuance and an indication of an intent to abandon).

Accessory Building. A building on the same lot with the main building or use, but the use of which is clearly incidental to that of the main building or use.

Accessory Use. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. An accessory use includes, but is not limited to, the following:

(a) Residential accommodations for servants and/or caretakers.

(b) Swimming pools for the use of the occupants of a residence or their guests.

5 (c) Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

10 (d) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

(e) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

15 (f) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.

20 (g) Uses clearly incidental to a main use such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

(h) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

25 (i) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

30 (j) Boat houses used for the accessory storage of boats of any principal use on a zoning lot or parcel.

35 (k) A use or structure shall only be considered an accessory use where it is built, located, or otherwise placed on a zoning lot with a principal use to which it is accessory thereto and which is permitted in the zoning district in which it is located.

40 **Activity.** Any use, operation, development, or action involving a change in, on or to uplands or bottomlands caused by any person, including, but not limited to, constructing, operating, or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting water; pumping or discharge of surface

water; grading; paving; vegetative clearing or excavation, mining or drilling operations.

Adult Entertainment Uses. Adult entertainment uses shall include, but not be limited to, any of the following defined establishments:

(a) **Adult Book or Supply Store.** An establishment having a significant portion of content devoted to the distribution, display or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

(b) **Adult Model Studio.** Any place where, for any form of consideration or gratuity, models who display "specified anatomical areas" (as defined herein) are presented to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to an accredited art school or similar educational institution.

(c) **Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, video tape equipment or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas" (as defined herein).

(d) **Adult Motion Picture Theater.** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

(e) **Adult Physical Culture Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide any of the following as part of its services:

(1) Massages.

(2) Body rubs.

(3) Alcohol rubs.

(4) Physical stimulation.

(5) Baths or showers.

(6) Other similar treatment by any person.

The following uses shall not be included within the definition of an adult physical culture establishment:

(1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional.

(2) Electrolysis treatment by a licensed operator of electrolysis equipment.

(3) Continuing instruction in martial or performing arts, or in organized athletic activities.

(4) Hospitals, nursing homes, medical clinics, or medical offices.

(5) Barber shops or beauty parlors and salons which offer massages at the scalp, the face, the neck or shoulders only.

(6) Photography studios whose principal business does not include the taking of photographs of specified human anatomical areas.

(f) **Cabaret.** An establishment where live entertainment such as, but not limited to, comedy or theater is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by or participation of patrons therein. Also, an

establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

(g) **Massage Parlor or Massage Establishment.** A place where, for any form of consideration or gratuity, manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation, or service related thereto exposes "specified anatomical areas" other than the following: a duly licensed physician, osteopath or chiropractor; a registered or practical nurse operating under a physician's directions; or registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

(h) **Specific Anatomical Areas.** Portions of the human body defined as follows:

(1) Less than completely and opaquely covered human genitals, pubic region; buttock; or female breast below the point immediately above the top of the areola.

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

(i) **Specific Sexual Activities:** The explicit display of any one (1) or more of the following:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

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

Adult Care Facilities. A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

(a) **Adult Foster Care Facility.** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

(b) **Adult Foster Care Large Group Home.** Facility with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

(c) **Adult Foster Care Small Group Home.** Facility with the approved capacity of not more than twelve (12) adults who shall be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

(d) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

(e) **Adult Foster Care Congregate Facility.** A foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult Day Care Facility. An unlicensed facility which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a 24 hour day.

5 **Agriculture.** The carrying on of any farming activity or the raising of livestock or small animals. Agricultural use of land shall include the raising, maintaining, keeping, possession, and/or selling of bees, goats, donkeys, rabbits, chickens, mink, and similar type animals or fowl, and vegetables, fruit, and grains.

10 **Airports and Related Uses.** Airports, landing fields and platforms, hangers, masts, and other facilities for the operation of aircraft may be permitted in the R-2 District and shall be subject to the conditions outlined in *Sec. 3-02*.

15 **Alterations.** Any change, addition, or modification in construction or type of occupancy, or in the structural means of a building.

20 **Animal, Domestic/Household.** Animals shall mean a domesticated animal that is typically found in residential dwellings such as domesticated dogs and cats.

25 **Architectural Features.** Ornamental or decorative features that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

30 **Automotive Repair Shops, Major.** A place where the following services may be carried out: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

35 **Automotive Repair Shop, Minor.** A place for the sale of minor accessories for motor vehicles and minor automobile repairs, but not including the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles or major automobile repairs such as, but not limited to, vehicle body repair, painting, engine rebuilding, auto dismantling, upholstering, glass work, undercoating, steam cleaning, and other such activities.

Average Shoreline Setback. See “shoreline setback.”

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

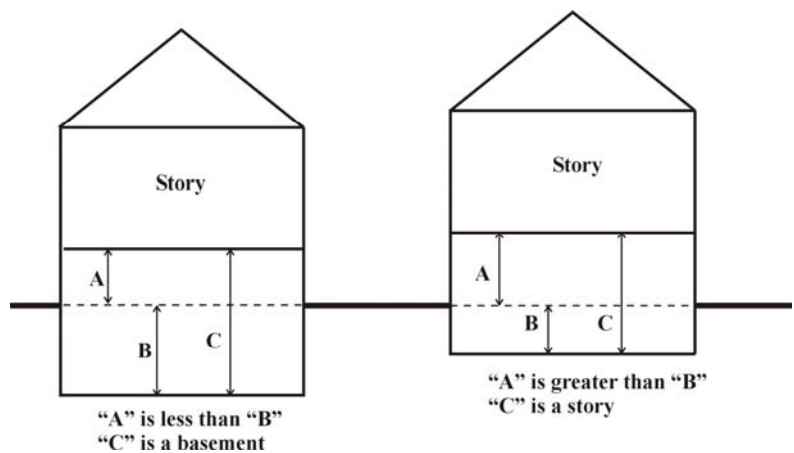
Bed and Breakfast Establishment. Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provision for a morning meal only for the overnight guest.

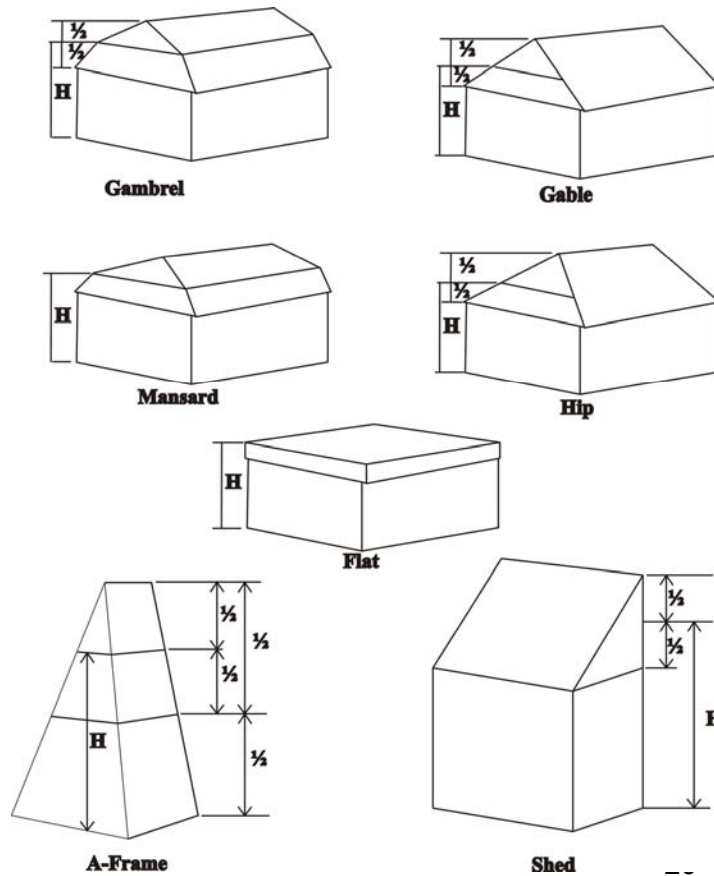
Berm. A landscaped earth mound used to cause transition between residential and nonresidential development, and residential development and major or secondary thoroughfares.

Block. The property abutting one side of a road and lying between the two nearest intersecting roads, (crossing or terminating) or between the nearest such road and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Boat. A watercraft longer than ten (10) feet and/or having a motor, engine or other machinery of more than five (5) horsepower or the equivalent, a "personal watercraft" as defined in the Marine Safety Act, Act 303 of the Public Acts of 1967, as amended.

Boat Access. Boat launching, mooring and docking, and overnight accommodation within fifty (50) feet of the shore from or incidental to a single private riparian property, private road end abutting an inland lake, and/or a public or private boat access site.





Boat Dock. A structure built over or floating upon the water and used as a landing place for watercraft.

Boat Slip. A space extending from a dock or shoreline designed for the docking of a single watercraft.

Building. Any structure, either temporary or permanent, having a room support by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

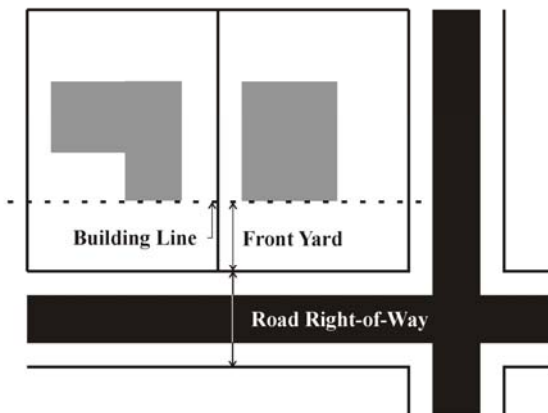
Building Envelope. The area of a lot which is defined by the minimum setback and spacing requirements within which building construction is permitted by this Ordinance.

Building Height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deckline of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line. A line formed by the face of the building or an average line that is created by the aggregate setback of buildings along a block.

Business Center. Any group of six (6) or more commercial establishments having a development area of not less than two (2) acres that also meets one (1) of the following land uses:

- (a) Under one (1) common ownership or management.
- (b) Have a common arrangement for the maintenance of the grounds and are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure.
- (c) Share a common parking area.
- (d) Otherwise present the appearance of one (1) continuous commercial area.



(Ord. #243, 8/1/08)

Sec. 25-03 Definitions C-D

Canopy. Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

Cemetery. Land used for the burial of the dead, including crematoriums, mausoleums, and mortuaries.

Change in Use—Major. Any change in use which results in a new use or additional use of any land, building, or structure, and/or which would cause or

allow any change in the amount of required parking, and/or which would cause or allow any change in driveway width or location, and/or which would cause or allow any change in the area or bulk requirements, and/or all instances of special uses.

Change in Use—Minor. Any permitted use within a zoning district, which does not require an increase in parking or driveway width or location, does not require any increase in bulk or area of any building or structure, and/or does not require a special use approval.

Child Care Facilities. A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care facilities are classified below:

(a) **Child Day Care Center.** A facility other than a private residence, receiving more than six (6) preschool or school age children for group day care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

(b) **Foster Family Home.** A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

(c) **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

(d) **Family Day Care Home.** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

(e) **Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Commercial Vehicle. Any vehicle bearing or required to bear commercial license plates and which falls into one (1) or more of the categories listed below:

(a) Truck tractor.

(b) Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures.

(c) Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit, or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors.

(d) Commercial hauling, vehicle repair service, snow plowing, or tow trucks.

(e) Any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Condominium Common Elements. Both general common area and limited common area.

(a) **General Common Area**

(1) **Land.** All land described in the Site Condominium Project not identified as limited common area.

(2) **Roads.** All internal roads and drives designated in the Site Condominium Project.

(3) **Easements.** All beneficial ingress, egress and utility easements.

(4) **Electrical.** The electrical transmission mains throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(5) **Telephone.** The telephone system throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(6) **Gas.** The gas distribution system, if and when installed, throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(7) **Telecommunications.** The telecommunications system, if and when installed, throughout the Site Condominium Project, up to the point of lateral connections for building envelope service.

(8) **Retention Basis System and Storm Drainage System.** The retention basis system and storm drainage system throughout the Site Condominium Project.

(9) **Other.** Such other general common area of the Site Condominium Project, not designated as a common element or limited common area, which are not enclosed within the boundaries of a building envelope, and which are intended for common use or are necessary to the existence, upkeep, appearance, utility or safety of the Site Condominium Project.

(b) **Limited Common Area.** Subject to the exclusive use and enjoyment of the owner of the condominium unit to which the limited common areas are appurtenant and consist of, but are not limited to, the following:

(1) **Yard Area.** Each limited common area immediately surrounding a building envelope, as designated on the Site Condominium Plan, is a yard area limited in use to the building envelope which it immediately surrounds.

(2) **Electrical Transformer.** Each electrical transformer shall be a limited common area appurtenant to the building envelope(s) which it services.

(3) **Wells.** Each water well within the individual building envelope is limited in use to the building envelope served thereby.

(4) **Sanitary Disposal System.** Each sanitary disposal system within the individual building envelope is limited in use to the building envelope served thereby.

Condominium Act. Public Act 59 of 1978, as amended, MCLA 559.101 et. seq.

Condominium, Conversion. A condominium project in which some or all of the proposed condominium units were occupied before the issuance of the notice of proposed action as required by Section 71 of the Condominium Act, PA 59 of 1978.

Condominium Co-Owner. A person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof, who owns a condominium unit within a condominium project. Co-owner may include a land contract vendee if the condominium documents or land contract so provides.

Condominium, Detached. A residential condominium project designed to be similar in appearance to a conventional single family subdivision, except that the limited common areas are arranged in a manner such that clearly defined condominium lots are not created.

Condominium Documents. The master deed, recorded pursuant to the Condominium Act, the association bylaws and any other instrument referenced in the master deed or bylaws which affect the rights and obligations of ownership of a co-owner in the condominium.

Condominium, Expendable. A condominium project to which additional land may be added pursuant to expressed provisions of the condominium documents and in accordance this Ordinance and the Condominium Act, Act 59 of 1978.

Condominium Lot or Unit Lot. That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in this Ordinance.

5 **Condominium Master Deed.** The condominium document recording the condominium project, as approved by the Township Attorney, to which is attached by-laws for the project and approved condominium subdivision plan for the project.

10 **Condominium Project.** A plan or project consisting of not less than two (2) condominium units established in conformance with Public Act 59 of 1978, as amended, MCLA 559.101 et seq.

15 **Condominium, Site.** A condominium project containing or designed to contain structures or other improvements for residential, commercial, office, business, or other uses permitted in the zoning district in which it is located and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed as a condominium unit as described in a master deed. A site condominium, when constructed as an alternative to a platted subdivision, may be also be referred to as a "condominium subdivision" and shall be considered as equivalent to a platted subdivision for the purpose of regulation by this Ordinance and other Ordinances of the Township.

20 **Condominium Site Plan.** The drawings and related information which pertain to a condominium project and which are required by this Ordinance for the review of the Township.

25 **Condominium Subdivision Plan.** The drawings and related information prepared in accordance with Section 66 of the Condominium Act, PA 59 of 1978.

30 **Condominium Unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.

35 **Contractible Condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Convalescent or Nursing Home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.

Convertible Area. A unit or portion of the common elements of the condominium project, referred to in the condominium units or general or limited common elements, may be created pursuant to the expressed provision of the condominium documents and in accordance with this Ordinance and the Condominium Act.

Density. The number of dwelling units situated on or to be developed per net acre of land. The following calculation shall be utilized in determining maximum density:

(a) The acreage exclusive of paragraphs (b) and (c) below shall be calculated at one hundred percent (100%) toward the total site acreage.

(b) The acreage comprised of land within the 100-year floodplain elevation, or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated at twenty-five percent (25%) toward the total site acreage.

(c) All open bodies of water and public right-of-ways are excluded from density calculation.

Design Standards. A set of guidelines regarding the appearance and quality of building materials, landscaping, signs, or overall site layout.

Development. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

Discontinuance. A vacation of a lot, building or structure; or a ceasing of the activities related to the nonconforming situation.

District, or Zoning District. A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Drainageway. Any drainage course, watercourse, drain, pipe, natural stream, creek, or swale which serves to transport storm water runoff.

Drive-In. A business establishment so designed that its operation involves providing a service or a product to patrons located within a vehicle, rather than within a building or structure.

Drive-Through. A business establishment whose method of operation involves the delivery of a product or service directly to customer inside a vehicle, typically through a window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.

Dwelling Unit. Any building, or part thereof, containing one or more rooms, along with bathroom and kitchen facilities, designed as a self contained unit for occupancy by one family for living, cooking, and sleeping purposes, either continuously, permanently, temporarily, or transiently.

Dwelling, Single Family. An independent residential building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two Family. A residential building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple Family. A residential building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple family dwellings include dwellings commonly known as apartments and townhouses, which are defined as follows:

(a) **Townhouse.** An attached dwelling unit with common walls, its own front door which opens to the outdoors, and typically, with its own utility connections and front and rear yards. Townhouses are also commonly known as terrace dwellings or row houses.

(b) **Apartment.** An apartment is an attached dwelling unit with common walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway.

Sec. 25-04 Definitions E-F

Easement. A right-of-way granted, but not dedicated, for the limited use of private land for private, public or quasi-public purposes, such as for franchised utilities

Educational Facilities. The following words, terms, and phrases related to educational facilities, when used in this Ordinance, shall have the following meanings ascribed:

(a) **College, University, or other such Institutions of Higher Learning.** A post-secondary institution of higher learning that grants associate, bachelor, master, and/or doctoral degrees. This may also include business schools that issue degrees or certificates of completion of the course of study.

(b) **Primary School.** A public, private, or parochial school offering instruction at the elementary and/or intermediate levels, most commonly grades nine through twelve.

(c) **Secondary School.** A public, private, or parochial school offering instruction at the senior high school levels, most commonly grades kindergarten through eight.

(d) **Vocational/Trade School.** A specialized instructional establishment that provides on-site training of trade skills such as welding, tool and die, and auto mechanics.

Entrance Ramp. A roadway connecting a feeder road with a limited access highway and used for access onto such limited highway.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of [the] erection.

Essential Public Services. The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection herewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. This definition includes sewer sub stations and water towers but does not include wireless communication towers or antennas.

Essential Public Service/Utility Buildings. The erection, construction, alteration, or maintenance by public utilities or municipal departments of buildings or structures which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare including water supply and sewage plants, electrical transformer stations, and telephone exchange buildings.

Excavation. Any breaking of ground, except common household gardening and ground care.

Exit Ramp. A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

Family. Either of the following:

(a) A domestic family which is one (1) or more persons related by blood, marriage or adoption occupying a dwelling unit and living as a single housekeeping unit in a dwelling.

(b) The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct domestic character, and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character. There shall be a rebuttable presumption enforceable by the Township Planner in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6).

Farm. All of the contiguous neighbors or associated land operated as a single unit in which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees provided, however, that land to be a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided, further, farms may be considered as including establishments operated

as bona fide greenhouses, nurseries, orchards, poultry farms, and apiaries; but stone quarries or gravel or sand pits shall not be considered farms hereunder.

Farm Buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type, for the pursuit of their agricultural activities, in accordance with the rules and regulations of the Michigan State Construction Code.

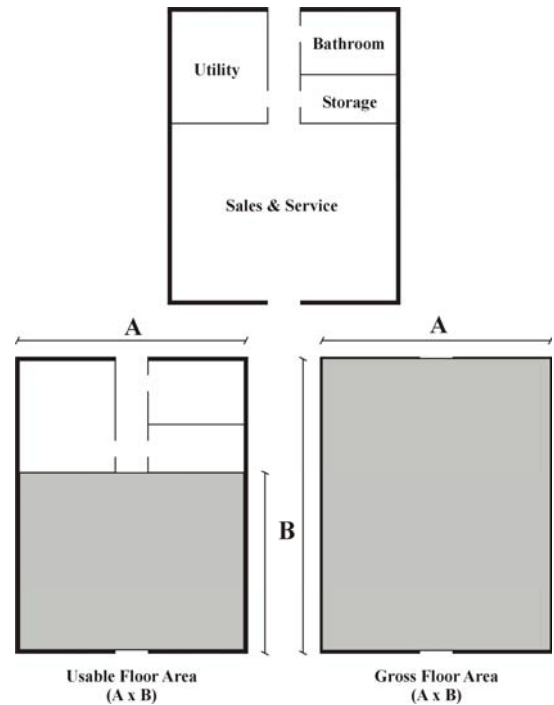
Feeder Road. A road intersecting with a limited access highway and having traffic interchange facilities with such limited access highway.

Floodplain. That area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed.

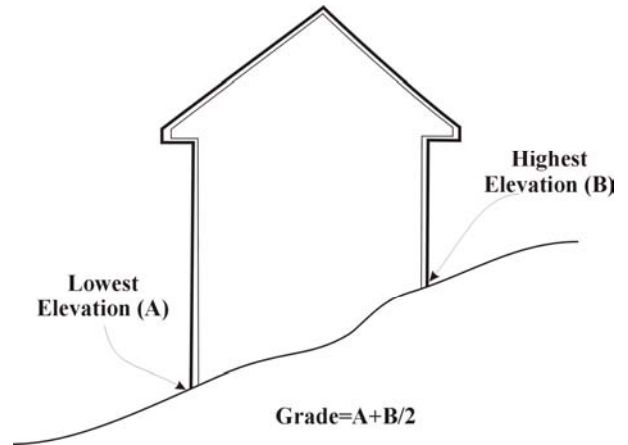
Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area, Gross. The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise.

Floor Area, Residential. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.



Floor Area, Useable. The area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Where usable floor area is not established it shall be considered to be eighty-five (85%) of the gross floor area.



Floor Area Ratio. The floor area ratio shall be calculated as the ratio of the building floor area as a percentage of the lot area. Principal building floor area shall not include uninhabited attic space, basement, garage or accessory buildings.

Frontage. The linear dimension of a lot measured along the public road right-of-way line, private road access easement, or shared driveway.

Frontage, Riparian. The linear dimension of a lot measured along the shoreline of a lake, river, or stream.

Sec. 25-05 Definitions G-H

Garage, Service. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Grade. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Habitable Space. Space in a structure for living, sleeping, eating or cooking.

Home Occupation. An occupation or profession conducted entirely within a dwelling by the inhabitants thereof, there such use is clearly incidental to the principal use of the dwelling as a residence and meets the requirements of *Article 3 and 5*.

Hospital. An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, or similar professions and may be lodged overnight.

Sec. 25-06 Definitions I-J

Impervious Surface. Man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include pavement, buildings, and structures.

Institutional Premises and Uses. A site or portions thereof occupied by any one (1) of the following land uses:

- (a) A public utility.
- (b) A government owned, operated, or administered facility.
- (c) A public school operated by a State of Michigan school district.
- (d) A private or commercial-vocational school licensed by the State of Michigan.
- (e) A public owned cultural facility, such as a museum, art gallery, library or auditorium.
- (f) A religious facility.

Junk Yard. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Sec. 25-07 Definitions K-L

Kennel. Any lot or premises on which four (4) or more dogs, cats, or other domestic animals three (3) months or older are kept, either permanently or temporarily boarded, either for sale, breeding, boarding, training, hobby, protection, or pets.

Lake or Inland Lake. A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is five (5) acres or more in size or of any size with a stream outlet.

Landscaping. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping:

(a) **Berm.** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.

(b) **Buffer Zone.** A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this Ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.

(c) **Caliper.** The diameter of a tree trunk measured six (6) inches above ground level up to and including four (4) inch caliper size and twelve (12) inches above ground level for larger sizes.

(d) **Diameter at Breast Height.** The diameter in inches of a tree measured in inches at four and one half (4½) feet above the existing grade.

(e) **Drip Line.** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

(f) **Grass.** Any family of plants with narrow leaves normally grown as

permanent lawns in southern Michigan.

5 (g) **Greenbelt.** A strip of land of definite width and location along a public road right-of-way or private road easement reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.

10 (h) **Ground Cover.** Low-growing plants, including grass, that forms a dense, extensive growth after one (1) complete growing season and tend to prevent weeds and soil erosion.

(i) **Native Vegetation, Trees, or Landscape.** Plant species that are native to southeastern Michigan and characteristic of a pre-settlement landscape.

15 (j) **Parking Lot Landscaping.** Landscaped areas located in and around (within eighteen (18) feet of the edge of the parking lot) a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

20 (k) **Planting.** A young tree, vine or shrub that would be placed on or in the ground.

25 (l) **Screen or Screening.** A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

30 (m) **Shrub.** A self-supporting, deciduous or evergreen woody plant generally less than fifteen (15) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance.

35 (n) **Tree.** A self-supporting woody, deciduous, or evergreen plant which at maturity is fifteen (15) feet or more in height with an erect perennial trunk and having a definite crown of foliage.

(1) **Deciduous Tree.** A tree that sheds its foliage at the end of the growing season.

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(2) **Deciduous Canopy Tree.** A deciduous tree which has a height of twenty-five (25) feet or more and a trunk with at least five (5) feet of clear stem at maturity.

5 (3) **Deciduous Ornamental Tree.** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25) feet or less.

10 (4) **Evergreen Tree.** A tree that has foliage that persists and remains green throughout the year.

Lighting. The following words, terms, and phrases related to lighting, when used in this Ordinance, shall have the following meanings ascribed:

15 (a) **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

(b) **Direct Light.** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.

20 (c) **Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

25 (d) **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

30 (e) **Footcandle.** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

(f) **Glare.** Direct light emitted by a lamp, luminous tube lighting or other light source.

35 (g) **Illuminance.** The level of light measured at a surface.

(h) **Lamp.** The component of a luminaire that produces the actual light including luminous tube lighting.

(i) **Light Emitting Surface.** Any part of a fixture (lamp, diffuser) which emits light rays.

(j) **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

(k) **Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.

(l) **Light Shield.** Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

(m) **Light Trespass.** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.

(n) **Lumen.** A unit of measurement of luminous flux.

(o) **Luminaire.** The complete lighting system, including the lamp and the fixture.

(p) **Luminaire, Full Cutoff.** A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

(q) **Luminaire, Permanent Outdoor.** Any fixed luminaire or system of luminaries that is outdoors and this is intended to be used for seven (7) days or longer.

(r) **Luminous Tube Lighting.** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

(s) **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for floodlighting, general illumination, or advertisement.

(t) **Roadway Lighting.** Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.

(u) **Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

Loading Area. An off-street area that is safely and conveniently located for pickups and deliveries, scaled to the delivery vehicles expected to be used.

Lot. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

Lot Area. The total horizontal area within the lot lines of the lot exclusive of any abutting public right-of-way. Any submerged area of a lake, river, pond, or stream at the shoreline or high water mark shall not count towards meeting the minimum lot area. Regulated wetlands may be included within the area of a lot, provided at least seventy-five percent (75%) of the minimum required lot area shall be buildable upland area.

Lot, Corner. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curve road or roads shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. The part or percentage of the lot occupied by a building including accessory buildings.

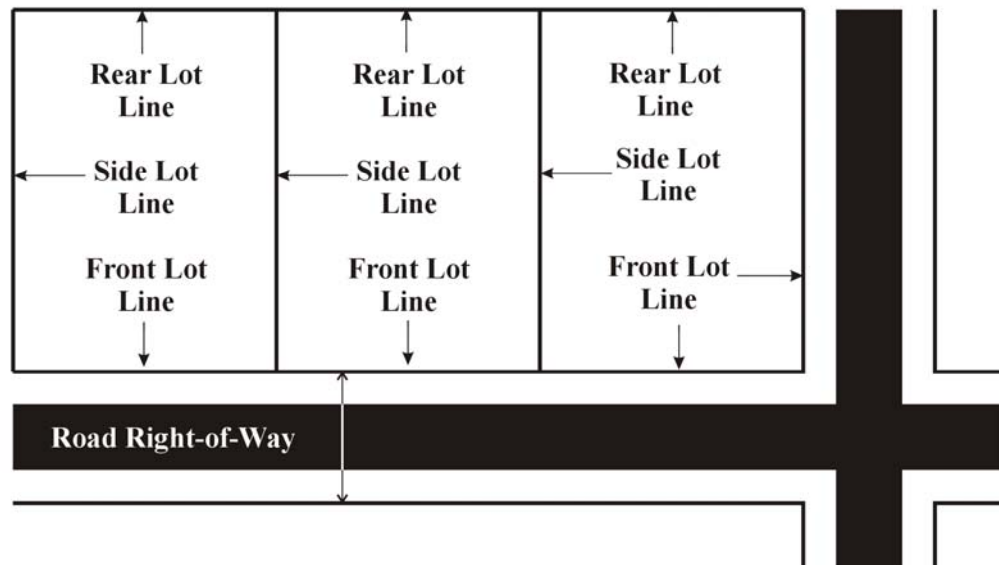
Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. In no case will the lot depth be less than its width.

Lot, Interior. Any lot other than a corner lot.

Lot Lines. The lines bounding a lot as defined herein:

(a) **Front Lot Line.** In the case of an interior lot, shall be that line separating said lot from the road or shared driveway. On a corner lot, the shorter road line shall be considered the front lot line. On a double frontage lot the line that separates said lot from the road which is designated on the plat as the front shall be considered the front lot line. On a lot that abuts a lake, the line abutting the road shall be considered the front lot line.

(b) **Rear Lot Line.** That lot line opposite the front lot line. On a corner lot the line opposite the shorter front lot line shall be considered the rear lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from



the front lot line and wholly within the lot.

(c) **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a road is a side road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

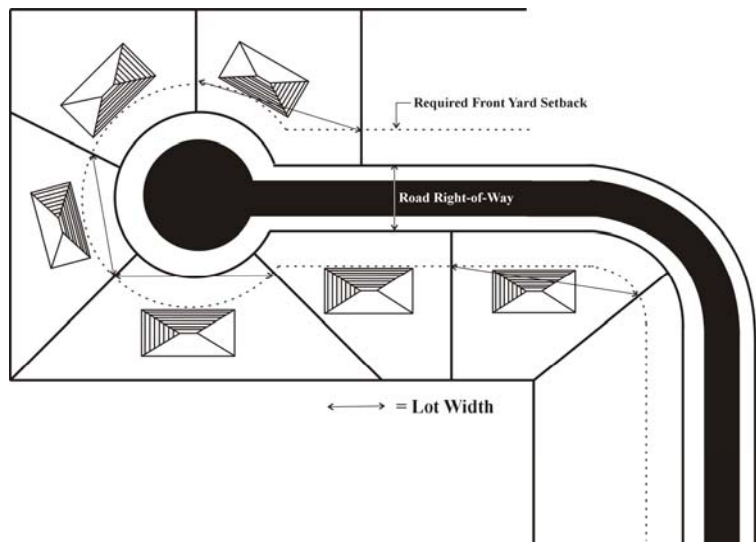
(d) In the case where the above definitions are not sufficient to designate lot lines, the Township Planner shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other buildings along the block, and natural features affecting site design.

Lot of Record. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot, Through. Any interior lot having frontage on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to roads shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Width. The straight line horizontal distance between the side lot lines, measured at the two points where the minimum building line, or minimum setback line intersects the side lot lines.

Lot, Zoning. A single tract of land, located within a single block which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.



A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

(Ord. 231, 12/27/05)

Sec. 25-08 Definitions M-N

Main Building. A building in which is conducted the principal use of the lot upon which it is situated.

Mansard. A sloped roof or roof-like facade. A sign mounted on the face of a mansard roof shall be considered a wall sign.

Manufactured Home. A structure, transportable in one (1) 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. Manufactured home does not include a recreational vehicle. (See Act 419, P.S. 1976.)

Manufactured Home Condominium Project. A condominium project in which manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

Manufactured Home Park. A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether or not charge is made therefore, together with any building, structure, enclosure, road, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park. (See Act 419, P.A. 1976.) Manufactured housing developments are regulated by the Michigan Manufactured Housing Commission.

Marginal Access Road. A service roadway parallel to a major thoroughfare and which provides access to abutting properties and protection from through traffic.

Marina. A facility which extends into or over waterways in the Township and provides docking for four (4) or more boats, or offers service to the public or members of the marina for docking, storing, loading, or fueling of boats. A marina shall include a common lot within a subdivision, a common area within a condominium or any other parcel of land held in common by a subdivision, association, similar agency or group of individuals which provides docking, storing, loading, or fueling for four (4) or more recreational watercraft.

Massage Therapy/Massage Therapy.

a. **Massage therapy.** A scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

b. **Massage therapy clinic.** Any establishment having its place of business where any person engages in or carries on, or permits to be engaged in or carried on, massage therapy (not including doctor's offices and chiropractic offices having these services).

Master Plan. The Master Plan for Brighton Township including graphic and written proposals indicating general location for roads, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Township Board.

Medical Center. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

Motel. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide transient occupancy and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

Multi-Boat Access Site. A pier, a wharf or other structure that extends into or over a lake, providing space for mooring or docking of boats for use during boating season. A facility for the mooring or docking of a boat or boats owned and operated exclusively by a single-family residing in one (1) dwelling unit shall not be included within the definition and meaning of multi-boat access site where the docking or mooring facility is on the property that is owned exclusively by such family and that is a contiguous part of the property on which the dwelling is situated.

Multiple Family Residential Premises. A site used or occupied as residences for three (3) or more families or as group housing.

5 **Municipality.** The Charter Township of Brighton, Livingston County, Michigan.

10 **Natural Features.** Any one (1) or more of the following: soils, topography, geology, vegetation, woodlands, hedgerow, historic/landmark tree, animal-life, endangered species habitat, floodplain, watercourse, lakes, rivers, streams, creeks, ponds, wetland, groundwater, watersheds, aesthetic resources, such as views, and microclimate, which is influenced by site topography and vegetation.

15 **Noise.** The following words, terms, and phrases related to noise, when used in this Ordinance, shall have the following meanings ascribed. Terms used in this Ordinance but not defined shall have the meanings ascribed to them by the American National Standards Institute (ANSI) or its successor body.

20 (a) **A-Weighted Sound Level.** The sound pressure level in decibels as measured on a sound level meter using an A-weighting network. The level so read is designated DB(A).

25 (b) **Day-Night Average Sound Level.** The twenty-four (24) hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) DB(A) before averaging.

30 (c) **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.

35 (d) **Impulsive Sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosion, drop forge impacts, and discharge of firearms.

40 (e) **Noise Disturbance.** Any sound which endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person with normal sensitivities, or endangers or injures personal or real property.

40 (f) **Sound.** An oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.

(g) **Sound Level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this section an A-weighted network), as specified by the American National Standards Institute.

Nonconformities. Existing lots, buildings, structures, and uses of land that were lawful prior to the effective date of this Ordinance, but which have become non-conforming under the terms of this Ordinance and its amendments.

Non-Conforming Building. A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

Non-Conforming Lot. A lot that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which lot does not meet the minimum area or lot dimensional requirements of the zoning district in which the lot is located.

Non-Conforming Site. A development on a site which met Ordinance requirements for site design elements at the time the site was developed, such as the amount of parking, parking lot pavement or landscaping; but which does not meet the current site standards of the Township.

Non-Conforming Structure. A structure or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, which structure does not conform to the location, bulk and/or dimensional requirements of the zoning district in which the lot is located.

Non-Conforming Use. A use that was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which use is no longer permitted in the district in which it is located.

Non-Residential District. Any district not included as a residential district.

Nursery, Plant Materials. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

Nuisance. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to:

- | | | |
|--------------|----|--|
| ▪ Noise | | ▪ Electronic or Atomic Radiation |
| ▪ Dust | 20 | ▪ Objectionable effluent |
| ▪ Smoke | | ▪ Noise of congregation of people, particularly at night |
| ▪ Odor | | |
| ▪ Glare | | |
| ▪ Fumes | | |
| ▪ Flashes | 25 | ▪ Passenger traffic |
| ▪ Vibration | | ▪ Invasion of non-abutting road frontage by traffic |
| ▪ Shock Wave | | |
| ▪ Heat | | |

(Ord. #231, 12/27/05)

Sec. 25-09 Definitions O-P

Obscuring. To conceal from view, and/or make less conspicuous.

Open Air Business. Business and commercial uses conducted solely outside of any building unless otherwise specified herein. Examples of open air businesses include:

- (1) Retail sales of garden supplies and equipment, including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- (3) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.

(4) Outdoor display and sale of automobiles, recreational vehicles, garages, swimming pools, playground equipment, and similar goods.

Open Space. That part of a lot, which is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the lot. This area is intended to provide light and air, and is designed for environmentally, scenic, or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel. Areas qualifying as open space within a PUD shall be more narrowly defined as provided for in Article 12 and shall exclude submerged lands and golf courses.

Ordinary High Water Mark. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Outdoor Storage. The storage of materials or goods, outside of a building, which has been approved by the Township, in accordance with this Ordinance.

Parapet. The extension of a false front or wall above a roof line.

Parcel. A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Land Division Act, Public Act 288 of 1967, as amended, MCLA 560.101 et seq.

Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Parking Space. An area of definite length and width for the parking of one (1) vehicle only, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for parking of a permitted vehicle.

Planning Commission. The Planning Commission of the Charter Township of Brighton, Livingston County, Michigan.

Pond. A permanent water body that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is less than five (5) acres and does not have a stream outlet.

Premises. A tract of land, a lot of record, or a zoning lot in the same ownership or control that is not divided by a public road or right-of-way.

Principal Use. The principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

Public Utility. A person, firm, corporation, municipal department, board, or commission duly authorized to furnish under Federal, State, or Municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Sec. 25-10 Definitions R-S

Recreational Park. An area of a residential platted subdivision, condominium project, multi-family developments, and planned unit developments (PD) districts which is dedicated for the use of the owners and occupants of the development. It shall include any common area of a condominium project so dedicated. The recreational park may be dedicated for the purposes of swimming and picnicking for owners or occupants of the development.

Recreational Premises. Publicly owned or operated site used or occupied predominantly for recreational purposes, such as: parks, play areas, indoor or outdoor swimming pools, bathing beaches, boating and fishing areas, winter recreation areas, nature study areas, community halls, and fairgrounds.

Recreational Equipment and Vehicles. Portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures, machines or devices. Motorcycles, bicycles, mini-bikes and such vehicles as jeeps, four-wheel drives and pickup

trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from this definition. This definition does not include a temporary building, structure or use, permitted to exist during periods of construction of the main building, structure or use. Various types of recreational equipment and vehicles include:

(a) **Travel Trailer.** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

(b) **Pickup Camper.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

(c) **Motor Home.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarters. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

(d) **Van/Camper.** A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

(e) **Folding Tent Trailer.** A folding structure mounted on wheels and designed for travel and vacation use.

(f) **Boats and Boat Trailers.** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

(g) **Other Recreational Equipment.** Snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Residential Zoning District. R-1, R-2, R-3, R-4, R-5, RC, RCE, RM-1, and RMH Districts.

Restaurant. Any use that includes the sale of food and/or beverages to a customer in a ready-to-consume state. The method of operation may be characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or lounge/tavern, or combination thereof, as defined below:

(a) **Café.** A use that involves the sale or delivery of any prepared food or beverage for consumption in a defined area on premises but outside of the building in which it is prepared. Examples of defined areas include an external deck, patio, mall, garden, or balcony.

(b) **Carry-Out Restaurant.** A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.

(c) **Drive-Up Restaurant.** A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

(d) **Drive-Through Restaurant.** A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.

(e) **Standard Restaurant.** A standard restaurant is a use that involves either of the following:

(1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.

(2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

5 (f) **Lounge/Tavern.** A lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

River. See Stream.

10 **Riparian Lot.** A lot that adjoins the bank or shore line of a lake, stream, or other body of water giving it riparian rights including access to water, dockage of boats, and use of water for general purpose subject to the limitations of this Ordinance and the Inland Lakes and Streams Act PA 346 of 1972 as amended.

15 **Road.** A public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

20 (a) **Alley.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulations.

25 (b) **Arterial Road.** A road which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, off of, or around the Township. An arterial road may also be defined as a major thoroughfare, major arterial, minor arterial or county primary road. Since the primary function of the arterial is to provide mobility, access to adjacent land

30 uses may be controlled to optimize capacity along the roadway.

(c) **Collector Road.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.

35 (d) **Commercial Driveway.** Any vehicular access except those serving up to three (3) dwelling units, or serving just an essential public service structure.

40 (e) **Cul-de-Sac.** A road that terminates in a vehicular turnaround.

(f) **Local or Minor Road.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads. Local roads are designed for low volumes and speeds of 25 mph or less, with numerous curb cuts and on-street parking permitted.

(g) **Private Road.** A road owned and maintained by the owners of the property it serves and non-residential main buildings. Private roads include roads within site condominium projects, roads serving more than three (3) single family dwelling units and roads within commercial, office or industrial complexes. The definition of 'private road' does not include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

(h) **Public Road.** Any road or portion of a road which has been dedicated to and accepted for maintenance by Brighton Township, Livingston County, State of Michigan or the federal government.

(i) **Service Drive.** An access road which parallels the public right-of-way in front of or behind a building or buildings or may be aligned perpendicular to the road between buildings, which provides shared access between two (2) or more lots or uses.

(j) **Shared Residential Driveway.** A residential driveway that provides vehicular access to three (3) single family dwelling units or two primary residential buildings.

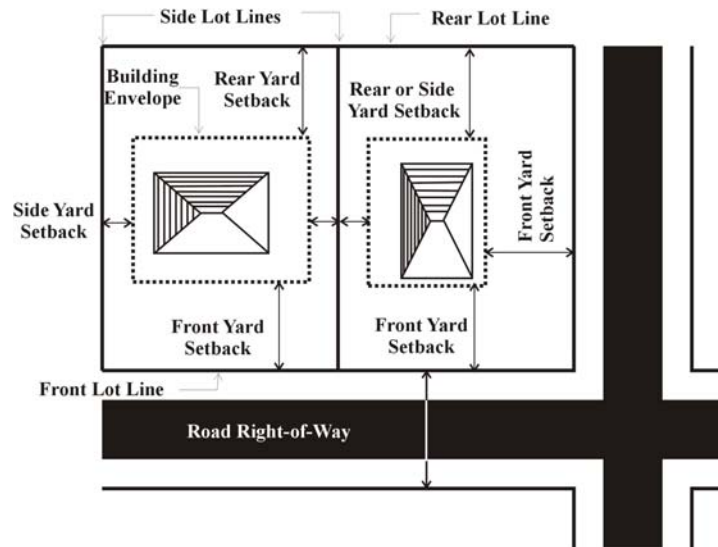
Roof Line. The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Screening. Man-made structures or placement of natural materials that functions to shield, protect, and/or conceal.

**Seasonal Accessory
Roadside Stands.**

Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Seasonal accessory roadside stands shall include the sale of fruit, vegetables, hobby-craft, fish bait, firewood or other commodities of similar nature grown, produced, or obtained from the site.



Seasonal Commercial Outdoor Sales. Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Seasonal commercial outdoor sales shall include the sales of merchandise related to holidays, promotional sales, or special events such as but not limited to Christmas trees, pumpkins, fireworks, tent sales, sidewalk sales, and event paraphernalia.

Service Station. A place for the dispensing, sale, or offering for sale of motor fuels, including gas, diesel, and hydrogen, directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Servicing Business. The individual(s) or business responsible for the maintenance, servicing and upkeep of the billboard and its site.

Setback. The distance between a front, side, or rear lot line and the nearest supporting member of a structure on the lot. Setbacks shall be measured from the public or private road right-of-way line or shared driveway easement. The "Minimum Setback Requirement" is the minimum distance established by this Ordinance to conform to the required setback provisions of the district in which the lot is located.

Shadow Flicker. A moving shadow of the windmill blades which are cast on the ground or against structures located on the site or on adjacent parcels of land.

Shoreline. That line that follows the ordinary high water mark of the waterbody that a lot adjoins. (See Ordinary High Water Mark).

Shoreline Setback. The setback of principal dwellings along the shoreline of a lot.

Sidewalk/Bikepath. A surface paved with concrete or asphalt intended exclusively for pedestrian, bicycle, or other non-motorized transportation.

Sign. Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos, or trademarks for the purpose of identifying or bringing attention to an establishment, product, goods, services, or other message to the general public. Various types of signs and sign-related terms are defined as follows:

(a) **Accessory Sign.** Sign which pertains to the principal use of the premises upon which it is located.

(b) **Aerial Balloons.** Balloons, inflatable figures, or inflatable objects that are anchored or affixed to any one location, property, structure or building and used solely to advertise the sale or rental of any product, property or service. Balloons that are typically hand-held shall not be subject to regulation under this Ordinance.

(c) **Animated Sign.** Sign that uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

(d) **Awning Sign.** A sign which is painted on, printed on, or attached flat against the surface of an awning.

(e) **Banner Sign.** Any temporary flexible sign produced on cloth, paper, fabric or similar material, either with or without frames.

(f) **Billboard.** Any sign, whether freestanding or attached to another structure, which identifies a use or advertises products and services not available on the

site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located

5 (g) **Billboard Identification Plate.** A four (4) inch by six (6) inch noncorrosive plate upon which is engraved or stamped the names of the owner and the servicing business of the billboard and their addresses.

10 (h) **Billboard Owner.** The individual(s), company or organization who/which holds title to the physical structure of the billboard.

15 (i) **Billboard Permit Fee.** An annual fee, set by the Township Board, paid to the Township for the purpose of maintaining an updated billboard inventory in the Township and providing for the inspection of billboard sites and structures to assure that they do not compromise the health, safety and welfare of Township residents or workmen who may service the sign.

20 (j) **Billboard Servicing Business.** The individual(s) or business that are responsible for the maintenance, servicing and upkeep of the billboard and its site.

25 (k) **Bulletin Board.** A type of "changeable copy" sign which displays the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.

30 (l) **Community Special Event Sign.** A temporary sign announcing local community events.

35 (m) **Construction Sign.** A sign erected on a site designated by a building permit issued by the Township, which advises the public of the pertinent facts regarding the construction of the building and its site improvements.

40 (n) **Development Entry Sign.** A sign which identifies the name of a multiple residential development or the developer or the type of residential structures included in the development, and which is harmonious in appearance with that of the activity.

 (o) **Directional Sign.** A sign which assists motorists in determining or confirming a correct route; specifically enter, exit and parking signs.

(p) **Expressway Business.** A motel, hotel, conference center, service station, movie theater, recreation facility, or restaurant that abuts I-96 and is within one thousand (1,000) feet of a full service interchange (on-ramp or off-ramp in both directions).

(q) **Flashing Sign.** A sign that contains an intermittent or sequential flashing light source.

(r) **Freestanding Sign.** A sign which is erected upon or supported by the ground, including "pole or pylon signs" and "ground signs."

(s) **Gasoline Price Sign.** A sign that is used to advertise the price of gasoline. If a brand identification sign is attached to or is a part of the sign advertising price, that portion of the sign used for advertising price shall be considered the gasoline price sign.

(t) **Ground or Monument Sign.** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

(u) **Identification Sign.** A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these intended only to identify location of said premises and not to advertise, and located only on the premises on which the firm, major enterprise, or principal product or service identified is situated.

(v) **Illegal Sign.** A sign that does not meet the requirements of this Ordinance and does not qualify for nonconforming status under this Ordinance.

(w) **Incidental Sign.** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, and signs used to designate bathrooms.

(x) **Low Profile Sign.** A freestanding sign of limited height designed to be compatible with its surrounding environment.

(y) **Marketing Sign.** An on-premises temporary free-standing sign placed upon a property that has an approved site plan by the Township for either a commercial or residential development. A marketing sign may be placed to

indicate the specific intent of the proposed construction and to provide information relative to availability including sales, rentals or leases.

(z) **Marquee Sign.** A permanent rooflike structure or awning supported by and extending from the face of the building.

(aa) **Model Sign.** Sign placed on premises of a subdivision or other real estate development to promote the sale or rental of lots, homes, or building space in a real estate development including signage for model units.

(bb) **Moving Sign.** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign. Such motion does not refer to the method of changing the message on the sign.

(cc) **Mural.** A design or representation that is painted or drawn on the exterior surface of a structure and does not advertise a business, product, service, or activity.

(dd) **Non-Conforming Sign.** A sign which is prohibited under the terms of this Ordinance, but was erected lawfully and was in use on the date of enactment of this Ordinance, or amendment thereto or a sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.

(ee) **Obsolete Sign.** A sign that advertises a product or service that is no longer available or that advertises a business or service that has closed.

(ff) **Off-Premise Sign.** A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.

(gg) **On-Premise Sign.** A sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

(hh) **Pole or Pylon Sign.** A type of freestanding sign that is elevated above the ground on poles or braces and not attached to any building or other structure.

(ii) **Political Sign.** A temporary sign relating to matters to be voted upon at an election called by a public body.

(jj) **Portable Sign.** A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, streamers, ribbons, non-governmental flags, searchlights and signs mounted on a portable structure, including those with wheels but excludes political signs, real estate signs, construction signs, and regulatory/government signs.

(kk) **Projecting Sign.** A sign, other than a flat wall sign, that projects more than twelve (12) inches from the face of the building or structure upon which it is located.

(ll) **Public Sign.** Sign erected in the public interest by or upon orders from a local, state, or federal public body for the purpose of traffic control, public safety, or public information.

(mm) **Real Estate Sign.** An on-premise temporary sign placed upon a property advertising that particular property for sale, or for rent, or for lease.

(nn) **Roof Sign.** Any sign that extends above the roof line or is erected over the surface of the roof.

(oo) **Sandwich/Menu Sign.** Sign consisting of two (2) advertising boards laid back-to- back and at least partially supported by each other.

(pp) **Sign Height.** The maximum vertical distance from the uppermost extremity of a sign or sign support to the average preexisting natural grade surrounding the sign base within a radius of fifteen (15) feet from the sign base. In a case of unusual topography, the Planning Commission may grant an exception to the determined height, provided that the uppermost extremity of the sign does not exceed forty-two (42) inches above the existing elevation of the centerline of the road upon which the site fronts.

(qq) **Sign Setback.** The distance between the centerline of the nearest existing roadway and any structural member and/or the face of a sign.

(rr) **Surface Display Area.** The area occupied by a sign message as computed according to this Ordinance and expressed to the nearest tenth of a square foot.

(ss) **Temporary Sign.** A sign which is intended to be erected only a few days or weeks, including portable signs, trailer signs, banners, pennants, or any other

sign which is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored on the ground.

(tt) **Vehicle Sign.** A sign painted or mounted on the side of a vehicle, including a sign on the face of a truck trailer.

(uu) **Wall Sign.** A sign placed flat, attached to the building, extending from the building as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps.

(vv) **Warning Signs.** Signs advising of "No Trespassing", "No Soliciting", and "No Dumping".

(ww) **Window Sign.** A sign which is applied, affixed, or attached to the interior or exterior of any building window and visible to the general public from the exterior.

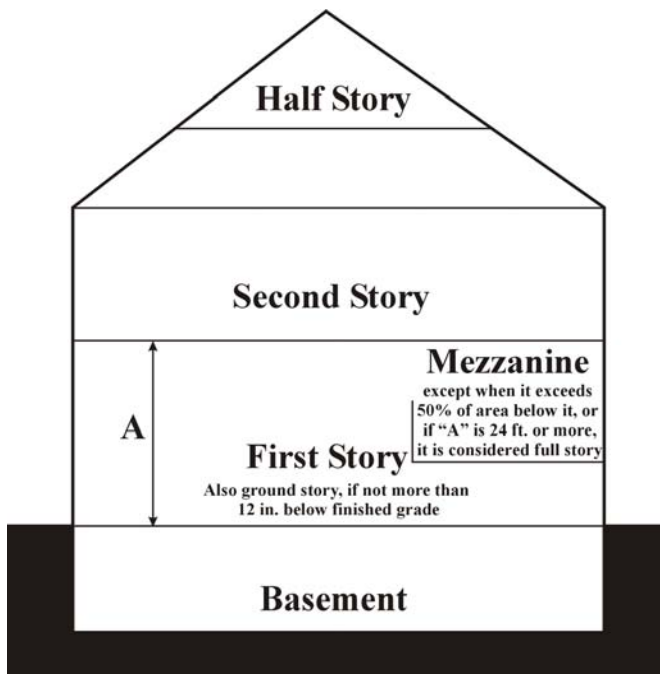
Sound Level. The measurement of sound in decibels (dB) which are the units of measure used to express the magnitude of sound pressure and intensity.

Special Events. Temporary uses that are unlike the customary or usual activities generally associated with the property where the event is to be located that is likely to attract crowds. Special events shall include carnivals, festivals, rodeos, motor vehicle shows, animal shows, charity events, and other activities open to the public.

Stable. A building for the keeping of horses.

Steep Slope. A naturally occurring land form with a vertical change in elevation of ten (10) feet or more over a length of fifty (50) feet or more measured parallel to the contour lines and a slope of twenty percent (20%) or more.

Story. That part of a building, except a basement or mezzanine as defined herein, included between the surface of any one floor and the surface of the next floor above it, or if there is no floor above, then the ceiling next above. A mezzanine shall be deemed a full



story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

5 **Story, Half.** The uppermost story lying under a sloping roof, the usable floor area of which does not exceed two-thirds (2/3) of the floor area of the uppermost full story.

10 **Stream.** A waterway that has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

15 **Structurally Attached.** A structural member or support integrally connecting two (2) separate detached buildings or structures exists, which may be a breezeway, roof, or partition wall, other than an abutting fence or wall not exceeding six (6) feet in height. A motor vehicle or a semi-trailer or other type of truck conveyance may not be so attached to a building or structure.

20 **Subdivision Regulations.** The Subdivision Regulation Ordinance, Chapter 17 of the Code of Ordinances of the Township.

25 **Swimming Pool.** Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

(Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

30 **Sec. 25-11 Definitions T-U**

35 **Temporary Accessory Building or Structure.** A building or structure constructed of light weight materials, such as aluminum, sheet metal or steel, which is not intended as a permanent structure, without a concrete floor or foundation, intended for and limited to, the storage of hand or garden tools and/or supplies or equipment, incidental to the maintenance of the main building (residential dwelling), within the Residential Districts. Temporary accessory

structures in all other zoning districts shall be expressly prohibited, unless and until first approved by the Zoning Board of Appeals.

Temporary Accessory Residential Sales. Accessory uses clearly incidental to the principal use of the property where located, of a temporary duration of time. Temporary accessory uses shall include garage, moving, and yard sales, sale of fish bait, produce, flowers, private motor vehicles, hobbycraft, firewood, furniture, and personal effects, and other uses of similar character which are not intended as a permanent activity.

Temporary Building or Structure. A building or structure which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on a construction site or a tent.

Temporary Use. A use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.

Township. The Charter Township of Brighton, Livingston County, Michigan.

Township Board. The Board of Trustees of the Charter Township of Brighton, Livingston County, Michigan.

Township Planner. The individual designated by the Charter Township of Brighton to administer this Ordinance.

Use. The purpose for which land, a premises, or a building thereon is arranged, designed, or intended, or for which it is or may be occupied, maintained, let, or leased.

Sec. 25-12 Definitions V-X

Variance, Dimensional. Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this Ordinance.

Variance, Use. Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this Ordinance.

Waterway. Any natural or open artificial watercourse, diversion, lake, stream, river, creek, ditch, channel, canal conduit, culvert, drain, gully, ravine or wash in which waters flow in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks and shall include the floodplain.

Wetland. Any land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wetland, State Regulated. Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

(a) Contiguous to any lake, pond, river, or stream.

(b) Not contiguous to any lake, pond, river, or stream; and more than five (5) acres in size.

(c) Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Environmental Quality (MDEQ) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDEQ has so notified the owner.

Wetland, Township Regulated. (*See Article 24*). Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances does support) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

(a) Contiguous to any lake, pond, river, or stream.

(b) Not contiguous to any lake, pond, river, or stream; and more than two (2) acres in size.

(c) Not contiguous to any lake, pond, river or stream; and two (2) acres or less in size where the Township determines that the wetland is essential to the

preservation of the natural resources of the Township as determined in *Section 24-02(3) (a) through (j)*.

Wind Energy Systems. An accessory land use for generating electrical power by the use of wind by means of a wind turbine generator and windmill blades mounted on a tower and their related wind measuring and electrical equipment located on a parcel of land having a principal use planned to be part of a submitted site plan or building permit plot plan or has a principal land use already located upon a parcel of land.

Wind Site Assessment. A written assessment report to determine the specific wind speeds, sound, and shadow flicker at a specific site to determine impact on adjacent properties.

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, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include “reception antenna” for an individual lot as otherwise defined and regulated in this Ordinance.

(a) **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

(b) **Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

(c) **Co-location.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the Township.

Woodland. A forested area of one-half (½) acre or more with a gross basal area (GBA) of thirty (30) square feet per one-half (½) acre, containing twenty (20)

trees per one-half (½) acre greater than eight (8) inches in diameter at breast height (DBH), or a plantation of one-half (½) acre or more with a minimum average DBH of ten (10) inches. The critical root zone of all trees on the perimeter of the forested area or plantation defines the area of a woodland. A tree nursery or farm where trees have been planted for harvesting or transplant would not be considered a woodland.

(Ord. #246, 12/25/09), (Ord. #231, 12/27/05)

10 **Sec. 25-13 Definitions Y-Z**

Yards. The area on the same lot with a main building unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measure of yard is the minimum horizontal distance between the lot line and the building or structure.

(a) **Front Yard.** That area of the lot located between the main building and the front lot line, extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

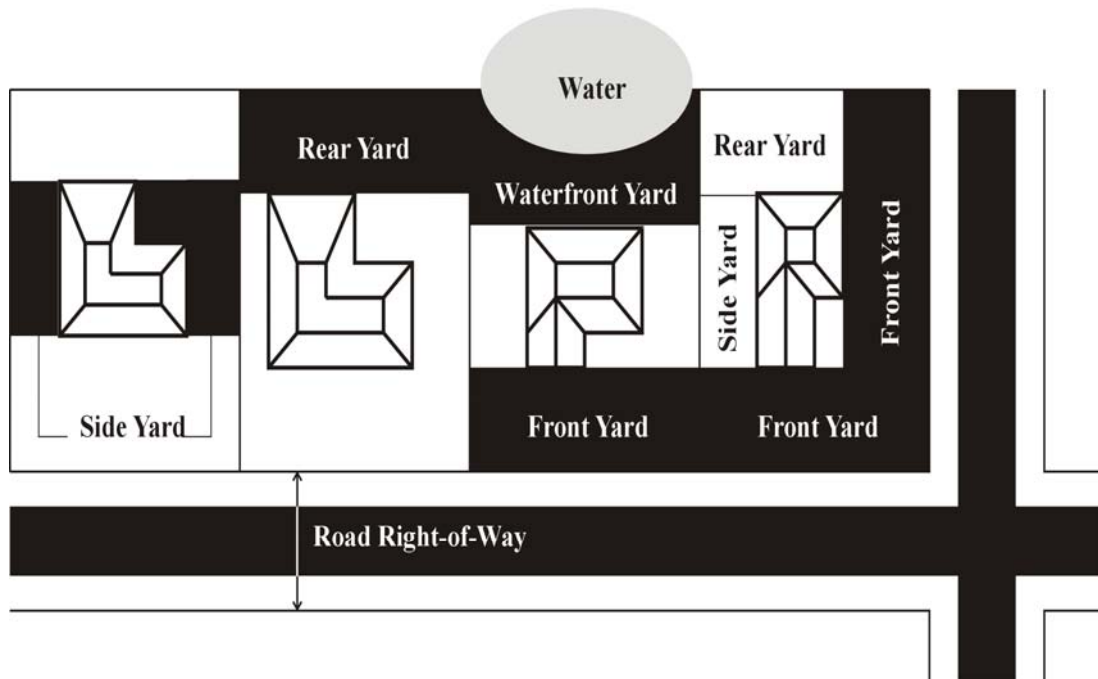
(b) **Rear Yard.** That area of the lot located between the main building and the rear lot line, extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is opposite the front lot line with the smallest road frontage.

(c) **Required Yard.** The area of the lot located between a lot line and the yard line within which no structure shall be located except as provided in this Ordinance.

(d) **Non-Required Yard.** The area of the lot located between the yard lines where structures can be located except as provided in this Ordinance.

(e) **Side Yard.** That area of the lot located between the main building and the side lot lines, between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

(f) **Waterfront Yard.** That area of the lot located between the main building and



the high water mark, extending the full width of the lot, the depth of which is the horizontal distance between the shoreline of a lake and the nearest point of the main building.

5

Zoning Act. Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

10

Zoning Board of Appeals (ZBA). The Brighton Township Board of Appeals, created pursuant to the provisions of Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

(Ord. #231, 12/27/05)

ARTICLE 26
ADOPTION, SAVINGS, REPEALER, VALIDITY,
SEVERABILITY & EFFECTIVE DATE

Sec. 26-01 Savings

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Sec. 26-02 Repealer

All amendments to Zoning Ordinance enacted on or before March 16, 2004 and not included in the codification or recognized and continued in force by reference therein are repealed. Any and all other Ordinances or resolutions or parts thereof in conflict herewith are hereby repealed. This repeal shall not be construed to revive any Ordinance or part thereof that has been repealed by this Ordinance.

Sec. 26-03 Validity and Severability

Sections of this Zoning Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Sec. 26-04 Effective Date

The provisions of this Ordinance are hereby ordered to take effect seven (7) days following its publication in a newspaper of general circulation within the Township.

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Brighton in a meeting duly called and held on the 16th day of March, 2004 and is effective on April 5, 2004.

5 **Sec. 26-05 Adoption**

Pursuant to Public Act No. 78 of 1989 (MCLA 41.186), this Ordinance is hereby adopted as the zoning regulations for the Charter Township of Brighton as enabled by Michigan Zoning Enabling Act P.A. 110 of 2006, as amended.

10

(Ord. #234, 12/28/06)