

# CHARTER TOWNSHIP OF OAKLAND

## ZONING ORDINANCE



Adopted  
January 23, 2018

<b>STATE OF MICHIGAN, COUNTY OF OAKLAND.....</b>	<b>1</b>
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# STATE OF MICHIGAN, COUNTY OF OAKLAND

## THE CHARTER TOWNSHIP OF OAKLAND ZONING ORDINANCE

### ORDINANCE NO. \_\_\_\_\_

An ordinance to comprehensively update and amend Ordinance 16, the Charter Township of Oakland Zoning Ordinance text and map, in its entirety, in accordance with the provisions of the Zoning Enabling Act, Act 110 of 2006, as amended.

The Charter Township of Oakland Ordains:

The Charter Township of Oakland Zoning Ordinance, including text and zoning map, being Ordinance No. 16, as adopted on July 13, 1976, and as subsequently amended, is hereby amended in its entirety, with the text to read and the zoning map to be adopted and incorporated, as follows:

### ARTICLE I: GENERAL PROVISIONS

#### **16-100      SHORT TITLE**

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This ordinance, of which the Official Zoning Map is part, shall be known as the “Charter Township of Oakland Zoning Ordinance” and will be referred to hereinafter as “this ordinance.”

#### **16-101      PURPOSE AND INTENT**

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The fundamental purposes of this ordinance are:

- A. To promote and protect the public health, safety, and general welfare;
- B. To encourage the use of lands and natural resources in accordance with their character and adaptability;
- C. To implement the goals, objectives, and future land use recommendations of the Community Master Plan and to regulate the intensity of land use and parcel areas in a manner compatible with said Plan;
- D. To determine the area of open spaces surrounding buildings and structures necessary to provide adequate light, scenic views and air and to protect the public health;
- E. To protect the character and stability of the recreational, residential, commercial and industrial areas within the Charter Township of Oakland and promote the orderly and beneficial development of the Township;
- F. To lessen and avoid congestion on the public highways and streets;
- G. To provide for the needs of recreation, residence, commerce, and industry in future growth;
- H. To promote healthful surroundings for family life in residential areas;

- I. To set reasonable standards to which buildings and structures shall conform;
- J. To provide for reasonable uses and forms, buildings, and structures which are compatible with the character of development or the uses, buildings, or structures permitted within specified Districts and to provide for sanitary, safety and protective measures that shall be required for such structures;
- K. To prevent additions, alterations and/or remodeling of existing structures occurring in such a way as to avoid the regulations and limitations imposed hereunder;
- L. To reduce the risk of fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards to life and property;
- M. To prevent improper uses of land, the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each District;
- N. To provide for the completion, restoration, reconstruction, and compliance of nonconforming uses;
- O. To create a Zoning Board of Appeals and to define the powers and duties thereof;
- P. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this ordinance;
- Q. To provide for the payment of fees for zoning permits and escrow accounts to support the expense of administration and proper review of applications for zoning permits;
- R. To provide penalties for the violation of this ordinance;
- S. To provide safety in traffic and vehicular parking;
- T. To accomplish any other purposes contained in the Zoning Enabling Act, Act 110 of 2006, as amended and to fulfill other legitimate objectives allowed by law.

## **16-102 AMENDMENT OF ORDINANCE OR MAP**

### **16-102.01 REZONING PROCESS**

- A. Any interested person may request, and the Township may approve or disapprove, an amendment to this ordinance and/or zoning map.
- B. Application Procedure.
  - 1. An amendment to the text of the ordinance shall be submitted to the Oakland Township Building Department for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act, Act 110 of 2006, as amended. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request shall be included in the petition.
  - 2. An amendment to the zoning map shall be submitted in writing to the Oakland Township Building Department for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act, Act 110 of 2006, as amended. A description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request shall be included in the petition.

C. Applicable Factors.

When reviewing an amendment request, the Township may consider, but shall not be limited to:

1. Whether the proposed change is in accordance with the Township's Master Plan.
2. Whether the proposed change is a reasonable alternative to the Master Plan because it will promote land use policies of the Master Plan and will not conflict with present policies.
3. Although representing a change in the Master Plan for Future Land Use, whether the proposed district:
  - a. Would be compatible with existing or future uses in the area.
  - b. Would not have a negative impact on the policies of the Master Plan.
  - c. Would further the objectives, goals or policies of the Master Plan.
  - d. Would preserve an existing, unique natural area.
4. Whether the proposed district conforms to the Master Plan for future land use and would be in conflict therewith.
5. Whether the proposed change represents a form of spot zoning.
6. Whether the proposed use would be incompatible with existing (and/or future) uses in the area.
7. Whether the proposed change would negatively affect the Township's ability to implement or follow the Master Plan for the area.
8. Whether the proposed use would add more acreage than can be justified, thereby detracting from the Township's ability to develop according to the Master Plan.
9. Other factors set forth in the Zoning Enabling Act, Act 110 of 2006, as amended.

D. Notice. Public notice of an amendment to this ordinance shall follow the process set forth in Section 16-103.

**16-102.02      CONDITIONAL REZONING**

As an alternative to a rezoning amendment as described in Section 16-102.01, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act No. 110 of 2006, as amended (MCL 125.3101 et seq.). It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to this Article.
- B. In addition to the procedures as noted in Section 16-102.01, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests:

1. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide specific conditions to be considered by the Township as part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
  2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
  3. Conditional rezoning shall not alter any of the various zoning requirements for the uses in questions, i.e., parking, landscaping, lot area, lot width, building, height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Section 16-104.
  4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article V.
  5. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
- C. In addition to the informational requirements provided for in Section 16-102.01, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that shall show the location, size, height or other measures for and/or of buildings, structures, improvements and features, including natural features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement for site plan review and approval, site condominium approval, or subdivision approval, as the case may be.

Time limits and reversion of land to previous district.

1. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 16-102.01 B.
2. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, his heirs, successors, assigns, and transferees.
3. Upon approval of a conditional rezoning, a copy of the written agreement between the property owner and Township shall be filed with the County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.

4. The Township may not add to or alter any conditions approved as part of a rezoning during the time period specified above.
5. The time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.

### **16-103 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING**

Except as stated otherwise in this ordinance, whenever a public hearing on a zoning application is required by this ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- A. The notice shall be published once, at least 15 days before the date of public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten or fewer adjacent properties, for applications to the Zoning Board of Appeals involving a specific parcel of land, for all planned unit development and special land use applications, and for other applications as to which a public hearing is required under this ordinance or the Zoning Enabling Act, Act 110 of 2006, as amended, a notice of public hearing shall be given in the manner set forth in Section 103 (MCL 125.3103) of the Michigan Zoning Enabling Act, as amended. Notice shall be sent to the following:
  1. The applicant and the owner of the subject property, if different from the applicant;
  2. All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application regardless of whether the property or structure is in the Township;
  3. One occupant of each dwelling unit or spatial area in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property regardless of whether the property or structure is in the Township; and
  4. The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notices at the primary entrance of the building, but failure of such posting, shall not constitute a lack of notice to the owners or occupants of such dwelling units.
  5. If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.
- C. The notice of public hearing shall include the following information:
  1. A description of the application or request.
  2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses

currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.

3. The date and time when the application or request will be considered; the location of the public hearing.
4. The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.
5. Any other information required under the Zoning Enabling Act, Act 110 of 2006, as amended.

## **16-104 ZONING BOARD OF APPEALS**

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### **16.104.01 ESTABLISHMENT OF ZONING BOARD OF APPEALS**

The zoning board of appeals is established and shall have the authority and responsibilities conferred by law and this ordinance.

### **16.104.02 MEMBERSHIP**

The Zoning Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the members of the Township Board serving.

- A. One member of the Zoning Board of Appeals shall be a member of the Township Planning Commission.
- B. One regular or alternate member of a zoning board of appeals may be a member of the Township Board. Such a member shall not serve as chairperson of the zoning board of appeals.
- C. The remaining members of the Zoning Board of Appeals and alternate members shall be electors of the Township residing within its zoning jurisdiction and shall be representative of the population distribution and of the various interests present in the local unit of government.
- D. There may be not more than two alternate members of the Zoning Board of Appeals, appointed in the same manner as regular members.

### **16-104.03 TERMS OF OFFICE**

The appointed members of the Zoning Board of Appeals shall have a term of office of three years from the effective date of the appointment. Appointments for new members may be less than 3 years to provide for staggered terms. A successor shall be appointed or a member reappointed not more than one month after the term of a member has expired.

- A. The term of the Zoning Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of the Township Board and the Planning Commission.
- B. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

### **16-104.04 JURISDICTION**

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- A. The Zoning Board of Appeals shall act upon all questions arising in the administration of this ordinance, including interpretation of the zoning map and the ordinance.
  - B. The Zoning Board of Appeals shall hear and decide all appeals from and review any administrative order, requirement, decision, or determination made by the Zoning Administrator, other administrative official or body charged with enforcement of this ordinance.
  - C. As may be further conditioned by provisions of law or this ordinance, the Zoning Board of Appeals shall hear and decide all petitions for nonuse variances.
  - D. The Zoning Board of Appeals shall hear and decide all matters assigned to it for decisions under the terms of this ordinance.
  - E. The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to the following:
    - 1. Any aspect or part of an application for approval of a special land use, planned unit development.
    - 2. An appeal from any aspect or part of a determination or decision made with regard to a special land use, planned unit development.
  - F. An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notices of appeal is filed, that by reason of facts stated in such certificate, a stay, in the opinion of the body or officer, will cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

**16-104.05     RESERVED**

**16-104.06     VARIANCES**

The Zoning Board of Appeals may grant a nonuse variance based upon a written application demonstrating that practical difficulties exist in the way of carrying out the strict letter of this zoning ordinance relating to the construction, structural changes, or alteration of buildings or structures relating to dimensional requirements of this ordinance or to any other nonuse related standard in this ordinance, provided the applicant demonstrates and the Zoning Board of Appeals finds that the claimed practical difficulties, conform to the standards as set forth below:

- A. Strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, density and other similar items unreasonably prevents the owner from using the property for a permitted purpose or would render conformity with said restrictions excessively burdensome;
- B. The variance would do substantial justice to the applicant as well as to other property owners in the zoning district as well as nearby owners in other districts; The relaxation of restrictions would not exceed what is needed to provide relief to the applicant and continue justice for others;
- C. The practical difficulty of the property owner is due to unique circumstances of the property in that special conditions exist which are peculiar to the land, structures, or buildings involved and which are not generally applicable to other lands, structures, or buildings in the

same zoning district; and

D. The practical difficulty is not self-created.

The Zoning Board of Appeals may impose conditions upon the granting of a variance as may be permitted by law and ordinance.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

**16-104.07 TIME LIMITATIONS ON VARIANCES**

Unless the Zoning Board of Appeals has established other time limits as a condition of granting a variance, a variance expires and becomes null and void if within twelve months after it was granted, the applicant has not obtained all required permits and commenced the project authorized by the variance or if the project has not been completed within one year after it was commenced. The Zoning Board of Appeals may grant one or more extensions of up to one additional year each, upon request by the applicant. Any request for an extension shall be considered at a public meeting of the Zoning Board of Appeals, but public notice and a public hearing shall not be required.

**16-104.08 APPEALS AND OTHER APPLICATIONS FOR RELIEF**

- A. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, or board of this state or Charter Township of Oakland. In addition, a variance in this ordinance may be applied for and granted under Section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, as amended. The Zoning Board of Appeals shall state the grounds of any determination made by the board.
- B. The Zoning Board of Appeals shall hear and decide a written request seeking an interpretation of the zoning ordinance.
- C. An appeal under this section shall be taken within such time as prescribed by the Zoning Board of Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds for the appeal. The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- D. An appeal shall be filed not later than 30 days after the order, decision, or determination as to which the application or appeal is taken.
- E. An applicant seeking relief within the jurisdiction of the Zoning Board of Appeals shall apply for such relief by means of application form provided by the Township and shall pay a required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.

**16-104.09 DECISIONS OF THE ZONING BOARD OF APPEALS**

- A. The Zoning Board of Appeals shall decide all applications and appeals within a reasonable time.

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- B. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify, the order, requirement, decision, or determination that is being appealed and may issue or direct the issuance of relevant Township permits.
  - C. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirements, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under this zoning ordinance, or to grant a variance in the zoning ordinance.
  - D. The Township building official shall incorporate the terms and conditions of the Zoning Board of Appeal's decision in any permit issued to the applicant pursuant to the decision.
  - E. A decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.
  - F. A member of the Zoning Board of Appeals who is also a member of the Township Board or the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Township Board or the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

#### **16-104.10 OFFICERS**

- A. The Zoning Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
- B. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- C. A Zoning Board of Appeals member who is a Township Board member shall not serve as chairperson of the Board of Appeals.
- D. An officer of the Zoning Board of Appeals shall have a term of one year and until the officer is re-elected, or a successor is elected and qualifies. The election of officers shall be undertaken at the first regular meeting of each year or at a special meeting if placed on the agenda.
- E. An alternate member of the Zoning Board of Appeals shall not be eligible for election as an officer of the Zoning Board of Appeals.

#### **16-104.11 MEETINGS AND PROCEDURES**

- A. The Zoning Board of Appeals shall adopt bylaws and rules to govern its procedures sitting as a Zoning Board of Appeals and for the conduct of its meetings and related purposes subject to Board of Trustee approval.
- B. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members are present, including any alternate members serving in the absence of a regular member in accordance with Section 16 104.12. Three members shall constitute a quorum.
- C. At the first regular meeting of each calendar year, the Zoning Board of Appeals shall adopt and provide public notice of a schedule of its regular meetings in accordance with the Open

Meeting Act, as amended provided however, that a meeting need not be held if pending matters do not warrant a meeting.

- D. The Zoning Board of Appeals may convene special meetings at such times as it shall determine, subject to compliance with the Open Meetings Act, as amended.
- E. The Zoning Board of Appeals shall conduct a public hearing on an appeal or interpretation request and decide the matter within a reasonable time. At a hearing, the party making the appeal or interpretation request may appear personally or by agent or attorney. Notice of a public hearing for an interpretation request which does not involve a specific parcel of property need only conform to Section 16-103 of this ordinance and given to the person making the request.
- F. All meetings subject to this ordinance shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at other times as the Zoning Board of Appeals in its rules of procedure may specify or as may be required by law.
- G. The Zoning Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the clerk of the legislative body.

**16-104.12 ALTERNATE MEMBERS**

- A. The Township Board may appoint not more than two alternate members of the Zoning Board of Appeals, in the same manner as regular members are appointed.
- B. An alternate member may serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings
- C. An alternate member may also serve as a member of the Zoning Board of Appeals for the purpose of reaching a decision on a case in which a regular member has abstained because of a conflict of interest.
- D. An alternate member who is called to serve in a matter before the Zoning Board of Appeals shall serve in that specific matter until a decision is made, whether at one or more meetings.
- E. An alternate member of the Zoning Board of Appeals has the same voting rights as a regular member of the Zoning Board of Appeals.

**16-104.13 REMOVAL OF MEMBERS; CONFLICTS OF INTEREST**

- A. A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written charge specifying the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board. Pursuant to Section 8(a) of the Open Meetings Act, as a public officer, an Appeals Board member who is subject to dismissal, suspension or discipline may request a closed hearing.
- B. A member of the Zoning Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office. A member who is concerned that circumstances related to a matter maybe the source of a conflict of interest, may disclose the circumstances to the Board

of Appeals. The Zoning Board of Appeals may then disqualify the member if it finds that a conflict of interest may exist which would impair the ability of the member to render a fair and impartial decision.

#### **16-104.14 APPEALS FROM DECISIONS OF THE BOARD OF APPEALS**

- A. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the circuit court as provided by law
- B. An appeal from a decision of the Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson if there is then a chairperson, or signed by another member of the Zoning Board of Appeals, if there is then no chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of the meeting at which its decision was taken.

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#### **16-105 PLANNING COMMISSION**

##### **16-105.01 CREATION OF THE PLANNING COMMISSION**

Charter Township of Oakland has created a Planning Commission in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended.

##### **16-105.02 MEMBERSHIP OF THE PLANNING COMMISSION**

- A. The Planning Commission shall consist of seven members. Members of the Commission shall be appointed by the Township Supervisor subject to approval by majority vote of the members of the Township Board elected and serving.
- B. The term of each member shall be three years, and until a successor is appointed and qualified, except that any Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding three years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
- C. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests, as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.
- D. Members of the Planning Commission shall be qualified electors of the local unit of government, except that one Planning Commission member may be an individual who is not a qualified elector of the local unit of government.
- E. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided

by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office. Unless the Township Board, by ordinance, defines conflict of interest for the purposes of this subsection, the Planning Commission shall do so in its bylaws.

#### **16-105.03 OFFICERS OF THE PLANNING COMMISSION**

- A. The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices, as it considers advisable. The Township Board member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under Section 16-105.04.
- B. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

#### **16-105.04 PROCEDURES OF THE PLANNING COMMISSION**

- A. The Planning Commission shall adopt bylaws for the transaction of business, subject to Board of Trustees approval, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- B. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

#### **16-105.05 MEETINGS OF THE PLANNING COMMISSION**

- A. The Planning Commission shall hold not less than two regular meetings each year. At its first meeting of each calendar year, the Planning Commission shall adopt and provide public notice of its regular meetings for the ensuing year in accordance with the Open Meetings Act, as amended; provided, however, that a meeting need not be held if pending matters do not warrant a meeting. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.
- B. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, as amended. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.
- C. The Township Board, by resolution, has transferred all powers and duties of a Zoning Board to the Planning Commission, as outlined in the Zoning Enabling Act, Act 110 of 2006, as amended, and as permitted in Section 11 of the Township Planning Act, Act 168 of 1959, as amended.

#### **16-105.06 DUTIES AND RESPONSIBILITIES**

The members of the Planning Commission shall have the following principal duties and responsibilities, among others:

- A. To consider and recommend the adoption of this ordinance and amendments to this ordinance.

- B. To prepare, consider and recommend approval of the Township Master Plan, in accordance with the Michigan Planning Enabling Act, as amended.
- C. In accordance with the Zoning Enabling Act, Act 110 of 2006, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve any such revisions or amendments.
- D. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this ordinance, including special land uses and other types of land use approval.
- E. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
- F. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
- G. To carry out other duties and responsibilities provided by law.

**16-106        RESERVED**

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**16-107        PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM STANDARDS**

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In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

**16-108        NONCONFORMANCE**

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**16-108.01    SCOPE AND INTENT**

- A. No building or structure, or part thereof, shall hereafter be erected, constructed, altered or maintained, and no new use or change of use shall be made or maintained of any building, structure or land, or part thereof, except in conformance with the provisions of this ordinance. It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are brought into conformity, removed, extinguished or forfeited.
- B. It is recognized that there exist within the districts established by this ordinance and subsequent amendments, lots, structures, buildings and uses of land which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. Such lots, uses, structures and buildings are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconforming lots, structures, uses, and buildings shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other buildings, structures or uses

prohibited elsewhere in the same district.

- C. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any lot, building, or structure on which actual construction was lawfully begun prior to the effective date of adoption of this ordinance and upon which actual building construction has been diligently carried on and is completed to the point of receiving a Certificate of Occupancy within one year of the effective date of this ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

**16-108.02 NONCONFORMING LOTS**

- A. Lots. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot at the effective date of adoption or amendment of this ordinance relating to or affecting the property, notwithstanding limitations imposed by other sections of this ordinance; provided, however, if such lot is below 14,000 square feet in area and is of continuous frontage with other lots in the same ownership, the owner shall provide additional area so that the lot is at least 14,000 square feet in area. This provision shall apply even though such nonconforming lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located, except as may be prescribed by law and this ordinance.
- B. Combining Non-Conforming Lots. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage and in single ownership are of record at the effective date of adoption or amendment of this ordinance relating to or affecting the property and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be combined to create a conforming lot or a lot with a lesser degree or extent of non-conformity.

**16-108.03 NONCONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this ordinance, a lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment as applicable, of this ordinance.
- B. No such nonconforming use shall 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 adoption or amendment as applicable, of this ordinance, unless so doing shall make the use less nonconforming.
- C. No nonconforming use shall be resumed, where the nonconforming use has been abandoned in accordance with Section 16-108.08.
- D. Any use which is approved by the Township Board after the effective date of this ordinance as a Special Land Use in a district under the terms of this ordinance shall not be deemed a

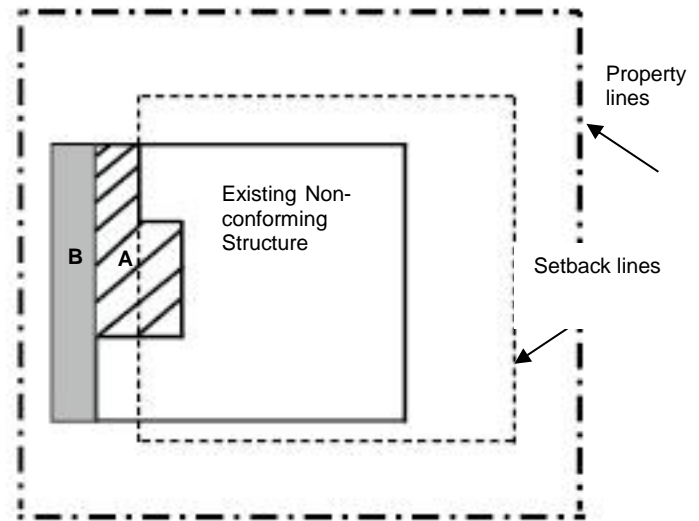
nonconforming use in such district, but shall without further action be considered a conforming use.

- E. The Township Board may approve as a Special Land Use a use existing prior to the effective date of this ordinance, subject to the limitations and conditions of this ordinance as though such existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for above.

#### 16-108.04 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, building height, yards, parking, or other characteristics of the structure or its location on the lot, including restrictions on site and building placement, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming structure shall not be enlarged or altered in a way that increases the degree of its nonconformity. However, a structure may be enlarged in a way that does not increase the degree of its nonconformity with regard to its side and rear setbacks or building form, provided that structures shall be a minimum of 3 feet from property lines. For the purposes of this section, the degree of the nonconformity refers to:
1. Any portion of the existing structure which is located in a required yard in the direction of the adjoining property line, and/or
  2. The height of any portion of a structure that exceeds the height limits of the district.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance, provided however that historic structures listed with the local, state, or national register of historic places or districts may be rebuilt on the existing building footprint and to the prior building height, if reconstructed to replicate the original structure destroyed.



Alteration "A" does not increase the degree of nonconformity and would be permitted. Alteration "B" increases the degree of nonconformity and is prohibited.

#### 16-108.05 NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the nonconforming use may be continued so long as it remains otherwise

lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. The nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, the nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Zoning Board of Appeals finds that the proposed use is equally or less nonconforming than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this ordinance. Where a nonconforming 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.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is succeeded or replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. No nonconforming use of a structure and land in combination shall be resumed, where the nonconforming use of the principal building or structure has been abandoned in accordance with Section 16-108.08.
- F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**16-108.06 REPAIRS AND MAINTENANCE OF NONCONFORMING USES**

On any building or lot devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, provided that the size of the building as it existed on the effective date or amendment of this ordinance shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof, or parcel declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**16-108.07 CHANGE OF TENANCY OR OWNERSHIP**

A change of tenancy, ownership or management of any existing nonconforming uses of land, of structures, or of structures and land in combination, shall be permitted.

**16-108.08 ABANDONMENT**

Any nonconforming use, or nonconforming use of structure and land in combination, shall be considered abandoned and such use shall not be resumed thereafter if any of the following conditions apply:

- A. When the owner declares or otherwise makes evident his intent to discontinue such use as existed at the time of adoption of this ordinance or an amendment to this ordinance.
- B. When the nonconforming use, or nonconforming use of structure and land in combination, has been replaced by a conforming structure or use.
- C. The cessation of the nonconforming use, or nonconforming use of structure and land in combination, for a period of twelve (12) consecutive months shall result in a rebuttable presumption of the owner's and any lawful occupant's intent to permanently discontinue and abandon the nonconforming use, or nonconforming use of structure and land in combination. At any time after said twelve (12) consecutive month period, the Zoning Administrator may notify the owner and any occupants in writing of said presumption and such writing shall provide the owner and any occupants at least thirty (30) days to rebut the presumption in a writing addressed and delivered to the Zoning Administrator by certified mail with a return receipt. If the owner and occupants fail to provide written evidence rebutting the presumption within said thirty (30) day period, the owner's and occupant's intent to discontinue and abandon the nonconforming use, or nonconforming use of structure and land in combination, shall thereby be established. The notice from the Zoning Administrator shall be sent by certified mail, with a return receipt, to the owner and any occupants at the mailing address of the owner listed on the Township tax rolls and at the street address of the property in question if a building with an address exists at said location.

#### **16-109 ADMINISTRATION, ZONING COMPLIANCE AND ENFORCEMENT**

Zoning Administrator: For purposes of administering and enforcing this ordinance, the Zoning Administrator shall be the Chief Administrative Officer of the Township. The Zoning Administrator may appoint one or more individuals as his designee or designees to perform all or some of his duties under, and enforce the terms of, this ordinance. Such designee or designees shall have the same powers and authority as the Zoning Administrator to the extent necessary to carry out the designated duties and enforcement.

- A. If the Zoning Administrator or his designees finds that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. Except when determined by the Zoning Administrator, Building Director or their designee that an imminent danger or risk to the health or safety of the public exists, prior to issuing a violation under Section 16-109 or 16-111 the Township shall provide in writing to the person responsible the nature of the violation and a reasonable opportunity to correct.
- B. The Zoning Administrator shall order discontinuance of an illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; and discontinuance of any illegal work being done. The Zoning Administrator shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- C. The Zoning Administrator and his designees are authorized to issue notice of violations of this ordinance and to commence such legal proceedings as may be necessary to enforce this ordinance.

- D. The Zoning Administrator shall have the authority to grant certificates of zoning compliance, and to make inspections of buildings, structures or premises necessary to carry out their duties and the enforcement of this ordinance.
- E. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits until such plans have been inspected in detail and found to be in compliance with this ordinance and all other applicable ordinances, codes and laws. To this end, the Zoning Administrator shall require that every application for a permit for construction, moving, alteration, or change of use of any structure or building shall be accompanied by a written statement in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work is in conformance with this ordinance and all other applicable ordinances, codes and laws, as well as:
1. The actual shape, location and dimensions of the lot. If the lot is not recorded with the County Registrar of Deeds, a recorded survey and legal description must be provided, and a parcel identification number must be obtained.
  2. The shape, size, and location of all buildings and other structures to be erected, altered, or moved, and of any other buildings or other structures already on the lot.
  3. The existing and intended use of the lot and of all structures and buildings upon it.
  4. Such other information concerning the lot or adjoining lots or other matters so as to determine whether the provisions of this ordinance are being observed.
  5. Any other information required by other sections of this ordinance or by otherwise applicable ordinances, codes or laws, if the applicant is seeking a building permit from the Zoning Administrator.
- F. If the proposed construction, moving, alteration, or change of use set forth in the application is in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a zoning compliance permit. If an application for such zoning compliance permit is not approved, the Zoning Administrator shall state in writing on an appropriate denial form the cause for such disapproval.
- G. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents in situations where a basic clarification is desired prior to proceeding with further technical work; and the Zoning Administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval.
- H. Issuance of a zoning compliance permit shall in no case be construed as waiving any provisions of this ordinance.
- I. The Zoning Administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this ordinance to any person making application to construct, move, alter, or use either buildings, structures, or land. The Zoning Administrator is under no circumstances permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out his duties.
- J. The Zoning Administrator shall not refuse to issue a zoning compliance permit when the applicant complies with conditions imposed by this ordinance. Violations of contracts between private parties such as covenants or private agreements, which may result upon the

granting of said zoning compliance permit, are not cause for refusal to issue a zoning compliance permit.

K. Where the Zoning Administrator has designated the Building Official as his designee under this section, for purposes of buildings and structures that are otherwise required under this ordinance or other ordinances or statutes to obtain a building permit, the building permit is deemed to include and serve for all purposes as a zoning compliance permit for such structure or building, and no additional application or review fee shall be required beyond the fees charged for the building permit. For all other buildings and structures regulated under this ordinance, including, without limitation, accessory structures, all of the following shall be submitted to and reviewed by the Zoning Administrator in the manner set forth in this section for purposes of obtaining the required zoning compliance permit:

1. An application for issuance of a zoning compliance permit on a form provided by the Zoning Administrator;
2. The materials required under Section 16-109 E; and
3. The payment of application and review fees in amounts to be determined by resolution of the Township Board of Trustees.

#### **16-110 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, investigate with all due dispatch, and take action thereon as provided by this ordinance.

#### **16-111 PENALTIES FOR VIOLATION**

Except as stated below, violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special land uses) shall constitute a municipal civil infraction and enforcement shall provide notice, when applicable, as set forth in Section 16-109 and thereafter follow the procedures set forth in Ordinance No. 80 of Charter Township of Oakland, as amended.

- 1) Based on the criteria set forth below and after consultation with the Township Building Director, the Township reserves the right to charge the following violations as a misdemeanor: A second or more alleged violation(s) of a same or similar violation which is charged within one year of the conclusion of the previously charged or ticketed violation, regardless of whether the first charged or ticketed violation has been voluntarily resolved, deferred or dismissed by the Township. Only in the case of a Court finding of no responsibility or guilt as to the first charge will the Township be prohibited from charging a misdemeanor for the second or more violation within 1 year of a same or similar violation(s); or
- 2) Based upon a reasonable estimate of the Township Building Director, if the cost to correct the alleged violation or the impact of the alleged violation on neighboring property owners or the community is expected to exceed \$5,000.00, the Township

Building Director or his/her designee may authorize a misdemeanor charge, regardless of whether or not a prior violation has been issued; or

- 3) Based on the Township Building Director's determination that the alleged violation represents an imminent peril or safety concern, the Township Building Director may authorize misdemeanor charges to provide for the immediate safety and health of Township citizens; or
- 4) In cases where the circumstances of the alleged violation show a clear premeditated intent or willfulness to deceive or misrepresent known facts for the purposes of gaining an advantage under the Zoning Ordinance or the alleged violator is in the process of completing the alleged improper action and has ignored the Township's directive to cease and desist, the Township Building Director may authorize misdemeanor charges to effectuate immediate corrective action and/or avoid further damage or continued violations of this or any other ordinance or law.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the municipality from taking such other lawful action as is necessary to prevent or remedy any violation including, but not limited to, further enforcement action and circuit court proceedings.

## ARTICLE II: DEFINITIONS

### **16-200 RULES OF CONSTRUCTION**

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For the purpose of this ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary:

- A. Words used in the present tense include the future tense;
- B. Words used in the singular number include the plural; and words used in the plural number include the singular;
- C. The word "herein" means this ordinance;
- D. The word "regulation" means the regulations of this ordinance; and
- E. The words "this ordinance" shall mean "the ordinance illustrations, text, tables, maps and schedules included herein, as enacted or subsequently amended."
- F. The term "shall" is always mandatory.
- G. Lists of examples prefaced by "including the following, "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.
- H. The term "building", "structure," "premises" or any similar term, shall be interpreted to include any part of the building, structure, premises or other similar term unless otherwise stated.
- I. The "Township" is Charter Township of Oakland in the County of Oakland, State of Michigan; and "Zoning Board of Appeals", "Township Board" and "Planning Commission" are respectively the Zoning Board of Appeals, Township Board of Trustees, and Planning Commission of Charter Township of Oakland.

### **16-201 DEFINED TERMS**

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For the purpose of this ordinance, the terms set forth in Sections 16-202 through 16-227 shall take the meaning set forth in this Article. Terms not expressly defined shall be given their customary meaning from common parlance.

### **16-202 "A"**

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Access: A way or means of approach to provide vehicular or pedestrian physical entrance to a property or place.

Accessory or 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 lot as the principal use to which it is related. When "accessory" is used

in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants and/or caretakers and garages for private vehicles;
- B. Swimming pools and tennis courts for the use of the occupants of a residence, or their guests in connection with a residential use;
- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure;
- D. A newspaper box primarily for the convenience of the occupants of a non-residential building;
- E. 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;
- F. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;
- G. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the lot is located;
- H. 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;
- I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located;
- J. Accessory signs, subject to the sign regulations for the district in which the lot is located.

**Accessory Building:** A building, as defined herein, which is a supplementary building on the same parcel as the principal building, or part of the principal building, occupied by or devoted exclusively to an accessory use.

**Accessory Dwelling:** A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in the construction and fire codes and only in those zoning districts where the use is listed as a special land use.

**Accessory Structure:** A structure which is clearly subordinate or incidental to a principal building or principal use.

**Adaptive Reuse:** The development of a new use for a building or for a building originally designed for a special or specific purpose. Adaptive reuse may be the redevelopment, including expansion, of a building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses.

**Adult Family Day Care Home:** A state licensed private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24)

hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult family day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult family day care home.

Adult Foster Care Family Home: A state licensed dwelling with the approved capacity to receive one (1) but not more than six (6) adults who are 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. The adult foster care family home licensee must be a member of the household and an occupant of the dwelling.

Adult Foster Care: A governmental or non-governmental establishment 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, and/or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- A. Hospitals for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
- B. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
- C. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
- D. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- E. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

Adult Foster Care Group Center: A state licensed dwelling with the approved capacity to receive more than twelve (12) adults who are 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.

Adult Foster Care Medium Group Home: A state licensed single family dwelling with the approved capacity to receive more than six (6) but not more than twelve (12) adults who are 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.

Adult Foster Care Small Group Home: A state licensed dwelling with the approved capacity to receive one (1) but not more than six (6) adults who are 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.

Adult Group Day Care Home (7-12 clients): A private home in which more than six (6) but not more than twelve (12) adults are given care and supervision for periods of less than

twenty-four (24) hours per day unattended by a parent or legal guardian, except adults related to an adult member of the family by blood, marriage, or adoption. Group day care includes a home that gives care to an unrelated adult for more than four (4) weeks during a calendar year.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; and ornamental products; and unless expressly prohibited, the keeping of livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses. Agriculture does not include forest management and timber harvesting activities.

Alterations: Any change, addition or modification in construction or type of use, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to therein as "altered" or "reconstructed."

Altered: Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or any substantial change in the roof or exterior walls.

Animal: means a nonhuman zoological species, classified for purposes of this chapter as follows:

1. Class I Animal. Domesticated household pets.
2. Class II Animal. An animal which is normally part of the livestock maintained on a farm, including:
  - a. Bovine and like animals, such as cows (large).
  - b. Equine and like animals, such as horses (large).
  - c. Swine and like animals, such as pigs and hogs (large).
  - d. Ovis (ovine) and like animals, such as sheep and goats (small).
  - e. Other animals, similar to those listed in Subsection (2) a-d of this definition, weighing in excess of 75 pounds, and not otherwise specifically classified herein.
3. Class III Animal. Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than 75 pounds not specifically classified herein.

Animal Day Care: A Township approved site with an approved capacity to receive household pets who are provided supervision, personal care and protection for less than eighteen (18) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Animal Grooming: Any property, structure, building, or premise in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary or clinical services.

Apartment: One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit not owned in fee simple and within a building containing one or more other dwelling units.

Apartment, Efficiency: An apartment consisting of not more than one room in addition to a kitchen and necessary sanitary facilities.

Assisted Living for the Elderly: A building or group of buildings intended to be occupied by older persons as defined by the Fair Housing Act. Assisted Living for the Elderly is housing that provides twenty-four (24) hour supervision and is designed and operated for elderly people who require some level of support for daily living. Residents may receive support services for daily living based on individual needs. Such support shall include daily personal care, meals, transportation, security and housekeeping, individual dwellings may contain kitchen facilities. Assisted Living for the Elderly shall not include convalescent centers/homes or homes for the aged regulated by the State.

Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

Automobile Repair Facility, General: An establishment engaged in the general mechanical repair, including overhaul and reconditioning of motor vehicles, engines, transmissions and other motor vehicle parts, but not including collision repair services, such as body, frame, or fender straightening and repair, and overall painting and undercoating.

Automobile Wash: Any building or premises or portions thereof used for washing and/or detailing automobiles.

Awning or Canopy: Any covered structure made of cloth, metal or other material with supporting frames attached to a building which projects beyond the building wall and/or is carried by a frame supported by the building, ground or sidewalk below it.

## **16-203      “B”**

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: A building at which overnight accommodations and a morning meal are provided to transients for compensation, for periods no longer than seven (7) days.

Berm (or earth berm): A landscaped mound of earth which blends with the surrounding terrain.

Boat: A vessel used or capable of being used as a means of transportation on water.

Buffer: A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and/or transition between conflicting types of land uses.

Buffer Area: An area which does not have any structures, which is designed to buffer noise, light, visual and/or other impacts by use of distance or setback greater than otherwise

required, berm, walls, fences, and/or vegetation between incompatible land uses. (See also Vegetation Belt, Greenbelt.)

**Building**: Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, use, process, equipment, goods, or materials of any kind.

**Building Area**: The minimum area of a lot, excluding required setback areas, that is capable of being improved with such items as buildings, structures and lawn area, and does not contain any wetlands, floodplain, or under water.

**Building Department**: The Building Department of the Charter Township of Oakland, Michigan.

**Building Envelope**: The three-dimensional space on a lot within which a structure is permitted to be built, which is defined by maximum building height regulations and minimum yard setbacks under this ordinance.

**Building Footprint**: The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, decks, and steps, and of awnings and nonpermanent canopies.

**Building Height**: The vertical distance measured from the finished grade at the principal entrance to the average height of the highest roof surface. Average height shall be determined using the lowest point of the eave to the highest point of the roof.

**Building Official**: The person(s) designated by the Township Board to administer, implement and enforce the Michigan Residential Code.

**Build-to Zone**: That area between a line a certain distance from the right-of-way line and a line parallel thereto, within which the front of the building shall be built.

## **16-204      “C”**

**Camps or Campgrounds**: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units as defined in Public Act 386 of 1978, as amended.

**Caretaker Residence**: A permanent residence secondary and accessory to an existing dwelling for persons employed principally on-site for purposes of care and protection of persons, property, plants, animals, equipment, or other circumstances on site or on contiguous lots under the same ownership.

**Carport**: A roofed structure providing space for the parking of one or more vehicles and enclosed on not more than three sides.

**Cemetery**: Grounds and facilities including any one (1) or a combination of more than one (1) of the following (as per MCL 456.522): a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

Cemetery, Private: A cemetery as defined above but owned and operated by a party other than Charter Township of Oakland.

Child Foster Family Home: A state licensed dwelling used as a full time foster family home for one (1) but not more than four (4) children who are unrelated to the other occupants thereof.

Church: *see Place of Public Assembly*

Cider Mill: Any building used for the grinding of apples into cider or juice as well as for the storage of apples.

Clinic: A facility for the medical or dental care, diagnosis, or treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental, or minor surgical care attention, but who are not kept on the premises for more than eight (8) hours.

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.

Column: An architectural support of definite proportions, usually cylindrical in shape, with shaft, capital, and sometimes a base. May be free-standing or attached to a wall.

Commercial: Any activity conducted with the desire, intent or reasonable expectation of realizing a profit from the sale of goods or services to others.

Commercial Vehicle: Any motor vehicle for hire, which is used for the transportation of passengers, or any motor vehicle which is constructed or used in the course of a commercial business for the transportation of people, goods, wares, merchandise, equipment or supplies, or which is designed and used for the purpose of transporting other vehicles.

Communication Antennas, Private: A privately-owned apparatus installed out-of-doors which is capable of receiving or transmitting communications for radio and/or television, including satellite dish reception antennas, amateur radio transmitting and receiving antennas but excluding such antennas as commercial radio and television and microwave communication towers. Excluded are such other facilities as have been preempted from Township regulation by applicable State or Federal laws and regulations.

Condominium: A building or group of buildings in which individual portions thereof are designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use as prescribed in Act 59 of the Michigan Acts of 1978, as amended. The following condominium terms shall apply in the application of this Ordinance:

Condominium Act: Means Public Act No. 49 of 1978 (MCL 559.101 et seq.).

Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.

Condominium Lot: The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

Condominium Structure or Building Envelope: The principle building or structure for or constructed upon a lot or condominium unit, together with any attached accessory structures, e.g., in a residential development, the condominium structure or building envelope would refer to the house and any accessory buildings.

Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.

Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Consolidating Master Deed: The final amended master deed for a contractible or expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Contractible Condominium: A condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 7 of the Condominium Act.

Expandable Condominium: A condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

General Common Elements: A portion of the common elements reserved in the master deed for the use of all of the co-owners.

Limited Common Elements: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

Notice of Proposed Action: the notice required by Section 71 of the Condominium Act, to be filed with Oakland Township and other agencies.

Site Condominium: A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

Conference or Convention Center: See *Place of Public Assembly*

Conflicting Non-Residential Land Use: Any non-residential use, such as office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.

Conflicting Residential Land Use: Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic,

and/or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

Convalescent Center: A state licensed medical-care institution providing 24 hour medical services for patients recovering from acute or postoperative conditions.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. The sale of gasoline may or may not be included in the business.

Critical Root Zone: The area within a radius surrounding the tree trunk of one foot per one inch DBH of tree diameter. For example, a 20 inch DBH tree has a critical root zone with a radius of 20 feet. If the drip line of a tree extends beyond the area determined by this formula, the drip line radius shall determine the critical root zone.

## **16-205 “D”**

Damaged Tree: An injured tree that has lost more than 25% of its canopy, is no longer viable, and/or may cause harm. Condition determinations shall be made during the growing season from April through October.

Dark Skies: Night time environment in which excessive light pollution, glare, and light trespass are reduced.

Day Care, Commercial (13+ clients): A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours per day, and where the parents or guardians are not immediately available to the child. The commercial day care includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Commercial day care center or day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- B. A facility operated by a religious organization where children are cared for not more than 3 hours while persons responsible for the children are attending religious services.
- C. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- D. A program this is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age

recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

Day Care Facility (6 clients): A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A day care facility includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Day Care, Group (7-12 clients): A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Dead Tree: A tree with no more than fifteen (15) percent of its canopy with leaves. Condition determinations shall be made during the growing season from April through October.

Deck: An exterior structure or platform supported by pillars or posts, either attached or unattached to a building, that is higher than seven (7) inches above grade at any portion of the structure or platform, and which does not contain walls.

Density: The number of dwellings per unit of land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or building; any mining, excavation, landfills, or land disturbance; and any use or extension of the use of land.

Diameter at Breast Height (dbh): The diameter of a tree trunk, or, in the case of a multi-trunk tree, the total of the diameter of the largest trunk and one half (½) of the diameter of each additional trunk, measured at a height of 4 ½ feet above the ground.

Diseased Tree: A tree with a terminal disease or pest infestation, such as but not limited to, Dutch elm disease, oak wilt, or emerald ash borer. The said disease or pest infestation must be by confirmed a certified arborist or similar qualified professional.

District, Zoning: A part, zone, or geographic area within the Township within which certain zoning or development regulations apply.

Drip Line: An area delineated by projection of the periphery of the crown area of a tree down to the ground surface.

Drip Line radius: A radius equal to the horizontal distance from the trunk of the tree to the end of the longest branch.

Drive-through Business: A principal use or accessory use of an establishment that by design, physical facilities, service, or by packaging procedures encourages and/or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A private roadway providing access to a street.

Driveway, Shared and/or Common: A driveway serving two or more structures or off-street parking areas that are located on individual lots.

Dry Cleaning and/or Laundry Establishment: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents, but which does not include a dry cleaning plant.

Dry Cleaning and/or Laundry Establishment, On-Site: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents and which includes a dry cleaning plant.

Dumpster: An accessory use of a property where trash and/or recyclable material, and/or other type of waste or refuse, is stored temporarily, having a capacity of at least one cubic yard.

Dwelling Unit: One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling, Manufactured: A single-family dwelling which is substantially or completely built, constructed, assembled or finished off the premises upon which it is intended to be located and which meets the National Manufactured Home Construction and Safety Standards Act and associated codes and regulations.

Dwelling, Multiple-Family: A building containing three (3) or more attached dwelling units and is surrounded by open space and/or yards.

Dwelling, Single-Family: A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Two-Family: A building containing two attached (2) dwelling units and is surrounded by open space and/or yards.

## **16-206 "E"**

Easement: An interest in real property granted or conveyed by landowners to other landowners, public utilities, and/or persons, for a specific purpose such as but not limited to utilities, driveways, pipeline, and pedestrian ways.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Educational Facility: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Environmental Assessment: A summary review of environmental impacts of a project, activity or development.

Erect: To build, construct, alter, reconstruct, move upon, or any physical operation on the premises which are required for construction, excavation, fill, drainage, or the like.

Essential Services: The erection, construction, alteration, installation, placement, use, repair or maintenance by public utilities or municipal or other governmental entities or agencies of

underground, surface or overhead gas, electrical, steam, fuel, sewage, drainage or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, towers, antennae, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal or other governmental entities or agencies for the general health, safety or welfare. Essential services shall be exempt from this Ordinance.

Excavation: Any breaking of ground, except common household gardening and ground care.

Exception: Permission to depart from the use or design standards of this ordinance provided an “exception” is not a “variance.”

Exotic Animal: Any species of animal, reptile, or bird that is not indigenous to the environs of Michigan and which is not customarily classified as a farm animal or a pet and which may potentially be dangerous to humans, domestic animals or property if not properly managed.

## **16-207 “F”**

Family: A single individual or individuals, domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature, or for anticipated limited duration of school terms, or other similar determinable period of time.

Farm: A type of land use as defined in the Right to Farm Act, PA 93 of 1981, as amended.

Farm Animals (or Livestock): Animals customarily kept by humans for the purpose of providing food, clothing or work, and which are customarily raised for profit, including but not limited to, equine, bovine, ovine, caprine, porcine, fowl, fish, shell fish and bees. (Also see animal definition)

Fence: An artificially constructed outdoor barrier of any material and/or combination of materials erected to enclose, screen, and/or separate areas.

Financial Institution: Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

Flag: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodplain: That portion of land adjacent to or connected to a water body or water course which is subject to periodic inundation in accordance with the one hundred (100) year flood cycle as determined by the U.S. Army Corps of Engineers or other applicable federal agency.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study that must be preserved in order to discharge the base flood.

Floor Area, Gross: The sum of the gross horizontal areas of one or more floors of a building or structure, but excluding a basement, a garage, a breezeway, a porch or other similar area, from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Usable: The sum of the horizontal areas of one or more floors of the building, measured from the interior faces of the exterior walls; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients and/or customers; and not including those areas which are used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

Footprint: *see Building Footprint*

Funeral Home: *see Mortuary*

## **16-208**      **“G”**

Garage: A structure that is accessory to a residential building (attached or unattached) and that is or can be used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Gas Station: Any building, structure, or area of land used for the retail sale of vehicle fuels, oils, and accessories, where repair service, if any, is incidental. A convenience store may or may not be included with a gas station.

Genotype: Refers to the genetic origin and constitution of wild-type plant stock and its adaptation to a particular locality.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, and fairways and that may include a clubhouse, driving range, pro shop, shelter, and/or related accessory uses.

Grade, Average: The average finished grade elevation along the perimeter of the building.

Grade, Finished: The final elevation of the ground level after development.

Grade, Natural: The elevation of the ground level in its natural state, before construction, development, filling, or excavation.

Grasslands: Areas where the vegetation is dominated by grasses (poaceae) and other herbaceous (non-woody) plants (forbs).

Greenbelt: A landscape area or lawn panel in which live plantings are placed for aesthetic purposes and not for the purpose of screening and which may include an earth berm.

Greenhouse: A building whose roof and/or sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

Groundcover: Low-growing to prostrate shrubs, woody vegetation, wildflowers, and other small herbaceous plants.

Growing Season: Time of active plant growth from April through October in Michigan.

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**16-209      “H”**

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Hazardous Substances: One or more of the following:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. “Hazardous substance” as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.
- C. “Hazardous waste” as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act. MCL 342.45101 *et. seq.*)
- D. “Petroleum” as defined in Article II Chapter 8 Part 213 of P.A. 451 of 1994, as amended, (being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act, MCL 324.45101 *et. seq.*)

Historical Resource: A publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state or a community within this state, or of the United States.

Hobby: An activity, craft or course of study carried on by a person on a regular or repeated basis primarily for pleasure, entertainment or self-enrichment, but not as a business or vocation.

Home Occupation: Any occupation, profession or activity carried out for gain from a residential property that is clearly subordinate and incidental to the residential nature of the property.

Homes for the Aged: supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility that provides room, board, and supervised personal care to twenty-one (21) or more unrelated non-transient individuals 60 years of age or older. Home for the aged includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home MCL 333.20106(3).

Hospital: A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and/or staff offices which are an integral part of the hospital facility.

Hotel: A facility offering transient lodging accommodations to the public with access from interior lobbies and which may provide additional services, such as restaurants, meeting rooms, entertainment, and/or recreational facilities.

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**16-210** "I"

Independent Living for the Elderly: A building or group of buildings intended to be occupied by older persons as defined by the Fair Housing Act. Independent Living for the Elderly is housing that is designed and operated for elderly people in good health, aged 55 years and older, who desire and are capable of maintaining independent households, and do not require assistance to meet daily needs. Such housing may provide certain services such as meals, linkage to health care, transportation, security, housekeeping, and recreational and social activities. Project site shall be designed to accommodate an active and mobile resident population. Individual dwellings are designed to promote independent living and shall contain kitchen facilities. Independent Living for the Elderly shall not include convalescent centers/homes or homes for the aged regulated by the state.

Invasive Plants (Species): Includes all plant species identified as invasive within this ordinance; all plant species regulated by the Michigan Department of Agriculture as prohibited or restricted plant species or noxious weeds under the Natural Resources and Environmental Protection Act (Act 451 of 1994), as amended); and all plant species listed in *A Field Identification Guide to Invasive Plant Species in Michigan's Natural Communities* published by Michigan State University Extension and the Michigan Natural Features Inventory (September 2009, or most recent edition).

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**16-211** "J"

Junk: Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage.

Junkyard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

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**16-212** "K"

Kennel: Any place where four or more domestic animals over three months of age are kept, temporarily or permanently for the purposes of breeding, boarding or sale.

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**16-213** "L"

Land Division: A land division as defined in the Land Division Act of the State of Michigan, being Public Act 288 of 1967, as amended.

Landscaping: Any combination of deciduous and conifer trees, lawn, shrubbery, flowering plants, decorative grasses, ground cover or other vegetation, as well as land forms, walls, fencing, stone, timber or similar structures all intended to improve the aesthetics, security buffering or to otherwise enhance a developed site.

LEED: The LEED (Leadership in Energy and Environmental Design) Green Building Rating System®, being a voluntary, consensus-based national standard for developing high-performance, sustainable buildings.

**Light Pollution:** Any adverse effect of artificial light including sky glow, glare, light trespass, light clutter, decreased visibility at night and energy waste.

**Light Trespass:** Any direct beam of light from an artificial light source which is visible from a property other than that which hosts said source of light.

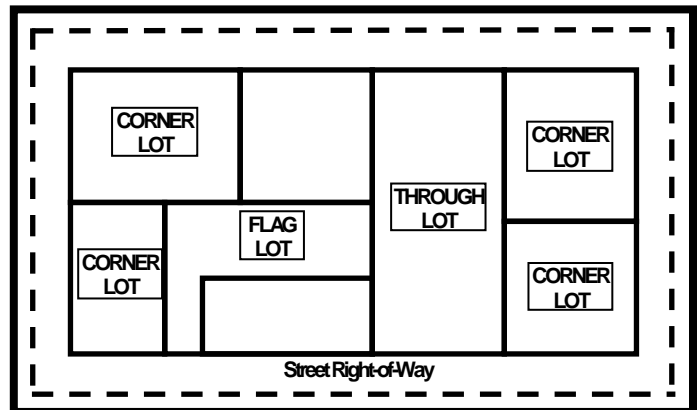
**Livestock:** See “Farm Animals”

**Loading Space:** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot:** A parcel, lot of record, platted subdivision lot, site condominium lot, and a parcel described by metes and bounds 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 uses 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 a lot, excluding any portion of the right-of-way of any public or private street or easement of access.

**Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets 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 street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.



**Lot Coverage:** That part or percentage of the lot occupied by buildings, including accessory buildings.

**Lot Depth:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the rear most point of the lot where there is no rear lot line. For irregularly-shaped lots, lot depth shall be considered to be the distance between the midpoints of straight lines connecting the end points of the side lot lines at the front and the rear.

**Lot, Flag:** Flag lot means a lot, the major portion of which has access to a street by means of a comparatively narrow strip of land.

**Lot Frontage:** The distance between side lot lines at the street right-of-way. If the side lot lines do not intersect the street right-of-way, the lot frontage shall be only that portion of the lot line abutting the street that coincides with the street right-of-way. For an arc-shaped lot line, the lot frontage shall be the tangent or chord dimension toward the interior of the lot.

**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, the front lot line is that line separating the lot from the street. In the case of a through lot, the front lot lines are the lines separating the lot from both abutting streets. In the case of a corner lot, the shorter street line may be considered the front lot line; except where both street lines are equal where the choice may be made at the discretion of the property owner. However, once declared, the designated front lot line shall remain as such. In the case of a waterfront lot, the front lot line is that line abutting the body of water.
- B. Rear Lot Line: That lot line opposite the front 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 street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land shown on a document or map on file with the Oakland County Register of Deeds or in common use by Township or county officials, and which actually exist as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof. A lot of record is not necessarily in compliance with this ordinance (i.e., it may be non-conforming lot).

Lot, Through: A lot that fronts upon two more or less parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

## **16-214      “M”**

Manufactured Home: A dwelling which is transportable in one or more sections, that is built on a permanent 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 therein and is installed by a Michigan Licensed Manufactured Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated hereunder.

Manufactured Housing Community: A use which is a parcel of land under the control of a person upon which three 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 a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Manufacturing, Compounding, or Processing Facility: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

**Manufacturing Facilities:** The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Further, industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. Manufacturing shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.

**Master Deed:** A legal instrument under which title to real estate is conveyed and by which a condominium is created and established.

**Master Plan:** The comprehensive, long-range master plan intended to guide growth and development in Charter Township of Oakland which includes recommendations on future land use, economic development, housing, recreation, transportation, open space, and community facilities.

**Medical Office:** A facility in which medical, health and related providers maintain offices and provide services to patients on an outpatient basis.

**Mezzanine:** An intermediate floor in any story occupying one-third (1/3) or less of the floor area of such story.

**Mini/Self Storage Facility:** A structure or group of structures for the storage of customer's goods and wares where individual stalls or lockers, each having an exterior door, are rented out to different tenants for storage accessible by the owner or tenant on an unlimited basis and where each stall or locker has less than five hundred (500) square feet of floor space.

**Mixed-Use Development:** A development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

**Mortuary or Funeral Home:** A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

**Motel:** An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Multi-tenant Commercial Establishment:** A building housing more than one business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking system.

## **16-215 "N"**

**Native Plants:** A native plant is one that is indigenous to a specified area. For the purposes of this ordinance, nativity refers to being indigenous to Michigan. These plants can be trees, flowers, grasses, or any other plant. Refer to the *Floristic Quality Assessment with Wetland Categories and Examples of Computer Applications for the State of Michigan, Appendix C, Michigan Plants Database (Revised, 2<sup>nd</sup> Edition, October 2001, or most recent version)* by

the Michigan Department of Natural Resources, Wildlife Division, Natural Heritage to determine if individual plant species are native or adventive to Michigan.

Natural Feature: A natural feature shall mean a wetland, as defined in the Township Wetlands Ordinance, as amended and shall mean a water -course, including a lake, pond, river or stream, and which may also include a creek which may or may not be serving as a drain as defined by Act 40 of the Public Acts of 1956, as amended, or any other body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or other zoning regulations.

Nonconforming Structure or Building: A structure, building or portion thereof lawfully existing before the effective date of this ordinance, or the effective date of amendments hereto, which thereafter does not conform to the provisions in the district in which it is located relative to building height, bulk, area or setbacks.

Nonconforming Use: A use, which lawfully occupied a building or land before the effective date of this ordinance, or the effective date of amendments thereafter, which does not contain a use of land permitted in the district in which it is located.

Nursery: Premises, including land and structures, or combination thereof, for the storage of live trees, shrubs or plants and products used for gardening or landscaping offered for retail sale on the premises. The definition of nursery does not include any space, building or structure used for the sale of fruit, vegetables or Christmas trees.

Nursing Home/Assisted Living Facility: *see Adult Foster Care*, A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, licensed in accord with Article 17 of Act 368 of 1978, as amended.

## **16-216      “O”**

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide entrance and exit for the parking of more than three (3) vehicles.

Oil and Gas Structure: Any process facility or equipment, any building, machinery, equipment and/or other structure used for or in connection with the production, processing, or transmitting (but not off-premise vehicle transport) of natural gas, oil or allied products or substances, which includes but is not limited to any pipeline, flowline, sweetening plants, separators, central processing facilities, compression facilities, CO<sub>2</sub> removal facilities, bulk storage plants, H<sub>2</sub>S removal facilities, dehydration facilities, compressor stations, pigging stations, metering facilities or any other facility, mud pits or brine disposal pits related to

exploring, drilling, production or operating an oil and gas well. Processing or related oil and gas facility may also be referred to as any type of on-site or off-site “separating facilities” or “sweetening facilities”. However, “oil and gas structure” does not include the exploration, drilling, completion, operation, or abandonment of any oil and gas well exempted by the Zoning Enabling Act, or any such facility which is under the exclusive jurisdiction of the Supervisor of Wells. For the purposes of this Ordinance, an oil and gas structure is not considered an “essential service”.

Open Air Business: A business including the sales and/or display of retail merchandise or services outside of a permanent structure.

Open Space, Common: An area within a development designed and intended for the use or enjoyment of all residents or occupants of the development or for the use and enjoyment of the public in general.

Ordinance: The Zoning Ordinance of Charter Township of Oakland as adopted.

Ordinary High Water Mark: The line between upland and bottomland that 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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

## **16-217 “P”**

Parapet: That portion of a wall that extends above the roof line.

Parcel: A continuous area or acreage of land in common ownership.

Park, Public: A parcel of land, designated, maintained and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government.

Parking Space: An area of definite length and width intended and/or used for the parking of permitted vehicles, such area shall be exclusive of drives, aisles or entrances giving access thereto.

Parking Space, Off-street: A parking space located on premises other than on a street.

Parkway: A lawn panel customarily located between the curb line, or pavement edge of a street or road, and the street or road right-of-way line.

Patio: A level, landscaped, and/or surfaced area directly adjacent to a principal building at or within seven (7) inches of the finished grade and not covered by a permanent roof.

Permitted Use: Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Personal Service Business: An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel.

Pet: Any animal that has been bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Place of Public Assembly: Buildings, structures and grounds, including theaters, churches, synagogues, mosques, temples, and other places of religious worship, auditoriums, sports arenas, assembly halls, halls for civic clubs and organizations, conference and convention centers, concert halls, lecture halls, community centers and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

Plant Material: A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and/or ground cover.

Pond, Detention: A pond designed to temporarily detain storm water runoff for a short period of time, gradually releasing it to the natural watercourse immediately after the peak volume of storm water has dissipated.

Pond, Retention: A pond designed and intended to hold water for a considerable length of time for aesthetic or consumptive purposes as well as for the collection and holding of storm water runoff, the volume of which may never be totally discharged to a natural watercourse.

Porch: A patio or deck that is either fully or partially enclosed with screening, glazing or other means of enclosure, whether or not it is heated or cooled by mechanical means.

Portico: A porch or covered walk consisting of a roof supported by columns.

Power Generating Facility: A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale to wholesale and retail customers connected to electrical transmission grid. Such facilities may include coal, diesel, fuel oil, nuclear, natural gas combustion as well as solid waste incinerators.

Principal Building: A building in which is conducted the principal use of the lot on which it is located.

Principal Use: The main use to which the premises are devoted and the principal purpose for which the premises exist.

Professional Service Establishment: An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, accounting, and other similar services.

Public and Quasi-Public Uses: Any publicly owned parks, playgrounds, cemetery, trails, paths, and other recreational areas and open space, scenic and historic sites, and other buildings and structures, and other places where the public is directly or indirectly invited to visit or permitted to congregate excluding Township buildings and uses subject to the Zoning Enabling Act, Act 110 of 2006, as amended.

Public Service Building: A building belonging to or used by the public for the transaction of public or quasi-public business excluding Township buildings and uses subject to the Zoning Enabling Act, Act 110 of 2006, as amended.

Public Utilities: Any facility, including but not limited to buildings, property, and roads, which are leased or otherwise operated or funded by a governmental body or public entity.

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**16-218 “Q”**

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**16-219 “R”**

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Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Facility, Indoor: A permanent building containing facilities for recreational activities, such as tennis, bowling, billiards, platform games, swimming, exercise rooms, handball and similar activities.

Recreational Vehicle: A vehicle designed or constructed for the transportation of people, primarily for recreational purposes including, but not limited to off-road vehicles, boats and utility trailers and such other vehicles which may permit occupancy thereof as a dwelling or sleeping place such as motor homes, campers, camper trailers.

Research and Development Facility/Establishment: An establishment for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development, but which does not involve the mass manufacture, fabrication, processing, or sale of products or services.

Residential Above Retail: A mixture of land uses in which one or more dwelling units are located on floors or stories above retail businesses.

Restaurant. A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard sit-down restaurant, or bar/lounge, or combination thereof, as defined below.

- A. Restaurant, Carry-Out. A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off of the premises.
- B. Restaurant, Drive-In or Drive-Through. Drive-in or drive-through restaurants shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site outside the main building or off the premises.
- C. Restaurant, Fast-Food. A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- D. Restaurant, Sit Down. A sit-down restaurant is a restaurant whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or the prepared

food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

Retail Sales: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riding Academy: An establishment where horses are boarded and cared for, and may be hired for instruction in riding, jumping, and/or showing.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, statute, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and/or other similar uses.

Right to Farm Act: A State law, PA 93 of 1981 as amended, designed to protect farmers from nuisance lawsuits.

Roadside Stand: A structure erected for the display and sale of agricultural products primarily produced on the premises and may sell up to five products not of an agricultural nature.

Roof: The cover of any building, including the eaves and similar projections.

Roof Pitch: The amount of slope of the roofline in terms of angle or other numerical measure; for example one unit of vertical rise for three units of horizontal shelter is expressed as "1:3" or "one on three."

Rubbish: Waste, rejected material, trash or debris.

## **16-220 "S"**

Safety Path: An asphalt, concrete or boardwalk path between 8 and 10 feet wide open to the public and is intended for joint pedestrian and bicycle use.

Satellite Dish: See Dish Antenna.

Screen: To conceal from view; or a structure or landscape materials providing enclosure and a visual barrier between the area enclosed and adjacent properties and rights-of-way.

Screening: A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

Service Drive: A minor public or private street or driveway which may be parallel to and adjacent to a major street, and which provides access to abutting properties and restricts access to the major street.

Service or Retail Establishment Accessory to a Principal Use: An establishment whose primary activity is the provision of assistance or products, to individuals, business, industry, government, and other enterprises, and which is located interior to or inside an office building or other principal use.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this ordinance.

Showroom: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising a business, product or service.

Sidewalk: A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway, less than 8 feet in width.

Sidewalk Café: An area adjacent to and directly in front of a street-level sit-down restaurant or a fast food sit-down restaurant located within the sidewalk area or pedestrian plaza area of the street right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following sign types:

- A. Sign, Animated or Moving: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, including electronic message boards.
- C. Sign, Awning or Canopy: A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by this ordinance.
- D. Sign, Construction: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- E. Sign, Directional: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”
- F. Sign, Election: A temporary sign relating to an election to be voted upon by the general public.
- E. Sign, Ground: Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.
- F. Sign, Identification: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.
- G. Sign, Pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.
- H. Sign, Portable: A sign that is not permanent, affixed to a building, structure, or the ground.
- I. Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.
- J. Sign, Real Estate: See Sign, Yard.

- K. Sign, Roof: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- L. Sign, Suspended: A sign hanging down from a marquee, awning, or porch that would exist without the sign.
- M. Sign, Temporary: The display surface of which is primarily constructed of cloth, canvas, fabric, paper board, or other light material intended or suitable for only a temporary period of display.
- N. Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
- O. Sign, Window: A sign permanently or temporarily painted, placed or affixed on, or to, a glass window or other transparent surface so as to be visible through the surface to which it is attached, from outside the premises.
- P. Sign, Yard: A temporary sign of relatively impermanent construction manually placed in a yard for purposes of identifying or advertising an infrequent event, such as but not limited to, a garage sale, yard sale, or estate sale; or the sale or rental of property.

Sign Area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

Slope, steep: A grade of 25 percent or more over a distance of 50 feet or more.

Social Service Center: A facility operated by an organization which provides services such as training, counseling, health education, or the distribution of food or clothing. This term includes but is not limited to a facility offering life skills training, substance abuse counseling, housing services, or a neighborhood recovery center. This term does not include an emergency residential shelter.

Stable, commercial: A building where horses and ponies are sheltered, fed, or kept for hire.

Stable, Private: A building in which horses and/or other livestock are sheltered and is not intended for commercial use or profit; may be accessory to a residential or other use or a freestanding principal use.

Storage, Outdoor: The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junk yards.

Story: That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above. A basement shall not be counted as a story.

Street: A dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street, Local: A street of limited continuity used primarily for access to abutting residential properties.

Street, Major: A street which is intended to serve as a large volume traffic-way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, roadway, parkway, freeway, expressway or equivalent term in the Charter Township of Oakland Master Plan.

Street, Private: A street which is part of a recorded subdivision and shown as a private street or road on the plat, or a road which is not public which services more than one dwelling and business. Private Street shall not include driveways to a dwelling or business or accessory buildings thereto when the driveway is located on the same parcel of land as the serviced structure; a Township street as shown on maps certifying the same to the Michigan Department of Transportation; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.

Street, Public: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Swimming Pool, Private: Any artificially constructed non-portable structure, erected in connection with or appurtenant to one or more private residences, either above or below or partly above or partly below grade, located either in part or wholly outside of a permanently enclosed and roofed building, which is designed to hold water to a depth any place in said structure greater than twenty-four (24) inches when filled to capacity, and intended to be used for recreational purposes.

## **16-221 "T"**

Telecommunications: Any origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, radio, television, optical, or other means.

Telecommunications Antennae: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure.

Temporary Structures: A structure that lacks a permanent foundation and is affixed to the earth and/or an existing structure with non-permanent fasteners.

Test Plan: A site plan used to illustrate a base density or the number of dwelling units which are feasible on a particular site under standard zoning restrictions and applicable Township regulations.

Theater: A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.

Toxic Substances: Those poisonous substances which, by physical contact, ingestion or inhalation, could cause damage to humans, animals or aquatic life. A current listing of substances included under this heading can be found on the Toxic Substance Listing, as maintained by the U.S. Environmental Protection Agency, and listed on the Critical Materials Register, as created pursuant to the Michigan Water Resources Act, P.A. 245 of 1929, as amended.

Trailer, Recreational: A vehicle which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in the Public Act 300 of 1949, as amended, being the Michigan Motor Vehicle Code, MCL 257.1, and including camping units, tents, or any other temporary dwellings.

Trails: A public way that is designed for and used by equestrians, pedestrians, and/or cyclists using non-motorized bicycles and generally runs cross-country through property.

Trellises and Arbors: Frames of latticework used as screens or as supports for climbing plants; or shelters of vines or branches or of latticework covered or intended to be covered with climbing plants.

## **16-222 “U”**

Upland: Upland is any area not located within a wetland or water course.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

## **16-223 “V”**

Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in section 2 of the Mobile Home Commission Act, Act 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

Veterinary Clinic. An enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to clinic or hospital use. Such clinics include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal clinics shall be constructed in such a manner that noise and odor are not discernible beyond the property upon which it is located. A place where animals or pets are given medical or surgical treatment with kennel use limited to short-time boarding which is incidental to the medical use, and only within the walls of the structure.

Veterinary Hospital: A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use, which may or may not include boarding or kennel facilities.

View shed: An area needed to retain Township character and aesthetics by virtue of location in relation to views, including; natural landscapes, topography, tree canopies, farm views, and historic sites.

## **16-224 “W”**

Wall, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

Warehouse: A building used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by and for the owner or operator of the facility, or as a commercial service on behalf of the owner of such items.

Waterfront Lot: A lot that has frontage on a water body.

Wetland: A wetland means both a State regulated wetland and any swamp, bog or fen of at least one half acre in area and any other land that is regularly inundated by water and is of at least one-half acre in area.

Wholesale Facility: An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy Conversion Systems: A wind energy conversion system shall mean a mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft that has all of the following components:

- A. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- B. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
- C. A generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- D. A tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Wireless Communication Facilities: The following four definitions, related primarily to Section 16-416, shall apply in the interpretation of this ordinance.

- A. Wireless Communications Facilities shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes, and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

- B. Attached Wireless Communications Facilities shall mean Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- C. Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
- D. Co-location shall mean the location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

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**16-225      “X”**


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**16-226      “Y”**


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Yard: The open spaces on the same lot with a principal building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance.

- A. Yard, Front: An open space extending the full width of a lot across the front of a lot adjoining a public street or a private street approved by the Township Board.

The depth of a front yard shall be the minimum horizontal distance between the front lot line and the nearest line of the principal building. The front and rear lines of front yards shall be parallel.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Administrative Official may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

Every corner lot in a residential district shall have minimum setbacks from both streets equal to the minimum required front setback of the district in which it is located; provided, however, that this does not reduce the buildable width of any lot of record to less than twenty-five (25) feet. On corner lots where a rear lot line abuts a side lot line on the adjoining lot, accessory buildings on the corner lot shall have a rear yard setback from the rear lot line a distance equal to the smaller of the side yard setbacks required for the district.

- B. Yard, Rear: An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line of the principal building.

C: Yard, Side: An open space between the principal building and the side lot line, extending from the front yard to the rear yard. In the case of through lots, side yards shall extend from the rear lines of front yards. Width of a required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

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**16-227      “Z”**

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Zoning Administrator: The Charter Township of Oakland Zoning Administrator as established in Section 16-109 of this ordinance.

Zoning Ordinance: The Zoning Ordinance of Charter Township of Oakland as adopted.

## **ARTICLE III: GENERAL REGULATIONS**

### **16-300      APPLICABILITY AND SCOPE**

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It is the intent of this ordinance to specifically prohibit uses which are not listed in this ordinance as permitted uses or special land uses. Subject to the provisions of Section 16-108, uses that are being conducted upon land within the respective districts set forth in Article IV of this ordinance that are not listed as permitted uses or special approval uses within the district in which the land is located shall be deemed in violation of this ordinance. Uses that are contrary to or in violation of local, state, or federal law, ordinances, or other regulations are prohibited. The use of all land and structures and the construction, reconstruction, alteration, repair and moving of all structures within Charter Township of Oakland shall conform to all applicable provisions of this ordinance unless a nonconforming situation is a matter of record on the effective date of this ordinance. The regulations set forth in this Article shall apply in all zoning districts to all permitted uses and special uses, unless otherwise specifically indicated. This Article provides detail on how the standards of this ordinance shall be applied.

### **16-301      USES, SPATIAL AND PHYSICAL REQUIREMENTS**

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- A. Each lot in the Township shall be limited to not more than one (1) principal use; provided that multiple-tenant or multiple-occupant commercial, industrial or mixed-use developments may be regarded as single uses if approved pursuant to the standards of this ordinance.
- B. The continuing maintenance of required spatial relationships and physical requirements of this ordinance for a use, structure, building, and/or lot shall be the obligation of the owner of the use, structure, building and parcel.
- C. No lot shall be split, divided or created which does not meet the spatial requirements of this ordinance, except as may be permitted specifically elsewhere in this ordinance. No building, structure or use shall be constructed, expanded, renovated or established except in conformance with this ordinance and all other applicable ordinances of Charter Township of Oakland.
- D. Required spatial relationships and physical requirements of this ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and lots, except that the following may be located no closer than 3-feet to any lot line:
  1. Those parts of a building which are unroofed porches and decks, including steps, which do not exceed seventy (70) square feet in area, handicapped ramps, terraces, patios and awnings and nonpermanent canopies. All roofed porches and decks and those unroofed porches and decks, including steps, which are larger than seventy (70) square feet, will be considered part of the structure and the building footprint and will be governed by the yard requirements of the Zoning District in which the parcel is located; provided, however, that on parcels with steep slopes exterior steps may be located within a required yard when the Zoning Administrator finds that such location is necessary for the practical

use of the property. The Natural Feature Setback requirements of Section 16-348 shall be applicable in all situations without exception.

2. Flag poles.
  3. Play equipment.
- E. Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or high water mark toward the center of the lot. For non-platted lots, where the front lot line is the roadway centerline, setbacks shall be measured from the edge of the right-of-way. Building setback lines shall parallel the lot line from which they are measured.

Figure 301a

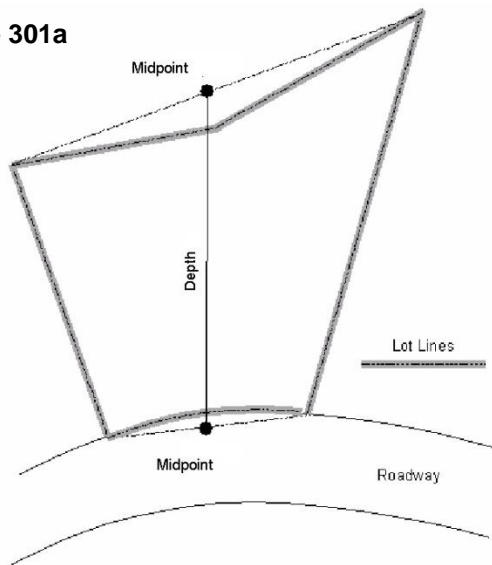
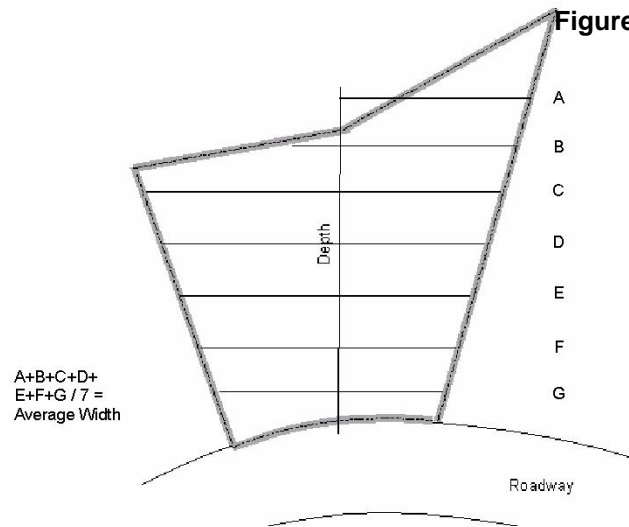


Figure 301b



- F. Lot depth measurements shall be taken from the midpoints of straight lines, one connecting the front property corners and the second connecting the rear property corners. (See Figure 301a) For the purposes of this section, property corners shall be determined by the Zoning Administrator as the points at which the side parcel lines intersect the front and rear lines, regardless of the shape of the property.
- G. Parcel width shall be measured at the front yard setback line; provided, however, that for irregularly shaped parcels, the Zoning Administrator may determine an average parcel width as the average width measured at right angles to its depth, with no fewer than five (5) equally spaced measurements. (See Figure 301b)
- H. Land filling and other contour changes to create a buildable area in preparation of a development shall not be undertaken, except in conformance with the requirements of this ordinance and applicable state and federal requirements. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires approval of a basic or detailed site plan and approval until the proposed use or structure is authorized by a zoning compliance permit per Section 16-109.

## 16-302 ACCESS REQUIRED

Every building shall be on a lot adjacent to and having access to a public street or to an approved private road. All structures shall be so located on lots as to allow required off-street parking, safe and convenient ingress and egress for fire and police protection, and other services.

## 16-303 ACCESSORY BUILDINGS

### A. General Requirements:

1. Accessory buildings shall be supplemental or subordinate to the principal building on a parcel of land, and shall be on the same parcel of land as the principal building, structure, or use they serve.
2. Construction, erection, installation, or placement of accessory buildings or structures shall be in accordance with the requirements of applicable Building Code. Permits shall be required for buildings greater than 50 square feet in size.
3. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.

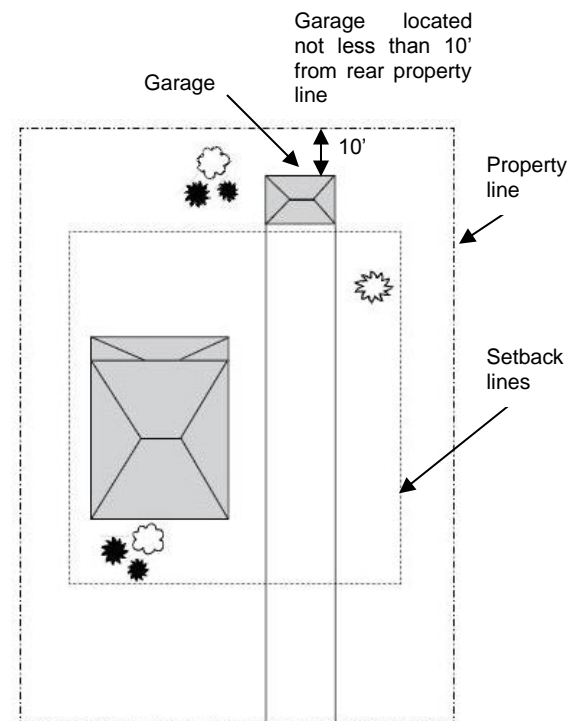
### B. Location of Accessory Building: Single Family Residential Use: A building, including a garage, which is accessory to a single family dwelling and which is not attached thereto shall not be located:

1. In the front yard or between the principal building and the street right-of-way; for parcels less than 10 acres.
2. In the front yard setback for parcels 10 acres or more.
3. Closer to a side lot line than is allowed for a principal building;
4. Closer than ten (10) feet to the rear lot line;
5. Closer than ten (10) feet to a principal building;

### C. Location: Other Uses:

1. The location of an accessory building which is accessory to a principal building or use, other than a single family residential building or use, shall be determined by a site plan reviewed and approved by the Township in accordance with the provisions of this ordinance.
2. Other accessory structures shall utilize the locational and dimensional requirements set forth in Article IV per the applicable zoning district.

### D. Accessory Building Height: The maximum building height of an accessory building, other than a stable, in a single family residential district shall be fifteen (15) feet. The maximum height of a stable shall be not more than



fifteen (15) feet. Maximum building height for accessory buildings may be greater provided the following is met:

1. For every additional one (1) foot of accessory building height, the rear and side yard setback must be increased ten (10) feet.
2. In no instance shall the building height exceed twenty-four (24) feet except as otherwise provided.

For a non-single family use the maximum building height of an accessory building shall not exceed twenty-four (24) feet.

- E. Lot Coverage: In all zoning districts, the total lot coverage by accessory and principal building shall not exceed the lot coverage standards of the zoning district. See Table 16-402.02 for allowable lot coverage. F. Accessory Building Prohibited: No accessory building shall be constructed on a lot where a principal building does not exist.
- F. In the VLRD, LRD, LMRD, MRD and RM districts, the parking of not more than two (2) commercial vehicles is permitted only within an enclosed building.

## **16-304      ACCESSORY USES**

- A. Accessory uses may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. Uses may be considered accessory to the principal use regardless of whether the accessory use is separately identified in this ordinance as a permitted or special use.
- B. Interpretation of Accessory Uses: For purposes of interpreting accessory uses:
1. When an activity or use is conducted in conjunction with principal use and the former use; (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use.
  2. A use may be regarded as incidental or insubstantial if the viability of the principal use is not dependent in any significant way on the accessory use.
  3. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
  4. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the principal use on the property.
  5. By way of example, and not to limit the application of this section, common accessory uses may include swimming pools or tennis courts associated with and integrally related to a residential subdivision or multi-family development, and an automated car wash associated with a gasoline station.

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**16-305      RESERVED**

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**16-306      ANIMALS**

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- A. Purpose: The purpose of this section is to promote the public health, safety, comfort, and general welfare of the community through proper control of animals by their owners and others. See Section 16-202 for animal class definitions.
- B. Class I animals may be maintained in any zoning classification district, subject to specific restrictions herein.
- C. Where farm animals are maintained coincident with a farm or farm operation, then and in such event, such farm animals and/or any associated livestock production facility shall be exempt from the regulations therein where a livestock production facility and/or any associated manure storage facilities are regulated, operated, managed, and conducted in accordance with a GAAMP as adopted and published by the State Department of Agriculture, or its successor, and as amended from time to time. Where a farm or farm operation proposes new and/or expanding livestock production facilities at a capacity of fewer than 50 animal units, such farm or farm operation and/or livestock production facility shall request and received siting verification from the State Department of Agriculture.
- D. Where class II and class III animals are not maintained coincident with a farm or farm operation, then the following regulations shall apply:
1. Class II animals may be maintained in the VLRD, LRD, LMRD, MRD, and RC Districts, subject to the following conditions:
    - a. The minimum lot area required to maintain class II animals (large) is two acres. One class II animal shall be permitted for the first two acres. Thereafter, one additional class II animal shall be permitted for each full one acre in excess of two acres.
    - b. The minimum lot area required to maintain class II animals (small) is two acres. Four (4) goats and/or sheep shall be permitted for the first two acres. Thereafter, two (2) goats and/or sheep shall be permitted for each full one acre in excess of two acres.
    - c. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter.
    - d. Structures housing class II animals shall be located no nearer than 200 feet to any dwelling which exists on an adjacent lot and no nearer than 100 feet to any adjacent lot line. Fenced areas shall be located no nearer than 50 feet from any dwelling which exists on an adjacent lot.

- e. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
  - f. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice, or other vermin.
2. Class III animals may be maintained in the VLRD, LRD, LMRD, MRD, and RC Districts, subject to the following conditions:
- a. The minimum lot area required to maintain class III animals shall be 1.75 acres. Ten class III animals shall be permitted for the first 1.75 acres. Thereafter, one additional class III animal shall be permitted for each full one-quarter acre in excess of 1.75 acres.
  - b. There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this chapter. Fenced areas shall be located no nearer than 50 feet from any dwelling which exist on an adjacent lot.
  - c. Structures housing class III animals shall be located no nearer than 100 feet to any dwelling which exists on an adjacent lot and no nearer than 50 feet to any adjacent lot line.
  - d. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
  - e. All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice or other vermin.
- E. Wild animals shall not be permitted to be maintained in the township, temporarily or permanently. For purposes of this section, the term "wild animal" shall mean an animal not otherwise defined as a class I, II, or III animal, and which is not customarily domesticated and customarily devoted to the service of mankind in the township. The term "wild animal" also means any animal which a person is

prohibited from possessing by law. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

- F. Nuisance: The keeping of animals shall not be permitted to constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by an abutting property owner with the Township stating animals allowed under the provisions listed above constitute a nuisance, the Township Zoning Administrator shall determine whether the animals constitute a nuisance. If the nuisance claim is found to be for a farm operation protected under the Right to Farm Act, the Zoning Administrator shall file the complaint with the State Department of Agriculture to determine if such nuisance is present and appropriate action taken.

### **16-307 BUILDING HEIGHT**

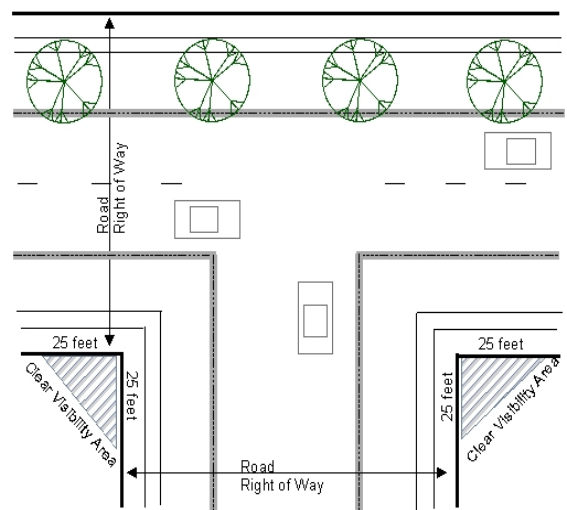
- A. The vertical distance measured from the finished grade at the principal entrance to the average height of the highest roof surface. Average height shall be determined using the lowest point of the eave to the highest point of the roof.
- B. The building height requirements of all zoning districts may be exceeded by accessory appurtenances not over five (5) feet in height including parapets, chimneys, roof mounted television antennas, roof mounted HVAC units, elevator housing units, cupolas, spires or other ornamental projections.

An amateur Radio Service station antenna structure may exceed the maximum building height in the district in which it is located by fifteen (15) feet. Additional height may be permitted by the Zoning Administrator if the applicant can demonstrate that the height is necessary to accommodate Amateur Radio communications in accordance with Public Act 110 of 2006.

### **16-308 CLEAR VISION CORNERS**

- A. No fence, wall, landscaping, shrubbery, sign, structure or other obstruction to vision above a height of three (3) feet from the average grade at the centerline of the adjacent road shall be permitted within the triangular area formed at the intersection of the road right-of-way lines 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; (see figure 303).
- B. Wherever a lot line intersects a public right-of-way, private easement for a right-of-way, driveway or alley, no obscuring wall of any kind shall be permitted and no shrubbery, sign, or other obstruction to vision above a height of three (3) feet from the established grade at the

**Figure 303**



centerline of the adjacent road shall be permitted within the triangular area formed at the intersection of a lot line and right-of-way line, a distance along each line of fifteen (15) feet from their point of intersection.

- C. Entry structures, including but not limited to, walls, columns, and gates, marking entrances are permitted and may be located in a required yard; provided that the structure achieves the requirements of this Section; and provided further that such entry structures shall comply with all codes of the Township and shall be approved by the Zoning Administrator and a zoning compliance permit issued.

### **16-309 CARETAKER RESIDENCE**

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A caretaker residence is permitted in the VLRD, LRD, LMRD, MRD MHRD or RC zoning district when accessory to a principal dwelling provided the Zoning Administrator establishes the following prior to issuing a zoning compliance permit as required in Section 16-109.

- A. The caretaker residence shall be part of the principal dwelling and shall not be part of a detached accessory building.
- B. The caretaker residence shall have direct access to the principal dwelling and may have a secondary entrance to the exterior of the principal dwelling.
- C. The owner of the property shall record a deed restriction on the property approved by the Township Attorney in terms of form and content which covers at a minimum the following items:
  - 1. The caretaker residence shall only be used as defined in this ordinance.
  - 2. The caretaker residence shall not be rented, leased, sold, subdivided, condominium or in any way converted into a separate dwelling or issued a separate tax parcel number.
  - 3. Items A and B above shall be included in the deed restriction.
  - 4. Other matters as deemed appropriate by the Township Attorney given the specific situation or circumstances of the property and situation.

### **16-310 COMMON OPEN SPACE**

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Where open space is provided in connection with any use or development under this ordinance, the following shall apply to common open space areas:

- A. Common open space shall be a minimum of 50 feet in all horizontal dimensions.
- B. Required setbacks shall not be considered as common open space.
- C. The area of road rights-of-way or access easements shall not be considered common open space.
- D. Storm water detention ponds designed to appear and function similar to natural wetlands or ponds may be considered as open space, provided at least 50% of the required upland common open space area is in the form of usable park area.

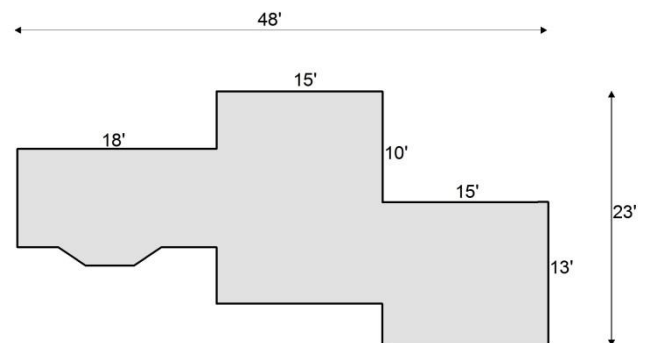
**16-311 CROSS DISTRICT AVERAGING**

When two or more different zoning districts are involved within the boundaries of one lot or multiple lots under single ownership which is under consideration for development of a single-family residential use pursuant to Act 288 of 1967, as amended, known as Land Division Act of 1967, or Act 59 of 1978, as amended, known as the Condominium Act, the Township Board upon recommendation of the Planning Commission, upon application from the proprietor may grant a variation from the minimum requirements of the several zoning districts so involved, so as to provide cross-district lot size and density averaging within the boundaries for such lot or lots, provided, in the determination of the Township Board:

- A. The cross-district averaging results in the relocation of lot lines to minimize disturbing the existing topography, vegetation, and other natural features;
- B. The total number of lots in any such development shall not exceed the sum of the total number of such lots that would be permitted in each separate zoning district which comprise the whole of the parcel of land involved as determined by preparation of a test plan pursuant to Section 16-343; and
- C. That no individual lot in any such development comprising the whole of such lot or lots shall have an area or width which shall be less than the minimum required for the zoning district having the highest density of the several zoning districts involved.

**16-312 DWELLINGS STANDARDS**

- A. A dwelling located within the basement of a building, structure or dwelling is prohibited.
- B. All manufactured housing units shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards as amended, regulations established by the Manufactured Housing Commission created under Act 96 of 1987 also known as the Mobile Home Commission Act, and all other applicable state laws and regulations.
- C. The minimum exterior dimensions of a single family dwelling measured along one wall face, including the sum of all wall segments with essentially the same general orientation (as illustrated at right) shall be twenty three (23) feet.
- D. All additions to dwellings shall meet all the requirements of this ordinance.
- E. Minimum gross floor area for dwellings shall be as follows:



District	VLRD	LRD	LMRD	MRD	MHRD	RC	RM
Total Dwelling	1200	1200	1200	1200	1200	1200	760 + 100 for each bedroom over 1 <sup>st</sup> bedroom
Ground Floor Area	850	850	850	850	850	850	--

- F. All dwellings shall be at least one story in height.
- G. Dwellings other than manufactured homes shall be firmly and permanently attached to a solid continuous foundation under the exterior sidewalls. The foundation shall be constructed in accordance with the Michigan Residential Code.
- H. Manufactured homes within the MHRD district shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission as permitted by Act 96 of 1987 also known as the Mobile Home Commission Act. Wheels, towing apparatus, exposed chassis, axles, and suspension system shall be removed prior to occupancy.
- I. Roof pitch of dwellings shall be aesthetically comparable and compatible with the surrounding dwellings.
- J. If the dwelling is a manufactured home, it shall contain a storage capability area in a basement located under the manufactured home, in an attic area, in closet areas, or in a separate structure, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling.
- K. Standards in this Section 16-312 C-J shall not apply to a manufactured home located in a licensed manufactured home park approved under the provisions of Section 16-409 herein.

**16-313 RESERVED**

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**16-314 EASEMENTS**

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When a plan for the use of land is submitted to the Township for approval, such plan shall indicate dedicated or proposed easements for utilities and road rights-of-way, trails, safety paths, footpaths, bikeways, or bridle paths which exist or are proposed on said land. As a condition of final approval of such plan by the Township Board, Planning Commission, or Zoning Board of Appeals, the interest in the easements for utilities, road rights-of-way, trails, safety paths, footpaths, bikeways or bridle paths shall be conveyed to the Township or other public agency.

**16-315 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT**

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In a VLRD District and/or a RC District, a farm of more than ten (10) acres may contain a tenant dwelling on the same recorded lot as the principal dwelling.

**16-316 RESERVED**

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**16-317 ESSENTIAL SERVICES/PUBLIC AND QUASI-PUBLIC USES/UTILITY AND PUBLIC SERVICE BUILDINGS**

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Essential services, public and quasi-public uses, and utility and public service buildings as defined herein may be placed in any zoning district; provided, that the Zoning Administrator finds that there will be no adverse effect upon surrounding adjacent property. Significant structures associated with essential services, such as but not limited to electrical or telephone transmitters, water or sewer control panels, or water and sewer control buildings, and proposed within a residential district shall be reviewed to the extent provided in the Zoning Enabling Act, Act 110 of 2006, as amended.

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**16-318 RESERVED**

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**16-319 RESERVED**

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**16-320 RESERVED**

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**16-321 GRADING PLANS REQUIRED**

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The Township shall require a grading plan for all principal and accessory building and structures which shall be prepared by a registered engineer or landscape architect and shall be reviewed and approved by the Township Engineer and/or Environmental Consultant prior to issuance of a zoning permit considering standard engineering practices and the natural features identified in the Charter Township of Oakland Natural Features Assessment Map in the Master Plan.

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**16-322 RESERVED**

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**16-323 HOME BASED BUSINESS**

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A. Home Based Business- Within Dwelling Unit.

A home based business may be conducted in a dwelling unit, provided that:

1. Two employees may be permitted on the premises or permitted in the dwelling unit, other than members of the immediate family who legally reside on the premises. The use of employees other than family members require approval of the Zoning Administrator through a Zoning Compliance Permit. A narrative shall be required as part of the Zoning Compliance permit specifying the total number of employees and how the standards of Section 16-323.A will be met.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
5. There shall be no sale of goods on the premises in connection with such home occupation;
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**B. Home Based Business – Within an Accessory Structure**

1. Home-based business within an accessory structure provides an opportunity for individuals to utilize their owner-occupied residential property for their offices and operations related to uses that would not be considered as a home-based business within the dwelling unit.
2. Standards. Home-based businesses within an accessory structure, may be conducted on the premises subject to the following minimum standards:
  - a. A Home-based business within an accessory structure must meet all of the applicable provisions of section 16-323.A, Home-based business within the dwelling unit, together with the following additions:
    - i. A home-based business use within an accessory structure may include up to 1,000 square feet of space in a garage or accessory structure.
    - ii. Two employees may be permitted on the premises or permitted in the accessory structure, other than members of the immediate family who legally reside on the premises. The use of employees other than family members within an accessory structure require approval of the Zoning Administrator through a Zoning Compliance Permit. A narrative shall be required as part of the Zoning Compliance permit specifying the total number of employees and how the standards of Section 16-323.A will be met.
    - iii. A home-based business within an accessory structure use may include up to 200 square feet of outside storage space. Outside storage must be set

back at least 15 feet from neighboring property lines, located in rear yards only, and enclosed with a six-foot high opaque fence. Outside storage cannot be located in easements, drainage swales or intermittent stormwater flow areas.

- b. A Home-based business within an accessory structure use shall not advertise by listing its street address in a telephone directory, yellow pages, on-line advertising, or similar means, or instruct others to visit the site for any business-related services, other than delivery operations commonly occurring in residential areas except in conflict with state law.

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**16-324      RESERVED**

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**16-325      LIGHTING**

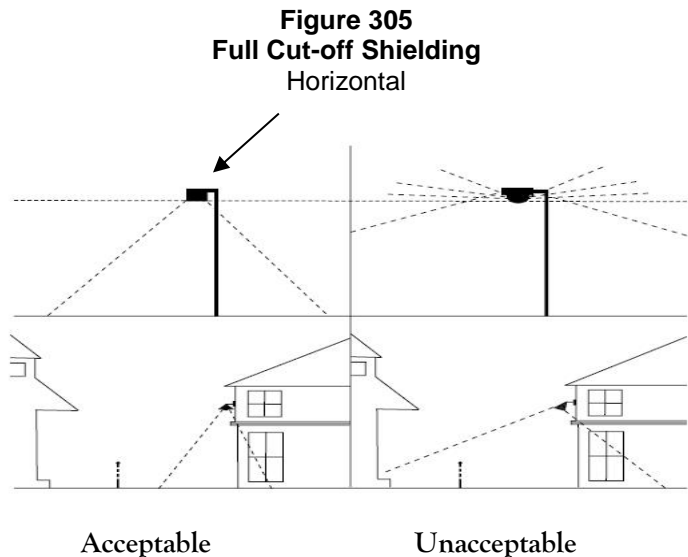
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A. Intent and Purpose: To create and maintain safe nighttime environments for both pedestrians and drivers on public and/or private roadways and rights-of-way, by minimizing brightly lighted surfaces and lighting glare as well as extended areas along sidewalks safety paths and streets. To preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”, promote the concept of dark skies, and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Township Board after recommendation by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this ordinance.

B. General Standards:

1. Exempted areas and types. The following types of outdoor lighting shall not be covered by this section:
  - a. Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as Christmas decorations, and residential yard lights whether building mounted or pole mounted.
  - b. Sign lighting as regulated by Article VII hereof.
  - c. Lighting associated with a single-family dwelling.
2. Regulated Lighting. The following types of lighting shall be regulated by this section:
  - a. Parking lot lighting and site lighting for commercial, industrial, residential and institutional developments.
  - b. Multiple Family developments parking lot lighting and site lighting.
  - c. Privately owned roadway lighting.
  - d. Building facade lighting (including lighting for building and structures).

- e. Other forms of outdoor lighting which, in the judgment of the Township Board after recommendation of the Planning Commission, is similar in character, luminosity and/or glare to the foregoing.
  - f. All forms of neon lighting.
3. Standards: Lighting shall be designed and constructed in such a manner as to:
- a. Insure that direct or directly reflected light is confined to the development site and pedestrian pathways.
  - b. Lamps and luminaries shall be shielded, hooded and/or louvered to prevent glare beyond the property line and beyond any public and/or private right-of-way, and the light source shall not be directly visible from beyond the boundary of the site.
  - c. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one-half (.5) of a foot-candle.
  - d. Lighting fixtures shall be dark sky compliant and have one hundred (100) percent cutoff above the horizontal plane at the lowest part of the point light source by utilizing full cut-off shielding or other design features. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. (See figure 305)
  - e. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
  - f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon, strobe and search lights are not permitted.
  - g. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.



**16-326            LOT DIMENSIONS**

All lots shall maintain a width to depth ratio not to exceed 1:4 unless over 10 acres in area.

**16-327            RESERVED**

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**16-328        RESERVED**

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**16-329        RESERVED**

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**16-330        OPEN SPACE OPTION**

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- A. Intent and Purpose. The intent of this section is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with the Zoning Enabling Act, 110, of 2006, as amended.
- B. Eligibility Requirements. This section shall be applicable to residential properties zoned VLRD, LRD, and LMRD. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning districts in the event a developer or owner of property elects to submit its proposed development under the open space option provided in this section.
- C. Open Space Option. Property meeting the eligibility requirements of this Section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this section.
- D. Density Calculation. The number of lots shall not exceed the number allowed for the zoning district in which the development is located as determined by a test plan in accordance with Section 16-343
- E. Design and Application Requirements. The following design and application requirements shall apply to a proposed open space development under this Section. Such design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed as a subdivision under the Land Division Act, into a preliminary site condominium plan, and otherwise into a site plan in accordance with the requirements of this ordinance.
1. A minimum of 50% of the site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in Section 16-330, F, below, however, in an open space development under this section, an "undeveloped state" shall not include a golf course, driving range, or other use involving development of land.
  2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features, including, but not limited to the following:
    - i. Wetlands, floodplains, and natural watercourses;
    - ii. Woodlands;
    - iii. Scenic views;
    - iv. Historic resources;

- v. Recreational pathways;
  - vi. Buffers from major street rights-of-way and more intense land uses; and
  - vii. Similar features acceptable to the approving body.
3. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
  4. Preserved open space shall be connected with adjacent open space, public land, and existing or planned trails and/or safety paths where possible, as determined by the approving body.
  5. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
  6. Restrictions.
    - i. Nothing in this section shall allow the construction of multi-family, two-family or attached residential units in a single-family residential district.
    - ii. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
    - iii. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
    - iv. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
    - v. Any development proposed utilizing the open space option provided in this section shall comply with all zoning regulations and design standards applicable to the property.

#### F. Open Space Maintenance and Preservation

1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. The conservation easement shall specify ownership, access/use rights, and perpetual maintenance and preservation of the open space, shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the Township attorney prior to acceptance by the approving body.
2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

#### G. Review Process

1. All proposed open space option developments shall be submitted and reviewed in accordance with the procedure applicable under this ordinance to the type of development being proposed (i.e., subdivision, condominium, site condominiums, etc.) and in accordance with the development standards in this section and other applicable ordinances. The "approving body", as referenced in this section, shall mean the body designated in this ordinance as having the authority to grant final plan approval to the proposed development.
2. In addition to all other submittals and information required under this ordinance, all open space option plans submitted to the Township shall include a resource inventory that contains the following:
  - i. All floodplains, wetlands, grasslands, and bodies of water;
  - ii. A woodlands analysis identifying all regulated woodlands;
  - iii. All wildlife habitat areas;
  - iv. An analysis of on-site soils and topography to identify limitations to development; and
  - v. An analysis of the cultural features of the site, including but not limited to, scenic views, historic resources, patterns of original farm fields, fences or stone walls, and recreational uses.
3. In addition to all other review considerations applicable under other sections of this ordinance to the type of development being proposed (i.e., subdivision plat, condominium, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of Sections 16-330, A through F of this section as part of the overall review process applicable to the particular development and the following:

MINIMUM SETBACKS AND LOT WIDTH PER DWELLING UNIT (IN FEET)  
SINGLE-FAMILY RESIDENTIAL OPEN SPACE OPTION

<i>Setbacks/Districts</i>	<i>VLRD</i>	<i>LRD</i>	<i>LMRD</i>
Front and Rear			
Front	40	40	35
Rear	40	40	25
Total Front and Rear	80	80	60
Side			
Least	15	15	10
Total of same lot	40	40	25
Distance between adjacent buildings	40	40	25

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**16-331 OUTDOOR STORAGE AND PARKING OF RECREATIONAL VEHICLES  
AND OTHER MATERIALS IN RESIDENTIAL DISTRICTS**

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- A. Within the VLRD, LRD, LMRD, MRD, MHRD, and RM districts, the outdoor storage or parking of recreational vehicles, boats, and trailers of any kind shall be permitted as an accessory use if such storage conforms to the provisions of this section and all otherwise applicable ordinances and laws. The storage or parking of trucks of more than one and one-half (1½) tons capacity, trailers, recreational vehicles and boats on the street or in any front yard is prohibited, except for the following circumstances and periods of time: (1) The sale of used recreational equipment as defined and permitted under this Ordinance, as amended; and (2) the parking of recreational vehicles, campers, motor homes, and similar types of temporary living quarters on the street or in a driveway within a front yard for a period of no more than forty-eight (48) hours for the loading and unloading of the unit is permitted, provided that each occurrence of such parking shall be separated by at least four (4) days. Such outdoor storage shall be permitted within the rear yard or in one (1) side yard, provided: (1) All stored material is placed no closer than three (3) feet from a side lot line or five (5) feet from a rear lot line; (2) Such storage does not prevent clear access between the front and rear yards of the lot for a person on foot; (3) All stored material is owned by a person residing in a home on such property; and (4) No recreational vehicle, trailer, camper or boat and trailer shall be parked or stored on any roadway or road right-of-way, except as provided in subsection B below.
- B. The open storage of disassembled or component parts for any vehicle of any type shall be deemed a nuisance and shall be prohibited at all times.
- C. No person shall use or permit the use of recreational vehicles, campers, motor homes, or any temporary living quarters as a principal or seasonal dwelling on any site, lot, field, parcel or tract of land, except as part of a campground licensed by the Michigan Department of Public Health and/or County Department of Public Health.

**16-332 OUTDOOR STORAGE AND PARKING OF RECREATIONAL VEHICLES  
AND OTHER MATERIALS IN NON-RESIDENTIAL DISTRICTS**

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Where permitted in non-residential districts, yards for storage of heavy machinery, supplies and materials generally used by road builders, earth movers, and construction contractors, or unused motor vehicles, trailers or boats, or parts thereof, and raw materials or scraps which may or may not be wholly owned by the property owner, shall be only located in areas approved as part of a site plan or special land use. Such storage yards shall be entirely enclosed with a obscuring wall, evergreen plantings or other year-round screening eight (8) feet high and shall be constructed and maintained in accordance with this ordinance. In approving or disapproving such a fence to screen outdoor storage, the following standards shall be applied:

- A. Fences and walls shall be constructed of durable materials such as brick, cement block, chain link, or structural resin intended to remain in good condition in the Michigan climate. Sheet metal, chain link with woven screening, wood planks and other similar materials that may be subject to rusting, weathering or deflection under severe weather conditions shall not be permitted.

- B. All fencing materials shall be properly maintained and located in accord with the terms of this ordinance and completely on the property of the owner. The Township Board upon recommendation of the Planning Commission may require that sufficient area be set aside on the outside of the fencing to permit maintenance of the fencing from the owner's property.
- C. The use of evergreen materials is permitted provided in the sole discretion of the Township Board upon recommendation of the Planning Commission the proposed materials meet the intent of a fence or wall in terms of screening to view of adjacent property owners or the general public. Evergreen material proposed must be maintained in a healthy and growing condition for a minimum of two (2) years after planting.

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**16-333 OUTDOOR STORAGE**

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There shall be no outdoor storage of goods and materials except as provided in sections 16-331 and 16-332.

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**16-334 RESERVED.**

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**16-335 RIGHT TO FARM ACT**

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Nothing in this ordinance shall prevent a land owner from operating pursuant to and in accordance with the Right-to-Farm Act, being PA 93 of 1981, as amended, and Generally Accepted Agricultural Management Practices as promulgated by the Michigan Department of Agriculture.

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**16-336 SCREENING OF MECHANICAL EQUIPMENT**

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- A. Rooftop Mechanical Equipment. All rooftop mechanical equipment shall be screened from view through one or more of the following methods: a concealing roofline, a parapet, a screening wall, or grillwork constructed of the same building material as the building directly surrounding the equipment, or an alternative screening mechanism satisfactory to the approving body. All mechanical equipment shall be sufficiently setback from the façade edge to be concealed from street-level view or where roofs are visible from abutting and adjacent residential areas, a roof will be required to screen mechanical units from view. Any screening material shall be no taller than necessary to achieve the required screening.
- B. Other Mechanical Equipment. Ground mounted mechanical equipment intended or used for heating, air conditioning, make-up air, dust collection, plumbing ventilation, exhaust, telecommunication, or other purposes associated with the occupancy of the building, except single and two family dwellings, shall be screened from view with fencing or landscaping to the greatest extent possible. In the RD district, such screening shall be provided only when the equipment is located between a building and a residential zoning district. Screening shall be provided to the extent feasible as determined by the approving body.

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**16-337 SCENIC EASEMENTS**

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All lots subject to review and approval under the provisions of a site plan, special land use, subdivision, condominium or site condominium approval process shall be separated from the existing street by scenic easements. As used in this section, an existing street are those identified in the Charter Township of Oakland Right-of-Way Ordinance, Ordinance 42, as amended. Scenic easements shall be not less than thirty (30) feet in width as measured from the Future Right of Way and shall be located on each side of the street. Scenic easements shall be depicted on a landscaping plan for approval. A landscaping plan for a scenic easement shall include information required in Article Eight Landscaping.

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**16-338      SIDEWALKS/SAFETY PATH AND TRAIL CONNECTIONS**

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- A. The location of any proposed pedestrian routes including a trail or safety paths as defined in this ordinance, shall provide pedestrian linkage to the neighborhood centers and schools or as provided for on the Township Trail and Pathways Strategy Plan.
- B. Installation of ten (10) foot wide safety paths shall be considered in locations as depicted on the Township Trail and Pathways Strategy Plan.
- C. Installation of ten (10) foot wide trails shall be considered as an integral part of the site plan in locations as depicted on the Township Trails and Pathway Strategy Plan.
- D. The owner of an approved site plan that contains a trail and/or safety path may request deferring construction if the Township Board determines it is in the best interest of the Township or the construction of the trail and/or safety path would not be beneficial to the residents of the Township. Funds, as determined by the Board of Trustees, shall be deposited with the Township in lieu of safety path construction.

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**16-339      SITE PREPARATION AND EXCAVATION**

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Land filling, mining and other land-form contour changes to create a buildable area or to remove or stockpile topsoil, sand or earth shall not be undertaken, except in conformance with the requirements of this ordinance, applicable county, state and federal requirements and the Charter Township of Oakland Code of Ordinances, as amended. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires site plan review and approval until the proposed use or structure is authorized by a Zoning Compliance Permit per Section 16-109.

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**16-340      TEMPORARY LIVING QUARTERS (ON-SITE)**

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An on-site temporary living quarter, such as a mobile home or similar temporary dwelling approved by the Zoning Administrator, shall be permitted in situations when a property owner suffers a catastrophic event rendering their permanent dwelling unlivable and upon the approval by the Zoning Administrator. A temporary living quarter shall meet the following standards:

- A. A temporary living quarter shall be permitted while the permanent dwelling on the site is being actively and continuously reconstructed, repaired, or rehabilitated after a catastrophic event, but shall not be permitted for a period exceeding 12 months.

- B. A temporary living quarter shall meet all building code requirements and shall conform to the provisions of this ordinance including Section 16-312, Dwelling Standards.
- C. The Zoning Administrator may place conditions on the approval of a temporary living quarter pertaining to architecture (including building materials, bulk, and square footage), landscaping and screening suitable to the surrounding neighborhood.
- D. A temporary living quarter shall be removed upon issuance of a certificate of occupancy for the permanent dwelling.

**16-341      TEMPORARY SALES AND CONSTRUCTION TRAILERS WITHIN DEVELOPMENTS**

- A. One (1) temporary sales trailer may be permitted within a development of a residential subdivision or condominium development consisting of more than 10 lots or units with review and approval of the Zoning Administrator, subject to the following regulations and requirements:
  - 1. The temporary sales trailer shall be used by all builders in the development solely for the marketing and sale of dwellings in the development.
  - 2. The sales trailer must be placed on a lot or unit, as proposed or existing in the development, and must meet all setback requirements for the zoning district in which it is located.
  - 3. Walkways and at least one (1) entrance to the temporary sales trailer shall meet American with Disabilities Act (ADA) requirements for accessibility.
  - 4. A parking lot of crushed concrete or equivalent material with at least four (4) parking spaces shall be provided.
  - 5. The trailer shall be skirted, and landscaping shall be provided to enhance the aesthetic appearance of the site and trailer and to buffer the view of the trailer from any adjacent roads.
  - 6. The sales trailer shall be permitted for a period not to exceed the shorter of the following: Twelve (12) months from the date of approval; or the issuance of a certificate of occupancy for a model home in the development to be used for sales or marketing purposes. Upon request of the applicant prior to the expiration of the initial twelve month period, approval for an additional six (6) months may be granted upon review by the Zoning Administrator, if it is demonstrated that there is good grounds for the failure to complete construction of a model home for sales purposes within the initial twelve-month period and that all provisions of this Section have been complied with during the initial twelve months. The applicant for any such extension shall be responsible for the advance payment of all review fees and charges incurred by the Township in connection with reviewing the extension application.
  - 7. Any temporary lighting used in connection with the temporary sales trailer shall be shielded from adjacent properties.

8. The gross floor area of the sales trailer shall not exceed eight hundred and forty (840) square feet.
9. The hours of operation and occupancy for the sales trailer shall not exceed 8:00 a.m. to 9:00 p.m.
10. Facilities shall be provided for on-site bathrooms and solid waste disposal.
11. Paved public access, or other improved means of public access, determined by the Fire Chief to be satisfactory for purposes of ingress and egress for fire equipment and personnel, shall be provided to and from the sales trailer.
12. The exterior design, appearance and color scheme of the sales trailer shall be such that it blends and is aesthetically harmonious with the dwellings located, or to be located, within the development as well as dwellings located on surrounding and adjacent properties.
13. A Site Plan and Landscape Plan (referred to together as the "Site Plan") shall be submitted to, and shall be reviewed and approved by the Zoning Administrator prior to installation or use of any temporary sales trailer. The Site Plan submission shall include all information and all fees required by Section 16-603 of this ordinance and shall provide plans, drawings, elevations, details and notations of all information required by Subsections 1 through 12, above. Review and approval for the installation and use of a temporary sales trailer will not occur until all required review fees and bonds have been provided to the Township and all required information has been submitted. Six (6) copies of the Site Plan, together with all applicable review fees, must be received to be considered for review by the Zoning Administrator. Such plans shall be distributed to the Township's Administrative Official, Township Planner, Township Engineer and any other township department, official and consultant from which the Zoning Administrator requests input. Based on the input of the various Township Departments and Township consultants, the Zoning Administrator shall approve or deny the proposed temporary sales trailer and site plan with or without modifications and conditions using the criteria provided in this section and in Section 16-605 Site Plan review criteria. If all required information is not submitted, the Zoning Administrator may request the Applicant to provide a complete submission.
14. The construction and use of a temporary sales trailer shall conform in all respects with the approved Site Plan, any conditions of an approval by the Zoning Administrator, the requirements of this section and the ordinance, and any other applicable Township ordinance, standard, specification, and regulation, even if not specifically included in an approved Site Plan or as a condition of approval by the Zoning Administrator.
15. A cash bond shall be posted with the Administrative Official as part of the applicant's Site Plan submission. Such bond shall ensure that the temporary trailer and premises upon which it is located are maintained in good condition and in accordance with the requirements of this section (as determined by the Administrative Official), that the use is discontinued and the trailer removed in a timely manner, and that the property on which the trailer and use were located is reasonably restored to its original condition in accordance with Subsection 16-341, B, 5. The bond shall be in an amount reasonably estimated by the Administrative Official as sufficient to remove the trailer and rehabilitate the premises in accordance with this Subsection.

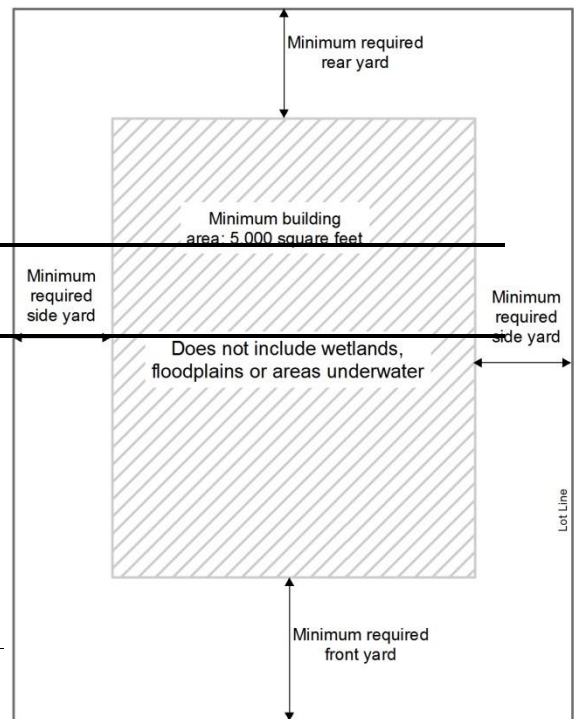
- B. One (1) temporary construction trailer may be permitted within a development involving a construction project for a use permitted under this ordinance and/or for the construction of roads, water mains or other public utilities or public works, with review and approval of the Zoning Administrator, subject to the following regulations and requirements:
1. The temporary construction trailer shall be used by all builders and developers in the development solely for the management of on-site development and construction activities.
  2. The construction trailer must be placed on a lot, parcel or unit, as proposed or existing in the development, and must meet all setback requirements for the zoning district in which it is located.
  3. A parking lot of crushed concrete or equivalent material with at least four (4) parking spaces shall be provided.
  4. The trailer shall be skirted, and landscaping shall be provided to enhance the aesthetic appearance of the site and trailer and to buffer the view of the temporary construction trailer from any adjacent roads.
  5. The construction trailer shall be permitted for a period not to exceed the shorter of the following time periods: Thirty (30) days after the last certificate of occupancy for the principal structure or structures within the development has or have been issued; thirty (30) days after the construction project has been completed; or a period of time set by the Zoning Administrator based upon the intent of the developer, if known, and the particular type and/or size of the development. The trailer shall be removed and the premises so used shall be reasonably restored to its original condition prior to the expiration of the applicable permitted time. Upon request of the applicant prior to the expiration of the initial period of time set by the Zoning Administrator for the trailer to be allowed to remain, approval for an additional period of time may be granted upon review by the Zoning Administrator if it is demonstrated that there is good grounds for the failure to complete construction of the development within the initial period and that all provisions of this Section have been complied with during such initial period of time. The applicant for any such extension shall be responsible for the advance payment of all review fees and charges incurred by the Township in connection with reviewing the extension application.
  6. Any temporary lighting used in connection with the temporary construction trailer shall be shielded from adjacent properties.
  7. The gross floor area of the construction trailer shall not exceed eight hundred and forty (840) square feet.
  8. The hours of operation and occupancy for the construction trailer shall not exceed 7:00 a.m. to 9:00 p.m.
  9. On-site bathrooms and solid waste disposal shall be provided.
  10. Paved access, or other improved means of access, approved by the Fire Chief as satisfactory for purposes of ingress and egress for fire equipment and personnel, shall be provided to and from the construction trailer.

11. A site plan and landscape plan (referred to together as the "Site Plan") shall be submitted to, and shall be reviewed and approved by the Zoning Administrator prior to installation or use of any temporary construction trailer. The Site Plan submission shall include all information and all fees required by Section 16-603 of this ordinance and shall provide plans, drawings, elevations, details and notations of all information required by Subsections 1-10, above. Review and approval for the installation and use of a temporary construction trailer will not occur until all required review fees and bonds have been provided to the Township and all required information has been submitted. Six (6) copies of the Site Plan, together with all applicable review fees, must be received to be considered for review by the Zoning Administrator. Such plans shall be distributed to the Township's Administrative Official, Township Planner, Township Engineer and any other township department, official and consultant from which the Zoning Administrator requests input. Based on the input of the various Township Departments and Township consultants, the Zoning Administrator shall approve or deny the proposed temporary construction trailer and site plan with or without modifications and conditions using the criteria provided in this section and in Section 16-605 Site Plan review criteria. If all required information is not submitted, the Zoning Administrator may request the Applicant to provide a complete submission.
12. The construction and use of a temporary construction trailer shall conform in all respects with approved Site Plans, any conditions of an approval by the Zoning Administrator, the requirements of this section and this, and any other applicable Township ordinance, standard, specification, and regulation, even if not specifically included in an approved Site Plan or as a condition of approval by the Zoning Administrator.
13. A cash bond shall be posted with the Township Administrative Official as part of the applicant's Site Plan submission. Such bond shall ensure that the temporary trailer and premises upon which it is located are maintained in good condition and in accordance with the requirements of this Section (as determined by the Administrative Official), that the use is discontinued and the trailer removed in a timely manner, and that the property on which the trailer and use were located is reasonably restored to its original condition in accordance with Subsection 16-341, B, 5. The bond shall be in an amount reasonably estimated by the Administrative Official as sufficient to remove the trailer and rehabilitate the premises in accordance with this Subsection.

**16-342 RESERVED**

**16-343 TEST PLANS**

- A. Purpose. A test plan shall be submitted to the approving body in order to establish the maximum permitted density. The test plan shall identify how the lot could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this



section), and the requirements of all other applicable State, Federal, and Township regulations and standards.

B. Procedure. When required, a test plan shall be developed in accordance with the following:

1. The test plan shall depict what could feasibly be constructed and would constitute a plan that the Township would be required to approve applying the existing zoning standards and all otherwise applicable Township ordinances. Scenic easements, safety paths, requirements for natural feature setbacks, and other dimensional standards applicable to the existing zoning district and use shall be depicted on the test plan.
2. The test plan shall include areas depicted for all infrastructure improvements, including rights-of-way, utility easements, and drainage, detention and retention areas.
3. The test plan shall be drawn to scale as per Section 16-603B and shall include all existing easements on the subject property.
4. The test plan shall include lots that meet the requirements of the underlying zoning district and all provisions of this ordinance. A lot shall include at least five thousand (5,000) square feet of contiguous building area of land which is neither wetland, floodplain, or under water.<sup>1</sup> When multiple zoning districts exist on the test plan subject property, a lot may not be divided by a zoning district line.
5. The test plan shall be provided to the Township in electronic format suitable to verify dimensions.
6. Drainage calculations, soils information, and other data may be required to support the test plan.
7. The test plan shall be designed to comply with Township Ordinances including wetlands, floodplains, and any other regulated natural areas. The test plan shall also be consistent with the Township Subdivision Ordinance and Site Condominium standards in Article X.

C. The approving body shall make the determination that a test plan is acceptable once it meets all applicable Federal, State, and Township ordinance requirements and, based on the test plan, determine the number of units permitted under the open space option and PUD provisions provided in this ordinance.

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## **16-344 UNCLASSIFIED USES**

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A. Where a proposed use of land or use of a building is not expressly authorized, contemplated or named by this ordinance in any of the zoning districts, or where the Zoning Administrator has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not expressly authorized, contemplated or specified by this ordinance, or that it involves features which were not expressly authorized, contemplated or specified in this ordinance, as determined by the Zoning Administrator in the first instance, a

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<sup>1</sup> The 5,000 square feet is based on a study of all single family detached dwellings in the Township.

special use application may be filed by an applicant consistent with the provisions of Section 16-501.

- B. The application shall be processed in the manner provided in Section 16-501, and in acting upon the application, in addition to applying and considering the standards, criteria and conditions set forth in Section 16-502, the Planning Commission and Township Board shall seek to ascertain in which district or districts, if any, the proposed use or features of use were intended to be permitted taking into consideration the spirit, purpose and intent of this ordinance as a whole and the spirit, purpose and intent of each individual district.
- C. The Township Board may establish and apply additional conditions and specific review standards to uses granted by the Township Board under this Section, in a manner that is consistent with Section 16-502.B.
- D. Use decisions under this section may not be appealed to the Zoning Board of Appeals.
- E. After Township Board approval of a use on a lot under this Section, other lots proposing that use within the same zoning district shall apply for the use pursuant to the procedures of this Section, however the initial determinations of the Zoning Administrator and Planning Commission set forth in Section 16-344.A, above, shall not apply.

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**16-345      RESERVED**

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**16-346      RESERVED**

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**16-347      RESERVED**

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**16-348      NATURAL FEATURE SETBACK**

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A. Intent and Purpose.

It is the intent of this section to require a minimum setback from natural features, and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the Zoning Enabling Act, Act 110 of 2006, as amended.

It is the purpose of this section to establish and preserve minimum setback from natural features in order to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area in terms of: Spatial relationship; interdependency in terms of physical location, plant species, animal species and an encouragement of diversity and richness of plant and animal species; over land and subsurface hydrology; water table; water quality; erosion or sediment deposition.

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B. Regulation.

A natural feature setback shall be maintained in relation to all areas defined in this ordinance as being a "natural feature", unless and to the extent, it is determined to be in the public interest not to maintain such setback.

C. Definition of "Natural Feature".

See Article 2.

D. Authorization and Prohibition.

1. The natural feature setback shall be an area or feature with boundaries and limitations determined in accordance with the standards and provisions in this section in relation to respective types of natural features.
2. In conjunction with the review of plans or application materials submitted for Township approval for the development of property or to otherwise undertake a use or activity in, on, or adjacent to, a natural feature, applicable natural feature setbacks shall be determined, and authorizations and prohibitions established, by the body undertaking the plan or application review.
3. Within an established natural feature setback, unless and only to the extent determined to be in the public interest by the body undertaking the review of the plan or application, there shall be no: deposit of any soil, vegetation or other material; installation of placement of any structures, whether temporary or permanent; removal of any soils, minerals and/or vegetation including mowing; dredging, filling or land balancing; and/or constructing or undertaking seasonal or permanent operations. This prohibition shall not apply with regard to those activities exempted from this prohibition, below.
4. In determining whether proposed construction, uses, management of invasive vegetation, or operations in the Natural Feature Area are in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the construction or other operation, taking into consideration the local, state and national concern for the protection and preservation of the natural feature in question. If, as a result of such a balancing, there remains a debatable question whether the proposed construction and/or operation is clearly in the public interest, authorization for the construction and/or operation within the natural feature setback shall not be granted. The following general criteria shall be applied in undertaking this balancing test:
  - i. The relative extent of the public and private need for the proposed activity.
  - ii. The availability of feasible and prudent alternative locations and methods to accomplish the expected benefits from the activity.
  - iii. The extent and permanence of the beneficial or detrimental effects which the proposed activity may have on the public and private use to which the area is suited, including the benefits the natural feature and/or natural feature setback provides.
  - iv. The probable impact of the proposed construction and/or operation in relation to the cumulative effect created by other existing and anticipated activities in the natural feature to be protected.

- v. The probable impact on recognized historic, cultural, scenic, ecological, or recreational resources, and on fish, wildlife and the public health.
- vi. The size and quantity of the natural feature setback being considered.
- vii. The size and quantity of the remaining natural feature setback.
- viii. Proximity of the proposed construction and/or operation in relation to the natural feature, taking into consideration the degree of slope, general topography in the area, soil type and the type of the natural feature to be protected.
- ix. Economic value, both public and private, of the proposed construction and/or operation, and economic value, both public and private, if the proposed construction and/or operation were not permitted.
- x. The necessity for the proposed construction and/or operation.
- xi. The type, if any, of mitigation proposed for the impact.

E. Exemptions.

If and to the extent the Township is prohibited by its ordinances and/or law from regulating the proposed activity in or on the respective natural feature, regulation under this section shall be exempted.

F. Application form.

Application shall be made under this section on the form approved by the Township Board and provided by the Building Department.

G. Setback standards.

Unless otherwise determined by the body undertaking the plan review, the following setbacks shall apply:

1. A 25 foot setback from the boundary or edge of a wetland, as defined and regulated in the Township Wetland Ordinance, as amended;
2. A 25 foot setback from the ordinary high water mark of a watercourse.

### **16-349 WIND ENERGY CONVERSION SYSTEM**

Wind energy conversion system shall be treated as an accessory structure and shall meet the standards of this section.

- A. A wind energy conversion system shall be sized and intended only to supplement the electricity needs of the property on which it is located.
- B. Such structures shall only be located in the rear yard, but outside the required rear or side yards.
- C. The diameter of the generator blades shall not exceed eight (8) feet.
- D. A free standing wind energy conversion system shall comply with the maximum building height permitted for the zoning district. A wind energy conversion system attached to a principal or accessory structure on the property may not extend more than ten (10) feet above

the roof structure.

- E. A wind energy conversion system shall be so located on the premises that a distance at least equal to the height of the generator blades at their apogee is provided to the nearest property line.
- F. The installation of a wind energy conversion system shall meet all applicable structural and electrical codes.

## ARTICLE IV: ZONING DISTRICTS

### **16-400      ZONING DISTRICTS AND MAP**

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The Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

**A. The following districts are commonly referred to as the Residential Districts of the Township:**

- |                                       |  |
|---------------------------------------|--|
| VLRD – Very Low Residential Density   | MHRD – Medium-High Residential Density |
| LRD – Low Residential Density         | MH – Manufactured Housing              |
| LMRD – Low-Medium Residential Density | RM – Multiple-Family Residential (new) |
| MRD – Medium- Residential Density     |  |

**B. The following districts are commonly referred to as the Non-residential Districts of the Township:**

- |                               |                                |
|-------------------------------|--------------------------------|
| OS – Office Service           | RC – Recreational Conservation |
| RD – Research and Development | C – Commercial                 |

**C. The following districts are commonly referred to as Overlay Districts in the Township:**

- WCF – Wireless Communication Facilities Overlay

### **16-401      OFFICIAL ZONING MAP**

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- A. For the purposes of this ordinance the Zoning Districts as provided in this ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of the Charter Township of Oakland", a copy of which accompanies this ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this ordinance by reference.
- B. The Official Zoning Map shall be identified by the signature of the Supervisor, attested by the Township Clerk, and the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the Charter Township of Oakland", together with the effective date of this ordinance, or any amendments thereto.
- C. If, in accordance with the procedures of this ordinance and Michigan law, when a change is made in a Zoning District boundary, such change shall be made on the approved map with a revision date, by or under the direction of the Township Manager, promptly after the amendment authorizing such change shall have been adopted and becomes effective.

- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the Charter Township of Oakland Hall shall be the final authority as to the current zoning status of any land, parcel, lot, Zoning District, use, building or structure in the Township.
- E. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:
1. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such line.
  2. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
  3. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
  4. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way.
  5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
  6. A boundary indicated as following the centerline of a water body shall be construed as following such centerline at the time of interpretation.
  7. A boundary indicated as parallel to, or an extension of, a feature indicated in subsections 1 through 6 above shall be so construed.
  8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by Section 16-401, F above, or when there is a question in interpreting Section 16-401, F, 1 through 8 above, the Zoning Board of Appeals shall interpret the Zoning District boundary.

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## **16-402 SUMMARY TABLES**

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- A. Table 16-402.01, Table of Land Uses, summarizes the applicable regulatory standards for the land uses governed under this ordinance. However, it should not be substituted for careful reference to the specific language of this ordinance. In the event of a discrepancy between the table and the text of this ordinance, the text shall prevail.
- B. The Schedule of District Regulations set forth as Table 16-402.02 provides the dimensional requirements of this ordinance applicable to the specific districts.
- C. All uses shall conform to all applicable provisions of this ordinance and any another applicable local ordinances and state and federal laws.

Table 16-402.01

NOTE: P = Permitted S= Special Use Blank= Not Permitted

USES	VLRD	LRD	LMRD	MRD	MHRD	RM	RC	OS	C	RD
Accessory Building and Structure	P	P	P	P	P	P	P	P	P	P
Accessory Use, to a special land use	S	S	S	S	S	S	S	S	S	S
Accessory Use, when accessory to permitted uses	P	P	P	P	P	P	P	P	P	P
Adult Family Day Care Home	P	P	P	P	P					
Adult Foster Care Family Home	P	P	P	P	P					
Adult Foster Care Small Group Home	P	P	P	P	P					
Adult Foster Care Medium Group Home	S									
Adult Group Day Care Home	S									
Agriculture, Farms and farm buildings	P	P	P	P			P			
Animal Grooming									S	S
Assisted Living for the Elderly						S		P	P	
Bed and Breakfast	S	S	S	S	S					
Camps							S			
Cemetery, Private	S	S	S	S	S	S	S			
Child Foster Family Home	P	P	P	P	P					
Convalescent Center/Homes for the Aged					S	S		S	S	
Convenience Store									P	
Day Care, Commercial								S		
Day Care Facility	P	P	P	P	P		P			
Day Care, Group	S	S	S	S	S					
Dry Cleaning and Laundry Establishment									S	
Dwelling, Multiple Family						P				
Dwelling, Single-Family	P	P	P	P	P	P	P			
Dwelling, Two-Family						P				
Educational Facility	S	S	S	S	S	S	S			
Financial Institution								P	P	P

Table 16-402.01

NOTE: P = Permitted S= Special Use Blank= Not Permitted

USES	VLRD	LRD	LMRD	MRD	MHRD	RM	RC	OS	C	RD
Funeral Home								P	S	S
Gas Station <sup>7</sup>									P	
Golf Course	S	S	S	S	S	S	S			
Greenhouse, as an accessory structure									P	
Home Occupation	P	P	P	P	P					
Independent Living for the Elderly				S	S	S		P	P	
Kennel/Animal Day Care							S	S	S	S
Manufacturing Facilities										S
Medical Office								P	P	P
Mini/Self Storage Facility										P
Mining, gravel and mineral	S	S	S	S	S	S	S			
Mixed Use Development								S	S	S
Motel/Hotel									P	P
Nursery									P	P
Office Building								P	P	P
Oil and Gas Structures	S									
Open Space Developments	P	P	P							
Personal Service Business									P	P
Place of Public Assembly	S	S	S	S	S	S		S	S	
Planned Unit Development	S	S	S	S	S	S				
Professional Service Establishment								P	P	P
Public and quasi-public uses	P	P	P	P	P	P	P	P	P	P
Roadside Stand	P	P	P				P			
Recreation Facilities, Indoor									P	P
Residential Above Retail or Office										

**Table 16-402.01**

**NOTE: P = Permitted S= Special Use Blank= Not Permitted**

<b>USES</b>	<b>VLRD</b>	<b>LRD</b>	<b>LMRD</b>	<b>MRD</b>	<b>MHRD</b>	<b>RM</b>	<b>RC</b>	<b>OS</b>	<b>C</b>	<b>RD</b>
Restaurant, Sit Down									P	
Retail Sales									P	
Scientific, Engineering, Research Laboratories										P
Social Service Center								P	P	P
Stable, Riding Academy							S			
Utility and public service buildings	P	P	P	P	P	P	P	P	P	P
Veterinary Clinic								P	P	
Veterinary Hospital							S	S	S	P
Warehouse										P

**Table 16-402.02**

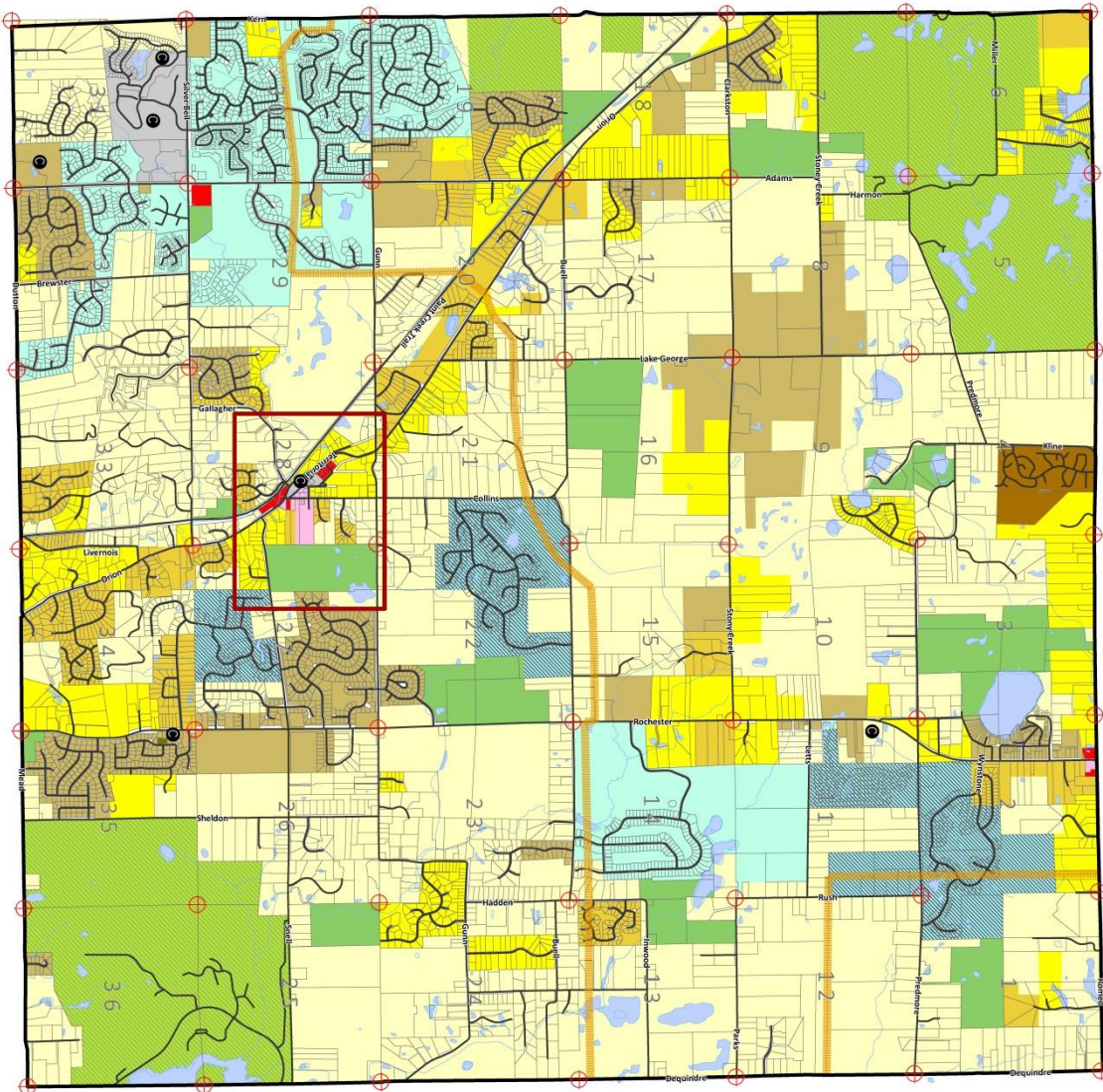
DISTRICT	MINIMUM LOT DIMENSIONS		MAXIMUM LOT COVERAGE	MINIMUM YARD REQUIREMENTS (FEET)			MAXIMUM BUILDING HEIGHT	MINIMUM LAND AREA/ DWELLING	
	Area (sq. ft.)	Width (feet)	(%) of gross lot area	Front/Corner Front	Side	Rear	Feet/stories	(Sq.Ft. & Ft)	
<b>VLRD:</b> w/o sewer	100,000	200	15%	50	20	55	35/2.5	Not Applicable (NA)	
	w/ sewer	75,000							
<b>LRD:</b> w/o sewer	60,000	150	20%	50	20	55	35/2.5	NA	
	w/ sewer	45,000							
<b>LMRD:</b> w/o sewer	40,000	130	25%	50	20	35	35/2.5	NA	
	w/ sewer	30,000							
<b>MRD:</b> w/o sewer	26,000	120	25%	40	20	35	35/2.5	NA	
	w/ sewer	19,500							
<b>MHRD:</b> w/o sewer	22,000	120	25%	40	10	35	35/2.5	NA	
	w/ sewer	16,500							
<b>RM:</b>	Total land area must be at least 10 acres	N/A	N/A	40	40	40	35 (b)(c)	One bedroom	3,800
								Two bedroom	5,700
								Three bedroom	9,500
								Four bedroom	11,400
<b>RC:</b> w/o sewer	10 acres	330	10%	50	40	55	35/2.5	NA	
<b>MH:</b>	(a)	(a)	(a)	(a)	(a)	(a)	(a)	NA	

**Table 16-402.02**

- (a) See Section 16-409 for building requirements
- (b) The total number of stories including a walkout basement level, if provided, shall not exceed two (2).
- (c) No part of a dwelling unit shall be below grade unless sloping topography affords special design opportunities for amenities. Except for the above special situation, the maximum building height shall be two (2) stories. No building shall contain more than sixteen (16) dwelling units. No building shall have a horizontal length greater than one hundred thirty-five (135) feet.

DISTRICT	MINIMUM LOT DIMENSIONS		MAXIMUM LOT COVERAGE	MINIMUM YARD REQUIREMENTS (FEET)			MAXIMUM BUILDING HEIGHT	MINIMUM FLOOR AREA/
	Area (sq. ft.)	Width (feet)	(%) of gross lot area	Front/Corner Front'	Side	Rear	Feet/stories	(Sq.Ft. & Ft)
<b>OS:</b>	8,000	80	80%	40	20	40	35'/2.5	800 sq. ft.
<b>C:</b>	8,000	80	80%	40	20	40	35'/2.5	NA
<b>RD:</b>	4 acres	330 ft.	80%	100	50	50	35'/2.5	2,000 sq. ft.

Table 16-402.02



**Zoning**  
Oakland Township  
Oakland County, Michigan

**Zoning Districts**

- RC - Recreation Conservation
- VLRD - Very Low Residential Density
- LRD - Low Residential Density
- LMRD - Low Medium Residential Density
- MIRD - Medium Residential Density
- MHRD - Medium High Residential Density
- MH - Manufactured Housing
- RM - Multiple Family Residential
- C - Commercial
- OS - Office Service
- RD - Research and Development
- RUD - Planned Unit Development, Development Conditions Apply\*
- Consent Judgement Properties

**Wireless Communication Facilities**

- Permitted Use Overlay Zone
- Special Use Overlay Zone

\*All conditions of previous approvals apply. Amendments shall follow current Planned Unit Development amendment procedures.

Adopted: January 23, 2018  
Carlisle/Wortman Associates, Inc.  
Ann Arbor, Michigan

0 2,000 5,000 Feet

**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-403 VERY LOW RESIDENTIAL DENSITY DISTRICT**

**16-403 VLRD. VERY LOW RESIDENTIAL DENSITY DISTRICT**

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**16-403.01 INTENT**

The VLRD, Very Low Residential Density District is intended to provide for very low-density single-family residential development with special attention paid to the preservation of natural features as designated in the Township Community Master Plan. The character of this district is rural with single-family dwellings on large lots which provide large expanses of open space. It is intended and desired in this district that open spaces be preserved through careful placement of dwellings in areas where natural features would be least compromised. Neighborhoods are intended to be quiet and generally free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. It is also the intent of this district to keep the paving of roads to a minimum. When possible, it is intended that natural features as identified in the Natural Features Assessment will be protected through conservation easements and other development tools.

**16-403.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the VLRD District.

- | <b><u>A. PERMITTED USES</u></b>   |
|---|
| <ul style="list-style-type: none"> <li>◆ Accessory Building and Structure, when accessory to a principal use</li> <li>◆ Accessory Use, when accessory to permitted uses</li> <li>◆ Adult Family Day Care Home</li> <li>◆ Adult Foster Care Family Home</li> <li>◆ Adult Foster Care Small Group Home</li> <li>◆ Agriculture, farms and farm buildings</li> <li>◆ Child Foster Family Home</li> <li>◆ Day Care Facility</li> <li>◆ Dwelling, Single-Family</li> <li>◆ Home Occupation subject to 16-323</li> <li>◆ Open Space Developments subject to 16-330</li> <li>◆ Public and quasi-public uses, subject to 16-317</li> <li>◆ Roadside stand subject to 16-410.03.B</li> <li>◆ Utility and public service buildings, subject to 16-317</li> </ul> |

- | <b><u>B. SPECIAL LAND USES</u></b>  |
|---|
| <ul style="list-style-type: none"> <li>◆ Accessory Use, to a special land use, subject to 16-503</li> <li>◆ Adult Foster Care Medium Group Home, subject to 16-347</li> <li>◆ Adult Group Day Care Home, subject to 16-347</li> <li>◆ Bed &amp; Breakfast, subject to 16-505</li> <li>◆ Cemetery, Private subject to 16-507</li> <li>◆ Day Care, Group subject to 16-509</li> <li>◆ Educational Facility, subject to 16-512</li> <li>◆ Golf Course, subject to 16-514</li> <li>◆ Mining, gravel and mineral, subject to 16-519</li> <li>◆ Oil and Gas Structures</li> <li>◆ Place of Public Assembly, subject to 16-523</li> <li>◆ Planned Unit Development, subject to 16-524</li> </ul> |

**C. SITE AND BUILDING PLACEMENT STANDARDS**

Minimum Lot Area w/o Sewer: 100,000 square feet

Minimum Lot Width w/o Sewer: 200 feet

Minimum Lot Width Corner w/o Sewer: 200 feet

Minimum Lot Area w/ Sewer: 75,000 square feet

Minimum Lot Width w/ Sewer: 150 feet

Minimum Lot Width Corner w/ Sewer: 150 feet

Maximum Lot Coverage: 15%

Maximum Building Height/Stories: 35 feet/2.5

Minimum Setbacks:

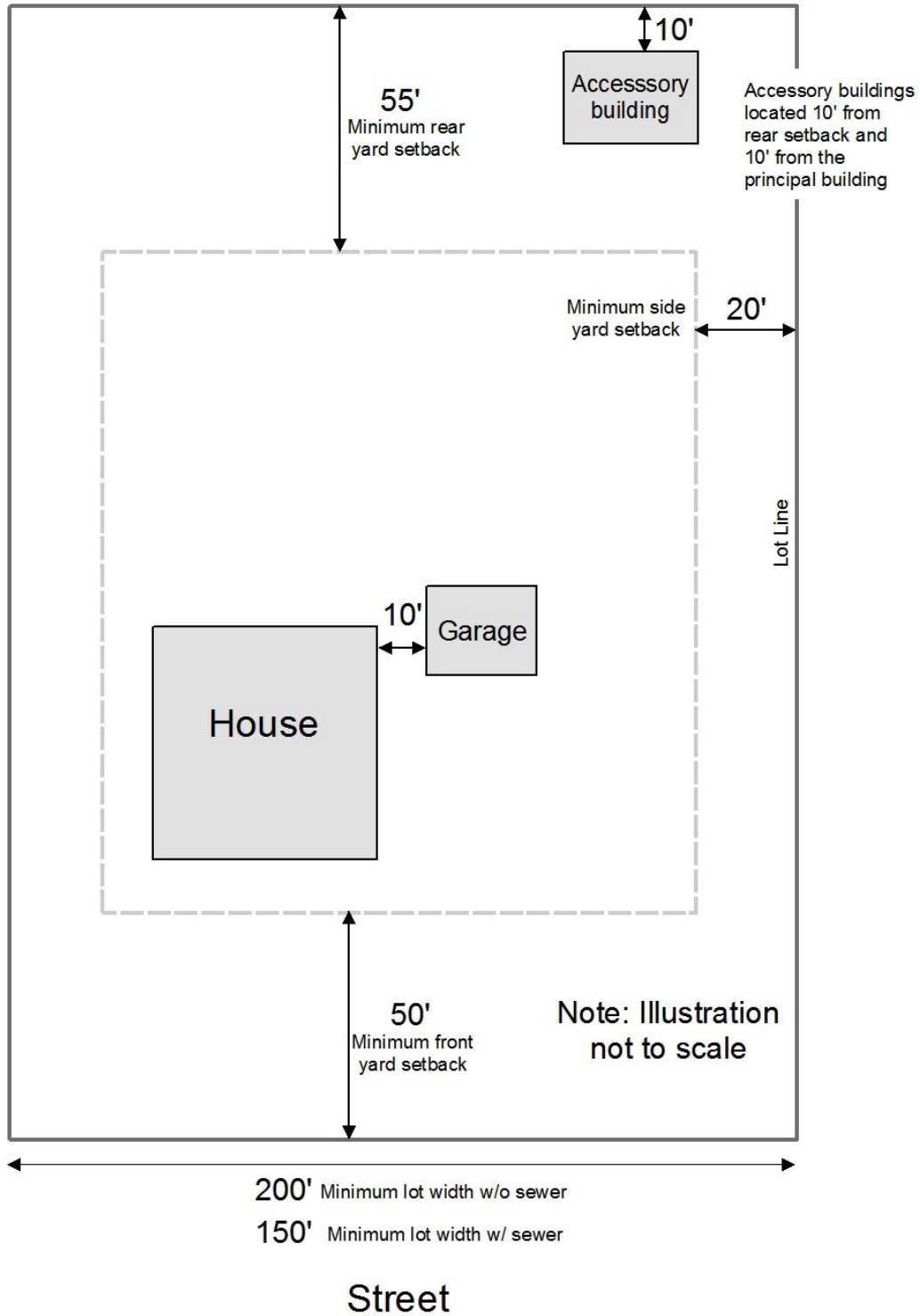
Front: 50 feet

Corner Front: 50 feet

Side: 20 feet

Rear: 55 feet

Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.



**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-404 LOW RESIDENTIAL DENSITY DISTRICT**

**16-404 LRD. LOW RESIDENTIAL DENSITY DISTRICT**

**16-404.01 INTENT**

The LRD, Low Residential Density District is intended to provide for low-density single-family residential development with special attention paid to the preservation of natural features as indicated in the Community Master Plan. The character of this district is rural with single-family dwellings on large lots which provide large expanses of open space. Such preservation can be accomplished through careful placement of dwellings in areas where natural features would be least compromised. The placement of residential development should foster linkages between wildlife corridors throughout the Township and contiguous areas for greenways. When possible, it is intended that natural features as identified in the Natural Features Assessment will be protected through conservation easements and other development tools.

**16-404.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the LRD District.

**A. PERMITTED USES**

- ◆ Accessory Building and Structure, when accessory to a principal use
- ◆ Accessory Use, when accessory to permitted uses
- ◆ Adult Family Day Care Home
- ◆ Adult Foster Care Family Home
- ◆ Adult Foster Care Small Group Home
- ◆ Agriculture, farms and farm buildings
- ◆ Child Foster Family Home
- ◆ Day Care Facility
- ◆ Dwelling, Single-Family
- ◆ Home Occupation subject to 16-323
- ◆ Open Space Developments, subject to 16-330
- ◆ Public and quasi-public uses, subject to 16-317
- ◆ Roadside stand subject to 16-410.03.B
- ◆ Utility and public service buildings, subject to 16-317

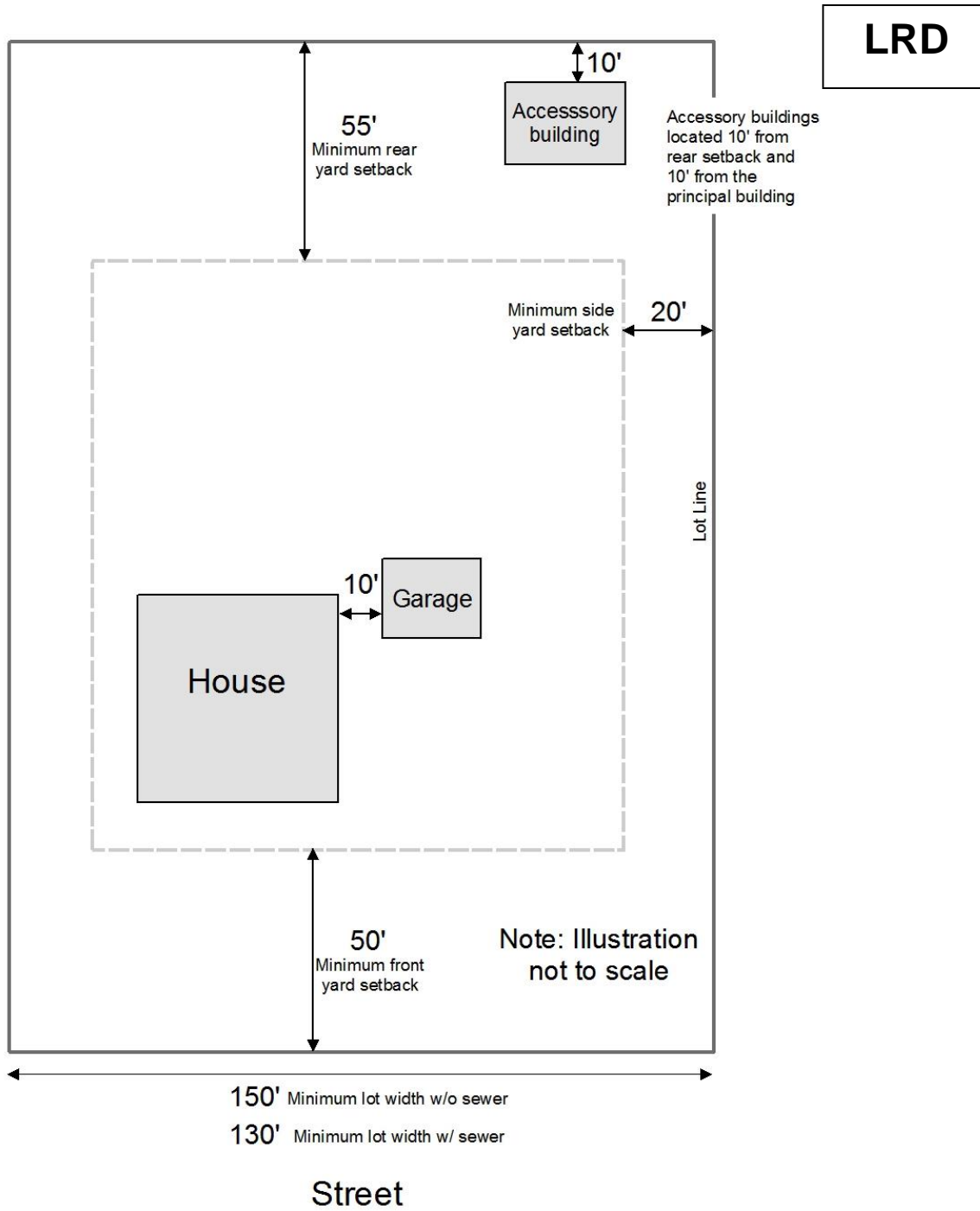
**B. SPECIAL LAND USES**

- ◆ Accessory Use, to a special land use, subject to 16-503
- ◆ Bed & Breakfast, subject to 16-505
- ◆ Cemetery, Private subject to 16-507
- ◆ Day Care, Group subject to 16-509
- ◆ Educational Facility, subject to 16-512
- ◆ Golf Course, subject to 16-514
- ◆ Mining, gravel and mineral, subject to 16-519
- ◆ Place of Public Assembly, subject to 16-523
- ◆ Planned Unit Development, subject to 16-524

**C. SITE AND BUILDING PLACEMENT STANDARDS**

- Minimum Lot Area w/o Sewer: 60,000 square feet
- Minimum Lot Width w/o Sewer: 150 feet
- Minimum Lot Width Corner w/o Sewer: 150 feet
- Minimum Lot Area w/ Sewer: 45,000 square feet
- Minimum Lot Width w/ Sewer: 130 feet
- Minimum Lot Width Corner w/ Sewer: 130 feet
- Maximum Lot Coverage: 20%
- Maximum Building Height/Stories: 35 feet/2.5
- Minimum Setbacks:
  - Front: 50 feet
  - Corner Front: 50 feet
  - Side: 20 feet
  - Rear: 55 feet

Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.



**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-405 LOW-MEDIUM RESIDENTIAL DENSITY  
DISTRICT**

**16-405 LMRD. LOW-MEDIUM RESIDENTIAL DENSITY DISTRICT**

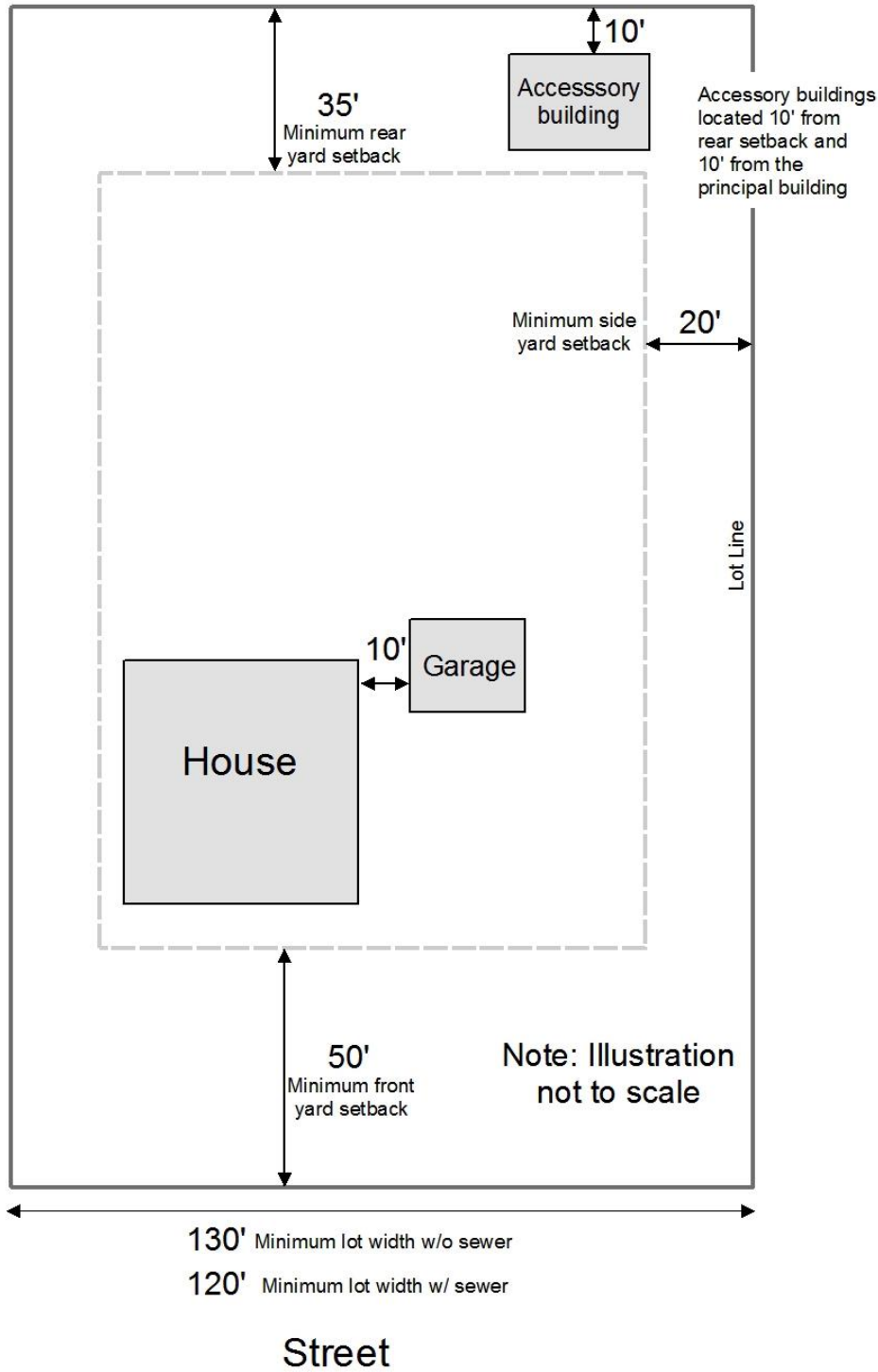
**16-405.01 INTENT**

The LMRD, Low-Medium Residential Density District is intended to provide for low/medium density single-family residential development with special attention paid to the preservation of natural features to support a system of greenways. The character of this district is rural with single-family dwellings on large lots which provide large expanses of open space. Such preservation can be accomplished through careful placement of dwellings in areas where natural features would be least compromised.

**16-405.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the LMRD District.

<p style="text-align: center;"><b><u>A. PERMITTED USES</u></b></p> <ul style="list-style-type: none"> <li>◆ Accessory Building and Structure, when accessory to a principal use</li> <li>◆ Accessory Use, when accessory to permitted uses</li> <li>◆ Adult Family Day Care Home</li> <li>◆ Adult Foster Care Family Home</li> <li>◆ Adult Foster Care Small Group Home</li> <li>◆ Agriculture, farms and farm buildings</li> <li>◆ Child Foster Family Home</li> <li>◆ Day Care Facility</li> <li>◆ Dwelling, Single-Family</li> <li>◆ Home Occupation subject to 16-323</li> <li>◆ Open Space Developments, subject to 16-330</li> <li>◆ Public and quasi-public uses, subject to 16-317</li> <li>◆ Roadside stand subject to 16-410.03.B</li> <li>◆ Utility and public service buildings, subject to 16-317</li> </ul> <p style="text-align: center;"><b><u>B. SPECIAL LAND USES</u></b></p> <ul style="list-style-type: none"> <li>◆ Accessory Use, to a special land use, subject to 16-503</li> <li>◆ Bed &amp; Breakfast, subject to 16-505</li> <li>◆ Cemetery, Private subject to 16-507</li> <li>◆ Day Care, Group subject to 16-509</li> <li>◆ Educational Facility, subject to 16-512</li> <li>◆ Golf Course, subject to 16-514</li> <li>◆ Mining, gravel and mineral, subject to 16-519</li> <li>◆ Place of Public Assembly, subject to 16-523</li> <li>◆ Planned Unit Development, subject to 16-524</li> </ul>	<p style="text-align: center;"><b><u>C. SITE AND BUILDING PLACEMENT STANDARDS</u></b></p> <p>Minimum Lot Area w/o Sewer: 40,000 square feet</p> <p>Minimum Lot Width w/o Sewer: 130 feet</p> <p>Minimum Lot Width Corner w/o Sewer: 130 feet</p> <p>Minimum Lot Area w/ Sewer: 30,000 square feet</p> <p>Minimum Lot Width w/ Sewer: 120 feet</p> <p>Minimum Lot Width Corner w/ Sewer: 120 feet</p> <p>Maximum Lot Coverage: 25%</p> <p>Maximum Building Height/Stories: 35 feet/2.5</p> <p>Minimum Setbacks:</p> <table style="margin-left: 20px;"> <tr> <td>Front:</td> <td style="text-align: right;">50 feet</td> </tr> <tr> <td>Corner Front:</td> <td style="text-align: right;">50 feet</td> </tr> <tr> <td>Side:</td> <td style="text-align: right;">20 feet</td> </tr> <tr> <td>Rear:</td> <td style="text-align: right;">35 feet</td> </tr> </table> <p>Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.</p>	Front:	50 feet	Corner Front:	50 feet	Side:	20 feet	Rear:	35 feet
Front:	50 feet								
Corner Front:	50 feet								
Side:	20 feet								
Rear:	35 feet								

**LMRD**



**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-406 MEDIUM RESIDENTIAL DENSITY DISTRICT**

**16-406 MRD. MEDIUM RESIDENTIAL DENSITY DISTRICT**

**16-406.01 INTENT**

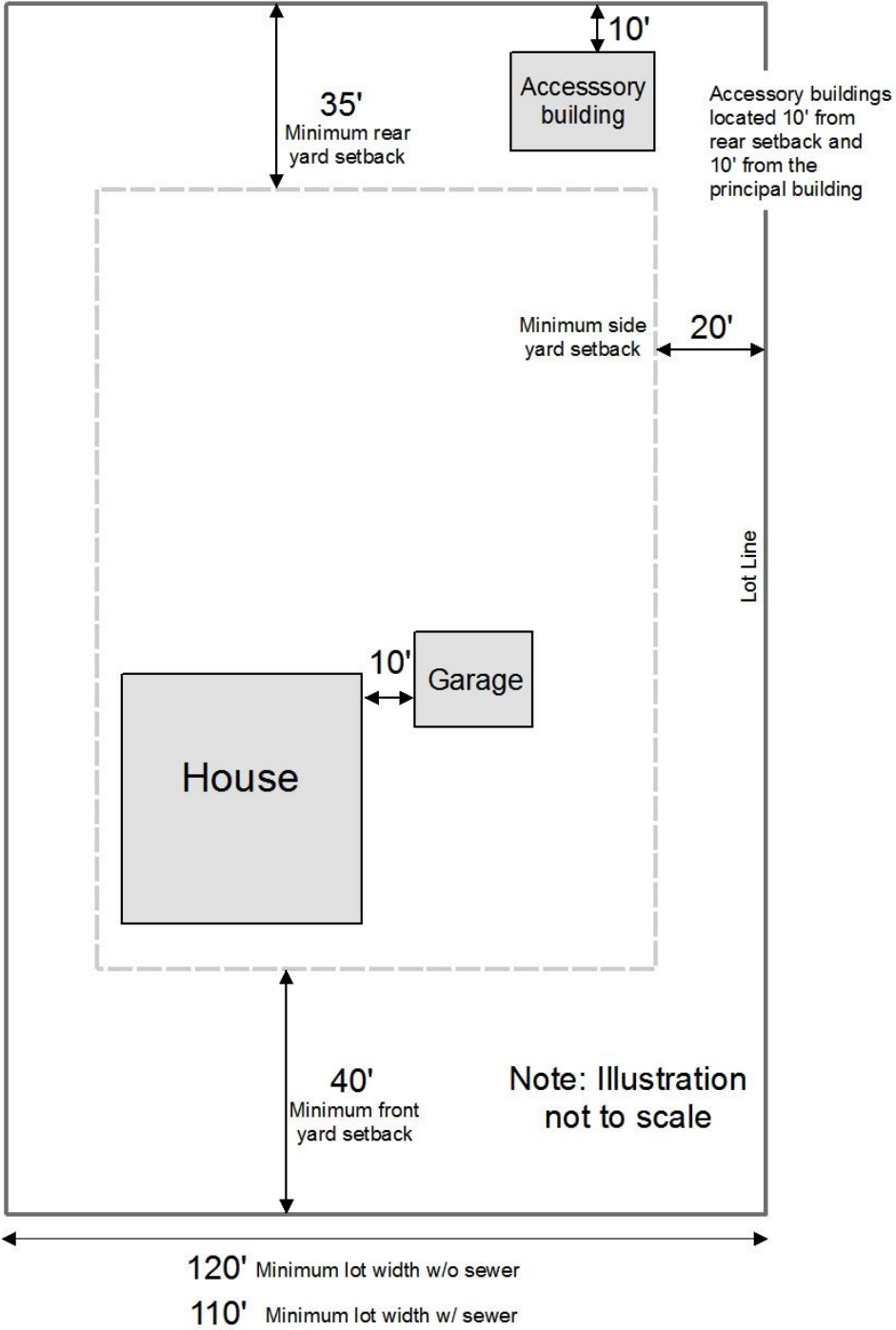
The MRD, Medium Residential Density District is intended to provide for medium density single-family residential development in relatively rural and low density patterns. Since this district is located in areas with little or no significant natural features, a conventional lot split or platted subdivision would not negatively impact environmental quality. Neighborhoods are intended to be quiet and generally free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. Except where topographic or other environmental constraints preclude such connectivity, streets within the MRD District should be interconnected, although both curvilinear and grid patterns are encouraged, some cul-de-sac and collector patterns may be developed.

**16-406.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the MRD District.

<u><b>A. PERMITTED USES</b></u>
<ul style="list-style-type: none"> <li>◆ Accessory Building and Structure, when accessory to a principal use</li> <li>◆ Accessory Use, when accessory to permitted uses</li> <li>◆ Adult Family Day Care Home</li> <li>◆ Adult Foster Care Family Home</li> <li>◆ Adult Foster Care Small Group Home</li> <li>◆ Agriculture, farms and farm buildings</li> <li>◆ Child Foster Family Home</li> <li>◆ Day Care Facility</li> <li>◆ Dwelling, Single-Family</li> <li>◆ Home Occupation subject to 16-323</li> <li>◆ Public and quasi-public uses, subject to 16-317</li> <li>◆ Utility and public service buildings, subject to 16-317</li> </ul>
<u><b>B. SPECIAL LAND USES</b></u>
<ul style="list-style-type: none"> <li>◆ Accessory Use, to a special land use, subject to 16-503</li> <li>◆ Bed &amp; Breakfast, subject to 16-505</li> <li>◆ Cemetery, Private subject to 16-507</li> <li>◆ Day Care, Group subject to 16-509</li> <li>◆ Educational Facility, subject to 16-512</li> <li>◆ Golf Course, subject to 16-514</li> <li>◆ Independent Living for the Elderly, subject to 16-529</li> <li>◆ Mining, gravel and mineral, subject to 16-519</li> <li>◆ Place of Public Assembly, subject to 16-523</li> <li>◆ Planned Unit Development, subject to 16-524</li> </ul>

<u><b>C. SITE AND BUILDING PLACEMENT STANDARDS</b></u>	
Minimum Lot Area w/o Sewer:	26,000 square feet
Minimum Lot Width w/o Sewer:	120 feet
Minimum Lot Width Corner w/o Sewer:	120 feet
Minimum Lot Area w/ Sewer:	19,500 square feet
Minimum Lot Width w/ Sewer:	110 feet
Minimum Lot Width Corner w/ Sewer:	120 feet
Maximum Lot Coverage:	25%
Maximum Building Height/Stories:	35 feet/2.5
Minimum Setbacks:	
Front:	40 feet
Corner Front:	40 feet
Side:	20 feet
Rear:	35 feet
Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.	

**MRD**



**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-407 MEDIUM HIGH RESIDENTIAL DENSITY  
DISTRICT**

**16-407 MHRD. MEDIUM HIGH RESIDENTIAL DENSITY DISTRICT**

**16-407.01 INTENT**

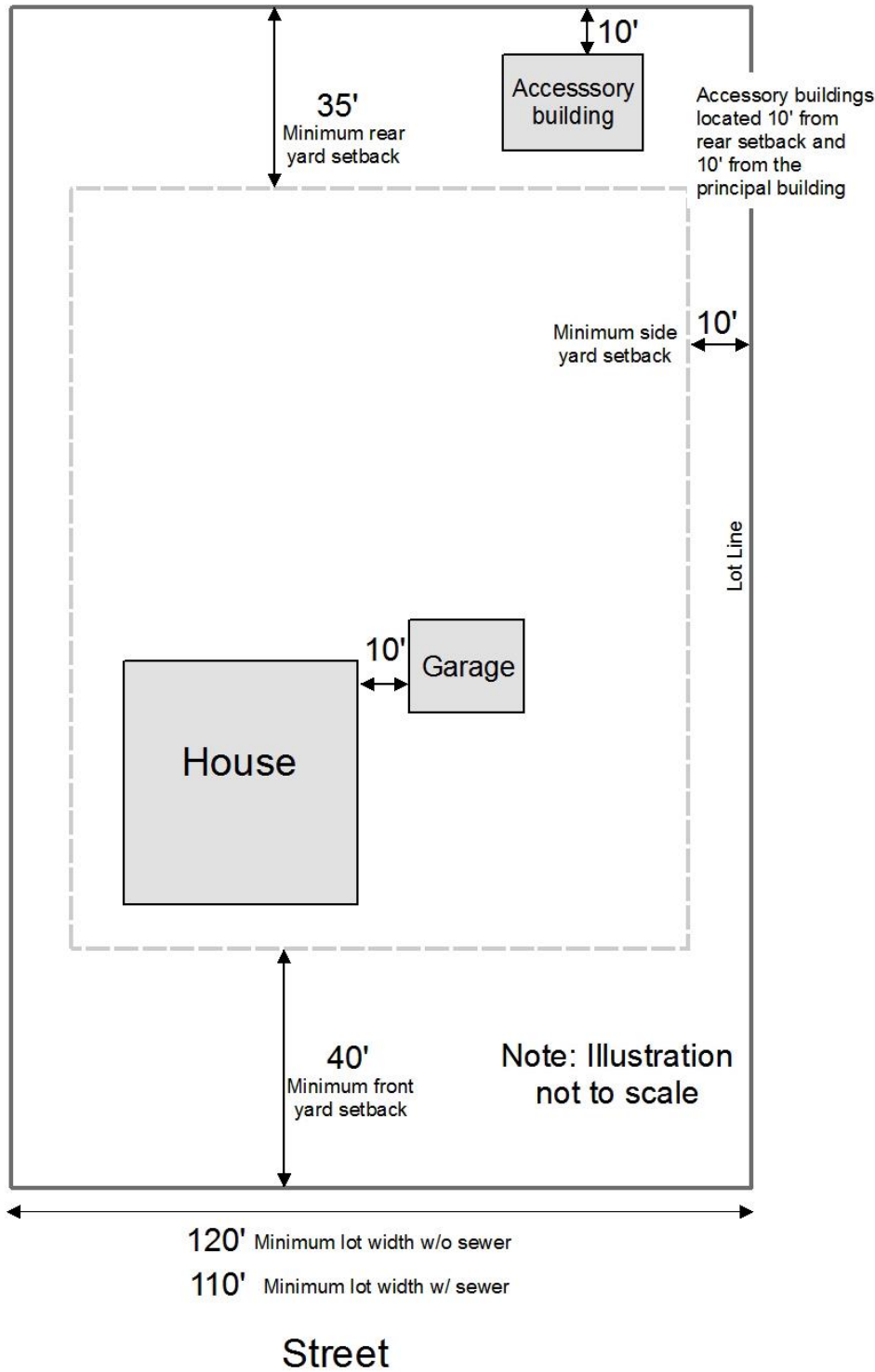
The MHRD, Medium High Residential Density District is intended to provide for medium high density single-family residential development with special attention to creating neighborhoods that are walkable while still exhibiting features of a rural, open space community. The character in this district is suburban with single-family dwellings on mid-sized lots which provide open space. This zoning district is characterized by meandering gravel or paved roads, sidewalks, street trees and scenic setbacks from major roads. Such preservation can be accomplished through careful placement of dwellings in areas where natural features would be least compromised. Neighborhoods are intended to be quiet and generally free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. Except where topographic or other environmental constraints preclude such connectivity, streets within the MHRD District should be interconnected, although curvilinear patterns are encouraged, some cul-de-sac and collector patterns may be developed.

**16-407.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the MHRD District.

<b><u>A. PERMITTED USES</u></b>
<ul style="list-style-type: none"> <li>◆ Accessory Building and Structure, when accessory to a principal use</li> <li>◆ Accessory Use, when accessory to permitted uses</li> <li>◆ Adult Family Day Care Home</li> <li>◆ Adult Foster Care Family Home</li> <li>◆ Adult Foster Care Small Group Home</li> <li>◆ Child Foster Family Home</li> <li>◆ Day Care Facility</li> <li>◆ Dwelling, Single-Family</li> <li>◆ Home Occupation subject to 16-323</li> <li>◆ Public and quasi-public uses, subject to 16-317</li> <li>◆ Utility and public service buildings, subject to 16-317</li> </ul>
<b><u>B. SPECIAL LAND USES</u></b>
<ul style="list-style-type: none"> <li>◆ Accessory Use, to a special land use, subject to 16-503</li> <li>◆ Bed &amp; Breakfast, subject to 16-505</li> <li>◆ Cemetery, Private subject to 16-507</li> <li>◆ Day Care, Group subject to 16-509</li> <li>◆ Educational Facility, subject to 16-512</li> <li>◆ Golf Course, subject to 16-514</li> <li>◆ Mining, gravel and mineral, subject to 16-519</li> <li>◆ Convalescent Center/Homes for the Aged, subject to 16-522</li> <li>◆ Place of Public Assembly, subject to 16-523</li> <li>◆ Planned Unit Development, subject to 16-524</li> <li>◆ Independent Living for the Elderly, subject to 16-529</li> </ul>

<b><u>C. SITE AND BUILDING PLACEMENT STANDARDS</u></b>	
Minimum Lot Area w/o Sewer:	22,000 square feet
Minimum Lot Width w/o Sewer:	120 feet
Minimum Lot Width Corner w/o Sewer:	120 feet
Minimum Lot Area w/ Sewer:	16,500 square feet
Minimum Lot Width w/ Sewer:	110 feet
Minimum Lot Width Corner w/ Sewer:	120 feet
Maximum Lot Coverage:	25%
Maximum Building Height/Stories:	35 feet/2.5
Minimum Setbacks:	
Front:	40 feet
Corner Front:	40 feet
Side:	10 feet
Rear:	35 feet
Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.	

**MHRD**



**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-408 MULTIPLE-FAMILY DISTRICT**

**16-408 RM. MULTIPLE-FAMILY DISTRICT**

**16-408.01 INTENT**

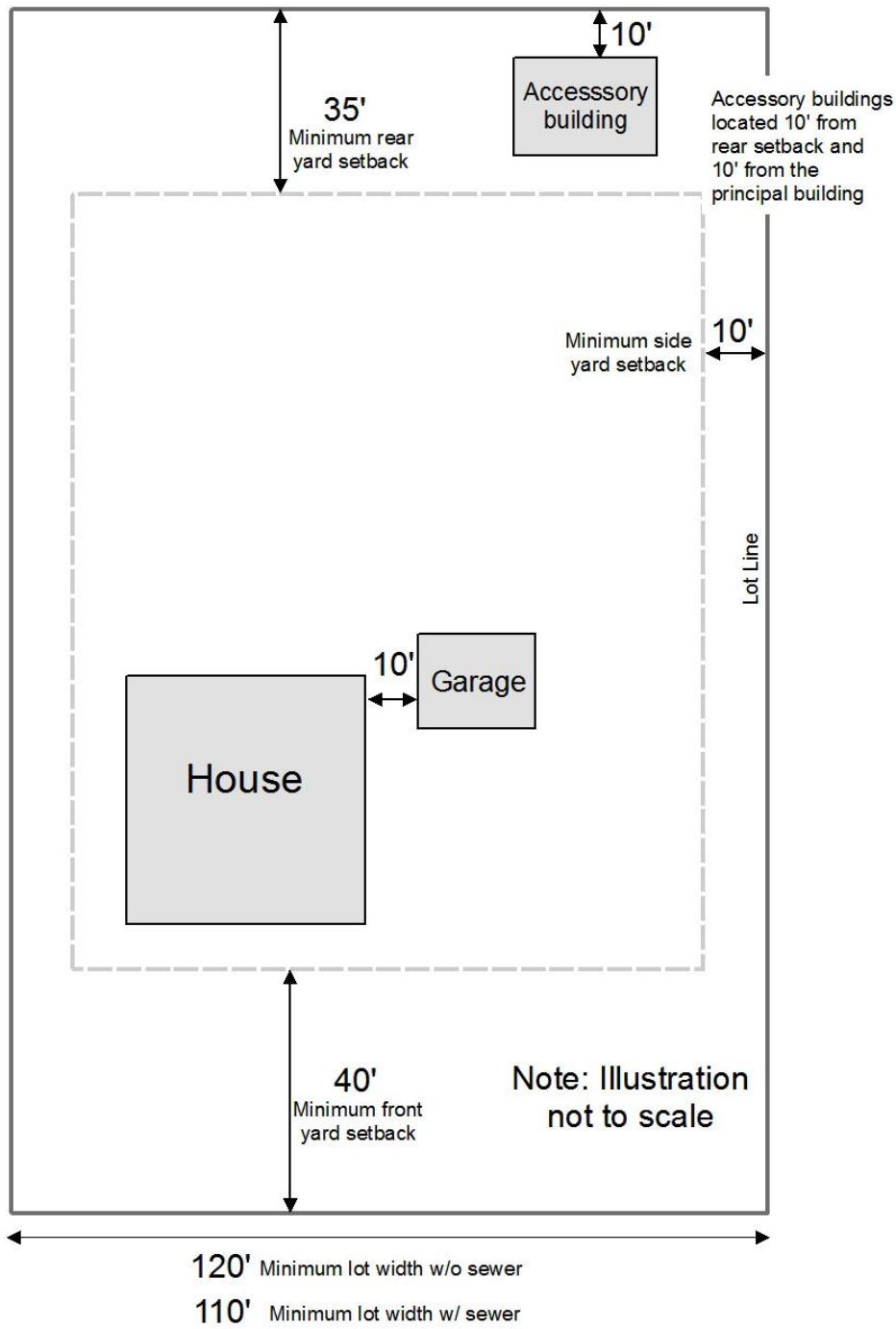
The RM, Multiple-Family District is intended to provide for attached single-family and attached multi-family residential development to broaden the range of housing types in the community for different age and income levels. Multiple-family residential communities in the RM district is intended to incorporate walking paths, open space areas, street trees and other landscape features similar to single-family residential neighborhoods. These multiple-family districts may or are intended to serve as receptors to senior living environments and care services, and are intended to be located in close proximity to commercial and recreational areas.

**16-408.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the RM District.

<b><u>A. PERMITTED USES</u></b>
<ul style="list-style-type: none"> <li>◆ Accessory Building and Structure</li> <li>◆ Accessory Use, when accessory to permitted uses</li> <li>◆ Dwelling, Multiple-Family, subject to 16-511</li> <li>◆ Dwelling, Single-Family</li> <li>◆ Dwelling, Two-Family</li> <li>◆ Public and quasi-public uses, subject to 16-317</li> <li>◆ Utility and public service buildings, subject to 16-317</li> </ul>
<b><u>B. SPECIAL LAND USES</u></b>
<ul style="list-style-type: none"> <li>◆ Accessory Use, to a special land use, subject to 16-503</li> <li>◆ Assisted Living for the Elderly, subject to 16-529</li> <li>◆ Cemetery, Private subject to 16-507</li> <li>◆ Educational Facility, subject to 16-512</li> <li>◆ Golf Course, subject to 16-514</li> <li>◆ Independent Living for the Elderly, subject to 16-529</li> <li>◆ Mining, gravel and mineral, subject to 16-519</li> <li>◆ Convalescent Center/Homes for the Aged, subject to 16-522</li> <li>◆ Place of Public Assembly, subject to 16-523</li> <li>◆ Planned Unit Development, subject to 16-524</li> </ul>

<b><u>C. SITE AND BUILDING PLACEMENT STANDARDS</u></b>	
Minimum Lot Size	10 acres
Dwelling, Single Family	Same as 16-407.02C
Dwelling, Two Family	Same as 16-407.02C
All Others:	
Minimum Land Area Per Dwelling Unit:	
One Bedroom/Efficiency Unit:	3,800 sq. ft.
Two Bedroom Unit:	5,700 sq. ft.
Three Bedroom Unit:	9,500 sq. ft.
Four Bedroom Unit:	11,400 sq. ft.
(Land area used for computing densities shall exclude the rights-of-way of all roads, whether public or private.)	
Maximum Building Height: 35 feet	
Minimum Setbacks:	
From any perimeter property line:	40 feet
From planned future right-of-way line:	40 feet
From scenic easement:	40 feet
From other buildings in development:	The greater of 20 feet or the height of the building or adjacent building.
Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.	

**RM**



**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-409 MANUFACTURED HOUSING DISTRICT**

**16-409 MH-MANUFACTURED HOUSING DISTRICT**

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**16-409.01 INTENT**

It is the intent of this District to establish a locale to accommodate manufactured housing communities as regulated by the Michigan Mobile Home Commission Act, Act 96 of the Public Acts of 1987, as amended, and the rules and regulations of the Manufactured Housing Commission. All uses in this district shall receive approval by the Manufactured Housing Division and comply with Act 96 of the Public Acts of 1987, as amended.

**16-409.02 REQUIREMENTS**

The design standards of a manufactured housing community shall be governed by the rules and regulations of the Manufactured Housing Commission.

**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-410 RECREATION CONSERVATION DISTRICT**

**16-410 RC. RECREATION CONSERVATION DISTRICT**

**16-410.01 INTENT**

The regulations of this district are intended to conserve open space, especially the contiguity of large parcels of open space areas with natural amenities, such as wildlife, lakes, streams and the shorelines thereof, pronounced topography, woodlands, floodplains, or other natural features. This district is designed to regulate public and private use of such areas for the recreation and enjoyment of persons, and to regulate the use, improvement, and development of such lands so as to safeguard the natural amenities and desirable influences and allow by special land use approval certain uses that may be found suitable at certain specific locations.

**16-410.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the RC District.

<b><u>A. PERMITTED USES</u></b>
<ul style="list-style-type: none"> <li>◆ Accessory Building and Structure when accessory to a permitted use</li> <li>◆ Accessory Use, when accessory to permitted uses</li> <li>◆ Agriculture, farms and farm buildings</li> <li>◆ Day Care Facility</li> <li>◆ Dwelling, Single-Family</li> <li>◆ Public and quasi-public uses, subject to 16-317</li> <li>◆ Roadside stand subject to 16-410.03.B</li> <li>◆ Utility and public service buildings, subject to 16-530</li> </ul>
<b><u>B. SPECIAL LAND USES</u></b>
<ul style="list-style-type: none"> <li>◆ Accessory Use, to a special land use, subject to 16-503</li> <li>◆ Camps, subject to 16-506</li> <li>◆ Cemetery, Private subject to 16-507</li> <li>◆ Educational Facility, subject to 16-512</li> <li>◆ Golf Course, subject to 16-514</li> <li>◆ Kennel/Animal Day Care, subject to 16-517</li> <li>◆ Mining, gravel and mineral, subject to 16-519</li> <li>◆ Stable, Riding Academy, subject to 16-527</li> <li>◆ Veterinary Hospital, subject to 16-528</li> </ul>

<b><u>C. SITE AND BUILDING PLACEMENT STANDARDS</u></b>	
Minimum Lot Area w/o Sewer:	10 acres
Minimum Lot Width w/o Sewer:	330 ft.
Minimum Lot Width Corner w/o Sewer:	330 ft.
Minimum Lot Area w/ Sewer:	10 acres
Minimum Lot Width w/ Sewer:	330 ft.
Minimum Lot Width Corner w/ Sewer:	330 ft.
Maximum Lot Coverage:	10%
Minimum Setbacks:	
Front:	50 feet
Corner Front:	50 feet
Side:	40 feet
Rear:	55 feet
Maximum Building Height/Stories:	35 feet/2.5
Table 16--402.02 and the footnotes set forth therein provide additional standards that are applicable.	

**16-410.03 NOTES:**

- A. There shall be not more than one (1) dwelling per ten (10) acres.
- B. Roadside Stands shall comply with the following:
  - 1. No more than one stand for the sale of agricultural products grown on the premises shall be permitted.
  - 2. The stand shall not operate more than one hundred twenty (120) days per calendar year.
  - 3. The stand shall only operate during daylight hours.
  - 4. The stand shall be set back at least thirty (30) feet from the front lot line.
  - 5. Off street parking shall be provided for not less than five (5) automobiles.
  - 6. One (1) on-site and two (2) off-site temporary signs measuring not more than four (4) square feet each shall be allowed for each roadside stand. Express permission of the owner is required for location of the off-site signs. The temporary signs are allowed only during the duration of the maximum one hundred twenty (120) day operating period.

**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-411 OFFICE SERVICE DISTRICT**

**16-411 OS. OFFICE SERVICE DISTRICT**

**16-411.01 INTENT**

The intent of the Office Service District is to support office uses in specific locations within the Township which will be well integrated with the surrounding residential character. Where single-family detached dwellings exist in the Office Service district, adaptive reuse of these dwellings for office-service uses is encouraged. It is also intended that, where new development occurs, it will be compatible with residential neighborhoods using building height limitations, setbacks, and lot coverage standards set forth herein. To further promote these objectives, the regulations herein provide for the transition from residential to office-service uses to be marked by landscape buffers including berm, or evergreen screening, and lighting, signage, and parking lots are to be designed to have a minimum impact on residential uses.

**16-411.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the OS District.

**A. PERMITTED USES**

- ◆ Accessory Building and Structure when accessory to a permitted use
- ◆ Accessory Use, when accessory to permitted uses
- ◆ Assisted Living for the Elderly, subject to 16-529
- ◆ Financial Institution
- ◆ Funeral Home
- ◆ Independent Living for the Elderly, subject to 16-529
- ◆ Medical Office
- ◆ Nursing Home/Assisted Living
- ◆ Office Building
- ◆ Professional Service Establishment
- ◆ Public and quasi-public uses, subject to 16-317
- ◆ Social Service Center
- ◆ Utility and Public Service Buildings, subject to 16-317
- ◆ Veterinary Clinic

**B. SPECIAL LAND USES**

- ◆ Accessory Use, to a special land use, subject to 16-503
- ◆ Convalescent Center/Homes for the Aged, subject to 16-522
- ◆ Day Care, Commercial, subject to 16-508
- ◆ Kennel/Animal Day Care, subject to 16-517
- ◆ Mixed Use Development, subject to 16-512
- ◆ Place of Public Assembly, subject to 16-523
- ◆ Veterinary Hospital, subject to 16-528

**C. SITE AND BUILDING PLACEMENT STANDARDS**

Minimum Lot Area:	8,000 square feet
Minimum Lot Width:	80 feet
Maximum Lot Coverage:	80%
(includes parking/paving)	
Minimum Setbacks:	
Front:	40 feet
Corner Front:	40 feet
Side:	20 feet
Rear:	40 feet
Minimum Gross Floor Area:	800 square feet
Maximum Building Height:	35 feet

**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-412 RESERVED**

**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-413 COMMERCIAL DISTRICT**

**16-413 C. COMMERCIAL DISTRICT**

**16-413.01 INTENT**

The intent of the Commercial District is to support commercial uses in specific locations within the Township which will be well integrated with the surrounding residential character. It is intended that, where new development occurs, it will be compatible with residential neighborhoods using building height limitations, setbacks, and lot coverage standards set forth in this ordinance. The transition from residential to commercial uses is marked by landscape buffers including berms, or evergreen screening. Lighting, signage, and parking lots shall be designed to have a minimum impact on residential uses.

**16-413.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and additional regulations applicable to the C District.

<b><u>A. PERMITTED USES</u></b>
◆ Accessory Building and Structure when accessory to a permitted use
◆ Accessory Use, when accessory to permitted uses
◆ Convenience Store
◆ Financial Institution
◆ Gas Station
◆ Greenhouse, as an accessory structure
◆ Medical Office
◆ Motel/Hotel
◆ Nursery
◆ Assisted Living for the Elderly, subject to Section 16-529
◆ Office Building
◆ Personal Service Business
◆ Professional Service Establishment
◆ Public and Quasi-Public uses, subject to 16-317
◆ Recreation Facility, Indoor
◆ Restaurant, Sit Down
◆ Retail Sales
◆ Independent Living for the Elderly, subject to 16-529
◆ Social Service Center
◆ Utility and public service buildings, subject to 16-317
◆ Veterinary Clinic

<b><u>B. SPECIAL LAND USES</u></b>
◆ Accessory Use, to a special land use, subject to 16-503
◆ Animal Grooming, subject to 16-504
◆ Convalescent Center/Homes for the Aged, subject to 16-522
◆ Funeral Home, subject to 16-513
◆ Kennel/Animal Day Care, subject to 16-517
◆ Mixed Use Development, subject to 16-521
◆ Place of Public Assembly, subject to 16-523
◆ Veterinary Hospital, subject to 16-528

<b><u>C. SITE AND BUILDING PLACEMENT STANDARDS</u></b>	
Minimum Lot Area:	8,000 square feet
Minimum Lot Width:	80 feet
Maximum Lot Coverage: (includes parking/paving)	80%
Minimum Setbacks:	
Front:	40 feet
Corner Front:	40 feet
Side:	20 feet
Rear:	40 feet
Minimum Gross Floor Area:	800 square feet
Maximum Building Height:	35 feet

**ARTICLE IV  
DISTRICT STANDARDS**

**SECTION 16-414 RESEARCH-DEVELOPMENT DISTRICT**

**16-414 RD. RESEARCH-DEVELOPMENT District**

**16-414.01 INTENT**

The RD district is intended to accommodate scientific research and development facilities, warehouses, and manufacturing and assembly operations whose external, physical effects are restricted to the area of the district and are well-matched to the surrounding uses. It is further intended that activities involving the manufacture or processing of material be entirely enclosed and that all uses conform to the performance standards of this ordinance.

**16-414.02 DISTRICT PROVISIONS.** The following is a list of uses permitted by right, special land uses, site and building placement standards, and building form standards applicable to the RD District.

**A. PERMITTED USES**

- ◆ Accessory Building and Structure when accessory to a permitted use
- ◆ Accessory Use, when accessory to permitted uses
- ◆ Financial Institution
- ◆ Medical Office
- ◆ Mini/Self Storage Facility
- ◆ Motel/Hotel
- ◆ Nursery
- ◆ Office Building
- ◆ Personal Service Business
- ◆ Professional Service Establishment
- ◆ Public and quasi-public uses, subject to 16-317
- ◆ Recreation Facilities, Indoor
- ◆ Scientific, engineering and/or research laboratories
- ◆ Social Service Center
- ◆ Utility and public service buildings, subject to 16-317
- ◆ Veterinary Hospital
- ◆ Warehouse

**B. SPECIAL LAND USES**

- ◆ Accessory Use to a special land use, subject to 16-503
- ◆ Animal Grooming, subject to 16-504
- ◆ Funeral Home, subject to 16-513
- ◆ Kennel/Animal Day Care, subject to 16-517
- ◆ Manufacturing Facilities, subject to 16-518
- ◆ Mixed Use Development, subject to 16-521

**C. SITE AND BUILDING PLACEMENT STANDARDS**

Minimum Lot Area:	4 acres
Minimum Lot Width:	330 feet
Maximum Lot Coverage: (includes parking/paving)	80%
Minimum Setbacks:	
Front:	100 feet
Corner Front:	100 feet
Rear:	50 feet
Side:	50 feet
Ground Floor Area:	2,000 square feet
Maximum Building Height:	35 feet

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**16-415      RESERVED**

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**16-416      WCF, WIRELESS COMMUNICATION FACILITIES OVERLAY**

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**16-416.01      PURPOSE AND INTENT**

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- A. Facilitate adequate and efficient provision of sites for Wireless Communication Facilities.
- B. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of Wireless Communication Facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the Township. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- D. Ensure that Wireless Communication Facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- E. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
- F. Promote the public health, safety and welfare.
- G. Provide for adequate information about plans for Wireless Communication Facilities in order to permit the community to effectively plan for the location of such facilities.
- H. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- I. Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community landmarks, historic resources, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of

existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.

- J. The Township Board finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact upon property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

#### **16-416.02 PERMITTED USES**

Subject to the standards and conditions set forth in Section 16-416.05, Wireless Communication Facilities shall be permitted uses in the following circumstances, and in the following overlay zones:

- A. An existing structure which will serve as an Attached Wireless Communication Facility within a non-residential zoning district, where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance; or an existing structure which will serve as an Attached Wireless Communication Facility within a residential zoning district if the accessory building is either not visible from any residence or can be screened to that extent in accordance with the standards set forth in Article Eight Landscaping and where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.
- B. A proposed co-location upon an Attached Wireless Communication Facility which had been pre-approved for such co-location as part of an earlier approval by the Township.
- C. An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- D. A proposal to establish a new Wireless Communication Facility shall be deemed a permitted use if proposed in a Permitted Use Overlay Zone, as shown on the overlay map made a part of this section.

#### **16-416.03 SPECIAL LAND USE/OVERLAY ZONES**

If it is demonstrated by an applicant that there is no reasonable difference of opinion that a Wireless Communication Facility may not reasonably be established as a permitted use under Section 16-416.02 and is required in order to operate a wireless communication service then a Wireless Communication Facility may be authorized under the procedures and as provided in

Section 16-502, as a special land use within a Special Land Use Overlay Zone, as shown on the overlay map made a part of this section, considering the standards and conditions in Sections 16-416.05 and 16-416.06.

#### **16-416.04 SPECIAL LAND USES OUTSIDE SPECIAL LAND USE OVERLAY ZONES**

If it is demonstrated by an applicant that there is no reasonable difference of opinion that a Wireless Communication Facility may not reasonably be established as a Permitted Use or within a Special Land Use Overlay Zone, identified in Sections 16-416.02 and 16-416.03, then, a Wireless Communication Facility may be permitted elsewhere in the Township under the procedures and as provided in Section 16-502, as a special land use, subject to the standards and conditions of Sections 16-416.05 and 16-416.06, and also subject to the following:

- A. At the time of the submittal, the applicant shall demonstrate that a location within a Permitted Use or Special Land Use overlay zone cannot meet the need required for operation of a system.
- B. Wireless Communication Facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
- C. In single-family residential neighborhoods, site locations outside of an Overlay Zone identified in Sections 16-416.02D and 16-416.03, above, shall be considered first on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
  1. Religious or other institutional site.
  2. Municipally owned site.
  3. Other governmentally owned site.
  4. Public park and other large permanent open space areas when compatible.
  5. Public or private school site.
  6. Other locations if none of the above is available.

#### **16-416.05 STANDARDS AND CONDITIONS APPLICABLE TO ALL FACILITIES**

All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed with a special land use approval:

- A. Facilities shall be located, landscaped and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to

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utilize existing structures on which to place facilities, i.e. to utilize Attached Wireless Communications Facilities.

- B. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicant's licensed engineer.
- C. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. Structures which require or are proposed to have high intensity (strobe) lighting shall not be permitted.
- D. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- E. The setback of a new or materially modified support structure from any residential district shall be at least the height of the highest point of the structure. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.
- F. Where the proposed new or materially modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, from that abutting parcel shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located or be otherwise sufficient taking into account the information required by Section 16-416.07C.
- G. 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.
- H. The division of property for the purpose of locating a Wireless Communication Facility is prohibited unless all zoning requirements and conditions are met.
- I. 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 principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks. For co-location facilities

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served by an accessory building, there should be a single, architecturally uniform accessory building for all providers.

- J. The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility from off site, maximize aesthetic appearance including at and from ground level, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the Wireless Communication Facility in a neat and orderly condition.
- K. 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.
- L. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- M. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.
- N. The use of high intensity (strobe) lighting on a Wireless Communication Facility shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- O. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of Township processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a Wireless Communication Facility within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.
- P. The antenna and other attachments on a Wireless Communication Facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size of such attachments, and shall be designed and constructed to maximum aesthetic quality.

**16-416.06 STANDARDS AND CONDITIONS APPLICABLE TO SPECIAL LAND USE FACILITIES**

Applications for Wireless Communication Facilities which may be approved as special land uses under Sections 16-416.03 or 16-416.04, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in Section 16-416.05, any special land use approval conditions, and in accordance with the following standards:

- A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

1. Proximity to an interstate or major thoroughfare
  2. Areas of population concentration
  3. Concentration of commercial, industrial, and/or other business centers.
  4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  6. Other specifically identified reason(s) creating facility need.
- B. The proposal shall be reviewed in conformity with the co-location requirements of this section.

**16-416.07 APPLICATION REQUIREMENTS**

- A. A site plan prepared in accordance with Article 6, Site Plan Review shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure as required by the standards and conditions set forth in Section 16-416.05.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) 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 the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.
- E. The application shall include a map showing existing and known proposed Wireless Communication Facilities within the Township, and further showing existing and known proposed Wireless Communication Facilities within areas surrounding the borders of the

Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such 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)(f). 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.

- F. 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.
- G. The application fee, in the amount specified by Township Board Resolution.
- H. The owner or duly authorized representative of all ownership interest in the land on which the Wireless Communication Facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in Section 16-416.05P.

#### **16-416.08 CO-LOCATION**

##### **A. 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 community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in Section 16-416.01. Each licensed provider of a Wireless Communication Facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Section 16-416.01. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

##### **B. Feasibility of co-location:**

Co-location shall be deemed to be "feasible" for purposes of this section where all of the following are met:

1. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location. For purposes of this standard and the demonstration required under Section 16-416.08C(1), "market rent or other market compensation" means an amount and/or form of compensation or consideration that represents the amount that knowledgeable persons acting in good faith, after reasonable negotiations would agree upon.
2. 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.
3. The co-location being considered is technologically 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.
4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the intent and purpose of this section and the several standards contained in Sections 16-416.05 and 16-416.06.

C. Requirements for Co-location:

1. A special land use permit for the construction and use of a new Wireless Communication Facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs. In determining whether an applicant has undertaken to pay "market rent or other market compensation for co-location", consideration shall be given to whether the applicant's claim is supported by the opinion, award, determination or recommendation of a qualified, fully informed and disinterested third person such as an arbitrator or mediator with a rebuttable presumption that absent such support, the applicant has not undertaken to pay market rent or other market compensation for co-location.
2. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co-location.
3. The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such 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.
4. If a party who owns or otherwise controls a Wireless Communication Facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Township for a period of five

years from the date of the failure or refusal to permit the co-location. 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 year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

D. Incentive

Review of an application for co-location, and review of an application for a permit for use of a facility permitted under Section 16-416.02, shall be expedited by the Township.

**16-416.09 REMOVAL**

- A. A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events;
1. When the facility has not been used for 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.
  2. Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure, or with a support structure which is lower and/or more compatible with the area.
- B. The situations in which removal of a facility is required, as set forth in Section 16-416.09A, may be applied and limited to portions of a facility.
- C. Upon the occurrence of one or more of the events requiring removal, specified in Section 16-416.09A, 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 Zoning Administrator.
- D. 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, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- E. The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.



**16-416.09 EFFECT AND APPROVAL**

- A. Subject to Section 16-416.09B, final approval under this section shall be effective for a period of six (6) months.
- B. If construction of a Wireless Communication Facility is commenced within two miles of the land on which a facility has been approved, but on which construction has not been commenced during the 6 month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to co-locate on the facility that has been newly commenced.

**16-416.10 REVIEW PERIOD, FEES FOR WIRELESS COMMUNICATION FACILITIES**

- A. An application for wireless communication facility special land use shall be governed according to the time limits and application fees as specified in P.A. 110 of 2006, MCL 125.3514, as amended and as summarized below.
- B. After an application for a special land use approval is filed with the Township, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator determines that the application is deficient and notifies the applicant accordingly, the application shall be considered to be administratively complete within fourteen (14) business days after receipt of the application.
- C. For wireless communication equipment proposed for placement or installation on an existing wireless support structure, the Planning Commission shall approve or deny the application not more than sixty (60) days after the application has been deemed administratively complete.
- D. For wireless communication equipment proposed at new sites without an existing wireless communication support structure, the Planning Commission shall approve or deny the application not more than ninety (90) days after the application has been deemed administratively complete.
- E. Fees required by Oakland Township shall not exceed \$1,000.00.

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## **ARTICLE V: SPECIAL LAND USES**

### **16-500 SPECIAL USES GENERALLY**

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A special use is a use that is permitted within a specified zoning district after meeting specific requirements listed in this Article 5. It is the purpose of this Article to set forth the general procedures and general review standards applicable to all special uses (Sections 16-501 and 16-502) and name, describe, and list the additional specific requirements and conditions applicable to each special land use specified in the respective zoning districts (Sections 16-503 through 16-528). Due to the nature of the use, a special use requires special consideration in relation to the welfare of adjacent properties and to the community as a whole.

### **16-501 SPECIAL USE PROCEDURES**

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A Special Use application shall be submitted and processed according to the following procedure:

- A. **Submission of Application.** An application shall be submitted to the Zoning Administrator. Each application shall be accompanied by the payment of a fee established in the Review Expense Ordinance, as amended. A special use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator in accordance with this ordinance. An application, which is incomplete or otherwise not in compliance with this ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.
- B. **Data Required.** A special use application for any project reviewed by the Planning Commission and Township Board shall include sixteen (16) copies of all required information, including application form and a site plan with all information as required in Article 6 of this ordinance. The information shall include the following:
  1. A complete special use permit application including the following information:
    - i. Name and address of applicant and owner(s).
    - ii. Legal description, property parcel number, and street address of the subject parcel of land.
    - iii. Area of the subject lot stated in acres, or if less than one (1) acre, in square feet.
    - iv. Present zoning classification of the parcel.
    - v. Present and proposed land use.
    - vi. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
    - vii. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, water system facilities, ground water, natural features, pedestrian circulation, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.

- viii. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the Township Zoning Administrator, the Planning Commission or the Township Board; including, but not limited to, measures which will be undertaken to control soil erosion, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.
  - ix. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this ordinance affecting the special use under consideration.
2. A complete site plan containing all the applicable data required by Section 16-603.
  3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing the specific special use requested.
  4. Any additional information deemed necessary for the Township Board upon recommendation of the Planning Commission to determine the impact of the proposed special use on the adjacent properties, public infrastructure, and community as a whole.
  5. See Section 16-706 for sign posting requirements for land use change.
- C. Special Use Review Procedures. An application for special use approval shall be processed as follows:
1. Public Hearing Procedures. Once a completed special use application has been provided to the Township, a public hearing shall be required. A public hearing shall not be scheduled until the special land use application has been checked for completeness by Township staff. Notice of the public hearing shall be provided pursuant to the procedures set forth in Section 16-103.
  2. Planning Commission Recommendation. After the public hearing, the Planning Commission shall review the application, any information supplied at or in connection with the public hearing, and any reports of Township personnel, planning or engineering or other consultants and shall reach a decision to recommend to the Township Board approval, approval with conditions, or denial of the application. Such decision shall be reached within a reasonable period of time following the public hearing on the application. The Planning Commission's recommendation to the Township Board shall be incorporated in a motion containing conclusions and findings reached relative to the proposed special use which motion shall provide the basis for the recommendation and any conditions in connection with the recommendation.
  3. Township Board Public Hearing. Upon receiving the recommendation of the Planning Commission, the Township Board shall schedule a public hearing on the special use application consistent with the procedures set forth in Section 16-109.
  4. Township Board Decision. After the public hearing, consideration of the Planning Commission recommendation and upon review of the merits of the special use permit application, the Township Board shall reach a decision of approval, approval with conditions, or denial of the application. Such decision shall be reached within a reasonable period of time following the public hearing on the application. The Township

Board decision shall be incorporated in a motion containing conclusions and findings reached relative to the proposed special use which motion shall provide the basis for the decision and any required conditions.

6. **Basis for Action.** In arriving at its decision, the Township Board shall refer to and be guided by those standards and conditions set forth in this Article. If the facts regarding the special use do not establish by a preponderance of the evidence that the standards, conditions and requirements set forth in this Article can and will be met, the application shall be denied.
  7. **Attachment of Conditions.** The conditions and regulations set forth in this Article (Section 16-502 etal.) for the various types of special land uses and accessory uses related thereto shall apply to each such type of special land use upon approval of same and the Township Board or other approving body therefore does not need to specifically identify such conditions and regulations as part of its approval action. The Township Board may prescribe conditions of approval deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this ordinance are met.
- D. **Issuance of a Special Use Permit.** Upon approval by the Township Board, the Zoning Administrator shall issue the special use permit, which permit shall identify any and all conditions, terms, and restrictions applicable to the approved special use. The special use permit shall become effective upon Township Board approval, provided the following are met:
1. The Building Official shall not issue a Building Permit until approval of such special use permit and any conditions pertaining to such approval are met.
  2. Until a Building Permit has been granted pursuant to the special use permit, there shall be no construction or excavation of said land, nor shall there be any use of the land in anticipation of the special use unless such use is incorporated in the conditions of approval adopted by the Township Board.
  3. Land subject to a special use permit may not be used or occupied for such special use until after a certificate of occupancy has been issued pursuant to the provisions of this ordinance, or the zoning compliance approval of the Zoning Administrator has been granted for uses not subject to the requirements for a certificate of occupancy.
- If pre-conditions to the issuance of the permit are given, the Zoning Administrator shall verify that all conditions are met prior to issuance of a special use permit. It shall be the responsibility of the Zoning Administrator to monitor and verify compliance with the terms, conditions and restrictions of any special use permit and take any enforcement action necessary in the event of a violation of the special use permit.
- E. **Appeals.** A decision or condition related to a special use application may not be appealed to the Zoning Board of Appeals.
- F. **Amendments.** Amendments to special use permit shall be handled in the same manner as the initial special use permit application. Minor non-substantive changes to a site plan in accordance with Section 16-608 may be made to an existing special use permit with the approval of the Zoning Administrator.

- G. Transfers. Prior to completion of construction related to a special use, the special use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner only upon the sale or transfer of the property in question. The original owner, upon transferring the special use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to Section 16-502, J, 4, pertaining to abandonment.
- H. Expiration. A special use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:
1. If replaced or superseded by a subsequent permitted use or special use permit.
  2. If the applicant or current owner of the property requests the rescinding of the special use permit.
  3. If a condition of approval included a stipulation that the special use permit shall expire by a certain date.
  4. If the special use is abandoned in accordance with Section 16-502.K.
  5. If a zoning permit has not been obtained or the on-site development has not commenced pursuant to Section 16-109 within one (1) year, the special use permit approval shall become null and void.
- I. Abandonment. Any permitted special use shall be considered abandoned and such use shall not be resumed thereafter if any of the following conditions apply:
1. When the owner declares or otherwise makes evident his intent to discontinue such use.
  2. When the use has been replaced by a different use permitted in the underlying zoning district.
  3. The cessation of the permitted special use for a period of twelve (12) consecutive months shall result in a rebuttable presumption of the owner's and any lawful occupant's intent to permanently discontinue and abandon the special use. At any time after said twelve (12) consecutive month period, the Zoning Administrator may notify the owner and any occupants in writing of said presumption and such writing shall provide the owner and any occupants at least thirty (30) days to rebut the presumption in a writing addressed and delivered to the Zoning Administrator by certified mail with a return receipt. If the owner and occupants fail to provide written evidence rebutting the presumption within said thirty (30) day period, the owner's and occupant's intent to discontinue and abandon the special use shall thereby be established. The notice from the Zoning Administrator shall be sent by certified mail, with a return receipt, to the owner and any occupants at the mailing address of the owner listed on the Township tax rolls and at the street address of the property in question if a building with an address exists at said location.
- J. Violations. Any violation of the terms, conditions or limitations of a special use permit shall be cause for revocation or suspension of the permit. The Township Board may either revoke or suspend, pending correction of the violation, any special use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged

violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Township Board shall make a finding that a material violation of the special use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

## **16-502 SPECIAL USE REVIEW STANDARDS**

- A. General Review Standards. The Planning Commission and Township Board, before acting on a special use permit application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission and Township Board shall review each application and take action to approve a special use application only if it finds that such special use meets each of the following standards, together with any and all special use standards reflected for the zoning district, any and all applicable specific review standards found in this Article and all other generally applicable requirements of this ordinance. The Planning Commission and Township Board shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:
1. The proposed special land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
  2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle interfacing.
  3. The location, size, intensity, site layout, physical, structure, and amenities, and periods of operation the proposed use shall be designed and established in a manner that eliminates any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of traffic, dust, noise, odors, glare, fumes, vibration, smoke or lights.
  4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
  5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular service and facilities in specific areas of the Township.

6. The proposed use is so designed, located, planned and to be operated so that the public health, safety and welfare will be protected.
  7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
  8. The site plan standards established in Article 6.
- B. Additional Conditions and Approval Standards. In addition to the standards and conditions set forth for each type of special use in this Article, the Township Board may establish reasonable conditions of approval for a special use permit. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Further, in addition to the standards and conditions set forth for each type of special use in this Article, the Township Board may adopt specific review standards for any proposed special use proposed if this Article 5 does not provide such specific review standards for such use. Any such conditions imposed or specific review standards employed shall:
1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners in the vicinity of the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of this ordinance, be related to the standards established in this ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

### **16-503      ACCESSORY USES RELATED TO PERMITTED SPECIAL LAND USES**

Upon approval of this special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. An accessory use related to a permitted special land use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, vibration, light, odors, fumes, smoke, or dust, greater than or more burdensome than such impacts from the principal use of the property.
2. Where an accessory use related to a permitted special use is proposed, and regulations are contained in this ordinance for said permitted special land use, those regulations shall be met; provided, the Township Board may impose additional conditions on approval, to protect the health, safety, and welfare of the Township and its residents.

3. The Township Board may require site or performance measures pertaining to an accessory use related to a permitted special land use to address on-site impacts or off-site impacts and/or other potential impacts resulting from said accessory use or the combination of the accessory use and the principal permitted special use.

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**16-504 ANIMAL GROOMING**

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Upon approval of an animal grooming special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. All portions of the animal grooming facility must be served with a central air-conditioning and ventilation system which shall be maintained in a proper operating condition so that windows and doors may remain closed year-round without producing an adverse interior environment.
2. When such uses are located in a building occupied by other uses and to which access is gained through a common entry, access to the grooming facility must be from a separate entry, which shall give direct access from the street or sidewalk.
3. All rooms in which animals are to be contained for more than 30 minutes without receiving consistent attention from a handler must be equipped with sufficient soundproofing materials to insure that noise does not carry to adjacent businesses or residences.
4. Animals shall not be kept overnight.

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**16-505 BED AND BREAKFAST**

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Upon approval of a bed and breakfast special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The bed and breakfast shall be compatible with other allowed uses in the vicinity.
2. The impact of the establishment shall be no greater than that of a private home with houseguests.
3. The number of sleeping rooms rented to transient guests within a Bed and Breakfast Establishment shall not exceed the following standards:
  - i. Within the RC and VLRD districts: 4 sleeping rooms
  - ii. Within the Commercial districts: 5 sleeping rooms

- iii. The minimum lot size shall be consistent with the district minimum for a single family dwelling.
- iv. Parking; two (2) parking spaces for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
- v. The establishment shall be the principal dwelling unit on the property and shall be occupied as the residence of the owner and operator at all times.
- vi. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
- vii. The bed and breakfast shall not alter the residential character of the building or structure.
- viii. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
- ix. Approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- x. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 8' that shows the specific layout of the proposed facility in accord with the provisions of this ordinance.
- xi. The lighting standards, as applicable, of Section 16-325 shall be illustrated on the site plan.
- xii. No conference/meeting room facilities will be permitted.
- xiii. The bed and breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
- xiv. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

## **16-506 CAMPS AND CAMP GROUNDS**

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Upon approval of a camp and camp grounds special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
2. The application shall provide for measures acceptable to the Township Board to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by

the Township Board, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.

3. If provided, restrooms and/or shower facilities shall be maintained free from debris and in working order at all times.
4. Electrical and water hook ups, if provided, shall conform to applicable state and county electrical and maintenance regulations.

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**16-507 CEMETERY, PRIVATE**

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Upon approval of a private cemetery special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. A proposed private cemetery that provides a chapel or other enclosure for graveside interment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities, utilities, parking, lighting, and other improvements.
2. A landscape buffer of 50 feet shall be provided where a private cemetery abuts a residentially zoned or used parcel.
3. The use shall be so arranged that an adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
4. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
5. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

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**16-508 DAY CARE, COMMERCIAL**

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Upon approval of a commercial day care special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall be located in the rear or side yards only and shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 6-

foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.

3. Such facilities shall be located at least 1,500 feet from any of the following:
  - i. A licensed or pre-existing operating group or commercial day-care home.
  - ii. An adult foster care facility.
  - iii. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
  - iv. A community correction center resident home halfway house or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The Township Board shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
7. Such facility shall be located either adjacent to or within 300 feet of Rochester Road, Adams Road, Orion Road or 32 Mile Road.

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#### **16-509 DAY CARE, GROUP**

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##### **B. Minimum Regulations and Conditions.**

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall be located in the rear or side yard only, and shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Such facilities shall be located at least 1,500 feet from any one of the following:
  - i. A licensed or pre-existing operating group or commercial day-care home.
  - ii. An adult foster care facility.
  - iii. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
  - iv. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The Township Board shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.

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**16-510 DRIVE-THROUGH BUSINESS**

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Upon approval of a drive-through business special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.
2. Pedestrian areas shall be clearly marked.
3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
4. The applicant shall demonstrate to the satisfaction of the Township Board that vehicle stacking areas for the drive-through facility are sufficient to accommodate the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking, or pedestrian areas on site. In no event shall the stacking of vehicles be less than six (6) vehicles per drive-through lane.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.
6. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be screened from view from such property.

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**16-511 DWELLING, MULTIPLE FAMILY**

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Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multi-family dwelling shall be designed to look like a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multi-family dwelling is consistent with the aesthetic character of existing buildings.
2. A garage serving a multi-family dwelling shall be recessed or placed in the rear of the dwelling, with side or rear entry.
3. In no instance shall more than one out of six (6) multiple-family units in any multiple-family development be designed as an efficiency dwelling unit.
4. A minimum separation distance of fifteen (15) feet shall be provided between buildings located on the same parcel if they are not attached by a common wall.

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**16-512 EDUCATIONAL FACILITY**

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Upon approval of an educational facility special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. To the extent allowed by law, the applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Township Board may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
2. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
3. The Township Board may establish standards to limit routine noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
4. Off street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.
5. Sidewalks shall be required connecting the off-street parking area to the main entrance of the educational facility, and to any trails and/or safety paths in accordance with Section 16-338.
6. An Educational Facility with a Place of Public Assembly shall comply with the special land use standards for Place of Public Assembly set forth in Section 16-523 and 16-512.

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**16-513 FUNERAL HOME**

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Upon approval of a funeral home special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. A proposed funeral home shall be located on a parcel of land with a minimum area of three (3) acres. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.

2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
4. Loading and unloading areas used by ambulances, hearses, and/or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall six (6) feet in height. The Township Board may also require evergreen landscaping for purposes of obscuring the loading and unloading areas.
5. All required federal, state and local licensing and permits shall be maintained at all times.
6. A caretaker's residence may be provided within the main building of the mortuary establishment.
7. A mortuary that includes a crematorium shall locate any cremating facilities at least five hundred (500) feet from any residential use.

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**16-514 GOLF COURSE**

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Upon approval of a golf course special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the golf course and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf. The Township may request a special review of the golf course by an independent golf course architect to review playability and potential impacts on such adjacent areas.
2. All off-street parking shall be in compliance with Article IX of this ordinance, to provide for adequate parking for banquets, weddings, golf tournaments, conferences, and other activities and events at the golf course.
3. Any accessory uses and buildings associated with the golf course, and any buildings on the site shall conform to setback and dimensional requirements of the district.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
5. Storm water management shall be in compliance with the Township Storm Water Management Ordinance.

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**16-515      RESERVED**

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**16-516      RESERVED**

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**16-517      KENNEL/ANIMAL DAY CARE**

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Upon approval of a kennel/animal day care special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The minimum lot area shall be one (1) acre for the first four (4) animals, and an additional one-third (1/3) acre for each animal in addition to the first four (4).
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any VLRD, LRD, LMRD or MRD district.
3. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
4. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

**16-518      MANUFACTURING FACILITIES**

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Upon approval of a manufacturing facility special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The Township Board may establish hours of operation to protect the character of the land uses in the vicinity.
2. The applicant shall disclose any hazardous, flammable or corrosive materials proposed to be stored, used or handled on the site. Use and handling shall be conducted in accordance with applicable local, state and federal requirements.
3. Federal, state and local agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

4. Any storage facilities shall provide adequate security and signage to notify the public of any hazardous materials and to prevent trespass.
5. Outdoor storage of materials, substances, products or component parts is not permitted.
6. Vehicles and equipment that are actively used as an integrated component of the establishment may be temporarily parked on the site from time to time provided such parking is located in the side or rear yard, and screened from public view. Screening shall consist of fencing or landscape materials approved by the Township Board and shall screen the equipment from any street or non-industrial district or use. No portion of the parking area shall be located within two hundred (200) feet of any residential district or use.
7. The Township Board reserves the right to require buffering, screening, setbacks and other elements that are greater than those otherwise required by this ordinance in keeping with the spirit and intent of this ordinance to protect the public health, safety and welfare.
8. The applicant shall demonstrate and disclose the following:
  - i. Potential environmental impacts on air, surface water, ground water, soils, and natural features. These potential impacts shall be minimized or fully mitigated.
  - ii. Potential impacts on the health of residents of the Township and surrounding communities and on plant and wildlife communities in the vicinity. The Township Board shall not approve the proposed manufacturing, compounding, or processing use if potential impacts are significant.
  - iii. The potential chemical constituents of all emissions to the air, groundwater and surface waters shall be disclosed.

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**16-519 MINING, GRAVEL AND MINERAL**

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Upon approval of a mining, gravel and mineral special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. General Site Plan Requirements: In addition to meeting all requirements of this ordinance and submitting the regular application for a special land use and payment of fees, the plan and all aspects of the use shall be reviewed pursuant to and shall meet the requirements of Ordinance 47, Ordinance to License and Regulate Gravel and Other Mineral Mining, as amended.

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**16-520 RESERVED**

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**16-521 MIXED USE DEVELOPMENT**

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Upon approval of a mixed use development special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the Township.
2. The mixing of uses must be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of Township residents. The mixing of uses shall be consistent with the policies set forth in the Township Master Plan.
3. The development shall consolidate and maximize usable open space, wherever possible.
4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the Township in general.
5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Township Board finds that such requirements may be modified due to varying hours of operation or other factors.
6. A proposed mixed use development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the Township, and shall:
  - i. Encourage unique retail, office and residential use alternatives.
  - ii. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the Township.
  - iii. Provide for the redevelopment of underutilized sites.
  - iv. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service or retail uses, and enhanced landscape open spaces, squares, and parks.
  - v. Facilitate vehicular and pedestrian circulation within the development including without limitation trails and/or safety paths in accordance with Section 16-338. Access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where determined by the Township Board to be appropriate.

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**16-522 CONVALESCENT CENTER / HOMES FOR THE AGED**

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Upon approval of a convalescent center /home for the aged special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The use shall be established and maintained in accordance with all applicable local, state and federal laws.
2. If the use is operating as a nursing home, under the provisions of Article 17 of Michigan Public Act 368 of 1978, the nursing home shall maintain all valid state and local licenses at all times as a condition of Special Use approval.
3. A convalescent center / home for the aged, as defined herein, shall not be located within fifteen hundred (1,500) feet of any other convalescent / home for the aged facility.
4. Parking shall comply with the parking requirement for each specific use on the site; however, parking requirements may be reduced if the Township Board finds that such requirements may be modified due to varying hours of operation or other factor.

### **16-523 PLACE OF PUBLIC ASSEMBLY**

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Upon approval of a place of public assembly special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. The use shall front on and be accessed primarily from a major street.

### **16-524 PUD. PLANNED UNIT DEVELOPMENT**

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#### **16-524.01 INTENT**

The Planned Unit Development (PUD) is intended to provide enhanced housing, traffic circulation and recreational opportunities and environments for the people of Charter Township of Oakland; to encourage developers to use a more creative and imaginative approach in the development of residential areas; to encourage the use of land in accordance with its character and adaptability and to encourage efficient usage of land; to insure that the goals and objectives of the Township's Master Plan are promoted without applying unreasonably restrictive development standards which discourage innovation; to insure a quality of construction commensurate with other developments within the Township; to combine and coordinate architectural styles, building forms, and building relationships within the planned unit development; to promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities; to accommodate changing housing market conditions and community housing desires; to provide a development procedure which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction; to encourage the establishment of open areas in residential

developments, and to preserve as much of the natural character of the property as reasonably possible, including but not limited to the following:

- ◆ Areas containing natural resources, including wetlands and watercourses, woodlands, prairie remnants and areas that serve as natural habitat.
- ◆ Open land areas (by way of example only, open land areas include contiguous areas of meadow, open field, and grass land).
- ◆ View sheds needed to retain Township character and aesthetics by virtue of their location in relation to views, including natural landscapes, topography, tree canopies and other “frames”, farm views, and historic resources.
- ◆ Land and/or building used for agricultural purposes, including by way of example (only), farm fields, barns, and silos.
- ◆ Historic buildings and/or other historic resources, including by way of example (only), centennial farms, cemeteries, registered historic places, Native American villages and/or trails, archaeological sites, and mills.
- ◆ Greenway corridors used, or to be used, by wildlife or pedestrians plus without limitation trails and safety paths in accordance with Section 16-338.

#### **16-524.02 PUD QUALIFYING FACTORS**

To qualify for consideration of Special Use PUD approval, the proposed PUD must meet all of the following minimum standards and requirements.

- A. The minimum area of a PUD shall be thirty (30) acres.
- B. Uses permitted in a PUD are limited to the following:
  1. Permitted and special land uses designated in the underlying zoning district or districts; and
  2. Attached single family dwellings.
- C. A Planned Unit Development shall be served by public water and sewer.
- D. The applicant must demonstrate that the development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved. For purposes of the foregoing, a “recognizable and substantial benefit” shall mean a clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable benefits and potential detriments of the proposed development and uses, including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and quality desired to be protected or preserved on a local, state and/or national basis as outlined in the intent statement of this section.
- E. The following shall be demonstrated by the applicant as a condition to the grant of a Special Use PUD of property:

1. The proposed type and density of use shall not place a burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment, in excess of the use and burden reasonably anticipated to result from development pursuant to regulations applicable in the underlying zoning district or districts.
2. The proposed development shall not have an adverse impact upon the Charter Township of Oakland Community Master Plan and shall be consistent with the intent and spirit of this Section and the Master Plan.
3. The proposed development shall meet the open space requirement set forth in Section 16-524.04.
4. The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with this ordinance, provided, such responsibility shall not include individual principal buildings and facilities on the site of such buildings which serve only such buildings and have no relation or impact upon other portions of the development. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the Township Clerk, to another person or entity that meets the requirements of this subsection.
5. Where a project is proposed for construction in phases, a detailed site plan shall be submitted for each phase prior to commencement of construction of that phase. Absent Township Board approval, which shall not be unreasonably withheld, each phase of the project must be adjacent to any previously approved portion of the development plan, and shall be reviewed and approved by the Planning Commission and Township Board in accordance with the procedures set forth in this Section 16-524. Where the Township Board authorizes non-adjacent development within the project area, the plan and development shall assure that, assuming subsequent phases are not developed for any reason, there are no isolated and undeveloped parcels which would not be capable of reasonable use in conformance with all Township ordinances.
6. Where provisions of Act 288 of 1967 as amended (Land Division Act) and the Charter Township of Oakland Subdivision Control Ordinance, as amended, apply to the proposed PUD project, the proprietor shall be required to make application for plat approval subsequent to Final Development Plan approval for that phase.
7. When a PUD project contains plans for a site condominium development, the development shall comply with the requirements established in Article X of this Ordinance and the Michigan Condominium Act, being Public Act 59 of 1978 as amended.

F. See Section 16-706 for sign posting requirements for a land use change.

#### **16-524.03 DENSITIES**

- A. Base Density. The total number of residential dwelling units permitted in a PUD shall not exceed the base density for the parcel, determined by a test plan submitted in accordance with Section 16-343.
- B. Additional Density Opportunity. Provided the combined additional density permitted pursuant to this section shall not exceed 125% of the base density, the Township Board upon

recommendation of the Planning Commission may, but shall not be required to, approve residential density of up to 125% of the base density in the following instances only: where public access to important natural features is incorporated within the PUD design; and/or an existing gravel road will be paved to a County primary road; and/or more than the minimum area of open space shall be provided. If it is determined that the proposed PUD qualifies for additional density, the following guidelines shall guide the Township Board decision:

1. For each one (1) acre of additional open space, exclusive of primary conservation areas, dedicated in excess of the minimum required by Section 16-524.04, the density of the development may be increased by one percent (1%) up to a maximum of 10%, provided the following areas shall be included within the open space area considered for density bonus calculation:
  - i. The open space along the exterior public roads shall have a depth of at least fifty (50) feet, either landscaped or preserved in a natural condition.
  - ii. Open space shall be situated to maximize the preservation of any natural features ranking as excellent, high, good or fair as per the Natural Features Assessment Map in the Master Plan.
  - iii. A minimum one-hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
  - iv. A minimum one-hundred (100) foot wide open space buffer shall be maintained between residential lots and any adjacent parcel.
  - v. Where adjacent land includes open space, public land, or existing or planned PUDs or open space developments, 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 plus without limitation trails and safety paths in accordance with Section 16-338.
  - vi. Any open space area shall be a minimum of at least fifty (50) feet in all dimensions.
2. Where general public access is proposed to a portion of the natural areas within a proposed PUD, and where the Township Board determines that such public access is desirable and feasible and can be accomplished safely and without significant damage to the natural areas or detriment to current or future neighboring land uses, the density of the development may be increased by a maximum of ten percent (10%).
3. Where the proposed road paving is consistent with the Township Community Master Plan and provides primary access from the proposed development to a paved primary County Road, the density of the development may be increased by a maximum of ten percent (10%).

#### **16-524.04 OPEN SPACE REQUIREMENTS**

- A. For PUDs proposed in VLRD, LRD, LMRD or MHRD districts open space shall be determined consistent with the Charter Township of Oakland Community Master Plan, and the following:

1. In the VLRD, open space shall be provided consistent with the Natural Resource Conservation land use designation as designated in the Master Plan at a ratio of at least 10 acres preserved for each 1 acre developed.
  2. In the LRD district, open space shall be provided consistent with the Low Density Conservation land use designation as designated in the Master Plan at a ratio of at least 5 acres preserved for each 1 acre developed.
  3. In the LMRD district, open space shall be provided consistent with the Medium Density Conservation land use designation as designated in the Master Plan at a ratio of at least 1 acre preserved for each 1 acre developed.
  4. In the MHRD district, open space shall be provided consistent with the Rural Residential land use designation as designated in the Master Plan at a ratio of at least .5 acres preserved for each 1 acre developed.
- B. For the purposes of making determinations concerning open space preservation and developed area under this Section 16-524, the following shall apply:
1. Open Space Preservation:
    - i. Any submerged land area of a pond, lake, stream, constructed grassy swales, bio-retention facilities, wetlands and storm water detention/retention ponds, and any such grass swales, bio-retention facilities, wetlands, and detention/retention ponds designed to appear and function similar to natural wetlands and ponds, may be counted as open space, to the extent at least fifty percent (50%) of the minimum required open space area shall be in the form of usable park area or upland nature preserves,
    - ii. Natural features as defined in this ordinance may be counted as open space; and
    - iii. Golf courses may be counted as open space, excluding the land area associated with any buildings, structures and parking areas associated with the golf course operation, provided the provisions of Section 16-524.04D apply. Land area to be included as open space shall only be the actual golf course area and associated buffer areas.
  2. Developed Area:
    - i. Lot areas proposed as single family residential or site condominiums, including the minimum required setbacks around the building;
    - ii. Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings; and
    - iii. The area of any road right-of-way or private road easement.
- C. Open space shall be planned in locations accessible to all in the planned unit development and may either be centrally located, located along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland, or located so as to connect open space areas on adjacent developments, parks, or public recreation areas.
- D. Maintenance of Open Space
1. No PUD shall be approved by the Township Board until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped

areas, and common recreational facilities located within the development plan have been reviewed by the Township Attorney and Township Manager.

2. Maintenance shall apply to the open space, landscaped areas, and recreational facilities owned by or used in common by the residents.
3. The Township shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, roads, and storm water drainage, detention and retention facilities, unless otherwise directed by the Township Board or Township Attorney, with the documentation utilized for such purpose to be in a form and substance approved by the Township Attorney.

#### **16-524.05 DESIGN STANDARDS**

A. Density. Permitted densities shall be determined by developing a test plan in accordance with Section 16-343. Also see Section 16-524.03.

B. Open Space. See Section 16-524.04 herein.

C. Grading.

1. In order to keep all graded areas and cuts and fills to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible, with due regard to the requirements of development of the property, as well as to serve the other specified purposes of this section, specific requirements may be placed on the size of areas to be graded or to be used for building, and on the size, height, and angles of cut slopes and fill slopes and the shape thereof, so long as such requirements are reasonable. In appropriate cases, retaining walls may be required.
2. All areas indicated as natural open space on the approved concept and final development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by this subsection. If designated on the approved concept and final development plan, drainage improvements, utility lines, riding trails, hiking trails, picnic areas, stables and similar recreational improvements and amenities may be placed in natural open space areas. Where natural open space is disturbed for recreational and/or open space improvements, best engineering efforts shall be undertaken to make said improvements as unobtrusive as practicable and trenched areas (and similar ground disturbances) shall be treated so as to encourage rapid regeneration of the natural coverage.
3. Grading within the project boundaries shall take into account the environmental characteristics of the property and shall be designed in keeping with the best engineering practices to avoid erosion or flooding and to have as minimal an effect upon the environment as reasonably feasible.
4. Landscaped berms shall exist at all egress and ingress drives. There shall be landscaped islands in all parking areas containing four (4) or more parking spaces.

D. Landscaping.

1. The PUD concept and final development plan shall include provisions for the planting of newly created banks or slopes for erosion control or to minimize their visual effect.
2. Landscaping shall be of varying species, dimensions and designs.

3. Landscaping requirements shall include all landscaping references contained in this section and Article Eight Landscaping.
4. The use of natural existing landscape is preferred where appropriate as determined by the Planning Commission and consistent with the parameters set forth in the Natural Feature Inventory contained in the Master Plan.

E. Lot Area, Height, Bulk and Placement Regulations

1. Total ground area occupied by all buildings and structures (excluding paved areas) may not exceed thirty-five (35%) percent of the total ground area of the PUD.
2. No building shall exceed thirty-five (35) feet in height, provided that the Township Board upon recommendation of the Planning Commission may allow greater heights when that portion of the PUD which increased the height is adjacent to a zoning district that allows a greater height or when greater open spaces, setbacks, topography or nature of the use would warrant.
3. No building, structure or parking area may be erected closer than one hundred (100) feet from any PUD boundary, provided the Township Board upon recommendation of the Planning Commission may allow a lesser setback when all or a portion of the PUD boundary is adjacent to a dedicated open space area, natural feature, a dedicated park or other open element that achieves the separation purpose of this section.
4. All uses located within the PUD shall provide off-street parking as required in Article VIII of this ordinance and include plantings on all islands, if applicable.
5. The phases of a PUD development shall be so scheduled that, if later stages of the development are not implemented, the initial phase(s) shall be consistent with the provisions of this subsection and shall not detract from the feasibility of developing the remaining portion of the subject PUD area in an appropriate and desirable manner.
6. The plan shall be in keeping with the physical character of the Township, the area surrounding the PUD, and the policy objectives of the Township Community Master Plan. The plan shall provide for an efficient, aesthetic, and desirable use of the open areas.
7. Private roads within the PUD, if any, shall conform to the minimum road standards established by the Township for public roads. There shall be only one collector road access on an arterial road, unless the Township Board upon recommendation of the Planning Commission approves additional access points.
8. Scenic open space, equal to one half the width of the right-of-way, shall be provided along all existing arterial roads in addition to the required future road right-of-way.
9. The proposed location and arrangement of structures shall not have a detrimental effect on residents of existing developments in the area. Open space shall be used as a transitional device to buffer surrounding uses.
10. A bon-a-fide variety and mixture of housing types is encouraged consistent with the provisions of Section 16-524.01B and the PUD shall include adequate provisions and safeguards to assure that the planned variety and proportions of housing types will be accomplished within a reasonable period of time.

11. Adequate areas shall be reserved for facilities such as utilities, walkways, playgrounds, recreation areas, parking, and other open spaces and areas to be used by the public and/or by residents of the development.
12. Trails and safety paths which are located on the Township Trails and Pathways Master Plan shall be separated as completely as possible from the vehicular circulation system so as to reduce and minimize points of traffic conflict, and to enhance safety of pedestrian and bicycle circulation. The internal road system shall be designed and configured in a manner that discourages pass-through vehicular traffic.
13. Any existing use of property zoned PUD (including property with an approved development plan) shall be subject to the provisions of Article I of this ordinance pertaining to nonconforming land uses. No expansion of a nonconforming land use, expansion of a nonconforming building, or addition of any new structures associated in any manner with an existing land use or building shall be allowed unless prior approval is given by the Township Board via special land use permit.
14. The PUD shall be compatible with previously developed properties in the vicinity and any proposed land balancing shall preserve the natural, topographic features of the site, and create opportunities for man-made structures to blend with the environment and located in such a manner as to complement the natural terrain and landscape.
15. Adequate public safety measures must be incorporated into the design of the plan.
16. Signs shall be installed in conformance with Article 7 and shall be of an unimposing style and well-coordinated with surrounding sign styles, dimensions, materials, and colors.
17. Dumpsters shall be screened with materials that are well-coordinated with the principle structure.
18. The performance standards contained in Article 3 shall apply to all PUDs.

**16-524.06 PROCEDURES FOR APPLICATION, REVIEW AND APPROVAL**

- A. In general. The procedure for application, review and approval of a PUD shall be a two part process:
1. The first part shall be application and approval of a Concept Development Plan. Such action, if and when approved, shall confer upon the applicant concept approval for the length of time established by the Township Board. The duration of the effectiveness of concept approval shall be determined in relation to the size of the property and in relation to the anticipated time for development and marketing, all taking into consideration the probability and effect of a change in law or ordinance which would bear upon approval of the Concept Development Plan. Upon application prior to the expiration of the Concept Development Plan, the Township Board may extend the effectiveness of the Concept Development Plan on a periodic basis, which shall not be less than one (1) year.
  2. The second part of the review and approval process shall be the application for an approval of a Final Development Plan for the entire project, or for any one or more phases of the project. Final Development Plan approval shall require the grant of special land use and site plan approval, to be approved by the Township Board following recommendation of the Planning Commission.

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## B. Concept Development Plan Approval

1. Prior to submission of an application for PUD approval, the applicant shall meet with the Zoning Administrator, together with such consultants as deemed appropriate by the Township, for a pre-application conference. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed PUD, as well as the following information:
  - i. a legal description of the property in question;
  - ii. the total number of acres in the project;
  - iii. a statement of the use type and approximate number of units, including a test plan prepared in accordance with Section 16-343 applicable to the underlying zoning district for the limited purpose of determining the total number of units which could be feasibly developed on the property;
  - iv. the known deviations from regulations in this ordinance to be sought;
  - v. the number of acres to be preserved as open or recreational space and intended uses of such space; and
  - vi. all known natural resources and natural features to be preserved.
  - vii. all known historic resources to be preserved.
2. Thereafter, sixteen (16) copies of a Preliminary Concept Development Plan, including a site plan, conforming to the application provision set forth in subsection 5 below, shall be submitted within 90 days of the pre-application conference required in the immediately preceding paragraph. Such submission shall be made to the Zoning Administrator, who shall present the same to the Planning Commission for consideration at a regular or special meeting.
3. The Planning Commission shall review the Preliminary Concept Development Plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Within a reasonable time following review, the Zoning Administrator shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
4. Following preliminary review by the Planning Commission, referenced in the immediately preceding paragraph, the applicant shall submit to the Zoning Administrator sixteen (16) copies of a proposed Concept Development Plan taking into consideration the comments of the Planning Commission during preliminary review, and conforming to the application provision set forth in subsection 5 below. This Plan shall constitute an application for Concept Development Plan and shall be noticed for public hearing as per Section 16-103.
5. The application for Concept Development Plan approval shall include the following information and materials:
  - i. Development Concept: A summary explanation of the development concept of the proposed PUD. The development concept shall describe the project and outline the basis for PUD qualification consistent with Section 16-524.01-05.

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- ii. Density
    - a. Overall maximum
    - b. Approximate maximum for each proposed phase
    - c. A test plan in accordance with Section 16-343
  - iii. Road System
    - a. General description of road system and circulation pattern
    - b. Approximate location of roads
    - c. Location and layout of entrances/exits
    - d. Approximate location and layout of pedestrian walkways
    - e. Statement whether roads are intended to be public or private
  - iv. Utilities
    - a. General description of proposed water, sanitary sewer and storm sewer systems
    - b. General location of utility lines
    - c. General indication of size and location of storm water detention and permanent retention/detention ponds
  - v. Open space/common areas
    - a. General description of proposed open space and common areas
    - b. Total area of open space, and open space in each proposed phase
    - c. Proposed uses of open space and common area including recreation areas, trails and safety paths
  - vi. Uses
    - a. List of all proposed uses
    - b. Location, type and land area to be devoted to each use in each phase
    - c. Reasonably based estimate of the number of units for each use type
  - vii. Development Guidelines
    - a. Map of total project area by use type
    - b. Typical setback and lot dimensions
    - c. Minimum lot size for each use
    - d. Typical, minimum, and maximum building height and size
    - e. General provisions for parking, fencing, lighting and berming
    - f. Type of building construction, e.g. prefabricated, steel and glass, wood, brick, or a combination (and if a combination, include a description)
  - viii. Landscaping

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- a. General landscaping plan, including entrances and perimeters
  - b. Any theme/streetscape design
  - c. Type of irrigation, and areas to be irrigated
  - ix. Natural resources and features
    - a. Flood way/flood plain locations and elevations
    - b. Wetlands and water courses
    - c. Location
    - d. Description of each
    - e. Any proposed encroachments by roads, utilities, or other improvements
    - f. Woodlands: location and area of tree stands
    - g. Location and description of other natural resources
    - h. Location and description of natural features
  - x. Phasing information
    - a. Approximate location, area and boundaries of each phase
    - b. Anticipated sequence of development, including phasing areas and associated improvements
    - c. Anticipated timing for commencement and completion of each phase
  - xi. Public services and facilities
    - a. Description of the anticipated demand and burden to be generated by the development for public sewer, water, off-site roads, schools, solid waste disposal, off-site disposal, police and fire.
    - b. Description of the sufficiency of each service and facility to accommodate such demand and burden
    - c. Anticipated means by which insufficient services and facilities shall be provided
  - xii. Historical structures and resources
    - a. Location and description
    - b. Proposed preservation plan
  - xiii. Site topography, at five foot intervals
  - xiv. Signage
    - a. Entrance
    - b. For road system
    - c. Other, if any
  - xv. Brief description of the amenities to be included in the development

- xvi. Existing zoning classification(s) on and within 300 feet of the site
  - xvii. Specification of each deviation from the regulations applicable to projects in the underlying zoning district which will be sought to be approved, and the safeguards, features and/or planning mechanisms proposed to achieve the objectives intended to be accomplished by the regulations from which a deviation is being sought.
  - xviii. A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environment and physical improvements on and surrounding the development site. Information that has been required for compliance with other ordinances shall not be required to be duplicated in the community impact statement.
  - xix. Demonstration, including map and text, showing the off-site utilities that will provide services to the project.
  - xx. Traffic analysis as outlined in Article 6 reflecting the anticipated impact of the development upon roads and highways anticipated to service the project during construction and the occupants and users of the project when completed.
6. Effect of Approval: If the Township Board adopts a resolution approving the Concept Development Plan pursuant to this section, such designation shall confer upon the applicant concept approval for the Concept Development Plan for a period to be established by the Township Board, applying the standards set forth in Section 16-524.06 A.1 above. Such period of time shall be specified as part of the resolution granting the Concept Development Plan for the property. During the period of effectiveness of the Concept Development Plan, as established by the Township Board, the property owner shall be permitted to submit one (or more if the project is to be proposed in phases) site plan application(s), seeking Final Development Plan approval in the manner provided below. Upon application prior to the expiration of the Concept Development Plan, the Township Board may extend the effectiveness of the Concept Development Plan on a periodic basis. In determining whether to extend the effectiveness of the Concept Development Plan, approval may be granted if the resolution, ordinances and laws applicable to the project have not changed in a manner which would adversely affect the project as previously approved. In the event of an expiration of the effectiveness of a Concept Development Plan as to all or any phase of the PUD project., the property owner may either make application for a new Concept Development Plan or make application for some other approval for the portion of the development for which a Final Development Plan has not been approved.

#### C. Final Development Plan Approval

1. Development of property granted Concept Development Plan shall require the grant of special land use and site plan approval. The grant of special land use and site plan approval shall be made by the Township Board following recommendation of the Planning Commission shall constitute Final Development Plan approval.
2. Special land use and site plan approval may be applied for and granted with respect to the entire development or in one or more phases. However, if the project is proposed in phases, the design shall be such that, upon completion, the aggregate of the completed phases shall be capable of standing on their own in terms of the density and the presence

of services and facilities, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. In addition, where the density of a particular phase, taking into consideration all previously approved phases, has a density greater than the density permitted for the project, the Township Board shall require the execution and recordation of an appropriate conservation easement or other means determined appropriate by the Township for the purpose of ensuring that the maximum density permitted under this section shall not be exceeded in the event future phases are not approved and/or constructed. The Township Board shall specify the improvements within the project required to be constructed outside of the phase or phases proposed in order to support and service such phase or phases. The Township Board may require, in addition to the documents referenced above, the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the property as proposed is consistent with and/or promotes and/or protects the public health, safety and welfare in a specific manner, in accordance with the intent and spirit of this section. The applicant may also submit for preliminary subdivision or preliminary site condominium approval at this time, if appropriate.

3. Subject to the specific provisions of this section, Final Development Plan approval shall be based upon the standards and procedures set forth in this ordinance for special land use approval, site plan approval and the standards and provisions of this Section 16-524. In addition to the required information for a site plan contained in Article VI, the applicant shall submit a Final Development Plan containing the following:
  - i. Sixteen (16) copies of a Final Development Plan, which shall be accompanied by the following data prepared by a design team consisting of a professional civil engineer and either a licensed architect or professional planner:
    - a. Applicant's name and address
    - b. The name of the proposed development
    - c. Common description of property and complete legal description
    - d. Dimensions of land, width, length, acreage and frontage
    - e. Existing zoning and zoning of all properties within 300-feet of the PUD. Classify zoning within the proposed PUD by acreage.
    - f. Statement of intent of proposed use of land and any phasing of the project
    - g. Name, address, city and phone number of: firm or individual who prepared the plan and the owner of the property and applicant, if other than owner.
    - h. Delineation of the one hundred (100) year floodplain and proposed uses therein, if any
    - i. Current proof of ownership of and, if developer does not own the land, or evidence of a contractual right and ability to acquire the PUD Property, such as an option or purchase contract. If the developer does not own the PUD property, the application must be signed by both the developer and the owner, and the owners signed authorization for the developer to act on the owners behalf in all respects

- pertaining to the and in order to obtain Township approval of the PUD must also be proved.
- j. A statement of the method the developer will use to pay for the construction of the improvements
  - k. A site plan indicating the following:
    - 1. The proposed location, height and dimensions of all buildings and man-made structures, the use to which those buildings and structures would be put and a range of materials to be used, and general color scheme for all such buildings and structures;
    - 2. The location and dimensions of all off-street parking spaces and loading areas;
    - 3. The location, dimensions and materials of all bicycle paths, riding and hiking trails, and pedestrian walkways;
    - 4. Table listing land coverages by percentage and acreage for the following: landscaped area, natural open spaces, buildings, parking; streets, sidewalk, paths and recreational facilities, land use (single family residential, commercial, etc.), and wetlands;
    - 5. Sign style, location and dimension; and
    - 6. Residential portions shall include a calculation of the estimated population density of the development and the location of proposed building envelopes.
  - ii. A landscaping plan consistent with the requirements contained in Article Eight Landscaping plus the following:
    - a. Natural open space, if any, which will remain upon completion of the development;
    - b. Site, species, and location of all existing trees larger than six inches in diameter outside of natural open space areas and whether or not such tree(s) is (are) to be removed or destroyed;
    - c. Maturation sizes of all new trees and shrubs to be installed by the developer;
    - d. Species of all plant material to be installed by the developer;
    - e. Evidence of an irrigation system (indicating whether manual or automatic); and,
    - f. Location, style and dimension of all other landscape treatments, including walls, fences, greenbelts, monuments, and fountains.
  - iii. A utility drainage plan consistent with the Township Engineering Standards including the following:
    - a. Location of existing and proposed easements;
    - b. Location of existing and proposed drainage courses, flood plains, lakes, streams and wetlands;
    - c. Intentions with respect to water and sewer; and,

- d. Retention pond safety and buffering mechanisms.
- iv. A transportation plan indicating the following:
  - a. Current traffic volumes on roads abutting the subject site;
  - b. Projected traffic volumes if the PUD is approved and developed as stated in the development plan;
  - c. Dimension and location of all curb cuts providing ingress and egress to the subject site;
  - d. Interior and exterior street elevations with enough detail to allow for accurate clear vision triangle determinations at all proposed ingress and egress access points along thoroughfares abutting the subject site and along the collectors within the subject site, and clear vision determinations shall be included in the transportation plan;
  - e. Existing and proposed right-of-way widths of all adjoining external roads and internal roads, and layout of all internal roads including pavement widths, street grades, whether streets are to be public or private, and all proposed frontage improvements on new and existing streets; and
  - f. Proposed acceleration, deceleration, and passing lanes.
- v. A topographical map shall be at a scale no smaller than one inch equals one hundred feet showing contour lines existing prior to grading at an interval of not more than two feet.
- vi. A grading plan showing increments of the depths of all cuts, fills and depths in various colors or any similar display which shows the cuts, fills, and depths thereof and readily distinguishes between differing cuts, fills and depths; and a slope classification map showing, in contrasting colors, all land which has less than ten percent slope, all land which has a slope between ten percent, and twenty percent and all land which has a slope greater than twenty percent.
- xiii. A specification of all deviations proposed from the regulations that would be necessary of the land were development in the manner proposed under the regulations of the underlying zoning district, except such deviations as have been approved and incorporated into the Concept Development Plan. This specification shall state the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations which would otherwise apply to the development under regulations of the underlying zoning district.
- xiv. The purpose proposed for each designated open space.
- xv. A schedule of the intended development and construction details, including phasing and timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.
- 4. Upon receipt of a recommendation on a Final Development Plan from the Planning Commission following the procedure outlined in Article VI, the Township Clerk shall place the matter on the agenda of the Township Board for review and action. The

Township Board may adjourn the consideration from time-to-time if determined appropriate for the purpose of receiving further information or consultation on the proposed Final Development Plan.

5. At the conclusion of the Township Board's deliberation, the Township Board shall grant Final Development Plan approval, with or without conditions, or deny. If approval is denied, the minutes of the Township Board shall include the grounds for denial. If approval is granted with conditions, the minutes of the Township Board shall include a statement of the conditions.

#### **16-524.07 PERFORMANCE GUARANTEES**

The Township Board may require reasonable performance guarantees as authorized by law to insure completion of improvements. The performance guarantee shall be approved by the Township Attorney, and the developer and owner of the property shall enter into an agreement with the Township, the form and substance of which shall be approved by the Township Attorney regarding the completion of the improvements and providing for the disposition of the letter of credit.

#### **16-524.08 CONDITIONS**

- A. Reasonable conditions may be required with the approval of the Special Use PUD, including Concept Development Plan and Final Development Plan, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole. In addition, conditions imposed shall be reasonably related to the purposes affected by the PUD, and shall be necessary to meet the intent and purpose of this ordinance, and be related to the objective of insuring compliance with the standards of this ordinance.
- B. The conditions and regulations applicable to the PUD shall be set forth in a document to be known as the permit conditions for the PUD, which shall be prepared by the Township Attorney, agreed to by the applicant and property owner, and approved by the Township Board as part of the Final Development Plan Approval for the PUD, or if the PUD is to be developed in phases as part of the Final Development Plan Approval for the first phase of development. Such permit conditions shall be signed by the applicant, property owner, and Township, and a copy of said permit conditions or an affidavit providing notice of the PUD approval and general description of the regulations and conditions applicable thereto, approved by the Township Attorney, shall be recorded against the property comprising the PUD.

#### **16-524.09 COMMENCEMENT AND COMPLETION OF CONSTRUCTION**

- A. Construction of a PUD must be started within one (1) year from the effective date of the grant of Final Development Plan approval. This time limit may be extended one (1) year upon application to the Township Board if it is demonstrated that substantial progress is being made in the detailing of plans and securing of financing. With a multiple-phase PUD,

beginning construction of a phase shall satisfy the requirements even though the total PUD may be a number of years from completion; provided that consecutive phases must be started within the later of one (1) year of: (i) the schedule set forth in the approved Concept Development Plan, or (ii) completion of the previous phase. This time limit may be extended for additional periods of up to two (2) years each if the Township Board determines that conditions beyond the developer's control have caused the need for an extension, and, taking into consideration changed facts and circumstances and/or modified ordinance and/or law, there is no just basis for denial of an extension. If construction has not begun within these time limits, the final development plan approval granted under this section shall expire. Starting of construction shall be deemed to mean commencement of construction of the improvements included in and applicable specifically to the Final Development Plan. Completion of a phase shall be the date all structures designed for occupancy by homeowners, tenants, residents or businesses have been built and are approved for occupancy.

- B. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase in conjunction with other completed phases shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

**16-524.010 EFFECT OF APPROVAL**

If and when approved, a Final Development Plan interpreted together with the Concept Development Plan, with all conditions imposed, if any, shall constitute the Special Use authorization for the property, and all improvement and use shall be undertaken accordingly. At the time of approval of the Concept Development Plan, the applicant shall record an affidavit with the Register of Deeds of the County of Oakland containing the legal description of the entire project, specifying the date of approval of the PUD, and declaring that all future development of the property has been authorized and required to be carried out in accordance with the approved Concept Development Plan and Final Development Plan or Plans unless the Final Development Plan expires or unless an amendment is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferees and/or assigns.

**16-524.011 ALTERATION OF PUD**

- A. Minor changes in the location, siting, and height of buildings, structures and/or other features may be authorized by the Township Board without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this subsection may cause any of the following:
1. A change in the use or character of the development, including any change inconsistent with the Concept Development Plan;
  2. An increase in overall coverage of structures;
  3. An increase in the intensity of use;
  4. An increase in the problems of traffic circulation and public utilities;
  5. A reduction in approved open space;

6. A reduction of off-street parking and loading space; or
  7. A reduction in required pavement widths.
- B. All other changes consistent with the Concept Development Plan shall be made by new application under the procedure for review and approval of a special land use, including notice and public hearing.

#### **16-524.012 FEES**

There shall be an advanced payment of fees at the time of the pre-submission conference, at the time of application for Concept Development Plan Approval, and at the time of application for Final Development Plan Approval. The amount of such fees shall be established by ordinance or resolution of the Township Board.

#### **16-525 OIL AND GAS STRUCTURES**

- A. It is the purpose and intent of these provisions to comply with the relevant and applicable case law and nay and all federal, state, or local laws and regulations.
- B. This Ordinance recognizes that the construction and operation of oil or gas structures as defined in Section 16-216 of this Ordinance may result in very serious consequences to the vicinity of the property at issue and therefore special land use review and approval, as provided for under this Ordinance is required prior to the placement of an oil and gas structure. In reviewing a special land use application for an oil and gas structure, the Township shall determine whether very serious consequences would result from the placement and operation of the proposed oil and gas structure. In making this determination, the Township shall not consider the standards for special land use approval; rather all of the following factors may be considered:
1. The relationship of extraction and associated activities with existing land uses.
  2. The impact on existing land uses in the vicinity of the property.
  3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  6. The overall public interest on the extraction of the specific natural resources on the property.
- C. In consideration of the above criteria and to minimize the likelihood of very serious consequences occurring as a result of the placement and operation of an oil and gas structure, the following requirements are established for all oil and gas structures in Oakland Township:
1. An oil or gas structure shall only be permitted in the VLRD zoning district as a special land use and shall be located on a parcel that meets the minimum lot width and area requirements for the VLRD district.

2. Upon a showing that there would be an impact on existing land uses in the vicinity, an impact of property values in the vicinity, or an impact on pedestrian safety in the vicinity, the Township may require that oil or gas structures be located on a paved road.
3. An oil or gas structure shall not be located closer than 1,000 feet from a residential dwelling or place of worship, school, hospital, child care center or park. A new oil or gas well shall also not be located closer than 330 feet from an adjoining property line.
4. Prior to construction or use of an oil or gas structure the owner or operator of the structure, shall provide to the Township a copy of the Environmental Impact Assessment and all other applications, permits and materials filed as a part of the application.
5. Oil and gas structures shall be completely enclosed with an eight (8)-foot high fence designed to prevent unauthorized entry. The structures shall be screened from neighboring properties by natural barriers, berms or other method(s) acceptable to the Planning Commission.
6. The applicant shall take all necessary precautions deemed adequate by the Township Engineer and shall implement measures necessary to control any objectionable dust, noise, vibrations, light, fumes, or odors from leaving the property or adversely affecting or unreasonably disturbing persons living or working in the vicinity pursuant to Section 16-334 of this Ordinance. All operations shall be conducted in accordance with best practices determined by the Michigan Department of Environmental Quality for the production of oil, gas and hydrocarbons in urban and residential areas.
7. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the Township's engineering requirements.
8. The property on which the oil or gas structure is located shall be maintained in accordance with applicable Township Ordinances.
9. The owner or operator shall provide to the Township and its emergency responders any information necessary to assist the emergency responders with an emergency response plan and hazardous materials survey establishing written procedures to minimize any possible hazard resulting from the operation, and shall further provide to the Township and its emergency responders up-to-date contact information and a means to contact a responsible representative of the owner on a twenty-four (24) hour basis.

#### **16-526 RECREATION FACILITY, COMMERCIAL OUTDOOR**

Upon approval of a commercial outdoor recreation facility special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.

2. Facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
3. Any or all of the property of a building may be required to be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
4. Such facilities shall provide sufficient isolation distance from residential uses or other measures acceptable to the Township Board to mitigate any potential detrimental impact on surrounding residential uses.

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**16-527 STABLE AND RIDING ACADEMY**

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Upon approval of a stable and riding academy special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. All riding academies and commercial stables of horses for hire shall be located on a site having a minimum of fifteen (15) acres and a minimum lot width of three hundred thirty (330) feet. All buildings shall be set back a minimum of one hundred (100) feet from adjoining properties.
2. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred (100) feet from any lot line and paddocks or corrals must be at least ten (10) feet from any side or rear lot line.
3. The facilities shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
4. All on-site accumulations of manure, bedding or other animal related solid wastes shall be disposed of in accordance with Oakland County Health Department and State health regulations and Generally Accepted Agricultural Management Practices (GAAMPS).
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

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**16-528 VETERINARY HOSPITAL**

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Upon approval of a veterinary hospital special land use pursuant to Section 16-500, the following regulations and conditions shall apply to such special land use in addition to site plan requirements under this and other applicable Township ordinances and any other conditions specifically made part of the approval under subsection 16-502.

Minimum Regulations and Conditions. The applicant shall provide documentation acceptable to the Township Board that the proposed use shall meet the following standards:

1. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Oakland County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than twice per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.
2. The operator of the veterinary hospital shall maintain at all times, all required state and local licenses and permits for the operation of the hospital. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a veterinary hospital.
3. Said use shall be located on a parcel not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
4. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall be set back at least seventy-five (75) feet from any VLRD, LRD, LMRD or MRD district.
5. Dog runs and exercise areas shall not be located in any front yard or required side or rear yard setback area.
6. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.

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**16-529 SENIOR HOUSING**

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- A. Intent. The intent of providing independent and assisted living for the elderly is to recognize the housing needs of an aging population by permitted housing options. This section establishes standards to ensure development of senior housing is developed in appropriate locations and allows for building and site design that meet the needs its residents and the properties in the vicinity.
- B. Type of Dwelling and Density.
  1. Independent living for the elderly: Dwellings may be provided for a single-family detached, two-family, or multiple-family units. Each unit shall provide 9,500 square feet of site area.
  2. Assisted living for the elderly: Where such facilities contain individual dwelling units with kitchen facilities, the density requirements set forth in Section 16-529 B. 1. shall apply. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be four thousand five hundred (4,500) square feet.
- C. Minimum Site Area. The minimum site area shall be ten (10) acres for all types of elderly housing developments.
- D. Building Length.
  1. Assisted living for the elderly: A building for assisted living elderly housing shall not exceed two hundred and fifty (250) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features, which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and

topographic features ensure that the building is compatible with the site and surrounding areas.

2. Independent living for the elderly: A building for independent living elderly housing shall not exceed one hundred thirty-five (135) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features, which are attached to or connect the parts of the building together. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is compatible with the site and the surrounding areas.

E. Perimeter Setbacks. The minimum yard setbacks from the perimeter property boundaries shall be no less than seventy-five (75) feet from the front property line and fifty (50) feet from all other property lines.

F. Internal Setbacks.

1. A minimum setback requirement for single- and two-family dwellings located on individual lots shall be as follows:

Table 16-529 F.1. Minimum Setbacks for Single- and Two-Family Dwellings on Individual Lots	
Yard	Setbacks per Dwelling Unit (in Feet)
Front and Rear:	
Front	25
Rear	35
Side:	
Least	7.5
Total of same lot	20
Total between abutting lots	20

2. Minimum setbacks for single- and two-family dwellings which are not located on individual lots and multiple-family dwellings shall be based on the spacing between buildings, in accordance with the following requirements:

Table 16-529 F.2. Minimum Setbacks and Distances Between Buildings (in feet)		
Setbacks	Multiple-Family	Single- and Two-Family
Minimum Setbacks*		
Internal drives/streets	25	25
Distance between buildings		
Side/side orientation	30	20
Side/front, side/rear orientation	30	35

Front/front, front/rear, rear/rear orientation	50	50
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\*Where the elderly housing development contains drives or streets without a recorded easement, setbacks shall be measured from the edge of pavement.

3. In the case of multiple-family dwellings, enclosed walkways connecting buildings may be permitted, provided applicable building and fire code and building spacing requirements are met.

G. Minimum Floor Area. Each dwelling unit shall comply with the following minimum floor area requirements, excluding basements:

Table 16-529 G. Elderly Housing – Minimum Floor Area		
Dwelling Size	Floor Area/Unit (sq.ft.) Assisted Living Unit	Floor Area/Unit (sq.ft.) Independent Living Unit
Efficiency	500	600
One bedroom	650	750
Two bedroom	800	900
Each additional bedroom	200	200

H. Building Height. The maximum building height shall be thirty-five (35) feet in height, or two (2) stories. The Township Board, following recommendation of the Planning Commission, and following a public hearing, may at its discretion permit up to three (3) stories only if the following conditions are met:

1. The site contains significant natural resources such as slopes or wetlands.
2. No increase in density shall be allowed.
3. Approval by the Fire Department is required.
4. An increased setback distance is established with respect to each required setback at the discretion of the Township Board, including front, rear, and side yard requirements and spacing requirements between buildings. The extent of increase, if any, for each setback measurement shall be established as part of the approval by the Township Board.
5. In no event shall the maximum height of any such building exceed thirty-five (35) feet, in the manner defined and calculated in accordance with the terms of this Ordinance.

I. Utilities. Senior housing developments must be located where public sewer and water facilities are available.

J. Open Space/Recreation. Open space and recreation shall be provided in accordance with the following requirements:

1. The total open space required shall be a minimum of fifteen percent (15%) of the site; and
  2. Recreation facilities shall be appropriate and designed to meet the needs of the resident population. Active recreation shall be located conveniently in relation to the majority of dwelling units intended to be served.
- K. Resident Services. Support services offered solely to residents may be permitted, provided such services are contained within the principal building and are strictly accessory to the principal use as an elderly residential facility. Such support services may include congregate dining, health care, personal services, and social, recreation, and education facilities and programs.
- L. Security. The applicant shall specify and install a security system designed to protect the safety and welfare of residents. Such system shall be certified by the project architect or engineer to be designed consistent with state of the art standards of the industry. Such certification shall be shown on the project plans reviewed by the Planning Commission.

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## **ARTICLE VI: SITE PLAN REVIEW**

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### **16-600 INTENT**

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Site Plan Review procedures are instituted to provide an opportunity for the Township Planning Commission, Township Board and the applicant to coordinate the utilization of land in the best interest of the community, the adjoining property, and the proposed improvement.

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### **16-601 APPLICABILITY**

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Subject to the provisions of this section, a site plan shall be required in conjunction with any of the following:

- A. Any activity requiring application for a building permit, except for a detached single-family dwelling and/or buildings or uses accessory thereto.
- B. The construction or expansion of any parking lot.
- C. As specified in this ordinance or in the Subdivision Ordinance, as amended.

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### **16-602 PRE-APPLICATION CONFERENCE**

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A pre-application conference shall be held with the Township planner and any others as deemed appropriate by the Zoning Administrator to provide information and guidance to the applicant before undertaking preparation of site plans and information. There shall be no fee for a pre-application conference.

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### **16-603 REQUIRED INFORMATION AND FEES**

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- A. A schedule of fees for review of site plans shall be established in the Review Fee Ordinance, Ordinance Number 67, as amended. Review by the Planning Commission and Township Board will not occur until all required review fees are paid and all required information has been submitted. Final construction plans must be submitted to the Building Department for review and approval prior to issuance of a Building Permit.
- B. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of 1"=50' for property less than three acres or 1"=100' for property of three or more acres. Included on the site plan will be the following:

All Site Plans:

- 1. Proprietor's name, address, and telephone number;
- 2. Name of the township, city or village where residing;
- 3. Date(month/day/yr.),including revisions;
- 4. Title block;
- 5. Scale;

6. North point;
7. Legal description and common description of property;
8. Gross and net acreage figures;
9. Location map drawn at a scale of 1"-2,000' with north point indicated;
10. Architect, engineer, surveyor, landscape architect, or planner's seal;
11. On parcels of more than one acre, topography on site and 50 feet beyond site at two foot intervals;
12. Existing lot lines, building lines, structures, parking areas, etc. on the parcel and within 100 feet of the site;
13. Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site;
14. Centerline, and existing and proposed right-of-way lines;
15. Acceleration, deceleration, and passing lane, where required;
16. Proposed locations of access drives, street intersections and driveway locations;
17. Zoning classification of petitioner's parcel and all abutting parcels;
18. Location of existing drainage courses, flood plains, and lake or stream and all elevations;
19. Location of all natural features present on site as determined by the Natural Features Inventory in the Master Plan;
20. Proximity to major thoroughfares and/or section corners;
21. Location of sanitary sewers existing and proposed;
22. A general indication of the following:
  - i. Location of well sites in proposed development
  - ii. Water mains, hydrants and building services and sizes
  - iii. Storm sewers, site grading, drainage, retention basins and/or other pertinent facilities
23. All buildings (existing and proposed) with floor plans and setback and yard dimensions;
24. Parking spaces, drives and method of surfacing consistent with the provisions of Article 9 Parking;
25. Exterior lighting locations including type and specification of shielded fixture;
26. All future road rights-of-way with dedication documents;
27. The location of trails and safety paths or other pedestrian ways consistent with Section 16-338;
28. Building elevations illustrating surface type, building height and window placement;
29. Storm water management plan;
30. All engineering elements shall meet the Township Engineering Standards;

31. Sign information consistent with the provisions of Article 7 Signs;
32. Identification and location of any historic resources as noted in the Master Plan or otherwise recognized within the Township;
33. Specific land area occupied by recreation and or open space, and the type of facilities to be provided. Must provide ratio of open space to developed land;
34. A landscaping plan consistent with the provisions of Article Eight Landscaping;
35. Any subdivision deed restrictions or condominium master deed and bylaws to be executed and recorded with respect to the development;
36. Use of Low Impact Development (LID) techniques in the design of the site plan;
37. The location and status of any floor drains in existing or proposed structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan;
38. An inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the fire chief including CAS numbers;
39. Descriptions of type of operations proposed for the project and drawings showing size, location, and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes, and/or polluting materials;
40. Description and location for any existing or proposed above ground and below ground storage facilities;
41. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of cleanup or closure; and
42. Any other information necessary to address a requirement of this ordinance, the character or features of the use or structures, or otherwise may be deemed necessary by the Zoning Administrator, Planning Commission or Township Board for purposes of coordinating the utilization of land in the best interest of the community, adjoining property, and the proposed improvement.

Additional information required for site plans with multiple-family dwellings:

1. Density calculations by type of unit and bedroom count;
2. Designation of unit types and building types;
3. Interior sidewalks, and safety paths;
4. Building elevations of typical building including height;
5. Designation of fire lanes;
6. Carport locations and details where proposed;
7. Trash receptacle location, transformer pad location, and mail box cluster location and method of screening for each;
8. Front, side, and rear yard dimensions and clear space around each building;

9. Building length and width dimensions;
10. Obscuring walls or berm locations, and cross-sections, where required;
11. Dedicated road or service drive locations;
12. Entrance details including sign locations and size;
13. Details of community building and fencing of swimming pools, if proposed;
14. Specific amount of recreation space and locations;
15. Type of recreation facilities to be provided in recreation space;
16. Any design standards proposed by the applicant; and
17. Copies of maintenance agreements and recorded proposed easements, if applicable.

Additional information required for site plan with non-residential uses:

1. Front, side and rear yard dimensions;
2. Loading/unloading area;
3. Total and usable floor area;
4. Building elevations including height;
5. Berm or obscuring wall locations and cross-sections;
6. Interior and exterior sidewalk locations;
7. Designation of fire lanes;
8. Trash receptacle location, transformer pad location, and mail box cluster location and method of screening for each;
9. Entrance details including sign locations and sizes;
10. Any design standards proposed by the applicant; and
11. Copies of maintenance agreements and recorded easements, if applicable.

Additional information required for site plan with senior housing uses:

1. Density calculations by type of unit by bedroom count.
2. Gross and net acreages.
3. Interior sidewalks and sidewalks within right-of-way.
4. Building elevations of typical building.
5. Designation of fire lanes.
6. Carport locations and details where proposed, if any.
7. Trash receptacle location and method of screening.
8. Transformer pad location and method of screening.

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9. Front, side, and rear yard dimensions and clear space around each building.
  10. Building dimensions.
  11. Obscuring walls or berm locations, and cross-sections, where required.
  12. Landscape plan.
  13. Dedicated road or service drive locations.
  14. Entrance details including sign locations and size.
- C. Special Studies or Research. For complex site plans, mixed use, and/or for land uses that may generate significant impacts on surrounding land uses or public facilities as determined by the Zoning Administrator, the Planning Commission or the Township Board, the applicant may be required to submit any or all of the following reports or studies, or components thereof, as a part of a complete site plan.
1. An Environmental Assessment in accordance with the following standards:
    - i. Purpose: The purpose of the Environmental Assessment shall be:
      - a. to provide relevant information to the Planning Commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the Township; and,
      - b. to inject into the developer's planning process consideration of the characteristics of the land.
    - ii. Guidelines. When required by the Zoning Administrator, the Planning Commission and/or the Township Board pursuant to this section, an applicant for site plan approval or any process identified in this ordinance requiring a site plan approval process shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to demonstrate how the proposed development will meet the goals and objectives of the community as they are expressed in the Master Plan including but not limited to; natural feature preservation and protection, maintenance of rural quality of life, provision of non-motorized trails, historic preservation, and others. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses required in Section 16-603.C.1.iii in proportion to the scope of the project. Each response is to be as brief as practicable, although the Planning Commission and/or Township Board may request further elaboration. All information must be submitted in the format identified in Section 16-603.C.1.iii below and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.

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- iii. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Planning Commission and/or Township Board as not applicable:
- a. A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
    1. Flora and fauna, including any endangered species on-site;
    2. General topography and drainage patterns on the property including any regulated features such as wetlands, high-risk erosion areas, steep slopes or other features;
    3. Watercourses on the property; and
    4. Existing wells on the property, approximate depth, use and condition.
  - b. A description of any existing contamination on-site. This should include a description of the nature of the contamination and what will be done on to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the on-site contamination includes airborne contaminants, including but not limited to asbestos, the proposed abatement shall include a description of the method to ensure this material does not get into the surrounding area. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
  - c. If the proposed project will impact any floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
  - d. A description of the existing soils on-site and a statement as to the suitability of these soils for the proposed use.
  - e. A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources. If a federal, state, or local regulatory authority has conducted an inspection of the site, a brief description of the findings and provide a copy of the report or results.
  - f. A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each element and the effects of each element to nature and human life.
  - g. A description of any chemicals, hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
  - h. A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality

- and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters and/or land forms.
- i. If a federal, state, or local authority has conducted an Environmental Assessment, Environmental Impact Statement, historical or archeological survey, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and a copy of the report or results.
  - j. A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
  - k. A description of off-site impacts from odors or lighting and measures to mitigate such effects.
  - l. A description of the anticipated traffic to be generated by the proposed use.
  - m. A description of plans for site restoration after construction.
  - n. A description of methods to handle sanitary waste for the project both during construction and after completion.
  - o. A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply, and the status of such regulatory approval.
  - p. A description of any additional items as needed to describe the potential environmental impacts of the proposed project.
  - q. Chain of title history from abstract company detailing easements, deed restrictions and/or other encumbrances.
  - r. Photographic inventory of the property submitted in an electronic format approved by the Township.
- iv. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.
  - v. The Zoning Administrator may submit the study to the Township planner, engineer, environmental consultant(s) for review and independent comment.
2. Traffic Impact Study. The Zoning Administrator may recommend and the Planning Commission and/or Township Board may require that a traffic impact study completed by a qualified professional be prepared as an attachment to a site plan submitted for special land use, planned unit development or planned residential rezoning overlay in the Township meeting the requirements of this subsection. The purpose of this subsection is to set forth the standards to be used by the Planning Commission and/or Township Board in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.
    - i. Criteria for Requiring a Traffic Impact Study. The Planning Commission and/or Township Board may require that a traffic impact study be prepared by a qualified

professional selected by the Township as an attachment to a site plan for any proposed development utilizing the guidelines established in *Evaluating Traffic Impact Studies*, Michigan Department of Transportation, 1994 or any other edition document, and the following thresholds:

- a. Sites of more than 10 acres
- b. When there are more than 75 dwelling units proposed.
- c. When the proposed use of the property will result in 150 peak hour trips or 750 trips daily based on traffic engineering projection standards, *Trip Generation*, published by the Institute of Transportation Engineers.

The Planning Commission and/or Township Board may consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and/or may seek the counsel and assistance of a traffic engineer or other professional consultant.

- ii. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections, plus projects under construction or approved by the Township utilizing the same road segments within two (2) miles of the subject property. The study shall further indicate the effect of the proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan selected by the Township and paid from applicant escrow funds. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- iii. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within the defined study area as determined by staff and approved by the Planning Commission prior to the start of the study including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within the defined study area of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Planning Commission and/or Township Board:

- 
- a. A narrative summary at the beginning of the report, including, but not limited to:
    1. The applicant and project name.
    2. A location map.
    3. The size and type of development.
    4. Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers – publication, *Trip Generation* (current edition).
  - b. Project phasing identifying the year of development activities per phase and proposed access plan for each phase.
  - c. A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:
    1. peak-hour volumes (existing and projected)
    2. number of lanes
    3. cross-section
    4. intersection traffic signals and configuration
    5. traffic signal progression
    6. percentage of heavy trucks
    7. adjacent access point locations
    8. jurisdiction
    9. grades
    10. expected impact of other projects already approved by the Township.
  - d. A plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or Oakland County standards and guidelines.
  - e. A capacity analysis shall be performed at each access point. The Township's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing.
  - f. A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall

be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.

- g. Required operational changes shall be part of the site plan review and any access permit approval process.
- iv. Evaluation and Criteria. As a general criterion, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.
- v. The Township Engineer, Planner and/or an independent traffic engineer or transportation planner may be asked to review and comment on any traffic impact study prepared pursuant to this subsection.

## **16-604 PROCEDURES FOR SITE PLAN REVIEW**

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- A. Site plans for any project reviewed by the Planning Commission and Township Board shall include sixteen (16) copies of all required information, including application form, as well as one disk with a .pdf file or other electronic media version of the site plan approved by the Township, and one 11x17 reduced copy of the site plan. It shall be prepared by an Engineer, Architect, or Landscape Architect licensed to work in Michigan and shall include and illustrate at a minimum the requirements found as listed above, unless deemed unnecessary by the Zoning Administrator.
- B. The complete application must be received at least twenty one (21) days prior to the next regular Planning Commission meeting in order to appear on the agenda. Upon receipt, the application package shall be distributed to the planner, engineer, environmental consultant, and others as needed for initial review to determine completeness.
- C. A recommendation for approval or denial shall be made at a regular or special Planning Commission meeting. The applicant may request that the matter be tabled for any reason.
- D. The application shall be placed on the Township Board agenda no sooner than twenty (20) calendar days after recommendation by the Planning Commission. The Township Board shall approve, approve with conditions, or deny the proposed site plan with or without modifications. The applicant may request that the matter be tabled for any reason.
- E. Before a site plan is marked "approved", it shall be revised to reflect any conditions attached to the approval, or changes or corrections required to obtain approval.
- F. All requirements of this ordinance, and any other applicable township ordinance, standard, specification or regulation shall be complied with even if not specifically included in an approved site plan.
- G. When an applicant receives site plan approval, they must develop the site as approved by the Township Board.
- H. Two (2) complete sets of "as-built" drawings certified by the project engineer or architect must be submitted at the time of application for an occupancy permit.

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**16-605 CRITERIA FOR SITE PLAN APPROVAL**

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The Planning Commission and Township Board shall use the following criteria in evaluating a site plan submittal:

- A. Whether the required information has been furnished and is in sufficiently complete and understandable form to allow an accurate description of the proposed use(s), structure(s), improvements and development in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
- B. Whether there are ways in which the configuration of uses, structures, improvements, and development can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this ordinance that are applicable to the property and proposed use and structures.
- C. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, watercourses, and other natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems in accordance with the Floodplain and Wetlands Protection Ordinance No. 44, as amended; the dedication and/or provision, where appropriate, of scenic easements, natural buffering, and other techniques for preservation and enhancement of the physical environment.
- D. The extent to which lands identified as historic resources within the Charter Township of Oakland Master Plan, or identified by the Charter Township of Oakland Natural Features Inventory and incorporated into the Charter Township of Oakland Community Master Plan and Natural Features Assessment Map and/or the Township Trails and Pathways Master Plan have been addressed, preserved or protected.
- E. That the proposed streets and circulation conform to any street or access plan adopted by the Township, Oakland County Road Commission or the Michigan Department of Transportation.
- F. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining and nearby residents or owners shall be minimized by appropriate screening, fencing or walls or landscaping.
- G. That all provisions of this ordinance are complied with, unless an appropriate variance has been granted by the Zoning Board of Appeals.
- H. That a plan for erosion control and storm water discharge has been approved by the appropriate public agency, and if appropriate, the Township Engineer.
- I. That all utility services are provided to the site in a manner least harmful to surrounding properties.

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**16-606 POSTING OF FINANCIAL GUARANTEE**

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The developer shall install and, during the construction of the development, the developer shall maintain and preserve all development improvements (including, but without limitation, all road improvements, storm drainage facilities, water facilities, sewage disposal facilities, grading, landscaping, trees, shrubs, sidewalks, safety paths, trails, utilities, berms, screening and walls, and any site amenities or improvements that are part of a special or conditional approval or planned unit development) in accordance with this Ordinance and the approved site plan and any conditions related thereto. Unless another time is specified in this ordinance or pursuant to any conditions of approval, prior to the issuance of building permits, the developer and/or owner of the property shall provide to the Township financial assurances satisfactory to the Township for purposes of guaranteeing completion of the installation, establishment, preservation, replacement, repair and maintenance of all development improvements in accordance with the site plan and this ordinance. Such financial assurances shall be in the form of: (1) cash or an irrevocable and automatically renewing letter of credit, approved by the Township Manager and issued by an institution doing business in Oakland County, in an amount equal to 125% of the estimated cost of the installation and materials involved, as specified in a bona fide contract or estimate for such installation and materials that has been approved by the Township Manager or his designee; and (2) an agreement with the Township, approved by the Township Attorney and signed by the owner and developer, authorizing (but not requiring) the Township to draw the security funds, enter upon the property, and complete the installation, replacement, repair and/or maintenance of the development improvements, if the developer has failed to do so pursuant to this ordinance and the approved site plan and any conditions related thereto. Said agreement shall include additional security in the form of liens or otherwise, as necessary to adequately ensure installation, establishment, preservation, replacement, repair and maintenance of the development improvements. The agreement shall also provide for partial releases of the funds in appropriate intervals as determined by the Township Manager in consultation with the Township Attorney and Township Engineer, given the size, complexity and expected time for completion and establishment of the development improvements.

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**16-607 TERM OF APPROVAL OF THE SITE PLAN**

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Approval of the site plan shall be valid for a period of one (1) year after the date of approval. The Township Board may grant extensions if applied for and granted in writing. The reasons for extensions may be the inability to complete the requirements, financial constraints, regulatory approvals or other proven hardship. If a zoning compliance permit has not been obtained or the on-site development has not commenced within said one (1) year, the site plan approval shall become null and void. A new site plan approval application shall be required and approved before any construction or earth change is commenced upon the site.

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**16-608 AMENDMENT TO THE SITE PLAN**

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No changes shall be made to an approved site plan prior to or during construction unless approved application submitted to the Zoning Administrator, according to the following procedures:

- A. The Zoning Administrator may review, with the assistance of Township consultants, and approve the following minor amendments to a site plan:
1. Reduction in the number of parking spaces by no more than five (5) percent;
  2. Changes in the building size, up to five (5) percent of the gross floor area;
  3. Movement of buildings or other structures by no more than ten (10) feet;
  4. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size and/or number, and the same or better quality;
  5. Changes to building materials to a comparable or higher quality;
  6. Changes in floor plans that do not alter the character of the use; and
  7. Changes required or requested by the Township, the Road Commission of Oakland County, or other County, State or Federal regulatory agency in order to conform to other laws or regulations.
- B. All other changes shall be deemed a major change and require review and approval by the Planning Commission and Township Board, in the same manner as the original application was submitted, reviewed, and approved.

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**16-609 CONFORMITY TO APPROVED SITE PLANS**

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Property which is the subject of site plan approval must be developed in compliance with the approved site plan, any conditions pertaining thereto, and any amendments thereto which have received the approval of the Township Board. If construction and development does not conform to such approved plans and conditions, or if the proposed development is found in violation of this ordinance, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. The Zoning Administrator shall be empowered to issue a Stop Work Order for any development that is not in compliance with this ordinance. Upon issuance of such Stop Work Order or revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Township Board may, upon proper application, approve an amendment to the site plan pursuant to Section 16-608 Amendment to the Site Plan.

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**16-610 APPEALS**

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With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals. Such appeal may be taken by any person aggrieved or by any officer, department, or board of the Township.

## ARTICLE VII: SIGNS

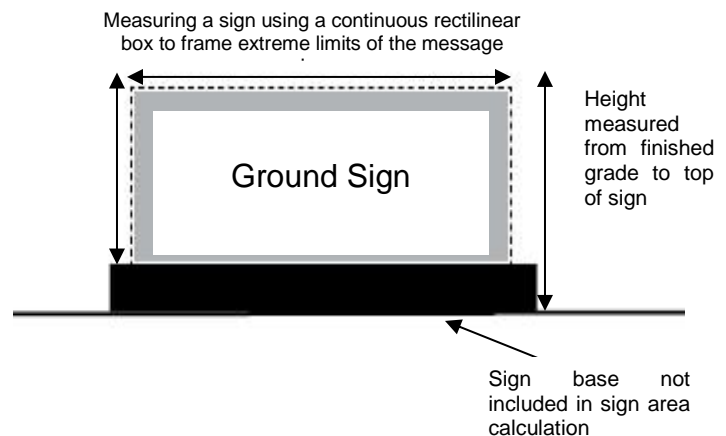
### 16-700 PURPOSE AND SCOPE

The purpose of this Article is to regulate the size, number, location and manner of construction and display of signs in Charter Township of Oakland. This Article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect appropriately identified uses from excessive signage, provide ability for the public to identify premises and establishments, and preserve and enhance the aesthetics of the community.

### 16-701 GENERAL PROVISIONS FOR ALL SIGNS

All signs shall meet the following standards unless the sign is exempt under the provisions of Section 16-702:

- A. All signs shall conform to all applicable codes and ordinances of Charter Township of Oakland and shall be approved by the Zoning Administrator, and a permit issued if applicable.
- B. Sign Area. The area of a sign shall be measured within a single, continuous rectilinear perimeter composed of straight lines which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and/or uprights of the sign. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one (1) of the faces.
- C. Height. Sign height shall be measured as the vertical dimension from the finished grade to the highest point of the highest attached component of the sign. A sign shall not extend beyond the edge of the wall to which it is affixed nor above the roof line of a building to which it is attached.
- D. Sign Setbacks. All signs, except election signs, shall be set back a minimum of one-half of the minimum front yard setback. All signs, except election signs, shall be set back a minimum of 10 feet from any other property line. In addition, all signs shall comply with the clear vision requirements of Section 16-308.
- E. Illumination. When illumination of signs is permitted, illumination shall comply with the following requirements:
1. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting.



2. Illumination shall be arranged so that light is deflected away from adjacent properties and any public right-of-way, and so that no direct sources of light are visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
  3. Any external lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
  4. Illumination shall be of a continuous white light.
  5. An illuminated sign shall be located a minimum of 100 feet from a VLRD – Very Low Density Residential District, LRD – Low Residential Density District, LMRD – Low-Medium Residential Density District, MRD Medium Residential District, and a MHRD – Medium-High Residential Density District.
- F. Maintenance. All signs shall be maintained in a safe condition with proper bracing, anchorage and foundation and be subject to inspection by the Zoning Administrator or other designated representative. A sign that no longer serves the purpose for which it is intended or is abandoned or is not maintained in accordance with applicable regulations of Charter Township of Oakland shall be removed by the owner, or by the Township at the expense of such owner, upon written notice by Charter Township of Oakland.
- G. Where a proposed sign appears to meet the definition of more than one (1) type of sign, the most restrictive requirements and limitations of the defined sign types shall apply.
- H. Wall Signs. Wall signs shall not extend further than twelve (12) inches from the face of the wall to which it is attached. The maximum width of a wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached.
- I. Where a projecting sign, awning or canopy sign or suspended sign protrudes over any public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least 9 feet from the sidewalk or walkway.

## **16-702 EXEMPT SIGNS**

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Except for the regulation of area and height set forth in Section 16-701, the following signs shall be exempt from regulations in this Article:

- A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, ordinance, or traffic control order.
- B. Property address and owner identification sign up to one (1) square foot in area.
- C. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.
- D. Holiday lights and decorations with no commercial message.
- E. Works of art that do not contain a commercial message.
- F. Directional signs or menu boards on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs, provided the following standards are met:

1. Drive-through menu boards shall not exceed thirty-two (32) square feet in area or six (6) feet in height.
  2. Directional signs shall not exceed six (6) square feet in area or six (6) feet in height. The number of directional signs permitted on a property shall be the minimum necessary to provide adequate orientation, as determined by the applicable Charter Township of Oakland representative, board or commission.
  3. Customary lettering on, or other insignia which are a structural part of, a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law, and not exceeding a total of three (3) square feet on each pump.
- G. Governmental historical designation signs.
- H. A flag up to twenty-four (24) square feet in area.
- I. Construction signs identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed twenty (20) square feet in sign area per frontage of the development. Such signage shall not exceed six (6) feet in height. One construction sign shall be permitted per street frontage of the development.
- J. Special event signage on public property.
- K. All yard signs, as defined herein, provided such yard signs shall be limited to one (1) sign per front yard, not greater than six (6) square feet in area. Such signs shall be removed within seven (7) days after the sale on which the event occurs.
- L. Election signs shall be subject to the following regulations.
1. All election signs must be erected on private property. The placement or erection of election signs within a public right-of-way is strictly prohibited.
  2. No election sign shall be located on township-owned property.
  3. No election sign shall be erected more than one hundred (100) day prior to an election. Candidates and campaign committees shall remove their elections signs within fifteen (15) days of the election unless the candidate or election issue is on the ballot for a subsequent election to occur within one hundred (100) days.
  4. The Zoning Administrator may cause to remove any election signs placed on public property. The Zoning Administrator shall store all removed signs and provide a schedule for retrieval of the signs by the candidate or campaign committee represented on the signs. All signs not retrieved within fifteen (15) days after an election may be disposed of by the Zoning Administrator.
  5. No such sign shall be illuminated.
  6. No such sign shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a street, driveway, or parking space.
  7. The painting of any such sign on the exterior surface of any building or structure is prohibited.

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8. Every such sign shall have identified on it the name, address, and telephone number of the person or organization/agency who posted or had caused the posting of the sign.

### **16-703 PROHIBITED SIGNS**

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The following signs shall not be allowed in any District:

- A. Signs that do not relate to existing business or products for sale or available on the site.
- B. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this ordinance.
- C. Animated or moving signs, except such signs in the business district which display:
  1. The time of day and/or current temperature so long as no additional lighting, animation or message appears within the same sign;
  2. Provided that the sign does not transition more often than once every 10 seconds;
  3. The animated or moving portion of the sign is integrated into and accessory to the overall sign; and
  4. The overall sign complies in all respects to the provisions of this ordinance.
- D. Temporary pennants, searchlights, flags, banners or bunting, air balloons, air-filled balloons, signs animated by forced air, streamers, and temporary signage of any kind, except where otherwise permitted.
- E. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.
- F. Signs not securely affixed to a supporting structure.
- G. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, and which may obstruct a motorist's vision.
- H. Portable signs, pole signs, bench signs and roof signs.
- I. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, except:
  1. Official traffic signs posted by a governmental agency;
  2. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
  3. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way; and
  4. Any sign installed by the Township or Road Commission
- J. Motor vehicle sign. A sign measuring more than two (2) square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor-driven or not.

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It shall be unlawful to park, place or store a vehicle or trailer on which there is a motor vehicle sign on private or public property for the purpose of advertising a business or products or for the purpose of directing people to a business or business activity.

1. Presumption. There shall be a presumption that subsection J above, has been violated if the motor vehicle sign is visible from a street and one (1) or more of the following circumstances exist:
  - i. The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;
  - ii. The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;
  - iii. The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
  - iv. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined in this ordinance, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
  - v. The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.
2. Rebuttal of presumption. The presumption set forth in subsection (1), above, may be rebutted by evidence showing all of the following:
  - i. The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;
  - ii. The activities in subsection a., above, are being actively undertaken during the period of such parking;
  - iii. The activities in subsection a., above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and
  - iv. The activities in subsection a., above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

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## **16-704 PERMITTED SIGNS**

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In addition to the above standards, the following signs are permitted in the applicable Zoning District.

- A. In the VLRD, LRD, LMRD, MRD, MHRD, MH and R-M Districts, for uses other than Accessory Buildings and Structures, Accessory Uses, Single-Family Dwellings, and Office Buildings for Residential Complexes, the following sign is permitted subject to the following requirements:

Type	Maximum Number	Maximum Sign Area	Illumination Permitted
Ground	1 per parcel	20 square feet	No

- B. In the OS, C, RC and RD Districts, for uses other than Accessory Buildings and Structures, and Single-Family Dwellings, following signs are permitted subject to the following requirements:

Type	Maximum Number	Maximum Sign Area	Illumination Permitted
Ground	1 per road frontage	20 square feet	Yes, subject to 16-701.E.
Wall	1 per road frontage	10% of total area of the wall to which sign is attached, not to exceed 32 square feet	Yes, subject to 16-701.E.

### **16-705 TEMPORARY SIGNS**

Temporary signs are subject to the following regulations:

- A. No such sign shall be illuminated.
- B. No such sign shall be placed in or project into a public right-of-way and shall only be placed on private property with the prior permission of the property owner.
- C. Any such sign location in a residential district shall not have a surface area of more than six (6) square feet per sign, with not more than one (1) such sign per lot. Any such sign in any other district shall not have a surface area of more than twelve (12) square feet per sign, with not more than one (1) such sign per lot.
- D. Any temporary sign shall not be erected more than forty-five (45) days prior to the event indicated on the sign, and shall be removed within seventy-two (72) hours after the event.
- E. No such sign shall be placed in such a manner as to obstruct the view of vehicle drivers when leaving or entering a streets, driveway, or parking space.
- F. The painting of any such sign on the exterior surface of any building or structure is prohibited.
- G. No such sign shall be placed closer than ten (10) feet to the right-of-way of any street.

H. Every such sign shall have identified on it the name, address, and telephone number of the person who posted or had caused the posting of the sign.

## **16-706 SIGN REQUIREMENTS FOR A LAND USE CHANGE**

An applicant requesting a zoning map change, or Planned Unit Development (PUD), or a Special Land Use shall construct and install a sign indicating a requested change of land use. The sign shall be installed no less than fifteen (15) days prior to the first scheduled public hearing at the Planning Commission or Board of Trustees. The sign shall be installed on the parcel(s) requested for rezoning and shall be placed perpendicular to the adjoining roadway and be clearly visible. The sign shall not be placed within a public right-of-way, nor shall the sign obstruct clear vision for motorists. In the event the parcel fronts on more than one roadway, signage shall be required for all adjoining roadways.

The sign shall comply with the following sign specifications:

- Block Black letters on white background.
- Size: minimum four (4) feet vertical by six (6) feet horizontal.
- Sign's face must be exterior plywood, aluminum, or similar material.
- Wording should be as follows:

Land Use Change Proposed	- (min. 8" high letters)
### Acres	- (min. 8" high letters)
For more information call:	- (min. 3" high letters)
Charter Township of Oakland	- (min. 4" high letters)
(248)651-4440	- (min. 4" high letters)
www.OaklandTownship.org	- (min. 4" high letters)

- Sign support system must be structurally sound and mounted with 4" x 4"s or "u" channel steel posts. The posts shall be set in the ground at least 30" below the surface. The bottom of the sign shall be no less than three (3) feet above the ground level.

Sign(s) required above shall be removed within:

- Seven (7) days of approval by the Township Board.
- Seven (7) days of withdrawing rezoning, PUD or Special Land Use application.
- Seven (7) days of denial of a rezoning, PUD or Special Land Use request by the Township Board.

Failure to remove sign(s) within this period may result in removal of the sign(s) by the Township, following notice and an opportunity to cure, at the owner's expense.

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## **ARTICLE VIII: LANDSCAPING REQUIREMENTS**

### **16-800 SCOPE AND INTENT**

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Regulation of landscape requirements is intended to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; promoting soil water retention; and reducing storm water runoff.

### **16-801 APPLICATION**

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These requirements shall apply to all uses for which site plan review is required under Article 6, Site Plan Review, and any other use so specified in this Ordinance; or the Subdivision Control Ordinance, Chapter 12, Article III of the Charter Township of Oakland Codified Ordinances, as amended. No site plan shall be approved unless said site plan shows landscaping, buffer areas, and screening consistent with the requirements set forth herein.

### **16-802 LANDSCAPING PLAN**

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A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 6, Site Plan). The plan shall be prepared, signed and sealed by a landscape architect registered to practice in the State of Michigan. The landscape plan shall include, describe or exhibit, but not necessarily be limited to, the following items:

- A. Plans shall be a minimum scale of one inch equals fifty (50) feet.
- B. A scaled drawing at a minimum of 11" X 17."
- C. Include name, address, and telephone number of the owner, developer or association, and Registered Landscape Architect.
- D. Seal and registration number of registered professionals.
- E. A legal description and boundary survey of the site.
- F. The project name and address.
- G. A north arrow and drawing scale.
- H. A location map.
- I. Location, type, and size of all existing plant materials and indicate whether they are to remain, be relocated, or removed and how remaining vegetation will be protected during construction.
- J. All regulated natural features with appropriate delineations and inventories as required by the Natural Features Setback, Section 16-348 of this ordinance, and Tree Protection Ordinance, Ordinance Number 60, as amended, and associated existing and proposed conservation

easements.

- K. The soil types on the site per the *Soils Survey of Oakland County, Michigan* by the United States Department of Agriculture Natural Resources (Soils) Conservation Service.
- L. Location and spacing of trees and shrubs proposed for use within a required landscape area in sufficient detail for a determination that the plan conforms to this Article.
- M. A plant list of proposed landscape materials showing caliper sizes, root type (bare root, balled and burlapped, container size), height of material, botanical and common names, type and amount of mulch, ground cover and grasses.
- N. All existing and proposed buildings, structures, easements, rights of way, setbacks, parking lots and spaces, snow depositing areas, and signage.
- O. Existing and proposed public and private utility lines shall be shown with their associated easements and dimensions. Existing and proposed rights-of-way shall also be shown.
- P. Existing and proposed contours must be shown not to exceed (2) two foot intervals and must extend a minimum of fifty (50) feet beyond the site boundary.
- Q. Typical straight cross-section of proposed berms and swales shall be included that show slope, height or depth, width, type of groundcover, and labeled contour lines.
- R. Typical planting and staking details in text and drawing form for evergreen and deciduous trees, shrubs, and groundcover. Planting details must conform to American National Standard for Tree Care Operations, ANSI A300 -most current edition.
- S. Irrigation plan, if appropriate, or water outlets (hose bibbs).
- T. Proposed treatment of all ground surfaces other than paved surfaces shall be indicated, including scientific and common names, type, and number of groundcover plants, and methods of planting.
- U. All required walls and screening must be shown on the plan in compliance with this ordinance.
- W. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
- X. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- Y. Description of a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this ordinance.

### **16-803      MODIFICATIONS**

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Modifications to the standards of this Article including additional landscaping, screening, preservation of existing vegetation or rearrangement of landscaping may be required by the approving body or official, as a condition of approval in any of the following circumstances:

- A. When development activity would damage existing natural systems or processes.
- B. To screen mechanical equipment that was not included on an approved site plan.

- C. To prevent traffic hazards or other dangers to public safety such as obstruction of fire hydrants, fire suppression services provider connections or fire protection equipment or component.
- D. When the topographic features of the site create conditions so that the strict application of the provisions of this Article will result in less effective screening and landscaping than alternative landscape designs.

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**16-804 PLANT MATERIALS**

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- A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Nursery and Landscape Association (ANLA) (American Standard for Nursery Stock, ANSI Z60.1. current edition), and shall have proof of any required governmental regulations and/or inspections.

Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the approving body or official, with review and recommendations from the Township's Environmental Consultant or other Township Board designee.

- B. Minimum Standards: Materials used to comply with this Article shall meet the following minimum standards:
  - 1. Artificial plants or trees shall not be used.
  - 2. Where plant material is used for hedging or screening, at least 50 percent shall be evergreen and plant materials shall be a minimum of 24 inches tall and of a size, quantity and spacing to achieve 50 percent year-round opacity at the time of planting.
  - 3. Landscaped areas shall be covered with grass, low vegetative ground cover not to exceed 18 inches in height, or organic mulch. Non-organic materials shall not be accepted to meet this requirement. If grass or vegetative ground cover is used, it shall be planted and maintained to present a finished appearance within one growing season. If the landscaped area is wider than 10 feet, grass or low vegetative ground cover shall be used. In areas subject to erosion, erosion-reducing blankets, or suitable reinforced mulch, shall be used.
  - 4. At planting, deciduous trees shall have a mature crown spread of greater than 15 feet, a minimum caliper of 2 inches at 6 inches above the root ball, a burlap ball size of at least 10 times the caliper size, and a clear stem of at least 5 feet.
  - 5. At planting, evergreen trees shall be a minimum of 7 feet in height with a minimum spread of 3 feet, and a burlap ball size of at least 10 times the caliper size.
  - 6. Existing vegetation on the property may be used to meet the requirements of this Article if it meets the size, species and opacity requirements. This determination shall be made by the approving body or official.
  - 7. Water outlets (hose bibbs) shall be provided within 150 feet of all plant material required by this Article if a subsurface irrigation system is not provided.

- C. Composition: A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
- D. Plant substitutions: The Township Manager or his designee may approve minor revisions to landscape plans due to seasonal planting problems and lack of plant availability but only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous shade or evergreen trees) and the same general design characteristics (mature height, crown spread) as the material being replaced. If these criteria are not fulfilled, the approved site plan must be revised according to the requirements of this Article and Article Six of this ordinance.
- E. Native and Non-Invasive Species: The use of plant material native to Michigan is highly encouraged. Plant material source shall be from local Michigan genotypes where available, otherwise of North Midwest American origin.
- Selection of appropriate planting materials shall consider site characteristics, such as exposure, soil type, water availability, light availability, nutrient availability, and positioning relative to natural features, existing vegetation, and existing and proposed built structures. Material selection shall also consider the health and safety of landscape users and the public. A diversity of tree, shrub, and herbaceous groundcover shall be utilized in all landscape designs.
- The use and planting of invasive species is strictly prohibited. The planting of non-native material is discouraged except in areas where the application requires specific aesthetics and maintenance such as around buildings, recreation centers, facility entrance, neighborhood entrances, and similar areas. The planting of non-native plant material must receive review and approval by the approving body or official, with review and recommendations from the Township’s Environmental Consultant or other Township Board designee.
- F. No landscaping, berming, etc. shall be placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving a driveway or intersection pursuant to Section 16-308.

**16-805 ESTABLISHMENT PERIOD**

The developer shall install and, during the construction of the development, the developer shall maintain and preserve all landscaping and plant materials in accordance with the approved landscaping plan. Prior to planting, the developer shall provide to the Township financial assurances that are satisfactory to the Township for purposes of guaranteeing completion of the installation, establishment, preservation and maintenance of the landscaping and plant installations in accordance with the landscape plan and this Article. Such financial assurances shall be provided in the form and manner required under Section 16-606 of this ordinance.

Inspection for the acceptance of plant material will be made prior to plant installation. The developer shall permit and the Township shall perform inspections of the property to ensure compliance with the landscape plan at the following times 1) after the completion of plant

installation; and 2) after the two-year period of establishment prior to release of the maintenance guarantee. The “period of establishment” referenced in this Section shall start at the completion of all the planting required for the entire project or project phase and shall extend through two (2) complete growing seasons. Plant material inspections shall be conducted by the Township’s Environmental Consultant or a designee of the Township Manager during the growing season from April through October.

During the period of establishment the developer shall be responsible for guaranteeing planted materials. All planted materials which are dead, diseased, damaged, or are dying and are in poor health as determined by the Township’s Environmental Consultant or a designee of the Township Manager shall be replaced while the two-year period is in effect and prior to release of the financial assurances required by this Section.

### **16-806 GREENBELTS, BUFFERS AND SCREENING**

Wherever screening or a buffer is required according to this ordinance, the composition and quantity of plant material shall be chosen to achieve substantial visual screening throughout all seasons of the year. Native plant material shall be used where appropriate, and species selection shall be based on site characteristics and availability. The suitability of plant material shall be determined by the approving body or official, with review and recommendations from the Township’s Environmental Consultant or other Township Board designee.

Any conflicting residential or non-residential land use shall provide a buffer between the two adjacent land uses. The buffer shall consist of the following:

- A. A landscaped buffer or greenbelt at least 15 feet wide.
- B. One tree for each 20 feet or fraction thereof of abutting land. At least 50% of the trees within the conflicting land use buffer shall be evergreen. Arrangement of trees in clusters or groupings is encouraged, but in no case shall trees be more than 50 feet apart.
- C. A hedge, berm, wall, fence or combination thereof forming a continuous screen at least 4 feet high. All gasoline or service stations shall employ opaque walls as the continuous screen.

### **16-807 BERMS**

Due to the loss of soil ecological and structural integrity during grading, berms are generally discouraged. Layered groupings of evergreen trees, canopy and sub-canopy deciduous trees, shrubs, and herbaceous groundcover are encouraged as an alternative to excessive grading. Where berms are necessary, all of the following standards shall apply:

- A. Berms shall be non-uniform, undulating, and vary in width, form, aesthetics and function.
- B. Berms shall be landscaped with a combination of trees, shrubs, herbaceous groundcover, or sod and maintained in a healthy growing condition with consideration to seasonal conditions.
- C. Berms shall be constructed of loam soils free of construction debris and covered with six (6) inches minimum of topsoil.
- D. Berms shall be designed for non-erosive drainage at the top and toe of slope and graded to blend with the surrounding landscape. The top shall be graded to be smoothly convex and

the toe graded to be smoothly concave.

- E. Berm slopes shall not exceed 33% (1:3) and shall have at least 2 feet of flat area on top and shall have adequate protection to prevent erosion.

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**16-808      PARKING LOTS**

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- A. The planting of trees shall be required for parking lots, and all trees, other plant material and landscaping for parking lots shall comply with requirements within this ordinance. The planting of trees shall not interfere with the safety and visibility within the parking lot.
- B. All parking trees and other plant material shall be of a native species where appropriate and as determined by the approving body or official, with review and recommendations from the Township's Environmental Consultant or other Township Board designee.

Plant selection for parking lots shall consider the mature size of the proposed species and tolerances to the stressful conditions found in parking lots. Specifically, species shall be selected that exhibit all of the following characteristics:

1. Tolerant of salt
  2. Tolerant of drought and extreme temperatures,
  3. Tolerant of poor, highly compacted soils
  4. Tolerant of urban pollutants
  5. Tolerant of inundation, if used for storm water treatment
  6. Do not produce abundant fruits, nuts, or leaf litter
  7. Wide spreading canopy
- C. All off-street parking areas containing greater than six (6) spaces shall provide 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 in accordance with all of the following standards:
1. Either one (1) canopy tree, expected to exhibit a mature crown spread of 30 feet or greater or both (1) evergreen tree and one (1) smaller ornamental tree shall be required for each eighteen hundred (1800) square feet of the total of the paved private driveway and parking lot surface. Placement of a substantial portion of the required landscaping outside of the parking lot is encouraged to facilitate ease in snow removal. However, at least forty (40) percent of the landscape material required shall be installed in landscape islands within the paved parking lot area.
  2. Landscaped areas in and around parking lots shall be no less than ten (10) feet in any dimension and no less than one hundred fifty (150) square feet in area per tree. Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles.
  3. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

4. 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. Landscaped areas shall be covered by grass or other living ground cover: provided, however, that wood chips or similar material, at a minimum depth of three (3) inches shall be permitted for planting beds immediately surrounding plant material. All covering material must be identified on the landscape plan.
  6. Planting areas shall provide a minimum of five (5) feet of horizontal clearance to accommodate vehicle overhang along parking spaces. Parking lot landscape material other than trees shall be maintained at a maximum height of three (3) feet to provide clear sight distance within the parking lot. All parking lot landscaping shall be maintained in a live, healthy growing condition with consideration to seasonal conditions.
  7. Landscaped areas in and adjacent to vehicular use areas shall be protected by concrete or bituminous curbing, anchored bumper blocks, or other durable materials if approved by the Township Manager or his designee. Wood timbers which are not part of a structural retaining wall shall not be accepted to meet this requirement. Alternative barrier designs which provide improved infiltration or storage of stormwater are encouraged.
  8. Planting bed size and location shall consider snow storage capacity. Large (greater than the fifty (50) square feet minimum) and random planting beds are encouraged to allow for adequate root growth, snow storage and preservation of existing trees. As an alternative to standard mounded parking islands, planting beds utilizing native vegetation and vegetated swales and basins to lessen storm water runoff and enhance infiltration are encouraged where possible.
  9. The planting of trees within the parking lot envelope shall not interfere in the safety and visibility within the parking lot.
- D. The plan for the off-street parking lot shall specify the landscaping to be installed, including the placement and specifications of landscape materials, and shall be subject to approval as part of the site plan. If seasonal weather conditions present practical difficulties in the installation or completion of the landscaping, the completion thereof may be deferred for not more than six (6) months.
- E. The owner of the premises upon which the landscaping is located shall maintain such landscaping in good condition so as to present a thriving, neat and orderly appearance - free from refuse and debris. All diseased and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.
- F. To avoid damage to infrastructure and property, the following tree species are not recommended for use in or adjacent to parking lots or locations with restrictive paved areas due to their large surface roots:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Acer platanoides</i>	Norway maple
<i>Acer rubrum</i>	Red maple
<i>Acer saccharinum</i>	Silver maple
<i>Betula nigra</i>	River birch
<i>Celtis spp.</i>	Hackberry
<i>Fagus spp.</i>	Beech
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia grandiflora</i>	Southern magnolia
<i>Platanus x acerifolia</i>	London planetree
<i>Platanus occidentalis</i>	American sycamore
<i>Quercus palustris</i>	Pin oak
<i>Salix babylonica</i>	Weeping willow
<i>Ulmus americana</i>	American elm

**16-809 PROTECTION OF EXISTING TREES**

- A. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the approving body or official, protective techniques, such as, but not limited to, fencing or barriers placed around the perimeter of the plant material, outside of the critical root zone, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the critical root zone of any plant material intended to be saved. Other protective techniques may be used, provided such techniques are approved by the approving body or official, with review and recommendations from the Township’s Environmental Consultant or other Township Board designee.
- B. In the event that existing healthy trees which are used to meet the minimum requirements of this ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated within the critical root zone, as determined by the approving body or official, with review and recommendations from the Township’s Environmental Consultant or other Township Board designee, the applicant shall replace them with trees that meet ordinance requirements

## ARTICLE IX: PARKING

### **16-900 GENERAL PROVISIONS**

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#### **16-900.01 REQUIRED OFF-STREET PARKING-GENERAL**

Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:

- A. Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than would hereinafter be required for such building or use.
- B. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, the Township Board may approve cases of dual functioning (or shared parking) of off-street parking where operating hours do not overlap.
- C. Required off-street parking shall be for the use of occupants, employees, visitors, and patrons of the principal and any accessory uses(s) for which the parking exists, and shall be limited in use to the parking of vehicles. The storage of merchandise, temporary outdoor sales in parking areas, motor vehicles for sale, or the repair of vehicles is prohibited in parking areas.
- D. Off-street parking, whether public or private, for non-residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- E. Single family detached off-street parking space shall only consist of a driveway, and shall be located on the premises it is intended to serve and not closer than three (3) feet from any street side lot line.

#### **16-901 RESERVED**

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### **16-902 NUMBER OF PARKING SPACES REQUIRED**

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#### **16-902.01 GENERAL REQUIREMENTS**

- A. Parking shall be provided in accordance with the number of spaces required in this section. Parking shall not exceed nor be less than the Required Spaces per Unit of Measure for new uses. In accordance with this section, the Township Board upon recommendation of the Planning Commission may permit the improvement of fewer spaces, provided the applicant demonstrates that adequate parking will be provided, excessive parking will be avoided, and snow storage is accommodated. If this option is approved, the provisions of Section 16-902 B. shall apply.

- B. A portion of the required parking area may be deferred until some future date, provided that adequate space on the property is reserved for future parking, and provided that the reserved area is used as open landscaped space until parking is constructed. A permit shall be required prior to construction of a deferred parking area.
- C. For uses not specifically listed, off-street parking shall be provided as required for the most similar use, as determined by the Zoning Administrator. The Zoning Administrator may reference industry standards to establish such requirements.
- D. When calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including ½ shall be disregarded and fractions over ½ shall require one (1) additional parking space.
- E. Barrier free spaces and loading spaces shall count toward the required number of spaces.
- F. For nonresidential uses in the OS District and C District, one (1) bicycle rack capable of locking at least five (5) bicycles shall be provided within one hundred (100) feet of a building's main entrance for every five thousand (5,000) square feet of building footprint or part thereof.

**16-902.02 WAIVERS**

- A. A reduction not to exceed twenty (20) percent of the number of spaces required may be permitted by the Township Board upon recommendation of the Planning Commission for a new or expanding nonresidential use that dedicates carpool spaces, vanpools, transit passes, covered bicycle spaces or lockers, and similar alternative means of transportation, for its employees, and where the Township Board finds that such reduction will not result in inadequate parking area.
- B. A reduction not to exceed twenty (20) percent of the number of spaces required may be permitted by the Township Board upon recommendation of the Planning Commission for off-street parking lots which incorporate low impact design measures such as, but not limited to, porous pavement, rain gardens, and zero run-off and where the Township Board finds that such reduction will not result in inadequate parking area.
- C. In no event shall the total reduction of parking spaces exceed twenty (20) percent.

**16-902.03 REQUIRED SPACES PER UNIT OF MEASURE**

<b>Use</b>	<b>Minimum Parking Per Unit of Measure</b>
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**A. Residential Uses**

- |                                     |  |
|-------------------------------------|--|
| 1. Accessory Dwelling               | 1 space per unit   |
| 2. Boarding House                   | 2 spaces for the principal dwelling use, plus 1 off-street space per rental unit |
| 3. Dwelling, Single- and Two-Family | 2 spaces per unit  |
| 4. Dwelling, Multiple-Family        | 2 spaces per unit  |
| 5. Manufactured Housing Community   | 2 spaces per dwelling, plus 1 off-street space per 10 dwelling units             |

- 6. Senior Housing – Independent Living 1 space per dwelling unit, plus 1 space per employee
- 7. Senior Housing – Assisted Living 1 space per 2 dwelling units, plus 1 space per employee

**B. Institutional and Related Uses**

- 1. Airport 1 space per each five aircraft parking spaces
- 2. Cemetery 1 space per employee of largest shift, plus 1 space for each 3 seats of seating capacity in any facility for interment services
- 3. Educational Facility 1 space per employee of largest shift, plus 1 space for each classroom and 1 space for each 4 seats of seating capacity in any auditorium or gymnasium
- 4. Hospitals, Clinics and Urgent Care 1 space per employee in the largest shift plus 1 space for each 3 beds dedicated to in-patient care and 1 space for each 1,000 square feet of area dedicated to out-patient services
- 5. Library Applicant shall demonstrate parking demand, but not less than 1 space per 500 square feet of gross floor area
- 6. Convalescent Center / Home for the Aged 1 space per employee in the largest shift plus 1 space for each 4 beds
- 7. Place of Public Assembly 1 space per 4 seats of legal capacity
- 8. Trade and Industrial School Applicant shall demonstrate parking demand, but not less than 1 space per 300 square feet of gross floor area

**C. Commercial Uses**

- 1. Automobile Gasoline Station 1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking space per fuel nozzle
- 2. Automobile Repair, all types 1 space per employee of largest shift, plus 5 spaces per service bay
- 3. Automobile Wash, self-serve 3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including car wash bays.

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- |  |   |
|--|---|
| 4. Bed and Breakfast   | 2 spaces for the principal dwelling use, plus 1 off-street space per rental room  |
| 5. Day Care, Group and Commercial                                      | 2 spaces for the principal dwelling use, if applicable, plus 1 space per employee of largest shift, plus 1 space per 4 clients  |
| 6. Drive-through Business  | 6 stacking spaces per drive-through lane with window service or 4 stacking spaces for drive-through ATM, in addition to any spaces required for the non-drive-through uses              |
| 7. Dry Cleaning and Laundry Establishment, all types                   | 1 space per 350 square feet of retail space, plus 1 space per each 3 coin-operated machines, if applicable, and 1 space for each employee of the largest shift                          |
| 8. Eating and Drinking Establishment                                   | 1 space per 3 seats of legal capacity   |
| 9. Home Occupation   | 2 spaces for the principal dwelling use   |
| 10. Hotel and Motel  | 1 space per rental room   |
| 11. Mixed Use Development  | 1.2 spaces for any dwelling unit, plus parking for any nonresidential uses as provided herein   |
| 12. Mortuary   | 1 space per employee of largest shift, plus 1 space per 2 seats of legal capacity   |
| 13. Multi-tenant Commercial Establishment                              | Applicant shall demonstrate parking demand, but not less than 1 space per 300 square feet of gross floor area   |
| 14. Open Air Business  | 1 space per 350 square feet of indoor space devoted to retail activity, plus 1 space for each 2,000 square feet of outdoor display area.  |
| 15. Personal Service Business  | 1 space per 350 square feet of gross floor area   |
| 16. Recreation Facility, Commercial                                    | Applicant shall demonstrate parking demand  |
| 17. Recreation Facility, Outdoor                                       | Applicant shall demonstrate parking demand  |
| 18. Retail Sales dealing primarily in consumable and convenience goods | 1 space per 150 square feet of gross floor area up to 50,000 square feet of gross floor area plus 1 space for each 350 square feet of gross floor area in excess of 50,000 square feet. |
| 19. Retail Sales dealing primarily in durable goods                    | 1 space per 250 square feet of gross floor area up to 10,000 square feet, plus 1 space for each 350 square feet of gross floor area in excess of 10,000 square feet.                    |

- 20. Service Establishment Accessory to a Principal Use Applicant shall demonstrate parking demand
- 21. Showroom 1 space per 450 square feet of gross floor area

**D. Office and Service Uses**

- 1. Medical Office 1 space for each employee of the largest shift plus 1 space per 200 square feet gross floor area
- 2. Office Building 1 space per 300 square feet of gross floor area
- 3. Professional Service Establishment 1 space per 450 square feet of gross floor area
- 4. Veterinary Hospital 1 space per 300 square feet of gross floor area

**E. Industrial, Storage and Related Uses**

- 1. Contractor’s Establishment 1 space per employee of the largest shift plus 1 space for each 500 square feet of any retail and/or showroom space
- 2. Manufacturing, Compounding, or Processing 1 space per employee of largest shift plus 1 space per 2,000 square feet of gross floor area
- 3. Municipal Uses - Utilities Applicant shall demonstrate parking demand
- 4. Research and Development 1 space per employee of largest shift, plus 5 visitor spaces
- 5. Self-service Storage Facility 1.5 spaces per 100 storage units
- 6. Warehouse 5 spaces plus 1 per employee on the combination of the two largest shifts
- 7. Wholesale Facility 1 space per 350 square feet of sales space, plus 1 space per employee of largest shift

**16-903 DIMENSIONAL REQUIREMENTS FOR PARKING**

**16-903.01 IN GENERAL**

- A. All off street parking spaces shall be provided adequate access by means of maneuvering lanes; access directly onto a street or public right-of-way shall be prohibited.
- B. Maneuvering lanes for 90° parking patterns shall accommodate two-way traffic.
- C. Up to twenty (20) percent of required parking spaces may be provided as spaces marked for the parking of compact vehicles only. Dimensions of such spaces shall be provided as indicated below.
- D. Parking spaces and maneuvering lanes shall be provided in accordance with the requirements below.

<b><u>Parking Pattern</u></b>	<b><u>Minimum Maneuvering Lane Width</u></b>	<b><u>Parking Space Width</u></b>	<b><u>Parking Space Length</u></b>	<b><u>Compact Vehicle Space Dimensions</u></b>
0° (parallel)	12 feet	8 feet	23 feet	7'x18'
30° to 53°	15 feet	9 feet	20 feet	7'x18'
54° to 74°	15 feet	9 feet	19 feet	7'x18'
75° to 90°	25 feet	9 feet	19 feet	8'x16'

**16-903.02 PARKING DESIGN REQUIREMENTS**

- A. All off-street parking areas, maneuvering lanes, access drives, loading spaces, and private residential driveways, shall be bituminous, concrete porous pavement or approved pavers. All such areas shall be paved within eight (8) months from the date a permit is issued to install the parking area.
- B. Alternative parking lot surfaces may be used that provide a pervious surface, enhance storm water quality and reduce the environmental impact of a parking lot. Such alternative surface shall be recommended for approval consideration by the Township Engineer to the Township Board based on the Township Engineering Standards.
- C. New access points to off-street parking lots shall be located a minimum of twenty-four (24) feet from a street intersection and if not located on a property line as a shared driveway, shall be located a minimum of five (5) feet from a property line. The area between the driveway and the property line shall be landscaped to provide a buffer between motor vehicles and the adjacent property, in accordance with the Article Eight Landscaping.
- D. If provided, parking area lighting shall comply with Section 16-325 Lighting.
- E. Parking areas shall have barriers such as concrete bumpers or curbs to prevent vehicles from extending over or into any public sidewalk, buffer area, walkway, right-of-way or adjacent property. Parking areas shall include striping delineating each individual parking space.
- F. Shared access drives between separate parking areas shall be provided where appropriate and reasonable, as determined by the Township Board based on recommendation by the Planning Commission and the Road Commission of Oakland County.
- G. Where the parking lot boundary adjoins a residential district, the parking lot shall be provided with a continuous and completely obscuring decorative real brick wall, five (5) feet in height, measured from the surface of the parking area. Such wall shall not extend into a required setback from the street lot line as established by Section 16.903.03. A residential district which is separated from the parking lot by a street shall, for purposes of this paragraph, be considered as adjoining the parking lot if the street right-of-way is of less than eighty-six (86) feet width. In its review of the site plan, the Township Board

may approve in substitution for the required wall the use of existing and/or proposed topography (such as berms), existing and/or proposed dense vegetation, and/or other natural or man-made features that the Township Board finds will produce substantially equivalent results of screening, permanence, and durability as the otherwise required wall.

- H. There shall be no parking in the required front yard of any RD district.
- I. Parking structures may be built to satisfy off-street parking regulations when located in non-residential districts, subject to the area, height, bulk and placement regulations of such districts in which located.
- J. Adequate barrier free parking spaces shall be provided in accordance with all applicable state and federal regulations.
- K. Adequate space shall be provided within or adjacent to the parking lot for storage of snow removed from the designated spaces and aisles.
- L. All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained. The provisions of the Township Storm Water Management Ordinance shall be met.

**16-903.03 SETBACKS FROM RESIDENTIAL DISTRICTS**

Where a parking lot abuts a residential district at the following location, a required setback shall be provided as follows:

Location of Parking Area	Required Setback
Side lot lines abut	10 feet from side lot line
Contiguous common frontage in same block	Equal to the residential required setback, or average of existing setback in common block frontage, whichever is greater
Across the street and opposite, with residential lots fronting on such street	Equivalent to the opposite residential required setback
Across the street and opposite, or contiguous to and in same block, with residential side lot lines on such street	Ten (10) feet from street lot line
Rear lot line	Ten (10) feet from rear line

**16-903.04 PARKING LOT LANDSCAPING**

- A. All off-street parking areas containing greater than six (6) 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.
1. One (1) canopy tree or (1) evergreen tree and one (1) ornamental tree shall be required for each eighteen hundred (1800) square feet of the total of the paved driveway and parking lot surface. At least forty (40) percent of the landscape material required shall be installed in landscape islands within the paved parking lot area. All plant materials and required sizes, as time of planting shall be in accordance with the Article Eight Landscaping.
  2. Landscaped areas in and around parking lots shall be no less than ten (10) feet in any dimension and no less than one hundred fifty (150) square feet in area per tree. Landscaped areas shall be protected with curbing or other means to prevent overhang encroachment of vehicles.
  3. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
  4. 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. Landscaped areas shall be covered by grass or other living ground cover. Wood chips or similar material, a minimum depth of three (3) inches is permitted for planting beds immediately surrounding plant material. Such material should be identified on the landscape plan and/or site plan.
- B. The plan for the off-street parking lot shall specify the landscaping to be installed, including the placement and specifications of landscape materials, and shall be subject to approval as part of the site plan. The parking lot shall be landscaped in accordance with the approved site plan before a certificate of occupancy is issued for use of the parking lot. However, if seasonal weather conditions present practical difficulties in the installation or completion of the landscaping, the completion thereof may be deferred for not more than six (6) months. If the landscaping is not fully installed by that time in accordance with the approved plan, the Zoning Administrator or other Township Official shall revoke the certificate of occupancy for the use of the parking lot.
- C. The owner of the premises upon which the landscaping is located shall maintain such landscaping in good condition so as to present a thriving, neat and orderly appearance - free from refuse and debris. All diseased and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.

**16-903.05 LOADING SPACES**

- A. Loading spaces shall be provided on the same property as any nonresidential use involving the receipt or distribution of materials or merchandise.
- B. Loading spaces shall be provided adequate access by means of maneuvering lanes; access directly onto a street or public right-of-way shall be prohibited.
- C. Loading spaces shall be located within the rear yard or side yard in any Zoning District other than the RD and C Districts. Landscaping and buffering, in addition to that required in Article Eight, Landscaping, shall be provided to fully screen loading spaces from public view when located in an interior side yard, unless the Township Board determines such screening is not needed based on existing land uses, site features or topography.
- D. Loading spaces shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.
- E. Loading spaces shall be provided in accordance with the requirements below. The Township Board may approve modification of the requirements, if it finds that adequate loading and unloading space will be provided.

<b><u>Square feet of Principal Permitted Building on a Property</u></b>	<b><u>Minimum Number of Loading Spaces Required</u></b>
Up to 5,000	0
5,001 to 20,000	1
20,001 to 100,000	2

1 additional space is required per additional 50,000 square feet

- F. Loading spaces shall be located so loading and unloading activities do not interfere with pedestrian or private motor vehicle movement.

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## **ARTICLE X: SITE CONDOMINIUMS**

### **16-1000 INTENT**

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The intent of this Article is to regulate site condominium projects to ensure compliance with this Ordinance and other applicable standards of the Township, to provide procedures and standards for review and approval or disapproval of such developments, and to ensure that each project will be consistent and compatible with other developments in the community.

### **16-1001 APPROVAL REQUIRED**

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Pursuant to the authority conferred by Section 141 of the Condominium Act, site plans for all site condominiums shall be reviewed by the Planning Commission prior to approval by the Township Board in accordance with the provisions set forth in Article VI Site Plan Review.

### **16-1002 GENERAL REQUIREMENTS**

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- A. Each condominium lot shall be located within a zoning district that permits the proposed use.
- B. For the purpose of this ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- C. In the case of a site condominium containing single-family detached dwellings, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.
- D. Each condominium lot shall front on and have direct access to a public road or a private road approved by the Township.
- E. All condominium projects shall conform to the plan preparation requirements, design, layout, and improvement standards, and all other requirements established by the Township.
- F. The Township Board shall establish, by resolution, a schedule of fees, charges and expenses, for preliminary and final site condominium review, planning review, engineering review, attorney, inspection, and other matters pertaining to this Article. The schedule of fees, charges, and expenses shall be available in the Township office and may be amended only by the Township Board.
- G. No action shall be taken on an application until all applicable fees, charges, and expenses have been paid in full.

### **16-1003 SITE PLAN REQUIREMENTS**

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Site plan approval and approval of condominium documents by the Township Board, after

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review and recommendation by the Planning Commission, shall be required as a condition to the right to construct, expand, or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of water or sanitary facilities shall be issued for property in the site condominium development until a site plan has been approved by the Township Board and is in effect. Preliminary and final approval shall not be combined. Site Condominium review shall be considered a two (2) part process as outlined below:

A. The following information shall be submitted:

**1. Preliminary Approval.**

- a. Each preliminary site plan submitted for review shall provide the following information:
  - i. Property owner's and applicant's name and address;
  - ii. Scale, north arrow, and date of plan;
  - iii. Location, description, dimensions, and area of the site; zoning classification; and demonstration of compliance with lot area, width, coverage and setback requirements;
  - iv. General topography and soils information and existing natural and man-made features to be retained or removed;
  - v. Location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);
  - vi. Proposed streets/drives; including general alignment, right-of-way surface type, and width;
  - vii. Proposed parking; including location and dimensions of spaces and aisles, and surface type;
  - viii. Adjacent land uses, property owner, and zoning and location of adjacent buildings and drives/streets;
  - ix. Proposed phasing; and
  - x. Location and width of any easements on the site.
- b. If the site plan conforms in all respects to applicable laws, ordinances and design standards, preliminary approval shall be recommended by the Planning Commission to the Township Board.
- c. If the site plan fails to conform, the Planning Commission shall either recommend denial of the application, or recommend preliminary approval with conditions, provided such conditions are met before final approval to the Township Board.
- d. Upon receipt of the Planning Commission's recommendation, the Township Board shall approve, approve with conditions, or deny the preliminary site plan.
- e. Approval of the preliminary site condominium site plan does not constitute a

final site condominium plan, but only bestows the right on the applicant to proceed to the final site condominium plan stage.

## 2. **Final Approval.**

- a. **Site Plan.** Following preliminary approval, the applicant shall submit a final site plan pursuant to the standards and procedures set forth in Article VI, Site Plan Review, of this Ordinance.
- b. **Master Deed and Bylaws.** The Condominium Documents shall be reviewed with respect to all matters subject to regulation by the township including: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common areas; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
- c. **Engineering Plans.** In addition to the Site Plan, the applicant shall also submit engineering plans in sufficient detail for the Township to determine compliance with applicable laws, ordinances, and design standards for construction of the project.
- d. **Outside Agency Approvals.** The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over improvements in the site condominium development. The Township shall not approve a site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan this is subject to its jurisdiction.
- e. **Insurance and Bonds.** Prior to construction of project improvements, the contractor shall procure and maintain during the life of any contract or agreement for such construction, insurance as required under Township Engineering design standards. In addition, the contractor shall furnish a two-year maintenance bond in accordance with the required agencies.
- f. **Required Condominium Documents.** Any other condominium documents required by the Condominium Act.

## **16-1004 REQUIRED IMPROVEMENTS**

- A. All design standards and required improvements that apply to a subdivision under the provisions of Chapter 12, Land Divisions and Subdivisions of the Charter Township of Oakland County shall apply to any condominium development. However, nothing in this Article shall be construed as requiring a site condominium to obtain plat approval under the Land Division and Subdivision Ordinance or the Subdivision Control Act.
- B. Utility standards stated in the Building Code shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided.
- C. Monument shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lines.
- D. Road rights-of-ways shall be described separately from individual condominium lots, and

shall be accurately delineated by bearings and distances on the condominium site plan. The rights-of-ways shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The Developer shall declare easements to the Township for all public water and sanitary sewer lines and appurtenances.

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**16-1005 INFORMATION REQUIRED PRIOR TO OCCUPANCY**

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Prior to issuance of any occupancy permits for any condominium unit, the applicant shall submit the following information to the Zoning Administrator:

- A. A copy of the recorded Condominium Documents (including exhibits).
- B. A copy of any recorded restrictive covenants.
- C. A copy of the site plan on laminated photostatic copy or mylar sheet, as well as digital copies.
- D. Evidence of completion of improvements associated with the proposed use including two (2) hard copies of an “as built survey”, as well as a digital copy.

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**16-1006 REVISION OF CONDOMINIUM SUBDIVISION PLAN**

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If a condominium subdivision plan is revised, the site plan shall be revised in accordance with Section 16-608 and submitted for review approval or denial by the Planning Commission and Township Board before any building permit may be issued, where such permit is required.

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**16-1007 AMENDMENT OF CONDOMINIUM DOCUMENTS**

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Any amendment to a master deed or bylaws that affects the approved site plan or any conditions of approval of a site plan shall be reviewed and approved by the Planning Commission and Township Board before any building permit may be issued, where such permit is required. The Zoning Administrator may require Planning Commission and Township Board review of an amended site plan, if in their opinion, such changes in the master deed or bylaws required corresponding changes in the approved site plan.

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**16-1008 RELOCATION OF BOUNDARIES**

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Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.

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**16-1009 SUBDIVISION OF CONDOMINIUM LOT**

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Each condominium lot resulting for a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the

Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

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## **ARTICLE XI: ADMINISTRATIVE**

### **16-1100 GENERAL INTERPRETATION, SAVINGS AND SEVERABILITY**

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The provisions of this ordinance shall be interpreted as the minimum requirements for the promotion and protection of the public health, safety, comfort, convenience and the physical and natural environment. In applying and interpreting this ordinance the following provisions shall apply:

- A. Whenever any regulations made under authority of this ordinance require a greater or impose other more restrictive standards than are required in, or under, any other ordinance or statute, the provisions of the regulations made under authority of this ordinance shall govern.
- B. Whenever the provisions of any other ordinance or statute impose other more restrictive standards than are required by any regulations made under authority of this ordinance, the provisions of such ordinance or statute shall govern.
- C. This ordinance does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this ordinance, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- D. Interpretation of uses shall be conducted in accordance with Section 16-344.
- E. All words used in the present tense shall include the future; all words in the singular number include the plural number; and all words in the plural number include the singular number.
- F. Terms not defined in this ordinance shall have the meaning customarily assigned to them. Also see Section 16-200.
- G. Except as provided in Sections 16-1000.A and 16-1000.B, above, conflicting provisions of this ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this ordinance shall be construed, if possible, to be consistent with relevant present and future state regulations and statutes.
- H. Section headings, catch words, and catch phrases shall in no way by their content, presence or absence limit or affect the meaning of this ordinance.
- I. If any section, clause or provision of this ordinance shall be declared to be unconstitutional, invalid, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision shall thereby be severed from and cease to be a part of this ordinance, but the remainder of this ordinance shall stand and remain in full force and effect.
- J. This ordinance shall be construed to be a comprehensive amendment of the zoning ordinance of the Township adopted by the Township Board on \_\_\_\_\_, as amended, and nothing in this ordinance shall be construed to exempt any property, building, structure or use from the application of zoning regulations to which any such property, building, structure or use would have been subject to absent the enactment of this ordinance.
- K. Nothing in this ordinance shall be construed to prevent or affect the prosecution or abatement of any violation of this ordinance of Charter Township of Oakland, which violation was in existence at the effective date hereof, and any penalties which have been incurred,

proceedings which have begun and prosecutions for violations of law occurring before the effective date of this ordinance are not affected or abated by the enactment of this ordinance.

- L. Any property, use, building or structure that was unlawful or nonconforming at the effective date of this ordinance and that is also unlawful or nonconforming under this ordinance shall remain unlawful or nonconforming, as the case may be.
- M. Although each zoning district permitted principal use requirements are very specific in order to ensure the public health, safety, and general welfare; reasonable flexibility is offered through the provision of a diversity of land uses throughout the Township and through such instruments as special land uses, administrative review procedures linked to the scope and scale of development and redevelopment proposals, allowance for landscape and design standards that take into consideration location and scope, and allowance for consideration of variance relief in the case of practical difficulties. A principal objective of this ordinance is to provide development tools that allow the Township Board and Planning Commission to consider appropriate innovations in land development that will serve the public health, safety, and welfare. Development tools such as planned unit developments and mixed use overlay districts may be considered and incorporated into this ordinance at such time that the Township Board determines that such tools are in a form to achieve the goal of serving the public health, safety, and welfare.

## **16-1101 PRIOR APPROVALS**

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A project approved under the terms and conditions of the prior zoning ordinance shall maintain said approval. For a site plan as part of a special land use, the rules, regulations and conditions of the original approval under the prior zoning ordinance shall remain in effect for a period as specified in Section 24.03.05(E) of the prior zoning ordinance and the lots, uses, and structures approved there under shall constitute non-conforming lots, uses and structures to the extent they or any of them are not in compliance with the requirements of this ordinance, subject to compliance with the rules, regulations and conditions of the original approval under the prior zoning ordinance. For a Planned Unit Development, Planned Residential Development, Hardship Planned Unit Development, Preservation Based Planned Development, the rules, regulations and conditions of the original approval under the prior zoning ordinance shall remain in effect for a period as specified in the approval of said project and the lots, uses, and structures approved there under shall constitute non-conforming lots, uses and structures to the extent they or any of them are not in compliance with the requirements of this ordinance, subject to compliance with the rules, regulations and conditions of the original approval under the prior zoning ordinance. If an approved plan expires under the above terms, a new plan will need to be submitted for review and approval under the terms, regulations and conditions of this ordinance. Any consent judgment entered into by the Township under the prior ordinance shall remain in full force and effect under and subject to the terms and conditions of the consent judgment.

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**16-1102      EFFECTIVE DATE**

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The provisions of this ordinance are hereby declared to be necessary for the preservation of the public health, safety and general welfare, and the other purposes and intentions set forth in this ordinance, and this ordinance is hereby ordered to take effect eight (8) days from the date of publication, unless a notice of intent to file a petition requesting submission of this ordinance to a vote of the Township electors is filed within seven (7) days of publication. If the notice of intent is filed within seven (7) days of publication, this ordinance shall take effect thirty-one (31) days from the date of publication, unless a petition determined to be adequate by the Township Clerk is filed within thirty (30) days of publication. If such a petition has been timely filed, this ordinance shall take effect immediately upon the final determination by the Township Clerk that a majority of the registered electors in the Township have voted to approve it. A petition requesting submission of this ordinance to a vote of the electors must be signed by a number of registered Township electors equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected.

