

***Appendix A ZONING<sup>1</sup>***

ZONING ORDINANCE

CHARTER TOWNSHIP OF VIENNA

**ARTICLE 1. INTRODUCTION**

**Sec. 100. Title.**

An ordinance enacted under Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, governing the unincorporated portions of the Township of Vienna, Genesee County, Michigan, for the purposes of providing for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated. In these districts, provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that may be erected or altered after the effective date of this ordinance; designing the use of certain state licensed residential facilities; providing for a method for the adoption of this ordinance and amendments thereto; providing for the acquisition by purchase, condemnation, or otherwise of nonconforming property; providing for the administering of this ordinance; providing for conflicts with other acts, ordinances, or regulations; providing penalties for violations; providing for the collection of fees for permits as required by this ordinance; providing for petitions and public hearings, and referenda; providing for appeals; and providing for the repeal of acts in conflict with this ordinance.

**Sec. 101. Preamble.**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and by providing a growth management framework through which the township can reasonably respond to the service requirements of growth; and by other means, all in accordance with a comprehensive general development plan; now therefore;

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<sup>1</sup>Editor's note(s)—Printed in this appendix is the zoning ordinance of the township. The original organization and section numbers have been retained. It has been edited to be consistent with the style of the Code of Ordinances chapters. The appendix is being adopted as part of the Code of Ordinances.

State law reference(s)—Michigan zoning enabling act, MCL 125.3101 et seq.; township planning, MCL 125.321 et seq.

**Sec. 102. Enacting clause.**

Vienna Township ordains:

**Sec. 103. Short title.**

This ordinance shall be known and may be cited as the Charter Township of Vienna Zoning Ordinance.

**Sec. 104. Intent and purpose.**

1. The intent of this ordinance is to call on the concepts of the master plan for future land use of the township. The purpose of the master plan for future land use is to provide definitive standards for determining the most appropriate pattern of land use so that new growth can be shaped in spatial patterns to produce the greatest cost effectiveness for eventual supporting infrastructure, such as sewers, water, and community services.
2. The purpose of this ordinance is to provide the rules by which the development of the township, in accordance with the master plan for future land use, can be achieved. In so doing, to provide for the health, safety, and welfare of the township by dividing it into zoning districts which will best promote efficiency and economy in the process of development, and reduce congestion on public streets, reduce hazards, and conserve property values. Further, the purpose is to provide for the orderly expansion of public utilities and facilities.

**Sec. 105. Construction.**

This ordinance shall be liberally construed to be constructed as to best fulfill its purpose and those of the master plan for future land use. When interpreting and applying the provisions of this ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare. The provisions of this ordinance shall be compatible and consistent with each other, provided however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail.

**Sec. 106. Repeal of prior ordinance.**

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

**Sec. 107. Vested right.**

Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

**Sec. 108. Enforcement, penalties and other remedies.**

1. *Violations.* Any person, firm, or corporation violating any of the provisions of this ordinance shall be responsible for a municipal civil infraction and be subject to the following:
  - A. *First offense.* The civil fine for a first offense infraction shall be no less than \$150.00;
  - B. *Second offense.* The civil fine for a second offense infraction shall be no less than \$250.00;
  - C. *Repeat offense.* The civil fine for any infraction which is a third or greater offense shall be no less than \$500.00.
  - D. In addition to the above civil fines, upon an admission or finding of responsibility for a municipal civil infraction, the township shall also be entitled to reimbursement for all costs, expenses, and/or charges incurred by the township in the cleanup and/or abatement of a municipal civil infraction violation.
  - E. If the municipal civil infraction affects real property and the owner of said property is found responsible for said municipal civil infraction, the court may order the owner to abate the violation. If the owner of said real property fails to abate the violation in the time allowed by the court, the township shall have the right to enter upon the land to abate the municipal civil infraction violation and shall have the right and power to add any and all costs incurred by the township for the abatement and cleanup of the violation to the tax roll of the property upon which the violation was located and to levy and collect such costs in the same manner as provided for the levy and collection of ad valorem real property taxes against said property.
  - F. The township may also utilize all other sanctions authorized and provided for in Chapter 600 of the Revised Judicature Act of 1961, Subchapter 87, being MCLA §§ 600.8701—600.8735, as amended, in prosecuting municipal civil infraction violations.
  - G. Failure of an alleged violator to appear within the time specified in a municipal civil infraction citation or at the time scheduled for hearing or appearance shall be a misdemeanor and the penalty shall be a fine not to exceed \$500.00, or imprisonment in the Genesee County Jail for a term not exceeding 90 days, or both fine and imprisonment.
  - H. A municipal civil infraction action brought for any violation of this Chapter shall follow the procedures set forth in Chapter 600 of the Revised Judicature Act of 1961, including Subchapter 87 therein, specifically MCLA §§ 600.8701—600.8735, as amended.
2. *Public nuisance per se.* Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this

ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

3. *Fines, imprisonment.* The owner of any building, structure or premises, or part thereof, where any condition in violation of this ordinance shall exist or shall be created and who has assisted knowingly in the commission or such violation, shall be guilty of a separate offense and upon conviction thereof, shall be liable to the fines and imprisonment herein provided.
4. *Each day a separate offense.* A separate offense shall be deemed committed upon each day a violation occurs or is continued.
5. *Rights and remedies are cumulative.* The rights and remedies provided herein are cumulative and are in addition to any other remedies provided by law.

State law reference(s)—Certain violations as nuisance per se, MCL 125.3407.

**Sec. 109. Severance clause.**

Sections of this ordinance shall be deemed to be severable, and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

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## **ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

### **Sec. 200. Applicable rules of construction.**

The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
4. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The word "building" includes the word "structure." A building or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "neither ... or," the conjunction shall be interpreted as follows:
  - A. *And*. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - B. *Or*. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - C. *Either ... Or*. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning assigned to them in the most recent edition of Merriam-Webster's Dictionary or similar reference material.

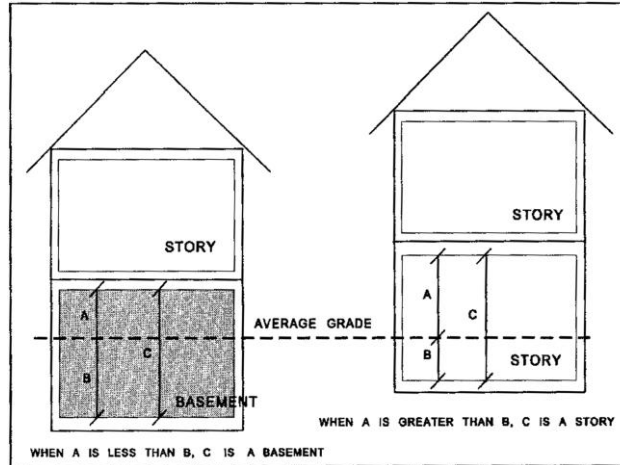
### **Sec. 201. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

*Alterations* means any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated acts of which may be referred to herein as "altered" or "reconstructed."

*Basement* means that portion of a building between the floor and ceiling, which is partly or wholly below grade, and located so that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. A basement shall not be considered as a story.

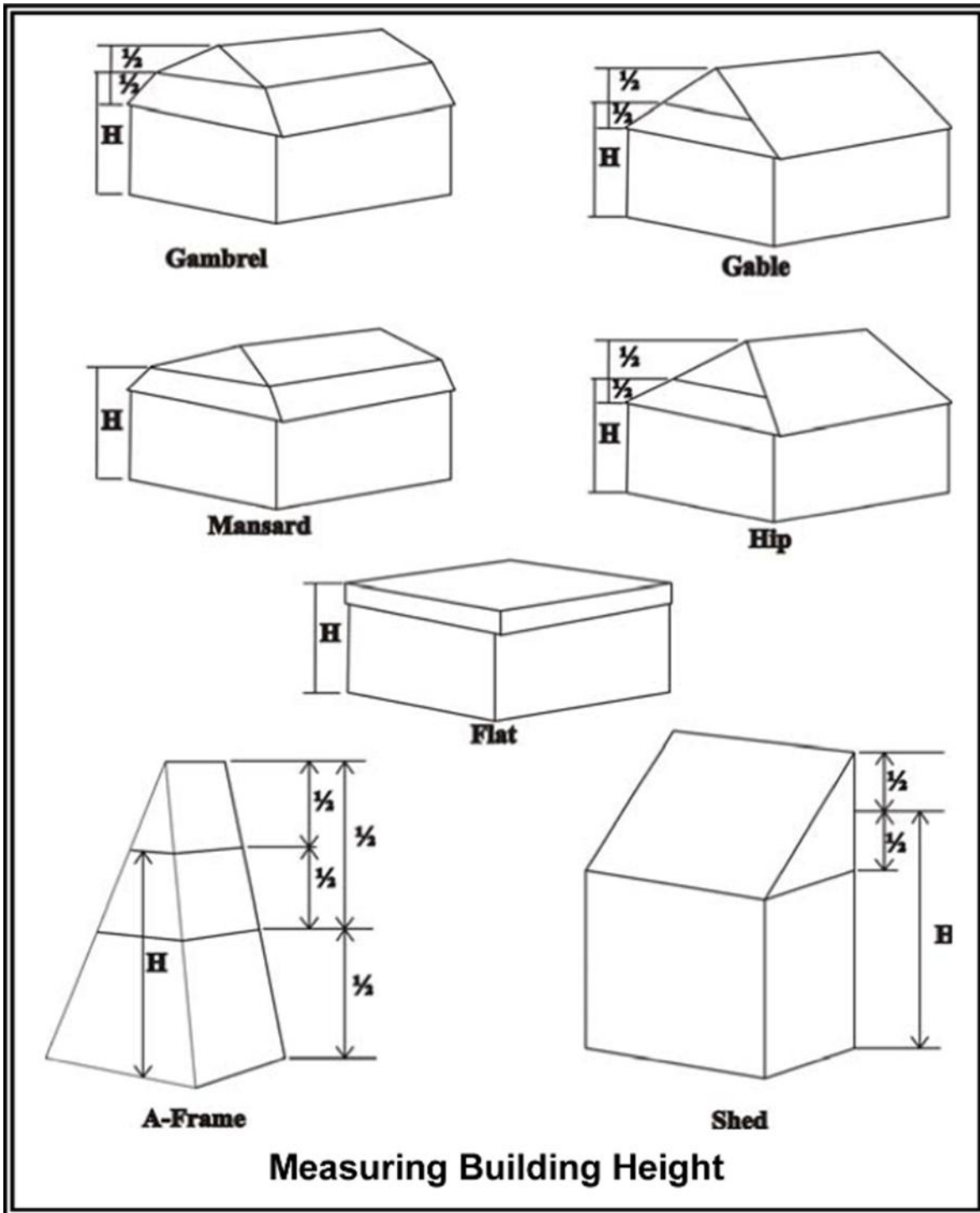


*Block* means the property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the township.

*Buildable area* means the portion of a lot not included within required building setbacks.

*Building* means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind. A "building" shall not include such structures as billboards, fences or radio towers, or structures with interior areas not normally accessible for human use, such as tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck of a mansard roof, or to the point equidistant between the peak or ridge of the roof and the eaves for all other roof types. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



*Building line* means a line formed by the face of the building, and for the purposes of this ordinance, a minimum building line is the same as a front setback line.

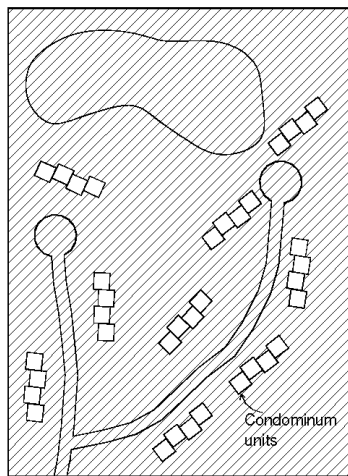
*Building, main or principal*, means a building in which is conducted the principal use of the lot upon which it is situated.

*Building-mounted solar energy collector system* means a solar energy collector system attached to the roof or wall of a building, or which serves as a roof, wall, or window or other element, in whole or in part, of a building.

*Caliper* means the diameter of a tree trunk measured 6 inches above ground level up to and including 4-inch caliper size and 12 inches above ground level for larger sizes.

*Collector road* means roads that are designed to collect traffic from local or minor streets and carry it to major or secondary thoroughfares and indicated as collector roads in the township's master plan for future land use.

*Condominium, conventional* means a development in which ownership interest is divided under the authority of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

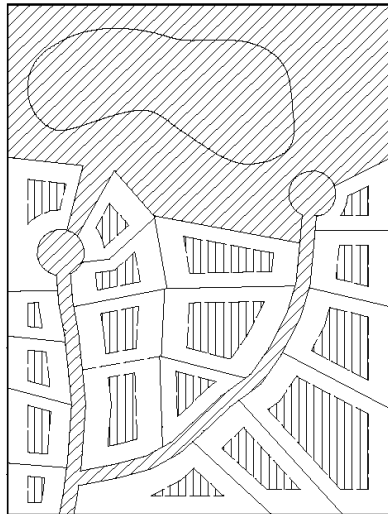


### CONVENTIONAL CONDOMINIUM PROJECT

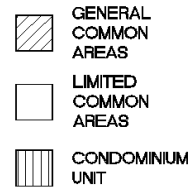
 GENERAL  
COMMON  
AREAS

*Condominium, site* means a development in which ownership interest is divided under the authority of the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.





## SITE CONDOMINIUM PROJECT



*Court* means an open space, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

*Development* means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

*District* means a designated area of the township within which uniform zoning regulations and requirements, or various combinations thereof, apply as defined in this ordinance.

*Erected* means built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

*Excavation* means any breaking of ground, except common household gardening and ground care.

*Exception or waiver.* Exceptions or waivers are intended to accommodate instances where the provisions of this ordinance are not precise enough to cover all situations without interpretation. The granting of an exception is permitted only when specifically referenced in the zoning ordinance and only after review of an application by the Planning Commission.

*Facade* means the exterior of the wall or all walls of a building extending in one direction. For purposes of sign regulation, there shall not be more than four facades for each building.

*Family* means:

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

2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are living and cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

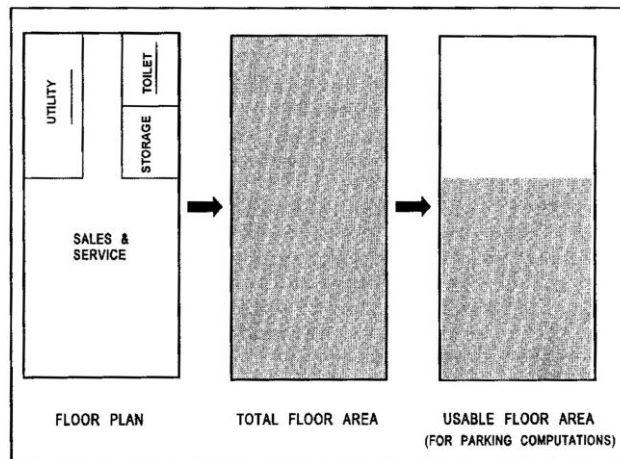
*Fence* means a manmade, unroofed barrier which may act as an enclosure, or which is decorative or ornamental.

*Floor area* means, for the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of the several floors of the building shall be measured from the interior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of basements, unfinished attics, attached garages, breezeways, unenclosed porches, and enclosed porches.

*Floor area, gross*, means the sum of the horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls, including basements or mezzanines. Unfinished attics, attached garages, breezeways and areas included in structures or buildings providing parking for motor vehicles shall not be included.

*Floor area ratio (FAR)* means an intensity measured as a ratio derived by dividing the gross floor area of a building by the area of the zoning lot.

*Floor area, usable*, means, for the purposes of computing off-street parking requirements, the area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, for hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the interior faces of the exterior walls.



*Frontage* means the side of a lot abutting on a street or right-of-way. This is typically the front lot line.

*General commons area* means all areas outside of the condominium lots including right-of-way.

*Grade* means the ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building and taking the average of the total averages.

*Ground-mounted solar energy collector system* means a solar energy collector system that is not attached to and is separate from any building on the parcel of land on which the solar energy collector system is located.

*Legislative body* means the Township Board of Trustees.

*Limited commons area* means the areas within a condominium lot that are outside of the building envelope.

*Loading space* means 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* means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

1. *Corner lot* means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 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 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
2. *Interior lot* means any lot other than a corner lot.
3. *Through lot* means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. Lot lines abutting streets shall be considered front lot lines and front yard setbacks shall be provided as required.
4. *Zoning lot* means a single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A "zoning lot" shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a "lot of record" as filed with the county register of deeds, but may include one or more lots of record.

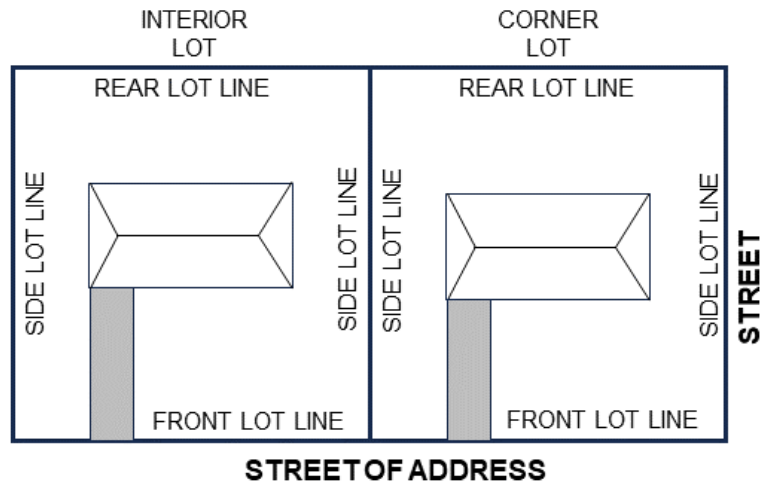
*Lot area* means the total horizontal area within the lot lines of the lot.

*Lot coverage* means the part or percent of the lot occupied by buildings including accessory buildings.

*Lot depth* means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

*Lot lines* means the lines defining the limits of a lot as described herein:

1. *Front lot line* means, in the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from street for which the parcel is addressed. See Sec. 512.
2. *Rear lot line* means 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 10 feet long lying farthest from the front lot line and wholly within the lot.



3. *Side lot line* means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

*Lot of record* means a parcel of land, the dimensions of which are described in a document or shown on a map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

*Lot width* means the horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

*Lot, zoning* means a lot composed of no more than two lots of record under the same ownership that are considered a single lot for zoning purposes.

*Major thoroughfare* means an arterial street which is intended to serve as a large volume traffic way for both the immediate township area and the region beyond, and may be designated as a major thoroughfare, boulevard, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the major thoroughfare plan in the township master plan for future land use. Any street with a width, existing or proposed, of 120 feet or more shall be considered as a major thoroughfare.

*Master deed* means the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the plan for the project.

*Master plan* means a plan for Vienna Township prepared under the Michigan Planning Enabling Act, PA 33 of 2008, as amended.

*Mezzanine* means an intermediate floor in any story occupying not to more than one-third of the floor area of such story.

*Mobile home* means a manufactured dwelling unit, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not mean a recreational vehicle.

*Nonconforming building* means a building or portion thereof lawfully existing at the effective date of this ordinance, or amendments thereto, and that does not conform to the provisions of the ordinance in the district in which it is located.

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

*Nuisance* means an offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or the generation of an excessive or concentrated movement of people or things, such as:

- |               |   |
|---------------|---|
| A. Noise;     | I. Shock waves;   |
| B. Dust;      | J. Heat;  |
| C. Smoke;     | K. Electronic or atomic radiation;                            |
| D. Odor;      | L. Objectionable effluent;                                    |
| E. Glare;     | M. Noise of congregation of people,<br>particularly at night; |
| F. Fumes;     | N. Vehicular traffic;   |
| G. Flashes;   | O. Invasion of nonabutting street<br>frontage by traffic.     |
| H. Vibration; |   |

*Off-street parking lot* means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles, except in one-family residential districts.

*Open space* means the part of a zoning lot, including courts or yards, which is open and unobstructed from the ground upward, except as otherwise provided in this ordinance.

*Parking space* means an area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

*Plot plan* means a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

*Principal use* means the main use to which the premises are devoted and the principal purpose for which the premises exist.

*Public utility* means a person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

*Recreational equipment* means boats and boat trailers, snowmobiles, horse trailers, dune buggies, or other similar equipment.

*Recreational vehicle* means a vehicular portable structure without permanent foundation that can be towed, hauled, or driven. It may be used for temporary living accommodations for recreational, camping, and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes.

*Replacement tree* means any woody plant having at least one well-defined stem at least 3 inches in caliper for deciduous trees and the 10-foot height for evergreen trees.

*Right-of-Way* means a strip of land acquired by reservation, dedication, easement, prescription, purchase, or commendation and permanently established for the passage of persons, vehicles, railroads, water, public and private utility lines, and similar uses.

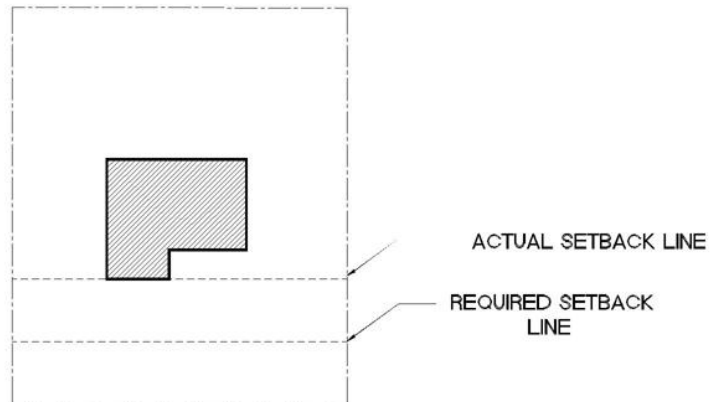
*Room* means, for the purpose of determining lot area, requirements and density in a multiple-family district, a living room, dining room, and bedroom, equal to at least 80 square feet in area. A "room" shall not include the area in the kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two-, or three-bedroom units and including a den, library, or other extra room shall count such extra room as a "bedroom" for the purpose of computing density.

*Secondary thoroughfare* means a major street used primarily to carry intra-county or intra-township traffic and designated as such on the master plan for future land use.

*Service drive* means a service roadway parallel to a feeder road and which provides access to abutting properties and protection from through traffic.

*Setback* means the distance required to obtain minimum front, side, or rear yard open space provisions of this ordinance. Setbacks from a public street shall be measured from the existing or proposed future right-of-way; whichever is greater. Setbacks from a private street or easement shall be measured from the easement or private right-of-way. The actual setback line is the distance between the principal structure or other relevant structure and the relevant lot line.

ACTUAL SETBACK LINE VS. REQUIRED SETBACK LINE



*Site plan* means the documents and drawings required by the zoning ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

*Solar energy collector system* means a panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electrical power or other form of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other lands.

*Special land use* means a use permitted in a zoning district when the use is specified in ARTICLE 1 as permitted at the discretion of the Planning Commission, provided that all review criteria are met.

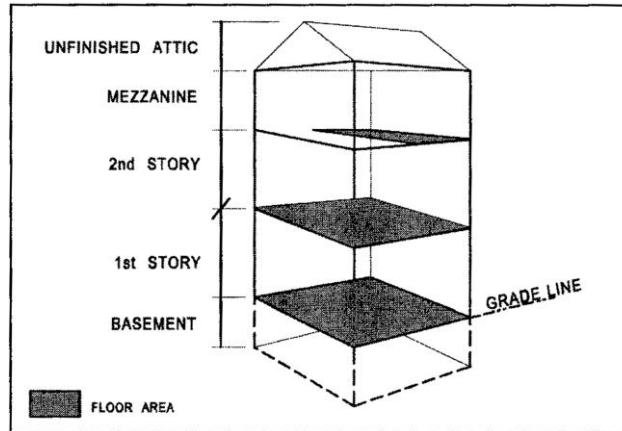
Specified anatomical areas means:

1. Less than completely and opaquely covered:
  - A. Human genitals, pubic region and buttock; or
  - B. Female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; or
3. Fondling or other erotic touching of human genitals, public regions, buttocks, or female breast.

*Story* means the 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* means a dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property, or a freeway.

*Structure* means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

*Use* means the principal purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

*Variance* means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

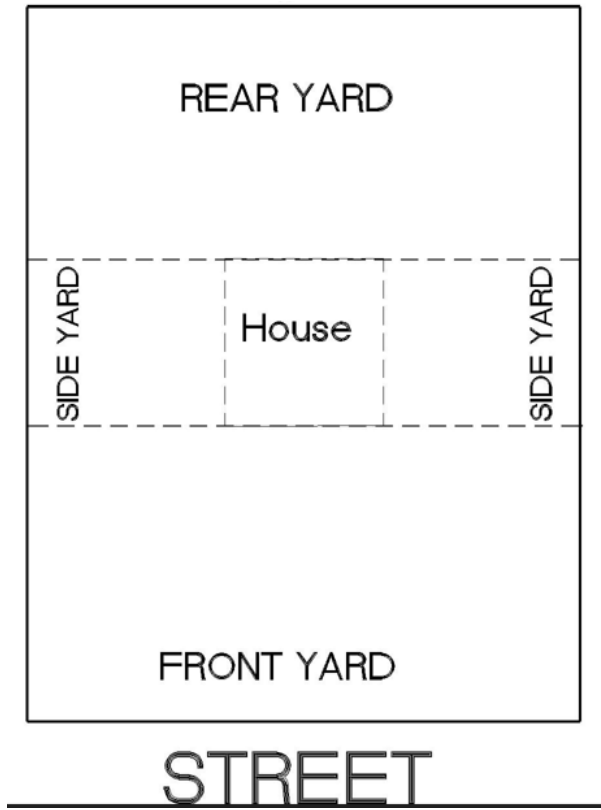
*Vienna Charter Township.* Whenever in this ordinance reference is made to the "municipality," "Vienna Township," or the "township," it shall mean Vienna Charter Township.

*Yard area lines* means in reference to site condominium developments, yard area lines are considered equal to lot lines as defined in this ordinance.

*Yards* means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein.

1. *Front yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. All yards abutting on a street shall be considered as front yards for setback purposes.
2. *Rear yard* means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.
3. *Side yard* means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.





**ARTICLE 3. ZONING DISTRICTS AND MAP**

**Sec. 300. Districts established.**

For the purpose of this ordinance, all land within the township, except streets and alleys, is hereby divided into the following districts. Generally speaking, the following zoning classifications for uses permitted by right are listed in order of most restrictive to least restrictive.

R-1A	Agricultural and One-family residential
R-1	Single Family Residential
R-2	Multi-Family Residential
MH	Manufactured Housing
O-1	Office
C-1	Commercial Neighborhood
C-2	Commercial General
I-1	Industrial

**Sec. 301. Official zoning map.**

The boundaries of zoning districts are defined and established as shown on a map entitled "Vienna Township Zoning Map" which is available for viewing at the township office. This map, with all explanatory matter thereon, is hereby made a part of this Article.

**Sec. 302. Interpretations of boundaries.**

1. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official zoning map, the following rules shall apply:
  - A. Boundaries indicated as approximately following streets or highways shall be presumed to follow the center line of such roadways.
  - B. Boundaries indicated as approximately following village boundary lines or property lines shall be presumed to follow such lines.
  - C. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance therefrom as indicated by given distance or scaled dimension.

**Sec. 303. Scope of regulations.**

1. No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms with the provisions of this Article, including the regulations for the zoning district in which it is located.
2. The regulations applying to zoning districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

3. The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Article. Such use shall be treated in a manner comparable to permitted or prohibited use for the purpose of clarifying the district regulations of any zoning district. See Sec. 1011.9.

**Sec. 304. Zoning of vacated areas.**

Wherever any street, alley or other public way within the township have been vacated and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action of the township board, thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this ordinance for such adjoining lands.

**Sec. 305. District regulations tables.**

Regulations for all zoning districts are contained in the following four (4) tables. Each table specifies a set of information for all zoning districts. These tables do not include the general requirements of this Article. Thus, the reader is urged to become familiar with all ordinance provisions before making any decision regarding the use of a parcel or structure in the township.

1. *Purposes Table.* This table sets forth the intent and purpose of each zoning district. These brief statements form the objectives to be accomplished by regulations for each district.
2. *Dimensions Table.* The table specifies parcel dimensions, setback requirements, and other dimensional requirements for parcels in each zoning district.
3. *Table of Uses.* This table identifies the zoning districts where each use is permitted, either by right or special land use. Uses permitted by right may be allowed upon meeting all other requirements identified in the Table of Use Requirements and other provisions of this ordinance. Uses permitted by special permit are subject to the process described by ARTICLE 1.
4. *Table of Use Requirements.* This table provides a definition, parking requirement, and design standard for each use listed in the Table of Uses.

**Sec. 306. Purposes of zoning districts.**

Zoning District	Stated Intent and Purpose
<b>R-1A: Agricultural and One-Family Residential</b>	This district is intended for more open rural areas that still have the potential for agricultural and residential development. The purpose of this zone is to permit a gradual transition from rural uses to more intensive uses, primarily residential.
<b>R-1: Single Family Residential</b>	This district is intended primarily for single-family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low-density dwellings located on individual lots.

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Zoning District	Stated Intent and Purpose
<b>R-2: Medium-Density Residential</b>	The intent and purpose of this district are to provide a variety of housing styles and designs and to develop medium densities, including two-family and multiple-family dwellings, to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of somewhat higher density than in the R-1 district but with equivalent quality.
<b>MH: Mobile Home</b>	This district's purpose is to provide a suitable location for the development of mobile home parks and related uses. The district's intention is to afford a place for persons who wish to live in traditional mobile homes in a park setting.
<b>C-1: Neighborhood Commercial</b>	This district intends and purposefully provides neighborhood shopping areas to meet residents' day-to-day convenience shopping, service, and professional needs.
<b>C-2: General Commercial</b>	This district's intent is to promote the development of businesses that primarily serve the needs of residents and other businesses in a regional market.
<b>I-1: Industrial Manufacturing</b>	This district is intended for industrial use and has few nuisance characteristics, but it also permits nonretail commercial and service establishments. It is designed to permit the manufacturing, production, processing, assembling, packaging, and treatment of products from previously prepared materials. The purpose of this district is to promote industrial areas which are protected from incompatible uses.

**Sec. 307. Dimensions.**

Zoning district	Zoning Lot dimensions		Front yard	Back yard	Side yard		Min. total square feet	Maximum height	Maximum stories
	Minimum area	Minimum width	Minimum depth	Minimum depth	Minimum total	Minimum 1 side			
R-1A Agricultural and One-family residential	2 Acres	90'	35'	35'	25'	10'	1,040'	45'	3
R-1 Residential	8,000'	70'	25'	35'	20'	10'	1,040'	25'	2
R-2 Residential	1 Acre	100'	25'	35'	20'	20'	750'	45'	3
MH – Mobile Home	See State Statutes THE MOBILE HOME COMMISSION ACT Act 96 of 1987								
O-1	5,000'	100'	30'	40'	A				
C-1 Commercial neighborhood	6,000'	100'	30'	40'	A		2,000	45'	3
C-2 Commercial General	10,000'	100'	40'	40'	B		2,000'	70'	5
I-1 Industrial	12,000'	200'	40'	100'*	60*	60*	2,000'	80'	5

\* I-1 setback restrictions when abutting residential property 100 feet.

- A. 10 feet each side if detached; may be attached to another business with approved firewall construction between; 20 feet if abutting a residential district (both main & accessory bldg.).
- B. 20 feet each side if detached; may be attached to another business with approved firewall construction between; 40 feet if abutting a residential district (both main & accessory bldg.).

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**Sec. 308. Table of Uses.**

Ref #	Uses by Category (Key- P= Permitted Use, A=Accessory Use, SLU= Special Land Use)								
		R-1A	R-1	R-2	MH	O-1	C-1	C-2	I-1
<b>Agricultural Uses</b>									
	Agricultural Tourism or Agribusiness	SLU							
	Commercial Riding Stables	P							
	Event Barn	SLU							
	Farm	P	P						
	Forestry, Logging	P							
	Housing animals on non-farm residence	P	P	P					
	Plant Nursery or Greenhouse	P					SLU	P	SLU
	Roadside Stand / Farm Market	P							
<b>Residential Uses</b>									
	Attached Single-Family Dwellings		SLU	P					
	Assisted Living/Senior Housing Communities	SLU	SLU	SLU					
	Bed and Breakfast	SLU	SLU						
	Family Day Care Home	A	A	A					
	Group Day Care Home	A	A	A					
	Home Occupations	P	P	P		P	P	P	P
	Home Occupations, Telework	A	A	A		A	A	A	A
	Home-Based Business	SLU	SLU	SLU		SLU	SLU	SLU	SLU
	Mobile Home Park				P				
	Multiple Family Dwellings			P					
	Nursing home and long-term care facilities		SLU				SLU	P	
	One-family detached dwellings	P	P						
	Short Term Rental	SLU	SLU						
	Two Family Dwellings			P					
<b>Commercial Uses</b>									
	Adult entertainment facilities								SLU
	Aircraft Landing Strip, Private	SLU							
	Airport	SLU							
	Animal Grooming or Daycare Service						SLU	P	P
	Assembly & Concert Halls							P	
	Automobile Parts and Accessory Sales							P	
	Bank					P	P	P	
	Banquet Hall						SLU	P	
	Car Wash							SLU	SLU
	Child Care Centers			P		SLU	P	P	
	Commercial Kennel	SLU							
	Contractor's Establishment							SLU	P
	Drive-in Restaurants							SLU	

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Ref #	Uses by Category (Key- P= Permitted Use, A=Accessory Use, SLU= Special Land Use)								
		R-1A	R-1	R-2	MH	O-1	C-1	C-2	I-1
Drive-Through							SLU	SLU	
Dry-Cleaning Establishment							SLU	SLU	
Firearm Range		SLU						SLU	SLU
Gasoline Service Stations								SLU	
General Automotive Repair							SLU	P	P
Grocery Store							SLU	P	
Health Club or Fitness Center							SLU	P	P
Indoor Entertainment								SLU	P
Indoor Racquet Court Facilities								P	P
Medical Clinic						P	P	P	
Medical Laboratory						P			
Mini Storage Buildings								SLU	P
Motel & Hotel								P	
Office Buildings						P	P	P	
Open-Air Business or Sales Lot								SLU	
Outdoor Entertainment								SLU	
Outdoor Theaters								SLU	SLU
Pawn Shop								SLU	
Personal Service Establishments						P	P	P	
Pharmacies						P	P	P	
Private Recreation Park		SLU						SLU	SLU
Recreational Vehicle Campground		SLU							
Restaurant						SLU	SLU	P	
Retail Business up to 40,000 square feet						SLU	P	P	
Retail Businesses 40,000 square feet or greater								P	
Small Engine Repair and Service								SLU	P
Sports Stadium		SLU						SLU	SLU
Temporary Outdoor Sales							SLU	SLU	
Theater								P	
Trade School									P
Vehicle Sales								P	
Veterinary Clinic		SLU				SLU	SLU	P	
<b>Industrial Uses</b>									
Above Ground Storage Tanks									SLU
Automotive Stamping Plant									P
Battery Energy Storage System									SLU
Below Ground Storage Tanks									SLU
Data Processing Center						P		P	
Experimental Laboratory									P
Hazardous Materials Storage									SLU
Industrial Solar Energy Collector System		SLU							
Landfill		SLU							

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Ref #	Uses by Category (Key- P= Permitted Use, A=Accessory Use, SLU= Special Land Use)								
		R-1A	R-1	R-2	MH	O-1	C-1	C-2	I-1
	Lumber & Planing Mill								P
	Manufacturing Uses								P
	Metal Plating, Buffing, Polishing								P
	Railroad Transfer or Storage Tracks								P
	Research and Design Centers					SLU		P	P
	Surface Mining	SLU							
	Trucking Terminals								SLU
	Warehouse or Wholesale Establishments								P
<b>Institutional Uses</b>									
	K-12 School	SLU	SLU			SLU		P	
	Adult Foster Care Family Home (1-6 adults)	P	P						
	Adult Foster Care Small Group Home (1-6 adults)	P	P						
	Adult Foster Care Home (7-20 adults)	SLU	SLU	SLU					
	Essential Services	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
	Funeral Homes	SLU	SLU			SLU	P	P	SLU
	Hospitals					P	SLU	SLU	
	Junkyard								SLU
	Outdoor Storage							SLU	SLU
	Public Parks	P	P	P		P	P	P	
	Public or Governmental Buildings	SLU	SLU	P		P	SLU	P	P
	Religious Institution	SLU	SLU			P	P	P	
	Telecommunications Tower	SLU							SLU
	Utility Generating Plant, other than Solar or Wind								SLU
	Water Reservoirs								P
	Water/Sewage Treatment Plants								P
<b>Other Uses</b>									
	Accessory Building and Structures	A	A	A		A	A	A	A
	Accessory storage of recreational equipment or trailers	A	A						
	Art Studio					P	P	P	
	Bus Stations							P	
	Cemeteries	P	P						
	Golf Course	SLU	SLU						
	Institutions of higher learning	SLU	SLU					P	
	Medical Marihuana Facilities							SLU	SLU
	Mining and extractive uses								
	Other uses similar in character to permitted uses as determined by the planning commission	P	P	P		P	P	P	P

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Ref #	Uses by Category (Key- P= Permitted Use, A=Accessory Use, SLU= Special Land Use)								
		R-1A	R-1	R-2	MH	O-1	C-1	C-2	I-1
	Planned Unit Developments	SLU	SLU	SLU		SLU	SLU	SLU	SLU
	Ponds	SLU	SLU						
	Private Club							P	
	Private Solar Energy Collector Systems	A	A	A	A	A	A	A	A
	Private Swimming Pools	A	A						
	Temporary Buildings	P	P						
	Temporary Use						SLU	SLU	SLU



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**Sec. 309. Table of Use Requirements.**

USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Agricultural Uses</b>			
Agricultural Tourism or Agribusiness	The continuation of an agricultural practice with accessory uses that are directly related to agriculture such as: processing; storage; retail or wholesale marketing of agricultural products; value-added agricultural products or activities such as educational tours; playgrounds or similar school equipment; nature trails; open air or covered picnic area with restrooms; kitchen facilities and gift shops for the sale of agricultural related products, and seasonal tourism activities like haunted hay rides and U-Pick farms.	One (1) parking space per 3 people permitted for the maximum capacity of the facilities.	<ul style="list-style-type: none"> <li>A. The minimum lot size is 40 acres.</li> <li>B. Primary access for the use shall be from a primary or secondary roadway (See Township Thoroughfare Plan in Master Plan).</li> <li>C. Adjunct food services may be provided.</li> <li>D. No temporary sanitary facility or trash receptacles shall be located within 100 feet of a lot line unless the principal building and adjacent lot are in single ownership.</li> <li>E. All parking areas shall be surfaced (by asphalt or concrete). The Planning Commission may allow asphalt millings, gravel, or equivalent surface if the below standards are met:               <ul style="list-style-type: none"> <li>i. Gravel or equivalent surfaces so treated as to prevent any dust nuisance.</li> <li>ii. Adequate asphalt or concrete parking is provided for the principal commercial recreational use and all employees on the largest shift.</li> <li>iii. Adequate drainage, buffering, and maintenance to ensure a nuisance is not created for neighboring properties and provides for safe maneuverability of the site.</li> </ul> </li> <li>F. All buildings associated with tourism or agribusiness use shall be setback a minimum of 100 feet from property lines.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial Riding Stables	A use and building in combination in which horses, or other similar animals, are sheltered. Either with or without a birdie path or riding area.	One (1) for every horse stall, plus 1 parking space for each employee.	<ul style="list-style-type: none"> <li>A. All buildings, corrals, or other enclosures for animals shall be set back at least 100 feet from any property line abutting a residential use.</li> <li>B. The entire area of the site used for riding trails shall be fenced to prevent horses and riders from entering adjoining properties.</li> <li>C. Storage of customers' trailers or other vehicles for transporting horses may be approved by the Planning Commission based upon a finding of no adverse impact on neighboring properties.</li> <li>D. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall, whichever is determined by the Planning Commission to be the most appropriate and effective.</li> <li>A. All areas for stockpiling manure shall be managed consistent with State of Michigan standards. This includes being screened from view, not being located closer than 150 feet to any residential property line and surface water or areas subject to flooding, and the stockpile shall not be allowed to become a nuisance.</li> </ul>

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<p>Event Barn</p>	<p>A use of accessory agricultural structures on including barns, for organized event space for gatherings including weddings, birthday parties, corporate picnics, and other such events.</p>	<p>One (1) for every 3 persons of capacity and 1 per employee on the largest shift.</p>	<p>B. The minimum site size shall be 10 acres.  C. There shall be a minimum side and rear setback of 50 feet for all structures and activity areas.  D. Any outdoor garden or reception area will be located in the side or rear yards and screened from adjacent properties.  E. An Event Barn may include a bed and breakfast establishment.  F. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m. Sunday – Thursday and 8:00 a.m. – 12:00 a.m. Friday and Saturday.  G. At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance.  H. All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in area proposed and approved in the Site Plan for such activities.  I. No temporary structures or tents shall be permitted in connection with any event unless the same is erected by the Event Barn and is removed within 48 hours after the conclusion of the event. Adequate bathroom facilities shall be used at an Event Barn.  J. Retail sales facilities shall be prohibited at Event Barns.  K. The township shall be provided with a copy of the insurance and license to serve alcohol policy if applicable.</p>
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USE	DEFINITION	PARKING	DESIGN STANDARD
Farm	An area which is used for the growing of the usual farm products as vegetables, fruits, and grain and their storage on the area, (or) as well as for the raising thereon of the usual farm poultry and farm animals.	Two (2) for each dwelling unit.	<p>K. Parking must be provided on site.</p> <p>A. Farms operated wholly or in part for the disposal of garbage, sewage, rubbish, offal and waste from rendering plants shall not be permitted.</p> <p>B. May include establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries.</p> <p>C. May include keeping fur-bearing animals, public riding or boarding stables, or commercial dog kennels, with additional approval per this Section. See "Commercial Kennel".</p> <p>D. All loading, and truck maneuvering shall be accommodated on-site.</p> <p>E. The slaughtering of animals shall not be permitted for other than the use of and consumption by, persons residing on the premises.</p>
Forestry, Logging	The growing or harvesting of forest tree species, trees used for commercial or related purposes.	None	The property owner must provide the township with plans for remediation and long-term care of the sight to prevent stormwater runoff and other adverse impacts on surrounding properties.
Housing animals on non-farm residence	Animals commonly raised or kept in an agricultural, rather than an urban, environment including, but not limited to chickens, pigs, sheep, goats, horses, cattle, etc.	Two (2) for each dwelling unit	Must meet state of Michigan Generally Accepted Management Practices, including site selection.-Per the 2021 Generally Accepted Management Practice, keeping of farm animals is not appropriate if there are more than 13 non-farm residences within 1/8 mile of the site or have any non-farm residence within 250 feet of the livestock facility.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Plant Nursery or Greenhouse	A space, building, or structure, or combination thereof, used for the growing of plants, the storage of plants/trees, shrubs, or other similar or related items offered for retail or wholesale.	One (1) space per every 300 square feet of the gross floor area.	<ul style="list-style-type: none"> <li>A. Vehicular access shall be in accordance with Sec. 504.</li> <li>B. No building or storage area shall be permitted closer than 100 feet to any residence outside the boundary of the site.</li> <li>C. No building, structure or storage area shall be located closer than 50 feet to any public right-of-way.</li> <li>D. Any stockpiles of soils, fertilizer, or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.</li> <li>E. All loading and truck maneuvering shall be accommodated on-site.</li> <li>F. A landscaping buffer zone shall be provided along all property lines adjacent to a residential district.</li> <li>G. Products incidental to gardening and landscaping such as, fertilizers, garden tools may also be offered for retail sale.</li> </ul>
Roadside Stand / Farm Market	Temporary or permanent roadside stands for the purpose of display/selling produce or other agriculturally related products.	One (1) space per 300 square feet of total floor area of any or building, but no less than 3 spaces.	<ul style="list-style-type: none"> <li>A. Stands shall not be more than one story high.</li> <li>B. Roadside stands shall comply with State of Michigan issued Generally Accepted Agricultural and Management Practices for a Farm Market</li> <li>C. All retail space, farm market structures, and locations where transactions occur, at a new or expanding roadside stand, that are greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Residential Uses</b>			
Attached Single-Family Dwellings	A single structure consisting of three or more dwelling units having one or more walls abutting with another dwelling and designed to have all exits open directly to the outside. Also known as a townhouse.	Two (2) for each dwelling unit	<p>A. No more than 8 dwelling units may be attached in any single structure.</p> <p>B. All buildings must be visually compatible in design and appearance with other residences or structures on adjacent properties and generally in the vicinity. Determination of compatibility shall be made by the planning commission, with an opportunity to appeal the planning commission’s determination to the zoning board of appeals per Sec. 1011.9.</p>
Assisted Living/Senior Housing Communities	A community designed specifically for those over the age of 50. Either provided in a multiple family housing form with central dining facilities provided as a basic service to each unit. Or housing provided for in a multiple family housing form with full facilities for self-sufficiency in each individual unit, and no central dining facility.	One for every 4 persons in residence plus 1 for each employee in the largest working shift.	<p>A. A landscaped buffer area shall be provided on all sites abutting a residential zoning district or use that visually screens the parking area from the adjacent use. See Sec. 1303.</p> <p>B. Primary access to the site shall be from a county primary or secondary roadway.</p> <p>C. Any delivery or loading areas shall be visually shielded from adjacent residential uses.</p> <p><del>D.</del> The Planning Commission may impose additional requirements to address hours of operation, noise, light, and other potential nuisance impacts on adjacent residential properties.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Bed and Breakfast	A transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation	<p>One (1) off-street parking space shall be provided for each leasable bedroom in addition to the 2 residential spaces and shall be subject to the applicable requirement of Sec. 401.</p> <p>One (1) for each occupancy unit, plus 50 percent of the parking required on the basis of accessory uses such as a restaurant or bar.</p>	<p>A. No more than 35 percent of the residential floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.</p> <p>B. Parking areas must be screened with a privacy fence or landscaping buffer (See Sec. 1303) from adjacent residentially zoned parcels or uses.</p> <p>C. Food may be served in a bed and breakfast establishment only to those persons renting a room and only during their stay at the bed and breakfast establishment in accordance with local Health Department requirements.</p> <p>D. The dwelling unit which contains the bed and breakfast establishment shall be the principal residence of the owner/innkeeper. Said owner/innkeeper shall reside on the premises when the bed and breakfast establishment is in operation.</p> <p>E. The length of stay for any guest shall be limited to 30 days.</p>
Family Day Care Home	A private residence where care, protection, and supervision are provided, for a fee to no more than 7 children at one time, except children related to an adult member of the family. A family day care home shall require no construction features or equipment not customary in a residential dwelling or district.	Two (2) plus 1 for each nonresident employee.	The owner shall provide the township with proof of a license to operate from the State of Michigan.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Group Day Care Home	A state licensed, private residence where care, protection, and supervision are provided, for a fee to no more than 14 children at one time, except children related to an adult member of the family. A group day care home shall require no construction features or equipment not customary in a residential dwelling or district.	Two (2) plus 1 for each employee. In addition, a designated drop-off area is required.	<p>The group day care home shall meet the following standards prior to issuance of a special use permit:</p> <p>A. Is located not closer than 1,500 feet to any of the following:</p> <ol style="list-style-type: none"> <li>1. Another licensed group childcare home.</li> <li>2. An adult foster care home or small group home.</li> <li>3. A facility offering substance use disorder services to 7 or more people.</li> <li>4. A community correction center, resident home, halfway house, or similar facility.</li> </ol> <p>B. Has appropriate fencing for the safety of children.</p> <p>C. Maintains the property consistent with the visual characteristics of the neighborhood.</p> <p>D. Does not exceed 16 hours of operation during any 24-hour period.</p> <p>All access to the site shall be in accordance with Sec. 504 and driveways shall be designed so that vehicles can exit the site without having to be backed onto a primary or secondary roadway.</p>



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USE	DEFINITION	PARKING	DESIGN STANDARD
Home Occupations	An occupation, profession, activity or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.	None	<p>Home occupations shall be permitted subject to the following conditions:</p> <ul style="list-style-type: none"> <li>A. All home occupations shall be conducted so as not to be noticeable from the exterior of the dwelling. The exterior of the home may not be altered in a manner which would cause the premises to differ from its residential character.</li> <li>B. Only one small sign may be permitted. See Sec. 906.4.</li> <li>C. Traffic and delivery of goods created by the home occupations shall not exceed that normally created by residential uses.</li> <li>D. The home occupation shall not service more than one client or customer at a time on the premises.</li> <li>E. No employees, other than residents of the dwelling unit, shall be employed at or be otherwise located on the premises.</li> <li>F. The total floor area of the residence used for the home occupation, including storage of materials, supplies, etc., shall not exceed 25 percent of the floor area of the individual dwelling unit.</li> <li>G. There shall be no outside storage of any kind related to the home occupation.</li> <li>H. Accessory buildings shall not be used to conduct the home occupation except for storage.</li> </ul>
Home Occupations, Telework	A home-based occupation completely or partially remote in nature that requires access to the internet or other means of conducting business with little or no additional traffic or visitors to the home.	None	Home occupations that involve regular deliveries to or from the business, visits by customers, or generation of other off-site impacts are classified as home-based businesses or home occupations and require Special Land Use approval.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Home-Based Business	An accessory use of a single- or two-family residential structure which does not meet the definition of a home occupation but complies with the requirements of this Ordinance. These would consist of service-oriented uses and typically would be more intense than home occupations due to factors such as intensity of use or clients coming to the residence.	Spaces as required by the Planning Commission per the specific use.	Home Based Businesses shall be permitted subject to the following conditions: A. There shall be no more than 2 employees other than the resident/occupant of the building. B. Any outdoor storage must be approved by the Planning Commission and be visually screened from the roadway and neighboring residences. C. No alteration of the exterior design of the dwelling unit shall be permitted that alters its residential character. D. The use of accessory buildings shall be permitted, but the total square footage utilized for the home-based business shall not exceed the total square footage of the dwelling unit. E. The Planning Commission shall approve hours of operation for the Home-Based Business. Hours of operation shall not exceed 8am-6pm Monday – Friday and 9am-5pm on Saturday and Sunday.
Mobile Home Park	Mobile home park means a parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use, incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.	As required by the Michigan Manufactured Housing Commission.	As required by the Michigan Manufactured Housing Commission.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Multiple Family Dwellings	Multiple-family dwelling means a building or portion thereof, designed exclusively for occupancy by three (3) or more families, living independently of each other.	One and a half (1.5) spaces per dwelling unit.	<p>A. Each dwelling unit shall comply with the following minimum floor area requirements:</p> <ul style="list-style-type: none"> <li>• Efficiency: 450 square feet</li> <li>• One-bedroom: 600 square feet</li> <li>• Two-bedroom: 720 square feet</li> <li>• Three bedroom or more: 850 square feet</li> </ul> <p>B. All buildings must be visually compatible in design and appearance with other residences or structures on adjacent properties and generally in the vicinity. Determination of compatibility shall be made by the planning commission, with an opportunity to appeal the planning commission’s determination to the Zoning Board of Appeals per Sec. 1102.</p> <p>C. No parking shall be permitted in the front yard.</p> <p>D. Parking areas shall be visually screened via a fence or landscaping from adjacent residential zoning districts or uses consistent with the requirements of Sec. 1303.</p>
Nursing home and long-term care facilities	A facility that provides nursing services and custodial care on a 24-hour basis for three or more unrelated individuals who for reasons of illness, physical infirmity, or advanced age, require such services.	One (1) space per 4 patient beds	<p>A. A landscaped buffer area shall be provided on all sites abutting a residential zoning district or use that visually screens the parking area from the adjacent use. See Sec. 1303.</p> <p>Primary access to the site shall be from a county primary or secondary roadway.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
One-family detached dwellings	A detached building designed for or occupied exclusively by one (1) family for residential purposes.	Two (2) for each dwelling unit	<p>A. Each dwelling unit shall have a minimum floor area of 1,040 square feet, subject to additional requirements of zoning districts in Sec. 307.</p> <p>B. The dwelling unit shall have a minimum width of 24 feet.</p> <p>C. The structure shall be permanently attached to a foundation, or an anchoring system installed pursuant to the manufacturer’s specifications and applicable building codes and ordinances.</p> <p>D. If the dwelling is a mobile or manufactured home, it shall be installed with the wheels removed and there shall be no exposed towing mechanism, undercarriage, or chassis.</p> <p>E. The dwelling must be connected to public sewer or water supply or to such a private facility approved by the county health department.</p> <p>F. Any attached structure to a dwelling shall be of similar quality and exterior appearance to the primary structure and use and comply with all requirements of applicable building codes and ordinances.</p> <p>G. All single-family dwellings must be visually compatible in design and appearance with other residences on adjacent properties and generally in the vicinity. Determination of compatibility shall be made by the zoning administrator, with an opportunity to appeal the building inspector’s determination to the Zoning Board of Appeals per Sec. 1102.</p>
Short Term Rental	Residential dwelling for the purpose of short-term temporary housing.		See Sec. 702.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Two Family Dwellings	Two-family dwelling means a building designed exclusively for occupancy by two families living independently of each other.	Two (2) for each dwelling unit	<p>A. Must be setback a minimum of 30 feet from any RSA or RU-1 zoning district.</p> <p>B. Additional yard setbacks shall be as follows:</p> <ul style="list-style-type: none"> <li>• Front Yard: 25 feet</li> <li>• Side Yard: 12 feet</li> <li>• Rear Yard: 35 feet</li> </ul> <p>C. At least one entrance must face the public right-of-way.</p> <p>D. Parking must be located in a side or rear yard.</p> <p>E. Building materials and design must be visually compatible in design and appearance with other residences or structures on adjacent properties and generally in the vicinity. Determination of compatibility shall be made by the zoning administrator, with an opportunity to appeal the Zoning Administrator's determination to the Zoning Board of Appeals per Sec. 1102.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Commercial Uses</b>			
Adult entertainment facilities	Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities the regulation of which is preempted by state law.	One (1) space 300 sq. ft. of gross floor area.	<ul style="list-style-type: none"> <li>A. No adult entertainment facility shall be permitted within 400 feet of a church or public or private school property.</li> <li>B. No adult entertainment facility shall be permitted within 400 feet of a residence or a district zoned for residential use.</li> <li>C. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property line upon which the proposed use is to be located and the zoning district boundary, property or residence from which the proposed land use is to be separated.</li> <li>D. Be located so that not more than 2 adult entertainment facilities are located within 1,000 feet of each other.</li> <li>E. The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or signs depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be viewed by any vehicle or pedestrian on a public right-of-way or from an adjacent land use.</li> </ul>
Aircraft Landing Strip, Private	Aircraft landing strip means the use of land for landing or taking off of aircraft. as an accessory use to a dwelling or housing unit on the same zoning lot. Including facilities for the shelter and repair of aircraft, but not including the boarding or care of aircraft owned by others.	None	<ul style="list-style-type: none"> <li>A. The proposed building and aspects of the site, such as landing strips, shall meet all relevant Federal Aviation Administration Guidelines.</li> <li>B. The minimum parcel size and lot dimension configuration must be adequate to permit a runway of at least 250 feet by 2,000 feet.</li> <li>C. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to the landing strip.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Airport	<i>Airport and related facilities, commercial (public or private),</i> means the use of land for arrival or departure of aircraft, which provides facilities for shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities.	The total number of peak hour passengers with the number of air carriers.	A. The proposed building and aspects of the site, such as landing strips, shall meet the FAA Guidelines.
Animal Grooming or Daycare Service	A commercial establishment where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and/or where animals are kept for a period not to exceed 12 hours	One (1) space per 50 square feet of usable space in the waiting or sales area plus 1 space per employee on the largest working shift.	A. Overnight boarding is not permitted. See Commercial Kennel. B. Any outdoor runs or play areas must be enclosed by a 6-foot privacy fence and located in a rear yard. C. Hours of operation shall be no later than 10pm. D. Shall comply with the township noise ordinance.
Assembly & Concert Halls	A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.	One (1) space for every 4 seats	
Automobile Parts and Accessory Sales	The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.	One (1) space per 300 sq. ft. of gross floor area.	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Bank	A financial institution including banks, credit unions, and related uses that is open to the public, engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.	One (1) space for each 200 sq. ft. of waiting area plus 1 for each employee on the largest working shift.	
Banquet Hall	An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.	One (1) space for every 3 persons of maximum capacity plus 1 space per employee on the largest shift.	<p>A. Any outdoor facilities or uses must be screened by landscaping and/or fencing from adjacent land uses.</p> <p>B. If adjacent to a residential use or zoning district, the Planning Commission may limit hours of operation.</p>



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USE	DEFINITION	PARKING	DESIGN STANDARD
Car Wash	A building or portion thereof containing facilities for washing vehicles.	One (1) space per employee and 1 space per washing bay.	<ul style="list-style-type: none"> <li>A. All washing facilities shall be within a building.</li> <li>B. Vacuuming and drying areas may be located outside the building but shall not be in any required yard.</li> <li>C. Access points shall be located at least 200 feet from the intersection of any two streets.</li> <li>D. All off-street parking and waiting areas shall be hard surfaced and dust free.</li> <li>E. One traffic lane shall be provided as a means of exiting the facility without having to enter the carwash building; such lane shall be in addition to those, which would be used by customers obtaining gasoline and waiting in line for the carwash. Such lane shall not be counted as part of the required reservoir parking space.</li> <li>F. See Sec. 310.1.</li> <li>G. All buildings, vehicular stacking spaces, vacuuming or other outside use areas, except employee parking, shall have a minimum setback of 100 feet from a residential district, unless the district is separated by a major or secondary thoroughfare or collector street.</li> </ul>
Child Care Centers	A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not present. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program.	One (1) space per 4 children permitted to be cared for at the facility, plus 1 space per employee on the largest working shift.	<ul style="list-style-type: none"> <li>A. Outdoor play space shall have a minimum area of 5,000 square feet or 150 square feet for each child cared for, whichever is the greater.</li> <li>B. Outdoor play areas shall not be located in a front yard and surrounding by a 6-foot privacy fence.</li> <li>C. Pick up and drop off traffic must be contained on the subject parcel, and a plan or pick-up and drop off submitted with a site plan.</li> <li>D. Proof of a state license is required.</li> <li>E. See Drive-Through standards.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Commercial Kennel	Any lot or premises on which four (4) or more dogs, cats, or other household pets are either permanently or temporarily boarded for commercial purposes or are kept for the purpose of sale.	One (1) space per 5 animals boarded, plus 1 space per employee on the largest working shift.	<ul style="list-style-type: none"> <li>A. Any outdoor runs or areas for animals must be surrounded by a 6-foot privacy fence.</li> <li>B. Animals must be boarded indoors.</li> <li>C. Commercial kennels shall comply with the Vienna Township noise ordinance shall comply with Genessee County Animal Control Ordinance.</li> <li>D. Needs comply with township noise ordinance.</li> </ul>
Contractor’s Establishment	An establishment used for the repair, maintenance, or storage of a contractor’s vehicles, equipment, or materials.	One (1) space per employee on the largest working shift plus 1 space per 300 sq. ft. of sales area.	See “Outdoor Storage” if it is included within the use.
Drive-in Restaurants	A restaurant at which any patrons are while within a motor vehicle and where food is consumed within the motor vehicle on the premises.	One (1) space for each 50 sq. ft. of waiting area for take-out orders.	Vehicular access drives to a drive-in restaurant shall be located at least 60 feet from the right-of-way of any intersecting street.
Drive-Through	A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than while in a building or structure.	Varied based on the use.	See Sec. 310.1.
Dry-Cleaning Establishment	An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up.	One (1) space per 300 sq. ft. of gross floor area.	<ul style="list-style-type: none"> <li>A. Shall not be permitted in areas of the township sensitive to groundwater contamination.</li> <li>B. Must demonstrate measures taken to prevent contamination of soil and groundwater, and processes for appropriate storage and disposal of any hazardous materials.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Firearm Range	An establishment for the discharge of weapon or device from which is propelled any missile, projectile, bullet, shot, pellet, or other mass by means of explosives. Not included within this definition are weapons whose means of propulsion are compressed air or gas, or by means of springs, levers, or other mechanical devices.	One (1) space per 300 sq. ft. of display or sales space, plus 1 space per employee on the largest shift.	<ul style="list-style-type: none"> <li>A. Shall be located at least 500 feet from any residential zoning district.</li> <li>B. Hours of operation shall be no later than 10pm.</li> <li>C. The owner shall maintain necessary licenses and permits from state and federal agencies.</li> <li>D. Shall comply with the township noise ordinance.</li> </ul>
Gasoline Service Stations	A space, building or structure designed or used for the retail sales or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles along with associated retail services.	<p>One (1) space for each gas pump, plus 1 space for each employee on the largest working shift.</p> <p>Additional spaces required for retail uses. See "Retail businesses..."</p>	<ul style="list-style-type: none"> <li>A. The minimum lot area shall be ½ acre.</li> <li>B. A minimum frontage of 120 feet must be provided.</li> <li>C. A maximum of two drives shall be permitted.</li> <li>D. The driveways to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 50 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.</li> <li>E. Off-street unloading space for liquid fuels, of 10 feet by 50 feet, shall be provided but may be located in any required yard- If the use includes floor space for the sale of convenience items, an additional loading space shall be provided. Such space shall not be located in the front yard.</li> <li>F. Outside storage of vehicles or parts shall be prohibited.</li> <li>G. Repair work shall be permitted as an accessory use or as a separate use on the same parcel.</li> <li>H. Any underground storage tank must be permitted by the appropriate State of Michigan agency and regularly inspected according to state requirements.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
General Automotive Repair	A facility for the general repair, maintenance rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and painting.	One (1) space per 300 sq. ft. of sales area, plus 1 space per employee on the largest shift, plus 1 space per service bay.	<ul style="list-style-type: none"> <li>A. All activities shall be conducted within a completely enclosed building.</li> <li>B. Outside storage of vehicles or parts must be completely screened from public streets or residential districts in accordance with ARTICLE 13 obscuring walls and landscaped berms.</li> <li>C. No outside storage of discarded or salvaged materials, junk vehicles, or junk parts shall be permitted on the premises.</li> <li>D. Main buildings shall have a minimum setback of 100 feet from an R, RMC or RM district unless the district is separated from the use by a major or secondary thoroughfare or collector street.</li> <li>E. Must demonstrate measures taken to prevent contamination of soil and groundwater, and processes for appropriate storage and disposal of any hazardous materials.</li> </ul>
Grocery Store	A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.	One (1) space per 350 sq. ft. of usable floor area plus 1 space per employee on the largest shift.	
Health Club or Fitness Center	A facility where members or nonmembers use equipment or space for the purpose of physical exercise or other physical fitness or wellness activities.	One (1) parking space for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus 1 space per employee on the largest working shift	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Indoor Entertainment	Uses for recreation completely contained within a building. Such uses include Bowling alleys, Indoor archery ranges, ice skating rinks, roller rinks, arcades, golf simulators, and other similar uses as determined by the Planning Commission.	One (1) space for every 3 persons of maximum capacity plus 1 space per employee on the largest shift.	
Indoor Racquet Court Facilities	A facility where members or nonmembers use equipment or space for the purpose of physical exercise	Three (3) spaces per court or carrying capacity, plus 1 space per employee on the largest shift.	
Medical Clinic	Establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or similar professions.	One (1) for each 50 sq. ft. of usable floor area in waiting rooms and 1 for each examining room, dentist chair, office, or similar use area.	
Medical Laboratory	A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.	One (1) space per employee on the largest working shift.	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Mini Storage Buildings	Self-storage units designed and used for the purpose of renting or leasing individual storage space to tenants for the purpose of storing personal property.	One (1) space for each 30 units that do not have direct access from outside the building or directly from a vehicular aisle within the building, 3 for the office or residence, and 1 for each employee on the largest working shift.	<ul style="list-style-type: none"> <li>A. Doors providing access to individual storage units shall not be permitted on the front yard side of the building.</li> <li>B. Vehicular aisles providing access to units shall be no fewer than 30 feet wide.</li> <li>C. There shall be no storage of hazardous, toxic, or volatile substances.</li> <li>D. Shall include fencing on all side and include gate.</li> </ul>
Motel & Hotel	A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation.	One (1) for each unit, plus 50 percent of the parking required on the basis of accessory uses such as a restaurant or bar.	<ul style="list-style-type: none"> <li>A. Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.</li> <li>B. Each unit shall contain no less than two 200 square feet of floor area.</li> <li>C. Guests shall not establish residence for more than 30 days within any calendar year.</li> </ul>
Office Buildings	A building used primarily for offices that may include ancillary services for office workers. Common uses include but are not limited to executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales.	One (1) for each 200 sq. ft. of usable floor area.	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Open-Air Business or Sales Lot	Any business when said business is not conducted from a wholly enclosed building, including plant sales, sales of outdoor furniture, storage buildings, playground equipment, and other similar uses. This does not include vehicle sales.	One (1) space per 500 square feet of outdoor display, sales, and storage area; plus 1 space per 200 square feet of usable floor area of indoor space; plus 1 space per employee on the largest working shift.	<ul style="list-style-type: none"> <li>A. Ingress and egress points shall be located at least 60 feet from the right-of-way intersection of any two streets.</li> <li>B. Only sales by the resident business occupying the site are permitted.</li> <li>C. The outdoor sales/display area may not occupy a street right-of-way, parking, loading, driveway or landscape area, and shall not result in hazards for vehicles or pedestrians, and shall be shown on an approved site plan.</li> <li>D. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.</li> <li>E. On all sides of the lot adjacent to a residential district, there shall be provided a buffer wall or fence, consistent with LANDSCAPING, SCREENING AND WALLS.</li> <li>F. There shall be no strings of flags, pennants or bare light bulbs permitted.</li> <li>G. No merchandise for sale shall be displayed within any required setback area.</li> <li>H. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.</li> <li>I. Resident businesses may conduct outdoor sales of products not customarily sold by the business without prior site plan approval for the two weeks prior to and including the following holidays or events: Independence Day, Halloween, and Christmas.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Outdoor Entertainment	A recreational facility where the primary activity occurs outdoors. Examples include minigolf, driving ranges, and amusement parks.	One (1) for every 3 persons of maximum capacity.	<ul style="list-style-type: none"> <li>A. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential zoning district and shall not interfere with driver visibility on a public right-of-way.</li> <li>B. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.</li> <li>C. On all sides of the lot adjacent to a residential district, there shall be provided a buffer wall or fence, consistent with ARTICLE 13.</li> </ul>
Outdoor Theaters	Outdoor area or structure specifically designed and used as a place of assembly.	One (1) for each 3 seats plus 1 for every 2 employees.	<ul style="list-style-type: none"> <li>A. Vehicular access shall be directly to a major or secondary thoroughfare.</li> <li>B. All vehicles waiting or standing to enter the facility shall be provided off-street parking and waiting space and vehicles shall not be permitted to wait or stand within a public dedicated right-of-way.</li> <li>C. All lighting used to illuminate the area shall be installed so as to be directed to and be confined to the premises.</li> <li>D. Restrooms shall be provided on site.</li> </ul>
Pawn Shop	An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.	One (1) space per 300 square feet of usable floor area	<ul style="list-style-type: none"> <li>A. Shall be located at least 500 feet from any residential zoning district.</li> <li>B. Hours of operation shall be no later than 10pm.</li> </ul>



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USE	DEFINITION	PARKING	DESIGN STANDARD
Personal Service Establishments	Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; repair shop, psychic readers, tanning salons. These uses may also include accessory retail sales of products related to the services provided.	Three (3) spaces for each of the first 2 chairs, and 1.5 spaces for each additional chair.	See "Drive-Through".
Pharmacies	An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.	One (1) space for each 300 sq. ft. of gross floor area.	See "Drive-Through".
Private Recreation Park	A piece of land presently owned or controlled and used by private or semi-public persons, entities, groups, etc. for active and/or passive recreational purposes.		<p>A. The minimum zoning lot shall not be less than 80 acres except that the Planning Commission may permit the use on a smaller parcel of land if the minimum size cannot be achieved because of extraordinary circumstances.</p> <p>B. Vehicular access to the site shall be directly from a major or secondary thoroughfare.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Recreational Vehicle Campground	An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.	Two (2) parking spaces per campsite.	<ul style="list-style-type: none"> <li>A. Minimum lot size shall be 20 acres.</li> <li>B. All activities are confined to an area at least 500 feet from any lot line. Where topographic conditions are such that they provide a visual screen and noise buffer, the Planning Commission may modify this requirement during site plan review.</li> <li>C. Each campsite, not solely occupied by a tent, shall be at least 2,000 square feet in size.</li> <li>D. Each campsite or cabin shall be provided with individual water and sewer hookups approved by the Health Department or appropriate regulatory body or have convenient access to approved service buildings.</li> <li>E. Campgrounds and youth camps shall not be used as prison or detention facilities for the detention of either juvenile or adult persons held by local, county, state, or federal authorities.</li> <li>F. Campgrounds shall receive approval from the State of Michigan and meet all ongoing requirements to maintain state licenses.</li> </ul>
Restaurant	An establishment for serving food and beverages for consumption.	One (1) space per 4 seats plus 1 space per employee on the largest working shift.	
Retail Business up to 40,000 square feet	Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those otherwise specifically mentioned.	One (1) for each 300 sq. ft. of usable floor area.	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Retail Businesses 40,000 square feet or greater	Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those otherwise specifically mentioned.	One (1) for each 400 sq. ft. of usable floor area.	
Small Engine Repair and Service	Repair and service of small motors, engines, and other similar mechanical repair. Excluding automobile repair and service. Examples include lawn mowers, snow blowers, power washers, and grass trimmers.	One (1) for each 300 sq. ft. of usable floor area.	See "Outdoor Storage" and "Open-Air Business or Sales Lot" if relevant.
Sports Stadium	A structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.	One (1) space for each 3 seats or 6 feet of bench space.	<p>A. The minimum zoning lot shall not be less than 80 acres. The Planning Commission may permit the use on a smaller parcel of land if the applicant can demonstrate that there will be no adverse impacts on adjacent uses.</p> <p>B. Vehicular access to the site shall be directly from a primary or secondary roadway.</p> <p>C. The use must comply with the township noise ordinance.</p>
Temporary Outdoor Sales	Temporary outdoor retail operations including but not limited to farmer's markets; seasonal sales of holiday related items, or other similarly related sales occurring outdoors; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales.	As determined by the Planning Commission during Special Land Use review.	<p>A. The use of a lot for temporary outdoor sales must not impact the required number of parking spaces for the principal use.</p> <p>B. Hours of operation shall be the same as those for the principal use.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Theater	An indoor area or structure specifically designed and used as a place of assembly.	One (1) for each 3 seats plus 1 for every 2 employees.	
Trade School	Place of education providing more specific, technical, job training skills and knowledge to trades such as, but not limited to, electricians, plumbers, carpenters, mechanics, dental hygienists, veterinary technicians, HVAC technicians, and other similar trades.	One (1) space for each 200 sq ft of gross floor area in learning spaces, offices, and group gathering spaces.	<p>A. Any use permitted herein shall be developed only on sites of at least 40 acres in area, and shall not be permitted on any portion of a recorded subdivision plat.</p> <p>B. Buildings and other uses of land, except landscape passive areas, shall have setbacks of at least 100 feet.</p> <p>C. Height of buildings in excess of the minimum requirements may be allowed if, in the opinion of the planning commission, such exception would create interest and variety in the visual environment.</p> <p>D. Those buildings to be used for servicing or maintenance, such as heating, plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.</p>
Vehicle Sales	An establishment engaged in the sale, rental, or leasing of new or used automobiles, vans, recreational vehicles, boats, trucks, or similar vehicles.	One (1) for each 100 sq. ft. of usable floor area of sales room plus 1 for each auto service stall in service areas, plus 1 per employee on the largest working shift.	<p>A. The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.</p> <p>B. Ingress and egress to the outdoor sales area shall be at least 60 feet from the right-of-way intersection of any two streets. See outdoor sales lot.</p>
Veterinary Clinic	An establishment for the care and treatment of small animals, including household pets.	One (1) for each 50 sq. ft. of usable floor area in waiting rooms and 1 for each examination room or similar area.	Overnight boarding is not permitted. See "Commercial Kennel".

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USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Industrial Uses</b>			
Above Ground Storage Tanks	Storage tanks of non-hazardous materials, above ground.	One (1) space per employee on the largest working shift.	A. No storage of any flammable or potentially hazardous materials B. Storage tanks shall not be located in any required setback. C. Storage tanks shall be inspected and permitted by the appropriate state or federal agency.
Automotive Stamping Plant	A specialized facility where the process of stamping is used to produce automotive parts.	Five (5) plus 1 space per employee on the largest working shift.	A. Noise or vibration from the use shall not be detectable at lot lines. B. The use shall comply with all other township ordinances regulating nuisance.
Battery Energy Storage System			See Sec. 703.
Below Ground Storage Tanks	Storage of hazardous or non-hazardous materials, below ground	One (1) space per employee on the largest working shift.	Documentation of inspection and license from applicable state and federal agencies shall be provided prior to approval.
Data Processing Center	Facilities where data is processed by employees, including, but not limited to, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.	Five (5) plus 1 space for each employee on the largest working shift.	
Experimental Laboratory	A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation.	Five (5) plus 1 space for each employee on the largest working shift.	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Hazardous Materials Storage	The storage of any solid, liquid, or gaseous matter including but not limited to gases, vapors, dusts, fumes, and mists containing properties that by chemical means are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well-being of persons or damage to property.	One (1) space per employee on the largest working shift.	<ul style="list-style-type: none"> <li>A. Documentation of inspection and license from applicable state and federal agencies shall be provided prior to approval.</li> <li>B. Process and methods for secondary containment of any hazardous materials shall be provided to the township prior to approval.</li> <li>C. Emergency plans shall be filed and approved by the fire and police departments.</li> </ul>
Industrial Solar Energy Collector System	A utility-scale ground mounted solar energy collector system with the primary purpose of wholesale or retail sale of generated electricity, commonly referred to as solar farms.		See Sec. 704.
Landfill			All landfills must demonstrate compliance with State of Michigan, Federal, and other agency standards.
Lumber & Planing Mill	Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.	Two (2) plus 1 for each employee at max shift.	See "Outdoor Storage" requirements.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Manufacturing Uses	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, or other similar uses. Examples include but are not limited to, Manufacture, repair of pottery, musical instruments, toys, novelties, metal or rubber stamps, rubber products, electric appliances, electronic instruments and devices, phonographs, neon signs, light sheet metal products, heating and HVAC equipment.	One (1) space per employee on the largest working shift.	
Metal Plating, Buffing, Polishing	The assembly of metal parts, including blacksmith and welding shops, sheet metal shops, machine shops, and boiler shops, that produce metal duct work, tanks, towers, cabinets, enclosures, metal doors and gates, and similar products. Repair or restoration work on other metal products, included.	One (1) space per 400 gross sq. ft. of floor area	
Railroad Transfer or Storage Tracks	An area for the transfer of rail cars and trains from one set of rail tracks to another. The storage of rail cars, trains, rail replacements, and other similar products.	One (1) space for each employee on the largest working shift.	Shall be at least 300 feet from any residential property or use.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Research and Design Centers	A building or group of buildings in which are located facilities for scientific research, investigation, testing, experimentation, and / or design.	Five (5) plus 1 space per employee on the largest working shift.	
Surface Mining	Extracting elements from air, land, water, for natural resource recovery, or other potential uses.	One (1) space per employee on the largest working shift.	See Sec. 310.2.
Trucking Terminals	A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.	One (1) space per 500 gross sq. ft. of floor area plus 1 space for every 2 terminals / bays.	A truck routing plan that limits impact on residential and commercial uses shall be approved by the Planning Commission and Police Department.
Warehouse or Wholesale Establishments	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials, or other similar uses.	Five (5) plus 1 space per employee on the largest working shift.	
<b>Institutional Uses</b>			
K-12 School	Elementary, middle, and high schools that do not fall under the jurisdiction of the Michigan superintendent of public instruction. An institution for the teaching of individuals attempting to obtain their High School Diploma, or GED.	One (1) space for each teacher, employee or administrator, and 1 for each 5 students, plus the requirements for an auditorium or stadium	A.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Adult Foster Care Family Home (1-6 adults)	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week, and for two or more consecutive weeks.	Two (2) spaces, plus 1 space per employee on the largest work shift.	<p>B. State Licensee shall be a member of the household and occupant of the residence where the care is occurring.</p> <p>C. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.</p> <p>D. Proof of state license required.</p>
Adult Foster Care Small Group Home (1-6)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than 6 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	Two (2) spaces, plus 1 space per employee on the largest work shift.	<p>A. Adult foster care small group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.</p> <p>B. Proof of state license required.</p>
Adult Foster Care Home (7-20 adults)	A licensed facility under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive 20 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.	Two (2) spaces plus 1 space per employee on the largest work shift.	<p>A. Adult foster care group home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.</p> <p>B. Proof of state license required.</p>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Essential Services	Services provided by public and private utilities, necessary for the exercise of the principal use or service of structures and uses permitted in this ordinance. These services include underground, surface, or overhead gas, electrical, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as but not limited to poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants. Not including structures used or intended to be used for human habitation.	If structure on site has employees using the structure regularly, 1 space per 500 gross sq. ft. of floor area.	<ul style="list-style-type: none"> <li>A. Building setbacks shall not be less than 40 feet.</li> <li>B. A landscape plan shall be submitted in accordance with Sec. 1303.</li> <li>C. The system shall be screened from adjacent residential uses with a combination of fencing and landscaping, to the extent feasible on the site.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Funeral Homes	A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation, or other related uses.	One (1) for each 50 sq. ft. of usable area of assembly room and parlors.	If cremation facilities are included, a special use permit is required. The applicant must demonstrate that the use will conform with township performance standards. See Sec. 602.2.
Hospitals	An institution providing health services primarily for in-patients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.	One (1) space per 4 beds	<ul style="list-style-type: none"> <li>A. All hospitals shall be developed on sites consisting of at least 10 acres in area.</li> <li>B. In the event one or more boundaries of the proposed site lies opposite or continuous to a residential property, the minimum distance between any hospital structure or accessory use and the residential property boundary shall be at least 100 feet for buildings 30 feet or less in height, the building shall be set back from the initial 100-foot setback an additional 1 foot for each foot of additional height above 30 feet.</li> <li>C. The minimum setback from any street line shall not be fewer than 40 feet for buildings 30 feet or less in height, while buildings above 30 feet shall be set back an additional 1 foot for each foot of height above 30 feet regardless of the zoning district in which it is situated.</li> <li>D. The minimum setback from any nonresidential interior lot line shall not be fewer than 25 feet.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Junkyard	Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, or disposal of secondhand materials.	One (1) space per employee on the largest working shift, plus 5.	<p>A. All uses shall be established and maintained in accordance with all applicable state statutes.</p> <p>B. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.</p> <p>C. No open burning shall be permitted and all industrial process involving the use of equipment for cutting, compressing (other than landfill compaction operations), or packaging shall be conducted within a completely enclosed building.</p> <p>D. A solid fence or wall at least 8 feet in height shall be provided around the active area of a junk yard to screen such activity from surrounding property. Such fence or wall shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.</p>
Outdoor Storage	The storage of any material for a period greater than 48 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.	None.	Outdoor storage areas shall be screened from the right of way by an opaque fence or landscaping. See Sec. 1303.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Public Parks	Outdoor space owned by the township, county, state, or federal government, intended for public use.	Applicant to provide an estimate to the Planning Commission during Site Plan Review based on expected usage.	
Public or Governmental Buildings	Buildings or other related facilities owned and operated by a public entity such as township, state, county, or federal government. Services offered to the public such as DMV, welfare or unemployment offices, or other similar uses.	One (1) space per 300 gross sq. ft. of floor area, plus 1 space for each service window/counter.	
Religious Institution	A place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery, or other associated accessory uses.	One (1) space per 4 permitted occupants for assembly areas.  For offices and other uses, see appropriate uses in this section.	Must be screened when adjacent to a residential use. See Sec. 1303.

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<p>Telecommunications Tower</p>	<p>Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like.</p>	<p>One (1) parking space.</p>	<ul style="list-style-type: none"> <li>A. Tower shall be located centrally on a continuous parcel having a dimension of at least equal to the height of the tower measured from the center of the base of the tower to all points of each property line.</li> <li>B. Telecommunication towers, antennas, accessory buildings, and cabinets housing operating equipment shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounding buildings and uses.</li> <li>C. All new towers shall be designed and constructed to accommodate the colocation of additional antennas.</li> <li>D. Towers may be located as individual uses on individual lots, or as an additional use on a leased portion of a lot provided that compliance with the provisions of this Ordinance can be attained. The division of a lot for the purpose of siting a tower is permitted subject to the lot size, lot width, and other applicable zoning district regulations.</li> <li>E. Roof-mounted buildings and cabinets housing operating equipment shall be designed or screened so as to be architecturally compatible with the building on which they are located.</li> <li>F. Advertising signs shall not be allowed on antennas, towers, or on the exterior of buildings or cabinets housing operating equipment or on fences enclosing antenna or tower facilities.</li> <li>G. Wireless communication facilities shall be removed by their owners within six months of the date on which such facilities are declared abandoned. See Sec. 1011.</li> <li>H. Prior to receiving site plan approval, the applicant must demonstrate that there are no existing towers or structures that would be suitable for a</li> </ul>
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USE	DEFINITION	PARKING	DESIGN STANDARD
			telecommunications antenna as an alternative to constructing a tower.
Utility Generating Plant, other than Solar or Wind	A public or private plant creating and distributing electricity or heat, not created by solar or wind processes.	One (1) space for each employee on largest shift. If no regular employees visiting the site, 10 parking spaces will be required.	A. Must comply with zoning ordinance performance standards. See Sec. 602.2.
Water Reservoirs	Any body of water, including any creek, canal, river, lake or bay, or any other body of water, natural or artificial, except a residential or commercial swimming pool or like thereof.	N/A	
Water/Sewage Treatment Plants	A wastewater collection system in which used water is carried from individual lots to a large central treatment and disposal plant.	Five (5) spaces plus 1 space for each employee on the largest working shift	Must comply with zoning ordinance performance standards. See Sec. 602.2.

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USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Other Uses</b>			
Accessory Building and Structures	A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use." An "accessory use" includes, but is not limited to, swimming pools, domestic or agricultural storage, storage of merchandise or goods related to the principal use, off-street parking areas, and private solar energy collectors.	None	A. See Sec. 502.



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USE	DEFINITION	PARKING	DESIGN STANDARD
<p>Accessory storage of recreational equipment or trailers</p>	<p>Outdoor storage of a vehicular portable structure without permanent foundation that can be towed, hauled, or driven. It may be used for temporary living accommodations for recreational, camping and travel use. These vehicles include but are not limited to campers, travel trailers, truck campers, or motor homes. Other vehicles/equipment also included in this definition are trailers of any kind, personal watercraft, off-road vehicles of any kind, snowmobiles, and similar vehicles/equipment that may propel a person or is used to transport such vehicles.</p>	<p>None</p>	<p>B. All recreational vehicles and/or equipment must have a valid and current license, issued by a state in prominent display to be considered licensed.</p> <p>C. Vehicles shall be parked behind the front face of the principal building and within setbacks of side or rear lot line. Vehicles may be parked in any legal garage or accessory structure so long as they can be parked completely within the structure.</p> <p>D. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit, and the vehicle or equipment is owned or leased by the occupant.</p> <p>E. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water, or gas.</p> <p>F. Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs (i.e., engine rebuilding, reconditioning of motor vehicles, body work, etc.), refurbishing, or reconstruction of the recreational vehicle or equipment.</p> <p>G. Any recreational equipment may be parked anywhere on any premises for not to exceed 48 hours during loading or unloading.</p>
<p>Art Studio</p>	<p>Workspace for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.</p>	<p>One (1) parking space per unit.</p>	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Bus Stations	An area where individuals are transferring from their personal vehicles, or other modes of transportation, to busses. Or transferring from one bus to another. Short term storage of busses is permitted.	The applicant shall provide the Planning Commission with an estimate of required parking based on the proposed use. The Planning Commission may require additional parking.	<ul style="list-style-type: none"> <li>A. Storage of busses not in active service must meet standards for Outdoor Storage.</li> <li>B. Hours of operation shall be provided to the Planning Commission to the township during the development review process.</li> </ul>
Cemeteries	Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities	One (1) space per employee on the largest working shift plus additional spaces for customer or public assembly areas.	<ul style="list-style-type: none"> <li>A. Vehicle access through the site is to be present and maintained at all times.</li> <li>B. Maneuvering lanes must be 24' wide.</li> <li>C. Stacking of vehicles, in the case of assembly, may not spill onto nearby streets. Site must be designed to ensure this.</li> </ul>
Golf Course	A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and banquet facilities.	Six (6) for each golf hole and 1 for each employee, plus spaces required for each accessory use such as a restaurant banquet facility.	<ul style="list-style-type: none"> <li>A. Accessory uses not strictly related to a golf course which are generally of a commercial nature such as a restaurant and bar shall be housed in the main clubhouse. Accessory uses which are strictly related to the operation of the golf course itself, such as a maintenance garage and pro shop or golf shop, may be located in separate structures.</li> <li>B. Buildings, outdoor swimming pools, tennis courts or similar concentrated recreation use areas (not including fairways or greens) shall have setbacks of not fewer than 200 feet.</li> <li>C. Lighting of playing areas of the golf course for night use shall be prohibited.</li> <li>D. Whenever a swimming pool is to be provided, said pool shall be enclosed with a protective fence five feet in height, and entry shall be by means of a controlled gate.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Institutions of higher learning	An educational institution or establishment, in particular one providing higher education or specialized professional or vocational training.	One (1) space for each employee on the largest working shift plus 1 space per 4 students enrolled.	<p>A. Height of buildings in excess of the minimum requirements may be allowed if, in the opinion of the planning commission, such exception would create interest and variety in the visual environment.</p> <p>B. Those buildings to be used for servicing or maintenance, such as heating, plants, garages, storage structures and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.</p>
Medical Marihuana Facilities	See Sec. 705.		
Mining and extractive uses	All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.	Five (5) spaces plus 1 or each employee on the largest shift.	See Sec. 310.2.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Other uses similar in character to permitted uses as determined by the planning commission	A use not otherwise defined in this ordinance as a permitted use or a special land use.	To be determined by the Planning Commission based on the most similar use.	<p>A. In determining whether a use is similar to another use in the ordinance, the Planning Commission shall review the character, parking demand, and impact of the use on adjacent land uses, and assign the most similar permitted use.</p> <p>B. If the use is determined to be most similar to a use permitted only by special land use, but it clearly is not included within the definition for that use, the Planning Commission shall initiate a zoning ordinance amendment to provide for the new use.</p> <p>C. If a use is found to be similar to an existing permitted use, following review and action on the request, the planning commission shall initiate a zoning ordinance amendment to provide for the new use.</p>
Planned Unit Developments	Planned Unit Developments provide for alternative zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.	Applicable parking standards for each specific use shall apply.	See ARTICLE 1.

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USE	DEFINITION	PARKING	DESIGN STANDARD
Ponds	Public or private body of water under 1 acre in size. Can be natural or man-made.	None	<ul style="list-style-type: none"> <li>A. The minimum size of a parcel on which an artificial pond is to be established shall be five (5) acres.</li> <li>B. An artificial pond shall be set back a minimum of fifty (50) feet from all lot lines.</li> <li>C. An artificial pond shall have a minimum depth of (6) feet over a minimum fifty percent (50%) of its maximum design surface area, and no portion of an artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:1.</li> <li>D. No artificial pond shall be created within fifty (50) feet of ecologically sensitive sites, including wetlands and streams, unless all applicable county, state and federal permits are obtained.</li> <li>E. No artificial pond shall cover more than twenty percent (20%) of the area of a lot.</li> <li>F. The planning commission may require screening around the pond, in the form of plant material or fencing, if it finds that such screening or transition strip, because of the pond's location and character in relation to surrounding land uses or circulation systems, is necessary to assure compatibility between land uses or otherwise protect the public health, safety, or welfare.</li> <li>G. The applicant shall demonstrate that the proposed design of the pond will not result in stagnation, odors, mosquito infestation, or other nuisance-causing conditions.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Private Club	A private membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.	One (1) space for each 4 persons permitted for maximum occupancy	

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USE	DEFINITION	PARKING	DESIGN STANDARD
Private Solar Energy Collector Systems	Solar energy collector systems accessory to the primary use of the parcel. Examples include roof mounted solar panels, yard mounted solar panels, and like thereof. Such systems must generate energy for use on the same lot or site on which they are located, and not be intended to generate energy for use off site.	N/A	<ul style="list-style-type: none"> <li>A. A private solar energy collector system shall not be constructed without a building permit issued by the township.</li> <li>B. A private solar energy collector system must be located in the least visibly obtrusive location where panels would be functional.</li> <li>C. A private solar energy collector system must be repaired or replaced or removed within three months of becoming non-functional.</li> <li>D. A private solar energy collector system must conform to applicable industry standards including those established by the American National Standards Institute ("ANSI").</li> <li>E. A private solar energy collector system must include signage which sets forth disconnection procedures for emergency first responders in case of fire or other emergency.</li> <li>F. A private solar energy collector system must comply with applicable county, state and federal regulations, and safety requirements including the Michigan Building Code.</li> <li>G. A private solar energy collector system must be installed so as to minimize glare onto adjacent parcels of property.</li> <li>H. A private solar energy collector system must conform to all standards of the zoning district in which it is located.</li> <li>I. Any private solar energy collector that is not mounted on an existing building must conform to lot coverage standards in the applicable zoning district.</li> </ul>

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USE	DEFINITION	PARKING	DESIGN STANDARD
Private Swimming Pools	A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes. Swimming pools as an accessory use to single family homes, or other residential uses. Private swimming pools with membership requirements, will be categorized under Health Club or Fitness Center.		<ul style="list-style-type: none"> <li>A. Built to all applicable building code standards.</li> <li>B. Private swimming pools shall be permitted as an accessory use within the rear yard or within a side yard, provided that if the pool is located within a side yard, the outside of the pool wall shall not be located fewer than 35 feet from any side lot line.</li> <li>C. if the pool is located in the rear yard on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, the outside of the pool wall shall not project beyond the front yard setback required on the lot in the rear of such corner lot.</li> </ul>
Temporary Buildings	A structure permitted by the Zoning Administrator and Building Official to exist during periods of construction of the main use or for special events, not to exceed six (6) months.	Equivalent parking requirement of relevant use.	<ul style="list-style-type: none"> <li>A. Shall be located on a durable and dustless surface and shall be graded and drained to dispose of all surface water.</li> <li>B. Shall not be located in a required parking space, maneuvering space, or loading space.</li> <li>C. Shall not be permitted in the required front, side, or rear setbacks.</li> </ul>



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USE	DEFINITION	PARKING	DESIGN STANDARD
Temporary Use	A use permitted by the Zoning Administrator to exist during periods of construction of the main use or for special events.	Equivalent parking requirement of relevant use.	<p>A. Traditional temporary uses associated with permitted uses and activities such as carnivals, tent revivals and similar activities may be permitted by the Zoning Administrator, provided the use does not last for more than seven consecutive days and the site is not used more than twice a year for such temporary activity, adequate toilet and parking facilities are provided, setback requirements are complied with and the outdoor activities do not occur between the hours of 8:00 p.m. and 8:00 a.m.</p> <p>B. Other temporary uses of property meeting the criteria may be permitted by the Planning Commission as a special land use for a period not to exceed 6 months in any calendar year, based on the following standards:</p> <ol style="list-style-type: none"> <li>1. The use is consistent with the intent of the zoning district in which it is located.</li> <li>2. The anticipated off-site impact of the use due to traffic, hours of operation, and generation of noise, dust or odors is similar in comparison with the uses allowed in the zoning district in which it is located.</li> <li>3. No use may be classified as a use allowed in a zoning district using this procedure if the use is specifically permitted in another zoning district.</li> </ol>

**Sec. 310. Use Standards**

1. DRIVE-THROUGHS.

- A. Any drive-through facility shall include an off-street waiting space with a minimum width of 10 feet and a minimum length of 20 feet and shall not include the use of any public space, street, alley, sidewalk, required parking space, access aisle, or other required site element.

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- B. On the same premises with every building structure or part thereof, erected and occupied for the purpose of serving customers in their automobile by means of a service window or similar arrangements where the automobile engine is not turned off, there shall be provided off-street stacking spaces as follows:

USE	MINIMUM STACKING REQUIREMENTS (PER LANE)
Restaurant	The distance between the order board and the pick-up window shall store 4 vehicles, and storage shall be provided for 4 vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window
Car Wash	For automatic car washes: 4 times the maximum capacity of the car wash in advance of the tunnel and 3 vehicles beyond the tunnel for drying areas. For manual car washes: 2 times the maximum capacity of each wash bay.
Child Care Centers	One (1) vehicle per 15 children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Personal Service Business	Four (4) vehicles per lane inclusive of the vehicle at the window
Vehicle Service Business	Four (4) vehicles per lane inclusive of vehicle being serviced
Pharmacy	Three (3) vehicles per lane inclusive of the vehicle at the window
Convenience Store	Three (3) vehicles per lane inclusive of the vehicle at the window
Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis presented by the applicant, and reviewed by the Zoning Administrator.

- (1) Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- (2) Drive-through lanes shall have a minimum width of 15 feet.
- (3) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated, and shall require a by-pass lane with minimum width of 14 feet.
- (4) Landscaping and screening fence or wall shall separate all drive-through lanes and loading areas from adjacent residential districts or uses. See ARTICLE 13.

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(Supp. No. 6, Update 2)

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- (5) Lights used to illuminate drive-through areas shall be arranged so as to reflect away from adjacent properties.
- (6) No stacking spaces shall be closer than 45 feet to any adjacent residential zoning lot, except when such lot is occupied by use other than a residential use.
2. SURFACE MINING. Prior to the approval by the Planning Commission of a special land use for surface mining, as herein defined, or for quarrying or gravel processing in any area of the Township, the following conditions shall be strictly complied with:
- A. Plans must be filed with the Township, disclosing the limits of the area proposed for the operation, the maximum depth of any excavation, proposed finished grade, and the manner in which the land may properly be developed following the termination of the operations so the same will not remain devastated beyond any reasonable use.
- B. No finished slopes nor slopes located within 600 feet of adjoining residential properties or residential zones shall, at any time, exceed 33 1/3 percent.
- C. BUFFER WIDTHS. In order to establish separation of the area subject to mining from other properties, the following provisions shall apply:
- (1) Sufficient setback shall be provided from all property lines and public right-of-ways, including drainage right-of-ways, to assure safety and adequate lateral distance from adjacent public and private property. Areas subject to mining shall not be permitted closer than 150 feet from boundary lines of the property unless excavation is being conducted on the adjoining property and the adjoining property owner consents in writing thereto, and further providing that all setback provisions contained in this Ordinance are complied with as applied to other properties; and said written consent is filed with the Township Zoning Administrator. In addition, no such excavation business shall be permitted closer than 350 feet to any properties used for residential purposes (as measured from the dwelling house); or within 350 feet of any residential district.
- (2) Areas subjected to mining shall not be permitted within 150 feet of adjoining public right-of-ways, except for the lowering of land adjoining said right-of-ways to the grade level of said right-of-ways.
- (3) The processing plant and its accessory structure shall not be located closer than 250 feet from the boundary lines and public right-of-ways or no less than 500 feet from residential districts, and shall (where practicable) be as close to the center of the subject property as possible.
- D. The Township Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition of such operations and for the purpose of routing traffic around residential areas and preventing damage to existing roads, which are not "all-weather" roads.

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- E. No dust, dirt, or debris emanating from the operation, shall, at any time, be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
- F. No operations shall be permitted at any time prior to 7:00 am or subsequent to 7:00 pm; the operation shall be closed on Sundays.
- G. All topsoil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated or have been substantially discontinued for any period in excess of one year. Such areas shall then be seeded and planted to lessen erosion and encourage proper growth within one year of termination of all excavation activity in the area.
- H. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises. Any dangerous excavations, pits, pond areas, banks, or slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury and shall be eliminated as expeditiously as possible.
- I. Surface mining uses may be limited in time, subject to renewal for a further limited time by the Planning Commission if all conditions and limitations herein contained are fully complied with and the operations are not a nuisance or annoyance to adjoining property owners or occupants by reason of noise, smoke, dust, dirt, unreasonable truck traffic, or hazardous conditions.
- J. No excavating, mining, or quarrying covered by this Ordinance shall be commenced or shall hereafter continue until a performance bond has been filed with the Township Clerk in the amount of not less than \$4,000.00 per acre contained in that portion of the Plan required to be filed with the Township under Sec. 310.2.A hereof, proposed to be excavated, mined, or quarried within the ensuing 12-month period, guaranteeing the satisfactory performance of all the regulations herein contained. Such bond shall at no time, be less than \$4,000.00 in amount. No performance bond filed with the Township shall be released until all ordinance regulations have been fully complied with.
- K. All such operations existing on the effective date of this Ordinance shall be subject to the within regulations with regard to future activities, notwithstanding past operations not complying therewith. A new special land use permit shall not, however, be required.

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## **ARTICLE 4. OFF-STREET PARKING AND LOADING**

### **Sec. 400. Purpose and intent.**

This section is intended to ensure provision of off-street parking facilities that are sufficient in number, adequately sized, and properly designed to meet the range of daily parking needs associated with the land uses permitted by this ordinance. It also seeks to prevent adverse environmental impacts of large, paved areas.

### **Sec. 401. Off-street parking requirements.**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

1. Location and number of spaces.
  - A. Off-street parking spaces may be located within a side or rear yard unless otherwise provided in the ordinance. Off-street parking shall not be permitted within a minimum front yard setback unless otherwise provided in this ordinance.
  - B. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve. Shared driveways between residences shall be permitted. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.
  - C. Off-street parking shall be either on the same zoning lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
  - D. Required parking spaces for two or more buildings or uses may be provided within a common parking area. However, in such cases the required number of parking spaces shall not be fewer than the sum of the requirements for the individual uses computed separately. The Planning Commission may grant a reduction in parking, up to 25 percent, for shared parking areas.
  - E. For the purpose of computing the number of parking spaces required, the definition of "Floor Area, Usable" in Sec. 201, definitions, shall govern.
  - F. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one half shall be disregarded and fractions over one half shall require one parking space.
  - G. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use that the Planning Commission considers is similar in type.
  - H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.

- I. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- J. Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- K. Planning Commission Reduction in Parking Requirements. The Planning Commission may reduce off-street parking requirements by up to 25 percent if the applicant can demonstrate through site plan or zoning permit review, that the parking demand will be met through existing or proposed spaces.
- L. When a change in the character of use occurs, such as, the maximum employees on a shift, or the square feet of an existing structure, that use must comply with an updated parking requirement.
- M. Parking of commercial vehicles over 25 feet shall be prohibited in all residential districts. This includes semi-trucks and trailers.
- N. *Limits on excessive parking.* In order to minimize excess areas of pavement, exceed the minimum parking space requirements by more than 50 percent shall only be allowed with approval by the Planning Commission.
- O. *Parking deferment.* A smaller amount of parking may be approved by a finding, by the Planning Commission, that the required amount of parking is excessive, provided that the area to meet the full parking requirement is retained as open space.
- P. Off-street parking may be permitted in a side or rear yard unless otherwise provided in this ordinance.

**Sec. 402. Parking space layout, construction and maintenance.**

Whenever an off-street parking facility is required or proposed, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

- 1. *Residential Exception.* Single- and two-family residential uses of land, are exempt from the requirements of Sec. 402.
- 2. *Requirements.* No parking lot shall be constructed until approved by the Planning Commission pursuant to ARTICLE 5 and until a permit is issued by the building inspector. Applications for a site plan review, shall be submitted to the Zoning Administrator and shall follow the requirements outlined in ARTICLE 5 for submission and zoning compliance.
- 3. Ingress and egress.
  - A. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
  - B. Ingress or egress to a parking lot lying in an area zoned for commercial or industrial shall not be across single- or two-family residential uses of land.

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- C. Each entrance and exit to and from any off-street parking lot located in an area zoned for commercial or industrial shall be at least 25 feet distant from adjacent property used as single- or two-family residential.
- D. The Planning Commission shall regulate and determine the places of ingress and egress so that traffic on the streets and highways in the township shall be controlled, regulated and coordinated and to require the installation and maintenance of suitable barriers to ensure the safety of passing pedestrians, in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as are required by the township shall be established and maintained by the owner or lessee of the parking lot.
- E. In all cases where a wall extends to an alley which is a means of ingress to or egress from an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider turning radius.
- F. The Planning Commission may require the joining of parking lots in adjacent parcels in order to reduce the number of curb cuts onto a public street and to facilitate movement between sites.

4. Layout standards.

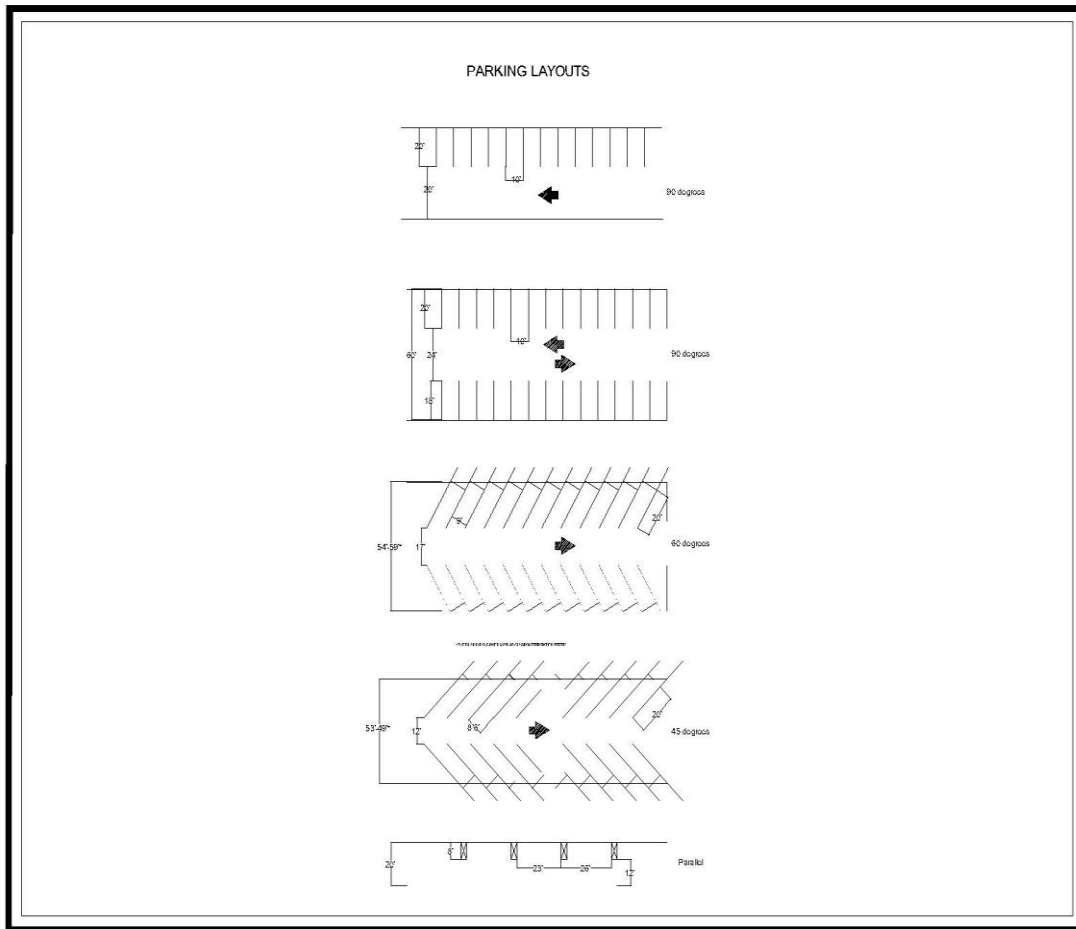
- A. The layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Aisle Width	Parking Space Length*	Parking Space Width	Total Width of One Tier of Spaces + Aisle	Total Width of Two Tiers of Spaces + Aisle
0° (parallel)	12 ft.	23 ft.	8 ft.	28 ft.	36 ft.
30° to 53°	12 ft.	20 ft.	8.5 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	20 ft.	8.5 ft.	36 ft.	58 ft.
75° to 90°	20 ft.	20 ft.	9 ft.	40 ft.	60 ft.

\*The required parking space length may be reduced by 1 foot for each ¼ foot by which the parking space width is increased.

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Figure 4-1



- B. All spaces shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- C. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- D. When a front yard setback is required, all lands between a required wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground area shall be planted and grass lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. All such landscaping and planting shall comply with the requirements of ARTICLE 13.
- E. Dead-end, off-street parking aisles are discouraged, especially in connection with commercial uses. Such aisles should be no more than eight spaces deep and should, in any



case, be proposed only when there is no reasonable alternative. If more than eight spaces deep, the layout shall provide a means for vehicles to turn around if all spaces are occupied.

- F. *Maximum width.* No curb cut for a driveway shall exceed 35 feet, unless specifically approved by the Planning Commission.
  - G. The Planning Commission may require the joining of parking lots in adjacent parcels in order to reduce the number of curb cuts onto a public street and to facilitate movement between sites. Additionally, each parcel shall only be allowed one curb cut, except in the case of corner lots, which shall be allowed two.
  - H. All new curb cuts shall occur at least 50 feet from property lines. The Planning Commission may grant a waiver from this section if an applicant can demonstrate this is not feasible.
  - I. Curb or bumper blocks shall be required for all parking spaces.
  - J. *Snow storage area.* All new parking lots shall show a snow storage area plan, on the proposed plan. Snow storage area may not take away from the use of land complying with the respective parking requirements.
  - K. All parking areas shall be designed to avoid the need for vehicles to back into the public right-of-way area.
  - L. All parking areas shall provide a landscaped area between the parking area and abutting road right-of-way.
5. Exterior lighting. All parking areas shall be provided sufficient exterior lighting, consistent with Sec. 507, Exterior lighting.
6. Construction, maintenance, screening and landscaping.
- A. Except for single-family residences, the entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the township engineer. Gravel parking areas shall be allowed only in rear of industrial zoned properties.
  - B. The parking area shall be surfaced within one year of the date the permit is issued. Time extensions due to earth settlement problems may be approved by the Board of Appeals.
  - C. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
  - D. Off-street parking areas shall be provided with a continuing obscuring wall as specified in ARTICLE 13. Upon application by the property owner of the off-street parking area, the Planning Commission may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.
  - E. Landscaped areas within the interior of the parking lot shall be provided in accordance with Sec. 1302.

**Sec. 403. Off-street loading and unloading.**

On the same premises with every building, structure, or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

1. *Number of spaces.* The minimum number of loading spaces shall be provided in accordance with the following table. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experiences by a particular business or use.

**Table 4-1: Loading Spaces Required (Ground floor area = GFA)**

<b>Institutional, Commercial, and Office Uses</b>	
Up to 5,000 square feet GFA	1 space
5,001 to 60,000 square feet GFA	1 space, plus 1 space per each 20,000 square feet GFA or fraction thereof
60,001 square feet GFA and over	3 spaces, plus 1 space per each 50,000 square feet GFA or fraction thereof
<b>Industrial Uses</b>	
Up to 1,400 square feet GFA	1
1,401 to 20,000 square feet GFA	1 space
20,001 to 100,000 square feet GFA	1 space, plus 1 space per each 20,000 square feet GFA or fraction thereof
100,001 square feet GFA and over	5 spaces

- A. All spaces shall be provided off-street in the rear yard or interior side yard and shall in no instance be permitted in a front yard. In those instances where exterior side yards abut an industrial district across a public street, loading/unloading may take place in such exterior side yard when the setback is equal to at least 50 feet.
2. *Screening.* When off-street loading zones are visible from a residentially used property or nearby right-of-way, they must be screened by a 6-foot-tall wall or privacy fence.
3. Access to the loading/unloading area shall be designed in such a manner as to allow trucks to enter and leave the area without having to back from or onto the public street.
4. Where a public alley exists or is provided at the rear of buildings, the loading/unloading requirements may be computed from the center of such alley.

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## **ARTICLE 5. GENERAL PROVISIONS**

### **Sec. 500. Purpose Statement and Conflicting regulations.**

The general intent of general provisions is to impose more stringent requirements necessary to result in the community's desired vision and character and upholding public safety and welfare. Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this ordinance shall govern.

### **Sec. 501. Building Regulations and Scope.**

No building or structure, or part thereof, shall be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, land, or part thereof, except in conformity with the provisions of this ordinance.

1. *Unlawful building.* If any building, or part thereof, is used, erected, occupied, or altered contrary to law or the provisions of this ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down, or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
2. *One lot, one building.* In all districts, only one (1) principal building shall be placed on a single lot of record, except as provided.
3. *Grading and runoff.* Building sites shall be graded and drained in a manner that is consistent with the following standards. Final grades shall be determined by the building inspector.
  - A. Prevents the increased rate of flow of stormwater onto adjacent properties causing ponding or flooding. 21-5
  - B. Does not negatively impact public drains or storm sewers.
  - C. Directs the flow of surface water away from buildings or structures.
4. *Extractions, holes, pits, or wells.* Any excavation, hole, pit, or well that is reasonably likely, as determined by the Zoning Administrator or building official, to constitute a danger to public health, safety, and welfare must be effectively barricaded and secured, or filled in.

### **Sec. 502. Accessory buildings and structures.**

Accessory buildings or structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations.

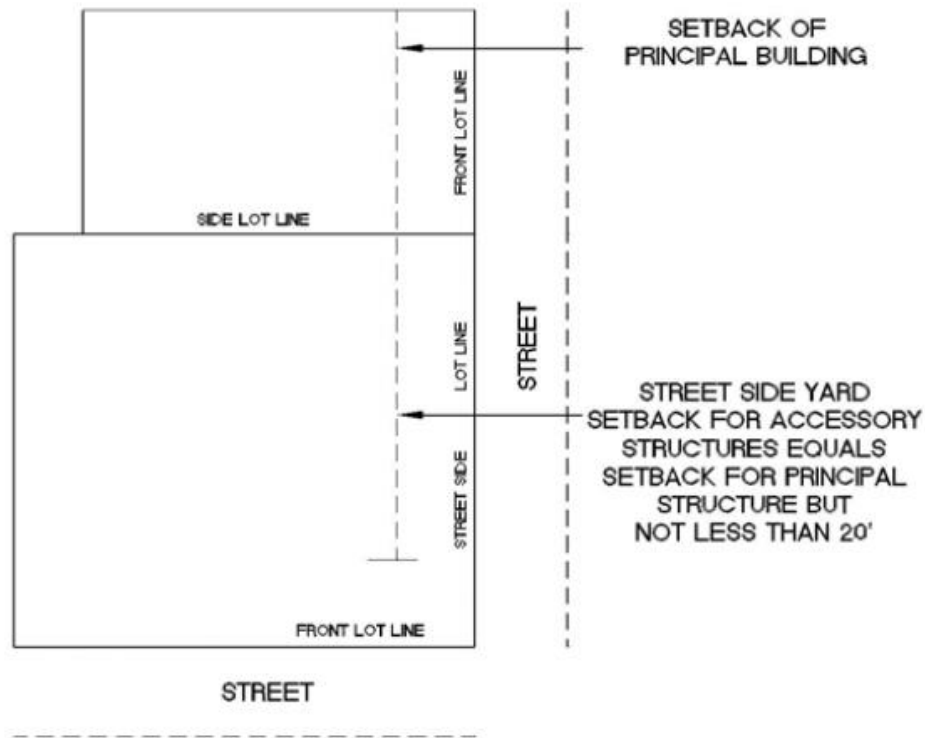
- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building.
- B. Accessory buildings and structures shall not be erected in any required or actual front yard.

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- C. An accessory building shall not occupy more than 25 percent of a required rear yard and not to exceed 3,200 square feet. The rear yard is calculated by the lot wide and lot depth and subtracting the rear yard setback requirements for that district.
- D. No detached accessory building shall be located closer than 10 feet to any main building nor shall it be located closer than 10 feet to any side or rear lot line.
- E. A detached accessory building or structure in an agricultural residential zoning district shall not exceed two stories or 25 ft in height.
- F. A detached accessory building or structure in single family residential district shall not exceed one (1) story or maximum 13 feet in height.
- G. A detached accessory building or structure in multi-family residential district is prohibited.
- H. One accessory building or structure of not more than 150 square feet may be erected on any parcel in the Commercial (C-1, C-2,) or Industrial (I-1) zoning district, with a zoning permit. Additional accessory buildings must complete site plan review per ARTICLE 1.
- I. Household animal enclosures, dog runs, central air conditioning units, heat pumps, marihuana, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances, shall not be located adjacent to an adjoining property owner's sleeping area where windows and/or doors on the adjacent property would be exposed to the nuisance.
- J. Garages are only permitted in the side yards and shall share the same building materials as principal building.
- K. Exempting accessory buildings associated with a farm operation. The farm is the principal use, and they are not accessory.
- L. Accessory buildings must be constructed with exterior materials and finishing that is compatible with the principal building and the character of surrounding properties. Acceptable materials include vinyl or wood siding, brick, cement board, or similar materials. Accessory buildings shall not be constructed with metal exteriors in the R-1A, R-1, R-2, or R-M zoning districts.
- M. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than 20 feet to a street right-of-way line.



**Sec. 503. Residential Occupancy**

1. Unless specifically permitted, recreational vehicles, tents, and other accessory or temporary structures shall not be utilized for long-term residential occupancy under the terms of this ordinance, unless specifically permitted.

**Sec. 504. Access management.**

The standards of this section are intended to promote safe and efficient travel within the township; minimize disruptive and potentially hazardous traffic conflicts by reducing the number of driveways to protect the public.

Access management is intended to promote the systematic design and control of land access along arterial and collector roads, aimed at reducing driveway-related conflicts, crashes, and congestion while maintaining safe and reasonable access to adjoining properties. In its review and approval of land development plans, the township has a key role to play in implementing effective access management. The township, unlike the operative road agency (or agencies), is able to directly coordinate the internal layout of a site with the location and design of its access drives. The effective exercise of this capability enhances public health, safety, and welfare. The intent of this section is to establish access management standards to be followed in developing or rehabilitating sites within the township.

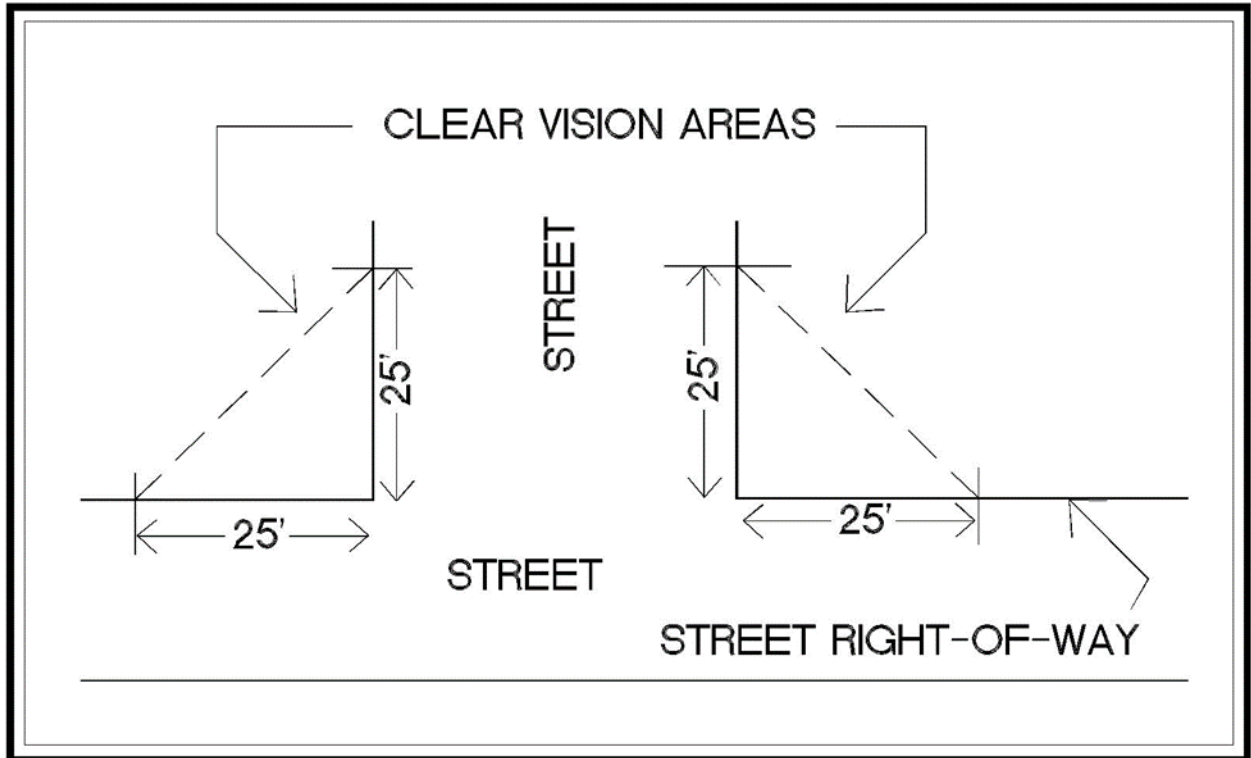
1. The applicable standards within this section apply to all highways, roads and streets within the township:

- A. Unless a requirement of the Genesee County Road Commission or Michigan Department of Transportation (MDOT).
  - B. Unless those serving one or two dwelling units, an essential public service use building or structure.
2. General principles.
- A. Access management along public roads should provide reasonable access to all land parcels having frontage on those roads, while also enhancing the safety and efficiency of the through traffic flow. Reasonable access is not necessarily the same as direct access.
  - B. Direct access drives should generally be minimized in number and maximized in separation. The number of driveways permitted for a site shall be the minimum number necessary to provide safe and efficient access for regular traffic and emergency vehicles, based on traffic engineering and fire department reviews as well as a traffic impact study, see Sec. 607.
  - C. Driveway location must provide adequate sight distance and reasonable approach grades and should generally not result in a return (or radius) encroaching on the frontage of a neighboring parcel. Such encroachment will be permitted only with the written consent of the neighboring property owner, or when found by the township, road commission, or MDOT to be necessary to preserve traffic safety.
  - D. The minimum desirable same side spacing between a driveway and an intersection may be greater than the minimum spacing between driveways (but should never be less), depending on traffic conditions (e.g., backups from a signal) as well as designated lane use(s). Driveways should generally not be permitted on the approach to an intersection, opposite or only a short distance upstream of a dedicated left-turn lane for the intersection.
  - E. On roads lacking a raised (non-traversable) median, left-turn conflicts should be avoided by either aligning or sufficiently offsetting driveways on opposite sides of the road. The minimum opposite-side driveway spacing is generally more critical when the direction of offset will result in interlocking entering left turns, and this direction of offset may have to be larger for higher-volume driveways.
  - F. Site plans should incorporate, where feasible and appropriate, cross-access with neighboring sites via connected parking aisles or frontage roads, shared side service drives and/or site access drives, and rear service drives connecting to side roads. Any such cross-access should be supported by general-purpose (unrestricted) easements, as well as agreements regarding maintenance responsibilities.
  - G. Driveway location, insufficient driveway spacing, and/or site-specific traffic conditions may warrant the posting of a driveway as one-way, or the prohibition of certain vehicle turns entering or exiting a site. Warranted turn restrictions should generally rely on unique (e.g., channelized) driveway design and not standard regulatory signs alone.

**Sec. 505. Corner clearance.**

No fence, wall, shrubbery, sign or other obstruction to vision above a height of 2 feet from the established street grades shall be permitted within the triangular area formed at the intersection of any

street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 15 feet from their point of intersection. In those instances where such triangular area cannot be applied to the property in question, a 15-foot setback shall be required between the property line and the driveway or alley.



**Sec. 506. Entranceway structures.**

In districts where entranceway structures marking entrances to subdivisions, housing projects or planned nonresidential projects are permitted, including, but not limited to, walls, columns and gates, such structures may be located in a required yard except as provided in Sec. 505 (Corner clearance). Such entranceway structures shall comply to all codes of the township and all other applicable provisions of this ordinance and shall be approved by the building inspector and a permit issued.

**Sec. 507. Exterior lighting.**

1. All outdoor lighting in all zoning districts other than residential shall be downward facing and shielded so the surface of the source of the light shall not be visible from all adjacent properties, and public rights-of-way.
  - A. In any use district, light sources may not exceed 10 foot-candles.

- B. Security lighting that is controlled by a motion detector and which does not remain on longer than ten minutes after activation shall be permitted in any use district, provided that such lighting is not aimed, directed or focused on residential districts or uses or toward a public street, so that there is no interference with the vision of persons on public streets or in residential districts or uses.
2. Permitted exterior lighting in any use district shall be subject to the following conditions:
- A. Exterior lighting shall not exceed one (1) foot-candle at the edge of subject property in the R-1A, R-1, R-2, or MH districts.
  - B. All illumination shall not be of a flashing, moving, or intermittent type other than used in connection with a sign which requires periodic change, such as time, temperature, or stock average.
  - C. All illumination shall be constant in intensity and color at all times when in use.
  - D. A lighting plan, displaying the lux or foot-candles on a site shall be submitted with any commercial, industrial, or multi-family residential site plan.
  - E. The distance between the top of any light source and the ground below the structure shall not exceed the following, in each use district:

Height in Feet - Wall Mounted	Height in Feet - Pole Mounted	Districts
20	12	R1-A, R-1, R-2 MH
25	15	O-1, C-1
35	18	C-2
40	25	I-1

**Sec. 508. Screening of rooftop equipment.**

- 1. Mechanical equipment and utilities, including but not limited to blowers, ventilating fans, heating, ventilation and air-conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards:
  - A. Such equipment and utilities shall not be located in any front yard and shall be placed not closer than 12 feet to any lot line in all other districts. See ARTICLE 13.
  - B. All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
- 2. Roof-mounted equipment shall not exceed a height of 10 feet above the surrounding roof surface and shall occupy no more than 15 percent of the total roof area.
- 3. All roof-mounted mechanical units must be screened so they are not visible from ground level; even if not specifically addressed as part of site plan review.



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**Sec. 509. Waste receptacles.**

A space for the location of a dumpster, paved and with minimum dimensions of 9 feet wide and 6 feet deep, shall be provided for each zoning lot in the nonresidential districts (O, C, or I) regardless of whether or not use of a dumpster is intended. Dumpsters may be permitted as accessory to any use except one-family residential. Dumpsters are permitted, provided that:

1. The dumpster is located in a rear yard or interior side yard and is clearly accessible to servicing vehicles;
2. Dumpsters shall be screened from view on all sides except for the entry side. Such screening shall consist of any permanent building wall, obscuring wall or earth mound which is not less than 6 feet in height or at least 1 foot above the height of the enclosed dumpster, whichever is greater;
3. Dumpsters and their screening enclosures shall be located as far as practicable from any adjoining residential district or use and shall in no instance be located within 20 feet of any residential property line or district;
4. Dumpster screening shall be constructed of wood, metal, or masonry, and other acceptable materials, excluding plastic weave designs;
5. Dumpster screening materials shall be used, which has been manufactured and/or treated in a manner to prevent metal from rust and corrosion and prevent wood from rot and decay; and
6. The location of dumpsters shall be indicated on site plans and the location and screening.

**Sec. 510. Natural feature setback.**

1. All new developments shall be set back a minimum of 25 feet from any watercourse, wetland, pond, lake or stream. This setback area will be planted with native vegetation and maintained in a natural state. Seasonal temporary installations for recreational use and fences, that are consistent with other requirements of this ordinance, may be constructed within the required natural feature setback.

**Sec. 511. Supplementary environmental regulations.**

1. *Intent.* Several state laws impact the development of environmentally sensitive land and require permits for development in areas under their jurisdiction. Permit processes associated with these laws supersede local land use regulations. Therefore, zoning administration must be coordinated with these laws. This section is intended to facilitate compliance with the Natural Resources and Environmental Protection Act (PA 451 of 1994) including Part 303 Wetlands Protection, Part 337 Flood Drainage and Beach Erosion Control, Part 301 Inland Lakes and Streams, and Part 91 Soil Conservation, Erosion and Sedimentation Control.
2. *Process.* One step in the review process for any site plan review or zoning permit application (see ARTICLE 1) is to determine whether any sensitive environmental areas will be impacted by the proposed project. The Zoning Administrator reviews the maps identified by the table of environmental regulations in subsection (3) below, to determine whether a proposed land use involves any of the sensitive areas listed by the table. If it does, an application must be filed with

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each agency identified by the table. Issuance of a zoning permit will be conditioned upon receipt of the applicable permit(s) unless the table indicates otherwise.

3. *Table of environmental regulations.* This table identifies which actions, in which areas, are subject to special regulation under various state laws. It indicates which permit processes are to be followed, what maps are to be used to identify the areas of concern, and other pertinent information.

TABLE OF ENVIRONMENTAL REGULATIONS

State Act	Actions covered	Areas covered	Map locating such areas	Permit process	Other
<b>Part 337 of PA 451 of 1994</b>	Any fill or construction	100-year floodplain	FEMA flood hazard boundary maps	EGLE joint application	
<b>Part 303 of PA 451 of 1994</b>	Any dredging, filling, drainage, or construction	Wetlands over 5 acres or contiguous to a lake or stream	National Wetlands Inventory or Michigan Resource Information System Maps	EGLE joint application	
<b>Part 301 of PA 451 of 1994</b>	Any dredging, filling, or construction; erect, maintain, or operate any marina	Bottomland or banks of any lake or stream. (EGLE claims jurisdiction over county drains also)	County drain maps	EGLE joint application	Zoning Administrator may allow upland construction to proceed, but only if no other environmental law is applicable
	Create or alter any lake or stream	Any lake or stream, or within 500 feet			
<b>Part 91 of PA 451 of 1994</b>	Any dredging, filling, grading, or construction	Any lake or stream or within 500 feet	County drain maps	Soil erosion permit from the Saginaw County Publics Works Commissioner	
	Construction which disturbs over 1 acre	Anywhere	Any local map		
<b>Michigan Drain Code (Act 40 of 1956)</b>	Any dredging, filling, grading, or culvert installation	Within the banks of any county drain	County drain maps (open drains only)	County drain commission permit	Zoning Administrator may allow construction outside drain easement to proceed, but only if no other environmental law is applicable
	Any construction activity	Within a drain easement	County drain maps		

4. *Maps and permit forms.* The Zoning Administrator shall maintain a set of maps indicating the geographic extent of areas covered by the various laws identified in the table of environmental regulations. These shall be available for public inspection. Permits must be obtained from the state department of natural resources or the soil erosion and sedimentation control enforcement officer before a zoning permit may be issued for activities in such areas. The Zoning Administrator shall maintain a supply of application forms for such permits and provide copies of them to interested persons.
5. *Provisions for flood hazard areas.* Flood hazard areas are divided into areas known as the floodway and floodplain or Special Flood Hazard Areas by the flood insurance study for the village. Elevations of the 100- and 500-year floods for various village locations are identified by this study, issued by the Federal Emergency Management Agency.
  - A. *Current uses continue.* Land uses in existence before the effective date of this Chapter may continue in floodway or floodway fringe areas.
  - B. *New use limitations in floodway.* Structures proposed for location in floodways must first obtain a state permit. They shall not be designed for human occupancy and shall have no, or a very low, flood damage potential. Storage of material or equipment in floodway areas is allowed only if same is readily removable upon flood warning.
  - C. *Use limitations in floodway fringe.* Structures proposed for location in the Special Flood Hazard Area must first obtain a state permit. Any work must also comply with the floodplain requirements of the State Building Code.

#### **Sec. 512. Corner Lot Front Lot Line**

For corner lots, all yards abutting on a street shall be considered as front yard for setback purposes.

#### **Sec. 513. Zoning Lot**

An owner of two contiguous parcels may make an application to the Zoning Administrator to have the two parcels considered as a single zoning lot. The Zoning Administrator shall approve this request if the resulting zoning lot meets all standards in this ordinance. Once a lot is established as a zoning lot, the subject parcels shall not be sold or utilized separately without a zoning permit to ensure the proposed lots and uses meet all standards in this Article.

#### **Sec. 514. Essential services.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township and shall be exempt from the application of this ordinance.

#### **Sec. 515. Voting place.**

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

**Sec. 516. Height limitations.**

1. *General.* The height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, bell towers, flag poles, decorative cupolas, or public monuments; provided, however, that the Planning Commission may specify a height limit for any such structure requires authorization as a special land use.
2. *Antennae.* Antennae (excluding satellite dish antennae) in residential districts accessory to a residential use may be constructed to a height of 12 feet. No such structure shall be placed in a front yard.

**Sec. 517. Lot width and ratio.**

1. *Depth-to-width ratio.* All lots created after the adoption date of this Chapter shall have a lot depth not more than four times its width, as measured at the front lot line.

**Sec. 518. Lots adjoining alleys.**

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot.

**Sec. 519. Yard regulations.**

The following are exceptions to the dimensional requirements of the district regulations of this ordinance.

1. Attached porches, decks, patios, or terraces in residential districts.
  - A. An uncovered, unenclosed deck, porch, patio, or paved terrace may project into a required front yard for a distance not exceeding 10 feet, or may project into a required rear yard for a distance not exceeding 20 feet, but not to exceed a distance equal to 60 percent of the depth of the rear yard; provided, however, that this shall not be interpreted to include or permit fixed canopies or roof.
2. *Projections into yards.* Architectural features, such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than 3 feet. Window wells may extend or project into the required side yard no more than 4 feet.
3. *Access drives.* For the purpose of this ordinance, access drives may be placed in the required front or side yards to provide access to rear yards for permitted accessory or attached structures. These drives shall not be considered as structural violations in front and side yards.
4. *Walks, terraces, or like pavement.* Any walk, terrace, or other pavement servicing a like function, and not in excess of 9 inches above the grade upon which placed, shall for the purpose of this ordinance not be considered to be a structure, and shall be permitted in any required yard.

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5. *Lots having water frontage.* Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open, unobscured yard. Accessory structures shall not be permitted in the rear, side, or front setback.

**Sec. 520. Required water supply and sanitary sewerage facilities.**

1. After the effective date of this Chapter, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe potable water supply and with a safe and effective means of collection, treatment, and disposal of human excrement and domestic, commercial and industrial wastes. All such installations and facilities shall conform to the minimum requirements of Vienna Township and Genessee County.

**Sec. 521. Pathways and sidewalks.**

1. When a sidewalk is present at an adjacent property, the continuation of an 8-foot-wide hard surface sidewalk shall be provided along the entire frontage of the property for all multifamily, commercial, office, and industrial uses.
2. The outermost edge of the pathway is recommended to be constructed 1 foot inside of the road right-of-way. Alternate locations and configurations for the pathway location and size may be permitted to connect with existing sidewalk/pathway segments or overcome, physical impediments, roadway and driveway improvements, or other physical limitations. Any portion of the path proposed outside the right-of-way must be located as close as possible to the right-of-way and in a dedicated easement for the pathway, its use and maintenance.
3. The property owner is to maintain the sidewalk in good, passable, and safe condition free from hazardous conditions.

**Sec. 522. Road frontage requirements.**

1. No lot shall be created, and no building or use shall be permitted on a lot, unless said lot fronts upon a public street or road or private road meeting the standards of required frontage on public roads and contains the required street frontage at the required front yard setback line or building line for its zoning district. Exceptions are specifically provided for in this ordinance.
2. Any residence or structure which gives access to such public roadway across land not solely owned by the applicant for the building permit shall be deemed not to be abutting the public roadway within the meaning of this ordinance.

**Sec. 523. Private roads.**

1. Except as specifically provided for elsewhere in this ordinance, all private streets or roads within Vienna Township shall be subject to the following conditions and standards:
  - A. The private road must be in conjunction with a legal condominium development, a Planned Unit Development, Planned Development Project, approved Site Plan, or other related development approval.

- B. The site plan shall provide an easement 66 feet in width. Such easement shall give access from a public street to all parcels resulting from the proposed division not having street frontage. Such easements shall be established for the joint use of owners of all abutting and adjacent parcels of the resulting easement for ingress, egress, roadway maintenance, and also for occupation by private and publicly owned utilities serving such abutting or adjacent parcels.
- C. Each parcel resulting from the proposed division shall have a net area, exclusive of any area occupied by the ingress/egress easement required above, not less than that required for a single lot in the particular zoning district.
- D. All private roads shall be improved to the Genesee County Road Commission standards for a public street. Professional certification shall be provided of the proposed construction plans to ensure compliance with county standards prior action on the proposed private road by the township board.
- E. Any construction taking place in the private road easement including but not limited to utility and driveway construction shall be constructed to meet Genesee County Road Commission Standards. Professional certification shall be provided for the proposed construction to ensure compliance with county standards prior to permitting by the Building Department.
- F. The Vienna Township Planning Commission shall review the site plan and grant or deny approval.
- G. The property owners shall be required to ensure that the proposed private road will be maintained in a manner that permits access by public safety and protection vehicles at all times; that all conditions of the agreement be maintained in perpetuity; and that such an agreement be submitted to and approved by the township board prior to action on the proposed private road. Such agreement must be recorded and made part of the public record.
- H. Construction of the private road must be completed in accordance with construction drawings approved. No building permit shall be issued prior to final inspection and professional approval of the private road. All review and inspection fees incurred by the Township shall be reimbursed to Viena Township prior to the issuance of any building permit.

## **ARTICLE 6. SITE PLAN REVIEW**

### **Sec. 600. Purpose.**

The site plan approval procedures of this Article are intended to provide an opportunity for the Planning Commission to review the proposed development, alteration, and use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, utilities, screening, accessibility, and other site design elements. This Article establishes procedures and standards that provide a consistent method of review of site plans to ensure full compliance with this ordinance and other applicable township policies.

Flexible review standards have been established to ensure that the type of review and amount of required information is proportionate to the project's scale and use intensity. It is the further purpose of this Article to protect natural resources, minimize adverse impacts on adjoining or nearby uses and land, encourage cooperation and consultation between the township and the applicant, and facilitate development in accordance with the township's master plan.

### **Sec. 601. When a site plan is required.**

1. A site plan is **not required** prior to establishment of the following structures and uses. A zoning permit is required. See Sec. 1210.
  - A. Farming and agricultural uses, as defined in Sec. 100.
  - B. Single-family and two-family dwellings and their customary accessory structures on a single residential lot of record.
  - C. Family child day care homes, as licensed by the State of Michigan.
  - D. Home occupations and associated structures.
  - E. The addition of an accessory structure to any existing commercial or industrial use so long as the structure meets all standards in the zoning ordinance.
  - F. Any parking lot improvements or parking lot expansion when not a part of a development or use for which site plan review and approval is required elsewhere in this ordinance.
2. A site plan review **is required in all other circumstances** when a building or structure is erected, unless the requirement for submittal of a site plan is specifically waived in this ordinance.

### **Sec. 602. Site plan informational requirements.**

Whenever the provisions of this ordinance require submission of a site plan to the Planning Commission, it shall be submitted in accordance with the provisions of this section.

1. All site plans shall include the following information:
  - A. A signed statement that the applicant is the owner or interested party with option of the subject parcel, or is acting as the owner's legal representative.

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- B. The names, addresses, and telephone numbers of the developers and owners of the property.
- C. All site plans shall bear the seal of a licensed design professional (architect, engineering, surveyor, or landscape architect).
- D. Date, north arrow, and scale, including the most recent revision date of the plans.
  - (1) For zoning lots of 25 acres or less: 1 inch equals 50 feet minimum; and
  - (2) For zoning lots of over 25 acres: 1 inch equals 100 feet minimum.
- E. Parcel numbers and legal descriptions for properties included within the development.
- F. A location map indicating the location of the proposed project relative to nearby streets and other properties.
- G. Zoning district and land use of adjacent parcels.
- H. The dimensions of all property lines showing the relationship of the property to abutting properties and buildings within 100 feet.
- I. The location of all existing and proposed structures on the subject property, including the actual setback of all structures to be retained or constructed.
- J. A preliminary grading plan in detail sufficient enough to determine whether or not extensive grading of the site is proposed and to enable the building height to be determined. Spot grades are sufficient but should include locations near the major corners of buildings. First floor elevations and rooftop elevations should be indicated, if the proposed building height is to be within 5 feet of the maximum height limit and the grade is not constant, the average grade along each major building face shall be provided.
- K. An inventory of existing vegetation on the site and portrayal of any significant alterations.
- L. A landscaping plan with a schedule of plant materials and sizes.
- M. Cross-section drawings of any walls, berms, fences, or similar structures.
- N. The location and setback from natural features including wetlands, floodplains, streams, drains, swamps, marshes, and unstable soils.
- O. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins, and fencing proposed.
- P. A schedule of parking needs, which may include separate drawings to indicate usable floor areas and other factors for computation of parking needs.
- Q. Front, rear, and side elevations of a typical proposed structure.
- R. The location and size of containment and storage areas if the use of hazardous substances is involved.
- S. The location of all existing and proposed drives and parking areas.
- T. The location and right-of-way widths of all abutting streets and alleys.



- U. Vehicular traffic and pedestrian features.
  - V. Cross section drawings of proposed sidewalks, drives, and parking areas.
  - W. Designated fire lanes.
  - X. The location of all public and private utilities.
  - Y. The location, number, dimensions, color, material, and lighting of signs.
  - Z. The location, intensity, height, and orientation of all lighting.
  - AA. A summary of all necessary permits required for the development and their current status, including permits required by Genesee County, the State of Michigan, and other relevant agencies.
  - BB. The Planning Commission and Zoning Administrator may request additional information necessary to evaluate the proposed development.
2. In addition to the above information, the applicant shall submit a description of the of activities proposed. Such information shall include, but not be limited to:
- A. Estimated number of employees, customers, and visitors.
  - B. Hours of operation.
  - C. Any changes expected in dust, odor, smoke, fumes, noise, lights, or similar potentially adverse conditions created by the proposed use.
  - D. Modifications to land changing vegetative cover, drainage patterns, earth work, or other potential hazards.
  - E. Any ancillary improvements proposed to remedy or prevent potential nuisances or conflicts with adjacent land uses.
3. The site plan informational requirements of this section may be waived at the discretion of decision-making body if the requirement would not be material to the proposed project.

**Sec. 603. Site plan review procedures.**

1. *Optional conceptual meeting.* Prior to a formal submission, an applicant may request a Conceptual Review Meeting with the Zoning Administrator and other relevant staff or consultants. The Conceptual Review Meeting is intended to provide applicants and developers general information regarding the development review process and applicable design guidelines. The township may require the applicant pay a fee for the Conceptual Review Meeting as determined by the township board.
2. *Application.* The owner of land for which site plan approval is sought, or the owner’s designated agent, shall submit a completed application form and pay all necessary fees at least 30 days prior to the Planning Commission meeting at which the site plan is to be reviewed. All application materials shall be submitted to the township Zoning Administrator. A complete site plan application shall include at least three 36-inch by 24-inch hard copies of the site plan as well as digital version of the plan. The Zoning Administrator may consider any site plan

application that does not satisfy the information requirements in Sec. 601 incomplete and may return the application to the applicant.

3. *Technical review.* Prior to Planning Commission consideration, the Zoning Administrator or their designee shall distribute copies of the site plan and application to designated Township officials and Township consultants for review and comment. The Zoning Administrator or Planning Commission may also distribute copies of the site plan and application to other local agencies or departments with jurisdiction for comment.
4. *Planning Commission consideration of the site plan.* The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials or consultants and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this ordinance and the standards of Sec. 604. The staff's review findings and any public comments shall be taken into consideration by the Planning Commission but are not binding upon it in any way. The Planning Commission is authorized to approve, approve subject to conditions, postpone, or deny the site plan as follows:

- A. *Approve.* Upon determination that a site plan is in compliance with the standards of this ordinance, the site plan shall be approved.
- B. *Approve subject to conditions.* The Planning Commission may approve a site plan subject to any conditions necessary to ensure compliance with this ordinance, including obtaining variances or receiving approvals from other agencies. See Sec. 603 for more information regarding conditions.

All conditions run with the subject property and become a part of the site plan associated with the property. Conditions shall remain unchanged unless the Planning Commission grants an amendment to the site plan and amends the conditions.

- C. *Postpone.* Upon determination by the Planning Commission that a site plan is not sufficiently complete, failure of the applicant to attend a meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
- D. *Deny.* Upon determination that a site plan does not comply with the standards and regulations set forth in this ordinance, or a determination that a site plan would require extensive revisions to comply with the ordinance, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or agent to attend two or more meetings shall be grounds for the Planning Commission to deny site plan approval.

- (1) An applicant may appeal denial of a site plan by the Planning Commission to the Zoning Board of Appeals within 30 days of the date of the meeting at which the site plan request was denied. See Sec. 1102.

5. *Recording of site plan action.* Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes stating the name and location of the project, most recent plan revision date, and conditions or grounds for the Planning Commission's action.
  - A. After the Planning Commission has taken final action on a site plan, the Zoning Administrator shall clearly mark one copy of the site plan APPROVED or DENIED, as appropriate, with the date that action was taken and any conditions of approval.
6. *Confirmation of conditions.* A building permit shall not be issued until all conditions of approval established by the Planning Commission are met. The Zoning Administrator shall provide the applicant with a letter on township letterhead indicating the date on which the township has confirmed that all conditions were met. The letter shall be filed with the final copy of the site plan.
7. *Outside agency permits or approvals.* The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.
8. *Site plan resubmission.* A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.
9. *Revisions to approved site plans.* The Zoning Administrator may administratively review minor revisions to an approved site plan or forward such plans to township consultants for a determination, provided that such changes are consistent with the standards for an administrative site plan review identified in Sec. 605.
10. *Compliance with an approved site plan.* It shall be the responsibility of the landowner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval.
11. *Expiration of site plan approval.* Site plan approval by the Planning Commission shall remain effective for a period of three years following the date of the meeting at which the site plan was approved. If a building permit is not obtained within three years, the approval shall expire and become null and void.
12. *Revocation of site plan approval.* Site plan approval may be revoked by the Planning Commission if the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special use approval. In order to revoke site plan approval, the Planning Commission must hold a public hearing and make a determination.
  - A. *Public hearing.* Prior to revoking a site plan approval, the Planning Commission shall hold and provide notice for a public hearing based on the standards of Sec. 1201. During the public hearing, the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to revocation.

B. *Determination.* Following the public hearing, the Planning Commission will take action on revocation of the site plan. To revoke approval, the Planning Commission must find that development of the site is not in compliance with the approved site plan or conditions of the site plan or special use approval. Written notification of the Planning Commission’s action shall be provided to the owner or designated agent following the meeting.

13. *Site inspections.* The Zoning Administrator or a designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this ordinance and shall constitute grounds for the Planning Commission to rescind site plan approval and for the township to take enforcement action.

**Sec. 604. Site plan approval standards.**

A site plan shall meet all applicable requirements of this ordinance. In instances of conflict between any other township ordinance and this ordinance, the requirements of this ordinance shall prevail. Prior to approving any site plan, the Planning Commission shall determine that the proposed site plan meets each of the following standards:

1. The site plan meets all informational requirements, or the Planning Commission has determined missing information is not material to the proposed project.
2. The site plan meets all non-discretionary requirements of this ordinance, including required setbacks, parking requirements, design standards, stormwater management, and other standards for which this ordinance does not permit any flexibility or modification.
3. Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site. In addition, adequate pedestrian access has been provided to ensure safe vehicular and pedestrian access within the site and to surrounding areas.
4. The impact upon public services of the proposed development, including utilities, streets, police and fire protection, public schools, and public sidewalks/pathways will not exceed the existing or planned capacity of such services.
5. The site design conserves natural features to the extent feasible. Such features may include wetlands, unique topography, tree rows and hedgerows, wooded areas, and other natural features.
6. The site plan and proposed uses are harmonious with existing and planned development of adjacent properties and the general area.

**Sec. 605. Administrative site plan review.**

1. The Zoning Administrator or their designees are authorized to conduct an administrative review of a proposed site plan if each of the following conditions are satisfied:
  - A. No variances to the zoning ordinance are required.

- B. The proposed use is consistent with the intent and purpose of the zoning ordinance and the township master plan.
  - C. The proposed new construction would not increase the total square footage of principal buildings by more than 25 percent or 2,000 square feet, whichever is less.
- 2. In completing and administrative site plan review, the Zoning Administrator shall review the site plan according to all standards of this Article, but review and action by the Planning Commission is not necessary. The Zoning Administrator shall provide the applicant with written decision on the site plan, documenting the reasons for approval or denial. The Zoning Administrator shall not assign conditions to an approval.
  - 3. The township board may establish separate fees for administrative site plan review.
  - 4. The Zoning Administrator may refer a site plan to the Planning Commission that meets the conditions for administrative review at his or her discretion.

**Sec. 606. Development impact statement.**

The purpose of a Development Impact Statement is to provide the township with relevant information on the anticipated impact of a proposed development on utilities, public services, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on local conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the township with information necessary to understand and address these impacts.

- 1. The Planning Commission may require a development impact statement in the following circumstances.
  - A. For any request for site plan review or special approval land use having an area of 2 acres or more.
  - B. For any rezoning over 5 acres or more.
  - C. For any proposal for residential development (site plan, subdivision, or site condominium) of 50 or more units and/or resulting in a density of more than four (4) units per acre.
  - D. In any other circumstance where the Planning Commission finds that a development is likely to have an adverse impact on the township.
- 2. Development Impact Statement submission requirements:
  - A. *Qualifications of preparer.* Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.
  - B. Conceptual plan, showing how the proposed development relates to surrounding land uses and conditions.
  - C. A market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.

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- D. The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.
- (1) If the possibility wetlands exist on-site is indicated by the National Wetland Inventory map, an official wetlands assessment conducted by a qualified firm.
  - (2) A brief description of the proposed land use.
  - (3) Hours of operation, if applicable.
  - (4) Whether the proposed use will create dust, noise, odor, or glare that may impact abutting property.
  - (5) Project phasing plan or schedule.
  - (6) Description of how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
  - (7) Description of the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction.
  - (8) Description of the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire, and other emergency services. Attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.
  - (9) Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development may be required.
- E. In reviewing Development Impact Statements, the Planning Commission shall take the information provided into consideration when evaluating the required action relative to the review standards provided for in this ordinance.
- F. The Planning Commission may waive any of the Development Impact Statement submission requirements if it is determined that the subject information is not necessary to conduct a review of the application.

### **Sec. 607. Traffic impact statement.**

To determine traffic impact, the Planning Commission may require an applicant for site plan review to complete a traffic study based on the criteria in the *U.S. Department of Transportation guide Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities* or similar resource. The traffic study must be completed by a licensed engineer or similarly qualified professional.

The expected volume of traffic to be generated by the proposed use shall not adversely affect existing streets and traffic patterns. Street access shall minimize excessive vehicle traffic on local streets to reduce the possibility of any adverse effects upon adjacent property.

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## **ARTICLE 7. SPECIAL LAND USE**

### **Sec. 700. Purpose.**

It is recognized that there are special land uses that, because of their unique characteristics, should not be permitted without consideration, in each case, of the impact of those uses upon neighboring properties and land uses. These include uses publicly operated or uses traditionally affected with a public interest and uses entirely private in character, but of such nature that their operation may generate adverse impacts on the community.

### **Sec. 701. Special land use procedures.**

1. *Application.* An application for special land use shall be filed with the Zoning Administrator on a form prescribed by the township. The application shall be accompanied by any plans or data required for the use in the Table of Use Requirements Sec. 100 as well as a complete site plan. The application shall be accompanied by a fee determined by the township board. A special land use application shall not be considered complete until a completed site plan is submitted as well.
2. *Public hearing.* The Planning Commission shall carry out review and approval of a special land use, after public hearing. Notice of the public hearing shall be given in accordance with Sec. 1201.
3. *Standards.* The Planning Commission shall review the particular facts and circumstances unique to each special land use. To approve a special land use, the Planning Commission must find that it meets each of the following standards:
  - A. The establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment;
  - B. The special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish or impair property values within the neighborhood;
  - C. The establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
  - D. Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided;
  - E. Adequate measures have been or will be taken to provided ingress or egress so designed as to minimize traffic congestion on the public streets; and
  - F. The special land use shall in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this ordinance.

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4. *Relationship to site plan.* Special land uses that include the erection or substantial renovation of a building, structure, or lot must submit a complete site plan.
    - A. The Planning Commission shall take action on the special land use request first, and if the Planning Commission approves the special land use, the Planning Commission will then take action on the site plan.
    - B. The Planning Commission may determine that a special land use that is occupying an existing building or is not proposing substantial construction or renovation may submit a simple plot plan rather than a full site plan. The plot plan shall meet the standards for a zoning permit plot plan provided for in Sec. 1210.
  5. *Conditions and guarantees.* Prior to granting any special land use, the Planning Commission may stipulate conditions and restrictions upon the establishment, location, construction, maintenance and operations of the special land use as deemed necessary for protection of the public interest and to secure compliance with the standards and requirements specified in this section. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees deemed necessary as proof that there is compliance with any conditions stipulated in connection with the approval. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of changes granted in the conditions.
  6. *Effect of denial of a special land use.* No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.
  7. *Revocation.* A special land use may be revoked by the Planning Commission by the same process provided for revocation of a site plan. If a special land use approval is revoked, the associated site plan and any other approvals shall also be considered revoked.
  8. *Expansion.* An approved special land use must re-submit an application, consistent with the process provided for in this Article when one of the following conditions are met, as determined by the Zoning Administrator. A site plan amendment may be required even if a new special land use application is not required.
    - A. The usable floor space increases by 25 percent or more.
    - B. Changes to the special land use occur that negatively affect adjacent properties, increase demand on public services, constitute an expansion of the special land use beyond the original approval, or are otherwise inconsistent with the original application and approval.
    - C. The addition of an accessory building or structure to an approved special land use shall not require a new special land use permit unless the Zoning Administrator determines that the accessory building or structure will negatively affect adjacent properties.
  9. *Expiration.* Special land uses expire with the associated site plan, per Sec. 603.11. If the special land use did not require a site plan to be submitted with the original application, the approval shall expire 1 year after the date of the Planning Commission meeting at which it was approved if the use has not commenced.



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**Sec. 702. Short-term rental.**

Any single-family dwelling and accessory buildings leased or occupied for nonagricultural rental purposes on a temporary basis of less than 365 days.

1. Short-term rental requirements the following requirements shall apply to all short-term rental:
  - A. *Parking.* Two (2) spaces plus one (1) space per bedroom.
  - B. Must be operated entirely within the principal dwelling and not within any garage or accessory building located upon the premises.
  - C. Shall not have any exterior evidence, other than a permitted sign, to indicate that the residence is being utilized for any purpose other than that of a dwelling.
  - D. Shall not involve alteration or construction not customarily found in a residential dwelling.
  - E. Shall not constitute an annoyance or nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises.
  - F. All short-term rentals shall be reviewed/inspected on a bi-annual basis by the building department.
  - G. A sketch plan showing the floor plan shall be submitted for approval.
  - H. No sleeping facility shall be occupied as to provide less than 200 square feet of floor space per occupant. All sleeping areas shall meet township building code and exclude all bathrooms and closets and basements.
  - I. All short-term rentals shall have a designated local agent. The local agent must live or maintain a physical place of business within 20 miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.
  - J. All operations shall maintain a guest register, and guests shall be legibly registered. Guest register shall be kept on the premises or may be kept virtually.
  - K. Emergency Information (emergency contact info, escape route, etc.) shall be always kept on site.
  - L. Sufficient screening, the Planning Commission shall require further landscaping, fences, walls or berms to screen the adjacent residences from the parking area or any outdoor eating area. See ARTICLE 13 for landscaping and screening requirements.
  - M. Upon application for a special land use, the owner shall provide the township with contact information for the local agent and keep an updated copy of the local agent contact information with the township.
  - N. All parking must be contained on the same parcel as the primary use.
  - O. The minimum parcel size for any short-term rental shall be 1 acre.
  - P. A nonconforming building or lot shall not be utilized as a short-term rental.

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**Sec. 703. Battery energy storage system (BESS).**

The purpose of this ordinance is to establish minimum requirements and regulations for the construction, erection, placement, location, maintenance, modification, operation, and decommissioning of battery energy storage systems in the township in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, residential areas, endangered species habitats, conservation lands, and other sensitive lands.

**1. Definitions:**

- A. *Battery energy storage system.* One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, or small store-bought batteries designed and used purely for household electronic items.
- B. *Battery energy storage system, on-site.* A BESS that is an accessory use that is intended to primarily serve the needs of the consumer on-site.
- C. *Battery energy storage system, small off-site.* A BESS that is a principal use (or co-located with a second principal use) and that is designed and built to connect into the distribution or transmission grid with a nameplate capacity less than 50 megawatts.
- D. *Battery energy storage system, large off-site.* A BESS that is a principal use (or co-located with a second principal use) and that is designed and built to connect to the transmission grid with a nameplate capacity of 50 megawatts or more.
- E. *Non-participating property.* Any property that is adjacent to a participating property.
- F. *Participating property.* A BESS host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the system owner (or affiliate) regardless of whether any part of a system is constructed on the property.

**2. Battery energy storage systems.** The following requirements shall apply to all battery energy storage systems:

- A. *Site selection.* See the Table of Uses in Sec. 308 and Sec. 100 for zoning district specific requirements.

**3. Setbacks.** Battery energy storage systems shall comply with the following setback requirements. Setback areas may incorporate visual buffers or landscaping, agricultural uses, or be left in a natural undeveloped state.

- A. *Residential property.* Battery energy storage systems shall be setback a minimum of 300 feet from the property line of any residentially zoned property or a property on which there is a residential use.
- B. *Residential and public structures.* Battery energy storage systems shall be setback a minimum of 300 feet from any dwelling unit, religious institution, school, or similar principal structure in a residential zoning district.

- C. *Right-of-way.* Battery energy storage systems shall be setback a minimum of 150 feet from the right-of-way.
- D. *All other property lines.* Commercial solar energy systems shall be setback a minimum of 150 feet from any non-residential property line.
- 4. *Height.* The height of BESS structures, except for electric distribution and transmission poles, shall not exceed a height of 20 feet as measured from the natural grade of the property beneath the structure.
- 5. *Fencing.* The system shall be completely enclosed with fencing in compliance with the latest version of the National Electrical Safety Code or any applicable successor standard approved by the Michigan Public Service Commission.
- 6. *Sound.* The system may not generate a maximum sound in excess of 40 average hourly decibels. Decibel modeling shall use the A- weighted scale designed by the American National Standards Institute.
- 7. *Lighting.* The system must implement dark sky-friendly lighting solutions.
- 8. The following requirements shall apply to the entire system, or to designated components of the system, as indicated:
  - A. *Safety signage.* The system shall post signs in compliance with NFPA 70/70E or any applicable successor code in place at the time of application for approval. Additionally, signage shall be provided per NFPA 855 7.4.4, or any applicable successor code in place at the time of application for approval, including information on the system type and technology, special hazards, fire suppression system and 24-hour emergency contact information, including reach-back phone number. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
  - B. *Other signage.* Additional signage may be permitted or required by the Planning Commission as is necessary to ensure the safe operation of the system.
  - C. The facility shall comply with NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” or any applicable successor standard adopted by the Michigan Public Service Commission.
  - D. The Planning Commission may require reasonable measures to minimize visual impacts by preserving existing natural vegetation, requiring new vegetative screening or other appropriate measures. The Planning Commission shall determine such visual screening measures as may be required, if any, on a site- specific basis pursuant to the standards for special land use approval as specified in ARTICLE 1, the landscaping standards of Sec. 1300, and/or the standards for site plan approval as specified in Sec. 604 of this ordinance, as most applicable to the circumstances. In making this determination the Planning Commission is specifically authorized to consider whether additional visual screening measures are appropriate where a system is proposed to be located on property adjoining any residential zoning district classification or residential use.

- E. If the system includes an access drive(s) for maintenance purposes, the surface of the access drive(s) shall be permeable (unless on brownfield land or on an already paved surface at the time of application for approval, such as a parking lot or former building foundation.)
  - F. Except as otherwise depicted on and subject to approval of the Planning Commission, the area within which the system is located shall not be paved with asphalt/concrete or any other surface material that is impermeable to water other than for slab foundations for structures and equipment. This shall not apply to a system located on brownfield land or on an existing paved area such as a former building slab or in an unused parking area when adequate parking remains for all other uses on the site.
  - G. All surface water runoff shall be effectively managed on-site.
  - H. Preliminary Fire Response Plan as required by the Clean and Renewable Energy and Energy Waste Reduction Act, as amended, MCL 460.1001 et seq.
  - I. A Preliminary Emergency Operations Plan for the proposed system when operational, including the means by which firefighters and other emergency services personnel can access and shut down the system on an emergency basis. The approved emergency plan shall include a 24-hour emergency contact telephone number for use by emergency services providers. The means of emergency access and the means of an emergency shutdown of the system by emergency services personnel shall be provided to the township or other appropriate agency managing emergency response.
  - J. A Groundcover and Vegetation Establishment and Management Plan shall be provided as part of the site plan. Vegetation establishment must include native species and natural seed mixes and may not include invasive plant species or noxious weeds and shall satisfy Section 226(6)(a) and Section 226(6)(b) of Michigan Public Act 233 of 2023.
  - K. Equipment specification sheet(s) for the system components, if available.
  - L. Preliminary Augmentation Plan demonstrating the proposed augmentation phases including which structures/components are expected to be installed and in which time frames shall be provided.
  - M. A Preliminary Electrical Schematic Plan for the proposed system, including disconnect and overcurrent devices.
  - N. Anticipated life expectancy of the system components including the estimated schedule for battery replacement to maintain megawatts over the system's lifetime.
9. *Installation and operational safety.* The system shall comply with all the following requirements:
- A. The system shall be designed and constructed for interconnection to a Michigan Public Service Commission or Midcontinent Independent System Operator regulated utility electrical power grid and shall be operated with such interconnection.
  - B. The system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with

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- the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.
- C. Other than transmission or distribution lines for interconnection to the electric power grid, all electrical wiring shall be buried underground; except where the manufacturer's engineer or a qualified engineer employed by the utility that owns/operates the electrical power grid to which the system shall be interconnected certifies an underground wiring installation is not permitted by an applicable code and/or applicable federal/state regulation, with attached complete documentation supporting any such certification.
- D. The system shall be designed, located, and maintained so as to comply with all applicable codes and regulations.
10. *Repair and augmentation.* In addition to repairing or replacing facility components to maintain the system, the facility may at any time be augmented without the need to submit a new site plan so long as the augmentation is within the same footprint (e.g., same dedicated use building or on footings/foundations in the same location) as the original permit. If there is a change in the battery chemistry, an updated Hazard Mitigation Analysis and Emergency Operation Plan shall be provided. When a facility is anticipated to be augmented over its lifetime by adding additional components, the applicant should apply for the final/augmented site arrangement. A proposal to increase the size the project footprint may be considered a new application, subject to the ordinance standards at the time of the request.
11. *Decommissioning and removal.* The system shall comply with all the following requirements:
- A. A Decommissioning Plan, including a Decommissioning Agreement in a form recordable at the Genessee County Register of Deeds, shall be provided and shall address the following:
- (1) State the anticipated life of the project;
  - (2) Describe estimated decommissioning costs in current dollars and provide that this figure will be updated every third (3rd) year after commercial operation of the system;
  - (3) Be signed by the party responsible for decommissioning, and shall bind all successors, heirs, and assigns;
  - (4) Define the conditions upon which decommissioning will be initiated (e.g.; end of land lease, no power storage for 12 months, etc.);
  - (5) State that all equipment, conduit, structures, fencing, roads, and foundations will be removed to a depth of 4 feet by the end of the decommissioning period;
  - (6) Require property to be restored as near as reasonably possible to the condition it was in prior to the development of the system;
  - (7) Describe the timeframe for completion of decommissioning activities;
  - (8) Describe any agreement (e.g., lease) with the landowner regarding decommissioning;
  - (9) State the party currently responsible for decommissioning; and
  - (10) Describe any plans or circumstances requiring an update of the Decommissioning Plan.

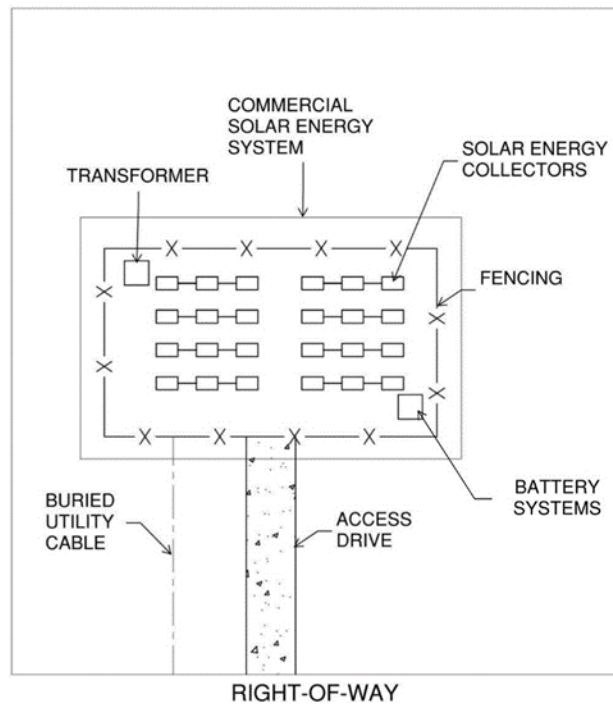
- B. A recorded copy of the Decommissioning Agreement shall be submitted to the township.
  - C. Decommissioning shall be completed within 12 months of determination by the township board that the system is no longer being maintained in an operable state of good repair, unless the current responsible party provides substantial evidence to the Planning Commission of the intent to maintain and reinstate operation of the system.
  - D. The Decommissioning Plan shall include financial assurance in the form of a bond, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the system. Salvage value shall not be included in the estimated cost of decommissioning. The financial assurance must be posted in full (125%) by the start of commercial operation and continuously maintained for the period of the life of the system.
12. *Waiver.* Because of the ever-changing technical capabilities of battery storage infrastructure and of new technology in general, the township Planning Commission and township board shall have the authority to review and consider alternatives in both the dimensional and physical requirements contained in this ordinance as part of the special land use review process upon a finding that such change promotes the health, safety, and general welfare of the township.
13. *Building permit.* Prior to issuance of a building permit, the following information shall be provided.
- A. Equipment specification sheets.
  - B. Identification and contact information for the installer(s) of the proposed system.
  - C. Augmentation Plan.
  - D. Approved Decommissioning Plan and Decommissioning Agreement.
  - E. Life expectancy of the system components including the anticipated schedule for battery replacement to maintain megawatts over the system's lifetime.
  - F. Hazard Mitigation Analysis.
  - G. Operation and Maintenance Manual.
  - H. Identification and contact information for the installer of the system.
  - I. Electrical schematic plan for the system, including disconnect devices.
  - J. Final Emergency Operation Plan Approved by the Fire Chief.
  - K. An executed Community Host Agreement in the amount of \$2,500 per megawatt.
  - L. Proof of financial guarantee for decommissioning.

**Sec. 704. Industrial solar energy collector systems.**

Industrial solar energy systems include the solar panels, internal and perimeter roadways, spacing for service, fencing, and any other structure, transformer, or devices of the like needed for solar production or operation of the system. See Figure 7-1.

1. *Purpose.* Vienna Charter Township permits the use of solar energy within the township as an alternative energy source. This section provides associated placement, land development, installation, and construction regulations for industrial solar energy systems to protect the public health, safety, and welfare while maintaining the township’s rural character, consistent with master plan goals and objectives. These regulations establish minimum requirements, while permitting a renewable energy source in a safe, effective, and efficient manner.

Figure 7-1



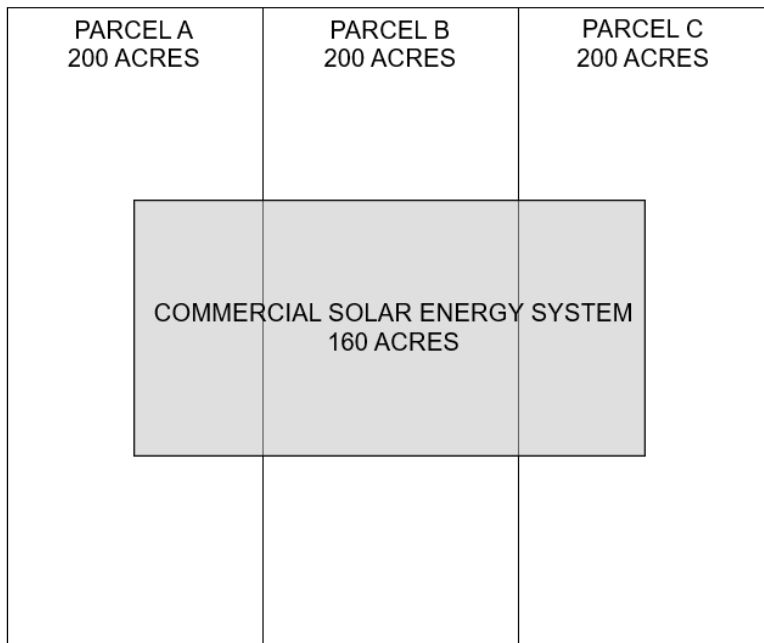
2. *Setbacks.* Industrial solar energy systems shall comply with the following setback requirements. Setback areas may incorporate visual buffers or landscaping, agricultural uses, or be left in a natural undeveloped state.
  - A. *Residential property.* Industrial solar energy systems shall be setback a minimum of 150 feet from the property line of any residentially zoned property or a property on which there is a residential use.
  - B. *Residential and public structures.* Industrial solar energy systems shall be setback a minimum of 300 feet from any dwelling unit, religious institution, school, or similar principal structure in a residential zoning district.

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- C. *Right-of-way.* Industrial solar energy systems shall be setback a minimum of 100 feet from the right-of-way.
  - D. *All other property lines.* Commercial solar energy systems shall be setback a minimum of 50 feet from any non-residential property line.
3. *Maximum system area.* A single industrial solar energy system shall not be permitted to be greater than a total of up 49 megawatts.
  4. *Separation distance.* There shall be a minimum distance of 1,500 feet between each industrial solar energy system. This buffer distance shall apply to industrial solar energy systems located in adjacent local units of government as well.
  5. *Access roads.* An industrial solar energy system must include access roads which are a minimum of 20 feet wide to permit fire and public safety access and which are paved or graveled in a manner sufficient to provide a solid base at all times of the year.
  6. *Landscape buffer and visual impact.* A landscape buffer shall be established to provide a continuous visual screen between the industrial solar energy system and commercial and residential land uses and zoning districts. The buffer shall be composed of evergreen trees a minimum of 8 feet tall at the time of planting. The evergreen trees shall reach a height of at least 10 feet within five growing seasons.
    - A. The applicant shall graphically demonstrate the visual impact of the proposed system on adjacent land uses and the right-of-way as part of the special land use application.
  7. *Fencing.* An industrial solar energy system must be surrounded by an 8-foot-tall agricultural animal fence designed to restrict unauthorized access. The gate must be the same height and constructed in the same manner as the fence.
  8. *Height.* The industrial solar energy system must be 15 feet or less in height.
  9. *Visual impact.* An industrial solar energy system must be located in the least visibly obtrusive location where panels would be functional.
  10. *Other zoning ordinance standards.* An industrial solar energy system shall be subject to all zoning ordinance standards of the zoning district in which it is located. The industrial solar energy system shall not count toward lot coverage standards.
  11. *Wildlife protection.* An industrial solar energy system shall be constructed in a manner which follows: (i) all recommendations of an analysis by a qualified third party professional to minimize the potential impact upon wildlife and endangered species; (ii) all recommendations of an analysis of post construction wildlife mortality; and (iii) all pre-construction and post construction recommendations of the United States Fish and Wildlife Service which analyses must be submitted with the application for special land use.
  12. *Environmental protection.* An industrial solar energy system shall be constructed in a manner which follows all recommendations of an analysis by a qualified third-party professional to minimize the potential impact upon the natural environment including wetlands and fragile ecosystems, historical and cultural sites and antiquities. The system shall comply with the applicable provisions of the Michigan Natural Resources and Environmental Protection Act,



including the provisions for water resource protection, soil erosion and sedimentation control, inland lakes and streams, and wetlands. This analysis must be submitted with the application for special land use.

13. *Communications impact.* An industrial solar energy system shall be constructed in a manner which follows all recommendations of an analysis by a qualified third-party professional to minimize the potential interference with any telecommunication systems being operated in the township which analysis must be submitted with the application for special land use.
14. *Multiple parcel sites.* If an industrial solar energy system is located on multiple parcels that form a single contiguous site, required property line setbacks may be waived by the Planning Commission upon a finding that there will be no adverse impacts on surrounding properties or the character of the area. The location of the system shall be distributed as equally as possible between the parcels and comply with the other standards in this section.



15. *Decommissioning.* Industrial solar energy facilities must provide a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or abandonment.
  - A. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a professional engineer’s estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited.
  - B. Any industrial solar energy system that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found that a commercial solar energy system is abandoned, the Planning Commission upon

notice by the Zoning Administrator, or their assign, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the system should not be decommissioned.

- C. If an industrial solar energy system is repaired, a professional engineer (hired at the expense of the owner or operator) shall certify the system's safety prior to the resumption of operation.
- D. Within 90 days of the hearing where the Planning Commission has determined that a system is abandoned or inoperable, the owner/operator shall obtain a demolition permit to remove the system.
  - (1) Failure to obtain a demolition permit within the 90-day period provided in this subsection shall be grounds for the township to remove the system at the owner's expense.
- E. Decommissioning shall include removal of all equipment associated with the industrial solar energy system, including all materials above and below ground. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.
  - (1) The restoration shall include road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the solar energy system.
  - (2) The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within 1 year.
  - (3) Extensions may be granted upon request to the Planning Commission prior to that expiration of the 1-year requirement for completed decommissioning.
- F. The Decommissioning Plan shall also include an agreement between the applicant and Vienna Charter Township that includes, but is not limited to the following conditions:
  - (1) The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to Vienna Charter Township.
  - (2) The financial resources for decommissioning shall be 125 percent of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a professional engineer.
  - (3) The Planning Commission shall regularly review the amounts deposited or bonded for removal, site restoration, and administration costs to ensure they are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, Vienna Charter Township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.

- (4) The township shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within 1 year of the end of project life, as specified in the Decommissioning Plan, surety bond funds may be used for administrative fees and costs associated with decommissioning.
- (5) The township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- (6) The township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have any interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
- (7) Any engineer required to create a cost estimate or conduct any analysis under this subsection shall be selected by Vienna Charter Township, with the industrial solar energy system owner or operator responsible for associated fees.

**Sec. 705. Medical marihuana facilities**

1. Standards.

- A. *Patient care center.* The construction and operation of every patient care center in the Charter Township of Vienna is permitted only by special land use permit, granted in accordance with ARTICLE 1 of the Charter Township of Vienna Zoning Ordinance, in the local commercial district (C-1) or general commercial district (C-2).
- B. *Home care center.* The construction and operation of every home care center in the Charter Township of Vienna is permitted in the agricultural and one-family residential district (R-1A) and single-family residential district (R-1).
- C. The development and locational standards set forth herein will be used by the Planning Commission to determine if the application satisfies the conditions that are precedent to the approval of a special land use.

2. Definitions.

- A. *Statutory definitions.* The words and phrases used herein have the same meaning as set forth in the Michigan Medical Marihuana Act, MCL 333.26421 et seq., except as set forth herein.
- B. *Applicant* means the person who applies for a permit for a patient care center.
- C. *Consumption* means absorbing, smoking, inhaling, eating, vaporizing, and drinking.
- D. *Building* means any permanent structure having a roof or other covering that is built, used, designed, or intended for the enclosure of persons, animals, chattel, or property of any kind.

CODE OF ORDINANCES

Appendix A ZONING

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- E. *Enclosed, locked facility* means a closet, room, or other enclosed area, which may be indoors or outdoors, that is equipped with locks or other security devices.
- F. *Home care center* means a facility, located at a primary caregiver's residence, that is operated by not more than one primary caregiver.
- G. *Marihuana* means all parts of the plant Cannabis Sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin including soaps, balms, cooking oils, pastes, essential oils, teas, butters, and tinctures. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
- H. *Medical marihuana facility* means a home care center or a patient care center.
- I. *Outdoor enclosed, locked facility* means any enclosed, locked facility that is not located inside of a building.
- J. *Parcel* means that property which is identified by a single parcel number by the Vienna Township Treasurer.
- K. *Patient care center* means a facility established by one or more primary caregivers, not located at a primary caregiver's residence.
- L. *Person* means any individual, partnership, corporation, association, or limited liability company.
- M. *Physical improvement* means the improvement of real property using construction materials constructed in a manner that complies with Sec. 403.4 of the township zoning ordinance and all provisions of the township building ordinances, section 6-1 et seq.
- N. *Planning Commission* means the Charter Township of Vienna Planning Commission.
- O. *Primary caregiver* means a person who is at least 21 years old, who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs, and who possesses a registry identification card, which is not expired and has not been revoked.
- P. *Qualifying patient* means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued a registry identification card by the department, which is not expired and has not been revoked.
- Q. *Registry identification card* means a document issued by the state department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.
- R. *Township* means the Charter Township of Vienna, Genesee County, Michigan.
- S. *Township board* means the Township Board of Trustees.

3. Procedure for issuance of special land use permit.
  - A. *Application for permit.* An application for a permit must be completed by the applicant in conformance with ARTICLE 1 of the Charter Township of Vienna Zoning Ordinance.
  - B. *Application review.* The Planning Commission must:
    - (1) Review the application for the special land use permit;
    - (2) Make a finding as to whether the use as set forth and described in the application for the special land use permit complies with the requirements of the Charter Township of Vienna Zoning Ordinance, as amended by this amendment, and with statutes of the State of Michigan; and
    - (3) Submit to the township board its recommendation as to whether the special land use permit should be approved.
  - C. *Public hearing.* Upon receipt by the township board of the recommendation of the Planning Commission, the township clerk must add to the township board agenda, and the township board must conduct, a public hearing on the application for special land use permit, in conjunction with the hearing on the application by applicant for a license, in accordance with the provisions of the township's medical marijuana license ordinance, and:
    - (1) Review the application for the special land use (in conjunction with its review of the application for a license);
    - (2) Make a finding as to whether the use as set forth and described in the application for the special land use complies with the requirements of the Charter Township of Vienna Zoning Ordinance, as amended by this amendment, and with statutes of the State of Michigan; and
    - (3) Determine whether the special land use should be granted (in conjunction with its determination of whether the application for license should be granted).
4. *Patient care center requirements.* A patient care center must be located and operated in accordance with the following requirements:
  - A. *Special land use requirement.* No patient care center may be operated in Charter Township of Vienna, except in accordance with this Sec. 705 of the Charter Township of Vienna Zoning Ordinance and unless a permit for special land use has been granted in accordance with ARTICLE 1 of the Charter Township of Vienna Zoning Ordinance.
  - B. *Population limitations.* Only one special land use permit may be issued pursuant to this ordinance for every 3,000 of population, or fraction thereof as determined by any of the following:
    - (1) Federal decennial census;
    - (2) Special census taken pursuant to MCL 141.907; or
    - (3) Latest population estimates and projections prepared by the United States Department of Commerce, Social, and Economic Statistics Administration, Bureau of the Census.

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- C. *Waiver of population limitation.* The quota requirement described in Sec. 705.4.D(2) may be waived at the discretion of the township board if there is no existing medical marihuana special land use permit issued within a 2-mile radius of the applicant's proposed location, measured along the nearest traffic route, of the applicant.
- D. *Location.* No patient care center is permitted on any of the following:
- (1) On a parcel of property of which any lot line is within 300 feet of any lot line of a parcel of property upon which is located any principal or accessory structure of another patient care center; or
  - (2) On a parcel of property of which any lot line is within 300 feet of any lot line of a parcel of property upon which is situated any single or multiple family residence, public park, school, childcare facility, church, or place of worship; or
  - (3) On a parcel of property of which any portion is situated within the following zoning districts: agricultural and single-family residential (R-1A), single-family residential (R-1), multi-family residential (R-2), manufactured housing (MH), office (O-1), or industrial (I-1).
- E. *Entrances.* Entrances to a patient care center must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two inches in height that:
- (1) "Only persons with registry identification cards may enter"; and
  - (2) "No alcoholic beverages of any type are permitted within the patient care center".
- F. *Off-street parking.* All off-street parking of a patient care center must comply with the following:
- (1) All off-street parking must comply with the provisions of ARTICLE 1 of the Charter Township of Vienna Zoning Ordinance; and
  - (2) All off-street parking areas must be illuminated during all hours of operation and until one hour after the business closes.
- G. *Advertisements.* Advertisements, displays, or other promotional materials of a patient care center must not be shown or exhibited so as to be visible to the public, from pedestrian sidewalks or walkways, or from other areas, public or semi-public; and such displays are considered signs.
- H. *Signs and billboards.* The sign or billboard of a patient care center must not contain the word "marihuana," any variation thereof, or any other synonym for marihuana on any sign or billboard of the business; additionally, no symbol or image relating to the use of marihuana may be displayed on any sign or billboard of the business.
- I. *Screened openings.* All building openings, entries, windows, and any other portion of the building as required by the Planning Commission, of a patient care center must be located, covered, or screened in such a manner as to prevent a view into the interior from any public or semi-public area.

5. *Home care center requirements.* A home care center must be operated in accordance with the following requirements:
  - A. *Signs and advertisements.* A home care center is not permitted to install any exterior or interior sign, billboard, or advertisement for any purpose.
  - B. *Outdoor enclosed, locked facility requirements.* Any outdoor enclosed, locked facility located within the township is subject to the following requirements:
    - (1) *Zoning district.* An outdoor enclosed, locked facility must not be located on a parcel of property of which any portion is situated within the following zoning districts: single-family residential (R-1), multi-family residential (R-2), manufactured housing (MH), office (O-1), commercial neighborhood (C-1), commercial general (C-2), or industrial (I-1);
    - (2) *Location.* An outdoor enclosed, locked facility must be located on a parcel of property such that the outdoor enclosed, locked facility is at least 100 feet from the dwelling unit or 100 feet from the lot line of the parcel of property; and
    - (3) *Construction.* An outdoor enclosed, locked facility must be constructed such that it is, an immovable physical improvement that makes the enclosed area secure and inaccessible to any person other than the qualifying patient or the primary caregiver and the primary caregiver's qualifying patients.
6. *Zoning standards.* A medical marihuana facility must conform to all standards of the zoning district in which it is located.
7. *Other standards.* A medical marihuana facility must meet all applicable written and duly promulgated standards of the township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained.
8. *Compliance.* At all times a person must comply with all federal, state and local rules, regulations, and ordinances.

(Ord. No. 400, § II, 4-4-2011)

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## **ARTICLE 8. PLANNED UNIT DEVELOPMENT<sup>2</sup>**

### **Sec. 800. Purpose and intent.**

- A. The planned unit development (PUD) option is intended to permit, with township approval, private or public development that is substantially in accord with the goals and objectives of the master plan for land use.
- B. The development permitted under this section shall be considered as an optional means of development only upon terms mutually agreeable to the township and to the developer.
- C. Utilization of the PUD option will permit flexibility in the regulation of land development by encouraging innovation through an overall development plan to provide variety in design and layout; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open spaces particularly suited to the needs of the parcel in question; and provide appropriate housing, employment, service, and shopping opportunities suited to the needs of the residents of the township.
- D. It is further intended that the planned unit development may be used to permit nonresidential uses of residentially zoned areas; to permit residential uses of non-residentially zoned areas; to permit densities or lot sizes that are different from the applicable district and to permit the mixing of land uses that would otherwise not be permitted; provided that other objectives are met and the resulting development would promote the public health, safety, and welfare.
- E. It is further intended that the development will be laid out so that the various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

### **Sec. 801. Definitions.**

The term "planned unit development" means a specific parcel of land or several contiguous parcels of land, under single ownership or control, for which a comprehensive physical plan meeting the requirements of this section, establishing functional use areas, density patterns, a fixed system of streets (where necessary) provisions for public utilities, drainage, and other essential services and similar factors necessary or incidental to development has been approved by the township board and which has been, is being, or will be developed in accordance with the approved plan.

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<sup>2</sup>State law reference(s)—Planned unit development, MCL 125.3503.



**Sec. 802. Criteria for qualifications.**

To qualify for the planned unit development option, it must be demonstrated that all the following criteria will be met:

1. The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.
2. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
3. The planned unit development must meet, as a minimum, one of the following objectives of the township:
  - A. To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between land uses;
  - B. To permanently establish land use patterns which are compatible, or which will protect existing or planned uses;
  - C. To accept dedication or set aside open space areas in perpetuity;
  - D. To provide alternative uses for parcels that can provide transition buffers to residential areas;
  - E. To guarantee the provision of a public improvement which could not otherwise be required that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities;
  - F. To promote the goals and objectives of the master plan for land use;
  - G. To foster the aesthetic appearance of the township through quality building design and site development, the provision of trees and landscaping beyond minimum requirements, the preservation of unique and/or historic sites or structures, and the provision of open space or other desirable features of a site beyond minimum requirements; or
  - H. To bring about redevelopment of sites where an orderly change of use is determined to be desirable.
4. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request; such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.

**Sec. 803. Uses permitted.**

1. A land use plan shall be proposed for the area to be included within the PUD. The land use plan shall be defined by districts of the zoning ordinance that are to be applicable to the various parts of the PUD area.

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2. Zoning districts permitted by right and by special land use approval in these districts (see table of uses, Sec. 308) shall be allowed except some uses may be specifically prohibited from districts designated on the PUD plan. Alternatively, the township may permit uses not permitted in the zoning district(s) if specifically noted on the PUD plan. Conditions applicable to uses permitted subject to special land use approval shall be used as guidelines for design and layout but may be varied by the Planning Commission, provided that such conditions are indicated on the PUD plan.

**Sec. 804. Height, bulk, density, and area standards.**

The standards as to height, bulk, density, setbacks of each zoning district shall be applicable within each zoning district area designated on the plan. These standards may be modified, only when specifically noted on the PUD plan.

**Sec. 805. Submittal procedures and conditions.**

1. Preliminary determination as to qualification.
  - A. Any person owning or controlling land in the township may make application for consideration of a planned unit development. Such application shall be made by submitting a request for a preliminary determination as to whether or not a parcel qualifies for the PUD option.
  - B. A request shall be submitted to the township. The submission shall include the information required by Sec. 805.1.C.
  - C. Based on the documentation submitted, the Planning Commission shall determine whether a parcel qualifies for the PUD option under the provisions of Sec. 802 above. The submittal must include the following:
    - (1) Substantiation that the criteria set forth in Sec. 802 are, or will be, met;
    - (2) A schematic land use plan containing enough detail to explain the function of open space, the location of land use areas, streets providing access to the site, pedestrian and vehicular circulation within the site, dwelling unit density and types, and buildings or floor areas contemplated; and
    - (3) A plan for the protection of natural features, if applicable.
  - D. The Planning Commission shall approve, conditionally approve, or deny the applicant's request for qualification. A copy of the minutes of the meeting and the action taken on the matter shall be forwarded to the township board. A preliminary determination does not ensure a final approval of the planned unit development option, but is intended to provide an initial indication as to whether an applicant should proceed to prepare a PUD plan upon which a final determination would be based.

2. *Request for final determination as to qualification.* An applicant who has been granted a preliminary determination for qualification the Planning Commission may apply for final consideration under this section with the submission of the following materials:
  - A. *Submittal of proposed PUD plan.* An application for review and recommendation by the Planning Commission shall be submitted to the township clerk. The application shall include all site plan review required information, as outlined in Sec. 602, for each parcel to be included in the PUD plan. This site plan(s) shall be treated as preliminary site plans.
  - B. Planning Commission review of proposed PUD plan.
    - (1) The Planning Commission shall hold a public hearing on the PUD plan, with notice given in accordance with Sec. 1201, public hearings.
    - (2) The Planning Commission shall review the proposed PUD plan and make a determination as to the proposal's qualification for the PUD option and for adherence to the following objectives and requirements. The commission shall report its findings and make its recommendations to the township board:
      - (a) The proposed PUD adheres to the conditions for qualification of the PUD option and promotes the land use goals and objectives of the township.
      - (b) All applicable provisions of this Article and this ordinance shall be met. If any provision of this Article shall be in conflict with the provisions of any other section of this ordinance, the provisions of this Article shall supersede other Articles.
      - (c) There is, or will be at the time of development, an adequate means of disposing of sanitary sewage and of supplying the development with water and that the road system and stormwater drainage system are adequate. Approval of the proposed sanitary disposal system by the Genessee County Health Department is required. The township engineer shall review and approve the proposed utility networks and associated utility plans.
3. Final approval of planned unit development.
  - A. Upon receipt of the report and recommendation of the Planning Commission, and after a public hearing held by the township board, the township board shall review all findings. If the board determines to grant the application, it shall instruct the township attorney to prepare a contract setting forth the conditions upon which such approval is based, which contract, after approval by resolution of the board, shall be executed by the township and the applicant. Approval shall be granted only upon the board determining that all provisions of this ordinance have been met and that the proposed development will not adversely affect the public health, welfare, and safety. The agreement shall be recorded with the county register of deeds.
  - B. Once an area has been included within a plan for a PUD and that has been approved by the board, no development may take place in such area nor may any use thereof be made except in accordance with such plan or in accordance with a board-approved amendment thereto, unless the plan is terminated as provided herein.

- C. An approved plan may be terminated by the applicant or the applicant's successors or assigns, prior to any development within the area involved, by filing with the township and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
- D. No approved plan shall be terminated after development commences except with the approval of the board and of all parties in interest in the land.
- E. Following the commencement of any site work, no approved plan may be terminated.
- F. Within a period of two years following approval of the PUD contract by the board, final plats or site plans for an area embraced within the PUD must be submitted as hereinafter provided. If such plats or plans have not been submitted and approved within the two-year period, the right to develop under the approved plan may be terminated by the township.

**Sec. 806. Submission of final plat, site plans; schedule for completion of PUD.**

- 1. Before any occupancy permits are issued for any activity within the area of PUD, final plats or site plans and open space plans for a project area shall be submitted to the township for review by the Planning Commission of the following:
  - A. Review and approval of site plans shall comply with ARTICLE 1 as well as this section except as otherwise modified in the approved plan. Review and approval of plats shall comply with Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended, in addition to the requirements of this Article.
  - B. Before approving any final plat or plan, the commission shall determine that:
    - (1) All portions of the project area shown upon the approved plan for the PUD for use by the public or the residents of lands within the PUD have been committed to such uses in accordance with the PUD contract;
    - (2) The final plats or site plans are in substantial conformity with the approved contract and plan for the PUD; and
    - (3) Provisions have been made in accordance with the PUD contract to provide for the financing of any improvements shown on the project area plan for open spaces and common areas which are to be provided by the applicant and that maintenance of such improvements is assured in accordance with the PUD contract.
- 2. If development of approved final plats or site plans is not substantially completed in three years after approval, further final submittals under the PUD shall cease until the part in question is completed or cause can be shown for not completing same.

**Sec. 807. Fees.**

Fees for review of PUD plans shall be established by resolution of the township board.

**Sec. 808. Interpretation of approval.**

Approval of a PUD under this Article shall be considered an optional method of development and improvement of property subject to the mutual agreement of the township and the applicant.

**Sec. 809. Amendments to PUD plan.**

Proposed amendments or changes to an approved PUD plan shall be submitted to the Planning Commission. The Planning Commission shall determine whether the proposed modification is of such minor nature as not to violate the area and density requirements or to affect the overall character of the plan, and in such event may approve or deny the proposed amendment. If the Planning Commission determines the proposed amendment is material in nature, the amendment shall be reviewed by the Planning Commission and the township board in accordance with the provisions and procedures of this section as they relate to final approval of a planned unit development.

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## **ARTICLE 9. SIGNS<sup>3</sup>**

### **Sec. 900. Purpose.**

The purpose of this Article is to permit and regulate certain types of signs in all zoning districts in a manner that is content neutral. Regulation of the type, size, and characteristics of signs is intended to preserve scenic and natural beauty, and to create a physical environment that is attractive to business while preserving the general health, safety, and welfare of residents and people traveling within and through the township. It is further intended to improve traffic safety by prohibiting signs that are distracting or dangerous.

### **Sec. 901. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Billboard sign* means a freestanding outdoor sign which advertises something not located on the immediate premises.

*Electronic message board* means a changeable copy sign in which the copy consists of an array of lights activated and deactivated simultaneously.

*Freestanding sign* means any sign erected on or affixed to the land and any exterior sign that is not attached to a building. Freestanding signs may be illuminated or include an electronic message board.

*Logo* means a graphic symbol or initials accessory to a principal use but not including the name of a person or business.

*Monument sign* means a sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

*Nameplate* means a sign that may include the name of a single resident or single business, address, phone number, hours of operation, logo, or other identifying symbol only.

*Pole sign* means a sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces.

*Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to a- or t-frames; menus and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Projecting sign* means a sign which is affixed to any building or structure, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building wall.

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<sup>3</sup>State law reference(s)—Highway advertising act, MCL 252.301 et seq.

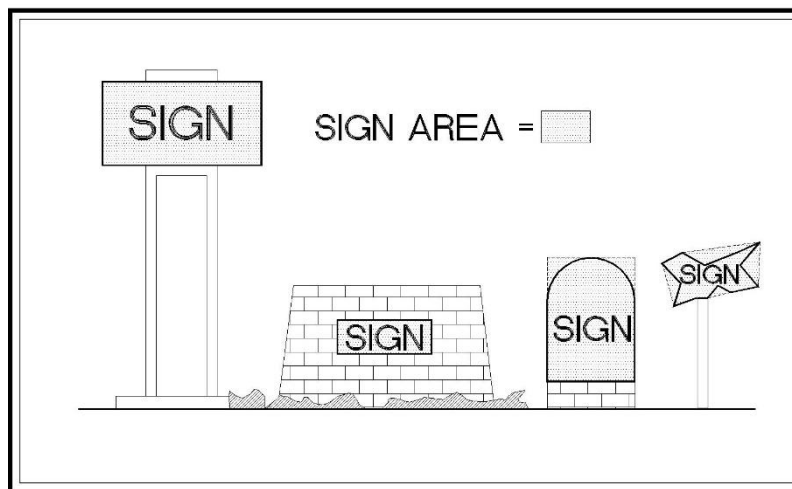
*Real estate development sign* means a freestanding sign that advertises five or more vacant lots in a single subdivision or five or more dwelling units in a single residential development of lots or dwelling units located within the township.

*Roof sign* means a sign which is erected, constructed, and maintained above any portion of the roof or exterior wall of a building or structure, and for purposes of this Chapter, roof signs shall be prohibited.

*Sign* means any words, numerals, figures, devices, designs, pictures or trademarks, painted upon or otherwise affixed to a building, wall, board, plate, or any other structure for the purpose of making anything known. The definition of a sign shall not include the following:

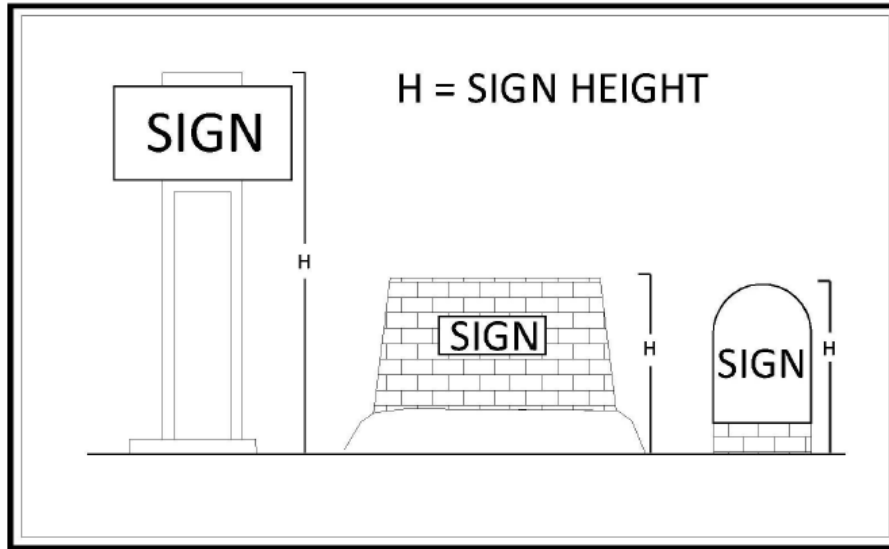
1. Signs not exceeding 1 square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises;
2. Flags and insignia of any government, except when displayed in connection with commercial promotion; or
3. Legal notices, identification information, or directional signs erected by governmental bodies.

*Sign area* means the entire area within a single rectangular continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. The area of a double-faced sign shall be computed using only one face of the sign, provided that the outline and dimensions of both faces are identical; and the faces are back-to-back so that only one face is visible at any given time.



*Sign height* means the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of

the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.



*Temporary sign* means a sign that is not constructed or intended for long-term use or is not permanently affixed to the ground or a structure.

*Wall sign* means a sign affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points. Wall signs shall not extend onto or above the roofline of any building or structure.

**Sec. 902. Substitution clause.**

Any sign authorized to be displayed by this ordinance may contain a non-commercial message.

**Sec. 903. Prohibited signs.**

Signs which violate any of the standards listed below are prohibited. Sign permits may not be issued for such signs, and the Zoning Administrator shall have authority to order removal of such signs. Determination of a sign's compliance with these standards shall be made by the Zoning Administrator. Any party feeling aggrieved by the Zoning Administrator's decision may appeal to the Zoning Board of Appeals.

1. Signs may not contain statements, words, or pictures of an obscene or indecent character.
2. Signs may not contain, or be an imitation of, an official traffic sign or signal, nor shall they contain the words: "stop," "go slow," "caution," "danger," "warning," or similar terms.
3. Signs may not be of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device, nor may signs hide from view any traffic, street sign, or signal.
4. Signs may not advertise an activity, business, product, or service no longer available on the premises upon which the sign is located.



5. Signs may not move in any manner or have a major moving part. Only minor decorative parts may move.
6. Signs may not swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
7. Signs may not utilize search lights, laser lights, strobe lights, or other lights of a similar nature.
8. Any sign which is structurally or electrically unsafe or exhibits significant signs of wear or disrepair is prohibited.

**Sec. 904. Inspection, removal, and safety.**

1. *Inspection.* Signs may be inspected periodically by the Zoning Administrator or his or her designee to ensure compliance with this and other codes of the township.
2. *Maintenance.* All signs and components thereof shall be kept in good repair and in safe, neat, clean, and attractive condition.
3. *Removal of sign.* The Zoning Administrator may order the removal of any sign erected or maintained in violation of this ordinance. Such order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it 30 days in the case of a permanent sign and 7 days in the case of a temporary sign to remove the sign or to bring it into compliance. Such order shall be served upon the owner of such sign, or to the owner or manager of the building, structure, or premises on which such sign is located. The Zoning Administrator may remove a sign immediately and without notice, at cost to the owner or lessee, if the condition of the sign presents an immediate threat to the safety of the public.
4. *Abandoned signs.* A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign within 90 days of the termination of business, the Zoning Administrator, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this Article, this removal requirement shall not apply.
5. *Traffic safety.* No sign shall be placed to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. If any sign violates this requirement, and has not received a zoning permit, the Zoning Administrator may remove such sign to protect traffic. The owner of the property, or business operator where such sign is located, shall first be notified of its impending removal. The property owner or business operator shall be given opportunity to alter or replace such a sign within 24 hours to make it comply with this ordinance.
6. *Clear vision triangle.* No sign shall be placed in a triangular area formed by measuring 20 feet from the right-of-way line from any public street and a driveway, or at the corner to two public streets.

**Sec. 905. Conditions applicable to signs in all districts.**

1. Signs, as defined by this ordinance, are permitted to be erected or located in any use district subject to the conditions of this Article.
2. No sign, except those established and maintained by governmental units, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
3. All directional signs required for the purpose of orientation, when established by governmental units, shall be permitted in all use districts.
4. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices, such as changing light intensity, brightness, or color. This section shall not be interpreted to prohibit electronic message boards as defined in this Article. No colored lights shall be used at any location or in any manner to be confused with or construed as traffic control devices.
5. Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.

**Sec. 906. Signs that do not require a permit.**

The following types of signs are exempted from other provisions of this Chapter but must meet the requirements specified below.

1. Temporary signs.
  - A. *Time limits.* Temporary signs may be located on a parcel for 6 months during any 12-month period. Temporary signs shall be removed from display promptly following the expiration of the time limit.
  - B. *Sale or lease.* Temporary signs located on real property that is for sale or lease may remain as long as the property is for sale or lease.
  - C. *Size.* The total combined display area of temporary signs on a parcel in residential districts will be no more than 24 square feet. In commercial and industrial districts, the total combined display area of temporary signs on a parcel will be no more than 64 square feet.
  - D. *Safety.* Any temporary sign must be so constructed that it is not dangerous to the public.
  - E. *Location.* Temporary signs will meet the following locational criteria:
    - (1) Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
    - (2) Temporary signs shall not be erected in such a manner that interferes with, obstructs, confuses, or misleads traffic.
    - (3) Temporary signs shall not be placed or constructed to create a hazard of any kind.
    - (4) Temporary signs shall not be illuminated.
2. *Public signs.* Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty shall not require a permit.

CODE OF ORDINANCES

Appendix A ZONING

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3. *Private traffic direction.* Signs directing traffic movement or giving instructions, located within a parcel, placed in compliance with this Article, and not directed at traffic on abutting roadways. Such signs may be illuminated in accordance with Sec. 100 and shall not exceed 4 square feet.
4. A single nameplate sign of less than 2 square feet per principal use. In the case of buildings with multiple commercial or residential tenants, 1 nameplate sign per tenant.

CODE OF ORDINANCES  
Appendix A ZONING

**Sec. 907. Permanent signs.**

Permanent signs may be erected according to the following table and following issuance of a permit per the requirements of Sec. 909.

<b>Vienna Township Zoning Ordinance, Permanent Sign Table</b>					
Type of Sign	Zoning Districts				
	R1-A, R-1, R-2, MH	O-1	C-1	C-2	I-1
<b>MONUMENT</b>	<b>Max Display Area:</b> 24 sq ft <b>Max Height:</b> 8ft <b>Quantity:</b> 1 per principal use. <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	<b>Max Display Area:</b> 48 sq ft <b>Max Height:</b> 8 ft <b>Quantity:</b> 1 per principal use. <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	<b>Max Display Area:</b> 48sq ft <b>Max Height:</b> 12ft <b>Quantity:</b> 1 per principal use. 1 per frontage on corner lots. <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	<b>Max Display Area:</b> 60 sq ft <b>Max Height:</b> 12 ft <b>Quantity:</b> 1 per principal use. 1 per frontage on corner lots. <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	
<b>POLE</b>	<b>Not Permitted.</b>	<b>Max Display Area:</b> 48 sq ft <b>Max Height:</b> 12 ft <b>Quantity:</b> 1 per principal use. 1 per frontage on corner lots <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	<b>Max Display Area:</b> 48 sq ft <b>Max Height:</b> 24ft <b>Quantity:</b> 1 per principal use. 1 per frontage on corner lots <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	<b>Display Area:</b> 60 sq ft <b>Max Height:</b> 24 ft <b>Quantity:</b> 1 per principal use. 1 per frontage on corner lots. <b>Setback:</b> 10' from right-of-way; 25' from all property lines.	

CODE OF ORDINANCES  
Appendix A ZONING

Vienna Township Zoning Ordinance, Permanent Sign Table					
Type of Sign	Zoning Districts				
	R1-A, R-1, R-2, MH	O-1	C-1	C-2	I-1
<b>WALL</b>	<p><b>Max Display Area:</b> 5% of the total area of an exposed wall  <b>Max Height:</b> Not above highest point of 1<sup>st</sup> story  <b>Quantity:</b> 1 per principal use. Home occupations may have a single wall sign of no more than 8 sq ft.</p>	<p><b>Max Display Area:</b> 10% of the total area of an exposed wall  <b>Max Height:</b> Not above highest point of 1<sup>st</sup> story  <b>Quantity:</b> 1 per exposed building wall; 1 per establishment</p>			<p><b>Max Display Area:</b> 15% of the total area of an exposed wall  <b>Max Height:</b> Not above highest point of 1<sup>st</sup> story  <b>Quantity:</b> 1 per exposed building wall; 1 per establishment</p>
<b>PROJECTING</b>	<b>Not Permitted.</b>	<p><b>Max Display Area:</b> 25 sq ft  <b>Max Height:</b> 3' above building height. Must maintain a minimum of 8' of ground clearance and have a horizontal distance of at least 2' from any parking space or maneuvering lane.  <b>Quantity:</b> 1 per principal use or establishment            May not project over the right-of-way or any property line.</p>			
<b>ROOF</b>	<b>Not Permitted.</b>	<b>Not Permitted.</b>	<b>Not Permitted.</b>	<p><b>Max Display Area:</b> 10% of the total area of the building wall parallel to the roof sign.  <b>Max Height:</b> No more than 3' above the highest point of the roof.  <b>Quantity:</b> 1 per principal use. A building may have a roof sign or a wall sign on an exposed building wall, but not both.</p>	
<b>Electronic Message Board</b>	<b>Not Permitted</b>	<p>May be incorporated as part of a permitted pole sign or monument sign.            The message board portion of the sign may not account for more than 50% of the total sign area. If the sign is only an electronic message board, the total permitted area shall be 50% of the area permitted for the subject sign type and zoning district.            Light created by the electronic message board shall comply with the requirements of Sec. 905 regarding the maximum foot-candles present at property lines and other relevant standards governing illumination.</p>			

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(Supp. No. 6, Update 2)

CODE OF ORDINANCES  
Appendix A ZONING

Vienna Township Zoning Ordinance, Permanent Sign Table					
Type of Sign	Zoning Districts				
	R1-A, R-1, R-2, MH	O-1	C-1	C-2	I-1
<b>BILLBOARD</b>	<b>Not Permitted.</b>	<b>Not Permitted.</b>	<b>Not Permitted.</b>	<p><b>Max Display Area:</b> 300 sq ft  <b>Max Height:</b> 45 ft  <b>Setback:</b> The setback can be no less than the height of the sign at its tallest point. Must be located a minimum of 200' from residentially zoned property and 1,600' from other billboards on the same side of the right-of-way.  <b>Quantity:</b> 1 sign per lot.                      Billboards are only permitted on properties that abut a limited access highway.</p>	
<p><b>Permanent Sign Table Notes</b></p> <ol style="list-style-type: none"> <li>1. Single family and duplex dwellings are not permitted to have a monument or pole sign. Any permitted home occupation or home-based business may have a single wall sign not to exceed 8 square feet.</li> <li>2. A lot may have a monument or pole sign but not both. In the case of corner lots, a monument sign may be located abutting each right-of-way, or a pole sign may be erected abutting each right-of-way, but not a monument sign and a pole sign.</li> <li>3. Commercial and industrial properties with four or more tenants may increase the total sign area of monument signs or pole signs by 10 square feet for each tenant, not to exceed a total area of 120 square feet.</li> <li>4. For multi-occupant buildings, wall area shall be calculated based upon the exterior wall area of that portion of the building occupied by each establishment. For exterior wall widths of less than 50 feet, wall signs of 32 square feet in area shall be permitted, regardless of the total area of the exposed wall.</li> <li>5. Multiple Signs: If multiple sign types are present on a property, the total area of all signs shall not exceed 150 square feet. This standard does not apply to properties with four or more tenants. Billboards shall not be included within the calculation of total area of all signs on a parcel.</li> <li>6. The Planning Commission may grant a waiver from the requirements of this upon demonstration by the applicant that the waiver is the smallest deviation from the standards necessary, there is a unique characteristic of the proposed use or parcel that makes the waiver necessary, and that there will be no risk to public health, safety, or welfare created by the proposed sign(s).</li> </ol>					

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(Supp. No. 6, Update 2)

**Sec. 908. Entranceway structures and signs.**

Entranceway structures, for the purpose of supporting signs which identify developments, part or all of which are served by a minor public or private streets, such as subdivisions, industrial or office parks, or multiple-family developments, may be permitted by the Zoning Administrator. Such structures and signs shall be approved and a permit issued subject to the following restrictions:

1. The entranceway structure shall be necessary in order to identify a development in which individual parcels or uses are accessible only by way of public streets which serve more than two zoning lots or by way of private streets or drives which serve more than two separate and distinct principal uses.
2. Such entranceway structures may be located within a public or private street right-of-way if approved by the governmental entity or property owner having jurisdiction or ownership of the right-of-way area and by the Zoning Administrator.
3. Such structures shall be located adjacent to a major or secondary thoroughfare or collector street and to the entrance road to a subdivision plat, site condominium, multiple-family development, mobile home park, or other planned development.
4. Such structures must meet requirements for corner clearance and not obstruct vehicular or pedestrian circulation and safety.
5. Entranceway structures and signs may be located only in yards adjacent to streets entering the development indicated on the sign.
6. The sign area shall be limited to the smallest maximum area in square feet permitted in the district for monument signs.

**Sec. 909. Sign permits.**

1. Prior to the erection or structural alteration of a sign, a zoning permit shall be secured from the Zoning Administrator and a building permit shall be obtained from the building official. Application for sign permits shall be made upon forms provided by the Zoning Administrator and shall contain or have attached thereto the necessary information to determine compliance with zoning ordinance standards.
2. Every applicant, before being granted a permit, shall pay a permit fee for each sign regulated by this Chapter as may be established by the township board.
3. It shall be the duty of the Zoning Administrator, upon the filing of an application for a zoning permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this Article and all other laws and ordinances of the township, he or she shall issue a zoning permit.

**Sec. 910. Nonconforming signs.**

It is the intent of this ordinance that the continued use of nonconforming signs shall not be encouraged.

1. A nonconforming sign shall immediately lose its nonconforming designation if:
  - A. The structure of the sign is altered in any way which tends to or makes the sign less in compliance with the requirements of this ordinance than it was before the alteration;
  - B. The sign is relocated to a position making it less compliant with the requirements of this ordinance;
  - C. The sign is replaced; or
  - D. On the occurrence of any one of the provisions in subsections A, B, or C above, the sign shall be immediately brought into compliance with this ordinance with a new permit secured therefore, or the sign shall be removed.
2. Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs; provided however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which does not conform with the provisions of this ordinance.



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## **ARTICLE 10. NONCONFORMING USES, STRUCTURES AND LOTS<sup>4</sup>**

### **Sec. 1000. Intent.**

Within the districts established by this ordinance or by amendment, there may exist lots, structures, uses of land and structures, and characteristics of use that were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their expansion. Any nonconforming building, structure, or use may be expanded, changed, repaired, or reconstructed and any nonconforming lot or parcel may be used only as prescribed by this Article.

### **Sec. 1001. Classification of nonconformities.**

1. *Illegal nonconformity.* Any use of land or structure, creation of a lot, or erection or modification of a structure in violation of the provisions of this ordinance or a previous valid township zoning ordinance. This includes any use of land or structure lawfully established that subsequently violates the terms of the permit under which it was established.
2. *Legal nonconformity.* An existing use of land, lot, and/or structure which does not fully comply with the provisions of this ordinance, and either was lawfully established, created, or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of a previous zoning ordinance, or prior provisions of this ordinance, and remains in compliance with the terms of the permit issued at that time.
  - A. *Legal nonconforming lot.* Any existing lot lawfully created which fails to meet the minimum lot area, width, and/or frontage requirements contained in this ordinance.
  - B. *Legal nonconforming structure.* Any existing building, structure, sign, parking area, or other land development which fails to meet the setback, side yard, rear yard, and other requirements of this ordinance, and can be shown to have established or commenced as a legal nonconformity.
  - C. *Legal nonconforming use.* Any use of land located in a district in which it is not permitted by right, or by special land use approval pursuant to this ordinance, and can be shown to have established, or commenced as a legal nonconformity.
    - (1) A use that existed at the time of adoption of this ordinance, which is permitted by special land use in the zoning district in which it is located, but which did not receive a special land use permit, is considered a legal nonconforming use. Any alterations or improvements to the use not permitted by this Article, shall require a special land use permit. See ARTICLE 1.

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<sup>4</sup>State law reference(s)—Nonconforming uses or structures, MCL 125.3208.

**Sec. 1002. Nonconforming lots.**

1. A permitted use and structure may be erected on any lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area, width, or both that are generally applicable in the district, provided that setbacks and other requirements not involving area or width of the lot shall conform to the regulations for the district in which such lot is located.
2. If two or more lots, or a combination of lots and portions of lots, with a continuous frontage and under common ownership do not meet the requirements for lot area or width individually, but do meet the standards when considered together, the lands involved shall be considered a zoning lot for the purpose of this ordinance. Once a zoning lot is established, no portion of the zoning lot shall be used or occupied which does not meet lot area or width requirements established by this ordinance, nor shall any division of the zoning lot or associated parcels be made which leaves remaining any lot with area or width below the requirements stated in this ordinance.

**Sec. 1003. Nonconforming uses of land.**

Where, at the effective date of adoption or amendment of this ordinance, a lawful use of land exists that would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No 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 of this ordinance, except in bringing the parcel or building into compliance with federal ADA requirements.
2. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of this ordinance.

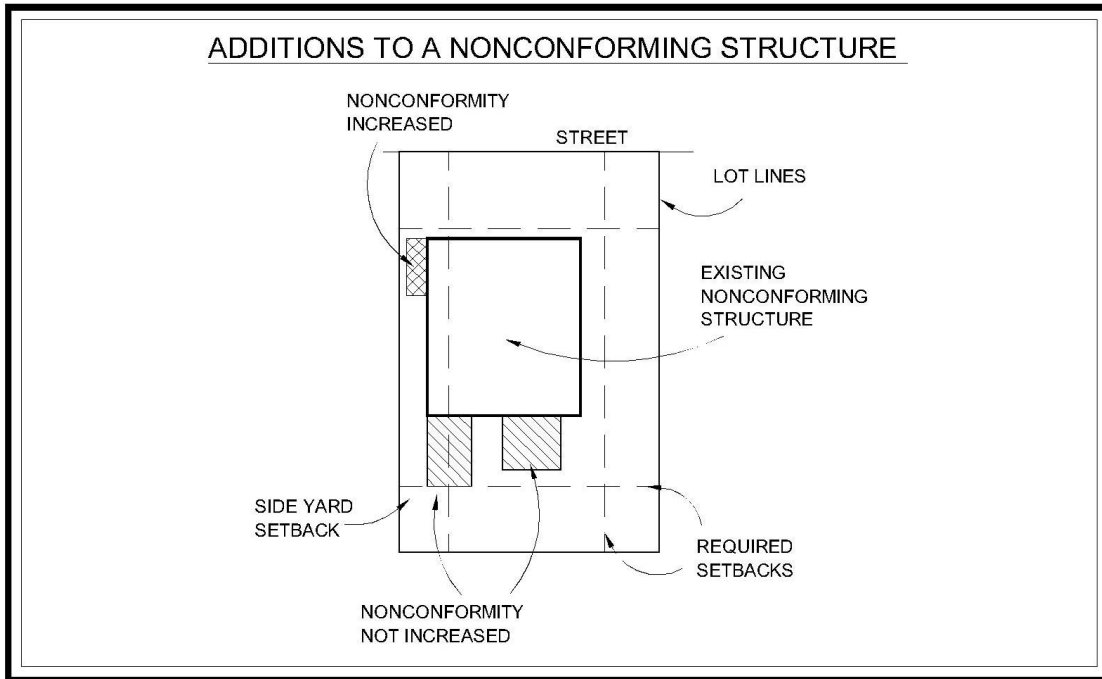
**Sec. 1004. Nonconforming structures.**

Where a lawful structure exists or is lawfully under construction at the effective date of this ordinance that could not be built under the terms of this ordinance by reason of restriction on area, height, yards, location on the lot or other requirements concerning the structure, the structure may remain so long as it remains otherwise lawful subject to the following provisions.

1. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that does not increase its nonconformity. See Figure 10-1.
2. Any nonconforming structure which has been damaged or destroyed by any means to an extent of more than 50 percent of its market value as determined by the township assessor at the time of damage or destruction, exclusive of the foundation, shall be reconstructed only in conformity with the provisions of this ordinance.
3. Any nonconforming structure can be brought into federal ADA compliance at any time, and all work to alter the structure to bring it into conformance shall begin with ADA compliance.

4. Should the nonconforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Figure 10-1



### Sec. 1005. Nonconforming use of structures and land.

If a lawful use involving individual structures, or a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued as long as it remains otherwise lawful, subject to the following provisions.

1. 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.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this ordinance, but no use shall be extended to occupy any land outside the building.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is changed to a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
4. When 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. Destruction

for the purpose of this Article is defined as damage to an extent of more than 50 percent of the market value as determined by the township assessor at the time of destruction.

5. The use of a nonconforming building may be changed to another use so long as the use is permitted by right or by special land use in the zoning district in which the building is located.
6. An existing nonconforming use of a building may not be substituted for another nonconforming use.
7. Any single-family residential use that is a nonconforming structure or use may be re-established if destroyed so long as the structure is re-established within the original building footprint in a manner that does not increase the previous existing nonconformity.

#### **Sec. 1006. Nonconforming improvements.**

This section applies to any feature of property that is not a structure and is subject to the requirements of this ordinance. This includes landscaping, parking lots, site grading and drainage, and other similar improvements. When any improvement that does not conform to the standards of this ordinance is destroyed or removed to an extent exceeding 50 percent of the value of the improvement, the replacement improvement shall comply with the standards of this ordinance. If there are practical difficulties which prevent compliance, the property owner may seek a variance pursuant to Sec. 1102.

#### **Sec. 1007. Repair or replacement.**

1. During any consecutive 12-month period, the extent of repair to a nonconforming structure or use shall not exceed 50 percent of the market value as determined by the township assessor of the nonconforming structure.
2. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of the official.

#### **Sec. 1008. Change in ownership.**

There may be a change of tenancy, ownership, or management of any existing nonconforming use of land or structure or of structures and land in combination. A change of ownership between persons does not affect the status of the nonconformity.

#### **Sec. 1009. Nonconforming status.**

Any nonconforming structure or land may be made conforming by appropriate action or modifications which cause the structure or land to fulfill the requirements of the district in which it is located. When a previously nonconforming use or structure is modified and becomes a conforming use or structure, its legal nonconforming status is eliminated. Once a nonconforming use or structure is modified to conform with this ordinance, it must adhere to all ordinance standards unless a variance is granted by the Zoning Board of Appeals.

**Sec. 1010. Elimination of nonconforming structures or land.**

The township may acquire by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and structures. The township board may in its discretion provide that the cost and expense of acquiring the private property be paid from general funds, or the cost and expense or any portion thereof may be assessed to a special district. The elimination of any nonconforming uses and structures in a zoned district as herein provided is hereby declared to be for a public purpose and for a public use. The township board shall have authority to institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the laws of the state or township relative to condemnation.

**Sec. 1011. Determining abandonment.**

Abandoned nonconforming uses may not be reestablished. If a nonconforming use is discontinued, the Zoning Administrator may request a review by the Zoning Board of Appeals to determine whether the use has been abandoned. The Zoning Board of Appeals shall hold a public hearing, following notice per Sec. 1201 of this ordinance. The Zoning Board of Appeals shall determine whether the nonconforming use was abandoned based on a preponderance of the following factors:

1. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
2. Disconnection of utilities.
3. Evidence that the use was relocated to a new site.
4. Evidence of a “going out of business” sale.
5. Signs advertising the business has been removed.
6. Whether the use has been discontinued for 1 year or more, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
7. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
8. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
9. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use.

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## **ARTICLE 11. ZONING BOARD OF APPEALS<sup>5</sup>**

### **Sec. 1100. Creation and membership.**

A Zoning Board of Appeals shall be established pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended and shall consist of at least five members. The Zoning Board of Appeals shall be constituted and perform the duties and powers prescribed under PA 110 of 2006 and as provided in this ordinance. When PA 110 of 2006 presumes to grant the Zoning Board of Appeals more discretion or powers than this ordinance provides, then the Zoning Board of Appeals shall act in accordance with the intent of this ordinance.

### **Sec. 1101. Meetings.**

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the board may determine by its rules. All hearings conducted by the board shall be open to the public. The board shall maintain a record of its proceedings in the office of the township clerk which shall be a public record.

### **Sec. 1102. Application procedure, fees, and notice.**

An application may be made to the Zoning Board of Appeals by any person, firm, or corporation, or by an officer, department, board, or bureau affected by a decision of the Zoning Administrator, Planning Commission, or other official responsible for administering this ordinance or by a property owner or person with an interest in property requesting a non-use variance.

1. An application to the Zoning Board of Appeals shall be submitted a minimum of 21 days prior to a regularly scheduled meeting. If no meeting is scheduled, a meeting of the Zoning Board of Appeals shall be scheduled within 30 days of receiving an application.
2. An appeal of an administrative decision shall be made within 30 days of the final decision. Applications for an appeal shall be submitted to the Zoning Administrator.
3. A fee to be established by resolution of the township board shall be paid to the township clerk or designated official at the time any application is filed.
4. An appeal shall stay all proceedings in furtherance of the appealed decision unless the building inspector certifies to the Zoning Board of Appeals a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed.

### **Sec. 1103. Official record.**

1. The written findings of fact, the conditions attached, and the decisions and orders of the Zoning Board of Appeals shall be entered into the official record after official minutes have been approved and after written notice of the decision of has been delivered, by mail to the applicant.

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<sup>5</sup>State law reference(s)—Zoning Board of Appeals, MCL 125.3601 et seq.

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2. A copy of the official record of Zoning Board of Appeals applications and all decisions shall be made available to the parties to the appeal upon request and after the payment fees as determined by the township board.
  3. The township clerk shall be responsible for maintaining a record of all Zoning Board of Appeals meeting minutes and final decisions, while the Zoning Administrator shall be responsible for maintaining a record of all applications and additional information submitted to the township relative to the application.

#### **Sec. 1104. Jurisdiction.**

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this ordinance, but does have power to act on those matters where this ordinance provides for an administrative review, interpretation, exception, and to authorize a variance as defined in this section, and laws of the state. Said powers include:

1. *Administrative review.* The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision, or determination made by an administrative official charged with enforcing or administering this ordinance. In reviewing an appeal of an administrative decision, the Zoning Board of Appeals shall reverse a decision only on the finding that the decision was:
  - A. Arbitrary or capricious, or
  - B. Based on an erroneous finding of a material fact, or
  - C. Constituted an abuse of discretion, or
  - D. Based on erroneous interpretation of the zoning ordinance or zoning law.
2. *Variance.* To authorize, upon an appeal, a variance from the strict application of the provisions of this ordinance where by reason of narrowness, shallowness, shape, or area of a specific piece of property, or by reason of topographic conditions, or other conditions, the strict application of the regulations would result in practical difficulty for the owner of such property. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed uses that it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of a variance. See Sec. 1106.
3. *Interpretation.* To hear and decide requests for interpretations of the zoning map or text:
  - A. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Article, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the board.
  - B. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference. If necessary, the Zoning Board of

Appeals may recommend an amendment to the zoning ordinance to the Planning Commission to address the issue being interpreted.

- C. The Zoning Board of Appeals may interpret the following provisions of this ordinance:
- (1) The board may determine the precise location of the boundary lines between zoning districts.
  - (2) The board may classify any activity which is not specifically mentioned in the uses table in Sec. 308 for any zoning district as a use by right, provided that such classification shall be consistent with the classification of similar uses and with the purpose and intent of each zoning district. In making this interpretation, the Zoning Board of Appeals may not interpret a use as falling into a more general category if the use is specifically listed in another zoning district. The Zoning Board of Appeals may not classify a use as permitted by special land use. If it finds that the proposed use is only compatible with uses requiring special land use, it shall refrain from classifying the use and report its findings to the Planning Commission and township board, who may initiate an amendment to the zoning ordinance to address the use.
  - (3) The board may interpret any portion of this ordinance when the Zoning Administrator is unable to clearly determine its intent or effect, using the standards in Sec. 200 where applicable.

#### **Sec. 1105. Majority vote.**

The concurring vote of a majority of the members of the Zoning Board of Appeals present at the meeting shall be necessary to make a decision on an administrative appeal or interpretation. A majority vote of the regular membership of the Zoning Board of Appeals is required to grant a variance. In other words, because the Zoning Board of Appeals has five members, a minimum of three affirmative votes is necessary to take action on a variance request, regardless of the number of members in attendance.

#### **Sec. 1106. Non-use variances.**

The Zoning Board of Appeals is empowered to grant non-use variances. A non-use variance is a variance from any requirement of this ordinance other than the restrictions regarding which uses may be permitted in each zoning district. Examples of non-use variance include variance from lot area and width regulations, yard, and depth regulations, and off-street parking and loading space requirements. The Board of Appeals may grant any non-use variance that demonstrates compliance with the standards outlined below. The Zoning Board of Appeals may not consider use variances.

A variance may be necessary to overcome practical difficulties which prevent carrying out the strict letter of this ordinance. These difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land, and a finding that the request complies with all of the following standards:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.



2. That the need for the requested variance is not the result of actions of the property owners or previous property owners (self-created).
3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
5. That in granting the variance, the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.

**Sec. 1107. Exercising powers.**

In exercising its powers, the Zoning Board of Appeals may reverse or affirm wholly or partially, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative official from whom the appeal is taken. The board shall have the authority to review decisions regarding special land uses, planned unit developments, cluster or open space options, or other discretionary matters that are within the purview of the Planning Commission. The Zoning Board of Appeals may not hear appeals of any township board decision.

**Sec. 1108. Expiration of decisions.**

No order of the Zoning Board of Appeals permitting the erection or alteration of a building as provided in this ordinance shall be valid for a period of longer than one year, unless a building permit is issued, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises as provided in this ordinance, shall be valid for a period longer than one year unless such use is established within one year.

**Sec. 1109. Membership.**

The township Zoning Board of Appeals shall consist of five members appointed by the Township Board of Trustees.

1. One of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission. The remaining regular members, and any alternate members, shall be selected from the electors of Vienna Charter Township. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular member may be a member of the Township Board of Trustees but shall not serve as chairperson. An employee or contractor of the Township Board of Trustees may not serve as a member of the Zoning Board of Appeals.
2. The Township Board of Trustees may appoint one alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve

in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member.

3. Terms of members shall be for 3 years, except for members serving because of their membership on the Planning Commission, or township board, whose terms shall be limited to the time they are members of the Planning Commission or township board, respectively, and whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
4. The Zoning Board of Appeals shall elect from its membership a chairperson and vice chairperson. The chairperson and vice chairperson shall serve 12-month terms and may be re-elected for additional terms.
5. A member of the Zoning Board of Appeals may be removed by the township board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**Sec. 1110. Performance guarantee.**

The Zoning Board of Appeals may require a performance guarantee per Sec. 1215.

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## **ARTICLE 12. ADMINISTRATION AND ENFORCEMENT**

### **Sec. 1200. Purpose.**

The purpose of this Article is to establish roles and responsibilities for administering the zoning ordinance and enforcing its standards and provisions.

### **Sec. 1201. Notice of public hearing.**

Notice of a public hearing before the Planning Commission, the township board, or the Zoning Board of Appeals shall be given as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.). The Zoning Administrator is responsible for ensuring notice is published consistent with this section and all applicable ordinances and laws:

1. Notice of the hearing shall be published in a newspaper of general circulation in Vienna Township.
2. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property being considered and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is in the zoning jurisdiction as well as utilities or airports that request notice.
3. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do the following:
  - A. Describe the nature of the request.
  - B. Indicate the property that is the subject of the request. The notice shall include all street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, other means of identification may be used.
  - C. State when and where the request will be considered.
  - D. Indicate when and where written comments will be received concerning the request.
  - E. Indicate where a copy of the application can be reviewed (the Township Office during normal business hours).
4. For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the requirement to send notice to properties within 300 feet and the requirement to list all street addresses do not apply to that group of adjacent properties.
5. Notice of time and place of a public hearing for adoption or a new zoning ordinance, or amendment to the existing zoning ordinance shall be given by mail to each gas, electric, and pipeline utility company, each telecommunications service provider, each railroad operating in Vienna Township and the airport manager of the airport, that registers its name and mailing address with the township clerk for the purpose of receiving such notice.

6. The township offices shall be minimal location to post notices of public meetings.
7. The procedures identified in this section are to be used for all notifications and publications required under this zoning ordinance.

**Sec. 1202. Performance guarantee for improvements.**

1. *Cash guarantee for temporary waivers.* In those instances where the Planning Commission or Zoning Board of Appeals decides that an improvement such as a wall, berm, acceleration/deceleration lane, stormwater detention basin, or other site improvement, which is a requirement of this ordinance, should be temporarily waived, the Planning Commission or Zoning Board of Appeals may require a cash guarantee to ensure the eventual construction of such improvement if it is required at a future date.
2. *Acceptable deposit.* If a guarantee is required, the applicant shall deposit cash, irrevocable letters of credit, or other equivalent forms of security acceptable to the township attorney. The amount of such guarantee shall be equal to 115 percent of the estimated cost of the improvement.
3. *Release of monies.* The guarantee shall include a schedule of costs assigned to the improvements. Monies may be released to the applicant in proportion to work completed on the improvement after inspection of work and approval of the building official; provided, however, that 10 percent of the estimated costs shall be retained by the township until all work has been completed and subsequently inspected and approved by the building inspector.
4. *Each guarantee a separate agreement.* If more than one guarantee is involved in the guarantee of improvements, each such guarantee shall be treated as a separate agreement and the 10 percent holdback may be released upon satisfactory completion of such phase of construction and approval by the building official.
5. Performance guarantees shall be filed with the township clerk.

State law reference(s)—Performance guarantee, MCL 125.3505.

**Sec. 1203. Duties of the Zoning Administrator.**

The Vienna Charter Township Board of Trustees shall appoint a zoning administrator. The Zoning Administrator is responsible for administering and enforcing the provisions of this ordinance. The Zoning Administrator, with approval from the township supervisor, may delegate enforcement of provisions of this ordinance to other staff or officials.

The Zoning Administrator shall have the power to grant zoning compliance and zoning permits, and to make inspections of buildings or premises necessary to carry out the duties of enforcement of this ordinance. The Zoning Administrator shall inspect plans or construction as is necessary prior to a determination that provisions of this ordinance are satisfied, and the permit or certificate may be properly issued.

1. Under no circumstance is the Zoning Administrator permitted to either make changes to this ordinance or to vary the terms of this ordinance, except as may otherwise be provided, in carrying out prescribed duties as zoning administrator.

2. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this ordinance are accepted by the applicant. The possible violation of contracts, such as private covenants or other private agreements, which may occur upon the granting of a permit shall not be considered as relevant to granting any permit specified by this ordinance.
3. Additional responsibilities of the Zoning Administrator shall include:
  - A. Keeping accurate records of all applications and associated documentation.
  - B. Keeping a record of ordinance interpretations rendered by the Zoning Board of Appeals.
  - C. Serving as a point of contact for citizens and local officials regarding the ordinance.
  - D. Assisting applicants with understanding and submitting necessary information.
  - E. Receiving and investigating complaints.
  - F. Providing staff support to the Planning Commission, township board, and Zoning Board of Appeals.
  - G. Maintaining an up-to-date copy of the zoning ordinance and other relevant ordinances, along with forms, permits, and guidance for applicants. All forms and documents utilized by the Zoning Administrator to administer this ordinance shall be reviewed and approved by the Planning Commission.
  - H. Making reports to the Planning Commission, Township Board of Trustees, Council, and Zoning Board of Appeals upon request.

**Sec. 1204. Duties of the building inspector.**

The building inspector has the power to grant occupancy permits per Chapter 6 of the Vienna Charter Township Code of Ordinances. It shall be unlawful for the building inspector to approve any plans or issue any permits or certificates of occupancy for any excavation, construction of a new structure, or occupancy of a building until such plans have received a zoning permit.

Under no circumstances is the building inspector permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out the building inspector duties.

**Sec. 1205. Duties of the township clerk.**

The township clerk is responsible for the following duties:

1. Receive and deposit performance guarantees. See Sec. 1202.
2. Take registrations from electric, gas, and pipeline public utility companies, telecommunication service providers, railroads operating within the township, and airport managers that wish to receive notice of public hearings related to zoning ordinance adoption or amendment.
3. Keep and file records of meeting minutes, public notices, and other documentation of Planning Commission and Zoning Board of Appeals meetings.
4. Receive requests for a public hearing at the township board.
5. Keep and file records of all zoning ordinance amendments and rezonings. See ARTICLE 12.

**Sec. 1206. Duties of the code enforcement officer.**

The code enforcement officer is responsible for the following duties:

1. Receiving complaints filed relative to standards and requirements of this ordinance.
2. Issuing citations for violation of this zoning ordinance chapter.

**Sec. 1207. Duties of the Planning Commission.**

The township Planning Commission is hereby designated as the board specified in Section 301 of Public Act No. 110 of 2006 (MCL 125.3301), as amended, and shall perform the duties of said board as provided in the statute in connection with the amendment of this ordinance. This includes site plan review, granting special land use permits, and initiating amendments to the zoning ordinance text and map.

**Sec. 1208. Duties of the Zoning Board of Appeals.**

The duties of the Zoning Board of Appeals are described in Sec. 1011.9.

**Sec. 1209. Duties of the township board.**

The Township Board of Trustees shall be responsible for the following duties under this ordinance:

1. Adopt the zoning ordinance.
2. Initiate and adopt amendments to the text of this ordinance and the Zoning Map.
3. Set fees to be charged for any action under this ordinance. The township board may also waive any required fee.

**Sec. 1210. Zoning permits.**

The following shall apply in the issuance of any permit:

1. *Permits not to be issued.* No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this ordinance.
2. *Permits for new use of land.* No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a new or different use unless a zoning permit is first obtained for the new or different use.
3. *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a new or different use unless a zoning permit is first obtained for the new or different use.
4. *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless the project has received the necessary approvals under this ordinance.

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5. The issuance of a zoning permit signifies compliance with the requirements of this ordinance. A zoning permit must be obtained from the Zoning Administrator before any building permit is issued for any activity described in the preceding subsections 1 through 4. In addition, a zoning permit is required prior to the following activities taking place:
    - A. *Any change of a nonconforming use or building.* For the purpose of this ordinance, the term “change in use” means when the use changes from one classification listed in the Table of Uses to another. See Sec. 308.
    - B. Any other activity regulated by this zoning ordinance including erection of a fence, light poles or other similar structures, establishment of parking areas on a lot, or modifications to landscaping required under this ordinance.
  6. An application for a zoning permit must include:
    - A. A description of the proposed use or change to the property.
    - B. A copy of a property survey, deed, or tax records sufficient to allow identification of the parcel. When the applicant is anyone other than the property owner identified by the township assessor’s records, evidence of the owner’s concurrence, or a change in ownership must also be submitted.
    - C. A plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position, and height of all existing and proposed buildings or structures thereon.
    - D. Any other information deemed necessary for the proper enforcement of this ordinance by the Zoning Administrator.
  7. If a zoning permit is denied, the Zoning Administrator shall provide a written explanation of the reasons for denial.
  8. Buildings or structures accessory to dwellings shall not require separate zoning permits for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

**Sec. 1211. Certificate of zoning compliance.**

A property owner or individual with an interest in a parcel such as a mortgage company or title company may request a certificate identifying the extent to which a parcel is compliant with zoning regulations. The Zoning Administrator shall issue such a certificate based on existing zoning records following payment of a fee established by the township board, if any.

**Sec. 1212. Conditions.**

The Planning Commission may impose such conditions or limitations in granting approval, as may be permitted by state law and this ordinance, which it considers necessary to fulfill the spirit and purpose of this ordinance. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve

natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
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 the zoning regulations; be related to the standards established in this ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

### **Sec. 1213. Standards for applying conditions.**

In determining appropriate conditions, the Planning Commission shall ensure that:

1. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged, except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

### **Sec. 1214. Final inspection.**

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof, shall notify the building inspector immediately upon the completion of the work authorized by such permit, for a final inspection. At which time the building inspector shall confirm compliance with all standards in the zoning permit, site plan, special use permit, variance, or other approval granted under this ordinance.

### **Sec. 1215. Fees.**

Application fees will be established by resolution of the township board for the filing of various types of applications and administrative review procedures as established by this ordinance. Fees may be imposed for inspection of properties pursuant to the granting of a certificate of occupancy or conformity, for the filing of site plans, special use permits, Board of Appeals, and generally to determine compliance with any part of this ordinance. The amount of fees to be determined by resolution of the township board for various types of administrative review and compliance inspections may account for all direct and indirect township costs including, where deemed necessary, for the costs of retaining planning, engineering, environmental, or fiscal impact consulting assistance. Said fees may be collected by the Zoning Administrator, building inspector, clerk, or other designated township official, in advance



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of the issuance of any of the herein required permits and application processes. The schedule of fees as established by resolution of the township board is subject to amendment from time to time.

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## **ARTICLE 13. LANDSCAPING, SCREENING AND WALLS**

### **Sec. 1300. Landscaping standards.**

1. *Intent.* Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening to protect and preserve the public health, safety, and welfare of the community.
2. *Scope of application.* The requirements set forth in this section shall apply where landscaping is required under this ordinance, and no site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a zoning permit for new construction or expansion shall not be issued until the required landscape plan is submitted and approved, unless provisions set forth in this section have been met or a performance bond has been posted.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the township from agreeing to more extensive landscaping.

3. *Landscaping design standards.* Required landscaping shall conform to the following standards:
  - A. *General landscaping.* All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground cover and other ornamental materials as required below, except where specific landscape elements, such as a greenbelt, berm, or screening are required:
    - (1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.
    - (2) A mixture of evergreen and deciduous trees shall be planted.
    - (3) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
    - (4) In consideration of the overall design and impact of the landscape plan, the Planning Commission may increase, reduce, or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the ordinance, and more specifically, with the intent of the Article.
    - (5) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

- B. *Greenbelt buffer.* Where required, greenbelts and greenbelt buffers shall conform to the following standards:
- (1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
  - (2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
  - (3) A minimum of one (1) deciduous tree or evergreen tree shall be planted for each 30 linear feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.
  - (4) Two (2) 18-inch-high shrubs shall be required for each 15 linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random or in groupings.
- C. To determine required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.
- D. *Landscape berms.* Where required, earth berms or landscaped berms shall conform to the following standards:
- (1) The berm shall be a minimum of 3 feet above the grade elevation, and shall be constructed with slopes no steeper than 1 foot vertical for each 3 feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
  - (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
  - (3) A minimum of one (1) deciduous or evergreen tree shall be planted for each 30 linear feet of required berm.
  - (4) Eight (8) shrubs per tree may be planted as a substitute for each tree (see Sec. 1300.3.B(3) above).
  - (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- E. *Evergreen screening.* Where required, evergreen screening shall consist of closely spaced plantings that form a visual barrier that grows to at least 5 feet above ground level.
- F. *Mechanical equipment.* Equipment and utilities including but not limited to blowers, ventilating fans, heating, ventilation and air-conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards.
- (1) Such equipment and utilities shall not be located in any front yard and shall be placed not closer than 12 feet to any lot line in all other districts.

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- (2) All such equipment shall be screened by a solid wall, fence, and/or architectural feature that is compatible in appearance with the principal building.
- (3) Roof-mounted equipment shall not exceed a height of 10 feet above the surrounding roof surface and shall occupy no more than 15 percent of the total roof area. Roof-mounted equipment shall be screened so it is not visible from the ground level.
- G. *Rounding.* When calculating the number of required trees or shrubs, all fractions shall be rounded up to the nearest whole number. For example, if there is 70 feet of required greenbelt, 3 deciduous or evergreen trees must be planted, along with 10 shrubs. (70/30=2.33); (70/15=4.67; 4.67 \* 2 shrubs per 15 feet = 9.34 shrubs)
- H. *Landscaping rights-of-way and other adjacent public open-space areas.* Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
- I. *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than 3 feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of 3 feet above the pavement grade at the edge of the pavement. Trees shall not be located in triangular area. Landscaping, except grass or ground cover, shall not be located closer than 3 feet from the edge of a driveway.
- The triangular areas referred to above are:
- (1) The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being 10 feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
- (2) The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being 25 feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.
- J. *Maintenance of landscaping.* All required landscape areas shall be planted and maintained with living plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this ordinance.

### **Sec. 1301. Plant materials.**

Whenever in this ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this ordinance. Any plant material

required to be planted by this ordinance shall be free from disease and insects at the time of planting and conform to the American Standard for Nursery Stock of the American Nurserymen ANZI Z60.1.

1. *Plant material spacing.*

- A. Deciduous or evergreen trees shall not be placed closer than 4 feet from the fence line or property line and shrubs shall not be planted closer than 2 feet from the fence or property line.
- B. Where plant materials are planted in two (2) or more rows, plantings shall be staggered in rows.
- C. Evergreen trees shall be planted not more than 30 feet on centers, except as provided in Sec. 1300.3.A(4).
- D. Narrow evergreens shall be planted not more than 3 feet on centers.
- E. Deciduous trees shall be planted not more than 30 feet on centers.
- F. Tree-like shrubs shall be planted not more than 10 feet on centers.
- G. Large deciduous shrubs shall be planted not more than 4 feet on centers.

2. *Suggested plant materials.*

Plant Material Type	Standards	Species
Evergreen Trees	Minimum of 6 feet in height	Hemlock Fir Pine Spruce Douglas-Fir
Narrow Evergreens	Minimum of 4 feet in height	Column Honoki Cypress Blue Columnar Chinese Juniper Pyramidal Red-Cedar Irish Yew Douglas Arborvitae Columnar Giant Arborvitae
Tree-like Shrubs	Minimum of 6 feet in height	Flowering Crab Mountain Ash Dogwood Redbud Rose of Sharon Hornbeam Hawthorn Magnolia

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Plant Material Type	Standards	Species
Large Deciduous Shrubs	Minimum of 5 feet in height	Honeysuckle (without seeds or thorns) Viburnum Mock-Orange Forsythia Lilac Cotoneaster Hazelnut Euonymus Privet Sumac
Deciduous Trees	Minimum of 2- to 3-inch caliper	Oaks Hard Maple Hackberry Birch Planetree (Sycamore) Ginkgo (male) Beech Sweet-Gum Honey Locust Hop Hornbeam Linden
Trees Not Permitted	N/A	Box Elder Soft Maples (Red and Silver) Slippery Elms Poplars Willows Horse Chestnut (nut bearing) Tree of Heaven Catalpa Ginkgo (female) Autumn or Russian Olive Ash Buckthorn Japanese Knotwood Mulberry

3. *Existing plant materials:* In instances where healthy plant material exists on a site prior to its development, plant materials requirements may be reduced by two new trees or shrubs for each existing tree over 4-inch caliper or shrub over 18 inches in height that is maintained within the required greenbelt or landscaping area.

**Sec. 1302. Parking lot landscaping.**

Off-street parking areas which contain more than 20 parking spaces shall be landscaped as follows:

1. For every 20 parking spaces, an area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.
2. Parking lot landscaping shall not be less than 150 square feet in any single island area. Not more than two (2) landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
3. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
4. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

**Sec. 1303. Screening walls.**

1. An obscuring wall, fence, or buffer feature shall be provided and maintained to screen incompatible uses from commercial and industrial uses or site features as referenced in this Article. Fences shall be constructed in accordance with the standards of Sec. 1305. The height of the wall or fence shall be measured from the surface of the parking area or land on the nonresidential side of the wall based on the standards in the following table:

USE	MINIMUM HEIGHT REQUIREMENT
R-2 Multi-Family Housing Adjacent to R-1A or R-1 Zoning Districts	6-foot-high wall or fence
Off-street Parking Areas Adjacent to R1-A, R-1, R-2, or MH Zoning Districts	6-foot-high wall or fence
C 1 and C 2 districts adjacent to R-1A, R-1, R-2 or MH districts	6-foot-high wall or fence
I industrial Districts adjacent to R1-A, R-1, R-2, or MH	8-foot-high wall or fence
Open Storage Areas and Loading and Unloading Zones Adjacent to Any Residential Zoning District or Use.	8-foot-high wall or fence (See also Sec. 1305.5.A)
Trash Receptacles or Dumpsters in Any Zoning District	6-foot-high wall or fence (see also Sec. 1305.2)
Utility Buildings, Stations, and Substations in Any Zoning District	6-foot-high wall or fence

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2. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with yard setback lines, subject to Sec. 1305.5.A. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may modify the wall requirement by approving either an earth berm or evergreen screen in its place.
  3. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the Planning Commission. All walls herein required shall be constructed of materials approved by the Zoning Administrator that are to be durable, weather resistant, and easily maintained such as wood, brick, and cement.
  4. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district may be waived or modified due to the distance from proposed use in the residential or existing screening on the property, at the discretion of the Planning Commission.
  5. When residential uses in a non-residential district are adjacent to any uses listed above, the Planning Commission may require screening as outlined above, based on the impact on the adjacent residences.
  6. In cases where the walls are intended to screen outdoor storage and similar uses, the materials being stored shall not exceed the height of screening walls.

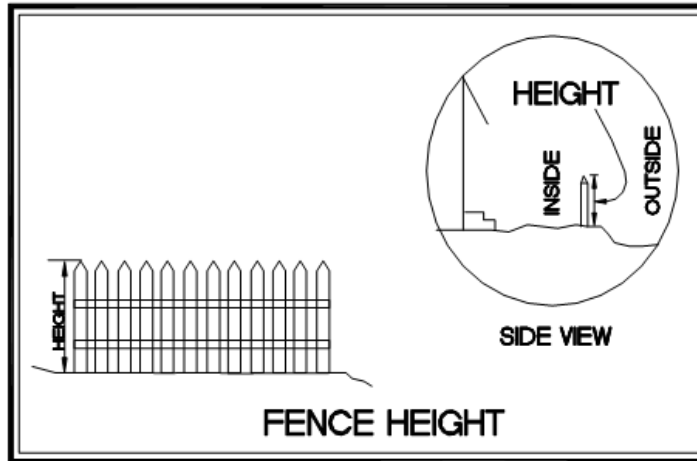
#### **Sec. 1304. Compliance for nonconforming sites.**

Existing sites that do not comply with the standards of this Article shall be required to come into full compliance whenever site plan review is required for a project anywhere on the site or when use of a property changes and the new use requires additional landscaping or screening.

#### **Sec. 1305. Fences.**

1. *Scope:* The installation, erection, and/or maintenance of a fence are hereby prohibited except in strict compliance with this ordinance. A permit to be issued by the Zoning Administrator shall be obtained prior to installation or erection of any fence within the corporate limits of the Vienna Township. Application shall be made upon a form provided and shall require such information as may be required by the Zoning Administrator. All applications for a permit shall be accompanied by a filing fee as established by township board resolution.
2. *Calculation of fence height:* The minimum height of the fence shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence.





3. *Design requirements.*

- A. *Residential fences:* All fences in areas zoned or used for residential purposes shall be of an ornamental type and shall not be more than 6 feet in height, above the grade level. Any metal, including chain link or masonry fence further shall not be more 6 feet in height above grade level. Such fences shall not extend beyond the front building line of the principal structure, except that non-obscuring fences no higher than 36 inches may be permitted within the front yard.
- B. *Business, office, or commercial fences:* All fences in areas zoned or used for business, office, or commercial purposes shall be of an ornamental type, and shall not be more than 6 feet in height above grade level.
- C. *Industrial fences:* All fences in areas zoned or used for industrial purposes shall not be less than 6 feet in height nor exceed 8 feet in height above surrounding grade level.
- D. *Fences separating single or two-family residential property from a multiple-family residential property:* Areas zoned or used for multiple-family residential purposes, which abut single- or two-family property, shall have erected upon said adjoining property line, a fence of an ornamental type, to be 6 feet in height above grade level.

4. *Material specifications:* Fences shall be constructed of wood, metal, or masonry, and other acceptable materials, excluding plastic weave designs. Only new material shall be used, which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay.

- A. All fences shall be constructed of a minimum of:
  - (1) Two (2) inch iron pipe.
  - (2) Two (2) inch angle iron.
  - (3) Four (4) inch wooden posts.
  - (4) Four (4) inch reinforced concrete posts; or any other member having equal stability. All posts shall be sunk in the soil to a depth of at least 3 feet.

- (5) Fences which are deemed necessary for noise suppression shall be concrete, decorative concrete blocks, or masonry.
- B. No person shall erect or cause to be erected a fence which is:
  - (1) Made with or upon which is fixed barbed wire.
  - (2) Has any protective spike, nail, or sharp pointed object.
  - (3) Charged with electric current.
- C. Provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property.
- 5. *Location.*
  - A. All fences must be located entirely on the private property of the person constructing the fence, provided that if the adjoining property owner(s) consent in writing to the construction of a fence on this property line, it may be so constructed. Such written consent shall be filed with the application for a permit.
  - B. No fence shall be erected between the front building line and the front property of the premises, except as otherwise provided by this ordinance; Sec. 1305.3.A, B, and C.
  - C. Decorative side facing outward.
- 6. *Maintenance of fence:* Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property is hereby deemed a nuisance. The Zoning Administrator shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed.
- 7. *Existing fences:* Fences presently in existence shall not be enlarged, rebuilt, or reconstructed without first having obtained a permit therefore from the Zoning Administration. Such fences, when repaired or replaced, shall conform to all provisions of this ordinance.

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