ZONING ORDINANCE

CHARTER TOWNSHIP OF WATERFORD

OAKLAND COUNTY
MICHIGAN

"Moving Forward Together"

ZONING ORDINANCE NO. 135-A

CHARTER TOWNSHIP OF WATERFORD

Oakland County, Michigan

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Amended through November 3, 2012

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SECTION 1-001. SHORT TITLE

This Zoning Ordinance, of which the Zoning Map, Schedule of Regulations, and Related Standards are a part, shall be known and cited as the Waterford Township Zoning Ordinance.

SECTION 1-002. PURPOSE AND INTENT

1. This Zoning Ordinance is enacted under Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, as a comprehensive amendment of Zoning Ordinance No. 135, for the purposes of establishing zoning districts and regulating land development in all portions of the Charter Township of Waterford, outside the limits of cities and villages which regulate the use of their land and structures.
2. This Zoning Ordinance of the Charter Township of Waterford is adopted to further the implementation of the goals and objectives of the Waterford Township Master Plan with the purpose of promoting and preserving the public health, safety, peace, morals, comfort, convenience, and general welfare of the citizens. The fulfillment of this purpose is to be accomplished by seeking:
   A. To meet the needs of Township citizens for food, fiber, energy and other natural resources.
   B. To establish adequate standards for the provision of light, air, and open spaces.
   C. To limit the overcrowding of land and congestion of population, transportation systems, and other public facilities.
   D. To provide for adequate drainage, curbing of erosion, and reduction of flood damage.
   E. To provide standards to control the amount of open space and impervious surfaces within a development.
   F. To control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
   G. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public facility and service needs.
   H. To meet the need and secure the most appropriate locations for residential, recreation, industry, trade, service, and other uses of land.
   I. To protect and conserve the character and social and economic stability of the residential, commercial, and industrial uses alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
   J. To isolate or control the location of unavoidable nuisance-producing uses.
   K. To permit the uninterrupted, unimpaired use of land for public uses and essential services, including but not necessarily limited to, schools, parks, community centers, religious facilities, cemeteries, hospitals, fire and police stations, and similar public uses for as long as deemed necessary by the residents or their elected representatives.
   L. To fix reasonable standards to which buildings and structures shall conform.
   M. To define and provide for the powers and duties of the administrative and enforcement officers and bodies.
   N. To prescribe sanctions and penalties for any violation of the provisions of this Zoning Ordinance, or of any amendment thereto.
   O. To provide for the eventual elimination of nonconforming property and nonconforming usage of property.
   P. To provide for a Zoning Board of Appeals and its duties.
   Q. To provide for a map of all zoning districts in the Township.
   R. To fulfill other legitimate objectives allowed by law.

(*ARTICLE I cont.*)

SECTION 1-003. EFFECTIVE DATE

The provisions of this Zoning Ordinance are hereby declared to be necessary for the preservation of the public health, peace, safety and morals, and this Zoning Ordinance shall take effect upon the expiration of 7 days after publication of a notice of ordinance adoption, unless a notice of intent to file a petition requesting submission of this Zoning Ordinance to a vote of the Township electors is filed with the Township Clerk by a registered elector residing in the Township within 7 days after publication. If a notice of intent is timely filed, this Zoning Ordinance shall take effect upon the expiration of 30 days after publication of the notice of ordinance adoption if a petition is not filed with the Township Clerk before the expiration of that 30 day period. If a petition is timely filed but determined to be inadequate by the Township Clerk, this Zoning Ordinance shall take effect as of the date of that determination. If a petition has been timely filed and determined to be adequate, this Zoning Ordinance shall take effect immediately upon the determination by the Township Clerk that a majority of the registered electors residing in the Township and voting at a regular or special election called for that purpose, have voted to approve it. A petition requesting submission of this ordinance to a vote of the electors must be signed by a number of registered electors residing in the Township equal to not less than 15% of the total vote cast in the Township for all candidates for governor at the last preceding general election at which a governor was elected. The Township Clerk shall publish notice of the effective date of this Zoning Ordinance when based on determinations that a timely filed petition is inadequate or that the majority of electors have approved it at an election.

SECTION 1-004. GENERAL INTERPRETATION AND SEVERABILITY

The provisions of this Zoning Ordinance shall be interpreted as the minimum requirements for the promotion and protection of the public health, safety, comfort, convenience and the physical and natural environment. In applying and interpreting this Zoning Ordinance the following provisions shall apply:

A. Whenever any regulations made under authority of this Zoning Ordinance require a greater or impose other more restrictive standards than are required in, or under, any other ordinance or statute, the provisions of the regulations made under authority of this Zoning Ordinance shall govern.

B. Whenever the provisions of any other ordinance or statute impose other more restrictive standards than are required by any regulations made under authority of this Zoning Ordinance, the provisions of such statute shall govern.

C. This Zoning Ordinance does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this Zoning Ordinance, nor any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

D. Those provisions in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations** concerned with varying design standards shall not be considered to be in conflict with the provisions of this Zoning Ordinance.

E. Interpretation of uses shall be conducted in accordance with **Section 3-202**.

F. For the purposes of this Zoning Ordinance, these general terms or words used therein shall be interpreted as follows:

(1) The phrase "**used for**" shall include the phrases "**arranged for**", "**designed for**", "**intended for**", "**maintained for**", and "**occupied for**".

(2) The word "**dwelling**" includes "**residence**".

(3) The word “resident” includes “occupant”.

(4) All "**measured distances**" shall be to the nearest foot. If a fraction is one-half (1/2) foot or less, the full number next below shall be taken.

(5) The word "**premises**" includes "**zoning lot**", "**lot of record**", and "**building**".

(6) The word "**shall**" is mandatory, the word "**may**" is permissive.

(7) The words "**used**" or "**occupied**" include the words "intended", "designed", or "arranged to be used or occupied".

(8) The words “**approving body**”, shall mean the board or commission designated in this Zoning Ordinance as having the authority to grant final approval for a proposed development or use.

(ARTICLE I, SECTION 1-004 cont.)

G. All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number.

H. Terms not defined in this Section, **Sections 1-006 and 1-007**, or in other sections of this Zoning Ordinance, shall have the meaning customarily assigned to them.

I. Nothing in this Zoning Ordinance shall be interpreted to conflict with present or future state statutes in the same subject matter; except as provided in **Sections 1-004.A** and **1-004.B**, above, conflicting provisions of this Zoning Ordinance shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Ordinance shall be construed, if possible, to be consistent with relevant state regulations and statutes.

J. If any section, clause or provision of this Zoning Ordinance shall be declared to be unconstitutional, invalid, void, illegal or ineffective by any court of competent jurisdiction, such section, clause or provision shall thereby be severed from and cease to be a part of this Zoning Ordinance, but the remainder of this Zoning Ordinance shall stand and remain in full force and effect.

K. This Zoning Ordinance shall be construed to be a comprehensive amendment of the Zoning Ordinance No. 135, of the Township as adopted by the Township Board on August 31, 1981, and subsequently amended, and nothing in this Zoning Ordinance shall be construed to exempt any property, building, structure or use from the application of zoning regulations, which property, building, structure or use would have been subject to zoning except for the enactment of this Zoning Ordinance.

L. Nothing in this Zoning Ordinance shall be construed to prevent or affect the prosecution or abatement of any violation of Zoning Ordinance No. 135, as amended, which violation was in existence at the effective date hereof, and any penalties which have been incurred, court proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Zoning Ordinance are not affected or abated by the enactment of this Zoning Ordinance.

M. Any property, use, building or structure that was unlawful or nonconforming at the effective date of this Zoning Ordinance and that is also unlawful or nonconforming under this Zoning Ordinance shall remain unlawful or nonconforming.

N. Although each zoning district's permitted principal use requirements are very specific in order to ensure the public health, safety, and general welfare; reasonable flexibility is offered through the provision of a diversity of land uses throughout the Township and through such instruments as special land uses, administrative review procedures linked to the scope and scale of development and redevelopment proposals, allowance for landscape and design standards that take into consideration location and scope, and allowance for consideration of variance relief in the case of practical difficulties. A principal objective of this Zoning Ordinance is to provide development tools that allow the Township Board and Planning Commission to consider appropriate innovations in land development that will serve the public health, safety, and welfare. Development tools such as planned unit developments and mixed use overlay districts will be considered and incorporated into this Zoning Ordinance at such time that the Township Board determines that such tools are in a form to achieve the goal of serving the public health, safety, and welfare.

SECTION 1-005. CATCH WORDS AND PHRASES

Catch words and catch phrases shall in no way by their presence or absence limit or affect the meaning of this Zoning Ordinance.

SECTION 1-006. DEFINITIONS FROM WATERFORD CODE OF ORDINANCES

The following definitions from the **Waterford Code of Ordinances** shall be incorporated as definitions in this Zoning Ordinance and applied by the Building Official, Township Engineer, Zoning Official, Public Works Official, and Fire Chief when necessary to achieve the purposes of this Zoning Ordinance:

A. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, General Provisions**, including, but not limited to, the terms**, "County", "Effective Date", "Fire Chief", "Person", "Police Chief", "Public Works Official", "S.E.A.", "State", "Township", "Township Board",** and "**Water Resources"** in all its forms including but not limited to **"Inland lake or stream", "Watercourse",** and **"Wetlands".**

B. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Animals**.

C. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Buildings and Building Regulations**.

(ARTICLE I, SECTION 1-006 cont.)

D. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Fire Prevention and Protection**.

E. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Flood Control and Environmental Protection**, including, but not limited to, the terms "**Erosion", "Floodplain", "High Water Mark", "Natural Feature", "Riparian Owners", "Riparian Rights", "Runoff", "Shoreline", "Stormwater Facilities", "Upland**", and "**Woodlands"**.

F. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Health and Sanitation**, including, but not limited to, the terms **"Distressed Vehicle", "Garbage", Junk", "Junked Vehicle", "Refuse", "Rubbish", "Waste Materials"** and **"Waste Material Container"**.

G. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Licenses and Miscellaneous Business Regulations,** including, but not limited to, the terms **"Amusement Park", "Carnival", "Concession", "Distressed Vehicle Storage Yard"**, "**Junk Storage and/or Dismantling Yard", "Massage Parlor", "Massage School"**, **"Pawnshops"**, "**Precious Metal and Gem Dealers", "Transient Merchant"**, and **"Transient Residential Occupancy Establishments"**.

H. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Subdivision and Land Management Regulations,** including, but not limited to, the term **"Alley".**

I. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Traffic and Motor Vehicles,** including, but not limited to, the term **"Abandoned Vehicle".**

J. Terms or words not defined in **Section 1-007** and defined in **Waterford Code of Ordinances, Water and Sewers**.

SECTION 1-007. INDEX OF DEFINED TERMS

For the purpose of this Zoning Ordinance, the following terms shall be defined as follows:

-A-

ABANDONMENT. Please refer to **Section 2-704**.

ABUT/ABUTTING. Two (2) zoning lots with a common property line, as well as two (2) or more zoning lots adjoining only at a corner. Shall also mean where a zoning lot possesses a common border with a right-of-way, alley, or easement.

ACCESS MANAGEMENT PLAN. A plan developed jointly by the Township and a street agency showing the design and location of street accessways for every zoning lot adjacent to a specified street or streets included in the plan.

ACCESS PERMIT. A permit issued by a street agency for the construction, maintenance, and use of a public street accessway.

ADULT DAY CARE FACILITIES. Adult day care facilities provide temporary care and supervision to infirm adults. Adult day care facilities shall be classified based upon the intensity and scope of the services provided and shall be defined as follows:

Adult Day Care Center: A facility in which more than twelve (12) infirm adults are given temporary care and supervision on a daily basis without overnight accommodations.

Adult Day Care Home: A private single-family dwelling in which more than one (1) but not more than six (6) infirm adults are given temporary care and supervision on a daily basis without overnight accommodations.

Adult Group Day Care Home: A private single-family dwelling in which more than six (6) but not more than twelve (12) infirm adults are given temporary care and supervision on a daily basis without overnight accommodations.

(ARTICLE I, SECTION 1-007 cont.)

ADULT ENTERTAINMENT USE. Any use of land, whether vacant or combined with buildings, structures, or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter, actions depicting, describing or presenting specified sexual activities or specified anatomical areas. The following meanings shall be applied throughout this definition of adult entertainment use:

Adult Novelty Items – Adult novelty items means any object, substance, instrument, paraphernalia, item or device offered for sale which is distinguished, designed, or characterized by an emphasis on matters relating to "Specified Sexual Activities", or sexual stimulation or arousal of "Specified Anatomical Areas".

Display - Any single motion or still picture, presentation, dance or exhibition, live act or placing of materials or engaging in activities on or in a newsstand, display rack, window, showcase, display case or similar place so that the material or activity is easily visible to the general population whether for free or otherwise.

Sexually Explicit Materials - Sexually explicit material means any book, magazine, periodical, slide, picture, photograph, drawing, sculpture, software, video cassettes or discs, video reproductions, or motion picture film, activity or other printed, electronic, recorded or visual representation or image which has as a significant portion of its content or exhibit matter of actions depicting, describing, or relating to "Specified Sexual Activities" or "Special Anatomical Areas", such as but not limited to, depiction of uncovered or less than opaquely covered human or animal genitals or pubic areas, human sexual intercourse, human or animal masturbation, oral or anal intercourse, human-animal intercourse, excretory functions, physical stimulation or touching of genitals or pubic areas, or flagellation or torture by or upon a person who is nude or clad in revealing costumes in the context of sexual stimulation. The materials shall be judged without regard to any covering which may be affixed or printed over the material or activity in order to obscure genital areas in a depiction which otherwise would fall within the definitions of this Section. Works of artistic, anthropological, scientific, library or medical significance, which taken as a whole have serious literacy, artistic, political or scientific value, are not intended to be included within the definitions of this subsection. This definition is intended to include material which is the product of any technology, whether that technology is available on the effective date of this article or becomes available after that date.

Significant Portion:

A. Any one or more portions of the display having continuous duration in excess of five minutes; and/or
B. The aggregate of portions of the display having a duration equal to ten percent or more of the display; and/or
C. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.

Specified Anatomical Areas

A. Less than completely and opaquely covered: (a) human genitals, pubic region (b) buttocks, and (c) female breast below a point immediately above the top of the areola; and
B. Human genitals in a discernibly turgid state, even if completely and opaquely covered

Specified Sexual Activities

A. Human genitals in a state of sexual stimulation or arousal;
B. Acts of human masturbation, sexual intercourse or sodomy;
C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast
D. Appearing in a state of nudity

Adult entertainment uses shall include but not be limited to the following:

An Adult Motion Picture Theater is an enclosed building with a capacity of 50 or more persons used for presenting material which is depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.

An Adult Mini-Motion Picture Theater is an enclosed building with a capacity for less than 50 persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas."

An Adult Motion Picture Arcade is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."

(*ARTICLE I, SECTION 1-007, ADULT ENTERTAINMENT USE cont.*)

An Adult Book or Supply Store, Adult Novelty Store, or **Adult Video Store** defines as a commercial establishment having ten (10) percent or more of all usable interior, retail, wholesale or warehouse space devoted to the distribution, display, storage, sale, or rental of any form of sexually explicit materials or adult novelty items. Also, an establishment with a significant portion devoted to the sale or display of sexually explicit materials or adult novelty items.

An Adult Cabaret is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."

An Adult Motel is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "Specified Sexual Activities" and "Specified Anatomical Areas."

An Adult Massage Parlor is any place where for any form or consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

An Adult Model Studio is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photo-graphed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona-fide art school or similar educational institution.

An Adult Personal Service Business is a business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such businesses include, but are not limited to, modeling studios, body painting studios, wrestling studios, and conversational parlors.

An Adult Sexual Encounter Center is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in “Specified Sexual Activities” or exposing “Specified Anatomical Areas”.

AIRPORT FACILITIES. Any area of land or water and buildings and structures, designated by the Airport Master Plan and authorized by the United States Federal Aviation Administration and the State of Michigan, for the safe landing and take-off of aircraft, for the reduction of aircraft-generated noise, and including all necessary facilities for the housing and maintenance of aircraft and related services. The following definitions shall help to identify the airport use, including but not limited to:

Airport Control Tower. A building used for guidance and control of air traffic.

Airport Hangar. A building designed and used for the shelter, repair, and maintenance of aircraft.

Airport Offices. Buildings required for the administrative and maintenance services of an airport.

Airport Runway. A defined area for landing and takeoff of aircraft along its length.

Airport Terminal. A building designed and used for the processing of passengers and freight.

Aviation Fueling Facility. An ancillary fueling facility providing fuel through a fuel dispensation system for either vehicles used for airport operations and/or aircraft.

Aviation Obstruction. Any structure, growth or object exceeding the maximum height within airspace governed by the regulations of the Federal Aviation Administration.

Runway Protection Zone. An area established and defined by the Federal Aviation Administration.

AIRPORT MANAGER. The Oakland County International Airport Manager as designated by the County of Oakland and such duly assigned staff members reporting to the Airport Manager.

AIRPORT MASTER PLAN. The active Master Plan for the Oakland County International Airport, as adopted by the Oakland County Board of Commissioners, the United States Federal Aviation Administration, and the State of Michigan Civil Aeronautics Board.

AIR CONTAMINANT. All air pollutants identified by the United States Environmental Protection Agency to measure ambient air quality under the Clean Air Act.

(ARTICLE I, SECTION 1-007 cont.)

ALTERNATIVE ENERGY SYSTEMS. A device, structure, or collection of devices and/or structures on a zoning lot that transforms natural forces such as light and wind into a usable energy source for the provision of a significant share of the power supply to structures on the same zoning lot. Such systems include, but are not limited to:

Solar Energy System. An alternative energy system that transforms solar light into a usable energy source.

Wind Energy Conversion System. An alternative energy system that converts the kinetic energy of the wind into a usable energy source through a wind energy turbine (WET).

Large-Scale Wind Energy System (LWES). Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, whose total height is more than 120 feet above natural grade. LWETs shall have a rated capacity of more than 100 kW and be intended primarily to produce energy for sale to the grid, for consumption off-site.

Medium-Scale Wind Energy System (MWES). Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, whose total height is between 60 feet and 120 feet above natural grade. MWETs shall have a rated capacity in excess of 50 kW, be intended primarily to produce energy for on-site power consumption and reduce the need to purchase utility power from the grid, and have the ability to sell power back to the grid.

Small-Scale Wind Energy System (SWES). Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, whose total height is between zero and 60 feet above natural grade. SWETs shall have a rated capacity of not more that 10 kW, be intended primarily to produce energy for on-site power consumption and reduce the need to purchase utility power from the grid, and have the ability to sell power back to the grid.

Wind Energy Turbine (WET). Any structure or facility used for the converting of wind energy to electric power, including, but not limited to, towers, blades, motors, transmission wires, buildings, monopoles or other support structures, constructed, installed or operated, or to be constructed, installed or operated.

ANIMAL. The following definitions shall apply to distinguish different categories of animals as they apply to land use:

Animal, Domestic. A domestic animal is one whose breeding, shelter, and nourishment have been controlled, supervised, and provided by humans over the course of generations. The following characteristics distinguish domestic animals from other animals:

A. Domestic animals have been specifically bred for characteristics that make them compatible with people.
B. Most domestic animals started out as social animals (usually living in social groups) where the herd social organization tends to provide the correct basic characteristics that are selected for compatibility with people.
C. Because they have historically lived in close contact with people, the care requirements of domestic animals in captivity is documented and well known.
D. Because they have historically lived in close contact with humans, the risks which the animals pose to their keepers is documented and well known.
E. There is an established infrastructure available to care for domestic animals (training and care procedures, ample supply of food and medical products customized for the diet and health of domestic animals, and a well-trained and accessible corps of veterinary professionals).

Domestic animals shall be classified by the following specific categories:

Container Pets. Animals (such as fish, turtles, frogs, toads, guinea pigs, gerbils, birds, and the like) normally and customarily kept at all times within a container providing the appropriate habitat.

Household Pets. Any domestic animal normally and customarily kept within, and generally allowed to run freely throughout, the same dwelling unit as the human occupants for pleasure and companionship such as dogs, cats, ferrets, and rabbits.

Non-Household. Any domestic animal, other than those defined as household pets.

Livestock, Domestic Hoofed. Non-household domestic animals such as horses, cattle, mules, sheep, goats, llamas, and swine raised for hobby or for the purpose of creating food for human consumption and/or clothing products.

Livestock, Domestic Small. Non-household domestic animals such as chinchillas or similar animals; chickens, turkeys, pigeons, and small birds and ducks raised for hobby or the purpose of creating food for human consumption and/or clothing products.

Animal, Prohibited. For purposes of this Zoning Ordinance shall be those animals identified as prohibited in **Waterford Code of Ordinances, Animals**.

(ARTICLE I, SECTION 1-007 cont.)

ANIMAL ENCLOSURE. An area completely enclosed and covered by chain link fencing or solid walls, or a dog run, within which one or more domestic animals can be confined and which is surrounded by a public security area, but shall not include a temporary holding space. Where an earthen floor is provided within an animal enclosure, a 2 feet wide strip of wire mesh shall be provided, extending horizontally underground into the cage from the base of the enclosing wall or fence.

ANTENNA. Any system of wires, poles, rods, residential satellite dish antennaes and other such reflecting discs or similar devices used for the reception and/or noncommercial transmission of electromagnetic waves for entertainment or information, which is mounted directly to the exterior of a building or structure, or onto a separate antenna support structure, on the same zoning lot.

APPEARANCE. The outward aspect of a building, structure, or development that is visible to the public or adjoining zoning lots.

APPLICANT. All parties, including but limited to individuals, partners, corporations, purchasers, and developers, with interest in the zoning lot or lots intended for development, redevelopment, or improvements of any kind requiring review and approval under this Zoning Ordinance.

ARCHITECTURAL FEATURE. For the purposes of this Zoning Ordinance, a design element of a building that extends beyond the vertical plane of the wall to which it is a component, supported solely by being fixed firmly to the wall (Please also refer to *Figure VII-1* on Page VII-3 in **Article VII**). Specific examples of architectural features include but are not limited to:

Awning. An architectural feature consisting of a rooflike cover, which may be retractable, that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Balcony. An architectural feature that is directly and solely accessible from within the building, cantilevered, usually surrounded by a balustrade or railing, and may be for decorative purposes or for an outdoor seating area.

Bay or Bow Window. An architectural feature that projects from the wall of a building and contains a window, is wholly above the level of the adjacent floor surface and does not result in any projection of the adjacent floor area.

ARCHITECTURAL SIGNIFICANCE. Embodying the distinctive characteristics of a type, period, style, architect, or method of construction that has contributed to the development of the community.

-B-

BASEMENT. A basement is that portion of a building partly below the grade plane. A basement shall be counted as a story for the purpose of building height measurements or determining square footage, only if the vertical distance between the basement ceiling and the grade plane exceeds four (4) feet. (Please also refer to *Figure VII-4* on Page VII-6 in **Article VII**).

BED AND BREAKFAST. A single-family dwelling occupied by a family and used incidentally as a transient residential occupancy establishment to provide accommodation and meals to transient travelers and includes a tourist home but does not include a boarding house, group home, hotel, or motel.

BEDROOM. A private room planned and intended for sleeping purposes within a building, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

BIKELANE. A separate lane in the street roadway marked and reserved for exclusive use by bicyclist travel.

BOARDING HOUSE. A dwelling where lodging and meals are provided for compensation to boarders. A boarding house shall be distinguished from a transient residential occupancy establishment.

(ARTICLE I, SECTION 1-007 cont.)

BOARDER. A person, except family, occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a defined period of seven (7) consecutive days or more. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a defined period of seven (7) consecutive days shall be classified for purposes of this Zoning Ordinance not as a boarder but as a guest of a transient residential occupancy establishment.

BUILDABLE AREA. The portion of the net lot area of a zoning lot or subdivision plat remaining after the minimum yard, natural feature setback, and open space requirements of this Zoning Ordinance, all required utility and public easements, and required right-of-way areas have been deducted. To determine the buildable area on waterfront parcels, the required open space and natural feature setback requirements shall be measured from the high water line.

BUILDER. Any person, firm, association, syndicate, partnership, corporation, realtor, corporation, or other entity, who constructs buildings.

BUILDING. Any structure constructed with a roof and walls for the purpose of sheltering or housing persons, animals, or chattel. When any portion of a building is completely separated from every other portion by approved fire-rated walls from the ground up, each portion of such building shall be deemed a separate building. For purposes of this Zoning Ordinance the following definitions shall apply, including but not limited to:

Accessory Building. A building, subordinate to and customarily incidental to the principal building and use on the same zoning lot. Specific classifications of accessory buildings shall be defined as follows, including but not limited to:

Boathouse. A one-story detached accessory building, used for the storage of recreational watercraft and storage of household equipment incidental to the residential occupancy and equipment accessory to their use, as an accessory use to a residential use, no part of which shall be used for residential or commercial purposes.

Breezeway. A narrow accessory building which connects the principal building with another accessory building that had previously been detached from the principal building on the same zoning lot.

Clubhouse. An accessory building used for group activities and gatherings by residents and guests of residential developments, or members and guests of recreational facilities.

Greenhouse. An accessory building whose roof and sides are made largely of transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season flowers, plants, shrubs, trees, and similar vegetation.

In-Law Suite. An accessory building that that is part of a dwelling sharing a common wall and roof structure or is attached to a permitted private garage, and that provides complete independent living facilities for not more than two in-laws living as an independent or semi-independent housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation and which may be directly accessible from the outside or through a dwelling unit to which it may be attached.

*Private Garage***.** An accessory building on the same zoning lot as a dwelling, or a portion of the dwelling sharing a common wall and roof structure, for the parking and storage of vehicles owned and used by the residents of the dwelling to which it is accessory as well as for the storage of household equipment and personal items incidental to the residential occupancy on the same zoning lot.

*Stable***.** An accessory building required for the shelter of horses, with a capacity for the number of horses permitted on the zoning lot upon which the building will be located, and after Special Approval Use is granted by the Planning Commission, in those zoning districts where such use is allowed.

Storage Shed. An accessory building on the same zoning lot as a primary residential building used exclusively for the storage of the household goods and possessions of the owner.

Tree House. An accessory building above ground level and not designed for continuous habitation, using a tree for part of its support.

Attached Building. A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.

Building Appurtenances. The visible and functional accessories of buildings, such as architectural features, roof eaves, chimney, or rooftop enclosures for the housing of mechanical or HVAC equipment (Please also refer to *Figure VII-1* on Page VII-3 in **Article VII**).

Building Envelope. The two dimensional area of a lot within which a principal building is permitted to be built and which is defined by the required yard setbacks. (Please also refer to *Figure VII-7* on Page VII-6 in **Article VII**)

(ARTICLE I, SECTION 1-007, BUILDING cont.)

Building First Floor. The floor of a building immediately above a cellar or basement, or where no basement or cellar exists; the first floor shall be that floor at or immediately above grade level.

Building Footprint. The physical perimeter location of the building foundation.

Building Front. Shall mean that side of a building which most nearly faces the public or private right-of-way to which the zoning lot is assigned an address.

Building Height. The vertical distance between the grade plane to the highest point of the roof surface for a flat roof; to the deck line of a mansard roof; to the average height between eaves and ridge for a gable, hip and gambrel roof; and to the average height between the lowest point and the highest point of a shed roof. In calculating the height of a building, accessory roof constructions such as parapet walls, bulkheads, penthouses, and similar constructions enclosing equipment or stairs and which are less then eighteen feet in height and do not occupy more than thirty per cent of the area of the roof upon which they are located, antennas, and any ornamental roof construction such as towers, steeples or chimneys shall be disregarded in the calculation of building height. (Please also refer to *Figures VII-2 and VII-3* on Pages VII-4 through VII-6 in **Article VII**)

Building Line, Front Setback. A line established in general parallel to the zoning lot line abutting the public or private right-of-way to which the address is assigned, and extending the full width of the zoning lot beyond which no part of a building or any structure shall be located or extend over, except as otherwise provided by this Zoning Ordinance. (Please also refer to *Figure VII-5* on Page VII-7 in **Article VII**)

Building Separation. The least horizontal distance permitted between the nearest portions of any building envelopes on a zoning lot.

Nonconforming Building. A building or part thereof that lawfully existed prior to the effective date of this Zoning Ordinance or an amendment to this Zoning Ordinance, but which does not comply with the terms of this Zoning Ordinance; or where **Section 1-004.M** is applicable.

Nonpermanent Building. A building intended for use on a zoning lot within a limited time-frame in accordance with the review and approval of the Building Official. Specific classifications of nonpermanent buildings shall be defined as follows, including but not limited to:

Temporary Construction Building. A building or trailer without any foundation or footings which is permitted in conjunction with a construction project upon approval of the Building Official and which is removed when the designated time period, activity or use for which the temporary construction building was erected has ceased.

Temporary Emergency Building. A residence (which may be a mobile home dwelling) that is located on the same zoning lot as a residence made uninhabitable by fire, flood, or other-natural disaster and occupied by the persons displaced by such disaster, or located on the same zoning lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed.

Temporary Real Estate Building. A building without any foundation or footings located within a residential subdivision or condominium development and permitted by the Building Official for periods of time that are limited in duration to the period of sale of the new residential dwellings within the development.

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

Stadium. A building providing tiers of seats for spectators, food and beverage stands used as an entertainment establishment or as a recreational facility.

BUILDING OFFICIAL. A Township official, employee, agent or contractor, that by resolution of the Township Board has been qualified and appointed to exercise authority and/or discharge functions of the Building Official under this Ordinance. (Effective 11/03/2012)

BUILDING PERMIT. The written authorization of the Building Official, issued in accordance with the format and procedures established by the Building Official in conjunction with the applicable requirements of **Waterford Code of Ordinances, Buildings and Building Regulations**, permitting the construction, demolition, moving, or structural alteration of a building or other structure in conformity to the provisions of this Zoning Ordinance and other applicable Ordinances. A permit may be conditional and restricted as allowed by law and ordinance.

BULK REGULATIONS. The term used to indicate the locational, area, size, density, and scope requirements in each zoning district for zoning lots, buildings, and structures.

BUS STOP. A specified location in the public right-of-way, the location of which may contain a structure for shelter and seating, commercial motor vehicles pick up and discharge fare-paying passengers as part of an identified reoccurring route.

(ARTICLE I, SECTION 1-007 cont.)

-C-

CARETAKER'S DWELLING UNIT. A single-family dwelling unit which is used as a residence by a caretaker, maintenance personnel, or watchperson or which is merely inhabited in order to provide added security to the premises.

CEMETERY ESTABLISHMENTS. An establishment where land is used as a place for the interment of the remains of the dead. The definition of cemetery establishment includes the following accessory buildings:

Columbarium. A cemetery accessory building used as a place for the interment of the ash remains of the cremated dead.

Crematorium. A cemetery accessory building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Equipment Building. A cemetery accessory building used for storage of materials and equipment needed for the maintenance and operations of the cemetery.

Mausoleum. A cemetery accessory building used as a place for the interment of the dead in sealed crypts or compartments.

CERTIFICATE OF OCCUPANCY. The written authorization of the Building Official, issued in accordance with the procedures established by the Building Official, certifying a building or structure conforms to the requirements of the approved plot plan or site plan and with all applicable sections of the Zoning Ordinance, **Waterford Code of Ordinances, Buildings and Building Regulations, and Fire Prevention and Protection,** and authorizes occupation and use. The certificate may be conditional or temporary, as well as final.

CERTIFICATE OF ZONING APPROVAL. The written approval, in the format established by the Zoning Official certifying that a use and/or site plans and drawings comply with all applicable provisions of this Zoning Ordinance.

CHANGE OF USE AND OCCUPANCY. Any use which substantially differs from the previous use of a building or land. When used in reference to use, shall mean to discontinue and replace the use with a use which is defined by this Zoning Ordinance as being distinct from the discontinued use.

CHILD DAY CARE FACILITIES. Child day care facilities provide care and supervision to children as regulated through state licensing requirements. Child day care facilities shall be classified based upon the intensity and scope of the services provided and shall be defined as follows:

Child Day Care Center. A State-licensed facility with the capacity to receive more than twelve (12) children for group care for periods of less than twenty-four (24) hours a day, and where the parents or legal guardians are not immediately available to the child.

Child Family Day Care Home. A State-licensed single-family dwelling in which one (1) but not more than six (6) children, are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes only those homes which give care to unrelated children for more than four (4) weeks during a calendar year.

Child Group Day Care Home. A State-licensed single-family dwelling in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes only those homes which give care to an unrelated child for more than four (4) weeks during a calendar year.

Child Nursery Care. An accessory use of a room within the principal building where children receive care and supervision on a short-term basis while the parents remain on-site and involved in the principal use.

COLLOCATION. Collocation shall mean the location by two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

(ARTICLE I, SECTION 1-007 cont.)

COMMERCIAL. The use of land, building or structure for the purpose of buying and selling commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

COMMERCIAL BULK VEGETATION AND SOIL RESOURCE ESTABLISHMENTS. Commercial establishments that utilize land for the excavation, bulk storage, and wholesale and retail sale of soil resources, landscaping materials, and/or landscaping vegetation. For the purpose of such establishments, soil resources are defined as gravel, sand, clay, topsoil, shale, stone, limestone, sandstone, marble, granite, rock, of whatever origin that overlies bedrock and can be readily excavated. Commercial bulk vegetation and soil resource establishments shall be classified based upon the intensity and scope of the services provided and shall be defined as follows, including but not limited to:

Bulk Soil Resource Supplies Establishment. A commercial bulk vegetation and soil resource establishment that provides for the storage of a variety of soil resources and landscaping materials for wholesale commercial purpose.

Nursery Establishment. A commercial bulk vegetation and soil resource establishment that provides for the growing and wholesale and/or retail sale of live trees, shrubs, sod, flowers, and plants on the same zoning lot, and including as incidental sales, the sale of products used for gardening or landscaping.

Sod Farm Establishment. A commercial bulk vegetation and soil resource establishment that grows forms of grass vegetation for the purpose of eventual removal of such grasses, and the soil that supports them, for wholesale commercial purposes.

Soil Resources Excavation Establishment. A commercial bulk vegetation and soil resource establishment that removes the soil resources of a zoning lot for transport to another zoning lot as a wholesale commercial transaction.

COMMERCIAL FUELING ESTABLISHMENTS. Commercial establishments consisting of a building, fuel dispenser islands, and a fuel dispensation system certified by the State of Michigan. A commercial fueling establishment may also possess one or more weather canopies and such accessory structures and mechanisms providing compressed air for vehicle tires. A commercial fueling establishment may also provide for the retail sale of associated packaged minor automotive related convenience products and accessories such as windshield washer fluid, motor oil, wipers and window scrapers; and retail sales of nonautomotive related products, including (i) sundries such as gum, candy, cigarettes, newspapers, magazines, and other individually packaged convenience items; (ii) basic convenience grocery items, such as milk and bread; (iii) pre-prepared food items that are not subject to licensing by the Michigan Department of Agriculture or the Oakland County Health Department; and (iv) non-alcoholic beverages only, it being the finding and public policy determination of the Township that the sale of beer, wine, liquor, or other beverages containing alcohol should never be found or determined to be customarily incidental to a commercial fueling establishment for the following reasons:

A. Alcohol is not a product that should be conveniently available to the motoring public at a location where they purchase fuel for their vehicle. Such availability has a strong potential to encourage or facilitate alcohol related driving offenses and accidents that might not otherwise occur if a motorist in need of fuel had to make a separate stop to purchase alcohol.

B. The nature of modem day commercial fueling establishments and the multiple transactions employees must handle at the same time is inconsistent with the proper administration and enforcement of the State's liquor control laws and prohibitions on sales to minors and visibly intoxicated persons and the Michigan Liquor Control Code of 1998, MCL 436.1906, does not require server training programs for off-premises licensees and their employees.

C. Many commercial fueling establishments are open later than other stores where alcohol is sold, creating the ability for persons who had been consuming alcohol in an on-premises establishment to conveniently purchase alcohol after leaving that establishment, increasing the chances of alcohol related driving offenses and accidents and potentially undermining the liability of on-premises licensees for serving alcohol to minors or visibly intoxicated persons under the rebuttable presumption in MCL 436.1801(8), that licensees other than the one who made the last sale are not liable for damages caused by a minor or visibly intoxicated person they served.

(ARTICLE I, SECTION 1-007, COMMERCIAL FUELING ESTABLISHMENTS cont.)

D. Allowing the sale of alcohol at commercial fueling establishments would increase the volume of motor vehicle traffic and parking demands on properties that were not planned or designed to accommodate the increased demand, resulting in increased vehicle conflicts and accidents.

E. Locations that sell alcohol are defined as a separate retail use in this Section, which the Township pursuant to its zoning authority to ensure that use of land is situated in appropriate locations and relationships, reduce hazards to life and property, and to promote and protect the public health, safety and welfare, has determined should not be allowed at commercial fueling establishments.

COMMERCIAL SERVICE ESTABLISHMENTS. Commercial establishments primarily engaged in providing a specialized service to individuals and organizations requiring such a service. Commercial service establishments shall be classified based upon the intensity, scope, and specific type of service provided and shall be defined as follows, including but not limited to:

Animal Grooming Establishment. A commercial service establishment providing grooming services for domestic animals entirely within a building on the same zoning lot.

Banquet And Food Preparation Establishment. A commercial service establishment in which food and beverages are prepared for catered consumption off the zoning lot on which preparation occurs, and for the purposes of on-premise catering to large groups of people for special occasions such as banquets, weddings, receptions or similar functions when the zoning lot possesses the capacity for a banquet facility.

Building Systems Repair Establishment. A commercial service establishment that provides for the repair and renovations of buildings and property infrastructure, plumbing, drainage, electrical, heating and cooling, and similar systems.

Commercial School Establishment. A commercial service establishment which provides instruction in any subject for profit or gain, and without limiting the generality of the foregoing, includes a secretarial college or school, a trade and technical school, a beauty school, a dance school or studio, a school of music, a modeling school, a charm school, a ceramics school or studio, and similar types of schools, colleges, and training establishments, but does not include a public school, private school, or other educational facility.

Household Service Repair Establishment. A commercial service establishment that provides for the repair of household articles and shall include the repair or servicing of such items as household mechanical and electronic appliances and devices, home security and locking devices, guns, and furniture.

Landscaping Maintenance Establishment. A commercial service establishment that provides yard maintenance and care services to customers, including but not limited to lawn cutting and fertilizing, snow removal, and landscape bed maintenance.

Laundry Establishment. A commercial service establishment where facilities for laundering of clothing articles and fabric goods with water and detergents only are provided to and/or for customers.

Media Production Establishment. A commercial service establishment that provides services involving processes that transmit, record, and/or duplicate images, sounds, and the written word, such as portrait and commercial photography including film development and processing, document duplicating services including collating of booklets and reports, electronic duplication of graphic and printed materials for personal or business use, video imaging and reproduction services, and production of motion pictures, videos, and sound recordings. May include ancillary uses such as retail sale of media and minor repair of media equipment.

Media Communications Establishment. A commercial service establishment that provides services involving production and transmission of television or radio programs.

Personal Advice Establishment. A commercial service establishment that provides individuals with non-medical advice on personal issues. This includes all forms of advice through hypnotism, fortune-telling, and prophecy.

Personal Grooming Establishment. A commercial service establishment that provides grooming services to persons, including but not limited to haircutting, hairstyling, manicuring, pedicuring, skin care such as facials and make-up, tanning, electrolysis, tattooing and piercing, and the ancillary retail sale of merchandise related to such grooming services.

Personal Improvement Service Establishment. A commercial service establishment that provides instruction, guidance, products, and basic health monitoring to achieve individual weight control.

(ARTICLE I, SECTION 1-007, COMMERCIAL SERVICE ESTABLISHMENTS cont.)

Personal Service Establishment. A commercial service establishment where professional services associated with the maintenance or repair of personal wardrobe articles and accessories are provided, including but not limited to the following: tailor shops, haberdashery, and shoe maintenance shops.

Vehicle (Car) Wash Establishment. A commercial service establishment that contains mechanical facilities for the cleaning of vehicles, including properly engineered site drainage systems and sufficient parking area stacking lanes to handle the capacity of the facilities.

COMMERCIAL STORAGE ESTABLISHMENTS. A commercial establishment engaged in the indoor or outdoor storage of vehicles in good repair, equipment, materials, goods, products, or machinery. Commercial storage establishments shall be classified based upon the intensity and scope of the items to be stored and shall be defined as follows, including but not limited to:

Cold Storage Warehouse Establishment. A commercial storage establishment engaged in the storage of frozen products.

Commercial Storage Garage Establishemnt. A commercial storage establishment engaged in the indoor storage of motor vehicles in good repair.

Commercial Outdoor Storage Establishment. A commercial storage establishment engaged in the outdoor storage of supplies, equipment, vehicles in good repair, or the seasonal outdoor storage of recreational vehicles.

Self-Service Storage Establishment. A commercial storage establishment that provides indoor rental space in a building or group of buildings divided into individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies on a self-service basis.

Warehouse Establishment. A commercial storage establishment engaged in the wholesale storage and distribution of goods, wares, merchandise, substances or articles as a principal use where the warehousing use by nature requires greater frequency of deliveries to and from the storage location.

COMPATIBLE. A building, structure, activity or use that blends with, conforms to, or is harmonious with the surrounding ecological, physical, visual or cultural environment.

CONDOMINIUM DEVELOPMENT. A residential or nonresidential development where the ownership of the development will be governed by the State of Michigan Public Act 59 of 1978, Condominium Act, as amended. The development will consist of two (2) or more condominium units regulated by a recorded condominium master deed and site plan approved by the Township. The following meanings shall be applied throughout this definition of Condominium Development:

Condominium Master Deed. The document recording and defining the legal boundaries, restrictions, common elements, and limited common elements regulating the condominium plan as approved by the Township, to which is attached by exhibits and incorporated by reference the approved bylaws for the project and the approved plan for the site.

Condominium Unit. Those portions of a condominium development designed and intended for separate ownership and use, as described in the condominium master deed.

Site Condominium. A condominium version of a platted subdivision. These developments are comprised of condominium lots *(See **Lot** in this **Section**)* containing a dwelling, and limited and general common elements as defined in the condominium master deed.

CONFERENCE FACILITIES. A building or part thereof in which facilities are provided for such purposes as meeting for large groups of civic, educational, political, religious or social purposes.

CONFORMING. A zoning lot, building, structure, or use that complies with all of the applicable regulations set out in this Zoning Ordinance for the respective item.

CONTIGUOUS. Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous.

CONVENTION CENTER. An establishment dedicated to the holding of conventions, seminars, workshops or similar activities, including dining and lodging facilities for the use of participants, as well as compatible accessory facilities.

CORRECTIONAL GROUP HOME. A building which is used to house three to ten persons exclusive of staff requiring residential, sheltered, specialized or group care, which is maintained and operated primarily for persons who have been placed on probation, released on parole, or admitted for correctional purposes and which is licensed, approved or supervised by any government. under any general or specific Act.

(ARTICLE I, SECTION 1-007 cont.)

COUNTRY INN. A transient residential occupancy establishment in a dwelling at least fifty (50) years old, in which rooms are rented to paying guests on an overnight basis with meals served communally daily. A Country Inn may also provide catering and facilities for banquets, weddings, receptions, reunions, and similar one-time events which are not open to the public generally.

COURTYARD. A private landscaped outdoor living space surrounded by walls or fences. Any open space, unobstructed from the ground to sky, other than a yard as defined by this Zoning Ordinance , that is on the same zoning lot with, and bounded on two or more sides by walls of a building.

COVENANT. A private legal restriction on the use of land, contained in the deed to the property or in the original or amended subdivision plat or condominium master deed.

CULTURAL ESTABLISHMENTS. An establishment designed and equipped for the purposes of educational recreation and study. Cultural establishments shall be classified based upon the intensity and scope of the services provided and shall be defined as follows, including but not limited to:

Aquarium. A cultural establishment for the exhibition of fish, live water plants, and marine animals.

Art Gallery. A cultural establishment where paintings, sculptures, or other works of art are exhibited, stored, and sold.

Arts Center. A cultural establishment housing the visual and/or performing arts.

Community Center. A cultural establishment providing building space for community activities.

Cultural Entertainment Facility. A cultural establishment designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, academic or scientific material which are not characterized by description or depiction of specified anatomical areas or specified sexual activities.

Library. A cultural establishment housing and providing printed and pictorial material for study, reference and recreation by the public.

Museum. A cultural establishment established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, collections of works of art, objects of natural history, artifacts of historical interest, items of scientific interest, or other such items dedicated to the education and recreation of the public.

CUMULATIVE IMPACT. The combined effects or potential effects of one or more development activities in a specified area over a particular time period which may occur simultaneously, sequentially or in an interactive manner.

CURTILAGE. Buildings and areas in close proximity to a dwelling which are habitually used for residential purposes.

-D-

DANGEROUS TRADES FACILITIES. A facility which is likely to create danger to health or danger from fire or explosion because of the manufacture and/or scope of storage of hazardous materials, as defined in the **Waterford Code of Ordinances, Fire Prevention and Protection**. Dangerous trades facilities shall be classified based upon the intensity and scope of the hazardous materials handled by such facilities and shall be defined as follows, including but not limited to:

Hazardous Materials Processing Facility. A dangerous trades facility that stores, processes, neutralizes, reclaims or treats hazardous materials by any method.

Liquid Fuel Depot. A dangerous trades facility where the principal use is the bulk storage or wholesale distribution of liquid hazardous materials.

DENSITY. The maximum number of dwelling units allowed to be constructed within the buildable area of a zoning lot or subdivision plat. The maximum number of dwelling units that would be permitted for a zoning lot is calculated by multiplying the applicable density by the number of acres contained in the buildable area. If any computation to determine the number of dwelling units results in a number containing a fraction, that fraction will be dropped if it is less than one-half in value. A fraction of one-half or more in value shall be counted as one dwelling unit or guest unit.

(ARTICLE I, SECTION 1-007 cont.)

DEVELOPER. Any person, firm, association, syndicate, partnership, corporation, realtor, or other entity, who is responsible for any form of development that requires approval and permit from the Township in accordance with this Zoning Ordinance.

DEVELOPMENT. A general term used to describe the construction, erection or placing of one or more buildings or structures; the making of a significant addition or alteration to an existing building or structure; a significant change in use or in intensity of use of any existing building, structure or premises; activities such as sitegrading, excavation, removal of topsoil or peat, or the placing of dumping of fill; and drainage works, excluding the maintenance of existing municipal and agricultural drains.

DISPENSER BOX APPARATUS. An apparatus that provides a self-service, mechanical or electronic, dispenser of merchandise or services.

DRIVE-THRU SERVICE. A service provided by an establishment where the zoning lot upon which the establishment is located is designed to provide a vehicle approach lane for conducting business at a service window or via a two-way speaker on a menu-order structure.

DRY-CLEANING ESTABLISHMENTS. A specialized form of commercial service establishment that cleans apparel with the use of chemicals and shall be defined in accordance with the following classification of the intensity and scope of the cleaning service provided:

Dry-Cleaning, Local. An establishment licensed and defined by the Michigan Department of Environmental Quality as a Type IV dry cleaning establishment that is a Conditionally Exempt Small Quantity Generator (CESQG) of universal waste, where the services of dry cleaning machines is made available to the public for the purpose of dry cleaning.

Dry Cleaning, Commercial. An establishment licensed and defined by the Michigan Department of Environmental Quality as a Type II or III dry cleaning establishment that is a Small Quantity Generator (SQG) of universal waste and/or a Small or Large Perc Source, where the services of dry cleaning machines is made available to the public for the purpose of dry cleaning, dry dyeing, cleaning and spotting and stain removing. Such establishment may also be used for pressing and/or distributing any articles or goods of fabric which have been received therein.

Dry Cleaning, Drop-Off. An establishment providing a convenience service for the dropping-off of dry-clean only clothing which will be dry-cleaned off-site in a licensed dry cleaning establishment.

Dry Cleaning, Industrial or Laundry Plant. An establishment licensed and defined by the Michigan Department of Environmental Quality as a Type I dry cleaning establishment that is a Large Quantity Generator (LQG) of universal waste and Major Perc Source.

DWELLING. A building constructed for the purpose of residential use and occupancy, complying with all of the following standards:

A. It posesses the minimum floor area requirements of this Zoning Ordinance for the zone in which it is located.
B. It complies in all respects with the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, and Water and Sewers** for residential construction and occupancy. Where a dwelling is required by federal or state law to possess construction standards more restrictive than those imposed by the **Waterford Code of Ordinances**, then the more restrictive standards shall apply.

DWELLING, MOBILE HOME. A dwelling unit designed for transportation to its foundation site, after fabrication, along streets or highways on its own wheels or on flatbed or other trailers, and arriving at the foundation site where it is to be installed in accordance with the requirements of the Michigan Administrative Code for occupancy as a dwelling. A recreational vehicle is not a mobile home dwelling.

DWELLING, MULTIPLE-FAMILY. A dwelling containing three (3) or more dwelling units with a common point of egress and ingress from the building. This definition does not include mobile home parks, hotels, or motels.

DWELLING, SINGLE-FAMILY ATTACHED. A single-family dwelling unit constructed as part of a series of single-family dwelling units, all of which are attached by common walls, and where each dwelling unit possesses an independent entrance directly to the exterior.

(ARTICLE I, SECTION 1-007 cont.)

DWELLING, SINGLE-FAMILY DETACHED. A dwelling containing not more than one dwelling unit, or a dwelling unit and an in-law suite.

DWELLING, SINGLE-FAMILY DUPLEX. A dwelling divided by a common wall extending from the base of the foundation to the roof line into two (2) dwelling units, each of which has an independent entrance either directly to the exterior, or through a common vestibule.

DWELLING, SINGLE-FAMILY FLAT. A dwelling containing two or more stories, where a dwelling unit is established in the first story and a separate dwelling unit is established in the upper story(s), and where each unit has an independent entrance either directly to the exterior, or through a common vestibule.

DWELLING UNIT. A single unit providing complete independent living facilities, for one or more persons and limited to no more than one family, as an independent and separate housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation and which is directly accessible from the outside or through a common hall without passing through any other dwelling unit. In case of mixed use occupancy, where a building is occupied in part by a loft dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Zoning Ordinance and shall comply with the provisions, thereof, relative to dwellings.

-E-

EASEMENT. A right possessed by a person, entity, or property owner to use the land of another for a defined special or limited purpose which may be expressed in a recorded or unrecorded document, or arise by prescription, necessity or other legally recognized method of creation. For purposes of the creation of an easement required for any zoning application or variance application, the easement shall be defined as a grant by the servient tenant, in written and recordable form.

EDUCATIONAL FACILITIES. The use of a building or buildings, structure or structures, or zoning lot devoted to the provision of educational instruction by a non-commercial educational agency, licensed by the State of Michigan, such as public schools operated by the School District, a private K-12 school, or a college or university; or such management, maintenance, and operational services provided in support of educational instruction, but does not include commercial school establishments.

ELDER CARE FACILITIES. An establishment consisting of a building or group of buildings designed or used in whole or in part to provide for the housing and care of senior citizens, as defined by Public Act 453 of 1976, the Elliott-Larsen Civil Rights Act, as amended. Ancillary areas shall be considered under this Zoning Ordinance as an integral component of elder care facilities and be defined as uses and facilities which are not necessarily residential in character but are essential to the residential function of elder care facilities. Ancillary areas may include but are not limited to: public lobbies, common laundry facilities, tenant interior storage areas, management offices, mail and receiving areas, home health services, meal preparation facilities, common dining areas, maid and linen services, recreation areas, personal grooming services, grocery services, pharmacy services, and banking services. For purposes of this Zoning Ordinance, elder care facilities shall include the following types of facilities:

Assisted Living Facilities. An elder care facility consisting of a group of dwelling units designed for elderly residents who are generally capable of living and caring for themselves independently, with access to ancillary areas.

Convalescent or Skilled Nursing Facilities. An elder care facility consisting of sleeping units, where persons are housed or lodged and are furnished with meals, nursing and/or medical care for three (3) or more persons.

Elder Congregate Care Facilities. An elder care facility providing accommodation for three or more elderly or handicapped persons in sleeping units, with or without kitchen facilities, while providing all other care and services through ancillary areas.

Independent Living Facilities. An elder care facility designed and operated for elderly people in good health who desire and are capable of maintaining independent households. Such housing may provide certain services such as security, housekeeping and recreational and social activities.

(ARTICLE I, SECTION 1-007, ELDER CARE FACILITIES cont.)

Retirement Community Continuing Care Facilities. An elder care facility providing a continuum of accommodations and care, generally including a mixture of assisted living, elder congregate care, and skilled nursing facilities.

ENTERTAINMENT ESTABLISHMENTS. An establishment providing entertainment activies on a commercial basis. Entertainment establishments shall be classified based upon the intensity and scope of the activities and facilities required to provide such activities and shall be defined as follows, including but not limited to:

Amusement Park. An entertainment establishment as defined in **Section 1-006.G**.

Carnival. An entertainment establishment as defined in **Section 1-006.G**.

Competitive Commercial Adventure Game Facility. An entertainment establishment that provides indoor, or outdoor where permissible by this Zoning Ordinance, facilities for the active involvement of paying customers in combat simulation games utilizing nonlethal implements, such as lasers, water pistols, paintballs, or similar substances.

Competitive Commercial Recreation Facility. An entertainment establishment that provides outdoor facilities for fee-based spectator events such as tractor pulls, snowmobile races, or motorcycle motocross events, but shall not include automobile races or races or competitions involving any other type or form of motorized vehicle.

Drive-In Theater. An entertainment establishment that shows motion pictures projected onto outdoor structures and viewed by patrons within motor vehicles parked on the same zoning lot. A drive-in theater also includes accessory uses, buildings, and structures such as a food and beverage stand, projector building, speaker stands and ticket office.

Entertainment Activity Center. An entertainment establishment that provides indoor facilities for fee-based activities such as coin-operated games, childrens' mechanical rides, bowling alleys, pool and billiards, roller and ice-skating rinks, indoor skateboard area, teen dance clubs, or any combination thereof that is not defined as an adult entertainment use in this Zoning Ordinance

Miniature Golf Facility. An entertainment establishment that provides outdoor facilities for fee-based simulated golf using a putter on artificial surfaces and structural obstacles, and may include an accessory office and snack bar.

Theater. An entertainment establishment where motion pictures and/or live artistic performances not defined as an adult entertainment use in this Zoning Ordinance are shown to a fee-paying audience.

ENVIRONMENT. Air, land, water, plant and animal life, including humans; the social, economic, and cultural conditions that influence the life of humans or a community; or any part or combination of the foregoing and the interrelationships between any two or more of them.

ERECT. Erect, and all tenses of the word, means to build, construct, reconstruct, alter, and relocate a building or structure from one zoning lot and relocating it on another zoning lot, and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

ESSENTIAL SERVICES. Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, communications, transportation, steam, water, sewerage, and other utilities and the equipment and components; including but not limited to mains, drains, sewers, pipes, conduits, wires, cable, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, telephone exchange buildings, and gas regulator stations; necessary for such systems to furnish an adequate level of service for the area in which they are located.

ESTABLISHMENT. An economic unit where a particular use is conducted to provide services, create goods, process materials, or sell goods and services.

EXTERIOR APPLIANCE. A mechanical/electronic device located on the exterior of a building that is instrumental in providing utility service to the building to which it is connected (i.e. air conditioning units, generators, irrigation pumps, gas meters, and electrical boxes).

(ARTICLE I, SECTION 1-007 cont.)

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FAÇADE. A building's entire single elevation, including wall face, parapet, windows, doors, awning or canopy. (Please also refer to *Figure VII-6* on Page VII-7 in **Article VII**)

FACILITY. A zoning lot and/or building where a land use occurs.

FAMILY. For purposes of this Zoning Ordinance, family shall be defined as follows:

A. One or more persons, related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit. In the event an approved accessory in-law suite is located on the same zoning lot as the aforementioned dwelling unit, the in-laws residing in the in-law suite shall be considered part of the family described in the preceding sentence.

B. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature, such as a boarding house, lodging house or off-campus student housing.

FENCE. An artificially constructed barrier, consisting of an inanimate material or combination of inanimate materials allowed in accordance with the SPL Manual, erected to enclose, screen, or separate zoning lots or areas of land or land use. For purposes of this Zoning Ordinance there are unique fence types requiring regulation and shall be defined as follows (Please also refer to *Figure VII-7* on Page VII-8 in **Article VII**):

Fence Wall. A visually and continually opaque barrier of stone, brick, pierced brick or decorative block, uniformly colored wood, or other permanent material of equal character, density and design.

Open Fence. A fence constructed with openings between the materials used in its construction.

Semi-Open Fence. A fence constructed of material in such design, manner, and ongoing maintenance that visual images on the opposite side of the fence are screened from view.

Solid Fence. A fence, including any gates, constructed of solid material through which no visual images on the opposite side of the fence may be seen.

FINANCIAL TRANSACTION STATION. An automated teller machine operated and maintained by a financial establishment.

FLOOR AREA. The horizontal area of a building story as measured from the exterior faces of the walls or from the center line of party walls. For purposes of this Zoning Ordinance there are unique types of floor area and shall be defined as follows (Please also refer to *Figures VII-8 through VII-11* on Pages VII-8 through VII-10 in **Article VII**):

Gross Floor Area. The sum of the floor area for all stories within all buildings and accessory buildings on the same zoning lot. This definition includes any basement and underground levels, interior balconies and mezzanines, attics, penthouses, elevator shafts, stair wells, enclosed porches. The gross floor area shall not include shafts with no openings or interior courts.

Gross Leasable Floor Area. The gross floor area designed for commercial and industrial tenant occupancy and exclusive use, including basements, mezzanines, upper floors and generally all that area on which tenants pay rent, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. Kiosks and other similar sales areas, for which rent is paid and which is designed for tenant occupancy, but located within common areas, shall be included in the gross leasable area total, when provided. Common areas and other parts of the building not designed for rental for tenants are not included in this definition.

Manufacturing Floor Area. That portion of the gross floor area of an industrial establishment which is used for manufacturing purposes and office purposes but does not include areas used for storage.

Usable Floor Area.

Residential – The sum of the floor area for all stories within a residential building, exclusive of areas in basements without means of egress, unfinished attics, garages, open porches, and accessory buildings.

Non-residential – Eighty (80) percent of gross floor area, or, if shown to be a lower percentage on a floor plan, the gross leasable floor area or manufacturing floor area.

(ARTICLE I, SECTION 1-007 cont.)

FOSTER CARE FACILITIES. Foster care facilities provide supervision, personal care, and protection to individuals in accordance with standards and requirements established by and licensed through the State. Foster care facilities shall be classified based upon the intensity and scope of the services provided, and shall be defined as follows:

Adult Foster Care Family Home: A State-licensed dwelling with the approved capacity to receive one (1) but not more than six (6) adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult Foster Care Group Center: A State-licensed facility with the approved capacity to receive more than twelve (12) adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Medium Group Home: A State-licensed single-family dwelling with the approved capacity to receive more than six (6) but not more than twelve (12) adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

Adult Foster Care Small Group Home: A State-licensed dwelling with the approved capacity to receive one (1) but not more than six (6) adults who are provided supervision, personal care and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

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

FREIGHT HANDLING ESTABLISHMENTS. An establishment consisting of a terminal warehouse with truck wells, loading areas and offices, utilized as a shipping point or temporary storage point for the primary business of shipping and handling a larger variety of goods involving various forms of transportation and providing multimodal shipping capabilities such as rail to truck and truck to air.

FRONTAGE. The minimum straight line distance between the intersection of the side lot lines and the front lot line.

FUNERAL HOME ESTABLISHMENTS. A State of Michigan licensed establishment where the care and preparation for burial or transportation of dead human bodies and funeral services are provided within a building on the same zoning lot. Such establishments may contain space and facilities for the display and storage of caskets, funeral urns, and other related funeral supplies.

-G-

GAS. Natural gas, manufactured gas, propane gas, or any mixture of similar substances.

GLARE. Excessive brightness within the field of view that causes loss in visual performance, jeopardizing health or safety.

GOVERNMENTAL FACILITIES. The use by any governmental agency or branch, including federal, state, regional, and municipal levels of a building or buildings, structure or structures, or zoning lot devoted to the provision of public services, including administrative, legislative, judicial offices, election polling places, water & sewer pumping and treatment stations, public safety facilities including fire stations and police stations, and quarters for social service, public health and similar services. For purposes of this Zoning Ordinance, governmental facilities shall include the following:

Auditorium. A building or part thereof used for the gathering together of groups of persons for a specific function, such as a public meeting for civic, education, political, or social events.

Impounding Yard. A zoning lot or portion of a zoning lot used to store, secure, and dispose of articles impounded, seized or recovered by the police department or any other authorized representative of the Township, county, state, or federal governments.

Public Market. The use of a governmental facility for the purpose of selling of local produce, flowers, and goods.

(ARTICLE I, SECTION 1-007 cont.)

GRADE PLANE. A reference plane representing the average of finished ground level adjoining a building at its exterior walls or adjoining a structure at its foundation. Where the finished ground level slopes away from the building exterior walls or structure foundation, the reference plane shall be established by the lowest points within the area between the building or structure and the lot line or, where the lot line is more than six (6) feet from the building or structure, between the building or structure and a point six (6) feet from the building or structure. (Please also refer to *Figure VII-12* on Page VII-11 in **Article VII**)

GRADING. The changing of the natural topography through cutting or filling by more than one (1) foot in elevation over an area exceeding 1,000 square feet, or in which the natural drainage pattern of a lot is altered.

GROWING SEASON. The period from April to October of each calendar year.

GUEST. A person who contracts for accommodation in a motel or hotel and includes all members of the person's party.

-H-

HALFWAY HOUSE. A facility providing for the housing and rehabilitation or training of adults on probation, parole, early or pre-release or any other form of executive, judicial or administrative release from a penal institution, including without limitation community residential facilities. "Halfway house" includes facilities which provide in-patient treatment to persons on probation, parole, early or pre-release or any other form of executive, judicial or administrative release from a penal instruction if such persons are ordered to obtain treatment for sexual offenses or for chemical dependency as a condition of release. For purposes of this definition, an adult is a person age eighteen (18) or over.

HISTORIC DISTRICT. A geographically defined area possessing a significant concentration or continuity of landmarks, improvements or landscape features united by historic events or by physical development, and which area has been designated as an historic landmark district; said district may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the district.

HISTORIC SIGNIFICANCE. Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made important contributions to the development of the community, county, state or country.

HISTORIC SITE. A zoning lot which marks or is associated with some event or person of historical importance.

HOBBY. A subject or pursuit in which one takes absorbing interest.

HOBBY BREEDING. An activity that keeps, harbors, breeds or has in possession, more than three (3) domestic animals aged six (6) months or older.

HOME DISPLAY COURT. A commercial establishment where prefabricated dwellings are erected on the same zoning lot for display purposes only and from which orders can be placed for the purchase and delivery of such dwellings or parts and accessories associated therewith, but this definition shall not include mobile (relocatable) homes.

HOME OCCUPATION. An accessory use which is:

A. clearly incidental and secondary to the use of the dwelling for residential purposes;
B. undertaken, completed, and managed solely by the current residents without employees;
C. conducted entirely within the dwelling, with no exterior storage of equipment, materials, or refuse resulting from the operation of the home occupation;
D. conducted in conformance with the residential character and appearance of dwellings and zoning lots in the surrounding neighborhood and does not utilize colors, materials, internal or external alterations, lighting, show windows or advertising visible outside of the premises to attract customers or clients;
E. conducted without equipment and processes which create public nuisances or private nuisances to abutting or adjoining occupiers of land with respect to traffic, parking, noise, vibration, glare, fumes, odors, dust, electrical interference detectable to the normal senses off of the zoning lot, or visible or audible interferences in any radio or television receivers off of the premises;

(ARTICLE I, SECTION 1-007, HOME OCCUPATION cont.)

F. limited to an area of a dwelling's gross floor area not exceeding twenty (20) percent;
G. limited to signage permitted in residential districts in accordance with this Zoning Ordinance;
H. prohibited from the sale and physical exchange of commodities on the premises, except such as produced by such occupation; and
I. prohibited from generating traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met on the driveway.

Such uses as a clinic, hospital, animal hospital, kennel, millinery shop, and dancing school shall not be deemed to be home occupations. Personal grooming establishments shall not be deemed to be home occupations, but home haircutting provided occasionally to a clientele limited to friends and family of a permanent resident of the dwelling in which the services are being provided is a home occupation.

HOTEL AND MOTEL. A transient residential occupancy establishment constructed as a series of dwelling units designed primarily for guest sleeping accommodations without individual private cooking facilities, located in one or more building(s) wherein each unit has a separate entrance, and where a guest register or record is kept, and where additional services, such as furnishing, and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture, bellboy service, restaurants, meeting rooms, and recreational facilities may be provided.

-I-

IMPERVIOUS SURFACES. Any material, such as concrete, asphalt, brick, or metal, constructed or erected on landscaped or natural buffer areas which creates a structural barrier that impedes the infiltration of surface water into the ground. All buildings, structures, parking areas, driveways, streets, sidewalks and any areas in concrete, asphalt, and densely packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer in writing to be impervious within the meaning of this definition will also be classified as an impervious surface (Please also refer to *Figure VII-13* on Page VII-12 in **Article VII**).

IMPERVIOUS SURFACE, MAXIMUM. The maximum impervious surface is a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces on a zoning lot by the lot area of the zoning lot.

INDUSTRY. Industry shall be defined in accordance with the following classification of intensity and scope:

Light Industry. Light industry involves the production of consumer-oriented finished products for retail where assembly, packaging, storage, and shipping of finished products can be accomplished within a wholly enclosed building except for parking and loading facilities, and outside storage accessory to the permitted use. In its operation, light industry does not ordinarily result in emission from the building of odors, fumes, noise, cinder, vibrations, heat, glare or electrical interference..

Heavy Industry. Heavy industry involves the production of industry-oriented processed materials or semi-finished products for use in the creation of large finished products, such as automobiles and heavy machinery, where assembly, packaging, and shipping of finished products are generally accomplished within more than one facility and the open area of a zoning lot.

INDUSTRIAL PARK. A special or exclusive type of planned industrial area composed of four or more zoning lots designed and equipped to accommodate a community of four or more manufacturing establishments, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial Parks may be promoted or sponsored by private developers, community organizations;.or government organizations.

INFRASTRUCTURE. Physical structures that form the foundation for development including public sewage and water systems, stormwater management systems, waste management facilities, electric power, communications and transportation corridors and facilities and oil and gas pipelines.

IN-LAW. A legally recognized parent, by blood or adoption, of one of the heads of the household of a family defined under subsection A of the definition of **Family** in **Section 1-007**.

(ARTICLE I, SECTION 1-007 cont.)

INSTITUTIONAL FACILITIES. A facility maintained and controlled by an organization registered under the laws of federal Internal Revenue Service and the State of Michigan as a non-profit organization whose mission is to provide fellowship and/or services to an identified segment of the Township's population, enhance the Township's culture and education, or protect the environment. Institutional facilities shall be classified based upon the intensity and scope of the services provided, and shall be defined as follows, including but not limited to:

Community Institution. An institutional facility used for such special purposes as scout meetings, community meeting rooms, or community group activities.

Emergency Shelter/Mission. An institutional facility where governmental or non-profit charitable or religious organization providing short-term boarding and/or lodging and ancillary services on its premises to primarily indigent, needy, homeless, or transient persons.

Family Crisis Shelter. An institutional facility providing counseling, assistance and temporary emergency shelter for the victims of domestic or marital conflict or physical assault.

Philanthropic Institution. An institutional facility owned and operated by a non-profit organization whose sole purpose is to raise funds and promote a charitable, benevolent, or educational mission.

Private Club. An institutional facility which provides social, cultural, athletic and/or recreational activities to members of a non-profit organization whose mission is to promote a common interest shared by the members such as literature, science, politics, and/or good fellowship.

Public Welfare Institution. An institutional facility used for the provision of information, referral, counseling, and advocacy services, or dispensation of financial, food, or clothing assistance. Such uses as a jail or prison shall not be considered public welfare institutions for the purpose of this Zoning Ordinance.

-K-

KENNEL. A facility in which domestic animals are temporarily housed, groomed, bred, boarded, provided day care, trained, or sold, all for a fee or compensation.

-L-

LAKE ACCESS. For the purpose of this Zoning Ordinance, lake access for personal or recreational watercraft launching, docking, mooring, and use of a lake shall be defined by the following:

Direct Lake Access. Use of a lakefront lot exclusively by its owner or lawful occupants of a single-family dwelling on the lakefront lot for access to the lake.

Keyhole Lake Access. Use of a lakefront lot that is not private access property for other than direct lake access or public lake access to provide access to the lake to owners or occupants of dwellings on zoning lots which do not abut such lake or watercourse.

Private Access Property A zoning lot that is part of a single-family residential subdivision or a general common element area of a condominium development that conforms to the lot width and area requirements of the zoning district in which it is located, is under the jurisdiction of the condominium or subdivision association, and is used or proposed for use, to provide access to a lake upon which it fronts, exclusively to owners or occupants of residential dwellings within the subdivision or condominium.

Public Lake Access. A lakefront lot used to provide the general public with access to a lake by the State of Michigan or any political subdivision thereof, or a commercial marina properly zoned and regulated by an approved final site plan,whether with or without charge.

LAND. Ground, soil or earth including structures, on, above or below the surface.

LAND DEVELOPMENT. The improvement of one or more contiguous zoning lots for any purpose involving the construction or reconstruction of one or more buildings or structures, whether proposed initially or cumulatively, regardless of the number of occupants or tenure.

LANDSCAPE. Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

(ARTICLE I, SECTION 1-007 cont.)

LANDSCAPING. To change or modify the natural features of a site through the design planning and installation of any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, reshaping the land, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property so as to make it more attractive and desirable or to provide screening to mitigate any objectionable aspects that may detrimentally affect adjacent land. The following definitions shall apply to specific landscaping methods, forms, and materials (Please also refer to the SPL Manual for graphic examples of these definitions):

Berm. A mound of earth graded, shaped and improved with landscape planting, that provides screening between two zoning lots.

Buffer Area/Strip. A landscaped area or open space intended to separate and screen or block noise, lights, or other potential nuisances of between two adjacent land uses.

Deciduous. Trees and shrubs that annually shed their leaves in Autumn and regenerate their leaves during Spring.

Diameter Breast Height (D.B.H.). A tree's diameter in inches measured by diameter tape at four and one-half (4 ½) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.

Evergreen. Trees and shrubs, including broad-leaved and conifer evergreens, that maintain foliage year-round.

Greenbelt. A strip of land of specified width and location on the same zoning lot as the principal use reserved for the planting and maintenance of shrubs, trees or plants to serve as a buffer strip in carrying out the requirements of this Zoning Ordinance.

Landscaped Parking Island. A landscaped area defined by a curb and surrounded by paving on all sides, usually placed at the end of parking rows to control and guide traffic.

Landscaped Peninsula. A landscaped area defined by a curb and surrounded by paving on three sides.

Landscaping Screen. A row of screening shrubs supplemented with landscape planting, that provides screening between two zoning lots.

Screening Shrubs. Evergreen shrubs that maintain their foliage year round.

Shrub. Any woody plant species consisting of multiple permanent stems originating from or near the ground with a typical height at maturity of no more than fifteen (15) feet.

Site Break. A structural or landscape device to interrupt long vistas and create visual interest in a site development.

Tree. Any woody plant species self-supported by one main stem or trunk, with typical height at maturity of ten (10) feet or more.

Trees, Class I Shade. Any tree with an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature branch-canopy spread of at least fifteen (15) feet.

Trees, Class II Shade. Any tree with a maximum expected maturity height of twenty-five (25) feet.

LEGAL DESCRIPTION. The description or the abbreviation of a description of a zoning lot which is maintained in the records of the Assessing Official.

LEVEL OF SERVICE (LOS). A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

LOT. A lot of record or zoning lot. For the purpose of this Zoning Ordinance, the following definitions shall apply (Please also refer to *Figure VII-14* on Page VII-13 in **Article VII**):

Condominium Lot. That portion of a zoning lot proposed for development in accordance with Public Act 59 of 1978, Condominium Act and designed and intended for separate ownership and use as described in the condominium master deed. A condominium lot shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counterpart of a lot of record platted and developed in connection with a land development project approved in accordance with Public Act 288 of 1967, the Land Division Act.

Contiguous Lot. Two or more lots of record adjoining each other and under the same ownership.

Corner Lot: A lot of record or zoning lot abutting upon two public or private right-of-ways at their intersection, or upon two segments of the same public or private right-of-way, where the interior angle of the lot lines at the intersection is less than one hundred thirty-five (135) degrees. In the case of a curved corner the comer of the lot shall be that point on the street right-of-way line nearest to the point of intersection of the said tangents.

(ARTICLE I, SECTION 1-007, LOT cont.)

Flag Lot A lot of record or zoning lot which does not have the required minimum lot width at the minimum front yard but has direct access to a public or private right-of-way through a narrow strip of land which is part of the same lot of record or zoning lot, or an established easement. The lot lines of the narrow portion of the lot of record or zoning lot (the mast) are parallel or nearly parallel. The front yard setback for a flag lot shall be a distance equal to the front yard requirements for the district in which the lot is located and shall be measured from the point where the lot first obtains the minimum lot width measurement.

Interior Lot. Any lot other than a corner lot with one street frontage.

Lakefront Lot. Any lot of record or zoning lot which abuts and includes any portion of the lake shore of an inland lake.

Nonconforming Lot. A lot of record which does not meet the requirements of this Zoning Ordinance necessary for land development.

Through Lot. An interior lot of record or zoning lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) public or private right-of-way shall be designated as the front street in the site plan, or plat, and building permit. In the case of individual double frontage lots, all sides of said lots adjacent to both rights-of-way shall be considered frontage and shall meet all front yard setback requirements.

Triangular Lot. A zoning lot which is bounded by only three lot lines.

Zoning Lot. A single area of land fronting on a public or private right-of-way, which, at the time of filing for a building permit or for a site plan approval, is designated by its owner or developer as an area to be used, developed, or built upon as a unit, under single or common ownership or control. A zoning lot may not necessarily coincide with a lot of record, but may include one or more of the following individually or in combination:

A. A single lot of record;
B. A portion of a lot of record;
C. Two or more contiguous lots of record in combination;
D. A parcel of land described by metes and bounds;
E. An existing nonconforming lot or portion thereof.

LOT AREA. The total horizontal area within the lot lines that bound a lot of record or zoning lot. For the purpose of this Zoning Ordinance, the following definitions shall apply:

Minimum Lot Area. The smallest net lot area established by this Zoning Ordinance on which a use, building, or structure may be located in a particular zoning district.

Net Lot Area. Shall mean the portion of the lot area remaining after excluding the area of the zoning lot covered by natural features, watercourses, waterbodies, wetlands, and/or inaccessible upland areas.

LOT DEPTH. The average horizontal distance between the front and rear lot lines between the side lot lines, and in the case of a triangular-shaped lot of record or zoning lot the perpendicular distance from the front line to the apex of the angle formed by the intersection of the side lot lines.

LOT LINES. The legally defined property lines bounding the limits of a lot of record or zoning lot as defined by this Zoning Ordinance (Please also refer to *Figure VII-15* on Page VII-14 in **Article VII**):

Lot Line, Front. In the case of a lot of record or zoning lot abutting upon one public or private right-of-way, the front lot line shall mean the line separating such lot from the right-of-way, except where the lot is unusually shaped, in which case the Building Official shall designate the front lot line for building setback purposes, with consideration that the placement of the building(s) and resulting yards are consistent with the character of the surrounding area. In the case of a corner lot, the owner shall, for the purpose of the Zoning Ordinance, have the privilege of selecting the street upon which the front lot line shall be established, provided the front and rear setbacks can be adhered to and provided that such choice, in the opinion of the Building Official, will not be injurious to the existing or the desirable future development of adjacent properties. The orientation of a house on the lot is not related to the determination of the front lot line for purposes of this Zoning Ordinance.

Lot Line, Rear. The lot line or point of intersection of the side lot lines which is opposite and most distant from the front lot line of a regularly shaped lot of record or zoning lot. In the case of an irregular or triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. shall be considered to be the rear lot line for the purposes of determining depth of rear yard. In cases where none of these definitions are applicable, the Building Official shall designate the rear lot line.

Lot Line, Side. A lot line other than a front lot line or a rear lot line.

(ARTICLE I, SECTION 1-007 cont.)

LOT OF RECORD. A measured area of land, the dimensions of which are described and fixed on a recorded subdivision plat approved in accordance with Public Act 288 of 1967, the Land Division Act, is on file with the Oakland County Register of Deeds and which actually exists as so shown.

LOT WIDTH. The average horizontal distance between the side lot lines measured at right angles when the side lot lines are parallel. Where the side lot lines are not parallel, the average horizontal distance of such side lot lines shall be calculated through measurement locations at such point and number established by the Zoning Official and Building Official as to provide a reasonable estimate of the lot width.

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MANUFACTURING ESTABLISHMENTS. An establishment where the principal use of a zoning lot is for the purpose of the manufacturing, assembling, packaging, and inspecting goods, products, and merchandise, and may include ancillary storage and office uses. Manufacturing establishments shall be classified as either light industrial or heavy industrial based upon the intensity and scope of the manufacturing procedures used and shall be defined as follows, including but not limited to:

Commercial Agricultural Processing Factory. A light industrial manufacturing establishment, conducted entirely within a building, for the growing, packaging, and processing of live plants, plant material, or invertebrate animals.

Craft Factory. A light industrial manufacturing establishment for the manufacture, primarily by manual methods, of craft articles such as leatherwork, pottery, woodwork, hand woven goods and similar articles.

Food Processing Factory. A light industrial manufacturing establishment for the manufacture processing of food products other than meat processing, such as candy food processing, bakeries, dairy products, frozen food processing and other similar types of uses.

Leather Goods Factory. A light industrial manufacturing establishment for the assembly of leather goods such as belting, shoes, and gloves.

Machinery Factory. A heavy industrial manufacturing establishment for the mass manufacture, assembly, and storage of heavy machinery and large appliances.

Meat Processing Factory. A heavy industrial manufacturing establishment for the manufacture and packing of meat, poultry, and fish products.

Metal Products Factory. A light industrial manufacturing establishment for the manufacture of metal products such as cutlery, springs, coat-hangers, auto parts, tools, piping, and electrical equipment.

Paper Products Factory. A light industrial manufacturing establishment for the manufacture of paper boxes, bags, drinking cups, excelsior, corrugated paper products or other similar paper products.

Pharmaceutical Factory. A light industrial manufacturing establishment for the manufacture of perfumes, cosmetics, deodorants, soaps, cleaning compounds, patent medicines, disinfectants, insecticides, and similar products.

Textile Factory. A light industrial manufacturing establishment for the manufacture of blankets, curtains, carpets, rugs, hats, hosiery, knitted goods, clothing, tents, and any similar articles.

Vehicle Factory. A heavy industrial manufacturing establishment for the manufacture, assembly, and storage of vehicle parts and vehicles.

Welding Factory. A heavy industrial manufacturing establishment for the manufacture and repair of metal products through the welding process.

Wood Products Factory. A light industrial manufacturing establishment for the manufacture of barrels, baskets, boxes, coffins, crates, doors, flooring, furniture, or other wood products.

MARINA, COMMERCIAL. A commercial establishment or premises, requiring a State of Michigan permit for licensed docks or mooring facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales, taxi or barging services, and waste water pumping facilities may be provided.

MASTER PLAN. A Master Plan adopted by the Township Board or Planning Commission, and in effect in accordance with Public Act 33 of 2008, the Michigan Planning Enabling Act, and all other applicable planning statutes.

(ARTICLE I, SECTION 1-007 cont.)

MASTER RIGHT-OF-WAY PLAN. The right-of-way and/or thoroughfare plan officially adopted by the Township, the County of Oakland and/or the Inter-County Highway Commission.

MATERIAL PROCESSING ESTABLISHMENTS. An establishment where the principal use is the intensive processing of raw materials, such as soil resources and metals, or previously manufactured items such as tires into a form and/or substance to be used as a construction material or components for infrastructure projects or commercial products. Material processing establishments are heavy industrial establishments based upon the type of materials processed and shall be defined as follows, including but not limited to:

Batching Plant Facility. A heavy industrial facility used for the production of asphalt or concrete, and may include ancillary uses such as the removal of soil resources from the same zoning lot and/or the stockpiling of soil resources used in the production process.

Lumber Mill Facility. A heavy industrial facility used for the processing of timber into finished lumber products.

Paper Mill Facility. A heavy industrial facility used for the pulping processing of timber into paper material.

Primary Metals Processing Plant Facility. A heavy industrial facility used for the production of primary iron or steel, including pig-iron, ferro-alloys and rolled products, or other primary non-ferrous metals.

Waste Processing Facility. A heavy industrial facility where waste materials are received, stored and/or processed for the purpose of creating new products or materials, or are sorted for further transport to either a landfill site or recycling facility.

MEDICAL ESTABLISHMENTS. An establishment engaged in furnishing medical, surgical, health, psychological, or related services to individuals. Medical establishments shall be classified based upon the intensity and scope of the medical services provided and shall be defined as follows, including but not limited to:

Extended Medical Care Facility. A medical establishment designed to accommodate patients in need of lengthy recuperative periods, medical attention, or requiring long-term nursing. The facility provides lodging, meals, and all necessary nursing and/or medical care.

Hospital. A medical establishment providing full-service health care, primarily for inpatients requiring the daily direction or supervision of a physician and skilled nursing care, and medical and surgical care and treatment of sick, injured, or disabled persons, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Medical Clinic. A medical establishment where medical practitioners provide out-patient diagnosis, treatment, and minor surgery. The facility may include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary.

Professional Medical Care Office. A medical establishment where medical practitioners provide consultation, diagnosis, and therapeutic treatments and check-ups. The facility may include such uses as reception areas, offices, and consultation rooms.

Sanitarium. A medical establishment devoted to the long-term in-patient care and treatment of mental and nervous diseases.

Substance Abuse Care Center. A medical establishment providing rehabilitation care and counseling services on either an in-patient or out-patient basis, to persons suffering from problems related to substance abuse.

Transitional Medical Care Facility. A medical establishment designed for patients in need of short-term accommodations while receiving physical, social or psychological therapy and counseling to assist them in overcoming physical, emotional, or substance abuse problems.

MEDICAL PRACTITIONER. A doctor, dentist, chiropractor, chiropodist, optometrist, or oculist but shall not include a veterinarian.

MIXED USE DEVELOPMENT. The development of a project area, which for the purpose of this definition shall mean a zoning lot or assemblage of contiguous zoning lots that meet the minimum area requirement for a mixed use development in the zoning district in which such development is permitted and to be located, in accordance with a final site plan providing a variety of complementary, integrated, and mutually supported uses, such as, but not limited to, residential, office, manufacturing, retail, public, and recreation, in a compact urban form.

(ARTICLE I, SECTION 1-007 cont.)

MOBILE HOME PARK. A zoning lot developed for two or more mobile home sites and complying with all requirements of the State of Michigan Mobile Home Commission and the Township.

MOBILE HOME SITE. An area within a mobile home park intended for the exclusive location of a mobile home dwelling.

MODEL HOME. A finished, residential unit, including units in a multifamily building and mobile home dwellings for which a certificate of occupancy could be obtained, located in a residentially zoned district but utilized as an example of a residential product offered for sale to purchasers. The residential unit may be used as a sales office and furnished but not occupied as a residence while being used as "Model Home".

MUNICIPAL CIVIL INFRACTION. A civil infraction involving a violation of a Township ordinance, inclusive of this Zoning Ordinance. Municipal civil infraction does not include a violation described in Section 113 of the Act, being Section 600.113(a) and 600.113(c)(i) through (vi) and (ix) of the Michigan Compiled Laws, as amended, or any act or omission that constitutes a crime and is punishable as a misdemeanor as stipulated under a specific Township ordinance.

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NATURAL RESOURCE MANAGEMENT ACTIVITY. The management, development, cultivation, harvesting/extraction of fish (sport, commercial and bait), wildlife (hunting and trapping), forestry, and outdoor recreation resources.

NOISE. For the purpose of this Zoning Ordinance, the following definitions shall apply:

Pure Tone. Any sound which can be distinctly heard as a single pitch, or a set of single pitches.

Sound Level (A-Weighted). The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).

NONCONFORMITY. Any existing building, structure, lot, or use which does not conform to the regulations for the zoning district in which it is situated at the time of the adoption of this Zoning Ordinance.

NONCONFORMITY, DIMENSIONAL. A nonconforming situation that occurs when the height, size, or minimum floor space of a building or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

NONMOTORIZED PATHWAY MASTER PLAN, COMMUNITY. A plan adopted by the Township identifying the location of current and future nonmotorized pathways that will provide nonmotorized accessibility and travel throughout the Township.

NONMOTORIZED PATHWAY. A cleared area or installed improved surface maintained for pedestrian, bicycle, or similar nonmotorized traffic. For the purpose of this Zoning Ordinance, the following definitions shall apply:

Bikepath. A nonmotorized pathway with an improved surface, separated from the street roadway and designed with enough width to accommodate two-way bicyclist/pedestrian travel.

Sidewalk. A nonmotorized pathway that is paved and used primarily as a pedestrian walkway. Public sidewalks are generally located within rights-of-way, parallel to and separated from the street roadway.

NON-RESIDENTIAL. When used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.

NUISANCE. When used with reference to any land use or condition, a use or activity carried out on a zoning lot that possesses empirical evidence of the capacity for the unreasonable interference with normal enjoyment of human activity on adjacent zoning lots and the surrounding area by exceeding the standards established in this Zoning Ordinance for the: persistent and palpable creation and discharge of air contaminants, creation of readily detectable odor emissions, persistent generation of noise, and/or unscreened storage of goods, wares, merchandise, equipment, salvage, machinery parts, junk, or other such materials where the use of the zoning lot is in contravention of the zoning class of such zoning lot.

NUISANCE PER SE. A use of land in violation of this Zoning Ordinance or a regulation adopted under it, as provided for in Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.

(ARTICLE I, SECTION 1-007 cont.)

-O-

OCCUPANCY. The use of a building or zoning lot for any physical purpose by any person. A zoning lot utilized for storage purposes is considered to be occupied, but mere ownership of a zoning lot or building does not in itself constitute occupancy.

OFFICE ESTABLISHMENTS. An establishment conducted primarily in an office environment and designed for the provision of:

A. executive, personnel, financial and legal oversight, clerical, and business-to-business sales services;
B. electronic and/or voice communication services;
C. computerized data input, processing, and printing services;
D. banking, insurance, mortgage, investment, or similar financial services;
E. employment and personnel services;
F. computer and consulting services;
G. accounting and bookkeeping services;
H. advertising and marketing services;
I. architectural, engineering, and scientific services;
J. legal and notary services;
K. travel agencies;
L. real estate services; or
M. similar such services

OFFICE PARK. A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

OPEN SPACE. That part of a zoning lot, including courts or yards, which is open and unobstructed from its lowest level to the sky, and which does not contain any part of the following: driveways, streets, off-street parking areas, loading and trash pick-up areas, private swimming pools, surface drainage facilities, buildings, wetlands, submerged lands, or structures of any kind except permitted fences.

OUTDOOR LIVING AREA. An outside space immediately adjacent to and accessible from a dwelling such as a balcony, courtyard, deck, patio, porch, or roof deck, which shall be available to occupants of such dwelling for leisure activities.

OVERLAY ZONES. A set of zoning requirements described in the Zoning Ordinance text, mapped, and imposed in addition to those of the underlying zoning district.

OWNER. A person having a legal, equitable, or recorded title or possessory interest in property.

OWNER OF RECORD. The person(s) whose name appears upon the current records of the Assessing Official as the owner of a parcel or tax parcel.

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PARCEL. An area of land which is either a lot of record or a zoning lot identified by the Assessing Official with a separate parcel identification number.

PARCEL, TAX. A building, section of such building, or structural improvement on an area of land identified by the Assessing Official with a separate parcel identification number for tax purposes. A Tax Parcel is not a lot of record or a zoning lot.

PARKING FACILITIES. An area or areas of land or a structure or part thereof which is designated and used for parking vehicles on the same zoning lot upon which the principal use is located, or an adjacent zoning lot where a recorded parking easement exists and is approved for shared parking within the site plan. For purposes of this Zoning Ordinance, the following definitions shall apply to the various components of parking facilities:

Parking Area, Commercial Vehicle. A group of parking spaces in a parking facility identified on a site plan for the commercial vehicles utilized by the business or businesses located on the same zoning lot.

(ARTICLE I, SECTION 1-007, PARKING FACILITIES cont.)

Parking Area, Customer. A group of parking spaces in a parking facility identified on a site plan for the exclusive use of customer and employee personal vehicles.

Parking Area, Landbanked. A section of a parking area identified on a final site plan that is intended to remain undeveloped and maintained as a landscaped area until such time as an increase in capacity of the use on the zoning lot requires additional parking spaces.

Parking Area, Loading Space. An area of a parking facility identified on a site plan for the parking of commercial vehicles that are loading and unloading merchandise or material to the zoning lot.

Parking Area, Maneuvering Aisle. The section(s) of a parking facility necessary for traveling through the parking facility and entering and exiting parking spaces.

Parking Facility, Off-Street. A parking facility providing the parking spaces and parking areas required for a specified use on the same zoning lot.

Parking Facilities, Shared Off-Street. The use of off-street parking facilities, through application of a cross-access easement, on two or more adjacent zoning lots for joint use by the businesses located on such zoning lots.

Parking Area Stacking Lane. An area of a parking facility identified on a site plan to provide standing room for vehicles waiting to approach a drive-thru service on a zoning lot.

Parking Bumpers. Permanent concrete forms installed in a parking space that block the front wheels of a vehicle.

Parking Space. Sections of a parking facility of definite length and width used for the parking of one vehicle.

Parking Space, Bus. A specialized parking space of such length and width to enable the parking of a bus.

Parking Structure Facility. An accessory structure utilized as a parking facility.

Parking Structure, Underground. A parking area located located below the ground floor of a building.

PAVED. Use of blacktop, asphalt, concrete, brick, or other similar substance to create a smooth impervious surface, but not the use of dirt, clay, slag or stone.

PEDESTRIAN-ORIENTED USES. Uses which generate pedestrian interest and activity, especially retail stores and restaurants, as well as entertainment, personal service businesses, arts and cultural uses, theaters, small open spaces or pedestrian amenity areas, tourist information centers, and other similar uses.

PERFORMANCE GUARANTEE. A financial guarantee in the form of a cash deposit, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements to ensure compliance with requirements established and any conditions imposed under this Zoning Ordinance to insure faithful completion of the improvements.

PERFORMANCE STANDARD. A criterion established to control noise, odor, smoke, or toxic matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in the uses of land, buildings, or structures.

PERMANENTLY MAINTAINED. A constant and continuing state of good repair and condition, thereby preserving the installation as similar to the approved original function as possible.

PERMITTED USE. A use allowed by right which is specifically authorized in a zoning district, subject to the restrictions applicable to that use and the zoning district in which it is located. For the purpose of this Zoning Ordinance, all uses not listed as permitted, or as requiring special approval, shall be deemed to be prohibited uses in that zoning district.

PERSONAL RECREATION SPACE. Recreation space on a zoning lot which is provided for the exclusive use of the occupants of the dwelling unit. For the purpose of this Zoning Ordinance, this definition includes but is not limited to:

Athletic Recreational Devices. Any apparatus, such as a batting cage, horseshoe pits, skateboard ramp, trampoline, or golf net, provided as an accessory use on the same zoning lot as the principal permitted use.

Basketball Apparatus. Any apparatus, generally consisting of a backboard, hoop, and net utilized for playing various versions of the game of basketball, provided as an accessory use on the same zoning lot as the principal permitted use.

Gardening Area. The personal production of plants, including fruit growing, greenhouse farming, hydroponics farming, vegetable growing, tree growing, and sod farming.

Play Area. A fenced or enclosed space, at or above the grade plane, which is equipped with children's play equipment, and designed for use by children.

(ARTICLE I, SECTION 1-007 cont.)

PERSONAL VEHICLE SALE. A personal vehicle which is being displayed for sale on a residential property.

PLAN. A scale drawing(s) that graphically depicts existing or proposed land improvements in the level of detail required in order that an informed decision can be made by the Township, together with other documents, information and reports as required under this Zoning Ordinance. For the purposes of this Zoning Ordinance, the following definitions shall be used:

Concept Plan. A concept plan shall be the graphic conceptual layout of proposed improvements and the locational relationship between the various components on a subject zoning lot drawn on a twenty-four (24) inch by thirty-six (36) inch sheet and properly scaled within the range of one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet and shall consist of the following items of information:

A. Name, address and telephone number of property owner.
B. Name, business address and contact information for all developers, engineers, attorneys, architects landscape architects, and registered land surveyors associated with the development of the concept plan.
C. Title block with project name and address/location of site.
D. North arrow.
E. Scale.
F. Legend.
G. Revision block (month, day and year of original submittal and subsequent revisions).
H. Existing zoning on subject parcel and neighboring properties.
I. A certified survey completed by a State of Michigan Licensed Land Surveyor, which indicates the legal description and recorded and measured dimensions of the property lines and other pertinent data as prescribed in Public Act 132 of 1970, Certified Surveys, as amended. The plan shall be drawn in accordance with the dimensions shown on this survey.
J. The location, dimensions, and proposed usage of all proposed permanent and accessory buildings and structures to be constructed, maintained, and used on the site. For all proposed residential use components of the concept plan, also include the proposed density calculation and number of each type of dwelling unit (one-bedroom units, two-bedroom units, etc.).
K. The location of all proposed transformer pads, dumpster enclosures and exterior appliance units on the site.
L. The location of all proposed exterior lighting to be used on the site.
M. The location of all proposed signs to be used on the site.
N. The location of all proposed landscaped areas, open space, and outdoor recreation areas to be dedicated and maintained on the site.
O. The location and addresses of buildings, uses and other significant features of immediately adjacent property within one hundred (100) feet of the subject zoning lot.
P. Location of existing and proposed public and private rights-of-way, drives, drive approaches (including acceleration, deceleration and passing lanes), nonmotorized pathways, any other other vehicular and pedestrian circulation features within and adjacent to the parcel, all parking and loading areas indicating type of surfacing, and outdoor display areas where applicable.
Q. Location of all wetland, floodplain, drainage course, and natural feature boundaries.

Construction Plan. A construction plan shall be based on an approved site plan where required under this Zoning Ordinance, and shall be submitted in the form and content as specified and required by the Building Official in accordance with **Waterford Code of Ordinances, Buildings and Building Regulations**.

Final Site Plan. A final site plan shall be the final graphic layout of the development details for the approved concept plan or change of use of the subject zoning lot that contains all required information and revisions necessary for Township approval. The site plan shall be drawn on a twenty-four (24) inch by thirty-six (36) inch sheet and properly scaled within the range of one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet and shall consist of all revised and final versions of items A through N listed under **Preliminary Plan**, items A through D listed under **Landscape Plan**, and all additional items required by the Township as specifically allowed under this Zoning

(ARTICLE I, SECTION 1-007, PLAN, Final Site Plan, cont.)

Ordinance. All plan documents must contain the seal of the registered architect, engineer, community planner, landscape architect or land surveyor who prepared such documents. **(NOTE**: An engineer's seal shall be required on all plan sheets which require review by the Township Engineer or Public Works Official.).

Grading Plan. A grading plan shall be the graphic depiction of existing and proposed topography drawn on a twenty-four (24) inch by thirty-six (36) inch sheet and properly scaled within the range of one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet and shall consist of the following items of information:

A. Name, address and telephone number of property owner.
B. Name, business address and phone number of individual who prepared the plan.
C. North arrow.
D. Scale.
E. Legend.
F. U.S.G.S. datum with contours at two (2) feet intervals extending to a minimum of one hundred (100) feet beyond the site property lines. In certain instances additional topography may be required.

Landscape Plan. A landscape plan shall be the graphic layout of the landscaping details for the approved concept plan or change of use of the subject zoning lot submitted to the Township to review and determine compliance with the requirements of this Zoning Ordinance. The landscape plan shall be drawn on a twenty-four (24) inch by thirty-six (36) inch sheet and properly scaled within the range of one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet and shall consist of the following items of information:

A. The property dimensions and site layout and components shall be drawn to mirror the preliminary plan.
B. The location, number, size and species, and planting/design details. The proper type, spacing, height, placement and location of plant materials in order to insure that the intent of this Zoning Ordinance is met.
C. The choice and selection of plant materials so as to insure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights-of-way or to abutting property owners.
D. The choice and selection of plant materials so as to insure that the type of plantings selected will be of a type that will survive and thrive in the area in which they are to be located and as a protective measure against disease and insect infestation.
E. The locations of existing and proposed greenbelt and landscaped areas, open spaces, natural features areas, and outdoor recreation areas, and all landscaping notations as required in the SPL Manual.
F. The proper relationship between deciduous and evergreen plant materials exists so as to assure that the desired obscuring effect will be accomplished. The selection, spacing and sizing of plant materials shall depend on the use to which the plantings are to be, placed.
G. Sealed by the registered landscape architect, as prescribed in Public Act 299 of 1980, who designed the landscape plan.

Plot Plan. A plot plan shall be the graphic depiction of existing conditions and proposed improvements on a subject zoning lot drawn on at minimum an eleven (11) inch by seventeen (17) inch sheet and properly scaled within the range of one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet and shall consist of the following items of information:

A. Name, address and telephone number of property owner.
B. Name, business address and phone number of individual who prepared the plan.
C. North arrow.
D. Scale.
E. Legend.
F. A certified survey completed by a State of Michigan licensed land surveyor, which indicates the legal description and recorded and measured dimensions of the property lines and other pertinent data as prescribed in Public Act 132 of 1970, Certified Surveys, as amended. The plan shall be drawn in accordance with the dimensions shown on this survey.
G. The location and dimensions of all existing and proposed permanent and accessory buildings and structures, and where applicable all proposed temporary structures, on the site.
H. Existing and proposed streets, drives, drive approaches (including acceleration, deceleration and passing lanes), parking areas indicating type of surfacing and listing number and size of parking spaces, and outdoor display areas where applicable.

(ARTICLE I, SECTION 1-007, PLAN, Plot Plan, cont.)

I. Wetland, floodplain, and drainage course boundaries.
J. Location of all proposed signs - type, size and details.
K. Where required by the Township Engineer, the following additional information:
   (1) Existing and proposed topography using U.S.G.S. datum with contours at two (2) feet intervals extending to a minimum of one hundred (100) feet beyond the site property lines. In certain instances additional topography may be required.
   (2) The location and capacity of existing or proposed water, sanitary, stormwater, and other utilities serving the site with approximate rim elevations, inverts, size and lengths.
   (3) Proposed public and private sidewalks.

Preliminary Plan. A scale drawing(s) of existing or proposed land improvements for the approved concept plan or change of one or more zoning lots submitted to the Township for review and determine compliance with the requirements of this Zoning Ordinance. The preliminary plan shall be drawn on a twenty-four (24) inch by thirty-six (36) inch sheet and properly scaled within the range of one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet and shall consist of the following items of information:

A. The property dimensions on the plan shall be drawn in accordance with a certified survey as specified in item I under **Concept Plan** either as part of the concept plan or as part of the preliminary plan, whichever plan is required to be submitted first.
B. The same information required in items A through H listed under **Concept Plan**.
C. The same information required in item J listed under **Concept Plan**.
D. In addition to the location information required in items K through Q listed under **Concept Plan**, show all dimensional and numerical information, and three-dimesional details for items K through M listed under **Concept Plan**.
E. Location map.
F. All required minimum setbacks from existing or proposed public or private rights-of-way and property lines.
G. Total lot area, net lot area, and buildable area of the zoning lot, as measured in square feet and acreage.
H. Grading plan.
I. The location, dimensions, and details for all walls, fences and berms as proposed and/or required by the Zoning Ordinance.
J. All curbing including size, type, location and detail.
K. The location, capacity, and details of all existing or proposed water, sanitary sewer, stormwater drainage, and other utilities serving the site with all information as required to conform with the Township Engineering Standards.
L. All existing easements and vacated easements and rights-of-way.
M. Front, side, and rear elevations of all proposed buildings.
N. All other items required by either the Zoning Official or the Building Official to comply with land regulation requirements contained in the **Waterford Code of Ordinances**.

PLAN REVIEW COMPONENT. The plan review procedures described in **ARTICLE IV** are composed of some review components that are uniform in intent, content, and implementation, regardless of the review procedure used by an applicant. For the purposes of this Zoning Ordinance, the following definitions shall be used:

Change of Use Review. A review conducted by the Planning Commission and/or Zoning Official to evaluate a request to use an existing improved zoning lot for a permitted use where no structural expansion of existing buildings and structures are needed to conduct the proposed permitted use.

Conceptual Review. A review of a concept plan conducted by the Planning Commission, and the Township Board in the case of planned unit developments, to ensure its conformance with the general goals and objectives of the Master Plan as well as with the future land use goals for the land use designation in which the proposed project is located. A conceptual review is not conducted by the standards required of the preliminary plan review and final site plan review.

(ARTICLE I, SECTION 1-007, PLAN REVIEW COMPONENT cont.)

Construction Plan Review. Review, oversight, inspection, and approval of the construction plan and related construction activity conducted by the Building Official, Township Engineer, Public Works Official, and Fire Chief to ensure that it conforms with the approved final site plan upon which it is based and all applicable requirements of **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, and Flood Control and Environmental Protection** pertinent to the proposed project. This review includes review and issuance of building permits, conducting final inspections, and issuance of certificates of occupancy in accordance with **Waterford Code of Ordinances, Buildings and Building Regulations** and the procedures established by the Building Official.

Final Site Plan Review. A review of the final site plan conducted by the Zoning Official and Township Engineer to confirm that all applicable requirements of this Zoning Ordinance and **Waterford Code of Ordinances, Fire Prevention and Protection, and Flood Control and Environmental Protection** have been recorded as part of the final site plan.

Plot Plan Review. A review of a proposed plot plan, or a plan substituted for a plot plan where permitted by this Zoning Ordinance, and succeeding versions undertaken by the Township to ensure that the plan conforms with all applicable requirements of this Zoning Ordinance and **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, and Licenses and Miscellaneous Business Regulations**.

Preliminary Plan Review. A review of a preliminary plan conducted by the Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other agencies identified by the Zoning Official to ensure that the preliminary plan conforms with all applicable requirements of this Zoning Ordinance, including the Township Engineering Standards and SPL Manual, and **Waterford Code of Ordinances, Fire Prevention and Protection, and Flood Control and Environmental Protection**.

PLANNING COMMISSION. The Planning Commission of the Charter Township of Waterford established under **Section 5-001.2** of this Zoning Ordinance.

POINT OF INTERSECTION. The point at which two street right-of-way lines abutting a corner lot intersect, or if the two street right-of-way lines meet in a curve then it is the point at which the production of the two zoning lot lines abutting the two streets intersect.

PROHIBITED USE. A use that is not defined as a permitted use or a special approval use in a zoning district.

PROPERTY. Each dwelling unit, business, or profession occupying a zoning lot.

PROPERTY LINES. The lines bounding each dwelling unit, business, or profession occupying a zoning lot, as defined by this Zoning Ordinance .

PUBLIC AUTHORITY. Any Federal, State, County or Municipal agency, and includes any commission, board, authority, or department established by such agency to achieve and implement policies, programs, and projects for the benefit of the general public.

PUBLIC HEARING. A formal meeting held pursuant to public notice intended to inform and obtain public comment prior to taking action in accordance with the applicable Public Act 110 of 2006, Michigan Zoning Enabling Act, and Public Act 33 of 2008, Michigan Planning Enabling Act, as amended.

PUBLIC MEETING. A meeting held by the Township Board, Planning Commission, or ZBA pursuant to public notice.

PUBLIC NOTICE. A notice of a public meeting and/or public hearing published in accordance with the applicable requirements of Public Act 110 of 2006, Michigan Zoning Enabling Act, Public Act 33 of 2008, Michigan Planning Enabling Act, and Public Act 267 of 1976, Open Meetings Act, as amended.

(ARTICLE I, SECTION 1-007 cont.)

PUBLIC UTILITY. Except for Wireless Communication Facilities, those services customarily rendered by public utility corporations, municipalities, or municipal authorities, to include but not necessarily limited to, electricity, gas, cabled communication sytems, water and sewage, stormwater drainage, and the components used in connection with the supplying of such services, including but not necessarily limited to:

Public Utility Building. A building used for the administrative services required in conjunction with the supply of a public utility.

Public Utility Facilities. Any above-ground structures used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

Public Utility Facilities, Area. Public Utility Facilities that are designed to serve the surrounding area consisting of one or more neighborhoods.

Public Utility Facilities, Neighborhood. Public Utility Facilities that are designed to serve the immediately surrounding neighborhood and must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Public Utility Facilities, Regional. Public Utility Facilities that are designed to serve a regional area consisting of one or more municipalities.

Public Utility Hardware. Devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants and buffalo boxes that are used in conjunction with Public Utility Facilities and Infrastructure.

Public Utility Infrastructure. The erection, construction, alteration or maintenance by public utilities of distribution, transmission, collection, supply, or disposal system components, including mains, drains, sewers, pipes, conduits, wires, and/or cabling necessary for the furnishing of adequate service by such public utility.

Public Utility Service Facilities. A building used for repair of vehicles and equipment necessary for the operation and maintenance of the public utility infrastructure and facilities, and/or an open area on a zoning lot containing identified on an approved site plan used for vehicle

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RAIL CORRIDOR. The railway right-of-way of any railroad company established by the United States Congress within the boundaries of the Township.

RAIL YARD. The use of a zoning lot or part thereof for activities directly associated with the operation of a railway.

RAMP. A sloping walkway, street accessway, or similar such improved surface used to join and provide a smooth transition between two levels of different elevations.

REASONABLE ACCESS. The physical ability to store a vehicle in either the rear yard or side yard without having to disrupt the topography, landscaping, buildings, structures, or fencing.

RECREATION. For the purpose of this Zoning Ordinance, the following definitions shall apply:

Active Recreation. Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

Passive Recreation. Activities that generally do not require buildings and not altering the soil or topography, such as open space and environmental areas, and involving relatively inactive pursuits such as walking, sitting, picnicking, card games, chess, checkers and similar table games.

(ARTICLE I, SECTION 1-007 cont.)

RECREATIONAL FACILITIES. A place designed and equipped for active and/or passive recreation. Specialized recreational facilities include but are not limited to:

Boat Launch. A recreational facility which is owned or operated for the purpose of launching or loading watercraft of any character and includes ramps that extend into or abut an inland lake or stream or other body of water, and may include roads, drives and/or parking areas for vehicles and boat trailers.

Boat Livery. A recreational facility where watercraft are rented or leased on an inland lake or stream or any other body of water.

Campground. A section of a park containing two (2) or more campsites. For the purposes of this definition, campsite is defined as an open area intended for the temporary location of one travel trailer, tent trailer, tent, or similar transportable accommodation for recreational purposes.

Fitness Center. A recreational facility providing for basic weight-training, aerobic conditioning, and exercise recreational athletic activities; shall include associated dressing, shower, and locker facilities; and may include saunas, related lounge facilities, office space, and retail space for items related to on-site fitness activities.

Golf Course. An open air recreation facility designed for the purpose of playing at least nine holes for playing the game of golf and may include one or a combination of accessory buildings such as a clubhouse, accessory buildings for restrooms and for storing groundskeeping equipment, accessory structures for shelter, and ancillary offices, limited merchandise stores, dining restaurants, banquet facilities, bar/lounges, golf driving ranges, and/or golf academies.

Golf Driving Range. A recreational facility where the sport of golf is practiced from individual tees and which may include accessory structures to house the tees, a kiosk for golf balls and golf club rentals, and/or a structure from which the golfers tee-off.

Health/Recreation Facility. An indoor recreational facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi and/or sauna and limited merchandise store.

Park. An open air recreational facility permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active recreation designed to serve the residents of a neighborhood, municipality, and/or region.

Playground. An open air recreational facility equipped with children's play equipment such as slides, swings or wading pools.

Seasonal Recreational Facility. A recreational facility whose operation is dependent on the climactic conditions of a particular season or seasons, such as ski resorts, outdoor ice skating rinks, or public beaches.

Skateboard Park. A recreational facility containing or developed with slopes, hills, passageways and other challenges where people using skateboards may practice the sport for a fee, including the rental or sale of skateboards and related equipment.

Sport Playing Field. A recreational facility for the playing of team sports and may include benches or bleachers for spectators. A sport playing field may be contained within a stadium.

Sport Recreation Facility. A recreational facility that provides indoor and/or outdoor playing surfaces for sports activities. A stadium is considered a type of sport recreational facility.

Summer Camp. An open air recreational facility where campers spend all or part of the summer living in tents, barracks or dormitories, participating in organized activities, sports and arts and crafts and usually eat together in a central dining facility.

RECYCLING FACILITIES. A facility where non-hazardous materials such as yard waste, paper products, metal containers, glass containers, and plastic products are removed from the solid waste stream so that they can be reused. Recycling facilities shall be classified based upon the intensity and scope of the recycling process and space required for materials storage, and shall be defined as follows, including but not limited to:

Composting Facility. A recycling facility whose primary purpose is the collection and composting of yard waste and organic materials.

Packing And Bailing Site. A recycling facility where the treatment of paper waste by its compression into blocks or bales and binding or sheathing the blocks with wire metal, plastic or other material is conducted.

Recyclable Materials Collection Facility. A recycling facility that collects, separates, and temporarily stores paper products, metal containers, glass containers, and plastic products before being transported elsewhere for manufacturing into new products.

Refund Container Recycling Depot. A recycling facility whose primary purpose is the collection of empty refundable containers.

(ARTICLE I, SECTION 1-007 cont.)

REGULATED USES. Those uses and activities which require licenses, approval or permits by Township regulations, or by state or federal law.

RELIGIOUS FACILITIES. A zoning lot maintained and controlled by a religious organization as a place of worship which may contain a parsonage/rectory and/or convent. For purposes of this Zoning Ordinance, the following definitions apply:

Convent. A building used as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who provide religious services to a religious facility.

Parsonage/Rectory. A building on the same zoning lot as a church that is used as a residence, operated as a single housekeeping unit, solely by and for the ordained minister and family, or for ordained priests, who are the spiritual leaders of a religious facility.

Place of Worship. A building used for regular assembly of members and visitors for religious worship, and may include accessory uses such as child nursery care, kitchen facilities for member gatherings, and rooms for religious instruction.

RELIGIOUS ORGANIZATION. An association of persons that is established for the advancement of religion and for the conduct of religious worship, service, or rites.

RELOCATION. Any repositioning or movement of a building, structure, object or artifact to another location on the same zoning lot, or to another zoning lot.

RENTAL ESTABLISHMENTS. A commercial establishment where residential, commercial, or industrial grade equipment, accessories, and items are kept for rental to the general public. Rental establishments shall be classified based upon the intensity, scope, and storage location of the items available for rental, and shall be defined as follows:

Entertainment Rental Establishment. A rental establishment for the short-term rental of movies, games, and similar entertainment sources under agreement for compensation.

Heavy Equipment Rental Establishment. A rental establishment where industrial grade machinery and equipment, those required for industrial and intensive construction and infrastructure installation purposes, are kept for short-term rent, lease or hire under agreement for compensation.

Light Equipment Rental Establishment. A rental establishment in which light machinery and equipment, those required for household, yard, and vehicle maintenance, repair, and renovation, are kept for short-term rent, lease or hire under agreement for compensation.

Rent-to-Own Establishment. A rental establishment for the rental of household furnishings, appliances, and electronics.

Transport Hauling Rental Establishment. A rental establishment that keeps a fleet of trucks, trailers, and ancillary equipment for rental to the general public to achieve the transport of household furnishings, appliances, electronics, and similar items.

REPORT. Any letter, review, memorandum, compilation or similar writing made by an employee of a public authority for the purpose of assisting a public authority in the rendering of any decision or determination. For the purposes of this Zoning Ordinance, the following are definitions of specialized reports:

Development Impact Analysis Report. The purpose of the development impact analysis report is to provide the Township with relevant information on the anticipated impact on public utilities, public services, traffic, the economy, environmental conditions, and adjacent land uses for a proposed concept plan, special approval, or rezoning which, in the opinion of the Planning Commission, constitutes a substantial departure from the intent of the Master Plan. The contents of this report are intended to identify and assess these impacts and, thereby, provide the Planning Commission with information necessary to determine whether the proposed project possesses the capacity to achieve the goals and objectives of the Master Plan. A development impact analysis report shall include the following information:

A. 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.

B. Location map at one (1) inch = two hundred (200) feet, indicating the location of the subject property in relation to the master right-of-way plan.

(ARTICLE I, SECTION 1-007, REPORT, Development Impact Analysis Report cont.)

C. Zoning map, indicating the subject property and the zoning of adjacent properties for a radius of one (1) mile, measured from the boundaries of the site.
D. A traffic impact analysis report.
E. A parking study report.
F. A natural features inventory and mitigation report.
G. Land use map, indicating the subject property and adjacent land uses by type for a radius of one (1) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
H. An impact assessment narrative prepared by the applicant that provides a brief description of the proposed land uses; the hours of operation for each proposed use; where the proposed land uses may not conform with the performance standards established by this Zoning Ordinance; the impact of the proposed uses on groundwater quality, public utilities, and stormwater drainage; the number of expected residents, employees, visitors or patrons generated by each proposed use; the anticipated impact of each proposed use on public schools, police protection and fire protection; and the anticipated tax revenues to the Township that will be generated by the proposed development and uses.

Natural Features Inventory and Mitigation Report. The purpose of the natural features inventory and mitigation report is to provide the Township with relevant information on the anticipated impact of a proposed development on zoning lots where twenty-five (25) percent or more of the total acreage of the zoning lot appears to contain sensitive natural features which will be negatively impacted by the development of the zoning lot so that, in the written opinion of the Planning Commission, the environmental goals and objectives of the Master Plan will not be achieved. The intent of the content of this report is to identify and assess these impacts and, thereby, provide the Planning Commission with information necessary to determine the proposed project's capacity to affect the goals and objectives of the Master Plan. The report shall be prepared by a professional qualified in the area of ecology, botany, wildlife biology or other relevant discipline that describes, without limitation, the following:

A. the wildlife use and habitat showing the species of wildlife using the area, the times or seasons that the area is used by those species, and the value (in the context of this definition value shall mean the availability of feeding and watering sources, cover, nesting, roosting, and perching) that the area provides for such wildlife species;
B. the boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands;
C. any prominent views from or across the site;
D. the pattern, species, and location of any significant native trees and other native site vegetation;
E. the bank, shoreline, and high water mark of any stream or body of water on the site;
F. wildlife movement corridors, and
G. the general ecological functions provided by the site and its features.

The report shall identify the scope of sensitive ecosystems onsite and provide recommendations for stewardship of these resources, and possible mitigative measures for those areas that may be disturbed through development activities and foreseeable long-term impacts of the project.

Parking Study Report. The purpose of the parking study report is to establish the number of improved and reserved parking spaces for a development project that will provide space for more than one use on a zoning lot. The study will conform to the standard established in the SPL Manual. If one or more of the uses will involve a drive-thru facility, the adequacy of the (queuing stacking) area shall also be evaluated. The report shall take into account both the proposed uses and hours of operation of each use for the project, and other likely scenarios (i.e. restaurant use converted to retail and vice versa).

(ARTICLE I, SECTION 1-007, REPORT cont.)

Traffic Impact Analysis Report. The purpose of the traffic impact analysis report is to provide the Township with relevant information on the anticipated impact of a proposed development on the capacity of the existing street system. The intent of the content of this report is to identify and assess these impacts and, thereby, provide the Planning Commission with the information necessary to determine the proposed project's capacity to affect the goals and objectives of the Master Plan. The report shall be completed by a State of Michigan registered professional engineer or professional community planner and contain the following:

A. Description of Existing Traffic Conditions. This section shall include peak-hour and daily traffic count data less than two (2) years old for all street(s) adjacent to the site; a description of street roadway characteristics such as but not limited to right-of-way, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations; calculations for existing levels of service for intersections included within the study area; a description of existing access drives and potential turning movement conflicts.

B. Trip Generation. This section shall include forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the current trip generation data and procedures published by the Institute of Transportation Engineers (ITE). When authorized by the Planning Commission, the applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.

C. Trip Distribution. This section shall illustrate the distribution and turning movements of projected traffic generated by the proposed use (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required.

D. Impact Analysis. This section shall provide level of service or "capacity" analysis at the proposed access points using the procedures adopted by the Transportation Research Board of the National Academies.

E. Access Design/Access Management Standards. This section shall include a map and description of the location and design of proposed street accessways and street intersections, including any sight distance limitations, dimensions from adjacent street accessways and intersections within two hundred fifty (250) feet on either side of the main street roadway, data to demonstrate that the proposed number of street accessways are the fewest necessary to provide safe and efficient traffic operation, and be in accordance with the Township Engineering Standards and the requirements of the applicable street agency.

F. Other Study Items. The traffic impact study shall also include a description and illustration of all additional right-of-way required by the applicable street agency, all non-motorized pathways required by this Zoning Ordinance, and the site circulation and available sight distances at street accessways.

RESALE ESTABLISHMENTS. An establishment located in a building or part of a building and which displays previously-owned merchandise. For the purposes of this definition, antique goods are relics or objects of ancient times or a work of art, pieces of furniture, or decorative object, manufactured or created at least 50 years ago, the value of which has increased primarily due to the passage of time; and second-hand goods are previously-owned and used clothing, furniture, and household goods, excepting antique goods. Resale establishments shall be classified based upon the type of merchandise available for resale, and shall be defined as follows, including but not limited to:

Antique Store. A resale establishment that exclusively stores, displays, and sells antiques.

Consignment Shop. A resale establishment that accepts second-hand goods on a consignment basis, paying the owners of the merchandise a percentage when and if the items are sold.

Flea Market. A resale establishment that provides lease space within a building on the same zoning lot for groups of individual sellers to offer goods for sale to the public on an occasional or periodic basis. This definition does not include private garage sales.

Pawnshops. A resale establishment as defined in **Section 1-006.G**.

Second-Hand Dealer. A resale establishment where the principal use is that of purchasing, storing, and reselling second-hand goods for profit.

Thrift Shop. A resale establishment operated by a nonprofit organization to raise money through the sale of donated or consigned second-hand goods to fund their charitable causes.

Used Book Shop. A resale establishment where the principal use is that of purchasing, storing, and reselling previously-owned books for profit.

(ARTICLE I, SECTION 1-007 cont.)

RESORT. A transient residential occupancy establishment that provides accommodation throughout all or part of the year and that has facilities for serving meals and furnishes equipment, supplies, or services to persons in connection with recreational activities.

RESIDENTIAL USE. The use of a building on the same zoning lot as a dwelling, or use of contiguous lots where one zoning lot with an improved residential building uses the adjoining zoning lot(s) for uses ancillary to, and consistent with, the principal permitted use.

RESTAURANT ESTABLISHMENTS. An establishment located in a building or part of a building and which has full kitchen facilities for the preparation of meals and is engaged in serving food and beverages to customers. For the purposes of this definition, a dining area is a seating area provided for food and beverages consumption by customers. Restaurant establishments shall be classified based upon the intensity and scope of the services provided, and shall be defined as follows, including but not limited to:

Bar/Lounge. A restaurant establishment designed, maintained,-and operated primarily for the dispensing of alcoholic beverages for consumption on the premises. The selling of food and/or snacks may also be permitted. If the bar/lounge area is part of a dining restaurant, it shall be defined as that part of the building so designated and/or operated.

Brewpub. A dining restaurant establishment which also includes the brewing and sale of beer on the premises as an accessory use.

Cabaret/Night Club. A dining restaurant establishment which provides live musical entertainment on the premises.

Cafeteria. A restaurant establishment with a dining area where food is prepared and displayed for self-service selection by the customer.

Carryout Restaurant. A restaurant establishment in which the design of physical facilities, the serving or packaging procedures require the purchase of prepared, ready-to-eat foods and beverages intended to be consumed off the premises and where the consumption of foods in vehicles on the zoning lot is not permitted.

Dining Restaurant. A restaurant establishment which prepares and serves food and beverages for consumption by customers in a dining area. A dining restaurant may also be engaged in providing an accessory carryout service of food to customers for off-site consumption.

Drive-In Restaurant. A restaurant establishment designed to provide a motor vehicle driveway approach, standing space, or parking space where food, frozen dessert, and/or beverages are served to customers and then consumed while seated in their vehicles upon the premises.

Fast Food/Delicatessen/Sandwich Shop Restaurant. A restaurant establishment designed as a place where food, beverages, and/or desserts are ordered and served to customers from a serving counter as carryout. Such establishments may provide a dining area and, where allowed by this Zoning Ordinance, an outdoor dining patio and/or drive-thru service.

RETAIL ESTABLISHMENTS. An establishment providing for the sale of goods, wares, merchandise, substances, or articles directly to the public at retail, including storage of limited quantities of such goods, wares, merchandise, substances, or articles. Retail establishments shall be classified based upon the scope and volume of items available to the public, and shall be defined as follows, including but not limited to:

Convenience Store. A retail establishment in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to complement such items may include the limited sale of magazines, books and records, housewares, toiletries, stationary, and tobacco products.

Department Store. A retail establishment primarily engaged in retail sale of a wide range of merchandise classes.

Drug Store. A retail establishment where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical convenience and household products may be sold as well.

Intimate Apparel Store. A retail establishment that is not an adult entertainment use and engaged in retail sale of initimate apparel items.

Limited Merchandise Store. A retail establishment where a limited display of a specific class of merchandise, such as hardware, automotive accessories and supplies/parts,craft and hobby supplies, home decorations, office and school supplies, athletic equipment and supplies, and telecommunication and personal electronic products are available for purchase.

(ARTICLE I, SECTION 1-007, RETAIL ESTABLISHMENTS cont.)

Merchandise Center Store. A retail establishment where a wide range of a specific class of merchandise, such as appliances, electronic equipment and supplies, home improvement supplies, landscape and lawn/garden equipment and supplies, automotive accessories and supplies/parts,craft and hobby supplies, office and school supplies, office furniture, home furnishings and decorations, athletic equipment and supplies, and telecommunication and personal electronic products.

Merchandise Display Store. A retail establishment primarily used for the display of samples, patterns or other merchandise and wherein orders are taken for future delivery of the merchandise from a warehouse facility directly to the customer.

Pet Shop. A retail establishment where small animals are sold for use as pets, kept for sale or groomed, but does not include a place for the breeding or overnight boarding of pets.

Shopping Center. A retail establishment consisting of a building or group of buildings located on the same zoning lot planned, developed, owned and managed as a unit which provides a broad range of retail stores, as well as office, restaurant, and service uses, and also provides common off-street parking facilities, pedestrian areas, and vehicular movement areas.

Specialty Retail Store. A retail establishment selling a single type of product, such as baked goods, meats, produce, flowers, or package liquor.

Supermarket. A retail establishment that deals primarily in the retail sale of various food products including fresh, frozen, prepared and preserved groceries, meats, beverages, garden produce, dairy produce, and bakery products, as well as sundry items, household, and general merchandise. May include accessory personal service uses such as photo processing, pharmacy, shoe repair, and video rentals.

RIGHT-OF-WAY. A strip or area of land acquired or established by reservation, dedication, forced dedication, prescription, use, condemnation or other legal means and intended to be occupied by a street roadway, nonmotorized pathway, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary or stormwater sewer, other similar uses, or a combination thereof. For the purpose of this Zoning Ordinance, the following definitions shall apply to rights-of-way:

Centerline. A line drawn parallel to and equidistant from the limits of established or proposed public right-of-way.

Right-of-Way Lines. The lines that form the boundaries of a right-of-way.

Transitway. A right-of-way for the exclusive use of public transit vehicles, which may or may not include stations for the transfer of transit riders, landscaping and pathways for pedestrians and/or cyclists.

ROOF. The outside top covering of a building or structure. A roof may possess eaves, which for the purpose of this definition shall mean a roof overhang free of enclosing walls and without supporting columns. Roof types shall be identified according to its slope characteristics and defined as follows (Please also refer to *Figure VII-2* on Pages VII-4 and VII-5 in **Article VII**):

Flat Roof. A roof having a slope of less than one (1) unit of rise for every ten (10) units of run. Where more than twenty-five (25) percent of the roof area of a building is flat as defined in the preceding sentence, the entire roof shall be deemed to be a flat roof.

Gable Roof. A roof sloping downward in two parts at an angle from a central ridge, forming a gable at both ends of the building.

Gambrel Roof. A gabled roof with two slopes on each side, the lower steeper than the upper.

Hip Roof. A roof with with both end and side slopes.

Mansard Roof. A roof with two slopes on each of four sides, the lower steeper than the upper.

Shed Roof. A roof with one slope.

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SATELLITE DISH ANTENNA, RESIDENTIAL. An antenna device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish capable of receiving communications from a transmitter or a transmitter relay located in an earth orbit.

SCHOOL DISTRICT. The Waterford School District, Board of Education, and Superintendent.

(ARTICLE I, SECTION 1-007 cont.)

SCREEN. For the purpose of this Zoning Ordinance, shall mean to obscure, conceal from, or to make difficult to view.

SEASONAL ENCLOSURE. An unheated room addition with no more than twenty-five (25) percent of any elevation being constructed of materials other than glass, screen or transparent materials approved by the Building Official.

SEPARATION DISTANCE. The shortest distance between buildings on abutting zoning lots.

SETBACK. The minimum horizontal distance maintained between a lot line and the closest portion of the building or structure on a zoning lot. Where a zoning lot contains a portion of a waterbody within its boundaries, the setback on a side containing the waterbody shall be the minimum horizontal distance maintained between the normal spring high water mark line and the closest portion of the nearest foundation line of a building or structure. For the purpose of this Zoning Ordinance, the following definitions shall apply:

Average. The mean horizontal distance maintained between a lot line and the closest portion of the nearest foundation line of a building or structure.

Front, Rear, and Side Yard. The setback calculated for each of the respective front, rear, and side yards for a zoning lot.

SIGN. One or more sign message units conveyed within or upon a sign component or an assembly of sign components and which conveys a message or directs attention of persons not on the premises to an object, product, event, location, activity, person, institution, organization, or business and which is visible from any nearby public street, right-of-way, sidewalk, alley, park or other public or private property.

A. For purposes of this Zoning Ordinance a sign shall not include:

(1) Official flags, pennants, or insignia of any nation, government, political unit, school, religious group, or charitable organization and/or officially recognized weather flags as long as they are of such size and so located that they are compatible and in scale with the surrounding area and do not constitute a commercial promotion;

(2) Legal notices, identification, information, directional, or devices erected, required, or authorized by governmental bodies;

(3) Signs of one (1) square foot or less which contain only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

(4) Tubes/boxes for the delivery of mail and newspapers including the name or logo of the company involved;

(5) Posters placed in windows on a temporary basis for charitable and non-profit special events;

(6) a sign located completely within an enclosed building, which sign is not visible from outside the building, unless the context shall so indicate;

(7) Integral decorative or architectural features of buildings that do not contain letters, trademarks, moving parts, or moving lights; and

(8) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

B. Signs shall be governed by the following definitions (Please also refer to *Figures VII-16 through VII-44* on Pages VII-15 through VII-23 in **Article VII** for some representative examples of each of the following types of signs):

Abandoned Sign. A permanent sign where one or more sign components are in a state of disrepair due to the neglect and abandonment by its owner.

Accessory Sign. A permanent sign related to the principal use(s) of the zoning lot.

Banner Sign. A temporary sign exposed to the weather and which is made from or on cloth or other non-rigid material.

Billboard. A non-accessory sign.

Canopy Sign. A permanent sign displayed and affixed flat on the surface of a canopy that does not extend vertically or horizontally beyond the limits of the canopy.

Canopy Entry Sign. A permanent sign attached to the underside of a canopy, awning, marquee or other similar type of structure.

(ARTICLE I, SECTION 1-007, SIGN cont.)

Construction Sign. A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest in the project.

Directional Sign. A permanent sign on a zoning lot which solely serves to direct or attempts to direct vehicular and/or pedestrian movements to the building, place, or area located on the same zoning lot and does not contain advertising or logos.

Election Sign. A temporary sign relating to an election to be voted upon by the general public, which is constructed of coated or uncoated paper, pressed paper, poster board, cardboard, corrugated plastic board, foam core board or similar types of materials.

Entranceway Sign. A permanent sign identifying a residential subdivision or condominium development. An entranceway sign shall not be considered a freestanding sign for purposes of this Zoning Ordinance.

Festoon Sign. Temporary signs including pennants, decorative flags, streamers, strings of lights, figures/characters or other similar devices.

Freestanding Sign. A permanent sign, not including entranceway signs, which is not mounted on or structurally attached to a building and which has its own foundation and support structures permanently attached to the ground.

Ground Sign. A freestanding sign so designed that sign frame is permanently affixed to a sign base located at or near ground level such that it precludes visibility beneath the sign frame.

Historic Marker. A permanent sign identifying an historic event, landmark, or person of historical importance.

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

Home Improvement Sign. A temporary sign erected on the site of a single-family zoning lot on which construction is taking place, during the period of such construction, indicating the name of the contractor providing the home improvement construction.

Identification Sign. A permanent sign containing only the property address, and may also include the name of the occupants or tenants of the property address.

Ideological Sign. A temporary sign which does not name or advertise a product, service, or business but only expresses a viewpoint, opinion, or idea.

Inflatable Device Sign. A temporary sign that is either expanded to its full dimensions or supported by blowing air through, or inert gaseous matter contained within, such sign. Untethered airships are not considered to be inflatable signs.

Memorial Sign. A permanent sign memorializing a person, event, building, structure, or site.

Non-accessory Sign. A permanent sign which is not related to the principal use(s) of the zoning lot.

Obsolete Sign. A permanent sign which no longer correctly advertises or directs a person to an ongoing or viable business, enterprise, service, goods, product, tenant, or activity.

Permanent Sign. A sign where the sign frame is permanently affixed to a building or is permanently affixed to a sign base.

Portable Sign. A sign not affixed to the ground or to a building which permits it to be moved or transported. Portable signs include A-frame style signs. Portable signs also include persons hired to dress in costume and carry a sign with the intention of advertising.

Post-Pylon Sign. A freestanding sign designed to elevate and support the sign face area above the surface of the ground within a sign frame incorporating a pole, pylon, or similar device thereby providing a predominantly clear viewing space beneath the sign.

Private Sale or Event Sign. A temporary sign advertising private sales of personal property such as garage sales, yard sales, estate sales, and similar events, or private not-for-profit events such as picnics, open houses, carnivals, bazaars, game nights, art fairs, civic events, charity events, and craft shows.

Projecting Sign. A permanent sign attached to a building wall or roof eave and projecting outward from the face of said building more than twelve (12) inches. A projecting sign is not a wall sign, a canopy sign, or a canopy entry sign as defined by this Zoning Ordinance.

Protective Sign. A sign commonly associated with safeguarding the permitted uses of a premise, including but not limited to vicious dog, no trespassing, neighborhood watch, and authorized parking only signs.

(ARTICLE I, SECTION 1-007, SIGN cont.)

Real Estate Sign. A temporary sign pertaining to the sale or lease of the zoning lot, or a portion of the zoning lot, on which the sign is located.

Residential Site Development Sign. A temporary sign erected on the site of a residential subdivision or condominium development on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the building project.

Roof Sign. A permanent sign that is mounted on the roof or a functional architectural appendage above the roof or roof eave of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

Special Purpose Sign. Signs including, but not limited to, restroom signs, vending machines, signs on fuel dispenser mechanisms; and door opening directions.

Temporary Sign. A sign where the sign frame is temporarily affixed to the ground or to a building on a zoning lot.

Vehicle Sign. A sign or signage measuring more than two (2) square feet in size mounted, placed, written, or painted on a vehicle or trailer, whether motor-driven or not.

Wall Sign. A permanent sign attached to the wall of a building which does not extend outward more than twelve (12) inches from the place or such wall (not a projecting sign).

Window Sign. A sign either temporary or permanent which is placed upon any window or transparent surface and is visible from the exterior of the building.

SIGN COMPONENTS. The physical elements that are used individually or in combination as a sign. Sign components shall be classified and defined as follows (Please also refer to *Figures VII-45 through VII-47* on Pages VII-23 and VII-24 in **Article VII** for some representative examples of each of the following types of sign components):

Sign Message Board. A sign component providing for changeable sign message units within a portion of the sign face area. Specific types of sign message boards shall be governed by the following definitions:

Electronic Sign Message Board: A sign message board on which sign message units are depicted on a lighted display that is electronically-controlled.

Traditional Sign Message Board: A sign message board on which sign message units are changed manually or by mechanical rotation.

Sign Face Area. The sign component providing the entire display surface area for all sign message units. The sign face area does not include the sign frame, sign enhancement features, or sign base when sign message units are not affixed or applied to such sign components.

Sign Frame. The sign component that provides the support structure for the sign face area.

Sign Enhancement Feature. A sign component intended to improve the physical appearance of a sign frame or sign base, including but not limited to moldings, lattice, and decorative pillars.

Sign Illumination. A sign component consisting of electric wiring and lighting to provide a constant light source to provide internal illumination of a sign face area, lighting directed towards the sign face area, or an arrangement of exposed gaseous tubes (i.e., neon tubes) maintaining an outline of the sign frame or sign face area.

Sign Base. A sign component providing a permanent foundation base located on the ground either horizontally or on a plane parallel to the horizon which supports a sign frame.

SIGN MESSAGE SEQUENCING. The sequencing through which sign message units are conveyed within a sign. Sign message sequencing shall be classified based upon the frequency and activity of the sequence and defined as follows:

Animated Message Sequencing. A sign message sequencing where any sign component changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation through the use of electrical energy, electronic, solar, or manufactured sources of supply, but not including wind actuated elements.

Flashing Message Sequencing. A sign message sequencing where any sign message unit within a sign face area exhibits changing, flashing, winking, blinking, or similar action by any means.

(ARTICLE I, SECTION 1-007, SIGN MESSAGE SEQUENCING cont.)

Intermittent Message Sequencing. A sign message sequencing where the combined sign message units within a sign face area possesses a rate of change of less than five (5) seconds from one set of sign message units to another set of sign message units, and/or the transition between sets of sign message units is accomplished within an interval of more than two (2) seconds, and/or once changed the set of sign message units does not remain static until the next transition to another set of sign message units.

Moving Message Sequencing. A sign message sequencing where any sign message unit within a sign face area or any sign illumination changes physical position or light intensity giving the visual impression of movement.

Static Message Sequencing. A sign message sequencing that is not animated, flashing, intermittent, or moving.

SIGN MESSAGE UNITS. Each of the following, when four inches or greater in height, equals one sign message unit:

A. A character.
B. A standalone letter.
C. A word.
D. An abbreviation.
E. A number containing up to seven digits.
F. A symbol.
G. A geometric shape.
H. A trade name.
I. A corporate name.
J. A person's or firm's initials containing up to seven letters.
K. A logo, which for the purposes of this definition is a registered or trademarked symbol of a business.
L. An emblem.
M. A conventional mark, model, illustration, identification, description, display, or device having a recognized particular meaning.
N. An ideological mark, figure, design or picture having a recognized meaning.

SLEEPING UNIT. One or more rooms used exclusively for rest and personal care, and containing no cooking facilities.

SLOPE. The rate of vertical change of ground surface expressed as a percentage figure or in degrees and determined by dividing the vertical distance by the horizontal distance.

SOUND. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compressions and refraction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averages, output meter, and weighting networks used to measure sound pressure levels.

SPL MANUAL. Shall refer to the Charter Township of Waterford Site Planning and Landscape Design Standards Manual, as adopted in accordance with **Section 5-004**, where used in this Zoning Ordinance.

STORAGE CONTAINER. A receptacle manufactured for the purpose of temporary placement to collect and/or store goods and materials, and not intended to be used as a building or structure as defined by this Zoning Ordinance. For the purpose of this Zoning Ordinance, the following definitions shall apply to storage containers:

Collection Container. A storage container placed on a zoning lot for the purpose of collecting clothing and household goods for redistribution and second-hand use.

Recycling Container. A storage container designed and placed on a zoning lot for the collection of recyclable materials.

Roll-Off Disposal Container. A storage container designed and placed on a zoning lot for the project-based collection and disposal of a large volume of materials; the nature of the project generally being construction or renovation. For purposes of this Zoning Ordinance, roll-off disposal containers are not synonymous with waste material containers as defined in **Section 1-006**.

(ARTICLE I, SECTION 1-007, STORAGE CONTAINER cont.)

Portable Storage Container. A storage container placed on a zoning lot for the purpose of project-based temporary storage of household goods and furniture; the nature of the project generally being construction or renovation.

STORY. That portion of a building included between the surface of any floor and the surface of the floor or roof next above it. For the purpose of this Zoning Ordinance, the following definitions shall apply as they relate to story (Please also refer to *Figure VII-52* on Page VII-26 in **Article VII**):

Attic. The space between the roof and the ceiling of the top story of a dwelling or the space between a dwarf wall and a sloping roof of a dwelling.

Basement – Please refer to the definition of **Basement** in this Section for the circumstances in which a basement shall be considered a story.

Ground Story - That story with its floor level immediately above the grade plane.

Half Story - The portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the story next below; side-walls not less than four (4) feet in height and a ceiling with a minimum height of seven and one-half (7 ½) feet over an area equal to at least fifty (50) percent of its floor area.

Mezzanine - An intermediate level between the floor and the ceiling of any story. A mezzanine shall be considered a separate story if it covers more than fifty (50) percent of the floor area of the story in which it is located, or if the vertical distance from the floor immediately below the mezzanine and the floor immediately above it is twenty-four (24) feet or more.

STREET. A right-of-way which provides for vehicle traffic circulation, and the principal means of vehicular access to two (2) or more abutting properties, whether designated as a street, avenue, place, way, drive, lane, boulevard, highway, road, parkway, or thoroughfare. The following define specific types of streets and related components.

Street, Collector. A street that collects traffic from local streets and connects with minor and major arterials.

Street, Cul-De-Sac. A local street with a single common ingress and egress and with a turnaround at the end.

Street, Local. A street that provides access to abutting zoning lots and carries vehicular traffic primarily having a destination or origin on the street itself.

Street, Loop. A local street that has its only ingress and egress at two points on the same collector street.

Street, Major Arterial. A public street designated as a state highway that connects and distributes traffic to and from minor arterials and collector streets.

Street, Marginal Access. A street that runs parallel to a major or minor arterial street and provides access to abutting zoning lots so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that impediments to the flow of traffic on the arterial street are reduced by restricting direct street access to the intersection of the marginal access street and arterial street.

Street, Minor Arterial. A public street that interconnects and links major arterial streets and distributres traffic to and from collector streets.

Street, Multifamily Access. A private street serving a multifamily zoning lot that may incorporate parking areas along its route for the residential units located on the zoning lot.

Street, Paper. A street that has never been built but is shown on an approved plan, subdivision plat, tax maps, or official map.

Street, Private. A local street that has not been accepted by a street agency.

Street, Public. A street which has been accepted either expressly or impliedly by a street agency.

Street Accessway. An improved surface providing means of ingress and egress between a street and an adjacent zoning lot.

Street Facade. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building, along a street.

Street Furniture. Constructed aboveground objects, such as outdoor seating, kiosks, bus shelters, sculptures, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by, the public.

Street Hardware. Mechanical and utility systems, usually located within a street, such as hydrants, manhole covers, traffic signals, lighting standards and directional signs.

Street Median. A paved or planted area separating a street into two or more lanes of opposite direction of travel.

(ARTICLE I, SECTION 1-007, STREET cont.)

Street Roadway. The part of the street that is improved and used for vehicular traffic, but does not include the shoulder when present.

Street Transitway. A right-of-way for the exclusive use of public transit vehicles, which may include stations for the transfer of transit riders, landscaping and pathways for pedestrians and/or cyclists.

STREET AGENCY. A governmental agency responsible for the design, construction, and maintenance of public streets and street rights-of-way, such as the Michigan Department of Transportation or Road Commission for Oakland County.

STREETSCAPE. The scene as may be observed along a street, composed of natural and man-made components including buildings, paving, planting, street hardware and miscellaneous structures.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having such location. While every building is a structure, because of the intensity and scope of activity allowed through the structural capacity of buildings, this Zoning Ordinance defines and regulates buildings separately from other structures *(See **Building** in this Section)*. Storage containers *(See **Storage Container** in this Section)* as defined by this Zoning Ordinance are not structures and shall not be regulated as such under this Zoning Ordinance. For purposes of this Zoning Ordinance there are unique classes of structures requiring regulation and shall be defined as follows:

Accessory Structure. A structure that is subordinate to and located on the same zoning lot as the principal building and use, except as may be specifically provided elsewhere in this Zoning Ordinance, and is incidental to the principal use through the provision of comfort, convenience, or ornamentation for the benefit of the occupants, employees, customers, or visitors of or to the principal use. For the purpose of this Zoning Ordinance, specific classifications of accessory structures shall be defined as follows, including but not limited to:

Canopy. An accessory structure attached to the wall of the principal building which is roofed, supported in whole or in part by vertical supports from the ground, open to the elements on one (1) or more sides, and is used primarily to provide temporary shelter from the elements.

Carport. An accessory structure attached to the wall of the principal building which is roofed, supported in whole or in part by vertical supports from the ground, open to the elements on one (1) or more sides, and is used primarily for the sheltered parking or storage of vehicles.

Gazebo. A freestanding, roofed accessory structure which is not enclosed, except for windowscreen or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling.

Pavilion. An accessory structure consisting of a roof and its support posts, and is open to the elements on seventy-five (75) percent or more of the structure's sides.

Sheltered Walkway. An accessory structure connecting a detached accessory building and the principal building on the same zoning lot which is roofed, supported in whole or in part by vertical supports from the ground, open to the elements between the connected buildings, and is used primarily to provide temporary shelter from the elements.

Utilitarian Structure. An accessory structure containing mechanical or electrical equipment necessary for providing services to buildings on the same zoning lot.

Weather Canopy. An accessory structure used in fueling facilities and commercial fueling establishments and erected for the purpose of sheltering fuel dispenser islands from inclement weather.

Antenna Support Structure. The foundation and support structure for an antenna.

Commercial Satellite Dish Structure. A structure incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Curb. An asphalt, concrete, stone or other improved boundary structural component, usually marking the edge of the street roadway or paved area.

Dock. A State of Michigan licensed structure permanently built at or anchored to the shore of a water body at which recreational watercraft are berthed or secured to.

(ARTICLE I, SECTION 1-007, STRUCTURE cont.)

Driveway. A structure consisting of an improved surface providing ingress and egress for vehicle traffic between a street accessway and the residential dwelling and curtilage located on the zoning lot.

Fuel Dispenser Island. A structure used in fueling facilities and commercial fueling establishments and consisting of a narrow, slightly raised pad of concrete or similar material,used to physically secure vehicle fuel dispenser mechanisms certified by the State of Michigan for the intention of fueling vehicles.

Gardening Stand. A structure for the display and sale of garden products, with no space for customers within the structure itself. All products displayed in a gardening stand shall be produced on the zoning lot where the stand is located.

Livestock Enclosure. Structures where livestock are housed.

Menu-Order Structure. A structure specific to a restaurant with drive-thru service to assist customers in placing their dining order.

Monopole. A tower structure consisting of a single self-supporting pole with no guy anchors or other supports.

Newsstand. A structure from which a vendor displays and sells newspapers, magazines, and other printed materials.

Nonconforming Structure. A structure or part thereof that lawfully existed prior to the effective date of this Zoning Ordinance or an amendment to this Zoning Ordinance, but which does not comply with the terms of this Zoning Ordinance; or where **Section 1-004.M** is applicable.

Nonpermanent Structure. A structure intended for temporary use on a zoning lot under the terms of this Zoning Ordinance in the zoning district in which it is located. For the purpose of this Zoning Ordinance, specific classifications of nonpermanent structures shall be defined as follows, including but not limited to:

*Portable Shelter Structure***.** A tent or similar structure used as a temporary shelter for inventory, merchandise, or equipment.

Tent. A structure generally constructed of canvas, plastic, or similar materials which is supported by poles and intended for temporary use. Specific classifications of tents shall be defined as follows:

Children's Tent. A tent used solely for children's recreational purposes.

Vehicle Shelter Tent. A tent used solely for sheltering a vehicle.

Ornamental Structure. A structure erected primarily for the purpose of ornamentation, such as a fountain or other such structure, any statue, monument, cenotaph or other memorial except a mausoleum.

Outdoor Dining Patio. A structure consisting of an improved surface upon which outdoor tables, chairs, plantings, and related decorations and fixtures are located and maintained for food and beverages.

Outdoor Relaxation Structure. A structure accessible by the principal building and is incidental to the principal use through the provision of an area for outdoor relaxation. For the purpose of this Zoning Ordinance, specific classifications of outdoor relaxation structures shall be defined as follows (Please also refer to *Figure VII-53* on Page VII-26 in **Article VII**):

Deck. An outdoor relaxation structure with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade and used for leisure and recreational activities. A deck may include appurtenant accessories such as railings, whirlpools, spas, hot tubs, gazebos, and similar related facilities.

Patio. An outdoor relaxation structure consisting solely of a paved surface.

Porch. An outdoor relaxation structure abutting a principal building and having at least seventy (70) percent of the total area of the vertical planes forming its perimeter unobstructed except for removable windowscreens and storm sashes, and may have an awning or roof, used as an outdoor entrance and relaxation area.

Pole Structure. Any structure consisting of a single pole supported by a foundation, the pole used to support a small structure such as a birdhouse, birdfeeder, or bat house, or for use as a flagpole.

Private Swimming Pool. A structure having a depth of at least two (2) feet and a water surface area of at least one hundred fifty (150) square feet, which is used, or intended to be used, as a swimming or bathing pool in connection with a residence and available only to the family and private guests of the householder.

Residential Mooring Facility. A structure placed into an inland lake or stream to facilitate private noncommercial recreational use of the water and removed at the end of the boating season.

Retaining Wall. A structure constructed in accordance with the Township Engineering Standards to hold back or support an earthen bank.

(ARTICLE I, SECTION 1-007, STRUCTURE cont.)

Structure Height. The vertical distance between the grade plane to the highest point of the structure.

Waste Material Container Enclosure. A structure comprised of concrete block, brick, wood, stucco, or metal, with a gate, that screens a waste material container.

Wireless Communication Support Structure. A structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

STRUCTURAL ALTERATION. Any change, reduction, or expansion in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof and exterior wall.

SUBDIVISION. A subdivision shall, for the purpose of this Zoning Ordinance, mean the proposed division of land into lots of record in accordance with Public Act 288 of 1967, Land Division Act, as amended, in accordance with a plat as defined and developed in accordance with the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.

SUBSTANTIAL STRUCTURAL DAMAGE. A condition where the Building Official determines:

A. In any story of a building, the vertical elements of the lateral-force-resisting system, in any direction and taken as a whole, have suffered damage such that the lateral load-carrying capacity has been reduced by more than twenty (20) percent from its pre-damaged condition, or

B. The vertical load-carrying components of a building supporting more than thirty (30) percent of the structure's floor or roof area have suffered a reduction in vertical load-carrying capacity to below seventy-five (75) percent of the **Waterford Code of Ordinances, Buildings and Building Regulations** required strength levels calculated by either the strength or allowable stress method.

SUBSTANTIAL IMPROVEMENT. Any combination of reconstruction, alteration, or structural expansion to a building or structure that proposes to:

A. increase the footprint of an existing building or structure approved and governed by a final site plan by twenty-five (25) percent or more; or

B. increase the dimensional nonconformity of an existing nonconforming building or structure; or

C. increase the footprint of an existing nonconforming building or structure by twenty-five (25) percent or more where existing dimensional nonconformities will not be increased.

-T-

TECHNOLOGICAL ESTABLISHMENTS. An establishment where the principal use involves the research, development, and production of technologies. Technological establishments shall be classified based upon the intensity and scope of the development and production procedures used by such establishments and shall be defined as follows:

Research Establishment/Laboratory. A technological establishment for carrying on research, testing, experimentation, and investigation in the development of electronic technology, bio technology or other scientific disciplines for application to commerce, industry or government, which may include engineering and product development as ancillary uses.

Technological Assembly Facility. A technological establishment where the principal use is devoted to the assembly of parts and products through means of manual labor, use of laser technology, precision machining or soldering, and/or mechanical or assembly processes that result in noise and odor levels comparable to a light industry.

TOWNSHIP ENGINEER. A Township official, employee, agent or contractor, that by resolution of the Township Board has been qualified and appointed to exercise authority and/or discharge functions of the Township Engineer under this Ordinance. (Effective 11/03/2012)

TOWNSHIP ENGINEERING STANDARDS. Shall refer to the Charter Township of Waterford Schedule of Engineering Standards, as adopted in accordance with **Section 5-003**, where used in this Zoning Ordinance.

(ARTICLE I, SECTION 1-007 cont.)

TRANSPORTATION SYSTEM. Streets, nonmotorized pathways, transitways, rail corridors, airports, and other facilities for the movement of people or goods.

TRANSPORTATION TERMINAL. The use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers and/or buses, but does not include automobile service stations or transportation sales or rental outlets.

-U-

UNDEVELOPED. A zoning lot which is substantially unimproved, remaining free of buildings, structures, or human activities, except for conservation purposes. With respect to a zoning lot which, on the effective date of this Zoning Ordinance, is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvements(s) shall be considered undeveloped.

USE. The specific purpose and activity for which a zoning lot or a building or structure, or any portion thereof, is designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation carried on, or intended to be carried on, and "used" shall have a corresponding meaning. Specific classifications of use shall be defined as follows:

Accessory Use. A use, subordinate to and customarily incidental to the principal use, that is conducted on the same zoning lot as the principal use to which it is related (whether located on the zoning lot, within the principal building, or within an accessory building), except where the Zoning Ordinance specifically provides for an accessory use off-site. For the purpose of this Zoning Ordinance, specific classifications of accessory uses shall be defined as follows, including but not limited to:

Accessory Dining. An accessory use where a restaurant establishment is located within a building containing a different principal use.

Accessory Office. An accessory use, such as those listed under the definition of **Office Establishments** in this Section, where a branch office of an office establishment is located within a building containing a different principal use.

Outdoor Sales Display Area. An accessory use specific to retail establishments, where allowed by this Zoning Ordinance and identified on an approved site plan, providing an area of a zoning lot used for exhibiting in an orderly manner merchandise or products sold by the retail establishment on the same zoning lot.

Outdoor Storage Facility. An accessory use for commercial and higher intensity use zoning districts providing for the outdoor storage of supplies, equipment, or vehicles in good repair that are used in conjunction with the principal use located on the same zoning lot.

Ancillary Use. A use which supports the principal use of a building located on the same zoning lot and which does not diminish the ability of the principal use to fulfill its mandate. For the purpose of this Zoning Ordinance, specific classifications of ancillary uses shall be defined as follows, including but not limited to:

Ancillary Office. An ancillary use providing office services, such as those listed under the definition of **Office Establishments** in this Section, for an establishment or facility.

Factory Outlet. An ancillary use where the products manufactured on the same zoning lot are offered for wholesale or retail sale.

Fueling Facility. An ancillary facility providing fuel through a fuel dispensation system for vehicles used as part of a principal use on the same zoning lot.

Propane Filling Facility. An ancillary facility providing propane fuel through a dispensation system into portable containers.

Complementary Use. A use in close proximity to another use that serves to accompany and complement such use.

Existing Use. The use of a zoning lot, building, and/or structure at the time of the enactment of this Zoning Ordinance.

Nonconforming Use. A use which lawfully occupied a building or zoning lot at the time of the effective date of this Zoning Ordinance or an amendment to this Zoning Ordinance, or where **Section 1-004.M** is applicable, that does not conform to the use regulations of the district in which it is located.

(ARTICLE I, SECTION 1-007, USE cont.)

Permitted Use. A use which may be lawfully established on a zoning lot in a particular zoning district or districts provided it conforms with all requirements, regulations, and standards of such zoning district.

Principal Use. The main or primary purpose for which a zoning lot, building, or other structure is designed, arranged, or intended, or for which may be used, occupied or maintained under this Zoning Ordinance. The use of any other building, other structure and/or section of the same zoning lot and incidental or supplementary thereto and permitted under this Zoning Ordinance shall be considered an accessory use. A principal use may be a permitted use, nonconforming use, or a special approval use.

Temporary Use. A use conducted in conjunction with the principal use on a zoning lot for a specific and limited time period to enhance or promote the principal use. For the purpose of this Zoning Ordinance, the following definitions shall apply, including but not limited to:

Garage Sale, or Yard Sale. The temporary use of a private garage or yard by the residents of the dwelling on the same zoning lot for the non-commercial sale of personal property.

Promotional Use. A temporary use conducted for the purposes of promoting business sales through the use of temporary signage or events, established for a fixed period of time with the intent to discontinue such activity upon the expiration of the time period.

Sidewalk Established Business Sale. A promotional use conducted by established businesses involving the outdoor display of its merchandise on a sidewalk adjacent to the building in which such business is normally conducted.

Special Event. Use of a zoning lot for purposes unrelated to the principal use on the zoning lot, for a limited time period, generally for a fundraiser, exhibition, fair, carnival, religious or music festival, or public auction conducted by a municipality.

Temporary Retail Food Establishment. A temporary use that operates at a fixed location for a temporary period of time in connection with a special event or promotional use.

Temporary Storage. A temporary use of a portion of a zoning lot for storage of items or materials while the principal building is being constructed, expanded, renovated, or rebuilt.

Transient Use. Use of a zoning lot by transient merchants as defined and regulated by **Waterford Code of Ordinances, Transient Merchants** and **Section 4-012** of this Zoning Ordinance.

-V-

VARIANCE. A modification of the bulk regulations by the ZBA where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the self-created actions of the applicant, a literal enforcement of the Zoning Ordinance would result in a practical difficulty in the owner's use and enjoyment of the property.

VEHICLE. Any conveyance constructed for the purpose in or by which someone or something is carried or transported. Specific classifications of vehicles shall be defined by the following:

Active Seasonal Use. The season during the calendar year in which a recreational vehicle is functionally operable (i.e. boats and personal watercraft during the summer, snowmobiles during the winter, motor homes being readied for travel).

Attached Apparatus. A trailer, for a boat, snowmobile, jet ski, or any other vehicle or items, attached to or towed behind a vehicle.

Bus. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Commercial Equipment. Any construction equipment or large equipment used primarily in the course of conducting a trade or business.

Commercial Trailer. A vehicle without motive power designed to be drawn by a motor vehicle, and constructed for and used for the purpose of transporting goods, wares, or merchandise.

Commercial Motor Vehicle. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Construction Vehicle. Any and all vehicles associated with the construction trade; including but not limited to: back hoes, bulldozers, cement mixers, dump trucks, front-end loaders, power shovels, skid steerers, wood chippers, commercial mowers, and tar hoppers.

Good Repair. Means the vehicle is operable and meets all the safety requirements of the Public Act 300 of 1949, Michigan Vehicle Code, as amended.

(ARTICLE I, SECTION 1-007, VEHICLE cont.)

Gross Combination Weight Rating (GCWR). Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Gross Vehicle Weight Rating (GVWR). Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Intensive Commercial Vehicle. Vehicles manufactured with a GVWR of sixteen thousand and one (16,001) pounds or more and/or a GCWR of sixteen thousand and one (16,001) pounds or more including a towed unit with a GVWR of more than ten thousand (10,000) pounds, and designed or used primarily for transporting goods, wares, or merchandise, transporting more than twelve (12) persons. This shall include, but not limited to, buses, mobile structure trailers, pole trailers, semi-trailers, trailers, trucks, and truck-tractors as defined by this Zoning Ordinance.

Major Component Part. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Motor Vehicle. Any self-propelled conveyance constructed for the purpose in or by which someone or something is carried or transported.

Parked Vehicle. Any vehicle remaining on public or private property within the locations and under the conditions set forth in the applicable zoning district, and operative site plan, for a period not to exceed forty-eight (48) hours. Other tenses shall possess the same meaning as applied to this Zoning Ordinance.

Personal Commercial Vehicle. Vehicles manufactured with a GVWR of less than sixteen thousand and one (16,001) pounds, designed with the intent of being used primarily for personal transportation, but are being used as an employee transportation resource for small-scale commercial uses. It is not the intent of this Zoning Ordinance to consider personal vehicles used for permitted home occupations as personal commercial vehicles.

Personal Vehicle. A vehicle that is designed and constructed for licensing to operate on the public roadways and registered for personal transportation, accessory residential, or home occupation uses.

Personal Watercraft. A recreational watercraft less than sixteen (16) feet that uses an internal combustion engine powering a water jet pump or propeller-driven motor as its primary source of propulsion and is designed to permit the operator and passenger to ride on the outside surfaces of the vessel.

Pickup Camper. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code.

Pole Trailer. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Portable Construction Vehicle. A vehicle designed and used for the temporary use of hauling and/or storing of inventory, merchandise, equipment, or on-site construction office, and not designed to be a permanent building or structure meeting the requirements of the Township Building Code.

Recreational Vehicle. A vehicle or any mobile or immobile apparatus originally designed, permanently altered, or in the process of alteration, which provides temporary living quarters or storage for recreational, hobby, sporting, camping, or travel use; as well as any mechanical powerdriven vehicle, whether steered by propeller, track, wheels, or skis designed or manufactured primarily for operation as recreation, including professional competition, not being eligible for licensing and registration under the Michigan Motor Vehicle Code. A recreational vehicle or attached apparatus may have its own mode of power or may be designed to be drawn by a motor vehicle. "Recreational vehicle" shall include, but is not limited to, motor homes, truck campers, boats and trailers, travel trailers, folding camper trailers or converted vans or converted buses. "Recreational vehicle" shall also include all forms of watercraft, boat, snowmobile, or any other form of powered or nonpowered motive devices used upon land, water, or air for recreational purposes.

Recreational Watercraft or Boat. Any vessel or motorized device used for traveling in or on water, including, but not limited to, an unpowered vessel; a vessel powered by oars, paddles, sail, or motor; and a raft, whether ridged, supported by pontoons, or inflatable.

Semi-Trailer. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Snowmobile. A motor vehicle designed for travel primarily on snow or ice, of a type which utilizes sled-type runners or skis, and endless belt tread, or any combination of these, or other similar means or contact with the surface upon which it is operated.

Stored Vehicle. A vehicle which remains on a zoning lot for more than forty-eight (48) hours within the locations and under the conditions set forth in the zoning district in which the vehicle is located.

Taxi. A vehicle used for a commercial purpose that being the carrying of passengers for a fee.

Trailer. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Travel Trailer and Motor Home. Any vehicle constructed, titled and licensed as a vehicle and so designed as to permit its use as a dwelling or sleeping place for one (1) or more persons.

Truck. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

(ARTICLE I, SECTION 1-007, VEHICLE cont.)

Truck-Tractor. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

Utility Trailer. A vehicle without motive power, designed to be drawn by a motor vehicle, to be used for carrying property, including, but not limited to, a boat, motorcycle, snowmobile, jet ski or other equipment used for recreational camping, travel, or vacation use.

Wrecker. Shall be as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended.

VEHICLE DEALER ESTABLISHMENTS. A commercial establishment engaging in a vehicle dealer activity located in specified vehicle display/storage areas on the same zoning lot that is properly licensed by the State of Michigan and defined as follows:

Automotive Recycler Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class R to buy or otherwise acquire late model major component parts for resale, either at wholesale or at retail.

Distressed Vehicle Transporter Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class E to buy, transport, and sell vehicles to Class C, Class F, or Class R licensed establishments.

Foreign Salvage Vehicle Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class H to dealers licensed in another state and engaged in Michigan in the business of purchasing, selling, or otherwise dealing on a wholesale basis in salvageable parts or late model distressed vehicles.

New Vehicle Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class A to buy and sell new vehicles under a franchise agreement or contract with the manufacturer of the new vehicle.

Used Vehicle Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class B to buy and sell used vehicles, and shall be construed to mean the same as "used car lot", as defined in Public Act 232 of 1937 (MCL 445.501).

Used Vehicle Parts Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class C to buy or otherwise acquire late model major component parts for resale, either at wholesale or at retail.

Vehicle Broker Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class D where the licensed firm brings a buyer and seller together, negotiates the terms of a transaction, or where permitted by this Zoning Ordinance displays a vehicle offered for sale.

Vehicle Salvage Pool Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class G to store and display damaged or distressed vehicles for insurance companies.

Vehicle Scrap Metal Processor Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class F to process vehicles into scrap metal by shredding, shearing, fragmenting, baling, or similar means.

VEHICLE LEASE OR RENTAL AGENCY. The use of land, or building, or structure where motor vehicles are kept for lease and where such vehicles may be dropped off or picked up.

VEHICLE REPAIR FACILITIES. Vehicle repair facilities shall be defined in accordance with the following classification of the intensity and scope of the repairs provided:

Collision Repair Facility. A vehicle repair facility where minor vehicle services, general vehicle repairs, and major vehicle repairs, as well as extensive vehicle body repair and painting, welding, vehicle rebuilding and reconstruction, frame straightening, customizing which includes exterior body alterations, and other similar collision-related vehicle repairs are provided.

General Vehicle Repair Facility. A vehicle repair facility where minor vehicle services, as well as vehicle repairs such as brake, transmission, fuel and exhaust system repairs and parts installation, engine reconditioning, and undercoating, rustproofing, and vehicle customized detailing when conducted in completely enclosed application booths are provided.

Major Vehicle Repair Facility. A vehicle repair facility where minor vehicle services and general vehicle repairs, as well as brake, transmission, exhaust, fuel, and engine rebuilding and system replacement, minor vehicle body repair of small dents and scratches, and upholstering repair and replacement are provided.

Minor Vehicle Service Facility. A vehicle repair facility where incidental replacement of parts and routine vehicle service and maintenance such as fluid changes, greasing and lubrication, engine and fuel system tune-ups, brake and transmission adjustments, wheel alignments and balancing, tire replacement, and similar maintenance procedures are provided.

VEHICLE DISPLAY AREA. An improved surface area identified on an approved site plan for the display of vehicles at new vehicle dealer establishments and used vehicle dealer establishments.

(ARTICLE I, SECTION 1-007 cont.)

VETERINARY ESTABLISHMENTS. An establishment primarily engaged in furnishing medical, surgical, health, or related services to animals. Veterinary establishments shall be classified based upon the intensity and scope of services provided, and shall be defined as follows:

Animal Shelter. A veterinary establishment in which lost, abandoned, or neglected domestic animals are boarded and cared for within a building and/or structure on the same zoning lot.

Veterinary Clinic. A veterinary establishment for the care, diagnosis, and treatment of sick or injured animals on an outpatient basis.

Veterinary Hospital. A veterinary establishment maintained and operated for the diagnosis and treatment of diseases and injuries of animals, including resident animals.

-W-

WILDLIFE RESERVES. Land used or intended to be used for the preservation of wildlife and plant life.

WIRELESS COMMUNICATION FACILITIES. Wireless communication facilities shall mean and include all structures and accessory facilities relating to the transmission and/or reception of signals by means of electro-magnetic waves. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment, and commercial mobile radio service facilities. Not included within this definition are antenna structures used exclusively for noncommercial purposes including but not limited to: citizen band radio facilities, short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

WIRELESS COMMUNICATION FACILITIES, ATTACHED. Attached wireless communication facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.

-X-Y-

YARD. An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from the ground upward, except as otherwise provided by this Zoning Ordinance . For the purpose of this Zoning Ordinance, the following definitions shall apply (Please also refer to *Figure VII-15* on Page VII-14 in **Article VII**):

Front Yard. A yard extending across the full width of the zoning lot and lying between the front lot line and the nearest main wall of the principal building. In the case of a corner lot, any yard extending along the full length of a street right-of-way line and abutting a zoning lot possessing a required front yard extending along the same street right-of-way line shall be considered a front yard. In the case of a lakefront lot, any yard extending along the lake shore of an inland lake shall be considered a front yard.

Minimum Front Yard. The minimum required depth of a front yard on a zoning lot between the front lot line and the nearest wall of any building or structure on the zoning lot.

Minimum Rear Yard. The minimum required depth of a rear yard on a zoning lot between the rear lot line and the nearest wall of any building or structure on the zoning lot.

Minimum Side Yard. The minimum required width of a side yard on a zoning lot between a side lot line and the nearest wall of any building or structure on the zoning lot.

Rear Yard. A yard extending across the full width of the lot lying between the rear lot line and the nearest main wall of the principal building. In the case of a lakefront lot, the rear yard shall be located on the opposite side of the zoning lot from the lakefront yard.

Required Yard. The minimum yard required by the provisions of this Zoning Ordinance.

(ARTICLE I, SECTION 1-007, YARD cont.)

Side Yard. A yard between the side lot line of the zoning lot and the nearest wall of any building or structure on the zoning lot. In the case of a zoning lot having an odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard. In the case of a corner lot, any yard extending along the full length of a street right-of-way line and abutting a zoning lot possessing a required side yard extending along the same street right-of-way line shall be considered a side yard.

Transitional Yard. A yard that must be provided on a lot where a more intensive land use is located adjacent to either an existing or planned use of a less intensive nature in accordance with specific Zoning Ordinance provisions.

-Z-

ZONING. The dividing of the Township into zoning districts and the establishment of regulations governing each and every zoning district.

ZBA. The Zoning Board of Appeals of the Charter Township of Waterford established under **Section 5-001.3** of this Zoning Ordinance.

ZONING CERTIFICATION. A written confirmation by the Zoning Official of the existing zoning, permitted land uses, and compliance status of a specific zoning lot.

ZONING DISTRICT. A specifically delineated area of the Township within which, in accordance with the specified bulk and other governing regulations of this Zoning Ordinance are met, certain uses of lands, buildings and structures are permitted, certain uses are allowed only after consideration and approval by the Planning Commission, and all other uses of land and buildings not specified are prohibited as set forth in this Zoning Ordinance.

ZONING MAP. The official zoning map of Waterford Township. This map shows the district boundaries of all zoning districts in the Township.

ZONING OFFICIAL. A Township official, employee, agent or contractor, that by resolution of the Township Board has been qualified and appointed to exercise authority and/or discharge functions of the Zoning Official under this Ordinance. (Effective 11/03/2012)

ZONING ORDINANCE. The Charter Township of Waterford Zoning Ordinance, as amended.

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DIVISION 2-1 - GENERAL EXCEPTIONS

SECTION 2-100. AREA, HEIGHT AND USE EXCEPTIONS

The regulations set forth by this Zoning Ordinance within each district shall be subject to the interpretations and exceptions embodied in the following Sections of this Division.

SECTION 2-101. ESSENTIAL SERVICES

Essential services as defined in **Section 1-007** shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Zoning Ordinance where no restrictions are specifically stated as part of the conditions for a permitted or special approval use of an essential service in any zoning district.

SECTION 2-102. VOTING PLACE

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

SECTION 2-103. HEIGHT LIMIT

Subject to the conditions in this Section, the height limits of this Zoning Ordinance shall not apply to structures and equipment that are necessary or customarily incidental to the permitted uses in the district in which they are located, such as: public monuments; rooftop enclosures for the housing of elevators, stairways, tanks, or HVAC equipment necessary or customarily incidental to the operation or maintenance of a building; skylights; chimneys and smokestacks; spire and steeple architectural elements; flagpoles; antenna and their related antenna support structure; alternative energy system components; or similar structures, enclosures, or mechanical appurtenances. The following conditions shall apply to such structures and equipment:

A. Shall not exceed by more than fifteen (15) feet the height limitation of the district in which it is located.
B. If located on a building, shall not possess a total area greater than twenty-five (25) percent of the roof area of the building to which it is attached.
C. All such exceptions must comply with Federal Aviation Administration safety requirements if determined by the Oakland International Airport to be an aviation obstruction as defined under **Airport Facilities** in **Section 1-007**.

SECTION 2-104. PROJECTIONS INTO REQUIRED YARDS

(Please also refer to *Figures VII-54 through VII-57* on Pages VII-27 through VII-30 in **Article VII**):

1. **Architectural Features.** Architectural features may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such required side yard, and may extend not more than four (4) feet into the required front or rear yards. Such projections shall not extend closer than five (5) feet to any lot line.
2. **Roof Eaves and Gutters.** Roof eaves and gutters may not project a total of more than three (3) feet over a required yard. Such combination of roof eaves and gutters shall not extend closer than five (5) feet to any lot line.
3. **Uncovered Outdoor Relaxation Structures.** An uncovered outdoor relaxation structure *(See **Structure** in **Section 1-007**)* may project into a required front yard for a distance not to exceed ten (10) feet and into a required rear yard for a distance not to exceed fifteen (15) feet, provided that all of the following conditions are met:
   A. The uncovered outdoor relaxation structure does not encroach into any easement,
   B. The uncovered outdoor relaxation structure complies with **Section 2-213**, and
   C. The uncovered outdoor relaxation structure conforms with applicable side yard setback requirements.
4. **Covered Outdoor Relaxation Structures.** A covered outdoor relaxation structure may project into a required front yard for a distance not to exceed ten (10) feet and into a required rear yard for a distance not to exceed fifteen (15) feet, provided that all of the following conditions are met:
   A. For front yards, the distance remaining between the covered outdoor relaxation structure and the front lot line shall in no instance be less than twenty-five (25) feet,
   B. For rear yards, the distance remaining between the covered outdoor relaxation structure and the rear lot line shall in no instance be less than twenty (20) feet,
   C. The covered outdoor relaxation structure does not encroach into any easement,
   D. The covered outdoor relaxation structure complies with **Section 2-213**,
   E. The covered outdoor relaxation structure conforms with applicable side yard setback requirements, and
   F. The covered outdoor relaxation structure is located not less than ten (10) feet from any detached accessory building.

(*ARTICLE II*, *DIVISION 2-1 cont.*)

SECTION 2-105. ACCESS THROUGH YARDS

For the purpose of this Zoning Ordinance, driveways may be placed in the required front or side yards in order to provide access to rear yards or accessory or attached buildings or structures. Driveways shall not be considered as structural violations in front and side yards. Further, any paved surface conforming to **Section 3-901, Footnote 2** that is intended to serve a vehicular or pedestrian access function, and not in excess of nine (9) inches above the grade plane upon which it is placed, for the purpose of this Zoning Ordinance, shall be permitted in any required yard. Any accessway incorporating a ramp system to provide handicap accessibility shall be permitted in any required yard.

SECTION 2-106. AREA OF ZONING LOTS ADJOINING ALLEYS

In calculating the area of a zoning lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this Zoning Ordinance, one half (½) the width of such alley abutting the zoning lot shall be considered as part of such zoning lot.

SECTION 2-107. HISTORIC DISTRICT ALLOWANCES

The Township established an historic district as designated in **Waterford Code of Ordinances, Historic District Commission**, which contains those properties shown on *Map VII-1* on Page VII-37 **Article VII.** The purpose of the historic district is to safeguard the heritage of the Township by preserving a district which reflects elements of its natural environment and its cultural, social, economic, political, and architectural history; to foster civic beauty and pride, and to stabilize and improve property values; to thereby strengthen the local economy; and to promote the use of historic districts for the education, pleasure and welfare of the citizens of the Township. The purpose of the historic district may be facilitated and achieved by allowing for the following uses as special approval uses on zoning lots located within the historic district after review and approval of the use by the Planning Commission in accordance with **Section 4-006:**

A. Media production, media communications, personal advice, personal grooming, personal improvement service, and personal service establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
B. Professional medical care offices *(See **Medical Establishments** in **Section 1-007**)*.
C. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
D. Used book shops *(See **Resale Establishments** in **Section 1-007**)*.
E. Country inn *(See **Country Inn** in **Section 1-007**)*.
F. Antique stores *(See **Resale Establishments** in **Section 1-007**)*.
G. Art galleries *(See **Cultural Facilities** in **Section 1-007**)*.
H. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.

(*ARTICLE II cont.*)

DIVISION 2-2 - PERFORMANCE STANDARDS FOR ALL LAND USES

SECTION 2-200. PURPOSE AND INTENT

The intent of these performance standards is to preserve the general health, safety and welfare, and the quality and character of the Township's environment, by regulating certain effects of man-made development and land uses. The requirements of this Division are promulgated pursuant to the following objectives:

A. Restrict airborne contaminants to levels in conformance with state and federal environmental quality regulatory standards.
B. Control noise and provide acoustical modification into and from adjacent sites.
C. Contain odors and minimize their passage into and from adjacent sites.
D. Protect citizens from man-made sources of glare.
E. Protect citizens from noise disturbances.
F. Control the direction and velocity of surface water runoff and minimize soil erosion.
G. Moderate interior and exterior temperatures by controlling solar radiation on buildings and paved surfaces.
H. Maintain aesthetic quality of property and preserve its value.
I. Maintain and enhance the visual quality of the Township.

SECTION 2-201. GLARE AND EXTERIOR LIGHTING

Exterior lighting on zoning lots may be used to serve security, safety, and operational needs, provided that it neither adversely affects abutting properties, nor impairs the vision of motorists on adjacent rights-of-way. Exterior lighting fixtures on a zoning lot shall be shielded or hooded, maintained stationary, and constant in intensity and color so that the lighting elements are not directly visible beyond the property line and illumination levels shall not exceed one (1) foot candle power of light along a line five (5) feet above the ground level of the property line. Publicly-owned exterior lighting fixtures located within rights-of-way are exempt from the regulations of this Section. Exterior lighting fixtures on a zoning lot located along adjacent rights-of-way, and intended as decorative street lighting, may be exempted from the shielding requirements of this Section when incorporated as an element of an approved site plan.

SECTION 2-202. FIRE AND EXPLOSION HAZARD

All operations, activities, and uses shall be conducted so as to comply with the **Waterford Code of Ordinances, Fire Prevention and Protection** and all other applicable local, state, and federal laws.

SECTION 2-203. HAZARDOUS SUBSTANCES STORAGE

The aboveground and underground storage, securing, screening, and handling of hazardous materials, hazardous waste, and wellhead area regulated substances shall comply with the **Waterford Code of Ordinances, Fire Prevention and Protection, and Wellhead Protection**, as well as all federal and state rules and regulations pertaining to such hazardous materials storage and waste disposal. The Fire Chief shall be responsible for reviewing all site plans for facilities containing hazardous substance storage and shall provide his written concerns and revisions regarding such matters to the Planning Commission, Zoning Official, and/or Building Official prior to site plan final approval. The Public Works Official may require a spill contingency plan be prepared in accordance with the **Waterford Code of Ordinances, Wellhead Protection** by a property owner for any existing use within a Time-of-Travel (TOT) Zone when the Public Works Official has determined in writing that such use poses a direct or potential hazard to the TOT Zone.

SECTION 2-204. AIR CONTAMINANTS

There shall be no discharge into the air of any air contaminant from sources such as storage areas, yards, roads, construction activities, and the like in a concentration exceeding the regulatory standards of the U.S. Environmental Protection Agency or the Michigan Department of Environmental Quality.

(*ARTICLE II, DIVISION 2-2 cont.*)

SECTION 2-205. ODOR

The emission of odors that are readily detectable at any point along lot lines and that result in a public nuisance or health hazard beyond such lot lines is prohibited.

SECTION 2-206. NOISE

1. **General Requirements.** No operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table A below, as measured at any point on property adjacent or in close proximity to the zoning lot on which the operation or activity is located.
2. **Method and Units of Measurement.** The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements. Because sound waves having the same decibel (Db) level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this Section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.
3. **Table of Maximum Noise Levels.** Except as otherwise provided in this Section, noise levels shall not exceed the limits set forth in the following Table A:

TABLE A - MAXIMUM PERMITTED NOISE LEVELS

Use	Time	Sound Level (A-Weighted) Decibels Db(A)
Residential/Public (*see uses included in* ***ARTICLE III, DIVISIONS 3-3, 3-4,*** and ***3-5***)	7:00 am to 7:00 pm	60
	7:00 pm to 10:00 pm	55
	10:00 pm to 7:00 am	50
Office/Commercial (*see uses included in* ***ARTICLE III, DIVISIONS 3-6*** and ***3-7***)	7:00 am to 7:00 pm	65
	7:00 pm to 7:00 am	50
Higher Intensity (*see uses included in* ***ARTICLE III, DIVISION 3-8, Sections 3-804*** through ***3-807***)		
• where all adjacent properties are used for commercial or industrial purposes	Anytime	70
• where any adjacent properties are used for residential purposes	Anytime	60

Where the property owner or person responsible for causing or creating noise from a specific operation or activity demonstrates that the duration of such noise is not constant, or is intermittent or infrequent, the noise levels resulting from such operation or activity may exceed the levels established in Table A as follows:

ALLOWANCES FOR SOUND LEVELS LASTING LESS THAN 1 HOUR

Duration	Decibel Allowance
Up to 30 minutes per hour (50%)	+3 Db(A)
Up to 15 minutes per hour (25%)	+6 Db(A)
Up to 10 minutes per hour (16%)	+8 Db(A)
Up to 5 minutes per hour (8%)	+11 Db(A)
Up to 2 minutes per hour (3%)	+15 Db(A)

(*ARTICLE II, DIVISION 2-2, SECTION 2-206 cont.*)

4. **Background Noise.** Where existing background noise exceeds the maximum permitted levels specified in Table A, the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.
5. **Intermittent or Other Unreasonable Sounds.** Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level in Table A. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:
   A. The proximity of the sound to sleeping facilities;
   B. The nature of the use from which the sound emanates and the area where it is received or perceived;
   C. The time (day or night) the sound occurs; and
   D. The duration of the sound.
6. **Variances.** An application for a variance from the provisions of this Section may be submitted to the ZBA. The owner or operator of equipment on the property shall submit a statement regarding the effect of noise from the equipment on the overall noise level in the area. The statement shall also include a study of background noise levels, predicted levels of noise measured at the boundary line due to the proposed operation, and justification for the variance. If it appears to the ZBA, in the course of its review of the applicant's application and statement, that the expertise of a sound engineer or other expert shall be necessary in order to review the application, the ZBA shall be authorized to obtain a reasonable escrow for consulting fees from the applicant and retain such expert for such purposes. Upon review of the request for a variance, the ZBA may grant a variance where the ZBA Variance/Appeal Review Standards are found to have been satisfied by the applicant and where such relief would be within the spirit and intent of this ordinance, would not adversely affect the public health, safety, and welfare, and would not be materially injurious to surrounding properties and improvements. The ZBA may impose conditions of operation in granting a variance.
7. **Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:
   A. Temporary construction and demolition activity that occurs between 7:00 am and 7:00 pm;
   B. Performance of emergency work, including snow removal;
   C. Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, train horns, and sounds emitted in the course of the performance of emergency work;
   D. Lawn care and house maintenance that occurs between 8:00 am and 9:00 pm;
   E. Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;
   F. Events and activities permitted by the Township in accordance with **Section 4-013**;
   G. The operation or use of any organ, bell, chimes or other similar means of announcing religious services at a religious facility between the hours of 8 a.m. and 9:00 p.m., no more than five times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 70 Db(A) at the property line of the religious facility;
   H. Air traffic operations regulated by the U.S. Federal Aviation Administration and the State of Michigan Bureau of Aeronautics. All noise-related enforcement responsibilities for uses included in **ARTICLE III, DIVISION 3-8, Section 3-804** shall reside with the Oakland County International Airport;
   I. Licensed vehicles being operated on a right-of-way;
   J. The unamplified human voice; and
   K. Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

(*ARTICLE II, DIVISION 2-2 cont.*)

SECTION 2-207. OPEN STORAGE

There shall be no outdoor storage of any industrial, construction, or commercial equipment, vehicles and/or other materials and products, including wastes, unless otherwise provided by this Zoning Ordinance. Any storage area allowed by this Zoning Ordinance shall be located within an area setback from all adjoining rights-of-way and residential zoned properties as prescribed in the property's zoning district, screened from public view from all rights-of-way and adjoining properties by a fence wall or solid fence constructed and maintained in accordance with the SPL Manual, and providing for fire safety access within the storage area as prescribed and approved by the Waterford Township Fire Chief. The Planning Commission may waive the requirement for screening outdoor storage areas with a fence wall or solid fence in such instances where the Planning Commission affirmatively finds that such outdoor areas are effectively screened from all rights-of-way and adjoining properties by existing landscaping, buildings, structures, or distance exceeding two hundred (200) feet in all directions. If the Planning Commission grants a waiver under the preceding sentence, it shall be a condition of such waiver that the physical conditions upon which the Planning Commission based its decision remain in the same state of condition as at the time such waiver is granted. If any of the existing screening landscaping, buildings, or structures are altered or removed, the issue shall be re-heard by the Planning Commission, who may revoke its waiver and re-establish the requirement for a fence wall or solid fence if the Planning Commission finds that the previous conditions no longer exist in such a state as to provide effective screening.

SECTION 2-208. STORAGE CONTAINERS

The use of storage containers on zoning lots shall be temporary. Storage containers are not permitted for use as buildings or structures. The use of storage containers on zoning lots shall be reviewed and permitted in accordance with **Section 4-014**.

SECTION 2-209. UTILITIES UNDERGROUND

All utility lines for communication, entertainment, energy, and other similar services distributed by wire or cable shall be placed entirely underground throughout all zoning lots undergoing development, with the exception of those lines in adjoining public rights-of-way, and such facilities shall be placed within dedicated public ways or within recorded private easements provided to the responsible utility companies and agencies by the developer. This requirement may be waived by a vote of not less than two-thirds (2/3) of the full Planning Commission membership at the time of final site plan approval when the Planning Commission, by resolution, determines that overhead lines will not constitute a detriment to the health, safety, general welfare, or area design. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately owned property shall be protected by easements granted to the appropriate authority or company by the owner of record.

SECTION 2-210. SEWAGE WASTES

The disposal of sewage waste from all zoning lots shall be provided for and conducted in accordance with the **Waterford Code of Ordinances, Water and Sewers**, to ensure the public health, safety, and general welfare.

SECTION 2-211. ENVIRONMENTAL PROTECTION

All uses and improvements of zoning lots shall conform to all of the applicable requirements outlined in the **Waterford Code of Ordinances, Flood Control and Environmental Protection**.

SECTION 2-212. WELLHEAD PROTECTION

All uses and improvements of zoning lots shall conform to all of the applicable requirements outlined in the **Waterford Code of Ordinances, Wellhead Protection**.

SECTION 2-213. NATURAL FEATURES PRESERVATION

1. **Purpose and Intent.** The Township recognizes that there is a special relationship between natural features and the adjoining upland in terms of spatial relationship and interdependency of physical location, plant and animal species' habitats and an encouragement of diversity and richness of plant and animal species; the preservation of the quality and capacity of water resources; and prevention of man-made sources of erosion and sediment deposition. The following objectives for the protection of the public health, safety and general welfare are therefore established in order to prevent physical harm, impairment and/or destruction of or to a natural feature:

(*ARTICLE II, DIVISION 2-2, SECTION 2-215.1 cont.*)

A. Protect unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting, and traveling areas for numerous animals.
B. Protection of surface water run-off and water quality of pollution prevention purposes, and assistance in beneficial water recharge for drinking, irrigation and other purposes.
C. Preserve aesthetic views and areas for the enjoyment of water resources and natural resources.
D. Provide reasonable balance between protection and recreational enjoyment of watercourses and inland lakes and streams.
E. Provide water storage area in storm events and reduce the need for on-site and off-site stormwater storage capacity based upon the availability of a greater area of absorption and a smaller impervious surface area.
F. Stabilize and protect soil resources, including the prevention of erosion and prohibition of loss due to the moving water resulting in destruction of upland, structures and infrastructure on the upland, and prevention of the alteration of the course of moving waters.

2. Natural Features Setback Regulations and Standards. In order to achieve the objectives of this Section, the following setback and preservation requirements are established:

A. A setback of twenty-five (25) feet shall be established from the boundary or edge of a natural feature consisting of a wetland where in such setback area there shall be no removal of any soils or deposit of any materials. Construction or placement of buildings and structures within this setback area is prohibited.
B. A setback of twenty-five (25) feet shall be established from the ordinary high water mark of a watercourse where in such setback area soil removal, material deposit, and construction or placement of buildings and structures is prohibited, with the following exceptions:
   (1) Soil removal and material deposit shall be regulated by **Section 2-214**.
   (2) Construction or placement of structures other than buildings may be permitted within the setback area after the review and analysis by the Township Engineer determines that the objectives in subsection 1 of this Section can continue to be achieved after such activity as permitted is implemented.
   (3) Upon the appeal of a property owner in accordance with **Section 6-100**, the ZBA may establish a reduced setback for buildings to not less than ten (10) feet where, upon the analysis and recommendation of the Township Engineer, the ZBA determines that the objectives in subsection 1 of this Section can continue to be achieved with a reduced setback.
C. On zoning lots possessing riparian rights on inland lakes and streams, the lakefront yard setback shall conform to the requirements of **Sections 3-900 and 3-901**. Soil removal and material deposit within the required lakefront yard shall be regulated by **Section 2-214**. Installation of structures that do not exceed four (4) feet in height are allowed within the required lakefront yard, provided that such improvements, in combination with all other improvements on the zoning lot, do not exceed the maximum impervious surface for the zoning district in which the zoning lot is located. Upon review and approval of the Building Official in accordance with **Section 4-010** or **Section 4-011**, construction of an accessory structure or accessory building related to inland lake activities may be constructed to a height of eight (8) feet provided that the combined area of all such structures and buildings exceeding four (4) feet in height shall not exceed eighty (80) square feet.

SECTION 2-214. FILLING AND REMOVAL OF LAND

The removal and depositing or dumping of sand, gravel, earth, rock, concrete, minerals, aggregates, soil or other similar materials shall be regulated by the **Waterford Code of Ordinances, Lowland Filling**, as administered by the Township Engineer.

SECTION 2-215. AVIATION OBSTRUCTIONS REVIEW

The Zoning Official shall consult the Airport Manager on development projects to ensure that there are no aviation obstructions established within the airspace regulated by the Federal Aviation Administration.

(*ARTICLE II cont.*)

DIVISION 2-3 - BUILDING AND STRUCTURE STANDARDS FOR ALL LAND USES

SECTION 2-300. SCOPE OF DEVELOPMENT

No building, structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change in use shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Zoning Ordinance, the Township General Ordinances, and all applicable county, state, and federal laws and regulations.

SECTION 2-301. PRINCIPAL BUILDING ACCESS

Every principal building shall possess direct access upon a public or private right-of-way established in accordance with the Township Engineering Standards.

SECTION 2-302. BUILDING GRADES

The grade of any building or structure constructed in the Township shall observe the following requirements:

A. Any building or structure requiring yard space, as determined by minimum setback requirements established under this Zoning Ordinance, shall be located at such an elevation that a sloping grade will be maintained in order to cause the surface water to flow away from the walls of the structure. Yards shall be graded in such manner as will prevent the accumulation of surface water on the property and not increase the natural flow or run-off of surface water onto adjacent properties.

B. When a new building or structure is to be constructed on a vacant site between two (2) existing buildings or structures on adjacent sites, the grade shall be established in such manner as to harmonize with the respective grades of the adjoining sites so as to prevent surface water run-off onto any such adjoining sites.

C. An established surface drainage grade shall not be altered in a manner or to an extent that would materially obstruct or deter the normal surface drainage.

SECTION 2-303. MOVED BUILDINGS AND MOVED STRUCTURES

Any previously occupied or used building or structure that is moved within or into a district to be placed upon a foundation shall be considered a new building or structure and shall be subject to all provisions of this Zoning Ordinance and the **Waterford Code of Ordinances**.

SECTION 2-304. NONPERMANENT BUILDINGS AND NONPERMANENT STRUCTURES

Any building or structure defined as nonpermanent in **Section 1-007** of this Zoning Ordinance shall not be located on any zoning lot for more than a total of thirty (30) days in a calendar year, unless permitted for a longer period of time by the Building Official through **Section 4-013**, and shall not be located on any zoning lot contrary to the requirements of this Zoning Ordinance and the **Waterford Code of Ordinances**.

SECTION 2-305. EXTERIOR APPLIANCES

Exterior appliances are allowed provided that they shall be located in accordance with the Building Code and must adhere to the manufacturer's requirements for clearance and:

A. Such units shall not be located in any required yard setback,

B. Units shall be screened as approved by the Building Official through use of solid materials as provided for in the SPL Manual to buffer the environmental effects of such exterior appliances from dwelling units, and

C. Equipment placed upon the roof of a building, including but not limited to heating, ventilation, and air-conditioning equipment, shall be screened from the view of those traveling along adjacent streets and from the view of zoning lots in adjacent residential zoning districts.

SECTION 2-306. STRUCTURES IN RIGHTS-OF-WAY

Structures shall not be constructed or maintained in rights-of-way, unless otherwise permitted by this Zoning Ordinance or when permitted by the owner of the right-of-way.

(*ARTICLE II cont.*)

DIVISION 2-4 - STREET RIGHTS-OF-WAY, TRANSPORTATION ACCESS, PARKING, AND LOADING STANDARDS FOR ALL LAND USES

SECTION 2-400. PURPOSE AND INTENT

The standards established in this Division are intended to provide safe and efficient access to zoning lots, to prevent congestion on streets, to provide clearly defined parking and loading areas that are separated from streets and access-ways; to minimize conflicts between nonmotorized and motorized traffic; to facilitate proper stormwater runoff; to clearly delineate the availability and arrangement of vehicle parking spaces, and to ensure the availability of barrier-free access for persons with disabilities.

SECTION 2-401. STREET RIGHTS-OF-WAY

A street system shall be required to serve all zoning lots. The street system, whether public or private, shall be designed so that the right-of-way is of sufficient width to provide safe and efficient access for emergency and service vehicles to each zoning lot as determined by the Fire Chief, as well as the effective location and maintenance of public utilities to be located within the right-of-way lines as determined by the Township Engineer; these requirements are intended to be accomplished without sacrificing minimum building setback requirements that shall be measured from the nearest right-of-way line. All private streets shall be dimensioned and constructed in accordance with the Township Engineering Standards and the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**. Prior to site plan approval of a development containing a proposed private right-of-way, a legal instrument providing for the creation and maintenance of the private right-of-way and formatted for recording with the Oakland County Register of Deeds shall be submitted to the Township Attorney and Township Engineer for review to ensure that the private right-of-way will be constructed and perpetually maintained in accordance with the Township Engineering Standards, and to ensure that the Township shall in no event be held liable for the costs of road signs, traffic control signs, maintenance, lighting, or snow removal. A street agency may use a zoning lot as a temporary construction staging and batching area for public street construction and maintenance after consultation with and authorization by the Zoning Official.

SECTION 2-402. ACCESS MANAGEMENT

In order to promote traffic calming, reduce vehicle turning conflict points, and overall traffic safety, the Township establishes the following access management requirements:

A. Vehicular access drives from all zoning lots shall be designed, dimensioned, located, and limited in number in accordance with the Township Engineering Standards to provide safe and reasonable access for zoning lots as well as to ensure proper geographic separation between each access drive, access drives and intersections, and access drives and adjacent zoning lots zoned for less intensive land uses.

B. Access drive construction within public rights-of-way shall be under permit from the applicable street agency.

C. In those zoning districts where off-street parking facilities are required, it is the Township's objective to significantly reduce potential traffic congestion and improve safety conditions through the reduction of access drives and enable access between adjoining zoning lots. In order to achieve this objective, when zoning lots are subject to development review and approval through one or more of the procedures required by **ARTICLE IV, APPLICATIONS AND PROCEDURES**, and it is determined by the Township that no interior circulation problems will result, the Township shall require that a final site plan provide the location of, and require the recording of easements and/or agreements providing for the future linkage to adjoining zoning lots through the construction and maintenance of:

   (1) Joint-access driveways that will allow access to parking facilities on more than one zoning lot, and/or

   (2) Cross-access interior drives that will allow vehicles to move from one zoning lot to another without re-entering the abutting street,

   at such time that adjoining zoning lots both possess joint-access and/or cross-access on the respective final site plans. Easements and/or agreements shall be established to provide the necessary joint-access or cross-access rights in a form and substance acceptable to the Township Attorney prior to the granting of a building permit, and shall be recorded prior to the granting of any certificate of occupancy.

(*ARTICLE II, DIVISION 2-4 cont.*)

SECTION 2-403. CLEAR VISION AREAS

It shall be unlawful for any person to allow any plant material or any other item or materials which screens visibility in such areas requiring clear vision for traffic, such as on a curve, at the corner of any street intersection, or at any driveway intersection. Trees shall be permitted where all branches are not less than eight (8) feet above the street level. Such unobstructed street and driveway intersections shall be calculated by mapping a triangle formed by measuring along each right-of-way, from their point of intersection, a distance of twenty-five (25) feet and drawing a straight line between these two points. In the case of a driveway intersection for any land use, the required twenty-five (25) feet sides of the triangles are taken from the points where each side of the drives cross the right-of-way line. In cases of nonconforming building setback lines, the triangle shall be mapped for the total distance less than the twenty-five (25) feet (Please also refer to *Figures VII-58 through VII-61* on Pages VII-31 and VII-32 in **Article VII**). The minimum clear vision area may be increased by the Planning Commision during the applicable review process if the Planning Commission finds that topography or other physical site characteristics increase the visibility risks.

SECTION 2-404. NONMOTORIZED PATHWAYS

Nonmotorized pathways shall be provided as an integral part of all developments so as to permit safe and convenient pedestrian access throughout the development, particularly along its street system; the Planning Commission may waive this requirement for any area of the development where it finds that the establishment of nonmotorized pathway will increase safety risks, does not enhance accessibility to other areas of the development, or motorized and nonmotorized traffic can safely share a segment of the street system due to the lack of through-traffic. All zoning lots adjacent to a street identified in the Community Nonmotorized Pathway Master Plan shall be required to construct nonmotorized pathway linkages along the abutting street right-of-way as a condition of approval for a final site plan; the Planning Commission may waive this requirement if it finds that the scope of the development, combined with a limited through-traffic pattern, would allow nonmotorized traffic to safely share the street system. All nonmotorized pathways shall be constructed in conformance with the Township Engineering Standards.

SECTION 2-405. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking areas shall be governed by the following (Please also refer to the SPL Manual for graphic examples of these requirements):

A. The minimum number of off-street parking spaces, in conjunction with all building and uses hereafter erected, altered, or extended after the effective date of this Zoning Ordinance, shall be provided in accordance with the schedule contained within the SPL Manual and shall not be encroached upon or reduced in capacity so long as the main building use remains, unless an equivalent number of spaces are provided in conformance with this Zoning Ordinance or are landbanked in accordance with **Section 2-408**.

B. Off-street parking areas and parking structures shall be dimensioned and designed in accordance with the Township Engineering Standards to provide for safe accessibility and vehicle maneuverability, effective drainage of stormwater, and orderly placement and separation of parking spaces, loading spaces, access lanes, nonmotorized pathways, and vehicle stacking lanes. Off-street parking areas shall be constructed and maintained in accordance with the approved final site plan.

C. Off-street parking for bicycles shall be provided in accordance with the SPL Manual.

D. Uses for which off-street loading facilities are required by this Zoning Ordinance shall provide and maintain loading spaces separate from required parking spaces in the number and location required by the SPL Manual and dimensioned in accordance with the Township Engineering Standards.

E. Off-street parking areas shall be landscaped in accordance with the SPL Manual to provide effective buffering between the parking area and adjacent lower intensity land uses.

F. Off-street parking areas shall contain a minimum of twenty-four (24) feet wide access aisles and parking spaces twenty (20) feet in length and ten (10) feet in width.

G. In off-street parking areas, bumper stops, curbing or wheel chocks shall be provided in conjunction with any parking space (paved or unpaved) a minimum distance of five (5) feet from any required fence, wall or other screening, or any adjacent building which is constructed on the property line in order to prevent any vehicle from damaging or encroaching upon such required screening or adjacent buildings. Either concrete or asphalt may be used with specifications and plans approved by the Township Engineer.

H. All off-street parking areas and adjacent landscape areas shall be maintained and kept free from weeds, rubbish, refuse and debris.

(*ARTICLE II*, *DIVISION 2-4 cont.*)

SECTION 2-406. PARKING AREA STACKING LANES

Parking area stacking lanes shall be governed by the following:

A. The area occupied by the parking area stacking lanes shall be regulated through the maximum impervious surface in accordance with **Sections 3-900** and **3-901**.

B. Parking area stacking lanes shall be dimensioned and designed in accordance with the Township Engineering Standards to provide for safe accessibility and vehicle maneuverability, effective drainage of stormwater, and orderly placement and separation of parking spaces, loading spaces, access lanes, nonmotorized pathways, and vehicle stacking lanes. Parking area stacking lanes shall be constructed and maintained in accordance with the approved final site plan.

SECTION 2-407. BARRIER-FREE REQUIREMENTS

Handicapped parking spaces and related signage shall be provided in all off-street parking lots in the number and location required by the SPL Manual and dimensioned in accordance with the Township Engineering Standards.

SECTION 2-408. TEMPORARY PARKING AREA LANDBANKING

The intent of this Section is to permit, under certain conditions, in office, commercial, and industrial zoning districts, the temporary deferral of the construction of a portion of the required off-street parking and permit the parking area landbanking of a suitable area of land sufficient to provide the minimum required parking at some future date. An applicant desiring such parking area landbanking shall submit their request to the Zoning Official during preliminary plan review on the application form specified by the Zoning Official. The application shall be accompanied by a parking study report and a landscape plan prepared in accordance with the SPL Manual. The Zoning Official, in consultation with the Building Official, shall conduct an administrative review of the application materials. The Zoning Official shall then submit a recommendation to the Planning Commission, which possesses the decision-making responsibility for requests under this Section. The Planning Commission may allow for a reduction of the required parking area to no less than the minimum number of parking spaces required for the least intensive use in the zoning district in which the subject zoning lot is located, and landbank the reserved future parking in an area to be landscaped in accordance with the SPL Manual. Upon approval by the Planning Commission, the developer shall execute an agreement, satisfactory to the Township Attorney, obligating the property owners to install the parking at the Planning Commission 's request, when it is determined that the subject zoning lot requires the landbanked parking spaces.

(*ARTICLE II cont.*)

DIVISION 2-5 - SIGN STANDARDS FOR ALL LAND USES

SECTION 2-500. PURPOSE AND INTENT

Signs include all those devices containing one or more sign message units which convey an identification, information, or message to persons on the same or neighboring properties or street roadways. Properly developed signs guide users to a destination or convey a message without creating unnecessary confusion, congestion, distraction, or other hazards. In this manner, the basic purposes of the sign are achieved while protecting the rights of the general public. To these ends, the purpose and intent of this Division shall be:

A. To set forth conditions and requirements for all signs regardless of district boundaries.
B. To establish requirements regarding the construction and maintenance of signs and also the removal of any unauthorized signs placed within street rights-of-way.
C. To keep the number of sign messages at the level reasonably necessary to identify a business and its products.
D. To keep signs within a reasonable scale with respect to the buildings they identify.
E. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets.
F. To promote a quality manner of display which enhances the character of the Township.
G. To regulate the placement and duration, and prevent the proliferation, of temporary and portable signs which create visual blight, negatively impact aesthetics and traffic safety, and result in an increase in the amount of signage otherwise allowed.

SECTION 2-501. BASIC REQUIREMENTS

1. Permanent Sign Approval Required. All permanent signs proposed in conjunction with a proposed development shall be reviewed and approved through the same review and approval process as the development. All other permanent signs being erected, relocated or structurally altered shall be reviewed and approved in accordance with **Section 4-015**. Building permit issuance shall be based on the approved plan. No permanent sign shall be erected, installed, altered, or relocated without an approved plan and building permit.

2. Permanent Sign Construction and Maintenance. All permanent signs shall be constructed in compliance with the **Waterford Code of Ordinances, Buildings and Building Regulations** and all other applicable ordinances and regulations, shall be of sturdy construction to withstand normal natural elements, and shall be properly maintained and free from rust, paint chipping, or any other condition causing such sign to be in a state of disrepair. All electrical wiring associated with freestanding signs and entranceway signs shall be installed underground. Signs that are not abandoned signs or obsolete signs and which have missing sign message units, burned-out sign illumination, or other damaged or missing sign components for more than thirty (30) consecutive days shall be considered improperly maintained and may be issued a civil infraction.

3. Signs in the Rights-of-Way.

A. No sign shall be located in, project into or overhang a public right-of-way or easement (Please also refer to *Figure VII-48* on Page VII-24 in **Article VII**) except as follows:
   (1) Signs provided by local, county, state or federal governments.
   (2) Required legal notices.
   (3) Mailboxes and newspaper delivery boxes.
   (4) Entranceway signs where permitted in this Zoning Ordinance.
   (5) Election signs where permitted in this Zoning Ordinance.

B. Signs otherwise prohibited from location in a public right-of-way or easement which are not removed following verbal notification of violation, a written correction notice by the Township, or by legal notice published annually in a newspaper of general circulation within the Township, may be removed by the Township. Signs located in, projecting into or overhanging a public right-of-way or easement may be removed immediately by the Township if such sign poses a clear safety hazard either physically or due to blockage of view. With respect to temporary or portable signs, any sign which is located in, projects into, or overhangs a public right-of-way or public easement in violation of this Zoning Ordinance, the Zoning Official may remove said sign without notice. Before any removed sign is returned to its owner, a fee in an amount established by resolution of the Township Board shall be paid to cover all costs of pickup, storage, and administrative processing. Any sign which is removed from the public right-of-way or public easement in accordance with this Section, shall be deemed abandoned if the owner of the sign does not reclaim it within fifteen (15) days of the date of its removal, after which the Township may dispose of the sign.

(ARTICLE II, DIVISION 2-5, SECTION 2-501 cont.)

4. **Clear Vision Area**. No sign shall be erected, established, or maintained in those areas described in **Section 2-403** as areas to be kept clear of obstructions to visibility.

5. **Sign Area**. The area of a sign for purposes of computing the maximum size permissible by this Zoning Ordinance shall be calculated by measuring the sign face area. Maximum size assumes a two (2) sided sign. For example, a sign with a maximum sign area of one hundred (100) square feet actually provides two hundred (200) square feet of sign area. In instances where three or more sided signs are proposed, the aggregate size of all sign surfaces plus connecting sides shall not exceed the permissible size of a two (2) sided sign. These requirements are set forth in the respective district standards. If an applicant or owner is, in fact, using the sign frame, sign enhancement features, or sign base to convey a message or information through the application of sign message units, such portion of the sign structure possessing such sign message units shall be added into the computation of the total sign area (Please also refer to *Figure VII-49* on Pages VII-25 in **Article VII**).

6. **Painted Signs**. Signs shall not be painted directly upon the roof of any building or structure. Painted signs may be incorporated as wall signage, where permitted, provided it conforms to **Sections 2-507**.

7. **Vehicle Signs**.

A. Unlawful Vehicle Signs. It shall be unlawful to park, place, or store a vehicle or trailer on which there is a vehicle sign on private or public property for the purpose of advertising a business or products, or for the purpose of directing people to a business or business activity.

B. Presumption. There shall be a presumption that subsection A, above, has been violated if the vehicle sign is visible from a street and one or more of the following circumstances exists:

(1) the vehicle sign is attached to a vehicle or trailer that is unregistered or not in good repair;

(2) the vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;

(3) the vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;

(4) the vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a front yard, side yard, or section of an off-street parking facility that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or

(5) the vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within fifty (50) feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.

C. Rebuttal of Presumption. The presumption set forth in subsection B, above, may be rebutted by evidence showing all of the following:

(1) the vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;

(2) the activities in subsection (1), above, are being actively undertaken during the period of such parking;

(3) the activities in subsection (1), above, require the presence of the vehicle for purposes of transporting equipment, people, supplies, or goods necessary for carrying out such activities; and

(4) the activities in subsection (1), above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event, or location.

8. **Obsolete Signs, Abandoned Signs, and Nonconforming Signs**. It is the intent of this Section to recognize the existence of obsolete signs, abandoned signs, and nonconforming signs as nonconforming structures that are contrary to the best interests of the community. It is considered as much a subject of public health, safety and welfare as is the prohibition of the establishment of new signs in violation of the requirements of this Zoning Ordinance. It is hereby declared to be the policy of the Township, as expressed in this Zoning Ordinance, to remove obsolete signs, abandoned signs, and nonconforming signs as expeditiously as is reasonable and as circumstances permit, having due regard for the rights of the parties concerned, as nonconforming structures in accordance with **Sections 2-702** and **2-704**. In instances where a zoning lot containing an obsolete sign, abandoned sign, or nonconforming sign structure must undergo major site plan review, in accordance with **Section 4-004.3**, the Planning Commission may impose the removal of such signs as a condition of final site plan approval.

(*ARTICLE II, DIVISION 2-5, SECTION 2-501 cont.*)

9. Prohibited Signs. Signs prohibited in all districts include:

A. Roof signs.
B. Projecting signs.
C. Signs containing animated, flashing, intermittent, or moving sign message sequencing; this provision is not intended to exclude those signs which give the time or temperature, provided no other animated, flashing, intermittent, or moving messages are displayed.
D. Signs affixed to trees, rocks, shrubs or similar natural features; provided, historic markers may be allowed when affixed in conformance with State of Michigan historic designation regulations.
E. Signs which imitate traffic signals and direction signs, similar traffic control devices or emergency vehicle warning lights.
F. Temporary and portable signs, unless specifically provided for otherwise in this Zoning Ordinance.
G. Signs which make use of words such as "stop", "look", "danger" or any other words, phrases, symbols, or characters in such a manner that is likely to interfere with, mislead or confuse traffic.
H. All non-accessory signs, unless specifically provided otherwise in this Zoning Ordinance.
I. Any sign or other advertising structure containing any obscene matter.
J. Any sign unlawfully installed, erected or maintained.
K. Any sign not expressly permitted in this Zoning Ordinance.

SECTION 2-502. IDENTIFICATION SIGNS

One (1) freestanding or wall identification sign per property address shall be permitted provided that such sign is in compliance with **Section 2-501**. Any such sign shall not exceed two (2) square feet in area; and if a freestanding sign shall not exceed four (4) feet in height above the grade plane.

SECTION 2-503. PROTECTIVE SIGNS

Due to their value in promoting public safety, protective signs are permitted to be located along any property line without time limit, at a frequency not exceeding one (1) such sign per twenty (20) lineal feet. Each individual protective sign shall not exceed two (2) square feet in area.

SECTION 2-504. MEMORIAL SIGNS AND HISTORIC MARKERS

Memorial signs and historic markers are permitted to be permanently erected on a zoning lot or affixed to a structure or building on the same zoning lot, provided that it shall be erected on a zoning lot directly related to events associated with the zoning lot, after receiving sign construction plan review approval by the Building and Engineering Department in accordance with **Section 4-015.** Memorial signs and historic markers shall comply with **Section 2-501**. Memorial signs shall not exceed four (4) square feet in area and, if a freestanding sign, it shall comply with the height requirements in **Section 2-508**. Historic markers shall comply with the State of Michigan historic marker sign area and height requirements. All historic markers and memorial signs shall be located no closer than twenty (20) feet from the adjoining street roadway.

SECTION 2-505. HOLIDAY DECORATION SIGNS

Holiday decoration signs are permitted, provided that they shall not jeopardize public safety in the form of a distraction or obstacle to vehicular traffic, shall not be used for commercial purposes, and shall conform to **Section 2-201**.

SECTION 2-506. REAL ESTATE SIGNS, RESIDENTIAL SITE DEVELOPMENT SIGNS, HOME IMPROVEMENT SIGNS, AND CONSTRUCTION SIGNS

Real estate signs, residential site development signs, home improvement signs, and construction signs are permitted, provided that they are in compliance with the requirements of **Section 2-501** and the following criteria:

A. Real estate signs, residential site development signs, home improvement signs, and construction signs shall be limited to one sign per zoning lot, provided:
   (1) Real estate signs shall be located on the same zoning lot subject to the real estate transaction.

(*ARTICLE II*, *DIVISION 2-5*, *SECTION 2-506.A* cont.)

(2) Construction signs are limited to nonresidential zoning districts and shall be located on the same zoning lot upon which the work is being performed. The sign shall be removed within seven (7) days following completion of the construction work.

(3) Residential site development signs and home improvement signs are limited to residential zoning districts and shall be located on the same zoning lot upon which the work is being performed. The sign shall be removed within seven (7) days following completion of the construction work.

B. In single-family residential zoning districts, real estate signs and home improvement signs shall not exceed six (6) square feet in area, shall not exceed four (4) feet in height, and shall be located no closer than twenty (20) feet from the adjoining street roadway. (Effective 11/03/2012)

C. In multiple-family residential and nonresidential zoning districts, real estate signs shall not exceed thirty-two (32) square feet in area, shall not exceed eight (8) feet in height, and shall be located no closer than twenty (20) feet from the adjoining street roadway. (Effective 11/03/2012)

D. Residential site development signs and construction signs shall not exceed thirty-two (32) square feet in area, shall not exceed eight (8) feet in height, and shall be located no closer than twenty (20) feet from the adjoining street roadway.

E. Real estate signs, residential site development signs, home improvement signs, and construction signs that are constructed of coated or uncoated paper, poster board, cardboard, corrugated plastic board, foam core board or similar types of materials shall not be erected for more than a total of ninety (90) days.

SECTION 2-507. WALL SIGNS

Wall signs, where permitted, shall comply with **Section 2-501** and with the following criteria:

A. The combined sign area of all wall signs, window signs, canopy entry signs, and canopy signs located on each wall of a building shall not exceed ten (10) percent of the total area of that wall.

B. No canopy sign or canopy entry sign shall project into a public right-of-way.

C. Wall areas decorated with color schemes conveying a business identity but containing no sign message units are not counted as wall signage.

D. When a wall sign consists solely of sign message units without any distinguishing border, panel or background, measurement of the sign area shall be taken by calculating the combined total area occupied by the sign message units.

SECTION 2-508. FREESTANDING SIGNS

Freestanding signs shall comply with **Section 2-501**. All freestanding signs shall be ground signs, except as provided for in subsection E below. Freestanding signs, where permitted, shall comply with the following criteria:

WHEN A ZONING LOT POSSESSES:	**MAXIMUM NUMBER OF SIGNS**	**MAXIMUM SIGN FACING AREA** (*in square feet*)	**MAXIMUM SIGN HEIGHT** (*in lineal feet*)
Less than 100 feet of right-of-way frontage	1	50	6
Between 100 and 200 feet of right-of-way frontage	1	75	8
Between 201 and 400 feet of right-of-way frontage along one street	1	100	10
Greater than 401 feet of right-of-way frontage along one street, does not possess an approved site plan, and does not possess a twenty (20) ft. greenbelt on the zoning lot along the adjacent right-of-way	1	100	10
Greater than 401 feet of right-of-way frontage along one street, an approved site plan, and a twenty (20) ft. greenbelt on the zoning lot along the adjacent right-of-way	2	200 for first sign 100 for second sign	15 for first sign 10 for second sign
	(*provided there is a minimum 150 feet separation between the signs*)		

(*ARTICLE II*, *DIVISION 2-5*, *SECTION 2-508* *cont.*)

A. The minimum setback to any portion of the sign from a public or private right-of-way shall be fifteen (15) feet, twenty-five (25) feet from a non-residential property line, and fifty (50) feet from a residential property line (Please also refer to *Figures VII-50 and VII-51* on Page VII-25 in **Article VII**).
B. For ground signs located on a landscape berm, the berm shall not exceed a height of three (3) feet within fifteen (15) feet of the sign and shall be a part of the approved landscape plan for the site.
C. On zoning lots where the freestanding sign will contain a sign message board, the maximum allowable sign face area may be increased by twenty-five (25) percent to provide sufficient area to incorporate the sign message board into the sign face area.
D. Up to an additional ten (10) square feet of sign facing area shall be incorporated into the freestanding sign to provide street number information. The height of the street numbering and the location of such sign facing area on the freestanding sign shall comply with the requirements of the SPL Manual.
E. In instances where it is clearly demonstrated by the applicant that installation of a ground sign in conformance with the requirements of this Zoning Ordinance would create a visual obstruction to vehicles at intersections of street roadways and street accessways or to nonmotorized traffic at intersections of nonmotorized pathways and street accessways, a post-pylon sign where the bottom edge of the sign is a minimum eight (8) feet from the grade plane and the maximum height of the sign frame does not exceed twelve (12) feet from the the grade plane shall be permitted.
F. When two or more zoning lots possessing a combined lot area exceeding two (2) acres, a combined right-of-way frontage along one street greater than four hundred and one (401) feet, a twenty (20) ft. greenbelt along the adjacent right-of-way, and are planned and constructed as a development with a common street accessway, the Planning Commission may authorize freestanding signage for such planned developments as if it were a single zoning lot with the same street frontage and greenbelt characteristics.

SECTION 2-509. IDEOLOGICAL SIGNS

Ideological signs shall comply with **Section 2-501**. One (1) ideological sign per zoning lot is permitted to be erected on private property with permission of all owners, shall not exceed six (6) square feet in area, shall not exceed four (4) feet in height, shall be located no closer than twenty (20) feet from the adjoining street right-of-way, and shall be maintained in a state of good repair and appearance at all times.

SECTION 2-510. ELECTION SIGNS

Given the purpose and intent of this Division, but recognizing the importance of the protections given to political speech under the state and federal constitutions, the Township desires to provide more lenient requirements for election signs than for other similar types of temporary signs in the Township and to regulate such signage only to the extent required to achieve the Township's zoning objectives while concurrently affording a reasonable opportunity to communicate election messages. Therefore, the Township exempts temporary election signs from the obligation to meet design and structural requirements, from application, permit and inspection requirements, and from other requirements in view of the fact that, unlike other signs in the Township, including other types of temporary signs, election signs, as defined in this ordinance, are not intended to be displayed on a permanent basis, are erected in a manner and constructed of materials that are not able or intended to withstand exposure to the elements for an extended period of time, and are not anticipated to be constructed, placed, screened or otherwise established in the same manner as permanent signs. Consequently, the regulations in this Section are intended and imposed to protect safety, avoid blight and litter, preserve the general welfare of the community, and otherwise achieve the purpose and intent of this Division in the most narrow and least restrictive way possible and while respecting and preserving the First Amendment constitutional rights of individuals to engage in political speech by way of erecting election signs.

(*ARTICLE II*, *DIVISION 2-5*, *SECTION 2-510 cont.*)

Election signs shall be subject to the following regulations:

A. Election signs must be erected on private property. The placement or erection of election signs within a public right-of-way is strictly prohibited, except as may be otherwise permitted under subsection F below.

B. No election sign shall be located on Township-owned property.

C. An election sign may be displayed in the window of a principal building.

D. The number and size of election signs shall be as follows:

(1) In residential zoning districts, election signs shall be limited to one (1) sign per candidate and election issue per zoning lot,with each such sign limited to a maximum of six (6) square feet in area and four (4) feet in height.

(2) In nonresidential zoning districts, election signs shall be limited to the following:

(A) one (1) sign per zoning lot limited to a maximum of thirty-two (32) square feet in area and eight (8) feet in height; and

(B) one (1) sign per candidate and election issue per zoning lot with each such sign limited to a maximum of six (6) square feet in area and four (4) feet in height.

E. All election signs shall conform to **Section 2-403**.

F. No election sign shall be placed closer than twenty (20) feet from the adjoining street roadway.

G. The Zoning Official may cause to remove any election signs placed on public property, except election signs that may be otherwise permitted under subsection F above. The Zoning Official shall store all removed signs and provide a schedule for retrieval of the signs by the candidate or campaign committee represented on the signs. All signs not retrieved within fifteen (15) days after an election may be disposed of by the Zoning Official.

(*ARTICLE II cont.*)

DIVISION 2-6 - USE RESTRICTIONS APPLICABLE TO ALL ZONING DISTRICTS

SECTION 2-600. WIRELESS COMMUNICATION FACILITIES

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

A. Facilitate adequate and efficient provision of sites for wireless communication facilities.

B. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the Township. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.

D. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

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

F. Promote the public health, safety and welfare.

G. Provide for adequate information about plans for wireless communication facilities in order to permit the Township to effectively plan for the location of such facilities.

H. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

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

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

2. Permitted Uses. Subject to the standards and conditions set forth in subsection 6.A of this Section, wireless communication facilities shall be considered permitted uses under the following circumstances:

A. An existing structure which will serve as an attached wireless communication facility within a zoning district listed in subsection 3 of this Section, where the existing structure is not, in the discretion of the Zoning Official, proposed to be either materially altered or materially changed in appearance.

B. A proposed collocation upon an attached wireless communication facility which had been pre-approved for such collocation as part of an earlier approval by the Township.

(*ARTICLE II, DIVISION 2-6, SECTION 2-600.2 cont.*)

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

D. A wireless communication facility structure established within a right-of-way having an existing width of more than 204 feet.

E. An existing structure of an essential service which will serve as an attached wireless communication facility within any zoning district, where the existing structure is not, in the discretion of the Zoning Official, proposed to be either materially altered or materially changed in appearance.

3. Special Approval Uses. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use under subsection 2 of this Section, then, subject to the standards and conditions set forth in subsections 6.A and B below, wireless communication facilities may be authorized as a special approval use by the Planning Commission under **Section 4-006**:

A. Within any zoning district other than R-1, R-1A, R-1B, R-1C, R-1D, R-1E, R-M1, R-M2, or R-MH, and

B. On a zoning lot containing a minimum area of forty (40) acres that is owned by the Township or other governmental entity, a public or private school or religious entity or institution.

4. Planned Unit Development Uses. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use under subsection 2 of this Section, then, subject to the standards and conditions set forth in subsections 6.A and B below, wireless communication facilities may be authorized through a planned unit development by the Planning Commission and Township Board under **Section 4-005** within any nonresidential zoning district permitting planned unit developments.

5. Special Approval Uses in Non Permitted Districts or Zones. If it is demonstrated by an applicant that there is no reasonable difference of opinion that a wireless communication facility may not reasonably be established as a permitted use under subsection 2 of this Section or as a special approval use under subsection 3 of this Section, a wireless communication facility may be permitted elsewhere in the Township as a special approval use by the Planning Commission under **Section 4-006** subject to all the criteria and standards of subsection 6 below.

6. General Regulations.

A. Standards and Conditions - All Facilities. All applications for wireless communication facilities shall be reviewed by the Planning Commission in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained in compliance with any additional conditions imposed by the Planning Commission in its discretion:

(1) Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

(2) Facilities shall be located and designed to be harmonious with the surrounding areas.

(3) Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

(4) Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

(5) Applicants shall obtain or document approval from the F.A.A. (Federal Aviation Administration) and the Michigan Aeronautics Commission for the height of a proposed tower structure.

(6) Notwithstanding **Section 2-100**, the maximum height of the new or modified wireless communication facility shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures or buildings within the respective district.

(7) The setback of the support structure from any residential district shall be at least the height of the highest point of any structures or buildings on the premises. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.

(*ARTICLE II, DIVISION 2-6, SECTION 2-600.6.A cont.*)

(8) Where the proposed new or modified support structure abuts a parcel of land zoned for other than R-1, R-1A, R-1B, R-1C, R-1D, R-1E, R-M1, R-M2, or R-MH, the minimum setback from that parcel to the structure, and accessory structures or buildings, shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located (See subsection 6.C of this Section.)

(9) There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.

(10) The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

(11) Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.

(12) The Planning Commission shall, with respect to the design and appearance of the support structure and all accessory buildings, review and approve of as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

(13) The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the F.A.A., Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

(14) A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonably prudent standard.

(15) Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of community processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a wireless communication facility within two (2) miles of the property on which a facility has been tentatively approved, such tentative approval shall thereupon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to collocate on the facility that has been newly granted final approval.

(16) The wireless communication facility shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number and size, and shall be designed and constructed to maximize aesthetic quality.

B. Standards and Conditions - Special Approval and Planned Unit Development Use Facilities. Applications for wireless communication facilities which may be approved as special approval uses under subsection 3 of this Section or planned unit development uses under subsection 4 of this Section, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in subsection 6.A above, and the following additional standards:

(1) The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

(A) Proximity to a major arterial street.

(B) Areas of population concentration.

(C) Concentration of commercial, industrial, and/or other business centers.

(D) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

(*ARTICLE II, DIVISION 2-6, SECTION 2-600.6.B(1) cont.*)

(E) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(F) Other specifically identified reason(s) creating facility need.

(2) The proposal shall be reviewed in conformity with the collocation requirements of this Section.

C. Special Requirements for Facilities In Non-permitted Districts or Zones. For facilities which are not permitted uses under subsection 2 of this Section or proposed to be located outside of a district identified in subsection 3 of this Section, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the standards and conditions in subsections 6.A and B above and the following additional standards and requirements:

(1) At the time of the submittal, the applicant shall demonstrate that a location within the districts identified in subsection 3, cannot reasonably meet the coverage and/or capacity needs of the applicant.

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

(3) In single-family residential neighborhoods, site locations outside of a district identified in subsection 3 shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this Section:

(A) Municipally owned site.

(B) Other governmentally owned site.

(C) Religious or other institutional site.

(D) Public park and other large permanent open space areas when compatible.

(E) Public or private school site.

(F) Other locations if none of the above is available.

7. Application Requirements.

A. Application for all new wireless communication facilities shall be made for review through **Section 4-004.3**. No new wireless communication facility shall be approved until all procedural steps have been followed and a final site plan is produced. Application for all attached wireless communication facilities shall be made for review through **Section 4-004.2**. No attached wireless communication facility shall be approved until all procedural steps have been followed and a final site plan is produced. Application for collocations shall be made in accordance with subsection 8 below.

B. Applications for all new wireless communication facilities and attached wireless communication facilities shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

C. Applications for all new wireless communication facilities and attached wireless communication facilities shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection 7.F below. In this regard, the security shall, at the election of the applicant, be in the form of: cash; surety bond; letter of credit; or, an agreement in a form approved by the Township Attorney and recordable at the Oakland County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section of the Zoning Ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the Township in securing removal.

D. Applications for all new wireless communication facilities and attached wireless communication facilities shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed.

(*ARTICLE II, DIVISION 2-6, SECTION 2-600.7.D* cont.)

Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy, MCL 15.243(1)(g). This Zoning Ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

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

F. The owner or duly authorized representative of all ownership interest in the land on which the wireless communication facility is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator on the facility does not sign the application, approval shall be restricted as provided in subsection 6 above.

8. Collocation.

A. Statement of Policy. It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and attached wireless communication facilities within the community, and encourage the use of existing structures consistent with the statement of purpose and intent, set forth in subsection 1 of this Section. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on existing wireless communication facilities and attached wireless communication facilities in the interest of achieving the purposes and intent of this Section, as stated above, and as stated in subsection 1. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

B. Feasibility of Collocation. Collocation shall be deemed to be "feasible" for purposes of this Section where all of the following are met:

(1) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

(2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

(3) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and equipment.

(4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in subsection 6 of this Section.

C. Requirements for Collocation

(1) Special approval by the Planning Commission for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage areas and capacity needs.

(2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

(3) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter or allow alteration of a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

(*ARTICLE II, DIVISION 2-6, SECTION 2-600.8.C(4) cont.*)

(4) If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the ZBA if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

D. Procedural Incentive. Review of an application for collocation, and review of an application for a permit for use of a facility permitted under subsection 2 of this Section shall be expedited by way of review through **Section 4-004.1**. The Zoning Official may permit a single concept plan sheet graphically depicting the revised collocation configuration of the existing wireless communication facility as the principal review document during this review process. This concept plan, when approved, shall be incorporated as an addendum to the active site plan case file for the wireless communication facility that is subject to the collocation.

9. Removal.

A. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

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

(2) Six months after new technology is available at reasonable cost as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure or with a support structure which is lower and/or more compatible with the area.

B. The situations in which removal of a facility is required, as set forth in subsection 9.A above may be applied and limited to portions of a facility.

C. Upon the occurrence of one or more of the events requiring removal, specified in subsection 9.A above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Official.

D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

E. The person who had used the facility shall immediately notify the Zoning Official in writing if and as soon as use of a facility ceases.

10. Effect and Approval.

A. Subject to subsection 10.B below, final approval under this Section shall be effective for a period of six (6) months.

B. If construction of a wireless communication facility is commenced within two (2) miles of the land on which a facility has been approved, but on which construction has not been commenced during the six month period of effectiveness, the approval for the facility that has not been commenced shall be void thirty (30) days following notice from the Township of the commencement of the other facility unless the applicant granted approval of the facility which has not been commenced demonstrates that it would not be feasible for it to collocate on the facility that has been newly commenced.

(*ARTICLE II, DIVISION 2-6, SECTION 2-601.1 cont.*)

SECTION 2-601. REGULATIONS FOR ADULT ENTERTAINMENT USES

1. Purpose and Intent.

A. In the development and execution of this Section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them are located in near proximity to a residential zone or other sensitive land uses, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of the surrounding neighborhood or other sensitive land uses. These special regulations are itemized in this Section. These controls are for the purpose of preventing a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of nearby residential neighborhoods and other sensitive land uses. These controls do not legitimize activities, which are prohibited in other Township ordinances.

B. The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to these types of businesses and their products, or to deny such businesses access to their intended market. Neither is it the intent of this Section to legitimize activities that are prohibited by Township ordinance or state or federal law. If any portion of this Section relating to the regulation of adult businesses is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of adult businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

2. Findings and Rationale.

A. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Township Board, and on findings, interpretations, and narrowing constructions incorporated in the cases of:

California, et al v LaRue, et al (1972) (U.S. Supreme Court); *City of Renton v Playtime Theatres, Inc.* (1986) (U.S. Supreme Court); *Coleman Young (Detroit) v American Mini Theatres, Inc.* (1976) (U.S. Supreme Court); *Michael Barnes, Prosecuting Attorney of St. Joseph County, Indiana, et al v Glen Theatre, Inc., et al* (1991) (U.S. Supreme Court); *Township of Erie, et al v Pap's A.M., TDBA "Kandyland"* (2000) (U.S. Supreme Court); *Caren Cronk Thomas and Windy City Hemp Development Board v Chicago Park District* (2002) (U.S. Supreme Court); *Dennis O'Connor and United Theaters Incorporated v The City and County of Denver, et al* (1990) (10th Circuit); *Z.J. Gifts D-2, L.L.C. v City of Aurora* (1998) (10th Circuit); *Sundance Associates, Inc. v Janet Reno; United States Department of Justice* (1998) (10th Circuit); *American Target Advertising, Inc. v Francine A. Giani, et al* (2000) (10th Circuit); *ILQ Investments, Inc.; Excalibur Group, Inc. v City of Rochester* (1994) (8th Circuit); *Bamon Corporation v City of Dayton, et al* (1991) (6th Circuit); *East Brooks Books, Inc., et al v City of Memphis, et al* (1995) (6th Circuit); *DLS, Inc. d/b/a Diamonds and Lace Showbar, et al v City of Chattonooga, et al* (1997) (6th Circuit); *Triplett Grille, Inc., d/b/a The Back Door v City of Akron* (1994) (6th Circuit); *Richland Bookmart, Inc. d/b/a Town and Country v Randall E. Nichols* (1998) (6th Circuit); *Connection Distributing Co. v The Honorable Janet Reno* (1998) (6th Circuit); *In Re: State of Tennessee Public Indecency Statute. Déjà Vu, et al v Metro Government* (1999) (6th Circuit); *Déjà Vu of Nashville, Inc., et al v The Metropolitan Government of Nashville and Davidson County, Tennessee, et al* (2001) (6th Circuit); *Greyson Currence v City of Cincinnati* (2002) (6th Circuit); *Bronco's Entertainment, Ltd v Charter Township of Van Buren* (2005) (6th Circuit); *Sensations, Inc., et al v City of Grand Rapids, et al* (2008) (6th Circuit); *Richland Bookmart, Inc., v Knox County, Tennessee* (2009) (6th Circuit); *Grand Brittain, Inc., et al v The City of Amarillo, Texas* (1994) (5th Circuit); *Mom n Pops, Inc v City of Charlotte, North Carolina* (1998) (4th Circuit); *American Library Association, et al. v Janet Reno, et al* (1994) (District of Columbia Circuit); *Bright Lights, Inc., et al v City of Newport, et al* (1993) (U.S. District Court, Eastern District Kentucky); *Bigg Wolf Discount Video Movie Sales, Inc. v Montgomery County, Maryland* (2002) (U.S. District Court, District of Maryland); *Threesome Entertainment, et al v Jack Strittmather, et al* (1998) USDC, Northern District of Ohio, Eastern Division); *J. L. Spoons, Inc. v City of Brunswick* (1999) (USDC Northern District of Ohio, Eastern Division); *Broadway Books, Inc., et al v Gene Roberts, as Mayor for the City of Chattanooga, et al* (1986 (USDC Eastern District of Tennessee, Southern Division); *Truckor v Erie Township* (2009) (MI Court of Appeals); *Charter Township of Van Buren v Garter Belt, Inc.* (2003) (MI Court of Appeals); *City of Los Angeles v Alameda Books, Inc.* (2002);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to:

(*ARTICLE II, DIVISION 2-6, SECTION 2-601.2.A cont.*)

Adult Business Study - Town and Village of Ellicottville, Cattaraugus County, New York (1998); Why and How our City Organized a Joint County-Wide Sexually Oriented Businesses Task Force – Cleburne, Texas (1997); The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard – Garden Grove, California (1991); Traverse City Ad Hoc Committee Report on SOBs (1996); Minnesota Attorney General's Report on SOBs (1989); Crime-Related Secondary Effects of Sexually-Oriented Businesses, Report to the County Attorney, Palm Beach County, Florida (2007); Report on Adult Oriented Businesses in Austin (1986); Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles (1977); Houston City Council, Sexually Oriented Business Ordinance Revision Committee Legislative Report (1997); City of Phoenix Planning Department Adult Business Study (1979); City of Amarillo, Texas, Planning Department -- A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo (1977); Whittier City Planning Commission Staff Report – Amendment to Zoning Regulations – Adult Businesses in C-2 Zone with Conditional Use Permit (1978); Seattle, Washington, Department of Construction and Land Use Director's Report and Recommendation – Proposed Land Use Code Amendment – Adult Cabarets (1989); Cleveland, Ohio, Police Department, "The Impact of Obscenity Upon the Total Community" (1977); St. Croix County Planning Department Regulation of Adult Entertainment Establishments in St. Croix County (1993); Newport News Department of Planning and Development Adult Use Study (1996); Report on the Secondary Effects of the Concentration of Adult Use Establishments in the Times Square Area (1994); An Analysis of the Effects of SOBs on the Surrounding Neighborhoods in Dallas, Texas (1997); City of Bellevue Memorandum – Location of Adult Entertainment Uses – Background Material (1988); Quality of Life: A Look at Successful Abatement of Adult Oriented Business Nuisances in Oklahoma City, Oklahoma (1984 - 1989); and the National Law Center Summaries of "SOB Land Use Studies" in 43 U.S. Cities (2005),

as well as the following articles on adult regulated uses:

"Local Regulation of Sexually Oriented Businesses" (2006); "Protecting Communities from Sexually Oriented Businesses" (Chapter 6, Appendices C and D) (2002); "Zoning and Free Speech: A Review of Adult Entertainment Case Law" (1991); "Local Regulation of Lawful Sex Businesses" (1999); "Zoning Ordinances and Free Speech" (2000); "Regulating Sexually Oriented Businesses" (1997); "Everything You Wanted to Know About Regulating Sex Businesses" (Chapters 2, 4 and 6); "Regulating Sex Businesses" (1996); "Sexually Oriented Businesses An Insider's View" (2002); and "Stripclubs According to Strippers: Exposing Workplace Sexual Violence" (1998),

the Township Board finds:

(1). Adult entertainment uses, as defined in **Section 1-007**, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on property values, urban blight, litter, and sexual assault and exploitation.

(2). Adult entertainment uses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other such uses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of such uses in one area.

(3). Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Township's interest in regulating adult entertainment uses extends to preventing future secondary effects of either current or future adult entertainment uses that may locate in the Township. The Township finds that the cases and documentation relied on in this Section are reasonably believed to be relevant to said secondary effects.

3. Dispersal Requirement. A building containing an adult entertainment use shall not be located within one thousand (1,000) feet from the property line of a zoning lot containing another adult entertainment use nor within five hundred (500) feet from the property line of any zoning lot containing one or more of the following uses:

A. Any single-family or multiple-family residential use.
B. Any Class "C" establishment licensed by the Michigan Liquor Control Commission.
C. Recreational facilities *(See **Recreational Facilities** in **Section 1-007**)*.
D. Schools *(See **Educational Facilities** in **Section 1-007**)*.
E. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
F. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.

(*ARTICLE II, DIVISION 2-6, SECTION 2-601.3* cont.)

G. Entertainment establishments *(See **Entertainment Establishments** in **Section 1-007**)*.
H. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
I. Hotels and Motels *(See **Hotel and Motel** in **Section 1-007**)*.
J. All uses identified as regulated uses in **Section 2-602**.

4. **Measurement of Dispersal Distance**. For the purpose of this Section, the dispersal of adult entertainment uses shall be measured by making a straight line, without regard to intervening buildings, structures, or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment use is conducted, to the nearest property line of any zoning lot containing such uses listed in subsection 2 above.

5. **Acceptable Zones**. Adult entertainment uses shall be prohibited from all zoning districts except C-3 and C-4 zoned zoning lots that comply with all requirements of this Section.

6. **Free Standing Building Required**. All adult entertainment uses shall be contained in a free standing single-use building. Enclosed malls, shopping centers, common wall buildings, and multi-uses within the same building do not constitute a free standing building.

7. **Display Content**. No adult entertainment use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined under ***Adult Entertainment Use*** in **Section 1-007,** from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.

SECTION 2-602. ANTI-BLIGHT REGULATION

1. **Purpose and Intent**. The purpose and intent of this Section is to regulate the location and operation of certain uses identified in this Section within the Township, and to minimize the negative secondary effects of such uses. Based upon studies undertaken and reported by numerous other communities in Michigan and across the United States, which have been studied by the Township and found to have relevance and application to the Township, it is recognized that the uses identified in this Section, because of their very nature, have serious objectionable operational characteristics when concentrated with certain other uses under certain circumstances thereby causing negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of such uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Section are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny access to these types of uses and their products, or to deny such uses access to their intended market. Neither is it the intent of this Section to legitimatize activities that are prohibited by Township ordinance or state or federal law. If any portion of this Section relating to the regulation of the uses identified in this Section is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Section relating to regulation of the uses identified in this Section following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

2. **Regulated Uses**. The following uses are considered "regulated uses" for the purposes of this Section:

A. Flea markets *(See **Resale Establishments** in **Section 1-007**)*.
B. Massage parlors *(See **Section 1-006**)*.
C. Massage schools *(See **Section 1-006**)*.
D. Pawn shops *(See **Section 1-006**)*.
E. Precious metal and gem dealers *(See **Section 1-006**)*.

(*ARTICLE II*, *DIVISION 2-6*, *SECTION 2-602 cont.*)

3. **Dispersal Requirement**. In addition to compliance with the other provisions of this Zoning Ordinance, a building containing one or more regulated uses identified in subsection 2 above shall not be located:
   A. Within one thousand (1,000) feet from the property line of any zoning lot containing another regulated use;
   B. Within five hundred (500) feet from the property line of any zoning lot containing an adult entertainment use, as defined in **Section 1-007**; and
   C. Within five hundred (500) feet from the property line of any zoning lot containing any single-family or multiple-family residential use.
4. **Measurement of Dispersal Distance**. For the purpose of this Section, the dispersal of regulated uses shall be measured by making a straight line, without regard to intervening buildings, structures, or objects, from the nearest portion of the building or structure used as a part of the premises where a regulated use is conducted, to the nearest property line of any zoning lot containing such uses listed in subsection 2 above.
5. **Existing Buildings and Uses**. Existing buildings and/or uses which are in violation of the requirements of this Section shall be subject to the regulations set forth in **ARTICLE II**, **Division 2-7**.

SECTION 2-603. LAKE ACCESS

1. **Purpose and Intent**. It is the purpose of this section to promote the integrity, preserve the quality of recreational use, and protect the quality and natural beauty of the inland lakes in the Township by limiting watercraft overcrowding and excessive use, promoting the ecological balance of such waters by limiting incompatible use of wetlands associated with them and minimizing man-made adjustments to the established shorelines.
2. **Permitted Lake Access.**
   A. A lakefront lot may be used for direct lake access in accordance with the Lake Acccess definitions in **Section 1-007**.
   B. Subject to any required site plan review and approval under **Section 4-004**, a lakefront lot may be used for public lake access in accordance with the Lake Access definitions **Section 1-007**.
   C. Subject to major site plan review and approval under **Section 4-004.3**, private access property may be used for access to a lake in accordance with the Lake Access definitions in **Section 1-007**.
3. **Keyhole Lake Access.**

   Use of a lakefront lot for keyhole lake access as defined under Lake Access in **Section 1-007** shall require major site plan review and approval under **Section 4-004.3** and be subject to the following conditions, restrictions and limitations:

   A. The lot shall contain at least seventy (70) feet of water frontage and a lot depth of at least one hundred (100) feet for each dwelling to be provided with access to the lake, which must be specifically identified in the site plan application. Frontage shall be measured by a straight line which intersects each side lot line at the water's edge.
   B. That in no event shall water frontage of the lakefront lot consist of swamp, marsh, or bog as shown on the most recent U.S. Geological Survey maps, or the Michigan Department of Natural Resources Miris Map, or have otherwise been determined to be wetland by the S.E.A.; and that in no event shall a swamp, marsh, or bog so identified be altered by the addition of earth or fill material or by drainage of water for the purpose of increasing the water frontage required by this article.
   C. Keyhole lake access is not allowed on or from a direct lake access lot or private access property.

(*ARTICLE II cont.*)

DIVISION 2-7 – NONCONFORMITIES

SECTION 2-700. PURPOSE AND INTENT

It is recognized that there exists zoning lots, buildings, structures, and uses of land, buildings, and structures within the districts established by this Zoning Ordinance and subsequent amendments which were lawful before this Zoning Ordinance or an amendment to this Zoning Ordinance was adopted but would be prohibited, regulated, or restricted if conducted under the terms of this Zoning Ordinance. It is therefore the intent of this Zoning Ordinance to permit these lawful nonconformities to exist until they are abandoned, destroyed, discontinued, or removed, but also to discourage their survival through restrictions that will provide for their gradual elimination and transformation into permitted uses and conforming buildings and structures. It is further the intent of this Section that after passage of this Zoning Ordinance or an amendment to this Zoning Ordinance, nonconforming buildings, structures, and uses shall not be expanded, extended, or enlarged by any means other than as allowed in this Section. Any nonconforming building, structure, or use which cannot be proved conclusively to have been lawfully existing prior to the enactment or amendment of this Zoning Ordinance shall be deemed illegal and shall be brought into conformance with the regulations of this Zoning Ordinance through concerted and timely effort.

SECTION 2-701. NONCONFORMING LOTS OF RECORD

Any lot of record that does not meet the required lot width and lot area for the zoning district in which it is located shall be considered as carrying forward the original intent of the creation of the lot of record for development purposes when principal buildings and customary accessory buildings and structures can be constructed on such lots of record in conformance with all setback, height, impervious surface, and floor area requirements.

SECTION 2-702. NONCONFORMING BUILDINGS AND NONCONFORMING STRUCTURES

Nonconforming buildings and nonconforming structures may continue to be utilized so long as they remain otherwise lawful, subject to the following provisions:

A. No such building or structure shall be allowed to expand and/or undergo substantial improvement. Such buildings and structures may be altered in a way which either decreases its nonconformity upon its existing foundation to bring it in closer conformity with the provisions of this Zoning Ordinance, or does not expand the nonconforming portion of a building or structure. It is recognized that in some instances a strict prohibition against expansion of a nonconforming building or structure may create an undue hardship on the property owner. In such instances, non-substantial improvements of such buildings and structures may be reasonable and necessary to preserve or improve the quality of the neighborhood or business district; provided such modifications do not threaten public health, safety or welfare nor prevent the reasonable use of neighboring property. The following improvements to nonconforming buildings and structures shall not be considered expansions or substantial improvements under this Section:
   (1) Maintenance repairs, and modifications required by the Building Official to eliminate unsafe conditions.
   (2) Improvements to existing parking, loading, and landscaping areas that result in a more conforming site, provided that such improvements shall comply with the requirements of this Zoning Ordinance.
   (3) Construction of a vertical addition to an existing building or structure that will comply with all height and story restrictions of the zoning district, provided the exterior walls and overhangs of the vertical addition shall extend no closer to any property line than the existing building/structure footprint.

B. Should any portion of a nonconforming building or structure, including those improvements allowed under **Section 2-702.A**, be abandoned in accordance with **Section 2-704**, building permits for reconstruction shall not be issued by the Building Official until site plan approval is received in accordance with **Section 4-004**.

C. Should such building or structure sustain substantial structural damage, it shall thereafter be reconstructed in conformance to all regulations for the district in which it is located.

D. Should such building or structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(*ARTICLE II, DIVISION 2-7 cont.*)

SECTION 2-703. NONCONFORMING USES

In general, nonconforming uses are declared by this Zoning Ordinance to be incompatible with permitted uses in the district involved. Nonconforming uses shall be governed by the following restrictions designed to eliminate nonconforming uses and replace them with permitted uses conforming to all district regulations as rapidly as is permitted by law:

A. No nonconforming use shall be resumed on a zoning lot if the nonconforming use is replaced by a permitted use for any length of time.
B. No nonconforming use shall be intensified, enlarged, extended, moved or altered on a zoning lot.
C. No nonconforming use shall be resumed on a zoning lot where the principal building has been abandoned in accordance with **Section 2-704**.
D. No nonconforming use shall be changed to a different nonconforming use.
E. No nonconforming use shall be moved in whole or in part to any other portion of a zoning lot from its specific location on the effective date of adoption of this Zoning Ordinance, or an amendment to this Zoning Ordinance.

SECTION 2-704. ABANDONMENT

Any nonconforming building, nonconforming structure, or nonconforming use shall be considered abandoned, and such buildings, structures, and uses shall not be resumed thereafter if any of the following conditions apply:

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

SECTION 2-705. NONCONFORMITIES UNDER CONSTRUCTION

To avoid undue hardship, nothing in this Zoning Ordinance shall be deemed to require a change in plans, construction or designated use in conformance with an approved site plan in the event actual on-site construction of a building foundation has been lawfully initiated prior to the effective date of adoption of this Zoning Ordinance or an amendment to this Zoning Ordinance and upon which actual construction, including associated demolition and excavation, has been diligently carried on, provided that the approved site plan work shall be completed within one (1) year from the effective date of adoption of this Zoning Ordinance or an amendment to this Zoning Ordinance.

SECTION 2-706. USES UNDER SPECIAL APPROVAL PROVISIONS NOT NON-CONFORMING USES

Any use that is approved as a special approval use under **Section 4-006** of this Zoning Ordinance shall not be deemed a nonconforming use in such district, and shall without further action be considered a conforming use, subject to all applicable special land use requirements and conditions.

SECTION 2-707. CHANGE IN TENANCY OR OWNERSHIP

A change in tenancy, ownership or management of any nonconforming use, building, or structure does not affect any established nonconforming rights, provided there is no change in the nature, character, or extent of such nonconforming use, building, or structure in conformity with the Zoning Ordinance.

SECTION 2-708. CLASS OF USE EXEMPTION

Religious facilities, cemetery establishments, educational facilities, governmental facilities, public utility facilities, and parks shall be exempt from the regulations of this Division.

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ZONING DISTRICTS

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DIVISION 3-1 - GENERALLY

SECTION 3-100. USE DISTRICTS

For the purpose of this Zoning Ordinance, the Township is hereby zoned into the following use districts:

R-1	**Single-Family Residential District**
R-1A	**Single-Family Residential District**
R-1B	**Single-Family Residential District**
R-1C	**Single-Family Residential District**
R-1D	**Duplex (Two-Family Residential) District**
R-1E	**Single-Family Attached Residential District**
OV-NF	**Natural Features and Passive Recreation Overlay District**
R-M1	**Low Density Multiple-Family District**
R-M2	**Multiple-Family District**
R-MH	**Mobile Home Park District**
PL	**Public Lands District**
CR	**Commercial Recreation District**
O-1	**Local Office District**
O-2	**General Office District**
C-1	**Neighborhood Business District**
C-2	**Small Business District**
C-3	**General Business District**
C-4	**Extensive Business District**
C-UB	**Urban Business District**
C-UL	**Union Lake Business District**
A-l	**Airport District**
HT-1	**High Tech Office District**
HT-2	**High Tech Industrial and Office District**
M-1	**Light Industrial District**
M-2	**General Industrial District**

SECTION 3-101. ZONING MAP

1. The boundaries of the Waterford Township zoning districts shall be shown on the zoning map of Waterford Township which, together with all explanatory material thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.
2. All changes in district boundaries shall be made in accordance with the provisions of this Zoning Ordinance and state law, with the zoning map being revised promptly after the amendment has been approved by the Township Board and the effective date established in accordance with state law. No amendment to this Zoning Ordinance which involves property portrayed on the zoning map shall become effective until after such change and entry has been made on the zoning map. However, any omission by the Zoning Official to change the zoning map for a re-zoned property shall not, in itself, be grounds to challenge the validity of the re-zoning of such property.
3. Regardless of the existence of purported copies of the zoning map which may from time to time be made or published for the education and information of the general public, the zoning map and related documentation as described by this Zoning Ordinance shall be the final authority as to the current zoning status of all land, water areas, buildings, and structures in Waterford Township.

SECTION 3-102. LOCATION OF ZONING MAP

The zoning map shall be located in the office of the Zoning Official. The zoning map may be examined in the Township offices by any interested person during regular Township Business hours, or at any other times and locations as established by the Zoning Official.

(*ARTICLE III*, *DIVISION 3-1 cont.*)

SECTION 3-103. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty, contradiction, or conflict exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

A. Boundaries indicated as extending into a private, public, or railroad right-of-way shall be construed to follow such center lines.

B. Boundaries indicated as approximately following zoning lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following the corporate limits of the Township shall be construed as following such limits.

D. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a natural change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.

E. Distances not specifically indicated on the zoning map shall be determined by reference to the legislative action of the Township Board establishing the zoning of the property.

F. Where physical features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by rules A through E above, the ZBA shall interpret the district boundaries upon written application or upon its own motion.

G. All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way.

H. Whenever any street, alley or other public way within the Township shall have been vacated by action of the responsible governmental entity, the vacated property, when legally attached to and combined with an adjoining zoning lot, shall assume without further action of the Township the zoning district designation, and shall be subject to the same zoning regulations of the adjoining zoning lot with which it was combined.

SECTION 3-104. ZONING OF VACATED AREAS

Whenever any street, alley or other public way is vacated by final official governmental action, the vacated land shall automatically be classified in the zoning district as the property to which it is attached, and should such vacation be bordered on each side by different districts, the center of such vacated area shall be the dividing line.

(*ARTICLE III cont.*)

DIVISION 3-2 - APPLICATION OF DISTRICT REGULATIONS

SECTION 3-200. GENERAL APPLICATION

The regulations set forth by the Zoning Ordinance within each district shall be the minimum regulations and shall be applied uniformly to each use and to each class or kind of building, structure, or land within each district except as may otherwise be permitted by law.

SECTION 3-201. PARTICULAR APPLICATION

1. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts. Whenever the words "uses permitted" and "principal uses permitted" are used, they shall refer specifically to and be limited to the uses listed in the referenced district. Similarly, special approval uses, when referred to, shall also be limited to those uses specifically referred to as such in the referenced district or section of this Zoning Ordinance.
2. No building, structure, or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for, and applicable to the zoning district in which the land, building, or structure is located.

SECTION 3-202. UNCLASSIFIED USES

1. Where a proposed use of land or use of a building is not expressly authorized, contemplated or named by this Zoning Ordinance in any of the zoning districts, or where the Zoning Official has a question as to the appropriateness of a use that involves other features which are not expressly authorized, contemplated or specified in this Zoning Ordinance, the Zoning Official shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not expressly authorized, contemplated or specified by this Ordinance, or that it involves features which were not expressly authorized, contemplated or specified in this Zoning Ordinance, as determined by the Zoning Official in the first instance, a special use application may be filed by an applicant consistent with the provisions of **Section 4-006**.
2. The application shall be processed in the manner provided in **Section 4-006**, except with respect to **Sections 4-006.2.A** through **4-006.2.K** the Township Board shall be substituted as the body making the decision on the proposed use after the public hearing is held by and a recommendation is received from the Planning Commission.
3. In acting upon the application, in addition to applying and considering the standards, criteria and conditions set forth in **Sections 4-006.3**, **4-006.4** and **4-006.5**, the Planning Commission and Township Board shall seek to ascertain in which district or districts, if any, the proposed use or features of use were intended to be permitted taking into consideration the spirit, purpose and intent of this Zoning Ordinance as a whole and the spirit, purpose and intent of each individual district.
4. The general stipulations set forth in **Section 4-006.6** shall apply to uses granted by the Township Board under this Section.
5. Use decisions under this Section may not be appealed to the ZBA.
6. After Township Board approval of a use on a zoning lot under this Section, other zoning lots proposing that use within the same zoning district shall apply for the use pursuant to the procedures of this Section, however the initial determinations of the Zoning Official and Planning Commission set forth in **Section 3-202.1**, above, shall not apply.

(*ARTICLE III cont.*)

DIVISION 3-3 - SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS

SECTION 3-300. PURPOSE AND INTENT

The R-1 through R-1E Single-Family Residential Districts are intended to provide for environmentally sound areas of predominantly low-density, single-family dwellings, through the varying of lot sizes and the development options which will accommodate a broad spectrum of housing building sizes and designs appealing to the widest spectrum of the population. In addition to the five traditional single-family residential zoning districts, there is an overlay zoning district that is designed and intended to achieve two purposes: reserve and maintain zoning lots within residential developments throughout the Township for required private open space and neighborhood parks, and provide for creative lower density arrangements of single-family residential dwellings while accounting for and preserving the natural features including upland areas that are present on the zoning lots within the southwest section of the Township.

SECTION 3-301. PROHIBITED USES

It is the intent of this Division to specifically prohibit uses which are not listed in this Division as permitted or special approval uses. Subject to the provisions of **ARTICLE II, Division 2-7**, uses that are being conducted upon zoning lots within these districts that are not listed as permitted or special approval uses within the district shall be deemed in violation of this Zoning Ordinance.

SECTION 3-302. REGULATIONS APPLICABLE TO PROPERTIES IN THE R-1 THROUGH R-1E ZONING DISTRICTS

The regulations in the subsections below are applicable to properties in the R-1 through R-1E zoning districts:

1. **Vehicle Regulations.** The purpose of this subsection is to preserve and promote the health, safety and general welfare of citizens, motorists and pedestrians alike within the residential districts of the Township through the regulation of parking and storage of personal, commercial, and recreational vehicles and equipment, such that vehicles do not detract from the appearance and character of the surrounding area, do not negatively affect the value and marketability of surrounding properties, do not cause the overcrowding of land and reduction of open space, do not constitute traffic hazards, do not obstruct access to rights-of-way or nonmotorized pathways, do not present an attractive nuisance for children, do not impede crime prevention and/or hamper the effectiveness and access of emergency personnel, vehicles and equipment, or do not become involved in illegal vehicle sales or result in the storage or collection of junk vehicles in residential districts.

   A. Vehicle Parking.

   (1) Parking of personal vehicles, recreational vehicles, utility trailers, and other vehicles not restricted or prohibited under this Section is permitted:

   (A) on the driveway, provided that vehicles shall be no closer than five (5) feet from any public nonmotorized pathway or no closer than five (5) feet from the street roadway where a public nonmotorized pathway has not been established along such street roadway, and

   (B) within accessory buildings, such as a garage, or accessory structures constructed in accordance with the Waterford Township Building Code for such vehicle parking.

   (C) in the side or rear yards, including such yards of contiguous lots improved and maintained for residential use.

   Vehicles shall not be parked in any other portion of the front yard, or on residential zoning lots without a principal residential building.

   (2) The following vehicles, equipment, and/or their attached apparatus are expressly prohibited from being parked on rights-of-way and nonmotorized pathways:

   (A) Commercial equipment, commercial trailers, intensive commercial vehicles, and construction vehicles, except for the necessary and appropriate period of time when such equipment is lawfully parked on or adjacent to a residential property while being used in the performance of a service for that particular residential property.

   (B) Junked vehicles.

   (3) No more than two (2) personal commercial vehicles, when utilized on a regular (i.e., daily) basis as a condition of employment in a business that is located off-site or a lawful home occupation at their residential property, may be parked on residential property. Parking of such vehicles shall only be permitted when the vehicles are in good repair, properly licensed and registered, and operated by an occupant of the principal building on the property. Any parking of personal commercial vehicles that are used in conjunction with the

operation of a business on a residential property that is prohibited by this Zoning Ordinance is also prohibited.

(4) No person shall elevate, block, or stabilize any vehicle outside of a garage, accessory building, or carport, except a registered vehicle with jack stands on the driveway for a period not to exceed forty-eight (48) hours in order to complete minor repairs to the vehicle.

(5) Each single-family residential property having a dwelling unit shall be required to contain sufficient area within a private garage and/or driveway for a minimum of two parking spaces.

***B. Vehicle Storage*.**

(1) Notwithstanding anything else in this Section to the contrary, the following vehicles, equipment, and any associated attached apparatus are expressly prohibited from being stored anywhere on residential property:

(A) Commercial equipment.

(B) Commercial trailers.

(C) Intensive commercial vehicles.

(D) Personal commercial vehicles, with the exception for when such vehicles are in a stored status concurrent with the residential property owners absent from the property due to vacation or personal matters.

(E) Construction vehicles.

(2) Except as otherwise permitted in this Section, storage of vehicles is prohibited.

(3) Storage of personal vehicles and recreational vehicles in accessory buildings, side yards, rear yards, and upon driveways is permitted, subject to all of the following restrictions:

(A) The vehicle is operational and in good repair.

(B) Restricted to zoning lots upon which a principal residential dwelling is located. For purposes of this subsection, such zoning lots include contiguous lots improved and maintained for residential use.

(C) The vehicle must be owned by and licensed to a full-time occupant of the zoning lot upon which the vehicle will be stored.

(D) No recreational vehicle shall be used for living or housekeeping purposes for more than thirty (30) days in any one calendar year.

(E) Recreational vehicles shall not be connected to electricity, gas, water, or sanitary sewer facilities, except that a temporary electrical connection may be made for the purposes of recharging batteries.

(F) No more than five (5) recreational vehicles are allowed to be stored upon a zoning lot outside of an accessory building at any given time, subject to the following limitations:

(i) recreational vehicles stored in the rear yard or the side yard shall be located no closer than five (5) feet from any window or door of any residential building, and

(ii) no more than two (2) recreational vehicles are allowed to be stored upon a driveway in the front yard at any given time. Such recreational vehicles shall not exceed thirteen (13) feet in height, shall be located between five (5) and ten (10) feet from the principal building or an accessory building, and located no closer than twenty (20) feet from the front lot line.

Solely for purposes of this limitation, recreational vehicles used in conjunction with one another such as a boat mounted upon a boat trailer shall be considered as one recreational vehicle provided that all vehicles are in good repair.

***C. Personal Vehicle Sales*.** Personal vehicles as defined in this Zoning Ordinance, must comply with this section. The personal vehicle displayed shall be located on the driveway or within an area extending ten (10) feet from either edge of the driveway and shall be no closer than five (5) feet from any public nonmotorized pathway or no closer than five (5) feet from the street roadway where a public nonmotorized pathway has not been established along such street roadway. A personal vehicle sale is limited to one personal vehicle displayed for sale on the residential property during a period not to exceed thirty (30) calendar days in each twelve (12) month period. Sales requiring a dealer or supplemental dealer license as defined in Public Act 300 of 1949, Michigan Vehicle Code, as amended, are prohibited.

2. Raising and Keeping of Animals. It is recognized that the keeping of an unlimited number of domestic animals within residential districts for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable use of such districts. The keeping of the following domestic animals is permitted, subject to the following regulations and limitations:

(A) Container Pets;

(ARTICLE III, DIVISION 3-3, SECTION 3-302.2 cont.)

(B) Household pets, if there are not more than three (3) such pets of any one genus and no more than a total of five (5) household pets, boarded or kept on a single zoning lot, except that a litter of puppies or a litter of kittens may be kept for a period not exceeding five (5) months from birth, unless otherwise permitted under this Zoning Ordinance;

(C) Non-household domestic animals:

(i) Domestic small livestock as a special approval use on zoning lots less than five (5) contiguous acres in size, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions, such as the number of such animals, maintenance requirements, and location and type of containment areas, hereinafter imposed for each such use.

(ii) Domestic small livestock are permitted on zoning lots five (5) contiguous acres or greater in size.

(iii) Domestic hoofed livestock, if there are no more than three (3) such animals, the zoning lot is at least five (5) contiguous acres in size, and the character of the neighborhood within a one quarter (¼) mile radius reflects an average zoning lot size of not less than three (3) acres, unless otherwise permitted under this Zoning Ordinance.

The keeping of the above domestic animals shall not be permitted to constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the Township stating the domestic animals constitute a nuisance, the ZBA shall hold a hearing with notice to all property owners within three hundred (300) feet of the property where the animals are kept. The ZBA shall determine whether the domestic animals constitute a nuisance under **Sections 2-205** and/or **2-206** and also determine whether the Right to Farm Act applies. If the ZBA determines the domestic animals have and will likely continue to constitute a nuisance, and that the Right to Farm Act is not applicable, the domestic animals shall not be kept on the property after the removal date set by the ZBA. If, in the opinion of the ZBA, where the Right to Farm Act is not applicable and there is reason to believe that timely measures will be taken to alleviate the nuisance associated with the domestic animals, the ZBA may permit the domestic animals to remain and may establish criteria and a timeline for revocation of such permission. This process shall also be used by the ZBA to make decisions on zoning lots where the keeping of domestic animals was granted through special approval use by the Planning Commission under the previous zoning ordinance and is now not permitted under this Zoning Ordinance.

3. Accessory Buildings, Accessory Structures, and Accessory Uses. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses *(Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under **Building, Structure,** or **Use** in **Section 1-007**)* shall be permitted in single-family residential districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjuction with the permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Sections 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

A. Accessory buildings and accessory structures, subject to all of the following conditions:

(1) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.

(2) All other approval processes, when required by applicable sections of this Zoning Ordinance, are followed and approvals are received.

(3) There must be a principal building on the zoning lot to which the subject building or structure is accessory.

(4) Where an accessory building or accessory structure is structurally attached to a principal building or is less than ten (10) feet distant from a principal building, it must conform to the setback requirements of the zoning district in which it is located.

(5) Accessory buildings and accessory structures shall comply with the following height limitation schedule when the corresponding setback requirements are met:

If such building or structure is:	Then the maximum height is:
No closer than five (5) feet and no greater than ten (10) feet from side and rear lot lines	Seventeen (17) feet
No closer than ten (10) feet and no greater than twenty (20) feet from side and rear lot lines	Twenty (20) feet
Equal to or greater than twenty (20) feet from side lot lines and thirty-five (35) feet from rear lot lines	Maximum height allowed for the principal building in **Sections 3-900** and **3-901**.

(6) On zoning lots other than lakefront lots, detached accessory buildings shall not be erected in any yard except a rear yard, and in no instance shall such a building and its appurtenances be nearer to the side lot lines or rear lot line than five (5) feet. On lakefront lots, detached accessory buildings may be constructed in the front yard, provided that they conform to the requirements of Sections 2-213, 3-900, and 3-901; and in the rear yard, provided that in no instance shall such a building and its appurtenances be nearer to the side lot lines than five (5) feet or nearer to the rear lot line than twenty (20) feet.

(7) On zoning lots other than lakefront lots, detached accessory structures, except those specifically allowed otherwise in this subsection, shall not be erected in any yard except a rear yard, and in no instance shall such a structure and its appurtenances be nearer to the side lot lines or rear lot line than five (5) feet. On lakefront lots, detached accessory structures may be constructed in the front yard, provided that they conform to the requirements of Sections 2-213, 3-900, and 3-901; and in the rear yard, provided that in no instance shall such a structure and its appurtenances be nearer to the side lot lines than five (5) feet or nearer to the rear lot line than twenty (20) feet.

(8) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

(9) In cases of corner zoning lots when the street side lot line is substantially a continuation of the front lot line of the adjacent zoning lot, accessory buildings and accessory structures shall be located no closer than the principal building is to the right-of-way.

(10) The combined total square footage for all accessory buildings and accessory structures on a zoning lot shall not exceed a floor area of one thousand four hundred forty four (1,444) sq. feet or three (3) percent of the lot area, whichever is more, provided that in no case shall the maximum exceed a floor area of two thousand (2,000) sq. feet.

B. Driveways are permitted in the required front yard and side yard.

C. Outdoor relaxation structures, when located in accordance with **Section 2-104**.

D. Private swimming pools, provided that such structures shall be located in conformance with subsection 3.A(7).

E. Ornamental structures, pole structures, tree houses, tents, and children's tents, subject to all of the following conditions:

(1) In no instance shall such a structure and all appurtenances be nearer to the side lot lines or rear lot line than five (5) feet;

(2) Tree houses, tents, and childrens' tents shall not be located within the required front or side yards; and

(3) Pole structures used exclusively as flagpoles shall not exceed the limitations of **Section 2-103** and may be located within any required front yard, but shall be setback at least twenty-five (25) feet from a public right-of-way.

F. Basketball apparatuses (*See **Personal Recreation Space** in **Section 1-007**)*, which may project into a front yard or side yard setback area when mounted directly on a garage. As an alternative to a garage-mounted apparatus, a pole-mounted backboard, hoop and net may be erected, provided it is located more than twenty (20) feet from a public right-of-way. Basketball apparatuses may be located in the rear yard provided they conform with all of the rear yard setback requirements for accessory structures on the zoning lot.

G. Athletic recreational devices (*See **Personal Recreation Space** in **Section 1-007**)*, provided that such devices shall be located in conformance with subsection 3.A(7).

H. Residential mooring facilities and winter storage of such facilities on lakefront zoning lots, provided that such facilities are exempt from State of Michigan marina operating permit requirements.

I. Antennas (*See **Antenna** in **Section 1-007**)*, provided they do not exceed the limitations of **Section 2-103**.

J. Outdoor living areas (*See **Outdoor Living Area** in **Section 1-007**)*.

K. Play areas (*See **Personal Recreation Space** in **Section 1-007**)* and gardening areas (*See **Personal Recreation Space** in **Section 1-007**)*, provided that such areas shall only be located in the rear yard.

L. Home occupations (*See **Home Occupation** in **Section 1-007**)*.

M. Animal enclosures (*See **Animal Enclosure** in **Section 1-007**)*, provided that they shall:

(1) conform to the requirements of subsection 7 below;

(2) not be located within the required front or side yards;

(3) not exceed a total area of two hundred (200) square feet; and

(4) be located no closer than fifty (50) lineal feet from any adjacent residential dwelling.

N. Garage and yard sales, provided that:

(1) such sales are limited on each zoning lot to no more than two (2) sales events during a calendar year;

(2) the duration of each sales event shall not exceed seven (7) consecutive calendar days;

(3) visitor vehicle parking does not cause a traffic safety hazard as determined by the Waterford Police Department; and

(4) signage for such private sales or events conforms with subsection 4.B below.

O. When livestock is permitted in accordance with subsection 2 above, livestock enclosures are permitted provided that they shall be located no closer than fifty (50) lineal feet from any property line, or ten (10) lineal feet from any adjacent dwelling, whichever is farther.

P. Temporary construction buildings, temporary emergency buildings, and temporary real estate buildings, as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

Q. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010,** or **4-011**, and as authorized for the timeframe specified in writing by the Building Official.

R. Model home (*See **Model Home** in **Section 1-007**)*, provided that such a building is located within a subdivision or condominium development and located on an approved zoning lot.

S. Gardening stands, provided that there is no more than one stand per zoning lot and it is located more than fifteen (15) lineal feet from the right-of-way.

T. Solar energy systems and small-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)* approved in accordance with **Section 4-016**.

U. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.

V. Area public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

4. Signs. Signs shall be located upon the same zoning lot to which the sign relates, except as otherwise provided within this Zoning Ordinance. Signs shall adhere to the regulations of **ARTICLE II, Division 2-5**. No sign, with the exception of entranceway signs, shall be placed any closer than twenty (20) feet from the adjoining street roadway. Signs shall also adhere to the following requirements:

A. Entrance-way Signs. No more than two (2) entranceway signs are permitted for each entrance to a residential subdivision or condominium development if they are placed on either side of the entranceway; or no more than one (1) entranceway sign is permitted if such sign is placed within a private boulevard entrance, or a public boulevard entrance when approval of the applicable street agency has been received. Entranceway signs shall not exceed a maximum of sixteen (16) square feet in sign face area and four (4) feet in height, and shall be located so that it complies with **Section 2-501.4** and constructed in accordance with **Sections 2-501.1 and 2**. The subdivision or condominium association (or similar entity) shall have the responsibility for maintaining the entranceway sign. An agreement providing for the maintenance of such sign, in recordable form satisfactory to the Township, shall be furnished to the Township and recorded with the Oakland County Register of Deeds prior to construction of such sign.

B. Private Sale or Event Signs. Private sale or event signs shall be permitted in any single-family residential district subject to the following restrictions:

(1) Private sale or event signs shall not be located on any zoning lot for more than fifteen (15) consecutive days or for more than thirty (30) days during any calendar year.

(2) The number and location of private sale or event signs shall be limited as follows:

(A) One (1) private sale or event sign may be located on the zoning lot holding the private sale or event.

(B) After the permission of the property owner has been obtained, one (1) private sale or event sign may be located on zoning lots at each entranceway to and at each corner within the neighborhood in which such a sale or event is occurring to provide a temporary directional aid, but in no case shall such signs be posted more than one (1) mile from the zoning lot holding the private sale or event.

(3) Each sign shall not exceed six (6) square feet in area, shall not exceed four (4) feet in height, and with all such signs being located no closer than twenty (20) feet from the adjoining street roadway.

(4) No wall-mounted signs shall be permitted.

5. Residential Zoning Lot Development Limitations. In all single-family residential districts, only one principal building shall be placed on a zoning lot.

6. Dwellings in other than Principal Buildings. Every building hereafter erected or structurally altered to provide a dwelling unit shall be considered the principal building on a zoning lot and, notwithstanding any other provision of this Zoning Ordinance, there shall not be more than one such building on each zoning lot.

(*ARTICLE III, DIVISION 3-3, SECTION 3-302 cont.*)

7. Fences. Fences shall follow the contour of the ground upon which they are secured, subject only to the flexibility limitations of the fencing materials used. Therefore, the height at any given location along a fence shall be measured from a point on the ground perpendicular to the fence height point being measured. Where pre-constructed fence panels limit fencing from following the ground's contour between the fence posts upon which a fence panel is secured, the height of the fence shall be measured from the closest point on the ground perpendicular to where the fence panel is secured to a fence post. All fences of any kind located in single-family residential districts shall conform to the following regulations (Please also refer to *Figures VII-62 through VII-65* on Pages VII-33 and VII-34 in **Article VII**):

A. Fences may be located on any property line provided that no fence shall be higher than four (4) feet above the grade plane in any required front yard or lake front yard, or on any lot line bordering a required front yard or corner street front yard. Fences located on any other property line shall be no higher than six (6) feet above the grade plane. For zoning lots with an immediate grade differential along the property line, the intent of this subsection is to allow the maximum fence height to be measured from the highest points of the grade differential along the property line, provided the fence height is not a clear vision obstruction to the movement of motorized and nonmotorized traffic.

B. All fences shall be constructed of materials listed in the SPL Manual to meet all standards of the **Waterford Code of Ordinances, Buildings and Building Regulations** and shall be adequately maintained to be safe and in good condition.

C. Fences located off the property line and not within any required yard shall not exceed eight (8) feet in height above the grade plane.

D. Barbed wire, spikes, nails or any other sharp pointed protrusions of any kind are prohibited on top or on the sides of any fence, wall or protective barrier. For purposes of this subsection, the term "sharp pointed protrusions" shall be defined as meaning all fence material extending above the highest continuous horizontal fence component and possessing a horizontal surface area at the tip of each protrusion that is less than 0.0625 square inch, with the width and/or depth of this horizontal surface area measuring less than 0.25 lineal inch.

E. Electrical fences above grade shall be prohibited.

8. Screening and Landscaping.

A. Development of zoning lots requiring single-family residential plot plan review in accordance with **Section 4-010** are exempt from the requirements of this subsection. Effective screening and landscaping of larger single-family residential developments is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from the effects of noise, light, traffic, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance the community's quality of life, improve property values, reduce the harsh characteristics of intensive development, and help to make all land uses more compatible.

B. In order to achieve these objectives, all properties within the single-family residential zoning districts requiring major site plan review shall comply with the following requirements in the manner provided in the SPL Manual:

(1) All landscape areas identified on an approved landscape plan shall be continuously maintained in a healthy, growing condition using irrigation systems and maintenance standards without limitation, identified in the SPL Manual. Failure to maintain such landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Ordinance.

(2) A greenbelt possessing a minimum width of twenty (20) feet shall be provided along all major arterial streets, minor arterial streets, and collector streets. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt when a residential development abuts a major arterial street and it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(3) Landscaping and street trees shall be installed and maintained.

C. The Planning Commission may grant a special exception allowing for a reduction or waiver in the landscape area and/or landscape material required under this subsection, but only if such landscaping or screening would serve no useful purpose or would entail substantial noneconomic hardship for the developer relative to achieving the benefits and objectives stated in this subsection. In addition to the above factors, the Planning Commission shall base its decision on the following considerations along with any other relevant information:

(1) The character, scope, and site design of the proposed use of the property.

(2) The character, design and uses of the adjacent properties.

(3) The natural features, including the terrain, trees, and other vegetation, of the property.

(*ARTICLE III, DIVISION 3-3 cont.*)

SECTION 3-303. R-1, R-1A, R-1B, R-1C SINGLE-FAMILY RESIDENTIAL DISTRICTS

The regulations in the subsections below shall apply to properties in the R-1, R-1A, R-1B, and R-1C Single-Family Residential Zoning Districts:

1. **Purpose and Intent.** The R-1, R-1A, R-1B, and R-1C zoning districts are intended to implement the goals of the Single-Family land use designation, as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps, by providing areas in the Township for single-family dwellings, affordable housing, and residentially related uses. These districts are designed to provide for a limited range of single-family density to encourage the viability of single-family residential land use, to prohibit uses of land which would adversely affect the health, safety, and welfare of residents and the aesthetics and character of residential neighborhoods and areas, and to preserve and protect required and designated open space and natural features to achieve Master Plan Objectives 6-2, ***Promote Open Space Developments,*** and 6-3, ***Ensure All Development Efforts Respect, Preserve, and Protect Waterford's Natural Characteristics and Constraints***. The R-1C district is also designed to implement the Master Plan goal of sustaining the viability of residential use, lot size characteristics, and neighborhood patterns in subdivisions that were platted prior to the establishment of Township-wide zoning in 1963. The R-1, R-1A, R-1B, and R-1C districts are also intended to discourage any land use that would create excessive or unsafe traffic on local streets, and any use which, because of its size or any other characteristics, would create burdens, demands, and costs for public services substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within these zoning districts shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, all individual zoning lot developments in these districts consisting of one single-family dwelling shall require approval in accordance with **Section 4-010**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in these districts proposed under the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**, or under **Section 4-004.4**, shall require conformance to those regulations and require major site plan review and approval in accordance with **Section 4-004**.
3. **Permitted Principal Uses**. The following uses are permitted as principal permitted uses in the R-1, R-1A, R-1B, and R-1C districts:
   A. Detached single-family dwellings *(See **Dwelling, Single-Family** in **Section 1-007**).*
   B. Adult day care homes *(See **Adult Day Care Facilities** in **Section 1-007**).*
   C. Child family day care homes *(See **Child Day Care Facilities** in **Section 1-007**).*
   D. Child foster family homes, adult foster care family homes, and adult foster care small group homes *(See **Foster Care Facilities** in **Section 1-007**).*
   E. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**).*
   F. Area public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-1, R-1A, R-1B, and R-1C districts, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Child group day care *(See **Child Day Care Facilities** in **Section 1-007**)*, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
   B. Hobby breeders *(See **Hobby Breeders** in **Section 1-007**)* and kennels *(See **Kennels** in **Section 1-007**)*on zoning lots five (5) contiguous acres or larger in area. The Planning Commission may consider requests for this activity on zoning lots between two (2) and five (5) contiguous acres in area.
   C. Stables *(See **Building** in **Section 1-007**)* on zoning lots five (5) contiguous acres or larger in area.
   D. Nursery establishments *(See **Commercial Bulk Vegetation and Soil Resource Establishments** in **Section 1-007**)* on zoning lots five (5) contiguous acres or larger in area.
   E. Regional public utility facilities *(See **Public Utility** in **Section 1-007**)*, provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.

(*ARTICLE III*, *DIVISION 3-3*, *SECTION 3-303.4 cont.*)

F. Educational facilities *(See **Educational Facilities** in **Section 1-007**)*, except colleges and universities.

G. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.

H. One (1) in-law suite, in the R-1 and R-1A districts only, provided: (1) deed restrictions are recorded against the zoning lot prohibiting occupancy of the in-law suite, at any time, by any person other than in-laws of the family occupying the dwelling unit on the same zoning lot, which deed restrictions shall be subject to the review and approval of the Township Attorney prior to recording; (2) the in-law suite is not occupied by more than two (2) in-laws at the same time; (3) the in-law suite shall be not less than five hundred fifty (550) square feet of usable floor area nor more than fifty (50) percent of the usable floor area of the area occupied by the remainder of the family, exclusive of the in-law suite; and (4) the in-law quarters shall be accessory to a dwelling unit principal use, which is occupied by the family of the in-laws.

I. Sod farm and soil resources excavation establishments *(See **Commercial Bulk Vegetation and Soil Resource Establishments** in **Section 1-007**)* on zoning lots twenty (20) contiguous acres or larger.

5. Permitted Uses after Special Accommodation Use Approval. Adult group day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)* and adult foster care medium group homes *(See **Foster Care Facilities** in **Section 1-007**)* shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-1, R-1A, R-1B, and R-1C districts, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.

6. Open Space Preservation. Zoning lots within the R-1, Single Family Residential District are eligible for open space preservation as provided in **Section 4-004.5** to encourage the long-term preservation of open space and natural features, to implement the goals of the open space overlay land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023, and to implement Master Plan Goal Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment,*** by allowing for creative arrangements of single-family residential units to enable the preservation of open space and natural features present on eligible zoning lots.

(*ARTICLE III, DIVISION 3-3 cont.*)

SECTION 3-304. R-1D, DUPLEX RESIDENTIAL DISTRICT

The regulations in the subsections below shall apply to properties in the R-1D Duplex Residential Zoning District:

1. **Purpose and Intent.** The R-1D zoning district is intended to implement the goals of the Single-Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps by allowing for the utilization of residential parcels which, because of their size or location on a major arterial street or minor arterial street, are desirable for the construction of buildings containing two-family dwelling units. This zoning district may be used as a transition zone between a major arterial street and existing single-family zoning districts, or between the least intense office and commercial zoning districts and existing single-family zoning districts. This zoning district is not intended for development of duplex condominium projects, or for infill residential development along collector or local streets where the character of the surrounding properties is detached single-family residential.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through **Section 4-010**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-1D district:
   A. Detached single-family dwellings *(See **Dwelling, Single-Family** in **Section 1-007**)*.
   B. Single-family duplex dwellings *(See **Dwelling, Single-Family** Duplex in **Section 1-007**)* and single-family flat dwellings *(See **Dwelling, Single-Family Flat** in **Section 1-007**)*.
   C. Adult day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)*.
   D. Child family day care homes *(See **Child Day Care Facilities** in **Section 1-007**)*.
   E. Child foster family homes, adult foster care family homes, and adult foster care small group homes *(See **Foster Care Facilities** in **Section 1-007**)*.
   F. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   G. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
   H. Area public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-1D district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Child group day care *(See **Child Day Care Facilities** in **Section 1-007**)*, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
   B. Regional public utility facilities *(See **Public Utility** in **Section 1-007**)*, provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.
5. **Permitted Uses after Special Accommodation Use Approval.** Adult group day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)* and adult foster care medium group homes *(See **Foster Care Facilities** in **Section 1-007**)* shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-1D district, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.

(*ARTICLE III, DIVISION 3-3 cont.*)

SECTION 3-305. R-1E, SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT

The regulations in the subsections below shall apply to properties in the R-1E Single-Family Attached Residential Zoning District:

1. **Purpose and Intent.** The R-1E zoning district is intended to implement the goals of the Single-Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goals Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment,*** and Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity***, as described in Chapter 9 of the Master Plan by permitting an intermediate density form of single-family housing as a means to creating a transition zone from office or commercial land uses of an intermediate intensity to neighboring detached single-family zoning districts. This zoning district is also intended to enable the preservation and conservation of open and natural spaces. This zoning district is not intended to be utilized when it will result in barriers to the necessary extension and coordination of public utilities and local streets, where a zoning lot could be reasonably developed for detached single-family use in conformance with the character of surrounding properties, or where it would preclude the orderly and reasonable extension of detached single-family uses.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through **Section 4-010**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-1E district:
   A. Attached single-family dwellings *(See **Dwelling, Single-Family** Attached in **Section 1-007**)* containing no more than four (4) dwelling units.
   B. Adult day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)*.
   C. Child family day care homes *(See **Child Day Care Facilities** in **Section 1-007**)*.
   D. Child foster family homes, adult foster care family homes, and adult foster care small group homes *(See **Foster Care Facilities** in **Section 1-007**)*.
   E. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   F. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
   G. Area public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-1E district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Child group day care *(See **Child Day Care Facilities** in **Section 1-007**)*, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
   B. Regional public utility facilities *(See **Public Utility** in **Section 1-007**)*, provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.
   C. Attached single-family dwellings containing more than four (4) dwelling units.
5. **Permitted Uses after Special Accommodation Use Approval.** Adult group day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)* and adult foster care medium group homes *(See **Foster Care Facilities** in **Section 1-007**)* shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-1E district, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.
6. **Special Development Standards for Attached Single-Family Developments**. All attached single-family developments shall conform to all of the following requirements:
   A. The subject zoning lot must be a minimum of five (5) acres with primary access to a major arterial street, minor arterial street, or collector street.
   B. The development when completed shall be within the capacity limitations of the existing or proposed public services and facilities which serve its location.
   C. The development must provide open space area equal in area to a minimum of ten (10) percent of the buildable area and situated on the site for the most accessible and effective practical use by the residents of the completed development.
   D. The development must provide an accessible and effective nonmotorized pathway plan for pedestrians through and within the development.

(*ARTICLE III, DIVISION 3-3 cont.*)

SECTION 3-306. OV-NF, NATURAL FEATURES PRESERVATION AND PASSIVE RECREATION OVERLAY DISTRICT.

1. **Purpose and Intent.** The OV-NF overlay district is intended to implement the Private Common Areas land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as to implement Master Plan Goal Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment,*** by identifying and protecting those zoning lots within residential developments identified as dedicated private open space and neighborhood parks. To achieve this goal, the OV-NF overlay district is intended for those existing areas designated as Private Common Areas on the Future Land Use Maps with the consent of the property owners, and for future private open space and neighborhood park areas established by the mutual agreement between the property owner and the approving body in single-family developments planned and developed in accordance with the requirements of the R-1, R-1A, R-1B, R-1C, or R-1E zoning district.
2. **Eligibility Requirements.** Upon mutual agreement between the property owner and the approving body, the OV-NF overlay district may be applied in:
   A. Proposed single-family residential developments in the R-1, R-1A, R-1B, R-1C, or R-1E zoning district, and where open space and/or neighborhood park areas are incorporated into the final plat or final site plan.
   B. Existing single-family residential developments in the R-1, R-1A, R-1B, R-1C, or R-1E zoning districts that possess open space and/or neighborhood park areas incorporated into the final plat or final site plan.
   C. Developments requiring review and approval in accordance with **Section 4-004.5** or **Section 4-006**.
3. **Scope and Identification of Overlay Coverage**.
   A. The OV-NF overlay district shall be superimposed only onto those zoning lots identified by mutual agreement between the property owner and the approving body to be preserved and maintained as open space and/or neighborhood park areas. All Zoning Ordinance requirements applicable to the underlying zoning district shall remain in effect on such zoning lots upon which the OV-NF overlay district is established, except that where the OV-NF overlay district imposes additional regulations such regulations shall prevail and apply to the designated property.
   B. A zoning lot approved for the OV-NF overlay district shall be identified on the zoning map by the designation of its underlying zoning district in conjunction with the OV-NF designation (e.g. R-1/OV-NF).
4. **Application and Review Process.** Establishment of an OV-NF overlay district over an eligible zoning lot shall be by amendment to the zoning map in accordance with the application and review procedures established in **Section 4-009** and applicable laws. The zoning map amendment application shall designate the uses to be permitted and restrictions to be applied to the subject zoning lot as provided for in subsections 6 and 7.
5. **Fees.** In order to achieve the purpose and intent of this Section, the Township Board may establish by resolution a waiver of fees for zoning map amendments involving OV-NF overlay districts.
6. **Preservation and Maintenance Requirement.**
   A. The zoning lot(s) to be covered by the OV-NF overlay district shall be preserved and maintained by executing a preservation and maintenance agreement that shall clarify and establish ownership, access/use rights, schedule of regulations, and perpetual preservation and maintenance. Such agreements shall be received and approved as to substance and form by the Township Attorney prior to acceptance by the approving body, shall be approved by the approving body prior to final approval of the development, and shall be recorded with the Oakland County Register of Deeds. This requirement shall not be construed as requiring the property owner to convey fee title ownership of the subject zoning lot(s) regulated by such agreements to the public.
   B. The preservation and maintenance agreement shall identify the funding source to be used for costs associated with perpetual preservation and maintenance and shall establish regulations and restrictions for:
      (1) Buildings and structures.
      (2) Exterior lighting fixtures.
      (3) Vehicles.
      (4) Preservation and replacement of vegetation.
      (5) Improvements.
      (6) Alterations and changes to the land.
      (7) Dredging, adding, and removal of soils and other materials.
7. **Use Regulations.** The following uses are permitted as principal permitted uses in the OV-NF overlay district:
   A. Areas dedicated to passive recreation *(See **Recreation** in **Section 1-007**)*.
   B. Parks and Playgrounds *(See **Recreational Facilities** in **Section 1-007**)*.
   C. Open spaces *(See **Open Spaces** in **Section 1-007**)*.
   D. Nonmotorized pathways *(See **Nonmotorized Pathway** in **Section 1-007**)*.

DIVISION 3-4 - MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICTS

SECTION 3-400. PURPOSE AND INTENT

The R-M1, R-M2, and R-MH Multiple-Family Residential Districts are designed to be the most intensive of the residential zoning districts as to use and density. The intent is to provide for a range of environmentally sound areas of higher density dwelling units, through the application of various development options which will accommodate a broad spectrum of housing building sizes and designs appealing to the widest spectrum of the population.

SECTION 3-401. PROHIBITED USES

It is the intent of this Division to specifically prohibit uses which are not listed in this Division as permitted or special approval uses. Subject to the provisions of **ARTICLE II, Division 2-7**, uses that are being conducted upon zoning lots within these districts that are not listed as permitted or special approval uses within the district shall be deemed in violation of this Zoning Ordinance.

SECTION 3-402. REGULATIONS APPLICABLE TO PROPERTIES IN THE R-M1, R-M2, AND R-MH ZONING DISTRICTS

The regulations in the subsections below are applicable to properties in the R-M1, R-M2, and R-MH zoning districts:

1. **Vehicle Regulations.** The purpose of this subsection is to preserve and promote the health, safety and general welfare of citizens, motorists and pedestrians alike within the residential districts of the Township through the regulation of parking and storage of personal, commercial, and recreational vehicles and equipment, such that vehicles do not detract from the appearance and character of the surrounding area, do not negatively affect the value and marketability of surrounding properties, do not cause the overcrowding of land and reduction of open space, do not constitute traffic hazards, do not obstruct access to rights-of-way or nonmotorized pathways, do not present an attractive nuisance for children, do not impede crime prevention and/or hamper the effectiveness and access of emergency personnel, vehicles and equipment, or do not become involved in illegal vehicle sales or result in the storage or collection of junk vehicles in residential districts.
   - ***A. Vehicle Parking.***
     - (1) Parking of licensed and operable personal vehicles not prohibited under this Section is permitted in the established parking area.
     - (2) The following vehicles, equipment, and/or their attached apparatus are expressly prohibited from being parked on rights-of-way and nonmotorized pathways:
       - (A) Commercial equipment, commercial trailers, intensive commercial vehicles, and construction vehicles, except for the necessary and appropriate period of time when such equipment is lawfully parked on or adjacent to a residential property while being used in the performance of a service for that particular residential property.
       - (B) Recreational vehicles.
       - (C) Junked vehicles.
   - ***B. Vehicle Storage.*** Storage of vehicles is expressly prohibited within the multiple-family residential zoning districts, except when vehicles are in a stored status concurrent with a resident/vehicle owner who is absent from a dwelling unit due to vacation or personal matters.
   - ***C. Vehicle Sales.*** Vehicle sales are expressly prohibited in multiple-family residential zoning districts.
2. **Raising and Keeping of Animals.** Only container pets and household pets are permitted to be raised and kept on multiple-family residential zoning lots. However, it is recognized that the keeping of an unlimited number of household pets within multiple-family residential districts for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable use of such districts. The keeping of household pets are limited to not more than two (2) of any single genus, and no more than a total of three (3) household pets, permanently boarded or kept in each dwelling unit, provided that this use is in compliance with all other applicable provisions in this Zoning Ordinance, the **Waterford Code of Ordinances**, and the regulations of the development.
3. **Accessory Buildings, Accessory Structures, and Accessory Uses**. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses *(Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under **Building, Structure,** or **Use** in **Section 1-007**)* shall be permitted in multiple-family residential districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjuction with the

(*ARTICLE III*, *DIVISION 3-4*, *SECTION 3-402.3 cont.*)

permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Sections 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

A. Accessory buildings and accessory structures for the exclusive use of residents and their guests, provided that:
   (1) They are indicated and approved as part of a final or revised site plan.
   (2) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.
   (3) All other approval processes, when required by applicable sections of this Zoning Ordinance, are followed and approvals are received.
   (4) There must be a principal building on the zoning lot to which the subject building or structure is accessory.
   (5) Where an accessory building or accessory structure is structurally attached to a principal building or is less than ten (10) feet distant from a principal building, it must conform to the setback requirements of the zoning district in which it is located.
   (6) Accessory buildings and accessory structures shall comply with the following height limitation schedule when the corresponding setback requirements are met:

If such building or structure is:	Then the maximum height is:
No closer than ten (10) feet and no greater than twenty (20) feet from side and rear lot lines	Seventeen (17) feet
No closer than twenty (20) feet from side and rear lot lines	Twenty (20) feet

   (7) Accessory buildings used primarily for on-site maintenance and upkeep of multi-family dwelling units and grounds shall not exceed one thousand four hundred (1,400) square feet in floor area.
   (8) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

B. Driveways and off-street parking areas in accordance with **ARTICLE II, Division 2-4** when they are indicated and approved as part of a final or revised site plan.

C. Ornamental structures and pole structures used exclusively as flagpoles, provided that they shall comply with all setback restrictions of the zoning district in which they are located and they do not exceed the height limitations of **Section 2-103**.

D. Antennas (*See **Antenna** in **Section 1-007***), provided they do not exceed the limitations of **Section 2-103**.

E. Child day care *(See **Child Day Care Facilities** in **Section 1-007**)*, provided that it is located within a community center built in accordance with an approved site plan for the exclusive use of residents of the facility and is properly licensed by the State of Michigan.

F. Outdoor living areas (*See **Outdoor Living Area** in **Section 1-007**)*, personal recreation spaces (*See **Personal Recreation Space** in **Section 1-007**)*, and private swimming pools.

G. Temporary construction and temporary real estate buildings, as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

H. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010, or 4-011**, and as authorized for the timeframe specified in writing by the Building Official.

I. Home occupations (*See **Home Occupation** in **Section 1-007***).

J. Dwelling units within a development that are comparable in function and intent to a model home (*See **Model Home** in **Section 1-007***).

K. Boarding house (*See **Boarding House** in **Section 1-007***), provided that such an accessory use is not initiated and maintained for the purpose of circumventing the purpose and intent of the multiple-family residential district in which it is located.

L. Solar energy systems and small-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007***) approved in accordance with **Section 4-016**.

M. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007***) and public utility hardware (*See **Public Utility** in **Section 1-007***).

(*ARTICLE III*, *DIVISION 3-4*, *SECTION 3-402.3 cont.*)

N. Area public utility facilities (*See* ***Public Utility*** *in* ***Section 1-007)***, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

4. Signs. In addition to those signs described in **ARTICLE II, Division 2-5** as exempted from regulation or as allowed in all zoning districts, no more than two (2) entranceway signs are permitted for each entrance to a multifamily residential development if they are placed on either side of the entranceway; or no more than one (1) entranceway sign is permitted if such sign is placed within a private boulevard entrance, or a public boulevard entrance when approval of the applicable street agency has been received. Entranceway signs shall not exceed a maximum of sixteen (16) square feet in sign face area and four (4) feet in height, and shall be located so that it complies with **Section 2-501.4** and is constructed in accordance with **Sections 2-501.1** and **2**. The property, owner, condominium association, or similar entity shall have the responsibility for maintaining the entranceway sign. An agreement providing for the maintenance of such sign in recordable form satisfactory to the Township shall be furnished to the Township and recorded with the Oakland County Register of Deeds prior to construction of such sign.

5. Fences. Fences shall follow the contour of the ground upon which they are secured, subject only to the flexibility limitations of the fencing materials used. Therefore, the height at any given location along a fence shall be measured from a point on the ground perpendicular to the fence height point being measured. Where pre-constructed fence panels limit fencing from following the ground's contour between the fence posts upon which a fence panel is secured, the height of the fence shall be measured from the closest point on the ground perpendicular to where the fence panel is secured to a fence post. All fences of any kind located in multiple-family residential districts shall conform to the following regulations (Please also refer to *Figures VII-62 through VII-65* on Pages VII-33 and VII-34 in **Article VII**):

A. Fences may be located on any property line provided that no fence shall be higher than four (4) feet above the grade plane in any required front yard or lake front yard, or on any lot line bordering a required front yard or corner street front yard. Fences located on any other property line shall be no higher than six (6) feet above the grade plane. For zoning lots with an immediate grade differential along the property line, the intent of this subsection is to allow the maximum fence height to be measured from the highest points of the grade differential along the property line, provided the fence height is not a clear vision obstruction to the movement of motorized and nonmotorized traffic.

B. All fences shall be constructed of materials listed in the SPL Manual to meet all standards of the **Waterford Code of Ordinances, Buildings and Building Regulations** and shall be adequately maintained to be safe and in good condition.

C. Fences located off the property line and not within any required yard shall not exceed eight (8) feet in height above the grade plane.

D. Barbed wire, spikes, nails, or any other sharp pointed protrusions of any kind are prohibited on top of or on the sides of any fence, wall, or protective barrier. For purposes of this subsection, the term "sharp pointed protrusions" shall be defined as meaning all fence material extending above the highest continuous horizontal fence component and possessing a horizontal surface area at the tip of each protrusion that is less than 0.0625 square inch, with the width and/or depth of this horizontal surface area measuring less than 0.25 lineal inch.

E. Electrical fences above grade shall be prohibited.

6. Screening and Landscaping.

A. Effective screening and landscaping is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from the effects of noise, light, traffic, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance the community's quality of life, improve property values, reduce the harsh characteristics of intensive development, and help to make all land uses more compatible.

B. In order to achieve these objectives, all properties within the multiple-family residential zoning districts shall comply with the following requirements in the manner provided in the SPL Manual:

(1) All landscape areas identified on an approved landscape plan shall be continuously maintained in a healthy, growing condition using irrigation systems and maintenance standards, without limitation, identified in the SPL Manual. Failure to maintain such landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Ordinance.

(ARTICLE III, DIVISION 3-4, SECTION 3-402.6.B cont.)

(2) A greenbelt possessing a minimum width of twenty (20) feet shall be provided along all major arterial streets, minor arterial streets, and collector streets. The Planning Commission may enhance such a greenbelt with a landscaping screen or increase the width of the greenbelt when a residential development abuts a major arterial street and it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(3) A greenbelt possessing a minimum width of twenty (20) feet shall be provided on the same zoning lot along all property lines abutting single-family residential zoning districts and previously developed office, commercial, and higher intensity use zoning districts which lack buffering screening and landscaping in accordance with the provisions of this Zoning Ordinance. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt along a shared property line with a commercial or higher intensity use zoning district when it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(4) A combination of interior landscape areas shall be provided to: achieve traffic safety through effective definition of off-street parking areas, enhance positive drainage from buildings and impervious surface areas, and to provide for the general welfare of the residents. The total area of interior landscaping provided shall include, but not be limited to, landscaping near building entrances, along building foundations, along pedestrian walkways, along service areas, and in off-street parking areas.

(5) All waste material container areas required as part of a site plan shall be screened and maintained.

C. The Planning Commission may grant a special exception allowing for a reduction or waiver in the landscape area and/or landscape material required under this subsection, but only if such landscaping or screening would serve no useful purpose or would entail substantial noneconomic hardship for the developer relative to achieving the benefits and objectives stated in this subsection. In addition to the above factors, the Planning Commission shall base its decision on the following considerations along with any other relevant information:

(1) The character, scope, and site design of the multiple-family development, especially the proximity of buildings, parking areas, and common use or recreational areas to the residential property intended to be screened.

(2) The character, design, and use of the adjacent properties to be screened.

(3) The natural features, including the terrain, trees, and other vegetation that may act as a natural screen or buffer.

(*ARTICLE III, DIVISION 3-4 cont.*)

SECTION 3-403. R-M1, LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The regulations in the subsections below shall apply to properties in the R-M1 Low Density Multiple-Family Residential Zoning District:

1. **Purpose and Intent.** The R-M1 zoning district is intended to implement the goals of the Multiple-Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps by allowing for the construction of dwelling units at a density that is slightly higher than, but still compatible with adjacent single-family residential zoning districts. This zoning district is intended to provide many of the amenities of low density living while providing community services commonly available only in higher density developments (e.g., lawn care, recreational facilities, such as a club house or private swimming pool, etc.) This zoning district can serve as a transitional zone between higher density multiple-family residential, office, and commercial zoning districts and single-family residential zoning districts.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall be subject to review and approval in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M1 district:
   A. Multiple-family dwellings *(See **Dwelling, Multiple-Family** in **Section 1-007**)*.
   B. Single-family duplex dwellings *(See **Dwelling, Single-Family Duplex** in **Section 1-007**)* and single-family flat dwellings *(See **Dwelling, Single-Family Flat** in **Section 1-007**)* developed and arranged with two or more buildings on a single zoning lot.
   C. Adult day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)*.
   D. Child family day care homes *(See **Child Day Care Facilities** in **Section 1-007**).*
   E. Child foster family homes *(See **Foster Care Facilities** in **Section 1-007**).*
   F. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
   G. Area public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-M1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Child group day care *(See **Child Day Care Facilities** in **Section 1-007**)*, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
   B. Elder care facilities (*See **Elder Care Facilities** in **Section 1-007***).
   C. Regional public utility facilities *(See **Public Utility** in **Section 1-007**)*, provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.
5. **Permitted Uses after Special Accommodation Use Approval.** Adult group day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)*, and adult foster care family homes, adult foster care small group homes, and adult foster care medium group homes *(See **Foster Care Facilities** in **Section 1-007**)* shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-M1 district, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.

(*ARTICLE III, DIVISION 3-4 cont.*)

SECTION 3-404. R-M2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The regulations in the subsections below shall apply to properties in the R-M2 Multiple-Family Residential Zoning District:

1. **Purpose and Intent.** The R-M2 zoning district is intended to implement the goals of the Multiple-Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps by allowing for the intensive residential use of land with the various forms of multiple-family dwellings. This zoning district shall be primarily located on a major arterial street or minor arterial street to ensure accessibility while minimizing impact on local streets. This zoning district may serve in other areas as a transitional zone between light industrial or the most intensive office and commercial zoning districts and existing single-family residential zoning districts. This zoning district is intended to provide varying types and sizes of residential accommodations to meet the needs of the different demographic categories looking to reside within the Township.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall be subject to review and approval in accordance with **Section 4-005**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the R-M2 district:
   A. Multiple-family dwellings *(See **Dwelling, Multiple-Family** in **Section 1-007**)*.
   B. Single-family duplex dwellings *(See **Dwelling, Single-Family** Duplex in **Section 1-007**)* and single-family flat dwellings *(See **Dwelling, Single-Family Flat** in **Section 1-007**)* developed and arranged with two or more buildings on a single zoning lot.
   C. Adult day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)*.
   D. Child family day care homes *(See **Child Day Care Facilities** in **Section 1-007**).*
   E. Child foster family homes *(See **Foster Care Facilities** in **Section 1-007**).*
   F. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
   G. Area public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the R-M2 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Child group day care *(See **Child Day Care Facilities** in **Section 1-007**)*, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.
   B. Elder care facilities (*See **Elder Care Facilities** in **Section 1-007***).
   C. Regional public utility facilities *(See **Public Utility** in **Section 1-007**)*, provided that the Planning Commission determines that no other location is available for the efficient and effective provision of utility services to Township residents, and that reasonable measures are stipulated and implemented to mitigate the impact of such installations on the adjacent properties.
5. **Permitted Uses after Special Accommodation Use Approval.** Adult group day care homes *(See **Adult Day Care Facilities** in **Section 1-007**)*, and adult foster care family homes, adult foster care small group homes, and adult foster care medium group homes *(See **Foster Care Facilities** in **Section 1-007**)* shall, after receiving approval of the use in accordance with **Section 4-008**, be permitted as special accommodation uses in the R-M2 district, when meeting the statutory standards of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and subject to the conditions hereinafter imposed for each use.

(ARTICLE III, DIVISION 3-4 cont.)

SECTION 3-405. R-MH, MOBILE HOME PARK DISTRICT

The regulations in the subsections below shall apply to properties in the R-MH Mobile Home Park Zoning District:

1. **Purpose and Intent.** The R-MH zoning district is intended to implement the goals of the Multiple Family land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Map by providing a suitable environment with reasonable accessibility and adequate space and facilities for the health, safety, and welfare of mobile home park occupants.
2. **Mobile Home Park Location.** All mobile home parks shall have access to a major arterial street with an existing or planned right-of-way of one-hundred-twenty (120) feet or greater, and currently at least two (2) hard surface lanes in existence.
3. **Accessory Buildings, Accessory Structures, and Accessory Uses.** Accessory buildings, accessory structures, and accessory uses shall be permitted in accordance with **Section 3-402.3**. The following accessory structures and uses may also be permitted subject to the regulations in this Section:
   A. Off-street parking and loading requirements to be the same as for single family residential dwelling units with parking facilities also provided for all maintenance vehicles and at the office location.
   B. Signs in accordance with **Section 3-402.4**.
4. **Density, Area, Height, Bulk and Placement Requirements.** In accordance with **Sections 3-900** and **3-901** and the following:
   A. The minimum zoning lot area shall be ten (10) acres.
   B. The mobile home park shall be developed with each mobile home site averaging five thousand five hundred (5,500) square feet. Such area for any one mobile home site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the area reduction in such manner, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space be less than the requirements established for manufactured housing by the Michigan Administrative Code.
   C. Mobile home dwellings shall comply with all requirements for distances between homes and other buildings established by the Michigan Administrative Code.
   D. Mobile home dwellings shall not be located any closer than thirty-five (35) feet from any public right-of-way.
5. **General Development Requirements.**
   A. An internal road system, as defined by the Michigan Administrative Code, shall provide safe, convenient, vehicular circulation to and from all access points, mobile home sites, and mobile home park facilities.
   B. All internal roads shall be constructed in accordance with the requirements of the Michigan Administrative Code.
   C. Nonmotorized pathways shall be required within the right-of-way of all public streets either adjacent to parks or within parks.
   D. All mobile home parks having fifty (50) or more mobile home sites shall have at least one easily accessible open space area containing not less than the minimum open space area established for manufactured housing by the Michigan Administrative Code.
   E. Each mobile home park and individual mobile home site shall be serviced by and connected to public water and sanitary sewer systems having capacity to serve the proposed development in the same manner as apartment and condominium development within the Township. Fire hydrants shall be installed as required by the Fire Chief.
   F. All utilities shall be installed underground.
   G. No mobile home dwelling shall be permitted to occupy a mobile home park until a permit is granted from the Building Official. All mobile home parks shall be constructed only after a permit to construct shall have been obtained. A bond for one-hundred ten (110) percent of the established cost of all necessary improvements shall be deposited with Waterford Township to guarantee the completion of said improvements.
   H. All mobile home dwellings and mobile home parks are subject to the provisions of Public Act 96 of 1987, The Mobile Home Commission Act, as amended.
6. **Screening and Landscaping.** All screening and landscaping shall be in accordance with **Sections 3-402.5** and **3-402.6**. Also, a twenty (20) foot wide greenbelt, landscaped according to the requirements of the SPL Manual, shall be required around the entire perimeter of the site if it abuts R-1, R-1A, R-1B, or R-1C districts and where it abuts a public right-of-way. In addition, screening in the form of landform buffer strip or fence wall and an adjacent five (5) feet wide greenbelt shall be required along all property lines that border, either contiguous or across an alley, R-1, R-1A, R-1B, R-1C, R-1D, R-1E, R-M1, and R-M2 zoned properties and previously developed O-1, O-2, C-1, C-2, C-3, C-4, C-UB, C-UL, HT-1, HT-2, M-1, and M-2 zoned properties which lack screening in accordance with the provisions of this Zoning Ordinance. The Planning Commission may grant special exception waiving the screening requirement, but not the greenbelt requirement, only if full screening would serve no useful purpose or would entail substantial hardship for the developer relative to the positive screening benefit to the adjacent residential property. The Planning Commission shall base its decision on the following considerations along with any other relevant information:
   A. The residential character and density of the multiple family development.
   B. The residential character, design and density of the adjacent residential development to be screened.
   C. The site design of the multiple family development, especially the proximity of buildings, parking areas, and common use or recreational areas to the residential property intended to be screened.
   D. The natural features, including the terrain, trees, and other vegetation that may act as a natural screen or buffer.
   E. Interior landscaping shall be required in accordance with the SPL Manual.
7. **Site Plan Review.** All developments in this zoning district shall require major site plan review in accordance with **Section 4-004**.
   Exception: No site plan review shall be required for development on individual mobile home sites in approved mobile home parks.

DIVISION 3-5 - PUBLIC ZONING DISTRICTS

SECTION 3-500. PURPOSE AND INTENT

The PL and CR Districts are designed to be limited to land and uses that are owned by and benefit the general public, as well as privately owned lands dedicated to institutional, recreational, and religious uses that are intended to benefit large segments of the general public. The intent is to provide for areas dedicated to the provision of governmental, cultural, educational, institutional, recreational, and religious uses which will accommodate such needs of citizens.

SECTION 3-501. PROHIBITED USES

It is the intent of this Division to specifically prohibit uses which are not listed in this Division as permitted or special approval uses. Subject to the provisions of **ARTICLE II, Division 2-7**, uses that are being conducted upon zoning lots within these districts that are not listed as permitted or special approval uses within the district shall be deemed in violation of this Zoning Ordinance.

SECTION 3-502. REGULATIONS APPLICABLE TO PROPERTIES IN THE PL AND CR ZONING DISTRICTS

The regulations in the subsections below are applicable to properties in the PL and CR zoning districts:

1. Vehicle Regulations. The purpose of this subsection is to preserve and promote the health, safety and general welfare of citizens, motorists and pedestrians alike, within the public districts of the Township through the regulation of parking and storage of personal, commercial, and recreational vehicles and equipment, such that vehicles do not detract from the appearance and character of the surrounding area, do not negatively affect the value and marketability of surrounding properties, do not cause the overcrowding of land and reduction of open space, do not constitute traffic hazards, do not obstruct access to rights-of-way or nonmotorized pathways, do not present an attractive nuisance for children, do not impede crime prevention and/or hamper the effectiveness and access of emergency personnel, vehicles and equipment, or do not become involved in illegal vehicle sales or result in the storage or collection of junk vehicles in public districts.

A. Vehicle Parking.

(1) Parking of vehicles shall be limited to those areas established and marked as a parking area in accordance with an approved site plan for the zoning lot where both the use and its parking area are located.

(2) The following vehicles, equipment, and/or their attached apparatus are expressly prohibited from being parked on rights-of-way and nonmotorized pathways:

(A) Distressed vehicles.

(B) Junked vehicles.

B. Vehicle Storage. Storage of vehicles is expressly prohibited within public zoning districts, unless granted approval through the appropriate review process; vehicles used expressly for the principal use and/or the maintenance and upkeep of properties within public zoning districts are exempt from this prohibition if such storage is limited to buildings, structures, or areas designated for such storage on an approved site plan.

C. Vehicle Sales. Vehicle sales are expressly prohibited in public zoning districts unless conducted as part of a permitted accessory use.

2. Raising and Keeping of Animals. The raising and keeping of animals in public zoning districts is limited to those permitted uses and uses granted special approval by the Planning Commission where such activity is specified as accessory to the principal use, provided that this activity where permitted is in compliance with all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**.

3. Accessory Buildings, Accessory Structures, and Accessory Uses. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses *(Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under **Building, Structure,** or **Use** in **Section 1-007**)* shall be permitted in the PL and CR districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjuction with the permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Sections 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

A. Accessory buildings and accessory structures, subject to all of the following conditions:

(1) They are indicated and approved as part of a final or revised site plan.

(*ARTICLE III*, *DIVISION 3-5*, *SECTION 3-502.3 cont.*)

(2) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.

(3) Accessory buildings or accessory structures shall not be permitted as the only building or structure on a zoning lot unless reviewed and jointly authorized by the Zoning Official and Building Official in accordance with **Section 4-004.2.**

(4) Accessory buildings and accessory structures shall conform to all setback and height requirements for the zoning district in which it is located.

(5) Detached accessory buildings and accessory structures shall not be erected in any required front yard.

(6) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

B. Adult day care facilities (*See **Adult Day Care Facilities** in **Section 1-007**)*.

C. Alternative energy systems (*See **Alternative Energy Systems** in **Section 1-007**)* approved in accordance with **Section 4-016**.

D. Auditoriums, meeting rooms, accessory office uses, and similar uses.

E. Caretaker's dwelling unit (*See **Caretaker's Dwelling Unit** in **Section 1-007**)*, when provided on a zoning lot upon which the principal permitted use is a park.

F. Special events when permitted in accordance with **Section 4-013**.

G. Temporary retail food establishments in conjunction with permitted special events.

H. Child nursery care facilities (*See **Child Day Care Facilities** in **Section 1-007**)*.

I. Child day care center facilities (*See **Child Day Care Facilities** in **Section 1-007**)*.

J. Commercial satellite dish structures and antenna support structures.

K. Conference facilities (*See **Conference Facilities** in **Section 1-007**)*, provided that off-street parking areas can accommodate such an accessory use.

L. Accessory dining use.

M. Exterior appliances (*See **Exterior Appliance** in **Section 1-007**)*.

N. Financial transaction stations (*See **Financial Transaction Station** in **Section 1-007**)*.

O. Fueling facilities as an ancillary use.

P. Ornamental structures and pole structures used exclusively as flagpoles, provided that they shall comply with all setback restrictions of the zoning district in which they are located and they do not exceed the height limitations of **Section 2-103**.

Q. Off-street parking facilities (*See **Parking Facilities** in **Section 1-007**)* in accordance with **Section 2-405**.

R. Recycling facilities (*See **Recycling Facilities** in **Section 1-007**)*.

S. Temporary construction buildings as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

T. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010, or 4-011**, and as authorized for the timeframe specified in writing by the Building Official.

U. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.

V. Area public utility facilities (*See **Public Utility** in **Section 1-007**)* and regional public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

4. Signs In addition to those signs described in **ARTICLE II, Division 2-5** as exempted from regulation or as allowed in all zoning districts, signs in the public districts shall pertain to uses located upon the same zoning lot to which the sign relates, except as otherwise provided by this Zoning Ordinance. Signs shall also adhere to the following requirements:

A. Freestanding Signs. Freestanding signs that comply with all requirements of **Section 2-508** are permitted.

B. Wall Signs. Wall signs that comply with all requirements of **Section 2-507** are permitted.

C. Directional Signs. One (1) directional sign may be placed near each approved point of ingress and egress, provided it is located so as not to be a visual obstruction to vehicular and nonmotorized traffic. Directional signs shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height, and shall be setback at least fifteen (15) feet from any public or private right-of-way.

(*ARTICLE III*, *DIVISION 3-5*, *SECTION 3-502 cont.*)

5. Fences. Fences shall follow the contour of the ground upon which they are secured, subject only to the flexibility limitations of the fencing materials used. Therefore, the height at any given location along a fence shall be measured from a point on the ground perpendicular to the fence height point being measured. Where pre-constructed fence panels limit fencing from following the ground's contour between the fence posts upon which a fence panel is secured, the height of the fence shall be measured from the closest point on the ground perpendicular to where the fence panel is secured to a fence post. All fences of any kind located in public districts shall conform to the following regulations (Please also refer to *Figures VII-62 through VII-65* on Pages VII-33 and VII-34 in **Article VII**):

A. Fences may be located on any property line provided that no fence shall be higher than four (4) feet above the grade plane in any required front yard or lake front yard, or on any lot line bordering a required front yard or corner street front yard. Fences located on any other property line shall be no higher than six (6) feet above the grade plane. For zoning lots with an immediate grade differential along the property line at the point of an abutting residential zoning district, the fence or wall shall be constructed with a base measurement from the high point of the grade along the property line, provided the fence height is not a clear vision obstruction to the movement of motorized and nonmotorized traffic.

B. All fences shall be constructed of materials listed in the SPL Manual to meet all standards of **Waterford Code of Ordinances, Buildings and Building Regulations** and shall be adequately maintained to be safe and in good condition.

C. Fences located off the property line and not within any required yard shall not exceed eight (8) feet in height above the grade plane.

D. Spikes, nails or any other sharp pointed protrusions of any kind are prohibited on top or on the sides of any fence, wall, or protective barrier. For purposes of this subsection, the term "sharp pointed protrusions" shall be defined as meaning all fence material extending above the highest continuous horizontal fence component and possessing a horizontal surface area at the tip of each protrusion that is less than 0.0625 square inch, with the width and/or depth of this horizontal surface area measuring less than 0.25 lineal inch. Barbed wire is prohibited on the sides, but may be placed on top of fences, walls, or protective barriers provided that the barbed wire cradles shall consist of no more than three (3) strands of wire and shall face into the property which it is to protect.

E. Electrical fences above grade shall be prohibited.

6. Screening and Landscaping.

A. Effective screening and landscaping is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from the effects of noise, light, traffic, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance the community's quality of life, improve property values, reduce the harsh characteristics of intensive development, and help to make all land uses more compatible.

B. In order to achieve these objectives, all properties within the public zoning districts shall comply with the following requirements in the manner provided in the SPL Manual:

(1) All landscape areas identified on an approved landscape plan shall be continuously maintained in a healthy, growing condition using irrigation systems and maintenance standards without limitation, identified in the SPL Manual. Failure to maintain such landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Ordinance.

(2) A greenbelt possessing a minimum width of twenty (20) feet shall be provided along all major arterial streets, minor arterial streets, and collector streets. The Planning Commission may enhance such a greenbelt with a landscaping screen or increase the width of the greenbelt when a residential development abuts a major arterial street and it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(3) A greenbelt possessing a minimum width of twenty (20) feet shall be provided on the same zoning lot along all property lines abutting single-family and multiple-family residential zoning districts and previously developed office, commercial, and higher intensity use zoning districts which lack buffering screening and landscaping in accordance with the provisions of this Zoning Ordinance. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt along a shared property line with a commercial or higher intensity use zoning district when it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(*ARTICLE III*, *DIVISION 3-5*, *SECTION 3-502.6.B cont.*)

(4) A combination of interior landscape areas shall be provided to: achieve traffic safety through effective definition of off-street parking areas, enhance positive drainage from buildings and impervious surface areas, and to provide for the general welfare of the residents. The total area of interior landscaping provided shall include, but not be limited to, landscaping near building entrances, along building foundations, along pedestrian walkways, along service areas, and in off-street parking areas.

(5) All waste material container areas required as part of a site plan shall be screened and maintained.

C. The Planning Commission may grant a special exception allowing for a reduction or waiver in the landscape area and/or landscape material required under this subsection, but only if such landscaping or screening would serve no useful purpose or would entail substantial noneconomic hardship for the developer relative to achieving the benefits and objectives stated in this subsection. The Planning Commission may grant such a waiver exclusively for the proposed use, reserving the right to require establishment of all landscape requirements when there is a change of use. When such a temporary waiver is approved by the Planning Commission, such waiver shall be recorded on the property in such form and language acceptable to the Township Attorney. In addition to the above factors, the Planning Commission shall base its decision on the following considerations along with any other relevant information:

(1) The character, scope, and site design of the proposed use of the property.

(2) The character, design, and uses of the adjacent properties to be screened.

(3) The natural features, including the terrain, trees, and other vegetation that may act as a natural screen or buffer.

(*ARTICLE III, DIVISION 3-5 cont.*)

SECTION 3-503. PL, PUBLIC LANDS DISTRICT

The regulations in the subsections below shall apply to properties in the PL Public Lands Zoning District:

1. Purpose and Intent. The PL zoning district is intended to implement the goals of the Public Lands and Quasi-Public Lands land use designations as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps by providing for specifically defined areas where public uses such as government offices and governmental uses, public buildings, public utilities and essential services, public cemeteries, public schools, and libraries; and uses such as churches, private and parochial schools, non-profit community institutions, cultural facilities, private cemeteries, and other institutional uses serving and open to the public, subject to such regulatory standards as will ensure compatibility with adjacent zoning district uses. The PL district is intended to be located in those areas designated as Public Lands on the Future Land Use Maps to accomplish the goals of this zoning district. Other properties within the Township may be redesignated as PL district for public uses to accomplish the goals of this zoning district, provided that the zoning lot is properly scaled and designed for such use and the Planning Commission reviews all proposed new site developments and improvements in the newly established district prior to site plan submittal to ensure that the quality of life on adjoining zoning districts is not adversely affected. This zoning district may be also be used as a transition zone between existing single-family zoning districts and more intensive uses to minimize the impact of nonresidential uses on adjacent residential neighborhoods. Intense public uses resulting in ongoing usage of heavy machinery, storage yards, or assembly of large crowds that may create a potential negative impact upon adjoining zoning districts due to the intensity of these particular uses will be limited to appropriately sized zoning lots.

2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall be subject to review and approval in accordance with **Section 4-004.3**.

3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the PL district:

A. Areas of natural and scientific interest *(See **Section 1-006**)*.
B. Cemetery establishments *(See **Cemetery Establishments** in **Section 1-007**)*.
C. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
D. Educational facilities *(See **Educational Facilities** in **Section 1-007**)*.
E. Governmental facilities *(See **Governmental Facilities** in **Section 1-007**)*.
F. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
G. Commercial Marinas *(See **Marina, Commercial** in **Section 1-007**)*.
H. Medical establishments *(See **Medical Establishments** in **Section 1-007**)* owned and operated by governmental agencies, non-profit institutions, or religious organizations.
I. Natural resource management activities *(See **Natural Resource Management Activity** in **Section 1-007**)*.
J. Public utility facilities and public utility service facilities *(See **Public Utility** in **Section 1-007**)*, provided that any installations that will be located closer than fifty (50) lineal feet from any adjacent residential dwelling (existing or potential) shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Building Official.
K. Recreational facilities *(See **Recreational Facilities** in **Section 1-007**)*.
L. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
M. Wildlife reserves *(See **Wildlife Reserves** in **Section 1-007**)*.

4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the PL district when the building(s) in which the use shall be located is more than one thousand (1,000) feet from any zoning lot containing an educational, religious, recreational, child care, or residential use, subject to the review and approval of the use in accordance with **Section 4-006**, and any conditions hereinafter imposed for each such use:

A. Correctional group homes *(See **Correctional Group Homes** in **Section 1-007**)*.
B. Halfway houses *(See **Halfway House** in **Section 1-007**)*.

5. Termination of Public Use on a Zoning Lot. Upon sale or other final release of property by a governmental agency, noncommercial educational agency, or religious organization, a zoning lot in the PL district may be returned or altered to a zoning classification which applied to the zoning lot prior to the establishment of the PL district and which conforms to the Master Plan future land use designations of the surrounding zoning lots.

(*ARTICLE III, DIVISION 3-5 cont.*)

SECTION 3-504. CR, COMMERCIAL RECREATION DISTRICT

The regulations in the subsections below shall apply to properties in the CR Commercial Recreation Zoning District:

1. **Purpose and Intent.** The CR zoning district is intended to implement the goals of the Quasi-Public Lands land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as to implement Master Plan Goal Five, ***To Increase and Improve Recreational Opportunities for Waterford Citizens*** by permitting entertainment facilities and recreational facilities on zoning lots properly scaled and designed to contain such uses and related accessory uses. This zoning district is intended to be primarily located on a major arterial street to ensure accessibility while minimizing impact on local streets, but may be located with access along minor arterial streets where the zoning lot and use are properly scaled to ensure adequate off-street parking areas and effective vehicular and pedestrian accessibility. Those areas designated as Quasi-Public Lands on the Future Land Use Maps will provide the principal locations of the CR district. It is intended that intense recreational uses resulting in the assembly of a large number of participants and fans and/or the use of sports equipment and creating noise which can create a potential adverse impact upon the quality of life in adjoining zoning districts will be limited to appropriately sized zoning lots.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall be subject to review and approval in accordance with **Section 4-004.3**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the CR district:
   A. Campgrounds *(See **Recreational Facilities** in **Section 1-007**)*. This permitted use may also incorporate such facilities as boat launches and playgrounds as accessory uses.
   B. Competitive commercial adventure game facilities *(See **Entertainment Establishments** in **Section 1-007**)*.
   C. Conference facilities *(See **Conference Facilities** in **Section 1-007**)*.
   D. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
   E. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   F. Entertainment activity centers *(See **Entertainment Establishments** in **Section 1-007**)*.
   G. Golf courses *(See **Recreational Facilities** in **Section 1-007**)*.
   H. Golf driving ranges *(See **Recreational Facilities** in **Section 1-007**)*.
   I. Miniature golf facilities *(See **Entertainment Establishments** in **Section 1-007**)*.
   J. Parks *(See **Recreational Facilities** in **Section 1-007**)*. This permitted use may also incorporate such facilities as boat launches, playgrounds, swimming pools, and similar facilities as accessory uses.
   K. Seasonal recreation facilities *(See **Recreational Facilities** in **Section 1-007**)*. This permitted use may also incorporate such facilities as boat launches, playgrounds, swimming pools, and similar facilities as accessory uses.
   L. Sport recreation facilities *(See **Recreational Facilities** in **Section 1-007**)*.
   M. Skateboard parks *(See **Recreational Facilities** in **Section 1-007**)*.
   N. Sport playing fields *(See **Recreational Facilities** in **Section 1-007**)*.
   O. Summer camps *(See **Recreational Facilities** in **Section 1-007**)*. This permitted use may also incorporate such facilities as boat launches, playgrounds, swimming pools, and similar facilities as accessory uses.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the CR district,, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Boat liveries *(See **Recreational Facilities** in **Section 1-007**)*.
   B. Commercial Marinas *(See **Marina, Commercial** in **Section 1-007**)*.
   C. Resorts *(See **Resort** in **Section 1-007**)*.
   D. The following uses shall be considered provided that the zoning lot upon which the use shall be located is more than one thousand (1,000) feet from any zoning lot containing an educational, religious, or residential use:
      (1) Amusement park *(See **Entertainment Establishments** in **Section 1-007**)*.
      (2) Competitive commercial recreation facilities *(See **Entertainment Establishments** in **Section 1-007**)*.
      (3) Drive-in theaters *(See **Entertainment Establishments** in **Section 1-007**)*.
5. **Planned Unit Developments.** Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-504.3** with one or more of the uses listed in **Section 3-504.4.A** through **D, Section 3-404.3.A,** and **Section 3-705.3**, subject to the review and approval of the development in accordance with **Section 4-005,** are permitted.

DIVISION 3-6 - OFFICE ZONING DISTRICTS

SECTION 3-600. PURPOSE AND INTENT

The O-1 and O-2 Office Districts are designed to provide for viable office development in the Township, while at the same time preserving the general welfare of adjacent and nearby residential areas. This Article sets forth regulations for two (2) office districts, each of which is designed for certain locations where its specific combinations of use, area, bulk, and other requirements will provide a scope of office and complementary uses compatible with the surrounding area.

SECTION 3-601. PROHIBITED USES

It is the intent of this Division to specifically prohibit uses which are not listed in this Division as permitted or special approval uses. The outdoor storage of goods or materials is prohibited, except as otherwise permitted by this Zoning Ordinance . Subject to the provisions of **ARTICLE II, Division 2-7**, uses that are being conducted upon zoning lots within these districts that are not listed as permitted or special approval uses within the district shall be deemed in violation of this Zoning Ordinance.

SECTION 3-602. REGULATIONS APPLICABLE TO PROPERTIES IN THE O-1 AND O-2 ZONING DISTRICTS

The regulations in the subsections below are applicable to properties in the O-1 and O-2 zoning districts:

1. Vehicle Regulations. The purpose of this subsection is to preserve and promote the health, safety and general welfare of citizens, motorists and pedestrians alike within the office districts of the Township through the regulation of parking and storage of personal, commercial, and recreational vehicles and equipment, such that vehicles do not detract from the appearance and character of the surrounding area, do not negatively affect the value and marketability of surrounding properties, do not cause the overcrowding of land and reduction of open space, do not constitute traffic hazards, do not obstruct access to rights-of-way or nonmotorized pathways, do not present an attractive nuisance for children, do not impede crime prevention and/or hamper the effectiveness and access of emergency personnel, vehicles and equipment, or do not become involved in illegal vehicle sales or result in the storage or collection of junk vehicles in office districts.

A. Vehicle Parking. Parking shall be restricted to the off-street parking facilities identified on an approved site plan. Such facilities shall be located within three-hundred (300) feet of the use requiring such parking as measured along the lines of pedestrian access between the nearest point of the parking facility and the nearest point of the building or use to be served.

B. Vehicle Storage. Storage of vehicles unrelated to the principal use is expressly prohibited within the office zoning districts. A storage parking area for vehicles in good repair and related to the principal use that is separate from the required parking area, that is indicated on a final site plan, meets all Zoning Ordinance requirements, and receives approval through the proper site plan review procedure, shall be permitted.

C. Vehicle Sales. Vehicle sales are expressly prohibited in office zoning districts.

2. Accessory Buildings, Accessory Structures, and Accessory Uses. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses *(Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under **Building, Structure,** or **Use** in **Section 1-007**)* shall be permitted in office districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjuction with the permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Sections 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

A. Accessory buildings and accessory structures, subject to all of the following conditions:

(1) They are indicated and approved as part of a final or revised site plan.

(2) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.

(3) Accessory buildings or accessory structures shall not be permitted as the only building or structure on a zoning lot.

(4) Detached accessory buildings and accessory structures shall not be erected in any required yard except a rear yard, and in no instance shall such a building or structure and its appurtenances be nearer to the side or rear lot lines than ten (10) feet.

(*ARTICLE III*, *DIVISION 3-6*, *SECTION 3-602.2.A cont.*)

(5) Where an accessory building or accessory structure is structurally attached to the principal building or is less than ten (10) feet distant from the principal building, it must conform to the setback requirements of the zoning district in which it is located.

(6) Accessory buildings and accessory structures shall comply with the following height limitation schedule when the corresponding setback requirements are met:

If such building or structure is:	Then the maximum height is:
No closer than ten (10) feet and no greater than twenty (20) feet from side and rear lot lines	Seventeen (17) feet
No closer than twenty (20) feet from side and rear lot lines	Twenty-five (25) feet

(7) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

B. Off-street parking areas in accordance with **Section 2-405**.

C. The following uses may be permitted in conjunction with office uses within a building for the primary benefit of the employees when such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the principal building or complex on the same zoning lot:

(1) Personal service establishments (*See **Commercial Service Establishments** in **Section 1-007**).*

(2) Personal grooming establishments (*See **Commercial Service Establishments** in **Section 1-007**).*

(3) Drop-off dry cleaning establishments (*See **Dry Cleaning Establishments** in **Section 1-007**).*

(4) Restaurant establishments (*See **Restaurant Establishments** in **Section 1-007**).*

(5) Entertainment activity centers (*See **Entertainment Establishments** in **Section 1-007**).*

(6) Fitness centers (*See **Recreational Facilities** in **Section 1-007**).*

(7) Child nursery care facilities (*See **Child Day Care Facilities** in **Section 1-007**).*

D. Exterior appliances (*See **Exterior Appliance** in **Section 1-007**).*

E. Financial transaction stations (*See **Financial Transaction Station** in **Section 1-007**).*

F. Dispenser box apparatus (*See **Dispenser Box Apparatus** in **Section 1-007**).*

G. Special events when permitted in accordance with **Section 4-013.**

H. Nonpermanent structures when used in conjunction with a permitted special event.

I. Commercial satellite dish structures and antenna support structures.

J. Ornamental structures and pole structures used exclusively as flagpoles, provided that they shall comply with all setback restrictions of the zoning district in which they are located and they do not exceed the height limitations of **Section 2-103**.

K. Temporary construction buildings, as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

L. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010, or 4-011**, and as authorized for the timeframe specified in writing by the Building Official.

M. Solar energy systems and small-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)* approved in accordance with **Section 4-016**.

N. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**).*

O. Area public utility facilities (*See **Public Utility** in **Section 1-007**)* and regional public utility facilities (*See **Public Utility** in **Section 1-007**),* provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

P. Outdoor dining patios, provided that all components have been inspected and approved by the Building Official.

Q. Drive-thru service facilities *(See **Drive-Thru Service** in **Section 1-007**),* provided establishment of such service facilities on a zoning lot governed by an approved site plan shall require site plan approval in accordance with **Section 4-004.1**. Approval of drive-thru service facilities in any zoning district established under this Division shall be contingent upon the subject zoning lot maintaining effective pedestrian and vehicular circulation, required parking, and required setbacks and landscaping after installation of such service facilities.

(ARTICLE III, DIVISION 3-6, SECTION 3-602 cont.)

3. Signs. In addition to those signs described in **ARTICLE II, Division 2-5** as exempted from regulation or as allowed in all zoning districts, signs in the office districts shall pertain to uses located upon the same zoning lot to which the sign relates, except as otherwise provided by this Zoning Ordinance. Signs shall also adhere to the following requirements:

A. Freestanding Signs. Freestanding signs that comply with all requirements of **Section 2-508** are permitted.

B. Wall Signs and Window Signs. Wall and window signs that comply with all requirements of **Section 2-507** are permitted.

C. Directional Signs. One (1) directional sign may be placed near each approved point of ingress and egress, provided it is located so as not to be a visual obstruction to vehicular and nonmotorized traffic. Directional signs shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height, and shall be setback at least fifteen (15) feet from any public or private right-of-way.

D. Temporary Signs and Portable Signs. Temporary and portable signs are prohibited, with the exception that temporary and portable signs may be used in conjunction with a temporary use permitted in accordance with **Section 4-013** and in compliance with the following criteria:

(1) No more than one (1) portable sign may be used, provided that such sign shall not exceed thirty-two (32) square feet in area and shall not exceed eight (8) feet in height.

(2) No temporary sign or portable sign shall be located closer than ten (10) feet to a public or private right-of-way.

(3) No temporary sign or portable sign shall be located closer than fifty (50) feet to any single-family residential zoning districts and uses.

(4) No temporary sign or portable sign shall be located in such a manner as to interfere with or create a visual obstruction to vehicular or nonmotorized traffic flow or to vehicular parking.

(5) No more than one (1) inflatable device sign may be used.

(6) Festoon signs may be used.

(7) Banner signs may be used, provided that they are affixed to a wall of the principal building and do not exceed ten (10) percent of the total area of such wall.

4. Fences. Fences shall follow the contour of the ground upon which they are secured, subject only to the flexibility limitations of the fencing materials used. Therefore, the height at any given location along a fence shall be measured from a point on the ground perpendicular to the fence height point being measured. Where pre-constructed fence panels limit fencing from following the ground's contour between the fence posts upon which a fence panel is secured, the height of the fence shall be measured from the closest point on the ground perpendicular to where the fence panel is secured to a fence post. All fences of any kind located in office districts shall conform to the following regulations (Please also refer to *Figures VII-62 through VII-65* on Pages VII-33 and VII-34 in **Article VII**):

A. Fences may be located on any property line provided that no fence shall be higher than four (4) feet above the grade plane in any required front yard or lake front yard, or on any lot line bordering a required front yard or corner street front yard except as otherwise provided by this Zoning Ordinance. Fences located on any other property line shall be no higher than six (6) feet above the grade plane. For zoning lots with an immediate grade differential along the property line at the point of an abutting residential zoning district, the fence or wall shall be constructed with a base measurement from the high point of the grade along the property line, provided the fence height is not a clear vision obstruction to the movement of motorized and nonmotorized traffic.

B. All fences shall be constructed of materials listed in the SPL Manual to meet all standards of the **Waterford Code of Ordinances, Buildings and Building Regulations** and shall be adequately maintained to be safe and in good condition.

C. Fences located off the property line and not within any required yard shall not exceed eight (8) feet in height above the grade plane.

D. Barbed wire, spikes, nails, or any other sharp pointed protrusions of any kind are prohibited on top of or on the sides of any fence, wall or protective barrier. For purposes of this subsection, the term "sharp pointed protrusions" shall be defined as meaning all fence material extending above the highest continuous horizontal fence component and possessing a horizontal surface area at the tip of each protrusion that is less than 0.0625 square inch, with the width and/or depth of this horizontal surface area measuring less than 0.25 lineal inch.

E. Electrical fences above grade shall be prohibited.

F. Fences along property lines shall have no openings for vehicular traffic except as may be approved by the Fire Chief.

(*ARTICLE III*, *DIVISION 3-6*, *SECTION 3-602 cont.*)

5. Screening and Landscaping.

A. Effective screening and landscaping is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from the effects of noise, light, traffic, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance the community's quality of life, improve property values, reduce the harsh characteristics of intensive development, and help to make all land uses more compatible.

B. In order to achieve these objectives, all properties within the office zoning districts shall comply with the following requirements in the manner provided in the SPL Manual:

(1) All landscape areas identified on an approved landscape plan shall be continuously maintained in a healthy, growing condition using irrigation systems and maintenance standards without limitation, identified in the SPL Manual. Failure to maintain such landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Ordinance.

(2) A greenbelt possessing a minimum width of twenty (20) feet shall be provided along all major arterial streets, minor arterial streets, and collector streets. The Planning Commission may enhance such a greenbelt with a landscaping screen or increase the width of the greenbelt when a residential development abuts a major arterial street and it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(3) A greenbelt possessing a minimum width of ten (10) feet or a minimum five (5) feet wide buffer area containing a fence wall shall be provided on the same zoning lot along all property lines abutting single-family and multiple-family residential zoning districts and previously developed commercial and higher intensity use zoning districts which lack screening and landscaping along such property lines in accordance with the provisions of this Zoning Ordinance. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt along a shared property line with a commercial or higher intensity use zoning district when it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(4) A combination of interior landscape areas shall be provided to: achieve traffic safety through effective definition of off-street parking areas, enhance positive drainage from buildings and impervious surface areas, and to provide for the general welfare of the residents. The total area of interior landscaping provided shall include, but not be limited to, landscaping near building entrances, along building foundations, along pedestrian walkways, along service areas, and in off-street parking areas.

(5) The required landscaping under this subsection shall be installed prior to receiving a final certificate of occupancy.

(6) All waste material container areas required as part of a site plan shall be screened and maintained.

C. The Planning Commission may grant a special exception allowing for a reduction or waiver in the landscape area and/or landscape material required under this subsection, but only if such landscaping or screening would serve no useful purpose or would entail substantial noneconomic hardship for the developer relative to achieving the benefits and objectives stated in this subsection. The Planning Commission may grant such a waiver exclusively for the proposed use, reserving the right to require establishment of all landscape requirements when there is a change of use. When such a temporary waiver is approved by the Planning Commission, such waiver shall be recorded on the property in such form and language acceptable to the Township Attorney. In addition to the above factors, the Planning Commission shall base its decision on the following considerations along with any other relevant information:

(1) The character, scope, and site design of the proposed use of the property.

(2) The character, design, and uses of the adjacent properties to be screened.

(3) The natural features, including the terrain, trees, and other vegetation that may act as a natural screen or buffer.

(*ARTICLE III, DIVISION 3-6 cont.*)

SECTION 3-603. O-1, LOCAL OFFICE DISTRICT

The regulations in the subsections below shall apply to properties in the O-1 Local Office Zoning District:

1. Purpose and Intent. The O-1 zoning district is intended to implement the goals of the Office and Local Business land use designations as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** and Master Plan Objective 7-2, ***Plan and Encourage Development of Neighborhood Nodes***, as described in Chapter 9 of the Master Plan by permitting office and restricted business uses of a scope and capacity which are relatively compatible with the character of the surrounding neighborhood and do not generate large volumes of vehicular traffic, providing office buildings in landscaped settings with off-street parking areas, operating only during generally accepted normal business hours, and promoting the viability of neighborhood nodes. This zoning district is intended to limit the intensity of office development through the height and usable floor area restrictions specified within **Sections 3-900** and **3-901**. This zoning district shall be primarily located along minor arterial streets. This zoning district may be used as a transition zone between a major arterial street and existing single-family zoning districts to ensure effective vehicular and pedestrian accessibility and minimize the impact of nonresidential uses on adjacent residential neighborhoods. The O-1 zoning district shall be coordinated and balanced with the C-1, Neighborhood Business District within each of the Township's neighborhood nodes to ensure complementary land uses and minimize the effect of competitive economic pressures, such as the location of the same permitted use on each of the four (4) corners of a neighborhood node, that can jeopardize the viability of a neighborhood node.

2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.

3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the O-1 district:

A. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
B. Professional medical care offices *(See **Medical Establishments** in **Section 1-007**)*.
C. Personal advice and personal improvement service establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.

4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the O-1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

A. Child day care centers *(See **Child Day Care Facilities** in **Section 1-007**)*.
B. Educational facilities *(See **Educational Facilities** in **Section 1-007**)*.
C. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
D. Medical clinics *(See **Medical Establishments** in **Section 1-007**)*.
E. Veterinary clinics *(See **Veterinary Establishments** in **Section 1-007**)*. A veterinary clinic may include customary pens or cages which are permitted only within the clinic building limited to overnight observation and shall only be incidental to such clinic use.
F. Funeral home establishments *(See **Funeral Home Establishments** in **Section 1-007**)*.
G. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
H. Substance abuse care centers that provide out-patient care only *(See **Medical Establishments** in **Section 1-007**)*.
I. Fitness centers *(See **Recreational Facilities** in **Section 1-007**)*.

(*ARTICLE III, DIVISION 3-6 cont.*)

SECTION 3-604. O-2, GENERAL OFFICE DISTRICT

The regulations in the subsections below shall apply to properties in the O-2 General Office Zoning District:

1. Purpose and Intent. The O-2 zoning district is intended to implement the goals of the Office and Community Business land use designations as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** by permitting office buildings and office parks of a scope and capacity which serve a geographic area beyond nearby neighborhoods, providing office buildings on zoning lots of sufficient scale to contain landscaped settings with off-street parking areas that serve employees and customers without creating vehicular-pedestrian traffic conflicts, and possessing reasonable setbacks that provide effective buffering for adjoining less intensive land uses. This zoning district shall be primarily located along major arterial streets. This zoning district is intended to provide for the intensity of office development with usable floor areas greater than two thousand five hundred (2,500) feet and through allowances for taller building heights specified within **Sections 3-900** and **3-901**.

2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.

3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the O-2 district:

A. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
B. Professional medical care offices *(See **Medical Establishments** in **Section 1-007**)*.
C. Personal advice and personal improvement service establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
D. Commercial school, media production and media communications establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
E. Child day care centers *(See **Child Day Care Facilities** in **Section 1-007**)*.
F. Educational facilities *(See **Educational Facilities** in **Section 1-007**)*.
G. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
H. Fitness centers *(See **Recreational Facilities** in **Section 1-007**)*.
I. Conference facilities *(See **Conference Facilities** in **Section 1-007**)*.
J. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
K. Funeral home establishments *(See **Funeral Home Establishments** in **Section 1-007**)*.

4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the O-2 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

A. Medical establishments other than professional medical care offices *(See **Medical Establishments** in **Section 1-007**)*.
B. Veterinary clinics *(See **Veterinary Establishments** in **Section 1-007**)*. A veterinary clinic may include customary pens or cages which are permitted only within the clinic building limited to overnight observation and shall only be incidental to such clinic use.
C. Halfway houses *(See **Halfway House** in **Section 1-007**)*.
D. Correctional group homes *(See **Correctional Group Homes** in **Section 1-007**)*.
E. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
F. Massage schools *(See **Section 1-006**)*.
G. Medium-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)*, provided that if special approval is granted all MWES components shall be inspected and approved by the Building Official in accordance with **Section 4-016**.

5. Planned Unit Developments. Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-604.3** with one or more of the uses listed in **Section 3-604.4, Section 3-404.3.A,** and **Section 3-705.3**, subject to the review and approval of the development in accordance with **Section 4-005,** are permitted.

DIVISION 3-7 - COMMERCIAL ZONING DISTRICTS

SECTION 3-700. PURPOSE AND INTENT

The C-1, C-2, C-3, C-4, C-UB, and C-UL Commercial Districts are designed to provide for a range of commercial development and uses in the Township, while at the same time preserving the general welfare of adjacent and nearby residential areas. This Division establishes six (6) commercial districts, each of which is designed for certain locations where its specific combinations of use, area, bulk, and other requirements will provide a scope of commercial uses compatible with the surrounding area. In determining uses for inclusion in each district, intensity factors including trip generation characteristics, trade and service area characteristics, typical hours of operation, and other determinants of use compatibility and transition have been considered.

In addition to the six (6) traditional commercial zoning districts, overlay zoning districts may be adopted and included in this Division as amendments to this Zoning Ordinance to implement the Master Plan goals identified for the areas designated as Planned Destination, Regional Commerce, Central Community Business, Commercial Corridor Gateways, and the Historic District. Overlay districts that are adopted as part of this Zoning Ordinance shall be designed and intended to apply and promote innovative design principles, apply a balanced mixture of land uses, improve and enhance nonmotorized transportation infrastructure, apply traffic calming measures, effectively manage stormwater, and provide for effective emergency vehicle access. Overlay zoning districts, when adopted as part of this Zoning Ordinance, shall be limited to zoning lots completely within the boundaries of the areas specified in the purpose statement of each overlay district. The intent of overlay districts is to include development parameters that, when identified conditions are met, the use and promotion of innovative design principles can be achieved through the flexible application of the standards found in **Sections 3-900** and **3-901** for the underlying zoning district.

SECTION 3-701. PROHIBITED USES

It is the intent of this Division to specifically prohibit uses which are not listed in this Division as permitted or special approval uses. Subject to the provisions of **ARTICLE II, Division 2-7**, uses that are being conducted upon zoning lots within these districts that are not listed as permitted or special approval uses within the district shall be deemed in violation of this Zoning Ordinance.

SECTION 3-702. REGULATIONS APPLICABLE TO PROPERTIES IN THE C-1, C-2, C-3, C-4, C-UB, and C-UL ZONING DISTRICTS

The regulations in the subsections below are applicable to properties in the C-1 through C-4, C-UB, and C-UL zoning districts:

1. **Vehicle Regulations.** The purpose of this subsection is to preserve and promote the health, safety and general welfare of citizens, motorists and pedestrians alike, within the commercial districts of the Township through the regulation of parking and storage of personal, commercial, and recreational vehicles and equipment, such that vehicles do not detract from the appearance and character of the surrounding area, do not negatively affect the value and marketability of surrounding properties, do not cause the overcrowding of land and reduction of open space, do not constitute traffic hazards, do not obstruct access to rights-of-way or nonmotorized pathways, do not present an attractive nuisance for children, do not impede crime prevention and/or hamper the effectiveness and access of emergency personnel, vehicles and equipment, or do not become involved in illegal vehicle sales or result in the storage or collection of junk vehicles in commercial districts.
   - ***A. Vehicle Parking.*** Parking shall be restricted to the off-street parking facilities identified on an approved site plan. Such facilities shall be located within three-hundred (300) feet of the use requiring such parking as measured along the lines of pedestrian access between the nearest point of the parking facility and the nearest point of the building or use to be served.
   - ***B. Vehicle Storage.*** Storage of vehicles unrelated to the principal use is prohibited within the commercial zoning districts. A storage area for vehicles in good repair and related to the principal use that is separate from the required parking area, that is indicated on a final site plan, meets all Zoning Ordinance requirements, and receives approval through the proper site plan review procedure, shall be permitted.
   - ***C. Vehicle Sales.*** Vehicle sales are limited to those zoning lots located in commercial zoning districts where such a use is permitted or has been granted special approval by the Planning Commission, is operating in accordance with an approved site plan, and possesses all required State of Michigan and municipal licenses for the use described on the approved site plan.

(*ARTICLE III*, *DIVISION 3-7*, *SECTION 3-702 cont.*)

2. Accessory Buildings, Accessory Structures, and Accessory Uses. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses *(Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under **Building, Structure,** or **Use** in **Section 1-007**)* shall be permitted in commercial districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjuction with the permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Sections 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

A. Accessory buildings and accessory structures, subject to all of the following conditions:
   (1) They are indicated and approved as part of a final or revised site plan.
   (2) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.
   (3) Accessory buildings or accessory structures shall not be permitted as the only building or structure on a zoning lot.
   (4) Accessory buildings and accessory structures shall conform to all setback and height requirements for the zoning district in which it is located.
   (5) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

B. Off-street parking areas in accordance with **Section 2-405**.

C. Outdoor dining patios (*See **Structure** in **Section 1-007**)*, when permitted in the zoning district, provided that all components have been inspected and approved by the Building Official.

D. Commercial satellite dish structures and antenna support structures.

E. Exterior appliances (*See **Exterior Appliance** in **Section 1-007**)*.

F. Financial transaction stations (*See **Financial Transaction Station** in **Section 1-007**)*.

G. Dispenser box apparatus (*See **Dispenser Box Apparatus** in **Section 1-007**)*.

H. Ornamental structures and pole structures used exclusively as flagpoles, provided that they shall comply with all setback restrictions of the zoning district in which they are located and they do not exceed the height limitations of **Section 2-103**.

I. Solar energy systems and small-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)* approved in accordance with **Section 4-016**.

J. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.

K. Area public utility facilities (*See **Public Utility** in **Section 1-007**)* and regional public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

L. Temporary construction buildings and nonpermanent structures, as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

M. Promotional uses, sidewalk established business sales, and special events when permitted in accordance with **Section 4-013.**

N. Temporary retail food establishments in conjunction with permitted promotional uses, sidewalk established business sales, and special events.

O. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010, or 4-011**, and as authorized for the timeframe specified in writing by the Building Official.

P. Drive-thru service facilities *(See **Drive-Thru Service** in **Section 1-007**)*, provided establishment of such service facilities on a zoning lot governed by an approved site plan shall require site plan approval in accordance with **Section 4-004.1**. Approval of drive-thru service facilities in any zoning district established under this Division shall be contingent upon the subject zoning lot maintaining effective pedestrian and vehicular circulation, required parking, and required setbacks and landscaping after installation of such service facilities.

3. Signs. In addition to those signs described in **ARTICLE II, Division 2-5** as exempted from regulation or as allowed in all zoning districts, signs in the commercial districts shall pertain to uses located upon the same zoning lot to which the sign relates, except as otherwise provided by this Zoning Ordinance. Signs shall also adhere to the

(ARTICLE III, DIVISION 3-7, SECTION 3-702.3 cont.)

following requirements:

A. ***Freestanding Signs***. Freestanding signs that comply with all requirements of **Section 2-508** are permitted.

B. ***Wall Signs and Window Signs***. Wall and window signs that comply with all requirements of **Section 2-507** are permitted.

C. ***Directional Signs.*** One (1) directional sign may be placed near each approved point of ingress and egress, provided it is located so as not to be a visual obstruction to vehicular and nonmotorized traffic. Directional signs shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height, and shall be setback at least fifteen (15) feet from any public or private right-of-way.

D. ***Special Purpose Signs.*** Special purpose signs intended to direct and inform on-premise patrons of services and/or products offered by the business establishment may be placed on buildings and structures provided a sign does not exceed two (2) square feet in area.

E. ***Temporary Signs and Portable Signs***. Temporary and portable signs are prohibited, with the following exceptions:

(1) Temporary and portable signs may be used in conjunction with a temporary use permitted in accordance with **Section 4-013** and in compliance with the following criteria:

(A) No more than one (1) portable sign may be used, provided that such sign shall not exceed thirty-two (32) square feet in area and shall not exceed eight (8) feet in height.

(B) No temporary sign or portable sign shall be located closer than ten (10) feet to a public or private right-of-way.

(C) No temporary sign or portable sign shall be located closer than fifty (50) feet to single-family residential zoning districts and uses.

(D) No temporary sign or portable sign shall be located in such a manner as to interfere with or create a visual obstruction to vehicular or nonmotorized traffic flow or to vehicular parking.

(E) No more than one (1) inflatable device sign may be used.

(F) Festoon signs may be used.

(G) Banner signs may be used, provided that they are affixed to a wall of the principal building and do not exceed ten (10) percent of the total area of such wall.

(2) Installation of banners on onsite light poles within parking areas on zoning lots possessing a lot area of 43,560 sq. ft. or more and governed by an approved site plan may be permitted upon review and approval of the Planning Commission in accordance with **Section 4-004.1**. The Planning Commission may regulate the dimensions and number of such banners on a qualified zoning lot as part of its decision.

4. **Fences.** Fences shall follow the contour of the ground upon which they are secured, subject only to the flexibility limitations of the fencing materials used. Therefore, the height at any given location along a fence shall be measured from a point on the ground perpendicular to the fence height point being measured. Where pre-constructed fence panels limit fencing from following the ground's contour between the fence posts upon which a fence panel is secured, the height of the fence shall be measured from the closest point on the ground perpendicular to where the fence panel is secured to a fence post. All fences of any kind located in commercial districts shall conform to the following regulations (Please also refer to *Figures VII-62 through VII-65* on Pages VII-33 and VII-34 in **Article VII**):

A. Fences may be located on any property line provided that no fence shall be higher than four (4) feet above the grade plane in any required front yard or lake front yard, or on any lot line bordering a required front yard or corner street front yard except as otherwise provided by this Zoning Ordinance. Fences located on any other property line shall be no higher than six (6) feet above the grade plane. For zoning lots with an immediate grade differential along the property line at the point of an abutting residential zoning district, the fence or wall shall be constructed with a base measurement from the high point of the grade along the property line, provided the fence height is not a clear vision obstruction to the movement of motorized and nonmotorized traffic.

B. All fences shall be constructed of materials listed in the SPL Manual to meet all standards of the **Waterford Code of Ordinances, Buildings and Building Regulations** and shall be adequately maintained to be safe and in good condition.

C. Fences located off the property line and not within any required yard shall not exceed eight (8) feet in height above the grade plane.

D. Spikes, nails, or any other sharp pointed protrusions of any kind are prohibited on top of or on the sides of any fence, wall, or protective barrier. For purposes of this subsection, the term "sharp pointed protrusions" shall be defined as meaning all fence material extending above the highest continuous horizontal fence component and possessing a horizontal surface area at the tip of each protrusion that is less than 0.0625 square inch, with the width and/or depth of this horizontal surface area measuring less than 0.25 lineal inch. Barbed wire is prohibited on the sides, but may be placed on top of fences, walls or protective barriers provided that the barbed wire cradles shall consist of no more than three (3) strands of wire and shall face into the property which it is to protect.

E. Electrical fences above grade shall be prohibited.

F. Fences along property lines shall have no openings for vehicular traffic except as may be approved by the Fire Chief.

(*ARTICLE III*, *DIVISION 3-7*, *SECTION 3-702 cont.*)

5. Screening and Landscaping.

A. Effective screening and landscaping is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from the effects of noise, light, traffic, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance the community's quality of life, improve property values, reduce the harsh characteristics of intensive development, and help to make all land uses more compatible.

B. In order to achieve these objectives, all properties within the commercial zoning districts shall comply with the following requirements in the manner provided in the SPL Manual:

(1) All landscape areas identified on an approved landscape plan shall be continuously maintained in a healthy, growing condition using irrigation systems and maintenance standards without limitation, identified in the SPL Manual. Failure to maintain such landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Ordinance.

(2) A greenbelt possessing a minimum width of twenty (20) feet shall be provided along all major arterial streets, minor arterial streets, and collector streets. The Planning Commission may enhance such a greenbelt with a landscaping screen or increase the width of the greenbelt when a residential development abuts a major arterial street and it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(3) A transitional yard *(See **Yard** in **Section 1-007**)* incorporating a minimum ten (10) feet wide greenbelt with a landscaping screen, or a minimum five (5) feet wide greenbelt with a fence wall, shall be provided on the same zoning lot along all property lines abutting single-family and multiple-family residential zoning districts. For uses listed in **Sections 3-705.5** and **3-706.5**, the Planning Commission may require a transitional yard greenbelt width up to thirty (30) feet containing a fence wall and/or a landscaping screen pursuant to standards set forth in the SPL Manual.

(4) A greenbelt possessing a minimum width of ten (10) feet or a minimum five (5) feet wide buffer area containing a fence wall shall be provided on the same zoning lot along all property lines abutting previously developed office and higher intensity use zoning districts which lack screening and landscaping in accordance with the provisions of this Zoning Ordinance. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt up to twenty (20) feet along a shared property line with a higher intensity use zoning district when it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(5) A combination of interior landscape areas shall be provided to achieve traffic safety through effective definition of off-street parking areas, enhance positive drainage from buildings and impervious surface areas, and to provide for the general welfare of the residents. The total area of interior landscaping provided shall include, but not be limited to, landscaping near building entrances, along building foundations, along pedestrian walkways, along service areas, and in off-street parking areas.

(6) The required landscaping under this subsection shall be installed prior to receiving a final certificate of occupancy.

(7) All waste material container areas required as part of a site plan shall be screened and maintained.

C. The Planning Commission may grant a special exception allowing for a reduction or waiver in the landscape area and/or landscape material required, but only if full screening would serve no useful purpose or would entail substantial noneconomic hardship for the developer relative to the positive screening benefit to adjacent properties. The Planning Commission may also grant such a waiver exclusively for the proposed use, reserving the right to require establishment of all landscape requirements when there is a change of use. When such a temporary waiver is approved by the Planning Commission, such waiver shall be recorded on the property in such form and language acceptable to the Township Attorney. In addition to the above factors, the Planning Commission shall base its decision on the following considerations along with any other relevant information:

(1) The character, scope, and site design of the proposed use of the property.

(2) The character, design, and uses of the adjacent properties to be screened.

(3) The natural features, including the terrain, trees, and other vegetation that may act as a natural screen or buffer.

(*ARTICLE III, DIVISION 3-7 cont.*)

SECTION 3-703. C-1, NEIGHBORHOOD BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-1 Neighborhood Business Zoning District:

1. **Purpose and Intent.** The C-1 zoning district is intended to implement the goals of the Local Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** and Master Plan Objective 7-2, ***Plan and Encourage Development of Neighborhood Nodes***, as described in Chapter 9 of the Master Plan by permitting business uses designed for the convenience of persons residing in adjacent residential neighborhoods, such as personal service and personal grooming establishments, shopfront retail uses, and neighborhood shopping centers that are designed in scale with the character of the surrounding residential neighborhood, do not generate large volumes of vehicular traffic, encourage pedestrian traffic, provide buildings in landscaped settings with off-street parking areas, operate only during generally accepted normal business hours, and promote the viability of neighborhood nodes. This zoning district is intended to limit the intensity of commercial development through the height and usable floor area restrictions specified within **Sections 3-900** and **3-901**. This zoning district shall be primarily located along minor arterial streets and collector streets near residential neighborhoods to ensure effective vehicular and pedestrian accessibility and minimize the impact of nonresidential uses on adjacent residential neighborhoods. The C-1 zoning district shall be coordinated and balanced with the O-1, Local Office District within neighborhood nodes to ensure complementary land uses and minimize the effect of competitive economic pressures, such as the location of the same permitted use on each of the four (4) corners of a neighborhood node that can jeopardize the viability of a neighborhood node.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-1 district:
   A. Convenience stores, limited merchandise stores, and specialty retail stores *(See **Retail Establishments** in **Section 1-007**)*.
   B. Animal grooming establishments, commercial school establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, and personal service establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   C. Drop-off dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   D. Professional medical care offices *(See **Medical Establishments** in **Section 1-007**)*.
   E. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
   F. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants *(See **Restaurant Establishments** in **Section 1-007**)*.
   G. Entertainment rental establishments *(See **Rental Establishments** in **Section 1-007**)*.
   H. Fitness centers *(See **Recreational Facilities** in **Section 1-007**)*.
   I. Used book shops *(See **Resale Establishments** in **Section 1-007**)*.
   J. Neighborhood public utility facilities, public utility hardware, and area public utility facilities (*See **Public Utility** in **Section 1-007**)*.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-1 district,, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Outdoor dining patios (*See **Structure** in **Section 1-007**)* conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for: reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure that such use does not violate the performance standards established in this Zoning Ordinance.
   B. Regional public utility facilities (*See **Public Utility** in **Section 1-007**)*, provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

(*ARTICLE III, DIVISION 3-7 cont.*)

SECTION 3-704. C-2, SMALL BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-2 Small Business Zoning District:

1. **Purpose and Intent.** The C-2 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.1, ***Develop and Utilize Township Capacity for Proactive Economic Development,*** by permitting commercial uses properly scaled and designed for zoning lots with limited lot area that were established along commercial corridors prior to the adoption of commercial zoning regulations in Waterford Township.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-2 district:
   A. Convenience stores, limited merchandise stores, and specialty retail stores *(See **Retail Establishments** in **Section 1-007**)*.
   B. Animal grooming establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   C. Drop-off dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   D. Professional medical care offices *(See **Medical Establishments** in **Section 1-007**)*.
   E. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
   F. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants *(See **Restaurant Establishments** in **Section 1-007**)*.
   G. Entertainment rental establishments *(See **Rental Establishments** in **Section 1-007**)*.
   H. Used book shops *(See **Resale Establishments** in **Section 1-007**)*.
   I. Neighborhood public utility facilities (*See **Public Utility** in **Section 1-007**)* and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
   J. Area public utility facilities (*See **Public Utility** in **Section 1-007**)* and regional public utility facilities (*See **Public Utility** in **Section 1-007**),* provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
4. **Permitted Uses after Wellhead Protection Compliance.** Minor vehicle service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)* shall be permitted as a principal permitted use in the C-2 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**.

(*ARTICLE III, DIVISION 3-7 cont.*)

SECTION 3-705. C-3, GENERAL BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-3 General Business Zoning District:

1. **Purpose and Intent.** The C-3 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** by permitting the development of a broad range of general commercial uses on zoning lots properly scaled and designed to serve broad areas of the Township. This zoning district is intended to limit the intensity of commercial development through the height and usable floor area restrictions specified within **Sections 3-900** and **3-901**, and ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected. To ensure effective vehicular and pedestrian accessibility, this zoning district shall be primarily located with access along major arterial streets, and may be located with access along minor arterial streets where the zoning lot and use are properly scaled. This zoning district may serve as a transitional zone between light industrial or extensive business zoning districts and existing single-family residential zoning districts.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-3 district:
   A. Convenience stores, department stores, drug stores, limited merchandise stores, merchandise display stores, specialty retail stores, and supermarket establishments *(See **Retail Establishments** in **Section 1-007**)* without outdoor sales display areas.
   B. Shopping centers *(See **Retail Establishments** in **Section 1-007**)* without outdoor sales display areas.
   C. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments *(See **Commercial Service Establishments** in **Section 1-007**).*
   D. Drop-off dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**).*
   E. Professional medical care offices and medical clinics *(See **Medical Establishments** in **Section 1-007**).*
   F. Office establishments *(See **Office Establishments** in **Section 1-007**).*
   G. Restaurant establishments *(See **Restaurant Establishments** in **Section 1-007**)* without outdoor dining patios.
   H. Entertainment rental establishments and rent-to-own establishments *(See **Rental Establishments** in **Section 1-007**).*
   I. Entertainment activity centers and theaters *(See **Entertainment Establishments** in **Section 1-007**).*
   J. Hotels and motels *(See **Hotel and Motel** in **Section 1-007**).*
   K. Fitness centers and health/recreation facilities *(See **Recreational Facilities** in **Section 1-007**).*
   L. Antique stores, used book shops, consignment shops, and thrift shops *(See **Resale Establishments** in **Section 1-007**).*
   M. Veterinary clinics *(See **Veterinary Establishments** in **Section 1-007**).* A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation and shall only be incidental to such clinic use.
   N. Funeral home establishments *(See **Funeral Home Establishments** in **Section 1-007**).*
   O. Precious metal and gem dealers *(See **Section 1-006**)* in conformance with **Section 2-602**.
   P. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**).*
4. **Permitted Uses after Wellhead Protection Compliance.** The following uses shall be permitted as principal permitted uses in the C-3 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:
   A. Landscaping maintenance establishments *(See **Commercial Service Establishments** in **Section 1-007**).*
   B. Local dry-cleaning and commercial dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**).*
   C. Minor vehicle service facilities and general vehicle service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**).*

(*ARTICLE III*, *DIVISION 3-7*, *SECTION 3-705 cont.*)

5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-3 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
   B. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
   C. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   D. Hospitals *(See **Medical Establishments** in **Section 1-007**)*.
   E. Vehicle (car) wash establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   F. Veterinary hospitals *(See **Veterinary Establishments** in **Section 1-007**)*. A veterinary hospital may include customary pens or cages as an accessory use on the zoning lot, provided that they are an identified part of an approved site plan.
   G. Vehicle lease or rental agencies *(See **Vehicle Lease or Rental Agency** in **Section 1-007**)*. An approved site plan for a vehicle rental agency office shall incorporate plan details for all zoning lots utilized for outdoor vehicle inventory storage, and provide and maintain current information on all storage locations of its inventory, ensuring that zoning lots shall not exceed Zoning Ordinance requirements for inventory storage.
   H. The uses permitted under **Sections 3-705.3.A** and **3-705.3.B** with outdoor sales display areas *(See **Use** in **Section 1-007**)*.
   I. Restaurant establishments *(See **Restaurant Establishments** in **Section 1-007**)* with outdoor dining patios conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.
   J. Pawnshops and second-hand dealers *(See **Section 1-006**)* in conformance with **Section 2-602**.
   K. Substance abuse care centers and transitional medical care facilities *(See **Medical Establishments** in **Section 1-007**)*.
   L. Sport recreation facilities, golf driving ranges, and skateboard parks *(See **Recreational Facilities** in **Section 1-007**)*.
   M. Competitive commercial adventure game facilities *(See **Entertainment Establishments** in **Section 1-007**)*.
   N. Massage schools *(See **Section 1-006**)* in conformance with **Section 2-602**.
   O. Commercial storage establishments *(See **Commercial Storage Establishments** in **Section 1-007**)*, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
   P. Light equipment rental establishments *(See **Rental Establishments** in **Section 1-007**)* and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)* conducted entirely within the principal building with no outdoor display or storage.
   Q. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section.
      (1) On zoning lots with a net lot area exceeding one (1) acre, light equipment rental establishments *(See **Rental Establishments** in **Section 1-007**)* and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)* with outdoor display or storage.
      (2) Commercial fueling establishments *(See **Commercial Fueling Establishments** in **Section 1-007**)*.
      (3) Propane filling facilities as an ancillary use *(See **Use** in **Section 1-007**)* for permitted uses identified in **Sections 3-705.3.A** and **3-705.3.B**.
      (4) Major vehicle service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)*.

(*ARTICLE III, DIVISION 3-7 cont.*)

SECTION 3-706. C-4, EXTENSIVE BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-4 Extensive Business Zoning District:

1. **Purpose and Intent.** The C-4 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** by permitting commercial uses that require intensive use of the land on zoning lots located with access along major arterial streets, are properly scaled and designed for major arterial street oriented and open air businesses, and contain substantial land area for safe vehicular accessibility, off-street parking, and product display. This zoning district is intended to utilize extensive planning and site development design to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas are not adversely affected.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-4 district:
   A. Retail establishments *(See **Retail Establishments** in **Section 1-007**)*, including such establishments with outdoor sales display areas.
   B. Commercial service establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   C. Restaurant establishments *(See **Restaurant Establishments** in **Section 1-007**)*.
   D. Entertainment establishments *(See **Entertainment Establishments** in **Section 1-007**)*.
   E. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
   F. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
   G. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   H. Recreational facilities conducted completely within a building approved for the use *(See **Recreational Facilities** in **Section 1-007**)*.
   I. Drop-off dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   J. Medical establishments *(See **Medical Establishments** in **Section 1-007**)*.
   K. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
   L. Conference facilities *(See **Conference Facility** in **Section 1-007**)*.
   M. Convention centers *(See **Convention Centers** in **Section 1-007**)*.
   N. Entertainment rental and rent-to-own establishments *(See **Rental Establishments** in **Section 1-007**)*.
   O. Hotels and motels *(See **Hotel and Motel** in **Section 1-007**)*.
   P. Antique stores, used book shops, consignment shops, and thrift shops *(See **Resale Establishments** in **Section 1-007**)*.
   Q. Funeral home establishments *(See **Funeral Home Establishment** in **Section 1-007**)*.
   R. Veterinary establishments *(See **Veterinary Establishments** in **Section 1-007**)*.
   S. Light equipment rental establishments *(See **Rental Establishments** in **Section 1-007**)* and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)* conducted entirely within the principal building with no outdoor display or storage.
   T. Vehicle lease or rental agencies *(See **Vehicle Lease or Rental Agency** in **Section 1-007**)*, including such uses with outdoor vehicle inventory storage.
   U. Precious metal and gem dealers *(See **Section 1-006**)* in conformance with **Section 2-602**.
   V. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
4. **Permitted Uses after Wellhead Protection Compliance.** The following uses shall be permitted as principal permitted uses in the C-4 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:
   A. Landscaping maintenance establishments *(See **Commercial Service Establishments** in **Section 1-007**)* provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building.
   B. Local dry-cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   C. Commercial dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.

(*ARTICLE III*, *DIVISION 3-7*, *SECTION 3-706.4 cont.*)

D. Minor vehicle service facilities and general vehicle service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)*.

E. On zoning lots with a net lot area exceeding one (1) acre:

(1) Light equipment rental establishments *(See **Rental Establishments** in **Section 1-007**)*, with outdoor display and storage.

(2) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)*, with outdoor display and storage.

5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-4 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

A. Recreation facilities *(See **Recreational Facilities** in **Section 1-007**)* containing both indoor and outdoor facilities.

B. Commercial storage establishments *(See **Commercial Storage Establishments** in **Section 1-007**)*, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.

C. Flea markets *(See **Resale Establishments** in **Section 1-007**)* in conformance with **Section 2-602**.

D. Outdoor storage as an accessory use for the uses listed in **Sections 3-706.3.A** and **B,** provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.

E. Adult entertainment uses *(See **Adult Entertainment Use** in **Section 1-007**)* in conformance with **Sections 2-601 and 2-602**.

F. Pawnshops and second-hand dealers *(See **Section 1-006**)* in conformance with **Section 2-602**.

G. Massage parlors and massage schools *(See **Section 1-006**)* in conformance with **Sections 2-602**.

H. Halfway houses *(See **Halfway House** in **Section 1-007**)*.

I. Home display courts *(See **Home Display Court** in **Section 1-007**)*.

J. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a determination of compliance with wellhead protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section:

(1) Commercial fueling establishments *(See **Commercial Fueling Establishments** in **Section 1-007**)*.

(2) Propane filling facilities as an ancillary use *(See **Use** in **Section 1-007**)* for permitted uses identified in **Sections 3-706.3.A, 3-706.3.B,** and **3-706.3.V**.

(3) Major vehicle repair facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)*.

(4). Fueling facilities as an ancillary use *(See **Use** in **Section 1-007**)* for permitted uses identified in **Sections 3-706.3.P, 3-706.3.T,** and **3-706.3.V**.

K. Medium-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)*, provided that if special approval is granted all MWES components shall be inspected and approved by the Building Official in accordance with **Section 4-016**.

6. Transient Uses. **S**ubject to review in accordance with **Section 4-012** and in conjunction with receiving a license in accordance with the **Waterford Code of Ordinances, Transient Merchants**, transient uses *(See **Use** in **Section 1-007**)* may be conducted upon zoning lots in the C-4 zoning district**.**

7. Planned Unit Developments. (Effective 11/03/2012)

A. Subject to review and approval in accordance with **Section 4-005**, planned unit developments are permitted on a zoning lot or group of abutting zoning lots having a size of up to ten (10) acres of buildable area, for mixed uses that incorporate one or more of the uses listed in **Section 3-706.3** with one or more of the uses listed in **Section 3-706.4**, **Section 3-706.5**, **Section 3-404.3.A**, and/or dwelling units located above commercial uses.

B. Subject to review and approval in accordance with **Section 4-005**, planned unit developments are permitted on a zoning lot or group of abutting zoning lots having a size of ten (10) acres or more of buildable area, for mixed uses that incorporate one or more of the uses listed in **Section 3-706.3** with one or more of the uses listed in **Section 3-706.4**, **Section 3-706.5**, **Section 3-404.3.A**, **Section 3-404.3.B**, **Section 404.4.B**, **Section 3-503.3.D**, **Section 3-805.3.A**, dwelling units located above commercial uses, and/or other uses as recommended by the Planning Commission and approved by the Township Board.

(*ARTICLE III, DIVISION 3-7 cont.*)

SECTION 3-707. C-UB, URBAN BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-UB Urban Business Zoning District:

1. **Purpose and Intent.** The C-UB zoning district is intended to implement the goals of the Urban Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** and Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** by permitting a mixture of commercial, office, and residential land uses on zoning lots properly scaled and designed to enhance and improve the traditional urban neighborhood characteristics contained within this zoning district, with an emphasis on streetscape aesthetics and walkability; clusters of free-standing retail shops, restaurants, and offices; a linear landscape pattern along State Highway M-59; improved nonmotorized pathways and traffic calming; allowance for dwelling units located above commercial uses at moderate density; and coordinated street furniture throughout the district. This zoning district is intended to limit the intensity of commercial development through the height, usable floor area, and setback restrictions specified within **Sections 3-900** and **3-901**, and to ensure that sufficient parking is provided without conflicting with streetscape aesthetics and walkability. This zoning district shall be located specifically within, and limited to, the geographic area designated as Urban Business on the Future Land Use Maps.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses conducted completely indoors, with no outdoor service or drive-thru service facilities, shall be permitted as principal permitted uses in the C-UB district:
   A. Convenience stores, department stores, drug stores, limited merchandise stores, merchandise display stores, specialty retail stores, and supermarket establishments *(See **Retail Establishments** in **Section 1-007**)*.
   B. Shopping centers *(See **Retail Establishments** in **Section 1-007**)*.
   C. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   D. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
   E. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   F. Drop-off dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   G. Professional medical care offices and medical clinics *(See **Medical Establishments** in **Section 1-007**)*.
   H. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
   I. Bar/lounges, brewpubs, cabaret/night clubs, cafeterias, carryout restaurants, and fast food/delicatessen/sandwich shop restaurants *(See **Restaurant Establishments** in **Section 1-007**)*.
   J. Entertainment rental establishments and rent-to-own establishments *(See **Rental Establishments** in **Section 1-007**)*.
   K. Entertainment activity centers and theaters *(See **Entertainment Establishments** in **Section 1-007**)*.
   L. Private clubs and philanthropic institutions *(See **Institutional Facilities** in **Section 1-007**)*.
   M. Fitness centers and health/recreation facilities *(See **Recreational Facilities** in **Section 1-007**)*.
   N. Antique stores, used book shops, consignment shops, and thrift shops *(See **Resale Establishments** in **Section 1-007**)*.
   O. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
4. **Permitted Uses after Wellhead Protection Compliance.** Local dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)* and minor vehicle service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)* shall be permitted as principal permitted uses in the C-UB district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**.

(ARTICLE III, DIVISION 3-7, SECTION 3-707 cont.)

5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-UB district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. The uses permitted under **Section 3-707.3.I** with outdoor dining patios (*See **Structure** in **Section 1-007**)* conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.
   B. Banquet and food preparation establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   C. Veterinary clinics *(See **Veterinary Establishments** in **Section 1-007**)*. A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation, and shall only be incidental to such clinic use.
   D. Funeral home establishments *(See **Funeral Home Establishments** in **Section 1-007**)*.
   E. Precious metal and gem dealers *(See **Section 1-006**)* in conformance with **Section 2-602**.
6. **Planned Unit Developments.** Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-707.3** with one or more of the uses listed in **Section 3-707.4, Section 3-707.5, Section 3-404.3.A,** and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with **Section 4-005,** are permitted.

(*ARTICLE III, DIVISION 3-7 cont.*)

SECTION 3-708. C-UL, UNION LAKE BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-UL Union Lake Business Zoning District:

1. **Purpose and Intent**. The C-UL zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** and Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** by permitting a mixture of commercial and office land uses on zoning lots properly scaled and designed to enhance and improve the local business corridor characteristics contained within the Union Lake Business District, which lies within four distinct municipalities (being Waterford, West Bloomfield, Commerce, and White Lake Townships) with an emphasis on the following: streetscape aesthetics and walkability; clusters of free-standing retail shops, restaurants, and offices; a linear landscape pattern along Cooley Lake Road; improved nonmotorized pathways and traffic calming; and coordinated street furniture throughout the zoning district. This zoning district shall be located specifically along Cooley Lake Road between Williams Lake Road and Lochaven Road as depicted on the Master Plan.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-UL district:
   A. Retail establishments *(See **Retail Establishments** in **Section 1-007**)* contained within the principal building and with no outdoor display.
   B. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, and personal service establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   C. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
   D. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
   E. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
   F. Child day care centers *(See **Child Day Care Facilities** in **Section 1-007**)*.
   G. Drop-off dry cleaning and local dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   H. Professional medical care offices and medical clinics *(See **Medical Establishments** in **Section 1-007**)*.
   I. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
   J. Restaurant establishments *(See **Restaurant Establishments** in **Section 1-007**)*, with outdoor dining patio services.
   K. Entertainment rental establishments and rent-to-own establishments *(See **Rental Establishments** in **Section 1-007**)*.
   L. Entertainment activity centers and theaters *(See **Entertainment Establishments** in **Section 1-007**)*.
   M. Fitness centers and health/recreation facilities *(See **Recreational Facilities** in **Section 1-007**)*.
   N. Antique stores, used book shops, consignment shops, thrift shops *(See **Resale Establishments** in **Section 1-007**)*.
   O. Veterinary clinics *(See **Veterinary Establishments** in **Section 1-007**)*. A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation, and shall only be incidental to such clinic use.
   P. Precious metal and gem dealers *(See **Section 1-006**)* in conformance with **Section 2-602**.
   Q. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
4. **Permitted Uses after Wellhead Protection Compliance.** Minor vehicle service facilities and general service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)* shall be permitted as principal permitted uses in the C-UL district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**.
5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the C-UL district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Vehicle (car) wash establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   B. Funeral home establishments *(See **Funeral Home Establishments** in **Section 1-007**)*.
   C. Veterinary hospitals *(See **Veterinary Establishments** in **Section 1-007**)*. A veterinary hospital may include customary pens or cages as an accessory use, provided that they are an identified part of an approved site plan.
   D. Retail establishments *(See **Retail Establishments** in **Section 1-007**)* with outdoor sales display areas.
   E. Landscaping maintenance establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   F. Commercial fueling establishments *(See **Commercial Fueling Establishments** in **Section 1-007**)*.
6. **Planned Unit Developments.** Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-708.3** with one or more of the uses listed in **Section 3-708.4, Section 3-404.3.A,** and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with **Section 4-005,** are permitted.

DIVISION 3-8 - HIGHER INTENSITY USE ZONING DISTRICTS

SECTION 3-800. PURPOSE AND INTENT

The A-1, HT-1, HT-2, M-1, and M-2 Higher Intensity Use Districts are designed to provide for viable industrial, technological, and airport-related uses, as well as ancillary commercial uses compatible with industrial uses, in the Township, while at the same time preserving the health, safety, and general welfare of adjacent uses. This Division sets forth regulations for five (5) higher intensity use districts, each of which is designed for certain locations where its specific combinations of use, area, bulk, and other requirements will provide a scope of uses compatible with the surrounding area. In determining uses for inclusion in each zoning district, intensity factors including trip generation characteristics, trade and service area characteristics, typical hours of operation, and other determinants of use compatibility have been considered.

SECTION 3-801. PROHIBITED USES

It is the intent of this Division to specifically prohibit uses which are not listed in this Division as permitted or special approval uses. Subject to the provisions of **ARTICLE II, Division 2-7**, uses that are being conducted upon zoning lots within these districts that are not listed as permitted or special approval uses within the district shall be deemed in violation of this Zoning Ordinance.

SECTION 3-802. REGULATIONS APPLICABLE TO ALL PROPERTIES IN THE A-1, HT-1, HT-2, M-1, and M-2 ZONING DISTRICTS

The regulations in the subsections below are applicable to properties in the A-1, HT-1, HT-2, M-1, and M-2 zoning districts:

1. Vehicle Regulations. The purpose of this subsection is to preserve and promote the health, safety and general welfare of citizens, motorists and pedestrians alike within the higher intensity use districts of the Township through the regulation of parking and storage of personal, commercial, and recreational vehicles and equipment, such that vehicles do not detract from the appearance and character of the surrounding area, do not negatively affect the value and marketability of surrounding properties, do not cause the overcrowding of land and reduction of open space, do not constitute traffic hazards, do not obstruct access to rights-of-way or nonmotorized pathways, do not present an attractive nuisance for children, do not impede crime prevention and/or hamper the effectiveness and access of emergency personnel, vehicles and equipment, or do not become involved in illegal vehicle sales or result in the unauthorized storage or collection of junk vehicles in higher intensity use districts.

A. Vehicle Parking. Parking shall be restricted to the off-street parking facilities identified on an approved site plan.

B. Vehicle Storage. Storage of vehicles unrelated to the principal use is prohibited within the higher intensity use zoning districts. A storage area for vehicles related to the principal use that is indicated on a final site plan, meets all Zoning Ordinance requirements, and receives approval through the proper site plan review procedure, shall be permitted.

C. Vehicle Sales. Vehicle sales are limited to those zoning lots located in higher intensity use zoning districts where such a use is permitted or has been granted special approval by the Planning Commission, is operating in accordance with an approved site plan, and possesses all required State of Michigan and municipal licenses for the use described on the approved site plan.

2. Accessory Buildings, Accessory Structures, and Accessory Uses. Accessory buildings and accessory structures shall in no instance be located in a right-of-way unless otherwise permitted. The following accessory buildings, accessory structures, and accessory uses *(Unless otherwise referenced, for definitions of specific types of buildings, structures, and uses listed in this subsection, see the respective subdefinitions under **Building, Structure,** or **Use** in **Section 1-007**)* shall be permitted in higher intensity use districts as secondary and clearly incidental to the principal use and principal building on the same zoning lot when they are established and maintained in conjuction with the permitted principal use, or use granted special approval by the Planning Commission; provided that, except as otherwise provided in this subsection, it is in compliance with **Sections 3-900** and **3-901** and all other applicable provisions in this Zoning Ordinance and the **Waterford Code of Ordinances**:

A. Accessory buildings and accessory structures, subject to all of the following conditions:

(1) They are indicated and approved as part of a final or revised site plan.

(2) A building permit is obtained when required, and such building or structure is inspected and approved by the Building Official.

(3) Accessory buildings or accessory structures shall not be permitted as the only building or structure on a zoning lot.

(*ARTICLE III*, *DIVISION 3-8*, *SECTION 3-802.2.A cont.*)

(4) Accessory buildings and accessory structures shall conform to all setback and height requirements for the zoning district in which it is located.

(5) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

B. Off-street parking areas in accordance with **Section 2-405**.

C. Commercial satellite dish structures and antenna support structures.

D. Exterior appliances (*See **Exterior Appliance** in **Section 1-007**)*.

E. Financial transaction stations (*See **Financial Transaction Station** in **Section 1-007**)*.

F. Dispenser box apparatus (*See **Dispenser Box Apparatus** in **Section 1-007**)*.

G. Special events when permitted in accordance with **Section 4-013.**

H. Nonpermanent structures when used in conjunction with a permitted special event.

I. Outdoor dining patios, provided that all components have been inspected and approved by the Building Official.

J. Ornamental structures and pole structures used exclusively as flagpoles, provided that they shall comply with all setback restrictions of the zoning district in which they are located and they do not exceed the height limitations of **Section 2-103**.

K. Solar energy systems and small-scale and medium scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)* approved in accordance with **Section 4-016**.

L. Neighborhood public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.

M. Area public utility facilities (*See **Public Utility** in **Section 1-007**)* and regional public utility facilities (*See **Public Utility** in **Section 1-007**),* provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the SPL Manual and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.

N. Temporary construction buildings, temporary emergency buildings, and temporary real estate buildings, as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

O. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010, or 4-011**, and as authorized for the timeframe specified in writing by the Building Official.

P. Fueling facilities, provided they are indicated and approved as part of a final or revised site plan.

3. Signs In addition to those signs described in **ARTICLE II, Division 2-5** as exempted from regulation or as allowed in all zoning districts, signs in the higher intensity use districts shall pertain to uses located upon the same zoning lot to which the sign relates, except as otherwise provided by this Zoning Ordinance. Signs shall also adhere to the following requirements:

A. Freestanding Signs. Freestanding signs that comply with all requirements of **Section 2-508** are permitted.

B. Wall Signs and Window Signs. Wall and window signs that comply with all requirements of **Section 2-507** are permitted.

C. Directional Signs. One (1) directional sign may be placed near each approved point of ingress and egress, provided it is located so as not to be a visual obstruction to vehicular and nonmotorized traffic. Directional signs shall not exceed four (4) square feet in area, shall not exceed four (4) feet in height, and shall be setback at least fifteen (15) feet from any public or private right-of-way.

D. Temporary Signs and Portable Signs. Temporary and portable signs are prohibited, with the following exceptions:

(1) Temporary and portable signs may be used in conjunction with a temporary use permitted in accordance with **Section 4-013** and in compliance with the following criteria:

(A) No more than one (1) portable sign may be used, provided that such sign shall not exceed thirty-two (32) square feet in area and shall not exceed eight (8) feet in height.

(B) No temporary sign or portable sign shall be located closer than ten (10) feet to a public or private right-of-way.

(C) No temporary sign or portable sign shall be located closer than fifty (50) feet to single-family residential zoning districts and uses.

(D) No temporary sign or portable sign shall be located in such a manner as to interfere with or create a visual obstruction to vehicular or nonmotorized traffic flow or to vehicular parking.

(E) No more than one (1) inflatable device sign may be used.

(F) Festoon signs may be used.

(G) Banner signs may be used, provided that they are affixed to a wall of the principal building and do not exceed ten (10) percent of the total area of such wall.

(ARTICLE III, DIVISION 3-8, SECTION 3-802.3.D cont.)

(2) Installation of banners on onsite light poles within parking areas on zoning lots possessing a lot area of 43,560 sq. ft. or more and governed by an approved site plan may be permitted upon review and approval of the Planning Commission in accordance with **Section 4-004.1**. The Planning Commission may regulate the dimensions and number of such banners on a qualified zoning lot as part of its decision.

4. Fences. Fences shall follow the contour of the ground upon which they are secured, subject only to the flexibility limitations of the fencing materials used. Therefore, the height at any given location along a fence shall be measured from a point on the ground perpendicular to the fence height point being measured. Where pre-constructed fence panels limit fencing from following the ground's contour between the fence posts upon which a fence panel is secured, the height of the fence shall be measured from the closest point on the ground perpendicular to where the fence panel is secured to a fence post. All fences of any kind located in higher intensity use districts shall conform to the following regulations (Please also refer to *Figures VII-62 through VII-65* on Pages VII-33 and VII-34 in **Article VII**):

A. Fences may be located on any property line provided that no fence shall be higher than four (4) feet above the grade plane in any required front yard or lake front yard or on any lot line bordering a required front yard or corner street front yard except as otherwise provided by this Zoning Ordinance. Fences located on any other property line or in any other location within the property boundaries shall be no higher than eight (8) feet above the grade plane. For zoning lots with an immediate grade differential along the property line at the point of an abutting residential, public, office, or commercial zoning district, the fence or wall shall be constructed with a base measurement from the high point of the grade along the property line, provided the fence height is not a clear vision obstruction to the movement of motorized and nonmotorized traffic.

B. All fences shall be constructed of materials listed in the SPL Manual to meet all standards of the **Waterford Code of Ordinances, Buildings and Building Regulations** and shall be adequately maintained to be safe and in good condition.

C. Spikes, nails, or any other sharp pointed protrusions of any kind are prohibited on top of or on the sides of any fence, wall, or protective barrier. For purposes of this subsection, the term "sharp pointed protrusions" shall be defined as meaning all fence material extending above the highest continuous horizontal fence component and possessing a horizontal surface area at the tip of each protrusion that is less than 0.0625 square inch, with the width and/or depth of this horizontal surface area measuring less than 0.25 lineal inch. Barbed wire is prohibited on the sides, but may be placed on top of fences, wall or protective barriers provided that the barbed wire cradles shall consist of no more than three (3) strands of wire and shall face into the property which it is to protect.

D. Electrical fences above grade shall be prohibited.

E. Fences along property lines shall have no openings for vehicular traffic except as may be approved by the Fire Chief.

5. Screening and Landscaping.

A. Effective screening and landscaping is vital to the general welfare and continued vitality of all land uses in the Township. Screening is necessary for certain uses in order to make them more compatible with adjacent uses and to protect the adjacent uses from the effects of noise, light, traffic, litter and other negative or incompatible characteristics. Similarly, landscaping together with the proper utilization and preservation of existing natural features is important in land development because it can enhance the community's quality of life, improve property values, reduce the harsh characteristics of intensive development, and help to make all land uses more compatible.

B. In order to achieve these objectives, all properties within the higher intensity use zoning districts shall comply with the following requirements in the manner provided in the SPL Manual, unless otherwise provided by this Zoning Ordinance:

(1) All landscape areas identified on an approved landscape plan shall be continuously maintained in a healthy, growing condition using irrigation systems and maintenance standards without limitation, identified in the SPL Manual. Failure to maintain such landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Ordinance.

(2) A greenbelt possessing a minimum width of twenty (20) feet shall be provided along all major arterial streets, minor arterial streets, and collector streets. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt when a residential development abuts a major arterial street and it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(*ARTICLE III*, *DIVISION 3-8*, *SECTION 3-802.5.B cont.*)

(3) A transitional yard *(See **Yard** in **Section 1-007**)* incorporating a minimum thirty (30) feet wide greenbelt with a landscaping screen and a fence wall shall be provided on the same zoning lot along all property lines abutting single-family and multiple-family residential zoning districts. For uses listed in **Sections 3-806.5** and **3-807**, the Planning Commission may require a transitional yard greenbelt width up to fifty (50) feet containing a fence wall and a landscaping screen pursuant to standards set forth in the SPL Manual.

(4) A greenbelt possessing a minimum width of twenty (20) feet buffer area containing a fence wall shall be provided on the same zoning lot along all property lines abutting previously developed office and commercial use zoning districts which lack screening and landscaping in accordance with the provisions of this Zoning Ordinance. The Planning Commission may require the enhancement of such a greenbelt with a landscaping screen or increase the width of the greenbelt up to thirty (30) feet when it determines that a larger greenbelt is necessary pursuant to standards set forth in the SPL Manual.

(5) A combination of interior landscape areas shall be provided to: achieve traffic safety through effective definition of off-street parking areas, enhance positive drainage from buildings and impervious surface areas, and to provide for the general welfare of the residents. The total area of interior landscaping provided shall include, but not be limited to, landscaping near building entrances, along building foundations, along pedestrian walkways, along service areas, and in off-street parking areas.

(6) The required landscaping under this subsection shall be installed prior to receiving a final certificate of occupancy.

(7) All waste material container areas required as part of a site plan shall be screened and maintained.

C. The Planning Commission may grant a special exception allowing for a reduction or waiver in the landscape area and/or landscape material required, but only if full screening would serve no useful purpose or would entail substantial noneconomic hardship for the developer relative to the positive screening benefit to adjacent properties. The Planning Commission may also grant such a waiver exclusively for the proposed use, reserving the right to require establishment of all landscape requirements when there is a change of use. When such a temporary waiver is approved by the Planning Commission, such waiver shall be recorded on the property in such form and language acceptable to the Township Attorney. In addition to the above factors, the Planning Commission shall base its decision on the following considerations along with any other relevant information:

(1) The character, scope, and site design of the proposed use of the property.

(2) The character, design, and uses of the adjacent properties to be screened.

(3) The natural features, including the terrain, trees, and other vegetation that may act as a natural screen or buffer.

(*ARTICLE III, DIVISION 3-8 cont.*)

SECTION 3-803. A-1, AIRPORT DISTRICT

The regulations in the subsections below shall apply to properties in the A-1 Airport Zoning District:

1. Purpose and Intent. The A-1 zoning district is intended to implement the goals of the Airport land use designation as described in Chapter 8 and Appendix U of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Goal Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment,*** and Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** by promoting orderly and coordinated development at the Oakland County International Airport. This zoning district is also intended to exclude uses not fundamental to the operation of the airport and encourage those uses which will primarily serve businesses and individuals utilizing the airport facilities. This zoning district shall be located specifically within the geographic area designated as Airport on the Future Land Use Maps in conjunction with the areas identified in the aforementioned Appendix U.

2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments are subject to receiving written notification from the Airport Manager that the proposed use has been conceptually reviewed and accepted by Oakland County as consistent with the Airport Master Plan and the Airport's development and landscaping standards. All developments shall require review and approval by the Zoning Official in coordination with the Airport Manager through the minor site plan review procedure in accordance with **Section 4-004.2**. The requirements of **Sections 3-802.4** and **3-802.5** may be modified by written agreement between the Airport Manager and the Zoning Official in order to comply with regulations established by the Federal Aviation Administration.

3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the A-1 district:

A. Airport facilities *(See **Airport Facilities** in **Section 1-007**)*.
B. Restaurant establishments *(See **Retail Establishments** in **Section 1-007**)*.
C. Hotels and motels *(See **Hotel and Motel** in **Section 1-007**)*.
D. Vehicle lease or rental agencies *(See **Vehicle Lease or Rental Agency** in **Section 1-007**)*.
E. Freight handling facilities *(See **Freight Handling Facility** in **Section 1-007**)* for air freight.
F. Commercial school establishments *(See **Commercial Service Establishments** in **Section 1-007**)* providing aviation training.
G. Conference facilities *(See **Conference Facility** in **Section 1-007**)*.
H. Commercial service establishments *(See **Commercial Service Establishments** in **Section 1-007**)* and retail establishments *(See **Retail Establishments** in **Section 1-007**)* used in conjunction with airport facilities.
I. Bus and taxi transportation services for airport customers.
J. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
K. Outdoor storage as an accessory use for the uses listed above.
L. Uses similar to above and conforming with the purpose and intent of this Section.

(*ARTICLE III, DIVISION 3-8 cont.*)

SECTION 3-804. HT-1, HIGH TECH OFFICE DISTRICT

The regulations in the subsections below shall apply to properties in the HT-1 High Tech Office Zoning District:

1. **Purpose and Intent.** The HT-1 zoning district is intended to implement the goals of the High Tech Services land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** and Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** by permitting a mixture of office, commercial, and clean technology uses on zoning lots properly scaled and designed to incorporate and maintain district standards, ensuring that such uses occur on large zoning lots with an emphasis on streetscape aesthetics and walkability and providing for the following in conjunction with such uses: clusters of free-standing buildings; a linear landscape pattern along Dixie Highway and Telegraph Road; improved nonmotorized pathways and traffic calming; coordinated street furniture throughout the district; and storage of vehicles, equipment, and materials restricted to within enclosed buildings. This zoning district is intended to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the HT-1 district:
   A. Research establishment/laboratories *(See **Technological Establishments** in **Section 1-007**)*.
   B. Office establishments *(See **Office Establishments** in **Section 1-007**)*.
   C. Professional medical care offices and medical clinics *(See **Medical Establishments** in **Section 1-007**)*.
   D. Commercial school establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   E. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
   F. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**)*.
   G. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**)*.
   H. Religious facilities *(See **Religious Facilities** in **Section 1-007**)*.
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the HT-1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Technological assembly facilities *(See **Technological Establishments** in **Section 1-007**)*.
   B. Building systems repair establishments and household service repair establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   C. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section.
      (1) Craft factories, food processing factories, metal products factories, and pharmaceutical factories *(See **Manufacturing Establishments** in **Section 1-007**)*, which may include a factory outlet *(See **Use** in **Section 1-007**)* when reviewed and identified as part of an approved final site plan.
      (2) Minor vehicle service facilities and general vehicle service facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)*.
   D. Outdoor storage as an accessory use for the uses listed in subsections A through C above, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
5. **Planned Unit Developments.** Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-804.3** with one or more of the uses listed in **Section 3-804.4, Section 3-706.3, Section 3-404.3.A,** and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with **Section 4-005,** are permitted.

(*ARTICLE III, DIVISION 3-8 cont.*)

SECTION 3-805. HT-2, HIGH TECH INDUSTRIAL AND OFFICE DISTRICT

The regulations in the subsections below shall apply to properties in the HT-2 High Tech Industrial and Office Zoning District:

1. **Purpose and Intent.** The HT-2 zoning district is intended to implement the goals of the High Tech Services and Light Industrial land use designations as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** and Goal Seven, ***To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity,*** by permitting a mixture of technical, light industrial, and extensive service and office uses on zoning lots properly scaled and designed for such uses, ensuring that such uses occur on large zoning lots with an emphasis on streetscape aesthetics and walkability and providing for the following with such uses: clusters of free-standing buildings; a linear landscape pattern along major arterial streets; improved nonmotorized pathways and traffic calming; coordinated street furniture throughout the district; and storage of vehicles, equipment, and materials restricted to within enclosed buildings. This zoning district is intended to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the HT-2 district:
   A. Technological establishments *(See **Technological Establishments** in **Section 1-007**).*
   B. Office establishments *(See **Office Establishments** in **Section 1-007**).*
   C. Medical establishments *(See **Medical Establishments** in **Section 1-007**).*
   D. Commercial service establishments *(See **Commercial Service Establishments** in **Section 1-007**).*
   E. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**).*
   F. Cultural facilities *(See **Cultural Facilities** in **Section 1-007**).*
   G. Institutional facilities *(See **Institutional Facilities** in **Section 1-007**).*
   H. Religious facilities *(See **Religious Facilities** in **Section 1-007**).*
4. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the HT-2 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Craft factories, food processing factories, metal products factories, and pharmaceutical factories *(See **Manufacturing Establishments** in **Section 1-007**)*, which may include a factory outlet *(See **Use** in **Section 1-007**)* when reviewed and identified as part of an approved final site plan, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section.
   B. Vehicle repair facilities *(See **Vehicle Repair Facilities** in **Section 1-007**).*
   C. Commercial storage establishments *(See **Commercial Storage Establishments** in **Section 1-007**).*
   D. Outdoor storage as an accessory use for the uses listed in subsections A through C above, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
5. **Planned Unit Developments.** Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in **Section 3-805.3** with one or more of the uses listed in **Section 3-805.4, Section 3-706.3, Section 3-404.3.A,** and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with **Section 4-005,** are permitted.

(*ARTICLE III, DIVISION 3-8 cont.*)

SECTION 3-806. M-1, LIGHT INDUSTRIAL DISTRICT

The regulations in the subsections below shall apply to properties in the M-1 Light Industrial Zoning District:

1. **Purpose and Intent**. The M-1 zoning district is intended to implement the goals of the Light Industrial land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** and Goal Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment,*** by permitting industrial uses on zoning lots properly scaled and designed with primary access along major arterial streets and ensuring that sources of ongoing noise, heavy truck traffic, fumes, and similar characteristics are mitigated through extensive buffering and the use of authorized building materials. This zoning district is also intended to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the M-1 district:
   A. Building systems repair establishments and household service repair establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   B. Commercial storage establishments *(See **Commercial Storage Establishments** in **Section 1-007**)*.
   C. Freight handling facilities *(See **Freight Handling Facility** in **Section 1-007**)*.
   D. Packing and bailing sites, recyclable materials collection facilities, and refund container recycling depots *(See **Recycling Facilities** in **Section 1-007**)*.
   E. Light equipment rental establishments and heavy equipment rental establishments *(See **Rental Establishments** in **Section 1-007**)* that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
   F. New vehicle dealer establishments, used vehicle dealer establishments, and vehicle broker dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)* that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
   G. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
4. **Permitted Uses after Wellhead Protection Compliance.** The following uses shall be permitted as principal permitted uses in the M-1 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:
   A. Landscaping maintenance establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   B. Commercial dry cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   C. Fueling facilities as an ancillary use *(See **Use** in **Section 1-007**)*.
   D. Propane filling facilities as an ancillary use *(See **Use** in **Section 1-007**)*.
   E. Vehicle repair facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)*.
   F. Commercial agricultural processing factories, craft factories, food processing factories, and metal products factories *(See **Manufacturing Establishments** in **Section 1-007**)*, which may include a factory outlet *(See **Use** in **Section 1-007**)* when reviewed and identified as part of an approved final site plan.
   G. On zoning lots with a net lot area exceeding one (1) acre:
      (1) Light equipment rental establishments and heavy equipment rental establishments *(See **Rental Establishments** in **Section 1-007**)*, with outdoor display and storage.
      (2) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)*, with outdoor display and storage.

(ARTICLE III, DIVISION 3-8, SECTION 3-806 cont.)

5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the M-1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

A. Caretaker's dwelling unit *(See **Caretaker's Dwelling Unit** in **Section 1-007**)*, when located on the same zoning lot with the principal use to which it is accessory, provided that it meets all **Waterford Code of Ordinances** provisions for the structural and safety separation between the residential use and the principal use.

B. Bulk soil resource supplies establishments *(See **Commercial Bulk Vegetation and Soil Resource Establishments** in **Section 1-007**)*.

C. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section:

(1) Industrial or laundry plant dry-cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.

(2) Transport hauling rental establishments *(See **Rental Establishments** in **Section 1-007**)*.

(3) Leather goods factories, paper products factories, pharmaceutical factories, textile factories, and wood products factories *(See **Manufacturing Establishments** in **Section 1-007**)*, which may include a factory outlet *(See **Use** in **Section 1-007**)* when reviewed and identified as part of an approved final site plan.

(4) Used vehicle parts dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)*.

(5) Distressed vehicle storage yards *(See **Section 1-006**)*, and distressed vehicle transporter establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)* when operated in conjunction with a distressed vehicle storage yard on the same zoning lot.

(6) Outdoor storage as an accessory use for the uses listed in **Section 3-806.3.A** through **D,** and **Section 3-806.4.A** and **E,** provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.

(*ARTICLE III, DIVISION 3-8 cont.*)

SECTION 3-807. M-2, GENERAL INDUSTRIAL DISTRICT

The regulations in the subsections below shall apply to properties in the M-2 General Industrial Zoning District:

1. **Purpose and Intent.** The M-2 zoning district is intended to implement the goals of the General Industrial land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Four, ***To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford,*** Objective 4.4, ***Improve the Physical Appearance and Functional Character of the Commercial Corridors,*** and Goal Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment,*** by permitting industrial uses of heavy and concentrated manufacturing, assembly, repair, and storage, on zoning lots properly scaled and designed and providing for the following with such uses: primary access along major arterial streets; compatibility with adjacent zoning districts; accessibility to railroad and state highway transportation infrastructure; and possessing the public safety service and facility capacity necessary to serve these intense land uses. This zoning district is intended to be located in areas where conflicts with other uses can be minimized and physically separated from and unencumbered by nearby residential development.
2. **Conformance to Regulatory Standards**. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers.** In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.
3. **Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses, along with outdoor storage as an accessory use, in the M-2 district:
   A. Commercial storage facilities *(See **Commercial Storage Establishments** in **Section 1-007**)*.
   B. Freight handling facilities *(See **Freight Handling Facility** in **Section 1-007**)*.
   C. Packing and bailing sites, recyclable materials collection facilities, and refund container recycling depots *(See **Recycling Facilities** in **Section 1-007**)*.
   D. Public utility facilities and public utility hardware (*See **Public Utility** in **Section 1-007**)*.
4. **Permitted Uses after Wellhead Protection Compliance.** The following uses shall be permitted as principal permitted uses, along with outdoor storage as an accessory use, in the M-2 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:
   A. Landscaping maintenance establishments *(See **Commercial Service Establishments** in **Section 1-007**)*.
   B. Industrial or laundry plant dry-cleaning establishments *(See **Dry-Cleaning Establishments** in **Section 1-007**)*.
   C. Bulk soil resource supplies establishments *(See **Commercial Bulk Vegetation and Soil Resource Establishments** in **Section 1-007**)*.
   D. Light equipment rental establishments, heavy equipment rental establishments, and transport hauling rental establishments *(See **Rental Establishments** in **Section 1-007**)*.
   E. Vehicle repair facilities *(See **Vehicle Repair Facilities** in **Section 1-007**)*.
   F. Propane filling facilities as an ancillary use *(See **Use** in **Section 1-007**)*.
   G. Fueling facilities as an ancillary use *(See **Use** in **Section 1-007**)*.
   H. Manufacturing establishments *(See **Manufacturing Establishments** in **Section 1-007**)*.
5. **Permitted Uses after Special Approval.** The following uses shall be permitted as special approval uses in the M-2 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:
   A. Caretaker's dwelling unit *(See **Caretaker's Dwelling Unit** in **Section 1-007**)*, when located on the same zoning lot with the principal use to which it is accessory, provided that it meets all **Waterford Code of Ordinances** provisions for the structural and safety separation between the residential use and the principal use.
   B. Billboards, subject to all of the following requirements:
      (1) The maximum size of any such sign shall not exceed three hundred sixty (360) square feet in area.
      (2) The maximum height of any such sign shall not exceed thirty (30) feet in height.
      (3) A minimum of one thousand (1,000) feet shall be provided between such signs on the same side of a street roadway.
      (4) Any such sign shall be setback at least seventy-five (75) feet from any property line abutting any non-residential zoning district.
      (5) Any such sign shall be setback at least three hundred (300) feet from any residential zoning district.
      (6) Any such sign shall be setback at least two hundred (200) feet from any street intersection.

(*ARTICLE III*, *DIVISION 3-8*, *SECTION 3-807.5 cont.*)

C. The following uses, along with outdoor storage as an accessory use, shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section:
   (1) Material processing establishments *(See **Material Processing Establishments** in **Section 1-007**)*.
   (2) Dangerous trades facilities *(See **Dangerous Trades Facilities** in **Section 1-007**)*.
   (3) Used vehicle parts dealer establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)*.
   (4) On zoning lots containing a net lot area of two (2) acres or more available for outdoor storage:
      (A) Rail yards *(See **Rail Yard** in **Section 1-007**)*.
      (B) Junk storage yards and/or dismantling yards *(See **Section 1-006**)*.
      (C) Distressed vehicle storage yards *(See **Section 1-006**)*.
      (D) Automotive recycler establishments, distressed vehicle transporter establishments, foreign salvage vehicle dealer establishments, vehicle scrap metal processor establishments, and vehicle salvage pool establishments *(See **Vehicle Dealer Establishments** in **Section 1-007**)*.

D. Large-scale wind energy systems (*See **Alternative Energy Systems** in **Section 1-007**)*, provided that if special approval is granted all LWES components shall be inspected and approved by the Building Official in accordance with **Section 4-016**.

DIVISION 3-9
SCHEDULE
OF
REGULATIONS

(*ARTICLE III, DIVISION 3-9 cont.*)

SECTION 3-900. TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS

ZONING DISTRICT (*Refer to Footnote 1*)	MAXIMUM DWELLING UNITS PER BUILDABLE ACRES	MAXIMUM IMPERVIOUS SURFACE (In Percent) (*Refer to Footnote 2*)	MINIMUM LOT AREA AND WIDTH	
			Area (in Sq. Ft.) (*Refer to Footnotes 5 and 6 where noted below*)	**Width** (In Ft.)
R-1 Single-Family	**1**	**30**	**43,560**	**120**
R-1A Single-Family	**4**	**30**	**9,800**	**70**
R-1B Single-Family	**5**	**30**	*Refer to Footnote 3*	
R-1C Single-Family	**5**	**30**	*Refer to Footnote 3*	
R-1D Duplex (Two Family)	**5**	**30**	**15,000**	**90**
R-1E Single-Family Attached	**5.4**	**30**	**43,560**[6]	**150**
R-M1 Low Density Multiple-Family	**8**	**50**	**43,560**[6]	**150**
R-M2 Multiple-Family *(Refer to Footnote 10 for allowances for independent living facility developments)*	**10**	**50**	**43,560**[6]	**150**
R-MH Mobile Home Park	**6**	**n/a**	**435,600** (*per park*) **5,500** (*per unit*)	**500** (*per park*) **50** (*per unit*)
O-1 Local Office	*n/a*	**40**	**15,000**	**70**
O-2 General Office	*n/a*	**40**	**43,560**[5 & 6]	**100**
C-1 Neighborhood Business	*n/a*	**50**	**7,500**	**60**
C-2 Small Business	*n/a*	**50**	**9,000**	**70**
C-3 General Business	*n/a*	**50**	**24,000**	**90**
C-4 Extensive Business	*n/a*	**50**	**87,120**[5 & 6]	**150**
C-UB Urban Business	*n/a*	**50**	**43,560**[5 & 6]	**100**
C-UL Union Lake Business	*n/a*	**50**	**21,780**	**90**
PL Public Lands	*n/a*	**50**	*n/a*	
CR Commercial Recreation	*n/a*	**50**	**43,560**	**150**
A-1 Airport	*Shall conform to the Airport Master Plan, all federal and state aviation regulations, and all Township Engineering Standards regulating storm drainage.*			
HT-1 High Tech Office	*n/a*	**50**	**21,780**	**100**
HT-2 High Tech Industrial and Office	*n/a*	**50**	**43,560**[5 & 6]	**120**
M-1 Light Industrial	*n/a*	**50**	**43,560**[5 & 6]	**150**
M-2 General Industrial	*n/a*	**50**	**130,680**[5 & 6]	**150**

(*ARTICLE III, DIVISION 3-9, Section 3-900 cont.*)

SECTION 3-900. TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS

ZONING DISTRICT	Maximum Height of Building		Minimum Yard Setback In Feet (*Refer to Footnote 4 for front setback where noted below*)				Minimum Floor Area Per Dwelling Unit In Sq. Ft.
	In Stories	In Feet	Front	Sides (*Refer to Footnote 7*) Least One	Sides (*Refer to Footnote 7*) Total of Two	Rear	
R-1 Single-Family	2	30	35[4]	10	20	35	1,100
R-1A Single-Family	2	30	35[4]	10	20	35	1,100
R-1B Single-Family	2	30	35[4]	5	10	35	800
R-1C Single-Family	2	30	35[4]	5	10	35	800
R-1D Duplex (Two Family)	2	30	35	10	20	35	800
R-1E Single-Family Attached	2	30	*Refer to Footnote 8*				800
R-M1 Low Density Multiple-Family	2	30	*Refer to Footnote 8*				*Refer to Footnote 9*
R-M2 Multiple-Family *(Refer to Footnote 10 for allowances for independent living facility developments)*	3	35	*Refer to Footnote 8*				*Refer to Footnote 9*
R-MH Mobile Home Park	1	15	20	10	35	10	*n/a*
O-1 Local Office	2	30	35	15	30	20	*n/a*
O-2 General Office	4	50	35	20	40	20	*n/a*
C-1 Neighborhood Business	1	20	25	15	30	20	*n/a*
C-2 Small Business	1	20	25	15	30	20	*n/a*
C-3 General Business	2	40	25	20	40	20	*n/a*
C-4 Extensive Business	2	40	30	20	40	20	*n/a*
C-UB Urban Business	2	40	25	15	30	20	*n/a*
C-UL Union Lake Business	2	40	25	15	30	20	*n/a*
PL Public Lands	2	40	25	20	40	20	*n/a*
CR Commercial Recreation	2	40	25	20	40	20	*n/a*
A-1 Airport	*As authorized by the Airport Manager, with setbacks from all State highways and County roads compliant with M-1 requirements*						*n/a*
HT-1 High Tech Office	2	30	25	15	30	30	*n/a*
HT-2 High Tech Industrial and Office	4	50	35	15	30	40	*n/a*
M-1 Light Industrial	2	30	40	15	40	40	*n/a*
M-2 General Industrial	3	40	50	20	60	50	*n/a*

(*ARTICLE III, DIVISION 3-9 cont.*)

SECTION 3-901. FOOTNOTES GOVERNING ZONING LOT, AREA, AND BULK REGULATIONS

Footnote 1 - In all zoning districts a tax parcel must conform as a zoning lot to all requirements of the Schedule of Regulations for the Zoning District in which it is located before it can be developed, with the following exceptions:

A. In the A-1, Airport District, tax parcels established by the County of Oakland as lease property within areas of a County-owned zoning lot shall possess such setbacks within tax parcels as established by the County of Oakland. If such tax parcels are established along a State highway or County road, the setbacks required by **Section 3-900** shall be required within the tax parcel.

B. Tax parcels established within areas of a zoning lot by the Township for purposes of identifying lease property for wireless communication facilities regulated by **Section 2-600** shall not require setback requirements within the boundaries of such tax parcels.

C. As part of a condominium development that is not a site condominium, the Planning Commission may exempt areas within individual tax parcels established as condominium units from the setback requirements of **Section 3-900** where such condominium developments conform to all other Zoning Ordinance requirements.

Footnote 2

A. The intent of establishing a maximum impervious surface for the development of a zoning lot is:

(1) to ensure that each zoning lot possesses sufficient surface area to provide onsite stormwater drainage capacity that will prevent all but the most catastrophic flow of stormwater from flowing onto neighboring properties,

(2) to prevent an excessive total impervious surface area that would severely restrict or eliminate such onsite stormwater drainage capacity,

(3) to make certain that there is sufficient area on a zoning lot for the installation and maintenance of required landscaping and natural buffering, and

(4) to implement Master Plan Goal Six, ***To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment***.

B. The availability of new engineering techniques for stormwater control and green building practices may be utilized to increase the maximum impervious surface on a zoning lot after review and approval by the Township Engineer. The Township Engineer may authorize an increase in the maximum impervious surface for a zoning lot provided that such increases shall not supersede or reduce required yard setbacks, open space, and landscape buffering; and shall conform to the Township Engineering Standards and the following limitations:

(1) For zoning lots in the R-1 through R-1E zoning districts:

(A) The total impervious surface area within the required front yard of a zoning lot shall not exceed a maximum of thirty-five (35) percent of the total required front yard area.

(B) The impervious surface for the zoning lot shall not exceed fifty (50) percent of the lot area.

(2) For zoning lots in the R-M1 and R-M2 zoning districts, the impervious surface for the zoning lot shall not exceed seventy-five (75) percent of the lot area.

(3) For zoning lots in all nonresidential zoning districts, the impervious surface for the zoning lot shall not exceed ninety (90) percent of the lot area.

Footnote 3 - A lot of record that is part of a subdivision plat approved prior to the effective date of this Zoning Ordinance shall be considered in conformance with the lot area and lot width standards of this Zoning Ordinance when such lot of record can conform to all of the following:

A. All buildings shall be contained within a building envelope where the front yard and rear yard setbacks are each a minimum of thirty-five (35) feet;

B. All buildings and building appurtenances shall be contained within a building envelope where each side yard setback shall be a minimum of five (5) feet and where applicable comply with **Footnote 7.A**; and

C. The principal building shall conform to the minimum floor area requirement for the zoning district in which the lot of record is located.

(ARTICLE III, DIVISION 3-9, SECTION 3-901 cont.)

Footnote 4 - The historical development pattern of Waterford's lakefront zoning lots is diverse, where many lake shorelines were developed with deeper lakefront yard building setbacks than the minimum required by the Zoning Ordinance. Because of such diversity, establishing a uniform lakefront yard building setback may threaten the established character of lakefront neighborhoods and established open views of the lakefront. In order to protect the established character of lakefront neighborhoods, ensure compatibility with the scale of surrounding homes, and protect established open views of the lakefront, the setback from the shoreline of any building erected after the effective date of this Zoning Ordinance shall not be less than the average shoreline setback of buildings within two hundred (200) feet in both directions, as calculated by the Building Official, except as otherwise permitted by this Zoning Ordinance (Please also refer to *Figure VII-66* on Page VII-35 in **Article VII**).

Footnote 5 – After the effective date of this Zoning Ordinance, when a zoning lot conforming to the minimum lot area requirement is proposed to be subdivided, in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations,** into one or more zoning lots not conforming to the minimum lot area, the Township shall require rezoning of the resultant zoning lots to a zoning district established under the same Division as the zoning district of the parent zoning lot and where the minimum lot area of the resultant zoning lot(s) will be conforming (i.e., a 25,000 sq. ft. zoning lot in the C-3 General Business zoning district that is subdivided into resultant 10,000 sq. ft. and 15,000 sq. ft. zoning lots shall each be required to be rezoned to the C-2 Small Business zoning district).

Footnote 6 – Zoning lots established in this zoning district will not conform to this minimum lot area requirement unless the buildable area *(See **Buildable Area** in **Section 1-007**)* of such zoning lots is equal to or exceeds the minimum lot area.

Footnote 7

A. Where the side yard of a zoning lot within a zoning district abuts both a street right-of-way and the required front yard of one or more zoning lots within the same zoning district, the required setback for such side yards shall align with the required front yard setback of the abutting zoning lot(s) and conform to all regulations for required front yards.

B. Where the side yard of a zoning lot within a nonresidential zoning district abuts both a street right-of-way and the required front yard of one or more zoning lots within a residential zoning district, building setbacks for the nonresidential zoning lot shall align with the required front yard setback of the abutting residential zoning lot(s). Fencing not to exceed a height of six (6) feet may be installed along such shared nonresidential/residential property lines to provide effective screening, provided that such fencing does not interfere with clear vision areas.

Footnote 8

A. Buildings within developments in the R-1E, Single Family Attached, R-M1, Low Density Multiple Family, and R-M2, Multiple Family zoning districts shall possess the following minimum setback requirements:
   (1) A minimum setback of thirty-five (35) feet shall be required between all buildings and the development exterior property lines (Please also refer to *Figure VII-67* on Page VII-36 in **Article VII**).
   (2) The minimum setback between any building and any common interior access drive within the development shall be twenty-five (25) feet.
   (3) The minimum setback between any building and any off-street parking facility within the development shall be twenty-five (25) feet.
   (4) For buildings not separated by a common interior access drive or off-street parking facility within the development:
      (A) The minimum side-to-side distance between buildings shall be twenty (20) feet.
      (B) The minimum side-to-rear and side-to-front distance between buildings shall be thirty-five (35) feet.
      (C) The minimum rear-to-rear distance between buildings shall be fifty (50) feet.
      (D) The minimum front-to-front distance between buildings shall be seventy-five (75) feet.

B. The Planning Commission may increase these minimum setbacks for a proposed development where physical site conditions and design considerations, in the opinion of the Fire Chief, Building Official, or Township Engineer, require such increases to provide for fire safety, storm drainage, building maintenance, emergency vehicle access, nonmotorized pathways, underground utilities, or snow clearance.

(ARTICLE III, DIVISION 3-9, SECTION 3-901 cont.)

Footnote 9

A. Dwelling units within developments in the R-M1, Low Density Multiple Family and R-M2, Multiple Family zoning districts shall possess the following minimum floor area requirements:

Dwelling Unit Type	**Total Floor Area (sq. ft.)**
Efficiency unit	Three-hundred fifty (350)
One bedroom unit	Five-hundred-fifty (550)
Two-bedroom unit	Six-hundred-eighty (680)
Three bedroom unit	Nine-hundred (900)
Four or more bedroom unit	Nine-hundred (900) plus one-hundred-twenty (120) per bedroom above three (3)

B. The length of each individual building within developments in the R-M1, Low Density Multiple Family and R-M2, Multiple Family zoning districts shall not exceed the maximum length established by the Fire Chief and Building Official for purposes of fire safety.

Footnote 10 – For independent living facility *(See **Elder Care Facilities** in **Section 1-007**)* developments in the R-M2, Multiple Family zoning district, provided that all other applicable Zoning Ordinance requirements can be met, the Planning Commission may:

A. Increase the maximum dwelling units per buildable acre for an independent living facility development up to a maximum of twenty (20) units per buildable acre; and

B. Increase the maximum height of proposed buildings for an independent living facility development up to a maximum of six (6) stories and seventy (70) feet in height.

ARTICLE IV
APPLICATIONS AND PROCEDURES

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SECTION 4-001. PURPOSE AND INTENT

The application and review procedures in this Article are to achieve the land use goals and objectives of the Master Plan, ensure compliance with this Zoning Ordinance, provide for the establishment of fees for review and compliance services, and for security measures to ensure the physical construction of developments as approved and in accordance with the provisions of this Zoning Ordinance. These procedures provide for Township review of proposed land use(s) of a site in relation to surrounding land uses, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public and private utilities, drainage, groundwater and surface water resources, wetlands, environmental characteristics, site vegetation, screening, buffering and landscaping, development characteristics, and other site elements which may have an effect upon the public health, safety, and general welfare, and its relationship and conformance with adopted Township ordinances and plans.

(*ARTICLE IV* cont.)

SECTION 4-002. DEVELOPMENT REVIEW PROCEDURES

Review procedures for evaluating land uses and developments have been established by the Township as part of this Zoning Ordinance and are listed in the following table. Generally, the procedures for all applications have the following three (3) common elements: submittal of a complete application, including required fee payment along with appropriate information; review of the submittal by appropriate staff, agencies and boards; and action to approve, approve with conditions, or deny the application. Submittal dates are established by the requirements of the specific form of review.

DEVELOPMENT REVIEW PROCEDURE		REQUIRED REVIEW COMPONENTS	SECTION	PAGE LOCATION
Site Plan Review	Change of Use Review	• Change of Use Review	**Section 4-004**	**Pages IV-5 and IV-6**
	Minor Site Plan Review	• Preliminary Plan Review • Final Site Plan Review • Construction Review	**Section 4-004**	**Pages IV-6 and IV-7**
	Major Site Plan Review	• Conceptual Plan Review • Preliminary Plan Review • Final Site Plan Review • Construction Review	**Section 4-004**	**Pages IV-7 - IV-11**
Planned Unit Development Review		• Conceptual Plan Review • Preliminary Plan Review • Final Site Plan Review • Construction Review	**Section 4-005**	**Pages IV-12 - IV-15**
Special Approval Review		• Change of Use Review • Preliminary Plan Review *(where required)* • Final Site Plan Review *(where required)* • Construction Review *(where required)*	**Section 4-006**	**Pages IV-16 - IV-18**
Hardship Planned Unit Development Review		• Conceptual Plan Review	**Section 4-007**	**Pages IV-18 - IV-20**
Special Accommodation Use Review		• Conceptual Plan Review • Preliminary Plan Review • Final Site Plan Review • Construction Review	**Section 4-008**	**Pages IV-21 and IV-22**
Zoning Ordinance and Map Amendment Review		n/a	**Section 4-009**	**Pages IV-22 and IV-23**
Single-Family Residential Plot Plan Review		• Plot Plan Review	**Section 4-010**	**Page IV-24**
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Nonpermanent Building/Structure and Storage Container Permit Review		n/a	**Section 4-014**	**Page IV-27**
Sign Construction Plan Review		• Plot Plan Review	**Section 4-015**	**Page IV-28**
Alternative Energy Plan Review		• Plot Plan Review	**Section 4-016**	**Pages IV-28 and IV-29**
Construction Plan Review		• Construction Review	**Section 4-017**	**Pages IV-29 and IV-30**

(*ARTICLE IV* cont.)

SECTION 4-003. REQUIREMENTS APPLICABLE FOR ALL PROCEDURES

1. Current application forms and procedural requirements shall be obtained from the offices of the Township Official having responsibility for overseeing the procedures established by this Zoning Ordinance. Unless a specific time is provided in this Zoning Ordinance, such applications shall be filed within the written timeframe established by the responsible Township Official to provide for timely and thorough review to ensure the public's health, safety, and general welfare, reasonable service to the customer, and to meet all statutory and Zoning Ordinance requirements.
2. All uses and developments requiring review and approval in accordance with the procedures established by this Zoning Ordinance shall also comply with all applicable sections of the **Waterford Code of Ordinances.**
3. Fees for all review, administrative, and enforcement procedures under this Zoning Ordinance shall be established by resolution of the Township Board and may be amended from time to time. Additional fees may be required for reviews and procedures established by other Township Ordinances. Copies of the latest fee schedule are available from the offices of the Zoning Official, Building Official, and Township Engineer. For fees that have been established by the Township Board to pay for site plan review/inspection costs on a unit basis, in the event the actual review/inspection activities exceed the original fees paid by the applicant, the applicant shall, upon written notice, pay to the Township the fees necessary to cover the balance owed. The additional fees shall be paid to the Township within ten (10) days of written notification. If such fees have not been paid within this time period, the Zoning Official, Building Official, and Township Engineer may withhold any and all pending reviews and approvals for the project until such time as the remaining balance is paid in full. An applicant may appeal such withholding of administrative approvals to the ZBA; such appeals shall be heard through the regular ZBA meeting schedule.
4. The applicant shall be responsible and accountable for complying with the review timeframe established by the responsible Township Official, submitting all documents and addressing all deficiencies and revisions as required.
5. Unless otherwise indicated elsewhere in this Zoning Ordinance, an approval is valid for twelve (12) months from date of final approval, within which time the improvements as identified on the approved plan shall have lawfully commenced and shall continue without interruption. In such instances where the implementation of an approval will be delayed, the applicant may request an extension of the approval period from the Zoning Official for up to an additional twelve (12) months. All other extensions must be authorized by the approving body. Decisions on extension requests shall be based on the facts of the case and provided in writing. An applicant may appeal a final extension denial to the ZBA.
6. All use and development of a property shall conform with a valid approved plan until such time as it is superseded by a revised or new valid approved plan.
7. Site improvements, utility preparation, and tree removal for the requested development, shall not occur prior to final plan approvals under this Zoning Ordinance, including applicable construction plans, and all other required Township and governmental permits and approvals have been obtained.
8. The Building Official and Public Works Official shall not issue <u>any</u> permits under their respective jurisdiction unless plans covered by this Zoning Ordinance have been stamped approved by the Zoning Official for site plans and by the Township Engineer for engineering plans (and construction plans where applicable) and until there is full and complete compliance with this Zoning Ordinance. Any changes made during construction which differ from an approved site plan, shall be made at the applicant's risk without any assurances that the changes will be approved. It shall be the responsibility of the developer to immediately notify the Building Official, Zoning Official and Township Engineer of any changes during construction which vary from the approved plan.

(*ARTICLE IV*, *SECTION 4-003 cont.*)

9. Minor changes to a site plan may be approved by the Zoning Official if the change meets all requirements of this Zoning Ordinance and will not significantly alter or conflict with a condition of site plan approval. The Zoning Official shall place such findings on the Planning Commission consent agenda and shall certify such findings in writing to be entered as part of the official active site plan record.
10. For proposed developments requiring off-site easements for access, parking, utility or drainage installations, a copy of the signed and recorded off-site easement or easements shall be furnished to the Zoning Official prior to site plan approval for drive access and parking easements and prior to construction plan approval for utility and drainage easements.
11. Prior to final site plan approval, required approvals by the applicable street agency of drive locations, stormwater drainage outlets, acceleration/deceleration lanes and turning lanes, and all other improvements in the public right-of-way must be obtained and verified in writing.

SECTION 4-004. SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. Change of Use Review.

A. Purpose and Intent.

(1) In conjunction with **Sections 4-001** through **4-003**, change of use review and approval shall be required for any change in use on all or a part of a zoning lot in any zoning district which specifically requires site plan review and all of the following conditions exist:

(A) There is a Township approved site plan for the zoning lot.

(B) No physical expansion or substantial improvements are being proposed to the buildings, structures, or use areas on the zoning lot. Interior remodeling of existing buildings identified on the approved site plan and intended to accommodate a proposed change of use are exempt from this condition.

(C) Use of the zoning lot is proposed to be changed from the permitted use classification identified in the approved site plan to another permitted use classification.

(2) Change of use review and approval shall be required for all wireless communication facilities collocations in accordance with **Section 2-600.8**.

B. Submission and Review Process.

(1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).

(2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.

(3) The applicant(s) obtains change of use site plan review application and fee requirements from the office of the Zoning Official.

(4) The applicant(s) submits fee, completed application forms and related documentation in the quantity specified by the Zoning Official.

(5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

(6) Once a complete set of application materials is received, the Zoning Official shall conduct a change of use review.

(7) All change of use reviews shall be placed on the Planning Commission consent agenda. The Planning Commission may, at its discretion, request to review and comment on any change of use request prior to the issuance of approval by the Zoning Official.

(*ARTICLE IV*, *SECTION 4-004.1.B cont.*)

(8) If the Zoning Official finds that the approved site plan for the subject zoning lot possesses the parking capacity needed to serve the proposed change of use, and if the approved site plan provides appropriate buffering and screening between the proposed change of use and adjacent uses, then the Zoning Official shall grant written approval of the requested change of use, outlining the reasons for such approval in the form and manner prescribed by the Zoning Official. If the Zoning Official finds that the approved site plan does not possess the parking capacity needed to serve the proposed change of use or does not provide for appropriate buffering and screening between the proposed change of use and the adjacent uses, then the Zoning Official shall require minor site plan review.

(9) Before granting approval, or as a condition of approval, of a change of use, the Zoning Official may require the submission of an updated site plan containing information now required by this Zoning Ordinance.

(10) If the decision of the Zoning Official is that the requested change of use will require minor site plan review, the applicant(s) shall apply for and receive an approved final site plan before using the subject zoning lot for the requested change of use. The Zoning Official may adjust the total review fees so that an applicant(s) shall not pay for two separate review processes for one project and shall only pay a total fee commensurate with the most extensive review process required for final approval of the proposed project.

(11) In those cases where the Zoning Official has granted approval of a change of use, the Zoning Official shall keep a written record of the change of use approval for the record and provide one copy to the applicant(s).

(12) Upon receipt of the change of use approval, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

2. Minor Site Plan Review.

A. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, minor site plan review and approval shall be required for all land development projects on a zoning lot in any zoning district which specifically requires site plan review and one or more of the following conditions exist:

(1) A zoning lot was improved prior to the Township's site plan review requirements and therefore is not governed by an approved site plan and a change of use is proposed.

(2) All new commercial, office and industrial projects on zoning lots less than one (1) acre in size.

(3) Any addition or alteration to an existing building resulting in an increase of interior floor area or exterior use area on a zoning lot governed by an approved site plan which requires a building permit.

(4) Any existing parking area proposed to be changed to an impervious surface and/or exterior storage area proposed for construction or expansion.

(5) Any addition to, or modification of the landscaping, fence wall, or perimeter fence wall on a zoning lot governed by an approved site plan.

(6) All attached wireless communication facilities considered permitted uses in accordance with **Section 2-600.2**.

(7) All municipal, county, state, federal, and other governmental agency projects that are a permitted principal use.

(8) A change of use that is not eligible for approval under **Section 4-004.1.A**.

B. Submission and Review Process.

(1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).

(2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.

(3) The applicant(s) obtains minor site plan review application and fee requirements from the office of the Zoning Official. The applicant(s) can choose to have their plan reviewed through the major site plan review process, at the fee established for minor site plan review.

(4) The applicant(s) submits completed application forms, preliminary plan, and related documentation in the quantity specified by the Zoning Official.

(*ARTICLE IV*, *SECTION 4-004.2.B cont.*)

(5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

(6) Once a complete set of application materials are received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.

(7) The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.

(8) All minor site plan reviews shall be placed on the Planning Commission consent agenda. The Planning Commission may, at its discretion, request to review and comment on any minor site plan request prior to the issuance of approval by the Zoning Official.

(9) The Zoning Official, Township Engineer, Public Works Official, Fire Chief, Police Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review.

(10) The Zoning Official shall collect and transmit to the applicant(s) all revisions and comments recommended and received from the Township and other governmental agencies. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review; the Zoning Official may require Planning Commission review of a preliminary plan to complete this step of the process.

(11) The Zoning Official and Township Engineer shall conduct a final site plan review.

(12) The applicant(s) may obtain construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter. However, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.

(13) The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.

(14) The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).

(15) Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

3. Major Site Plan Review.

A. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, major site plan review and approval shall be required for all land development projects on a zoning lot in any zoning district which specifically requires site plan review and one or more of the following conditions exist:

(1) All new commercial, office and industrial projects on zoning lots one (1) acre or larger in size.

(2) All mobile home, multiple-family, site condominium, and other residential dwelling land development projects involving more than two dwelling units. (Note: Single-family platted subdivision projects are excluded from consideration under this Section and instead shall be reviewed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.)

(3) All municipal, county, state, federal, and other governmental agency projects proposed in areas that are not a principal permitted use.

(4) A review required by the Zoning Official or Township Engineer for any lot or acreage split which results in the creation of a public or private street. The review process, if required, will occur after approval of the proposed split in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.

(5) All wireless communication facilities that require special approval.

(*ARTICLE IV*, *SECTION 4-004.3 cont.*)

B. Submission and Review Process.

(1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).

(2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.

(3) The applicant(s) obtains major site plan review application and fee requirements from the office of the Zoning Official. All plans shall be prepared to comply with the following general plan criteria:

(A) The development shall be compatible with planned development patterns as expressed in the Township's adopted Master Plan, be for a use permitted or granted special approval by the Planning Commission in the zoning district, comply with all the applicable requirements of the Zoning Ordinance and the **Waterford Code of Ordinances** as reviewed and decided by the appropriate Township Officials and government agencies to ensure as practicable as possible that the use shall not result in a negative impact on the surrounding area.

(B) The plans shall disclose, provide for and demonstrate compliance with the use of a site harmoniously and efficiently organized in relation to surrounding uses, the performance standards listed in **ARTICLE II, Division 2-2,** accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, stormwater management, protection of surface water and/or groundwater resources, topography, environmental characteristics, site vegetation and landscaping, screening and buffering, piling of plowed snow, provision of adequate access for emergency and public safety vehicles and equipment, exterior lighting, dumpster receptacles, exterior appliances, developmental characteristics and other site elements which may have an effect upon the public health, safety and general welfare, the Township Engineering Standards, the SPL Manual, and other applicable sections of this Zoning Ordinance and **Waterford Code of Ordinances** as determined by the Zoning Official, Township Engineer, or Building Official.

(C) The placement, size, and other features of proposed buildings, parking areas, driveways, landscaping, and other physical improvements of the site will preserve, to the extent possible, existing on-site natural features and vegetation such as trees, wooded areas, wetlands, natural groves, and terrain features, with tree and soil removal to be minimized.

(D) The dedication and/or restriction of open space, streets, or other lands for public, common or other designated use or purpose shall be absolute, not subject to reversion or possible future termination or modification without Township approval and shall be provided by an easement or other document acceptable to the Township Attorney and recorded at the Oakland County Register of Deeds prior to final site plan approval.

(E) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation throughout the site shall be provided.

(F) Plans prepared for condominium developments shall also be regulated by the requirements outlined in **Section 4-004.4.**

(4) The applicant(s) submits completed application forms, concept plan, the conceptual review fee, and related documentation in the quantity specified by the Zoning Official.

(5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

(6) Once the conceptual review fee is paid and a complete set of application materials are received, the Zoning Official shall review the concept plan for compliance with the goals and objectives of the Master Plan, and prepare an analysis of how the concept plan meets the Master Plan goals and objectives for use by the Planning Commission in making its determination of compliance.

(7) The Zoning Official schedules a conceptual review by the Planning Commission at its next available regularly scheduled public hearing meeting.

(*ARTICLE IV*, *SECTION 4-004.3 cont.*)

(8) The Planning Commission shall be responsible for reviewing the concept plan and the analysis from the Zoning Official to determine the plan's compliance with the Master Plan and make any other determinations allowed or required by this Zoning Ordinance. If the Planning Commission finds that the concept plan complies with the Master Plan, it shall approve the concept plan without modifications. If the Planning Commission finds that the concept plan does not comply with the Master Plan in full or in part, it shall specifically identify where the concept plan is deficient in achieving the Master Plan goals and objectives. The Planning Commission may postpone the case to allow the applicant(s) time to revise the concept plan or deny the concept plan based on the identified deficiencies. In those cases where the Planning Commission finds that the concept plan does not comply with the Master Plan, it may require the applicant(s) to prepare and submit one (1) or more components of a development impact analysis report along with a revised concept plan for Planning Commission review and consideration before a final decision is made. Nothing in this subsection shall prevent the Planning Commission from approving a concept plan that does not comply with the Master Plan.

(9) Planning Commission approval of a concept plan shall be valid for a period of one (1) year, within which final site plan approval must be obtained.

(10) Once the concept plan has been approved, the applicant(s) shall submit the preliminary plan based on the approved concept plan and related documentation in the quantity specified by the Zoning Official.

(11) Once a complete set of application materials are received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.

(12) The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.

(13) The Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review.

(14) The Zoning Official shall collect and transmit to the applicant(s) all revisions and comments recommended and received from the Township and other governmental agencies. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.

(15) The Zoning Official and Township Engineer shall conduct a final site plan review.

(16) The applicant(s) may obtain construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter. However, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.

(17) The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.

(18) The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).

(19) Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

4. Additional Regulations For Condominium Developments

A. Additional Application Materials. The preliminary plan and preliminary plan review for condominium developments *(See **Condominium Development** in **Section 1-007**)* shall include the condominium master deed *(See **Condominium Development** in **Section 1-007**)* and any other documents required by the Condominium Act, Public Act 59 of 1978, as amended, or to be recorded with the Oakland County Register of Deeds. Those documents shall be reviewed and approved with respect to all matters subject to regulation by the Township in accordance with this Zoning Ordinance and the **Waterford Code of Ordinances**.

B. Site Plans for Expandable, Contractable, or Convertible Projects. For expansion, contraction, or conversion of a condominium development to add or withdraw land, the new phase of the project shall undergo all steps of the major site plan review for approval.

(*ARTICLE IV*, *SECTION 4-004.4 cont.*)

C. ***Amendments to Master Deed, By-Laws, and Final Site Plans*.** The approval of the final site plan is also conferred upon the master deed and by-laws as related documents. Therefore, any amendment of a master deed, by-laws, or as-built survey which would have any direct or indirect effect upon any matter reviewed or approved under this Section, as determined by the Zoning Ordinance, shall be reviewed and approved by the Township Attorney prior to recordation. If the Township Attorney, in consultation with the Township Engineer and Zoning Official, determines that the proposed amendments are a substantial departure from the approved final site plan, then the amendment shall undergo the same plan review and approval process as the original approved documents. The Zoning Official shall receive copies of all recorded master deed, by-law, and condominium development plan documents prior to the issuance of a certificate of occupancy.

5. Open Space Preservation.

A. ***Purpose and Intent***. The open space preservation option is intended to encourage the long-term preservation of open space and natural features in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended. Property meeting the eligibility requirements of this subsection may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the Planning Commission, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this subsection.

B. ***Eligibility Requirements***. The open space preservation option shall be applicable to zoning lots located within the R-1, Single Family Residential District that are served by municipal sewers as well as such zoning lots that are not served by municipal sewers. The provisions in this subsection shall supplement the existing regulations applicable to the R-1 zoning district in the event an eligible zoning lot is proposed for development using the open space preservation option provided in this subsection.

C. ***Review Process.***

(1) All proposed open space preservation option developments shall be submitted and reviewed in accordance with **Section 4-004.3** and in accordance with the requirements of this subsection and other applicable ordinances.

(2) In addition to all other submittals and information required under this subsection, all open space preservation plans submitted to the Township shall include a natural features inventory and mitigation report.

D. ***Density Calculation***. The density of dwelling units shall not exceed the density customarily developable in the R-1A Single Family Residential zoning district when developed with a conventional layout and with all applicable laws and ordinances being observed.

(1) A proposed open space preservation concept plan and a parallel concept plan shall be submitted in order to establish the maximum permitted density. The parallel concept plan shall depict development of the R-1 zoning lot under the conventional standards of the R-1A zoning district and the requirements of all other applicable state and municipal regulations and standards. The proposed open space preservation concept plan shall depict the proposed arrangement of dwelling units on the R-1 zoning lot with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary streets and street accessways, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on both the parallel concept plan and the proposed open space preservation concept plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.

(2) The Planning Commission shall make the determination that a proposed open space preservation concept plan is acceptable once it meets all applicable Township ordinance requirements and, based on the comparative review of the parallel concept plan and proposed open space preservation concept plan, determine the number of units permitted under the open space preservation option provided in this subsection.

(*ARTICLE IV*, *SECTION 4-004.5 cont.*)

E. Design Requirements and Restrictions. The following design and application requirements shall apply to a proposed open space preservation development under this subsection. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**, and otherwise incorporated into a site plan in accordance with the requirements of **Section 4-004.3.**

(1) A minimum of fifty (50) percent of the lot area shall be preserved as permanent open space in an undeveloped state in the manner set forth in subparagraph F, below.

(2) Permanent open space shall include the most significant natural features on the zoning lot.

(3) The applicant(s) for an open space preservation development shall be entitled to an approval under this subsection; provided, the following aspects of the proposed development plan shall be reviewed for approval by the Planning Commission:

(A) The bulk regulations established by the Planning Commission for the dwellings in an open space preservation development shall be reasonable and rationally related to the standards, requirements and intent of single family residential development permitted under this Zoning Ordinance to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the Planning Commission under the proposed open space preservation concept plan, and the setbacks, minimum lot width, and maximum impervious surface requirements for the single family residential zoning districts.

(B) The development layout and configuration shall result in zoning lots or condominium lots feasible for residential development and use, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent streets and other land which is developed, or may be developed for non-cluster residential development. Each zoning lot or condominium lot shall be depicted on the plan with a proposed building envelope, in which a proposed dwelling may be constructed and used, including all likely improvements, without the necessity of the grant of a variance by the ZBA.

(4) Open space areas shall be accessible to all zoning lots or condominium lots in the development, either directly from the internal street network or, if approved in the discretion of the Planning Commission, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all zoning lots or condominium lots.

(5) Preserved open space shall be connected with adjacent open space, public land, and existing or planned nonmotorized pathways, where feasible, as determined by the Planning Commission.

(6) Approval of an open space preservation development does not constitute a change in the zoning of the property, and, except as specifically provided in this subsection, all other regulations applicable within the zoning district of the property and development shall apply.

(7) Restrictions.

(A) Nothing in this subsection shall allow the construction of multi-family residential units in a single family residential district.

(B) Nothing in this subsection shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety, and welfare of any person or property.

(C) The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.

(D) The development shall be designed to avoid an unreasonable burden upon the subject or surrounding zoning lots, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning or engineering considerations.

F. Open Space Maintenance and Preservation.

(1) All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the Planning Commission prior to final approval of the development, and shall be received and approved as to substance and form by the Township Attorney prior to acceptance by the Planning Commission.

(2) Nothing in this subsection shall be construed to require the property owner to convey fee title ownership of the open space to the public.

SECTION 4-005. PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section shall be to establish review procedures, regulations, approval standards, and authority to allow innovative and efficient land use development which will achieve the goals and objectives of the Master Plan while protecting the natural environment, conserving natural resources and energy, and ensuring compatibility of a proposed Planned Unit Development (PUD) with adjacent uses of land. This procedure is available only where all of the following conditions exist:

A. The zoning district requested for the PUD permits this procedure for developments within its boundaries.
B. The proposed PUD area meets the minimum area requirements identified in the zoning district in which the project is located or proposed to be located.
C. There is a single person or entity responsible for completing the PUD in conformity with the approved final site plan.
D. The PUD shall be adjacent and directly accessible to a public street.
E. The PUD will comply with all regulations in **Section 4-005.3.**

2. Submission and Review Process.

A. The prospective applicant(s) discusses the general elements of the proposed project with the Zoning Official's office staff to ensure that the application is eligible for consideration as a PUD and can meet the minimum requirements for the PUD review process. Prior to submittal, the applicant(s) shall schedule and attend a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s). The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.
B. The applicant(s) obtains PUD review application, fee requirements, and concept plan, preliminary plan, final site plan, and development impact analysis report requirements from the office of the Zoning Official.
C. The applicant(s) submits completed application forms, concept plan, and related documentation in the quantity specified by the Zoning Official.
D. The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements administered by the Zoning Official under this Zoning Ordinance. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
E. Once a complete set of application materials is received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.
F. The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.
G. The Zoning Official shall schedule a conceptual review at the next available regular Planning Commission meeting.
H. The Planning Commission conducts conceptual review on the proposed PUD.

(*ARTICLE IV*, *SECTION 4-005.2 cont.*)

I. The Zoning Official shall schedule a conceptual review at the next available regular Township Board meeting, submitting Planning Commission conceptual review comments for consideration by the Township Board.

J. The Township Board conducts conceptual review on proposed PUD.

K. The applicant(s) prepares a preliminary plan, incorporating Planning Commission and Township Board conceptual review comments. The applicant(s) submits the preliminary plan and development impact analysis report.

L. The Zoning Official, Township Engineer, Public Works Official, Fire Chief, Police Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review. The Zoning Official and Township Engineer also shall conduct a review of the development impact analysis report.

M. The Zoning Official shall collect all revisions and comments received from the Township and other government agencies and incorporate these comments into a preliminary plan review analysis for use by the Planning Commission and Township Board.

N. Once the initial preliminary plan review steps have been completed, the Zoning Official shall establish a public hearing date and transmit all notifications in accordance with the requirements of Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.

O. The Planning Commission, at a meeting prior to the public hearing, shall review the staff analyses of the development impact analysis report and preliminary plan to allow for effective review of the matters that will be considered during the public hearing.

P. The Planning Commission conducts public hearing on the proposed PUD preliminary plan.

Q. The Planning Commission makes its recommendation on the PUD preliminary plan request to the Township Board, based on how the proposed PUD complies with the regulations and standards listed in **Sections 4-005.3 and 4-005.4**. The Planning Commission may recommend conditions on the preliminary plan site design to achieve compliance with these regulations and standards and as provided in **Section 4-005.5**.

R. The Township Board shall conduct a public hearing on the PUD preliminary plan request, and taking into consideration the recommendation of the Planning Commission, the criteria and standards of this Zoning Ordinance, the Township's Master Plan, and Township Engineering Standards. After the public hearing, the Township Board shall either approve, deny, or approve with conditions the PUD preliminary plan, with all such approvals requiring subsequent Township Board approval of the final site plan. Township Board approval under this Section shall be valid for a period of one (1) year or such longer period as approved by the Township Board, within which time final site plan approval, construction plan approval, issuance of building permits, and commencement of construction shall occur.

S. For those PUD preliminary plan requests approved or approved with conditions by the Township Board, the Zoning Official shall ensure that a notice of such approval as prepared by the Township Attorney shall be recorded at the office of the Oakland County Register of Deeds. Such notice shall be designed to give notice that development of the subject parcel shall be in accordance with the preliminary plan which shall be on file with the Zoning Official. The Zoning Official also shall transmit in writing to the applicant(s) all revisions required by the Township Board. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.

T. The Zoning Official and Township Engineer shall conduct a final site plan review.

U. The Zoning Official and Township Engineer verifies that the final site plan complies with all Zoning Ordinance requirements.

V. The final site plan shall be placed on the Planning Commission consent agenda and Township Board agenda for recommendation and approval of the final site plan prior to the issuance of approval by the Zoning Official.

W. The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).

X. Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

3. Regulations for All Planned Unit Developments.

A. A zoning lot that has been incorporated into an approved PUD shall not thereafter be developed or used except in accordance with the approved final site plan and any revisions approved subsequent thereto. The approved final site plan and subsequent revisions shall be binding upon all subsequent owners of such zoning lot or portions thereof.

(*ARTICLE IV*, *SECTION 4-005.3 cont.*)

B. Development within a PUD may be phased, provided such phasing is identified through a phasing timeline delineated on the approved final site plan. The Township Board may require, in addition to performance guarantees, a separate irrevocable letter of credit or surety bond for each phase of the project, in a form acceptable to the Township Attorney, at a value to ensure that the intent and purpose of the Township's project approval is preserved.

C. Development phasing shall be designed to provide a proportional amount of required open space in each phase. Buildings, parking lots, drives, and similar improvements may be permitted by the Township Board in open space areas, if related and necessary to the functions of the open space. Other buildings and improvements shall be prohibited therefrom.

D. All project buildable areas shall be delineated on the preliminary plan and the final site plan so that the acreage and density computations can be confirmed.

E. The location of buildings and uses and the distances between buildings shall be clearly shown on the final site plan which shall control the development and continued use of the property.

F. All building heights shall be subject to review and approval, in relation to any recommendations by the Oakland County International Airport.

G. The perimeter greenbelt approved as part of a PUD shall not be used for anything other than landscaping, nonmotorized pathways, street accessways, street furniture, street hardware, and utility infrastructure.

H. Electrical, telephone, and cable television lines shall be underground. Surface-mounted transformers and similar equipment for the underground wires shall be shown on the final site plan and shall be landscaped and screened in accordance with the SPL Manual.

I. In zoning districts where a PUD is permitted to implement a mixed-use development including residential uses, such PUD may contain one (1) or more dwelling types. The total combined residential use areas within such a PUD shall not exceed fifty (50) percent of the buildable area for the PUD. The maximum density of such PUD's residential component may be increased at the Township Board's discretion where the increased residential density will encourage long-term economic sustainability and/or serve to protect on-site environmentally sensitive areas or natural features.

4. Planned Unit Development Approval Standards. Before approving any PUD, the Planning Commission and Township Board shall consider the following:

A. The PUD complies with the goals and objectives of the Master Plan for the subject area.

B. The use of the PUD process is not an attempt to avoid the applicable zoning requirements. Any permission given for an activity, building, or use not normally permitted shall result in an improvement to the public health, safety, and welfare in the area affected.

C. The PUD will provide a recognizable and substantial benefit to the residents and users of the PUD and to the Township.

D. The PUD will not result in unreasonable impacts on surrounding properties, the natural environment, or public utilities, facilities or services.

E. The PUD will not result in unreasonable negative economic impact on surrounding property values or for the Township as a whole.

F. The PUD does or will comply with all applicable Township and other governmental laws and regulations.

G. Open space areas shall be established throughout the PUD in relation to the location of uses and natural features. All or part of such open space may be required by the Township to be dedicated or reserved for resource protection, or to be landscaped in accordance with plans approved by the Township.

H. Open space areas proposed as public and/or private recreational areas shall be maintained as such by deed restrictions, conveyances, dedications, or other such means as may be recommended by the Township Attorney and shall be permanent.

I. Buildings shall be at a scale that is harmonious with other buildings within the PUD.

J. All buildings and uses within a PUD shall have vehicular and/or pedestrian access from a public street or private street. All proposed streets shall be designed and constructed in accordance with Township Engineering Standards.

(*ARTICLE IV*, *SECTION 4-005.4 cont.*)

K. All uses within a PUD shall be interconnected by a nonmotorized pathway which will provide for the necessary safe and convenient movement of pedestrians and other nonmotorized traffic. In applying this standard, the Planning Commission and Township Board shall consider convenient and safe routes for pedestrian traffic, particularly for children; the interrelationship of the proposed uses within the PUD area; the layout of streets and street intersections, and the general character and intensity of the existing and potential development of the surrounding area. All such nonmotorized pathways shall be designed and constructed in accordance with Township Engineering Standards.

L. Commercial off-street parking and loading/unloading spaces for each individual building and use shall conform to the requirements of the applicable zoning district. The Township Board, upon the recommendation of the Planning Commission, may approve a consolidation and reduction in the number of parking and/or loading spaces when such a consolidation and reduction shall provide a material benefit to the Township and the residents, occupants, and customers of the PUD.

M. The PUD shall incorporate focal points of interest at entry points to the PUD through use of art, civic design, and/or enhanced landscaping.

N. The PUD shall comply with all the regulations in **Section 4-005.3**.

5. Standards for Planned Unit Development Conditions. The Township Board may impose reasonable conditions in granting approval for a PUD which it deems necessary to fulfill the spirit and purpose of this Zoning Ordinance. The conditions may include those 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 insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

A. 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.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Zoning Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

6. Performance Requirements for Planned Unit Developments.

A. An applicant(s) may request modifications to the approved preliminary plan during the final site plan review by submitting a revised preliminary plan, signed by the applicant(s) and all owners of record. All PUD modification requests shall be processed in accordance with **Section 4-005.2.L through R** prior to receiving final site plan approval.

B. In the event that an applicant(s) does not initiate and undergo the final site plan review and construction plan reviews within the timeframe established for each phase of the project in the approved preliminary plan, the approval for that phase and all subsequent phases of the PUD shall expire and the irrevocable letter of credit or bond shall be subject to draw or forfeiture by the Township. An applicant(s) may request an extension of the approval period from the Township Board.

C. Expiration of the PUD approval as set forth in this Section shall authorize the Township Board to revoke the right to develop under the approved plan, after a hearing, unless good cause can be shown to extend said time period. In such time period extensions, the Township Board may require that a new preliminary and final site plan be filed and reviewed in accordance with **Section 4-005.2**. When the Township Board revokes an approved plan under this subsection, the Township Board may also initiate such zoning map amendments necessary to complete the revocation process. Revocation of an approved PUD shall be duly noted on the official zoning map, and notice shall be recorded at the office of the Oakland County Register of Deeds, as prepared by the Township Attorney, indicating such expiration.

D. The denial of a PUD by the Township Board shall not be appealable to the ZBA.

E. If an approved final site plan has expired as set forth in this Section, no permits for any development or use of the property included in the PUD shall be issued.

(*ARTICLE IV cont.*)

SECTION 4-006. SPECIAL APPROVAL REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section shall be to establish review procedures, standards, and authority to impose conditions for all uses requiring Special Approval review and to establish the Planning Commission as the review and approval authority for Special Approval reviews. Special Approval review shall be required for all requests to utilize a zoning lot for a use listed as requiring Special Approval from the Planning Commission. The preliminary plan, preliminary plan review, final site plan review, and construction plan review shall be required components of the Special Approval process unless a request meets all of the following conditions:

A. The zoning lot is improved and governed by an active approved site plan.

B. The requested Special Approval use will not require a capacity increase in the existing parking area on the subject zoning lot.

C. Other than interior remodeling of the existing buildings, no physical expansion or structural modifications are being proposed to the buildings or use areas on the zoning lot.

Special Approval use requests that meet all of these conditions shall use the active approved site plan as the review document. Changes in the use of the active approved site plan through a Special Approval use approved by the Planning Commission shall be documented in the active approved site plan file.

2. Submission and Review Process.

A. The applicant(s) obtains a Special Approval review application, preliminary plan requirements, and fee requirements from the office of the Zoning Official.

B. The applicant(s) submits completed application forms, preliminary plan, and related documentation in the quantity specified by the Zoning Official.

C. The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

D. Once a complete set of application materials is received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.

E. The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.

F. The Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other government agencies identified by the Zoning Official shall conduct a preliminary plan review.

G. The Zoning Official shall collect all revisions and comments received from the Township and other government agencies and incorporate these comments into a Special Approval review analysis for use by the Planning Commission.

H. Once the initial preliminary plan review steps have been completed, the Zoning Official shall establish a public hearing date and prepare and transmit all notifications in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.

I. The Planning Commission conducts a public hearing on proposed Special Approval.

J. The Planning Commission approves, approves with conditions, or denies the Special Approval request, basing its decision on how the proposed use complies with the criteria listed in **Section 4-006.4**. The Planning Commission may place conditions on an approval, provided that the conditions conform with the parameters outlined in **Section 4-006.5**. The Planning Commission may defer a request to allow verification, compilation or submission of additional or supplemental information in the form of a natural features inventory and mitigation report, traffic impact analysis report, parking study report, or development impact analysis report; or to address other concerns or issues directly related to a review criteria or possible condition of approval.

K. Once the Planning Commission approves, approves with conditions, or denies the Special Approval use request, the Zoning Official shall send the applicant(s) a notice of decision that includes a statement of findings and conclusions and specifies the basis for the decision and any conditions imposed. The applicant(s) then proceeds with the following site plan review steps, when applicable.

(*ARTICLE IV*, *SECTION 4-006.2 cont.*)

L. The Zoning Official shall transmit in writing to the applicant(s) all plan revisions and information required by the Planning Commission's approval and conditions. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.

M. The Zoning Official and Township Engineer shall conduct a final site plan review.

N. The applicant(s) may obtain a construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter; however, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.

O. The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements and Planning Commission Special Approval conditions.

P. The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).

Q. Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

3. Planning Commission Review Criteria. The Planning Commission, in conducting its review of any proposed Special Approval use, shall determine whether such use shall:

A. Be in accordance with the objectives of the Master Plan and with future land use plans for the area as adopted or maintained by the Planning Commission.

B. Be compatible with adjacent uses of land in terms of building and activity location, scope of activity, character, hours of operation, compliance with the performance standards required under **ARTICLE II, Divison 2-2,** and will have no adverse effect on the environment or adjacent properties beyond the normal effects of permitted principal uses in the same zoning district and shall not result in an impairment, pollution, and/or destruction of the air, water, natural resources and/or the public trust therein.

C. Be in compliance with such Special Approval use service areas identified and adopted by the Planning Commission.

D. Be a use that does not impose an unreasonable burden upon public services and utilities.

E. Be in compliance with the regulations of the zoning district in which it is located.

4. Planning Commission Approval Criteria. Before approving any Special Approval use, the Planning Commission shall consider the following:

A. The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development of the Zoning District in which it is situated, and shall be compatible with the orderly development or use of adjacent zoning lots, pedestrian circulation will not be hindered, outdoor operations and display will not burden and/or disrupt uses on adjacent properties, and/or the natural and surrounding environment will not be negatively impacted.

B. The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities which serve its location.

C. The scope of the land use or activity under consideration is conducive to fulfilling a gap in the geographic coverage of such services to Township residents.

D. The Planning Commission may stipulate reasonable restrictions on the hours of operations, an increase of setback requirements to that of a more intensive zoning district, additional screening and barriers, and authorizing future review to ensure that such use does not violate the performance standards established in this Zoning Ordinance.

5. Standards for Special Approval Conditions. The Planning Commission may impose reasonable conditions in granting Special Approval which it deems necessary to fulfill the spirit and purpose of this Zoning Ordinance. The conditions may include those 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 all of the following:

A. 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.

(*ARTICLE IV*, *SECTION 4-006.5 cont.*)

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Zoning Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

6. General Stipulations for Special Approvals.

A. Conditions established by the Planning Commission as part of a Special Approval use authorization shall be binding upon the owners and occupants of the subject zoning lot and upon all heirs, assigns, and any persons taking title to the subject zoning lot while such Special Approval use authorization is active and in effect. The breach of any condition established by the Planning Commission as part of a Special Approval use authorization shall be a violation of this Zoning Ordinance and reason for the Planning Commission to hold a hearing to consider revocation of the Special Approval in accordance with the administrative guidelines for the revocation of licenses established in the **Waterford Code of Ordinances, Licenses and Miscellaneous Business Regulations**.

B. The discontinuance after a specified time of a Special Approval use which involves outside storage or display may be a condition to the issuance of the permit. Renewal of such a Special Approval use authorization may be granted after a review and determination by the Planning Commission that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with standards and requirements in effect at the time that the renewal is requested.

C. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Approval, any conditions imposed by the Planning Commission and the approved site plan.

D. To ensure adequate notice of the decision, and conditions imposed, the Planning Commission may require as a condition to the effectiveness of relief granted that the property owner record with the Oakland County Register of Deeds, in a form acceptable to the Planning Commission, an affidavit detailing the relief granted and conditions imposed.

E. A denial decision by the Planning Commission shall be considered final as of the meeting at which the decision was made, except on grounds of newly discovered evidence or proof of substantially changed conditions, sufficient to justify reconsideration by the Planning Commission under a new application.

F. An approval under this Section shall be effective for a period of one (1) year, and shall thereafter be void unless actual use for existing buildings or structures, or structural improvements when proposed in conjunction with the use, have been commenced after an approved final site plan is granted.

SECTION 4-007. HARDSHIP PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, it is the intent of this Section to provide a site specific administrative remedy to allow reasonable use of property in those limited instances in which a property owner demonstrates to the Township Board that:

A. The applicant(s)'s property cannot be reasonably and economically used for the purposes permitted in the zoning district.

B. The plight is due to unique circumstances peculiar to the property and not to the general neighborhood conditions.

C. The proposed development and use would not alter the essential character of the area.

D. The applicant(s)'s problem has not been self-created.

If and when a property owner meets such four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this Section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable and appropriate uses of property on the particular site, taking into consideration the objective of achieving compatibility and high quality development. In order to satisfy the finality requirements dictated by the Michigan Supreme Court in *Paragon Properties Company v City of Novi*, a property owner shall not be required to seek variance relief at the ZBA if relief is sought and final action has been taken under this Section.

2. Submission and Review Process.

A. The prospective applicant(s) discusses the general elements of the proposed use of the subject zoning lot with the Zoning Official's office staff to ensure that application is made for the proper review process.

(*ARTICLE IV*, *SECTION 4-007.2 cont.*)

B. The applicant(s) obtains Hardship Planned Unit Development review application, preliminary plan requirements, and fee requirements from the office of the Zoning Official.

C. The applicant(s) submits preliminary plan, fee, and the application, including the summary of the facts which support each of the following conclusions along with identifying all persons who will appear at the hearing with respect to each of the facts, and, separately, all persons who will appear at the hearing relative to each respective conclusion:

(1) The applicant(s)'s property cannot be reasonably and economically used for the purposes permitted in the zoning district.

(2) The applicant(s)'s plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.

(3) The applicant(s)'s suggested use would not alter the essential character of the area.

(4) The applicant(s)'s problem has not been self-created.

(5) If any identified person is to be offered as an expert witness, a resume showing the education and experience of such person within the particular area of expertise shall be included with the application. The application shall also be accompanied by the review fee in the amount specific by Township Board resolution.

D. The Zoning Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the above requirements. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

E. Once a complete set of application materials are received, the Zoning Official shall forward the submitted application to the Township Supervisor.

F. After review of the application, the Township Supervisor shall instruct the Zoning Official to schedule a pre-hearing conference with the applicant(s), the Township Supervisor, the Zoning Official, and any other Township staff members and/or consultants that the Township Supervisor wishes to attend. The purposes of the pre-hearing conference shall be to:

(1) Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant(s).

(2) Attempt to secure a statement of agreed upon fact to be used to narrow the matters of dispute and shorten the hearing.

(3) Explore a means of providing relief to the applicant(s) by way of non-use variance from the ZBA.

(4) Discuss the need, desirability, and the terms of providing a verbatim record of the hearing.

G. Upon conclusion of the pre-hearing conference, the Township Supervisor shall schedule a hearing on the matter to be conducted before the Township Board at the next regularly scheduled Township Board meeting.

H. The Township Board shall conduct a public hearing in accordance with the hearing procedures outlined in subsection 3 below.

I. After conducting the public hearing, the Township Board shall make its decision on the matter in accordance with the standards for Hardship Planned Unit Development decisions outlined in subsection 4 below.

J. If the Township Board grants approval of the Hardship Planned Unit Development request, the effects of approval outlined in subsection 5 below shall apply. Approvals that result in development or redevelopment of the subject zoning lot shall require minor site plan review.

K. If the Township Board approves an application, the Zoning Official shall place a notation on the zoning map providing notice that site specific relief has been approved on the property.

3. Hearing Procedures.

A. The applicant(s) shall have the burden of proof. In order to be entitled to relief, the applicant(s) must demonstrate and prove the affirmative for each of the four factors set forth in the application to the Township Board.

B. Township representatives shall first present an overview of all Master Plan goals and objectives, applicable zoning regulations, and planning, engineering, and environmental factors involved in not permitting the use proposed by the applicant(s) on the subject zoning lot.

C. The applicant(s) shall then be provided with the opportunity to present all testimony and evidence presented at the pre-hearing conference, either through witnesses or affidavits, however, the Township Supervisor may restrict unreasonably duplicative testimony and evidence.

(*ARTICLE IV*, *SECTION 4-007.3 cont.*)

D. The Township Board may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of an expert nature, with the view of permitting members of the Township Board to ask questions of such witnesses.

E. At the conclusion of the applicant(s)'s presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant(s).

F. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the Township in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant(s). The purpose of such presentation shall be to ensure that a full picture, including all relevant information, is before the Township Board of consideration as it relates to the specific application presented.

G. If testimony or evidence has been offered by or on behalf of interested persons and/or the Township, the applicant(s) shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and Township representative. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant(s)'s principal presentation.

H. At the hearing, the Township Board may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the Township, or other rules found to be necessary or appropriate by the Township Board. When questions of procedure arise during the hearing, the Township Supervisor may solicit the recommendation of the representatives of both the applicant(s) and the Township.

I. The Township Board may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.

J. If a hearing is not completed at a given meeting within the time period allowed by the Township Board, the Township Board shall adjourn the hearing to a date certain for continuation.

K. The denial of a Hardship Planned Unit Development request by the Township Board shall not be appealable to the ZBA.

4. Standards for Hardship Planned Unit Development Decisions.

A. At the conclusion of the hearing, the Township Board may make its decision at the meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by the hearing participants, in preparation for making its decision.

B. If the Township Board determines to grant a Hardship Planned Unit Development, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. The approval may include conditions that are authorized by law.

C. If the Township Board adopts a motion to grant a Hardship Planned Unit Development, such motion may be made as a tentative grant of relief, subject to review and recommendation by the Planning Commission, Zoning Official, Township Engineer, or Township Attorney, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Township Board, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

D. If the Township Board approves a Hardship Planned Unit Development, the relief granted shall be in the form of a site specific plan and use, subject to all specifications, terms and conditions included on the plan and in the decision.

5. Effect of Approval.

A. Approval of a Hardship Planned Unit Development shall apply only to the specific plan and use granted, and shall be subject to all specifications, terms and conditions included on the plan and in the decision granting the approval. An approval under this Section shall not be final until such time as the applicant(s) records an affidavit at the office of the Oakland County Register of Deeds in connection with the property. Such affidavit shall be in a form approved by the Township Attorney.

B. An approval under this Section shall be effective for a period of one (1) year, and shall thereafter be void unless actual use for existing buildings or structures, or structural improvements when proposed in conjunction with the use, have been commenced after an approved final site plan is granted.

(*ARTICLE IV cont.*)

SECTION 4-008. SPECIAL ACCOMMODATION USE REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is intended to authorize the grant of relief in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state or federal law, e.g., The Federal Fair Housing Amendments Act of 1988, requires the Township to make "reasonable accommodation" for a particular proposed user of property, the Township Board, following public hearing before and recommendation of the Township Planning Commission, under the authority of MCL 125.286c, may administratively approve a special accommodation use, subject to and in accordance with this Section.

2. Submission and Review Process.

A. The prospective applicant(s) discusses the general elements of the proposed use of the subject zoning lot with the Zoning Official's office staff to ensure that application is made for the proper review process.

B. The applicant(s) obtains special accommodation use application from the office of the Zoning Official, which shall include the names, addresses, and phone numbers of the owner of the property, the applicant(s), and all persons whose statements shall be relied upon by the applicant(s) (and, if such persons are relied upon for their expertise, a resume of their backgrounds shall be included). The application shall also include a description of the property and a narrative needs demonstration providing proof of all of the following :

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

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

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

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

The applicant(s) shall also prepare a preliminary plan as part of the application package. The applicant(s) shall submit to the Zoning Official all application materials and the review fee in the amount specified by Township Board resolution.

C. The Zoning Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the above requirements. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

D. Once a complete set of application materials is received, the Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other agencies identified by the Zoning Official shall conduct a preliminary plan review.

E. The Zoning Official shall collect all revisions and comments received from the other agencies and prepare a written report for Planning Commission and Township Board review.

F. The Zoning Official shall then schedule a public hearing before the Planning Commission at their next regularly scheduled public hearing meeting.

G. The Planning Commission shall conduct a public hearing and make a recommendation to the Township Board as to whether the applicant(s) demonstrated compliance with the standards for special accommodation use decisions outlined in subsection 3 below.

H. The Township Board shall consider the recommendation of the Planning Commission and make its decision on the matter. In connection with the approval of a special accommodation use, the Township Board may impose such conditions as are authorized by law. The Township Board, after considering the recommendations of the Planning Commission, may also alter and supplement the requirements of the SPL Manual when the Township Board finds that the facts and circumstances attendant to a particular case require such alteration, provided, in all events, the spirit of the Zoning Ordinance shall be observed, public safety secured, and substantial justice done, and, moreover, standards and regulations shall be enforced so that the essential character of the neighborhood and/or district is not altered.

(*ARTICLE IV*, *SECTION 4-008.2 cont.*)

I. If the Township Board grants approval of the special accommodation request, the effects of approval outlined in subsection 4 below shall apply. Approvals shall require completion of the minor site plan review, beginning with completion of the preliminary plan review step.

3. Standards for Special Accommodation Use Decisions.

A. The applicant(s) must prove their eligibility by meeting all of the criteria listed as the needs demonstration section of the application.

B. If the proposed use does not constitute a permitted use in the zoning district in which the property is situated, the proposed use shall be found to be of the minimum intensity (e.g., number of residents in a residential facility) required to achieve feasibility of the use.

C. The proposed use shall be designed, located, planned, and operated in such a manner that the public health, safety and welfare will be protected.

D. The proposed use shall be found to be compatible and harmonious, as determined by the application of generally accepted planning standards and/or principles, with the surrounding uses; the orderly development of the surrounding neighborhood and/or vicinity, and will not interfere with or discourage the appropriate development and use of the adjacent land and buildings or unreasonably affect their value.

E. The proposed use shall be found to generate vehicular and pedestrian traffic no more hazardous than is normal for the district involved.

F. The proposed use shall be found to comply with all performance standards required under **ARTICLE II, Division 2-2**.

4. Effects of Approval.

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

B. An approval under this Section shall be effective for a period of one (1) year, and shall thereafter be void unless actual structural improvements have been commenced on the property pursuant to the building permit or the dwelling unit or building has been lawfully occupied by the intended beneficiaries of the special accommodation.

SECTION 4-009. ZONING ORDINANCE AND MAP AMENDMENT REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section to provide a process for amending, supplementing, revising or repealing identified text of this Zoning Ordinance or revising the zoning map to reflect a change in the zoning district established for a zoning lot in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.

2. Submission and Review Process.

A. The prospective applicant(s) discusses the procedures and requirements for requesting the proposed Zoning Ordinance text amendment or zoning map rezoning with the Zoning Official. When zoning map rezoning requests involve rezoning to a district requiring a planned unit development, the prospective applicant(s) shall be required to process their request in accordance with **SECTION 4-005**.

B. The applicant(s) obtains rezoning application from the office of the Zoning Official.

C. The applicant(s) submits the rezoning review fee, the completed application form, and all documentation justifying their request in the quantity specified by the Zoning Official. The Zoning Official shall waive the fee requirement for applications submitted by the Township.

D. The Zoning Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements administered by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

(*ARTICLE IV*, *SECTION 4-009.2 cont.*)

E. The Zoning Official shall then review the rezoning application within the parameters of the current goals and objectives of the Master Plan, the intent and purpose of the current and proposed zoning districts, and prepare an analysis of the request based on the approval recommendation guidelines outlined in subsection 3 below.

F. Upon completion of the analysis, the Zoning Official shall establish a public hearing date and transmit all notifications in accordance with the requirements of the applicable zoning law.

G. The Planning Commission conducts a public hearing on the proposed rezoning.

H. The Planning Commission shall provide its recommendation to the Township Board on the rezoning request. In making its recommendation, the Planning Commission shall consider the approval recommendation guidelines outlined in subsection 3 below.

I. For those rezoning requests approved by the Township Board, the Township Clerk shall publish and provide notice of such approval in accordance with the applicable zoning law.

J. For rezonings involving text amendments, the Zoning Official shall be responsible for revising the text of the master Zoning Ordinance document and transmitting a copy to the Township Clerk for official record retention. The Zoning Official shall be responsible for distribution of copies of the revised Zoning Ordinance to members of the Township staff, and to the general public in the form established by the Zoning Official for the fee amount as established by the Township Board. For rezonings involving zoning map revisions, the Zoning Official shall be responsible for recording the zoning revision on the zoning map, noting the effective revision date, and ensuring that all copies and formats of the zoning map shall reflect such revision.

K. The denial of a zoning map or text amendment by the Township Board shall be final. Reconsideration of such a denial shall only be undertaken when a change of condition is documented in writing. When such documentation is submitted by an applicant(s), the documentation shall be reviewed by the Planning Commission to determine whether a reconsideration of the previously denied zoning map or text amendment request is warranted. The Planning Commission shall transmit its recommendation to the Township Board. The Township Board shall then decide to accept or deny the reconsideration request. If the Township Board decides to accept a reconsideration request, the zoning map or text amendment shall be processed in accordance with subparagraphs E through J herein.

3. Approval Recommendation Guidelines. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make its recommendations to the Township Board based upon the evidence presented to it in each specific case with respect to the following matters:

A. The requested zoning change is consistent with the adopted Master Plan, as amended.

B. The requested zoning change is consistent with existing uses and zoning classifications of properties within the general area of the subject zoning lot.

C. The subject zoning lot's physical suitability to provide all dimensional and site requirements for the range of uses permitted under the proposed zoning classification.

D. The trend of development in the general area of the subject zoning lot is consistent with the requested zoning change.

E. The Township and other public agencies possess the capacity to provide all utility and public safety services that would be required for the range of uses permitted under the proposed zoning classification.

F. The requested zoning change and the resulting range of uses permitted under the proposed zoning classification will not result in any significant negative environmental impacts.

G. Whether the amendment will be detrimental to the public interest.

(*ARTICLE IV cont.*)

SECTION 4-010. SINGLE-FAMILY RESIDENTIAL PLOT PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. **Purpose and Intent**. In conjunction with **Sections 4-001** through **4-003**, single-family residential plot plan review and approval shall be required for all principal buildings constructed, reconstructed, or modified on a single zoning lot, condominium lot, or condominium unit in any single-family residential zoning district. The purpose of this review process is also to incorporate review and approval of all accessory buildings and structures that will be constructed in conjunction with the construction/reconstruction/modification of the principal building.
2. **Submission and Review Process.**
   A. The applicant(s) obtains a single-family residential plot plan review application, plot plan requirements, and fee requirements from the office of the Building Official.
   B. The applicant(s) submits the fee, application, plot plan, and related documentation in the quantity specified by the Building Official.
   C. The Building Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Building Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
   D. Once a complete set of application materials is received, the Building Official shall conduct a plot plan review to ensure compliance with the plot plan requirements.
   E. The Building Official shall notify the applicant(s) of any revisions required to achieve an approvable plot plan. The applicant(s) shall be responsible for ensuring that the revised plot plan contains all required revisions. This step shall be repeated until the Building Official confirms that the plot plan complies with all Zoning Ordinance requirements.
   F. The Building Official verifies that the plot plan complies with all Zoning Ordinance requirements.
   G. The Building Official approves the final plot plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
   H. Upon approval of the plot plan and payment of required permit fees, building permits will be issued.
   I. All projects reviewed and approved under this Section shall be inspected and certificates of occupancy issued in accordance with the procedures and requirements of **Section 4-017.**

SECTION 4-011. SINGLE-FAMILY RESIDENTIAL ACCESSORY BUILDING/STRUCTURE PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. **Purpose and Intent**. In conjunction with **Sections 4-001** through **4-003**, single-family residential accessory building/structure plan review and approval shall be required for all accessory buildings and structures constructed, reconstructed, or modified on a single zoning lot, condominium lot, or condominium unit in any single-family residential zoning district where a principal building exists and is not undergoing renovations or modifications requiring review under **SECTION 4-010**.
2. **Submission and Review Process.**
   A. The applicant(s) obtains a single-family residential accessory building/structure plan review application, plot plan requirements, and fee requirements from the office of the Building Official.
   B. The applicant(s) submits the fee, completed application forms, plot plan, and related documentation in the quantity specified by the Building Official. The Building Official may establish provisions that will allow applicant(s)s to substitute a scaled representation of the proposed accessory building(s) and/or accessory structure(s) on either an existing approved plot plan for the subject property or a mortgage survey of the subject property, at a scale and document size acceptable to the Building Official.
   C. The Building Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Building Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
   D. Once a complete set of application materials is received, the Building Official shall conduct a plot plan review to ensure compliance with plan requirements.

(*ARTICLE IV*, *SECTION 4-011.2 cont.*)

E. The Building Official shall notify the applicant(s) of any revisions required to achieve an approvable plan. The applicant(s) shall be responsible for ensuring that the revised plan contains all required revisions. This step shall be repeated until the Building Official confirms that the plan complies with all Zoning Ordinance requirements.
F. The Building Official verifies that the plan complies with all Zoning Ordinance requirements.
G. The Building Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
H. Upon approval of the final site plan and payment of required permit fees, building permits will be issued.
I. All projects reviewed and approved under this Section shall be inspected and certificates of occupancy issued in accordance with the procedures and requirements of **Section 4-017.**

SECTION 4-012. TRANSIENT MERCHANT PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is to provide for a reasonable review process for transient uses of zoning lots considered for licensing by the Township in accordance with the **Waterford Code of Ordinances, Transient Merchants** that also provides for the health, safety, and general welfare of the community.

2. Submission and Review Process.

A. The Zoning Official receives a copy of a transient merchant license application from the Township Clerk.
B. For new transient merchant license requests and license renewals, the Zoning Official shall conduct a zoning review to determine whether the zoning lot proposed to be used for a transient use is located within a zoning district that allows transient uses and shall conduct a plot plan review to ensure compliance with plan requirements. The Zoning Official shall notify the applicant(s) of any revisions required to achieve an approvable plot plan. The applicant(s) shall be responsible for ensuring that the revised plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the plan complies with all Zoning Ordinance requirements. At any point that the applicant(s) refuses to make necessary revisions, the Zoning Official shall notify the Township Clerk of the applicant(s)'s refusal to comply with Township requirements.
C. Once the Zoning Official confirms in writing that the application and plan information conforms to the Zoning Ordinance, one copy of the approved plan shall be kept on file as the transient merchant plan of record for the subject zoning lot, and the Zoning Official shall forward a certification of zoning conformance to the Township Clerk in accordance with the **Waterford Code of Ordinances, Licenses and Miscellaneous Business Regulations**.
D. For transient merchant license renewals, the Zoning Official shall review the transient merchant plan of record to confirm that the request for license renewal proposes to use the subject zoning lot in accordance with the transient merchant plan of record.

3. Standards for Transient Merchant License Reviews.

A. The operation of a transient use shall not be detrimental to the public health, safety and general welfare, and such use shall be compatible in scope and intensity with adjacent land uses. In addition, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.
B. Portable shelter structures, and a recreational vehicle or portable construction vehicle used as a temporary office, located on a plan may receive approval in conjunction with plan approval, provided that there is noted on the plan a description of the dimensions and type of the vehicle and structures. The plan shall also note that all such structures and vehicles shall be removed upon expiration of the transient merchant license issued in accordance with the **Waterford Code of Ordinances, Licenses and Miscellaneous Business Regulations**.
C. The plan shall also indicate the location of the sanitary restroom facilities for use by customers as required in the **Waterford Code of Ordinances, Transient Merchants**.
D. Temporary signage located on a plan, along with a description of the dimensions and type, may receive approval in conjunction with the plan approval under this Section, provided that such temporary signage complies with all other requirements of the zoning district in which the subject zoning lot is located and that such signs shall be removed upon expiration of the transient merchant license issued in accordance with the **Waterford Code of Ordinances, Licenses and Miscellaneous Business Regulations**.

(*ARTICLE IV cont.*)

SECTION 4-013. TEMPORARY USE REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is to recognize that temporary uses, when conducted on a limited basis, can be a valuable tool for promoting the general welfare and economic vitality of a community. It is the intent of this Section to establish review procedures for the permitting of temporary uses while providing for the health, safety, and general welfare of the community.

2. Submission and Review Process.

A. The applicant(s) obtains a temporary use review application, and plan review and fee requirements from the office of the Zoning Official.

B. The applicant(s) submits the fee; completed application forms, including a written statement describing the requested temporary use, the start- and end-dates of the event, a written description of traffic/parking management, waste disposal, security, and similar measures to minimize any negative land use impacts; a copy of the existing approved final site plan with special event location information or plot plan for applicant(s)s where no final site plan exists for the subject zoning lot; and related documentation in the quantity specified by the Zoning Official.

C. The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

D. Once a complete set of application materials is received, the Zoning Official shall conduct a review to ensure compliance with the Zoning Ordinance requirements.

E. The Zoning Official shall notify the applicant(s) of any revisions required to achieve an application approvable for temporary uses. The applicant(s) shall be responsible for ensuring that the revised application contains all required revisions. This step shall be repeated until the Zoning Official confirms that the application complies with all Zoning Ordinance requirements for temporary uses.

F. Once the Zoning Official confirms that the application meets all Zoning Ordinance requirements for temporary uses, the Zoning Official shall approve the application for a time period and frequency that complies with the Zoning Ordinance.

3. Standards for Temporary Use Reviews.

A. An applicant(s) may substitute a mortgage survey in place of the certified survey *(See item F under the subheading Plot Plan under Plan in **Section 1-007**).*

B. Temporary uses shall comply with all performance standards required under **ARTICLE II, Division 2-2**.

C. A temporary use that is a grand opening for a new business or a private not-for-profit event may be permitted by the Zoning Official for no more than thirty-one (31) consecutive calendar days. All other temporary uses may be permitted by the Zoning Official for up to twelve (12) days each calendar month, so that each zoning lot is limited to holding temporary uses on no more than a combined total of one hundred forty-four (144) days during each calendar year. The Zoning Official may consider requests from applicant(s)s proposing to consolidate two of its twelve (12) day periods for a combined two calendar month period, as long as no more than three such combined periods are granted during a calendar year. (Effective 11/03/2012)

D. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with the temporary use shall be removed from the exterior of the premises within two (2) business days of the expiration date of the temporary use permit.

E. If a private sidewalk or pedestrian way in front of a building is used for display of merchandise as part of an approved temporary use, a minimum width of four (4) feet must remain unobstructed for pedestrian use.

F. Temporary signs pertaining to the temporary use may be allowed during the permitted time frame of the temporary use if such signs have been identified and approved through the temporary use permit. The number, size, location, and type of temporary signs permitted to be used in conjunction with a temporary use shall be in accordance with the zoning district in which the subject zoning lot is located.

G. In no case shall any items related to temporary uses be displayed within the public right-of-way or interfere with the clear vision area.

H. Temporary uses, if in a parking lot, shall not reduce the number of parking spaces available to less than that required for the principal use.

I. Temporary uses shall be limited to the hours on the application, which shall be no earlier than 7 a.m. and no later than 10 p.m.

J. The ZBA may permit variances from subparagraphs A through I herein.

(*ARTICLE IV cont.*)

SECTION 4-014. NONPERMANENT BUILDING/STRUCTURE AND STORAGE CONTAINER PERMIT REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is to recognize that there are times when property owners desire to use nonpermanent buildings, nonpermanent structures, and/or storage containers on their zoning lot and use them in conjunction with the principal use, and to provide for a reasonable review process of such an accessory use to ensure that it also provides for the health, safety, and general welfare of the community.

2. Submission and Review Process.

A. The applicant(s) obtains a nonpermanent building/structure and storage container permit review application, documentation requirements, and fee requirements from the office of the Building Official. The Building Official may establish provisions that will require applicant(s)s to submit a scaled representation of the proposed nonpermanent building(s)/structure(s) and/or storage container(s) on either a plot plan, an existing approved plot plan for the subject property, or a mortgage survey of the subject property, at a scale and document size acceptable to the Building Official.

B. The applicant(s) submits the fee; completed application forms, including a written statement describing the reason for the requested use of a nonpermanent building, nonpermanent structure, and/or storage container, how it is related to the principal use, and the start and end dates for using the nonpermanent building, nonpermanent structure, and/or storage container; and related documentation required by the Building Official in the quantity specified by the Building Official.

C. The Building Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Building Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

D. Once a complete set of application materials is received, the Building Official shall conduct a review to ensure compliance with the Building Code and shall consult the Zoning Official to ensure compliance with Zoning Ordinance requirements.

E. The Building Official shall notify the applicant(s) of any revisions required to achieve an application approvable for placement and use of the nonpermanent building, nonpermanent structure, and/or storage container. The applicant(s) shall be responsible for ensuring that the revised application contains all required revisions. This step shall be repeated until the Building Official confirms that the application complies with all Building Code and Zoning Ordinance requirements.

F. Once the Building Official confirms that all requirements can be complied with, the Building Official shall approve a permit for a time period not to exceed one hundred twenty (120) calendar days. The Building Official may authorize an indefinite time period for the use of recycling containers in a permitted location when used as an active recycling program collection site.

3. Standards for Nonpermanent Building/Structure and Storage Container Permit Reviews.

A. If the Building Official requires a plot plan as part of a permit application review, the Building Official may permit the substitution of a mortgage survey in place of the certified survey *(See item F under the subheading Plot Plan under Plan in **Section 1-007**).*

B. Nonpermanent buildings and nonpermanent structures must comply with the location and setback restrictions for accessory buildings/structures in the zoning district of the zoning lot upon which the nonpermanent building or structure is proposed to be located. Storage containers may be located within required yard areas when authorized by the Building Official when such location is linked to the effective use of the storage container.

C. A nonpermanent building or structure must comply with the Building Code, where applicable.

D. Appeals from subparagraphs A and B herein may be considered by the ZBA in accordance with **Section 6-100**.

(*ARTICLE IV cont.*)

SECTION 4-015. SIGN CONSTRUCTION PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. **Purpose and Intent**. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is to ensure that the public health, safety, and general welfare are preserved by ensuring that all permanent signage is erected, constructed, structurally altered, or relocated in accordance with the regulations of this Zoning Ordinance through the review process established in this Section.
2. **Submission and Review Process**. Submission and review of sign structures shall be conducted through the following process:
   A. The applicant(s) obtains a sign construction plan review application, plot plan requirements, and fee requirements from the office of the Building Official.
   B. The applicant(s) submits the fee, completed application forms, plot plan, sign dimension details, and related documentation in the quantity specified by the Building Official. The Building Official may establish provisions that will allow applicant(s)s to substitute a subject property's approved final site plan for depicting the sign location, width, and length provided it is scaled in conformance with the final site plan.
   C. The Building Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Building Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
   D. Once a complete set of application materials is received, the Building Official shall transmit a copy of the plan and sign dimension details to the Zoning Official for review.
   E. A plot plan review is conducted by the Building Official and Zoning Official.
   F. The Building Official shall collect the comments of the Zoning Official and notify the applicant(s) of any revisions required to achieve an approvable plan with sign dimension details. The applicant(s) shall be responsible for ensuring that the revised plan with sign dimension details contains all required revisions. This step shall be repeated until the Building Official and Zoning Official confirm that the plan with sign dimension details complies with all Zoning Ordinance requirements.
   G. The Building Official verifies that the plan with sign dimension details complies with all Zoning Ordinance requirements.
   H. The Building Official approves the final plan with sign dimension details, stamps it approved, keeps one copy for the record, and provides one copy to the applicant(s).
   I. Upon approval of the final plan and payment of required permit fees, building permits will be issued.
   J. All projects reviewed and approved under this Section shall be inspected in accordance with the procedures and requirements of **Section 4-017.**

SECTION 4-016. ALTERNATIVE ENERGY PLAN REVIEW PROCEDURES AND REQUIREMENTS.

1. **Purpose and Intent**. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is to provide a review process that allows consideration of structures and devices proposed to provide renewable energy sources to a zoning lot while also ensuring for public's health, safety, and general welfare.
2. **Submission and Review Process.**
   A. The applicant(s) obtains an alternative energy plan review application, plot plan requirements, and fee requirements from the office of the Building Official.
   B. The applicant(s) submits the fee, completed application forms, plot plan with structure dimension details, and related documentation in the quantity specified by the Building Official. The Building Official may establish provisions that will allow applicant(s)s to substitute a scaled representation of the proposed alternative energy structure(s) on either an existing approved plot plan for the subject property or a mortgage survey of the subject property, at a scale and document size acceptable to the Building Official.
   C. The Building Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Building Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

(*ARTICLE IV*, *SECTION 4-016.2 cont.*)

D. Once a complete set of application materials is received, the Building Official shall transmit a copy of the plan with structure dimension details to the Zoning Official for review. In addition, proposed SWES, MWES, and LWES structures shall be submitted to the Airport Manager for review in accordance with **Section 2-215**.

E. A plot plan review is conducted by the Building Official and Zoning Official.

F. The Building Official shall collect the comments of the Zoning Official and the Airport Manager and notify the applicant(s) of any revisions required to achieve an approvable plan with structure dimension details. The applicant(s) shall be responsible for ensuring that the revised plan with structure dimension details contains all required revisions. This step shall be repeated until the Building Official and Zoning Official confirm that the plan with structure dimension details complies with all Zoning Ordinance requirements, and where applicable conformance with **Section 2-215**.

G. The Building Official verifies that the plan with structure dimension details complies with all Zoning Ordinance requirements.

H. The Building Official approves the final plan with structure dimension details, stamps it approved, keeps one copy for the record, and provides one copy to the applicant(s).

I. Upon approval of the final plan and payment of required permit fees, building permits will be issued.

J. All projects reviewed and approved under this Section shall be inspected in accordance with the procedures and requirements of **Section 4-017.**

3. Standards for Alternative Energy Plan Reviews.

A. Alternative energy plan reviews shall take into account the location of the project, the impact upon adjacent properties and uses, and the degree of compatibility with surrounding uses and structures.

B. If it is ever determined by the joint opinion of the Building Official and Township Attorney that a solar access easement document is required for the effective implementation of this Section, then such rights, expressed as an easement in a form acceptable to the Township Attorney, which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy shall be required to be signed by all affected property owners and recorded with the Oakland County Register of Deeds. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. The Township shall review all assignment or easement documents executed by property owners which provide an easement to, or access for, sunlight to the property for purposes of compliance with this Section.

SECTION 4-017. CONSTRUCTION PLAN REVIEW PROCEDURES AND REQUIREMENTS

1. Purpose and Intent. In conjunction with **Sections 4-001** through **4-003**, the purpose of this Section is to provide for a construction plan review process for all development plans, land improvements, buildings, and structures, on a zoning lot to ensure the public's health, safety, and general welfare.

2. Submission and Review Process.

A. The applicant(s) obtains building permit applications and fee requirements, as established by the **Waterford Code of Ordinances, Buildings and Building Regulations** and the Building Official, from the office of the Building Official.

B. The applicant(s) submits the fee, completed application forms, and related documentation in the form and quantity specified by the Building Official.

C. The Building Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Building Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements. Once the application is determined to be complete, the construction plan will be reviewed.

D. Upon approval of the construction plan and payment of required permit fees, building permits will be issued.

E. Progress inspections, final inspections, and certificate of occupancy issuance shall be conducted in accordance with the written procedures established by the Building Official and the standards for construction review established in this Section.

(*ARTICLE IV*, *SECTION 4-017 cont.*)

3. Standards for Construction Reviews.

A. The purpose of the certificate of occupancy is to confirm that buildings and structures conform with requirements of approved site plans and with all applicable sections of the **Waterford Code of Ordinances, Buildings and Building Regulations, and Fire Prevention and Protection**. No building shall be occupied or used (including changes of use) until a certificate of occupancy or temporary certificate of occupancy has been issued by the Building Official. The information and data necessary for submission of certificate of occupancy requests shall be in accordance with the requirements established by the Building Official in order to ensure conformance with the **Waterford Code of Ordinances, Buildings and Building Regulations**. All required work and site improvements, including site improvements required in accordance with **Sections 4-004 through 4-016,** the Township Engineering Standards, and/or the SPL Manual, shall be completed prior to issuance of a certificate of occupancy. The Building Official, after consultation with the Zoning Official and Township Engineer, may refuse to authorize a certificate of occupancy or temporary certificate of occupancy in order to achieve compliance with the approved final site plan.

B. Whenever an applicant(s) submits for final inspection and requests a certificate of occupancy, and it is found that all site improvements shown on the approved final site plan, construction plan, or plot plan are not completed, the Building Official may issue a temporary certificate of occupancy with a specified completion date, after consultation with the Township Engineer and Zoning Official, provided that the applicant(s) shall provide the Township with a performance guarantee prior to issuance of a temporary certificate of occupancy. The performance guarantee shall cover the cost of all required site improvements which will not be completed prior to issuance of the temporary certificate of occupancy. Site improvements shall include, without limitation, streets, drives, parking lots, handicapped parking signs, dumpster pads and enclosures, sidewalks, grading, required landscaping, required screening, stormwater drainage, exterior lighting and utilities, and all other improvements shown on the approved plan or required by Township Ordinances. If the applicant(s) fails to complete the remaining site improvements according to the approved final site plan by the deadline established by the Building Official, the Building Official shall initiate one or more of the following actions: revoke the temporary certificate of occupancy, arrange for the completion of the remaining work to be paid through the performance guarantee, or grant an extension of the temporary certificate of occupancy to accommodate weather conditions.

C. The Building Official and Zoning Official shall establish procedures for performance guarantee tracking and reimbursement that are consistent with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended.

ARTICLE V
ADMINISTRATION AND ENFORCEMENT

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SECTION 5-001. RESPONSIBILITIES FOR ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

The administration and enforcement of this Zoning Ordinance is hereby vested in the following agencies of the government of the Charter Township of Waterford whose functions are indicated in the corresponding subections as follows:

1. Township Board.

The Township Board, in conjunction and consistent with its power and authority under this ordinance by state or federal law shall:

A. Render final decisions pertaining to all amendments to this Zoning Ordinance.
B. Render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Zoning Ordinance.
C. Appoint members of the Planning Commission.
D. Appoint members of the Zoning Board of Appeals.
E. Adopt and amend by resolution engineering standards as recommended by the Township Engineer.
F. Adopt and amend by resolution landscape and site planning design standards as recommended by the Planning Commission.
G. Exercise all additional authority, power and duties granted by Michigan law.

2. Planning Commission.

A. In accordance with Public Act 33 of 2008, the Michigan Planning Enabling Act, the Charter Township of Waterford Planning Commission, previously established in accordance with the former Township Planning Act, 1959 PA 168, and possessing the powers and duties of a zoning commission in accordance with the former Township Zoning Act, 1943 PA 184 and under Public Act 110 of 2006, the Michigan Zoning Enabling Act, shall continue to exercise those powers and duties. The Planning Commission shall have seven members appointed by the Township Supervisor subject to approval by a majority vote of the serving members of the Township Board. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member for a term that expires with their Township Board term. The remaining members of the Planning Commission shall be qualified electors and full-time residents of the Township, representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce and shall also be representative of the entire geography of the Township to the extent practicable. Except for the Township Board representative, members shall be appointed for three (3) year staggered terms, which as established by resolution of the Township Board, may make four (4) of its

(*ARTICLE V*, *SECTION 5-001.2.A cont.*)

first appointments under this Zoning Ordinance for less than three (3) years such that the terms of two (2) Planning Commission members will expire each year. Employees and contractors of the Township Board are not eligible to serve as members of the Planning Commission. All vacancies for unexpired terms shall be filled for the remainder of the term and members shall hold office until their successor is appointed.

B. The organization and procedures of the Planning Commission shall be controlled through by-laws and rules of procedure established and amended by the Planning Commission, restricted to such powers and responsibilities as granted by state law and this Zoning Ordinance, and shall carry out its duties so that the objectives and spirit of this Zoning Ordinance shall be observed, public safety secured, and substantial justice accomplished.

C. The Planning Commission shall make recommendations or final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Zoning Ordinance.

D. The Planning Commission shall be responsible for a Master Plan, as provided by Public Act 33 of 2008, the Michigan Planning Enabling Act, as amended.

E. The Planning Commission shall be responsible for considering, reviewing, and providing recommendations on Zoning Ordinance amendments to the Township Board.

F. The Planning Commission shall be responsible for any and all additional authority, power and duties granted by Michigan law.

3. Zoning Board of Appeals.

A. A seven-member Zoning Board of Appeals (ZBA) is established for the Township in accordance with Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended. One member of the ZBA shall be a member of the Planning Commission recommended by the Planning Commission and appointed by the Township Board to serve their term on the ZBA concurrently with their Planning Commission term. One member of the ZBA may be a member of the Township Board, appointed by the Township Board, to serve a term on the ZBA concurrent with their Township Board term. The remaining members of the ZBA shall be appointed by the Township Board and shall be full-time residents and electors of the Township. ZBA members' backgrounds shall be as representative as reasonably as possible of the population distribution and of the various interests present in the Township and shall serve for three (3) year staggered terms, which as established by resolution of the Township Board, may make some of the first appointments under this Zoning Ordinance for less than three (3) years. Employees and contractors of the Township Board are not eligible to serve as members of the ZBA. All vacancies for unexpired terms shall be filled for the remainder of the term and the appointment of successors shall be made not more than one (1) month after the term of a preceding member expires. The Township Board may also appoint two alternate ZBA members, as provided by the Michigan Zoning Enabling Act, as amended.

B. The organization and procedures of the ZBA shall be controlled through by-laws and procedures established and amended by the ZBA, restricted to such powers and responsibilities as granted by State law and this Zoning Ordinance, and shall carry out its duties so that the objectives and spirit of this Zoning Ordinance shall be observed, public safety secured, and substantial justice accomplished.

C. The ZBA shall have authority to act on those matters where this Zoning Ordinance provides for administrative review/appeal or interpretation, and shall have authority to authorize variances in the bulk regulations established by this Zoning Ordinance. The ZBA shall not have the authority to alter or change zoning district classifications of any property, establish uses that are not permitted, nor to make any change in the text of this Zoning Ordinance, except to correct clear errors in punctuation, spelling, or publishing.

4. Zoning Official.

The Zoning Official is authorized and empowered as follows:

A. To apply and enforce the provisions of the SPL Manual.

B. To administer and enforce this Zoning Ordinance, and to establish standards of operation and procedures for the Zoning Official's department consistent with the intent of this Zoning Ordinance.

C. To create and maintain the files and records of this Zoning Ordinance and permits and approvals granted hereunder.

D. To assist in providing public information relative to this Zoning Ordinance.

E. To forward to the Planning Commission all applications for site plan approval. special approval uses, planned unit developments, and amendments to this Zoning Ordinance.

F. To forward to the ZBA applications for appeals, variances, requests for interpretations of this Zoning Ordinance, or other matters on which the ZBA is required to consider under this Zoning Ordinance.

G. To forward to the Township Board recommendations of the Planning Commission on planned unit developments and Zoning Ordinance and Map Amendments.

(*ARTICLE V, SECTION 5-001.4 cont.*)

H. To maintain a map or maps showing the current zoning classifications of all land in the Township.
I. To ensure that all final site plan requirements are satisfied or secured before final issuance of all certificates of occupancy and temporary certificates of occupancy.
J. Shall not make changes to or vary the terms of this Zoning Ordinance in carrying out their duties.

5. Township Engineer.

The Township Engineer is authorized and empowered as follows:

A. To develop and propose a schedule of engineering standards for all developments within the Township to the Township Board.
B. To interpret, enforce, and implement the schedule of engineering standards.
C. To conduct plan reviews and inspections of building sites, drainage and utility infrastructure, water and sewer facilities, property grading, and off-street parking facilities to determine compliance with the terms of this Zoning Ordinance.
D. Shall not make changes to or vary the terms of this Zoning Ordinance in carrying out their duties.

6. Building Official.

The Building Official is authorized and empowered as follows:

A. To administer and enforce the requirements of the **Waterford Code of Ordinances, Buildings and Building Regulations**.
B. To issue all certificates of occupancy and temporary certificates of occupancy, and make and maintain records thereof.
C. To conduct inspections of buildings and structures to ensure compliance with the terms and procedures of this Zoning Ordinance.
D. To keep and maintain official record of all Township building permits and certificates of occupancy.
E. To assist in providing public information relative to this Zoning Ordinance.
F. Shall not make changes to or vary the terms of this Zoning Ordinance in carrying out their duties.

7. Public Works Official.

The Public Works Official is authorized and empowered as follows:

A. To administer and enforce the requirements of the **Waterford Code of Ordinances, Water and Sewers**.
B. To work jointly with the Zoning Official and Township Engineer to review and regulate uses to ensure compliance with the wellhead protection zones as required by the **Waterford Code of Ordinances, Wellhead Protection**.

8. Fire Chief. The Fire Chief is responsible for administering and enforcing the requirements of the **Waterford Code of Ordinances, Fire Prevention and Protection**.

9. Police Chief. The Police Chief shall work jointly with the Zoning Official and Township Engineer to review uses to ensure that public safety standards are provided for during plan review procedures.

SECTION 5-002. SCHEDULE OF FEES, CHARGES AND EXPENSES

By resolution, the Township Board shall establish a schedule of fees, charges, and expenses for all procedures established under this Zoning Ordinance. The schedule of fees shall be posted in the office of the Zoning Official, Building Official, Township Engineer, and Township Clerk, and may be altered or amended by resolution of the Township Board. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, petition or appeal.

SECTION 5-003. SCHEDULE OF ENGINEERING STANDARDS

The Township Board shall establish by resolution a schedule of engineering standards, upon the advice and recommendation of the Township Engineer. This schedule of engineering standards shall be applied to and enforced upon all developments and land uses governed by this Zoning Ordinance. Copies of the schedule of engineering standards shall be available at the office of the Township Engineer. The schedule of engineering standards may be altered or amended at any time by resolution of the Township Board and upon the advice and recommendation of the Township Engineer.

SECTION 5-004. SITE PLANNING AND LANDSCAPE DESIGN STANDARDS MANUAL

The Township Board shall establish by resolution an SPL Manual, upon the advice and recommendation of the Planning Commission. This SPL Manual shall be applied to and enforced upon all developments and land uses where specified by this Zoning Ordinance. The SPL Manual shall be posted in the office of the Zoning Official and may be altered or amended by resolution of the Township Board.

ARTICLE VI
VARIANCES, APPEALS, AND PENALTIES

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DIVISION 6-1 – VARIANCES AND APPEALS

SECTION 6-100. ZONING BOARD OF APPEALS REVIEW PROCEDURE AND REQUIREMENTS FOR VARIANCE AND APPEALS REQUESTS

1. Types of Appeals. The ZBA may reverse, affirm, vary, or modify any order, requirement, decision, or determination presented in a case related to the following requests for variances and appeals:

A. To hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by the Zoning Official or Building Official in carrying out or enforcing any provisions of this Zoning Ordinance.

B. To hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map.

C. To hear and decide requests for variances from the dimensional requirements of **Sections 3-900** and **3-901** upon a finding that practical difficulties exist in accordance with the ZBA review standards.

D. To hear and decide appeals on decisions of the Planning Commission made in accordance with **Section 4-006.**

E. To hear and decide requests for variances from the requirements of this Zoning Ordinance, unless specifically stated otherwise in this Zoning Ordinance.

2. Application Requirements. All requests for variances and appeals to be considered by the ZBA shall be submitted to the Zoning Official and shall contain the following documents:

A. An application form, as prescribed by the Zoning Official, to gather and certify the following information:

(1) Legal description, address, and tax parcel number of the subject property.

(2) Name, address and telephone number of the applicant(s), property owner(s), and the interest of the applicant(s) in the property.

(3) The specific appeal or variances being requested, identifying the section of the Zoning Ordinance from which the applicant(s) is requesting an appeal or variance, and the numerical scope of variances.

(*ARTICLE VI*, *DIVISION 6-1*, *SECTION 6-100.2.A cont*.)

(4) Notarized signatures of the applicant(s)s and property owners.
(5) Plot plan *(See Plan in **Section 1-007**)*.

B. An affidavit by the applicant(s) explaining:
(1) How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
(2) The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
(3) The conditions and circumstances unique to the property were not created by the owner(s), or their predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
(4) Why the requested appeal or variance will not confer special privileges that are denied other properties similarly situated in the same zoning district.
(5) Why the requested appeal or variance will not be contrary to the spirit and intent of the Zoning Ordinance.

C. The Zoning Official and Building Official may require additional documentation when it is determined to be crucial in analyzing the applicability of Zoning Ordinance standards to the type of requested appeal or variance, such as requiring elevation plans to review a height variance.

3. Submittal Procedure.

A. The applicant(s) obtains a variance application and variance affidavit forms, variance plan requirements, and fee requirements from the office of the Zoning Official.

B. If an applicant(s) is submitting a variance request as a result of code enforcement action, an application shall have the effect of staying all enforcement proceedings in furtherance of the action being appealed unless the Zoning Official certifies to the ZBA that, by reason of facts stated in such certification, a stay would cause substantial prejudice to the public health, safety, and welfare, or to an adjoining property owner, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

C. The applicant(s) submits completed application forms, variance plan, and related documentation in the quantity specified by the Zoning Official. Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

D. The Zoning Official's clerical staff reviews the submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. The Zoning Official and ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed, which includes relevant plans, studies and other information. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.

E. Once a complete set of application materials is received, the Zoning Official shall review the application to determine the applicable procedure through which the request will be heard and assess the appropriate review fees for the submitted application.

F. The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds. Once fees are fully paid, the review process shall commence in accordance with the procedures outlined in subsection 4 below.

4. Variance/Appeal Request Public Hearing Procedure.

A. As soon as an application complies with all requirements, the Zoning Official shall establish a public hearing date at the next available regularly scheduled ZBA meeting, in accordance with the scheduling requirements established by the ZBA in its by-laws and procedures.

B. The Zoning Official shall prepare and transmit all notifications in accordance with the requirements of Public Act 110 of 2006, the Michigan Zoning Enabling Act.

C. The ZBA shall conduct a public hearing in accordance with the rules established by the ZBA in its by-laws and procedures.

(*ARTICLE VI*, *DIVISION 6-1*, *SECTION 6-100.4 cont.*)

D. In all variance and appeal proceedings, it shall be the applicant(s)'s responsibility to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. The Zoning Official and other persons may, but shall not be required, to provide information, testimony, and/or evidence on a variance or appeal request. The fact that a Township representative does not appear and/or present information, testimony and/or evidence on a particular variance or appeal request shall not be considered or construed as being a waiver of the right to make such a presentation at a later date or an acknowledgment that the information, testimony and/or evidence does not exist, and shall not be evidence, in and of itself, that a variance or appeal should be granted. The ZBA may table a case to obtain clarification on application information, or to require a certified survey completed by a State of Michigan licensed land surveyor to obtain recorded and measured dimensions of the property lines when the ZBA determines it to be necessary to ensure accuracy of the variance plan, or other such information necessary for the ZBA to make an informed decision.

E. For variance requests, the ZBA may approve, approve with conditions, or deny the request, limiting its decision to the applicability of the review standards outlined in subsection 5. The ZBA may impose reasonable conditions in connection with dimensional variance requests. Such conditions shall be related to the valid exercise of the police power granted to meet the intent and purpose of this Zoning Ordinance. Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing before the ZBA. The ZBA may require that such conditions be recorded with the Oakland County Register of Deeds as an affidavit detailing the relief granted and conditions imposed.

F. For appeals of administrative actions, the ZBA review shall be limited to the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the Zoning Official or decision-making body from whom the appeal is taken. If the applicant(s) supplies documentation which supports the fact that newly discovered relevant information exists, the ZBA may remand the decision to the Zoning Official for further review. The ZBA shall not substitute its judgment for that of the Zoning Official or Building Official being appealed, and the appeal shall be limited to determining, based upon the record, whether the Zoning Official's or Building Official's decision was contrary to the explicit or implied expression of intent and the terms and provisions of the applicable section of the Zoning Ordinance.

G. For appeals of Planning Commission Special Approval decisions, the ZBA review shall be limited to the record of the Planning Commission decision being appealed, and whether such decision reasonably addressed the review and approval criteria of **Section 4-006**. The ZBA shall not consider new information which had not been presented to the Planning Commission from whom the appeal is taken. If the applicant(s) supplies documentation which supports the fact that newly discovered relevant information exists, the ZBA may remand the decision to the Planning Commission for further review. The ZBA shall not substitute its judgment for that of the Planning Commission, and the appeal shall be limited to determining, based upon the record, whether the Planning Commission's decision was contrary to the explicit or implied expression of intent and the terms and provisions of of **Section 4-006**.

H. For Zoning Ordinance interpretation requests, the ZBA shall make such decision so that the spirit and intent of this Zoning Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Zoning Ordinance as a whole, and shall not have the effect of amending the Zoning Ordinance. Map interpretations shall be made based upon rules in the Zoning Ordinance, and any relevant historical information. In carrying out its authority to interpret the Zoning Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Zoning Ordinance. Prior to deciding a request for an interpretation, the ZBA may table the case to confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Zoning Ordinance.

I. All decisions and findings of the ZBA shall, in all instances, be the final administrative decision as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant(s), and shall be subject to judicial review as may be provided by law. To the extent that decisions are requested or required to be in writing, the decision as recorded in the ZBA meeting minutes shall constitute the written decision.

(ARTICLE VI, DIVISION 6-1, SECTION 6-100.4 cont.)

J. Unless otherwise indicated elsewhere in this Zoning Ordinance or as specified by the ZBA, the timeframe for acting upon and implementing variances granted by the ZBA shall be one calendar year after the date of the ZBA's decision. The ZBA may extend such timeframe upon the written request of the applicant(s). Failure to act upon the variances granted within such timeframe, or to request an extension of the timeframe from the ZBA, shall render such variances null and void.

K. In such instances where variances are granted for a development undergoing site plan review, the ZBA may authorize the Zoning Official to grant a reasonable extension of the timeframe for acting upon and implementing variances granted by the ZBA, in such instances where approval of a final site plan will be delayed beyond the twelve month approval period, as a result of lengthy outside governmental agency reviews and approvals. The Zoning Official shall consider such requests based on the facts of the case and render a final decision in writing. An applicant may appeal an extension denial by the Zoning Official to the ZBA. Failing same, the final approval shall be null and void, and the applicant shall be required to submit a new application subject to the then existing provisions of this Zoning Ordinance.

5. ZBA Review Standards. Variance-granting authority shall be exercised in accordance with a ZBA finding of practical difficulties requiring demonstration by the applicant of all of the following:

A. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

B. The variance will do substantial justice to the applicant, as well as to other property owners.

C. A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

D. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.

E. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

F. The spirit of the Zoning Ordinance will be observed, public safety and welfare secured, and substantial justice done.

SECTION 6-101. TOWNSHIP ENGINEERING STANDARDS APPEALS REVIEW

1. Applicability. The Township Board shall be responsible for reviewing appeals of the decisions of the Township Engineer relative to the interpretation or enforcement of the schedule of engineering standards.

2. Appeals Procedure. An applicant desiring to appeal a decision of the Township Engineer relative to the interpretation or enforcement of the schedule of engineering standards shall obtain from the offices of the Township Engineer an appeal application as prescribed by the Township Engineer. Before the application can be considered by the Township Board, the applicant shall submit to the Township Engineer an appeals application that complies with all submittal requirements of the Township Engineer. The Township Engineer shall transmit the appeals application, along with all appeals documentation that the Township Engineer considers relevant, to the Township Clerk to be placed on the agenda for the next regularly scheduled Township Board meeting.

3. Appeals Review Standards. For appeals of of the decisions of the Township Engineer relative to the interpretation or enforcement of the schedule of engineering standards, the Township Board shall be limited to considering whether the decision of the Township Engineer is consistent with the schedule of engineering standards, preserves the health, safety and welfare of the public, and is in keeping with industry standards for professional engineering practice.

SECTION 6-102. LANDSCAPE AND SITE PLANNING DESIGN MANUAL APPEALS REVIEW

1. Applicability. The Planning Commission shall be responsible for reviewing appeals of the administrative decisions relative to the application and enforcement of the landscape and site planning design standards.

2. Appeals Procedure. An applicant desiring to appeal an administrative decision relative to the application and enforcement of the landscape and site planning design standards shall obtain from the offices of the Zoning Official an appeal application as prescribed by the Zoning Official. Before the application can be considered by the Planning Commission, the applicant shall submit to the Zoning Official an appeals application that complies with all submittal requirements of the Zoning Official. The Zoning Official shall transmit the appeals application, along with all appeals documentation that the Zoning Official considers relevant, to the Planning Commission for consideration at the next regularly scheduled Planning Commission meeting.

(ARTICLE VI, DIVISION 6-1, SECTION 6-102 cont.)

3. **Appeals Review Standards**. For appeals of administrative decisions under this Section, the Planning Commission may consider a variance from such standards, provided that such variance continues to preserve the health, safety and welfare of the public and is in keeping with the goals and objectives of the Master Plan and this Zoning Ordinance.

DIVISION 6-2 – VIOLATIONS AND PENALTIES

SECTION 6-200. MISDEMEANOR VIOLATIONS

Violation of **Section 2-601** regulations for adult entertainment uses is a misdemeanor subject to the penalties set forth in the **Waterford Code of Ordinances, Section 1-010.A**.

SECTION 6-201. CIVIL VIOLATIONS

Any other violation of this Zoning Ordinance (including violations of conditions and safeguards established or imposed in connection with grants of variances and special approvals) is a municipal civil infraction with sanctions as set forth in the **Waterford Code of Ordinances Sections 1-010.B, 11-408, and 11-409**.

SECTION 6-202. VIOLATION FREQUENCY

Each calendar day within which a violation occurs shall constitute a separate offense.

SECTION 6-203. ELIMINATION OF NUISANCES PER SE

Any use of land, buildings, or structures in violation of any of the provisions of this Zoning Ordinance is hereby declared a nuisance per se. Furthermore, the owner, occupant, or tenant of any building, structure, zoning lot, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains any violation, may each be found guilty or responsible of a separate offense and suffer the penalties or sanctions herein provided. The rights and remedies provided herein are cumulative and in addition to all of the other remedies provided by law.

SECTION 6-204. ADMINISTRATIVE COMPLIANCE EXTENSIONS

The Zoning Official or Building Official, upon initial evidence of a violation of any provision of this Zoning Ordinance, may issue a warning constituting a compliance extension to the violator to allow for the elimination of the violation, provided that such compliance time is not detrimental to the health and safety of the general public.

SECTION 6-205. VIOLATION OF APPROVED FINAL SITE PLAN

The approved Site Plan shall become a part of the record of approval and subsequent action relating to the site in question shall be consistent with the approved final Site Plan unless amendments have been approved by the appropriate department and/or the Planning Commission. It shall be the responsibility of the owner of property for which site plan approval is required to maintain his property in accordance with the approved site plan, on a continuing basis, until the property is razed or new zoning regulations supersede the regulations based upon which the site plan approval was granted, or until a new site plan approval has been obtained as a basis for modifying the site plan. Any violations of the provisions of this Zoning Ordinance, including any improvements not in conformance with the approved final Site Plan, shall be deemed a violation of this Zoning Ordinance and shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction.

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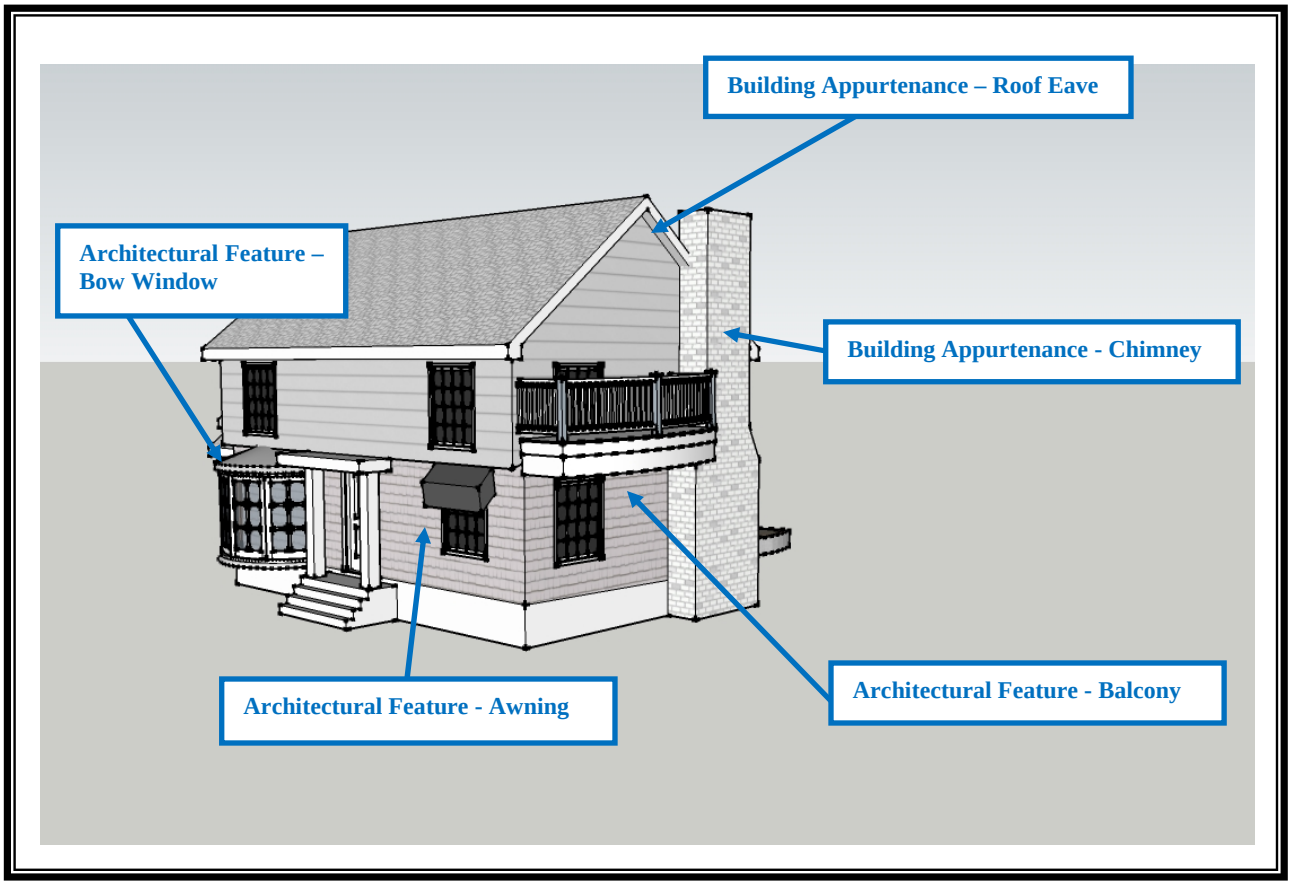


Figure VII-1 – Some Examples of Architectural Features and Building Appurtenances

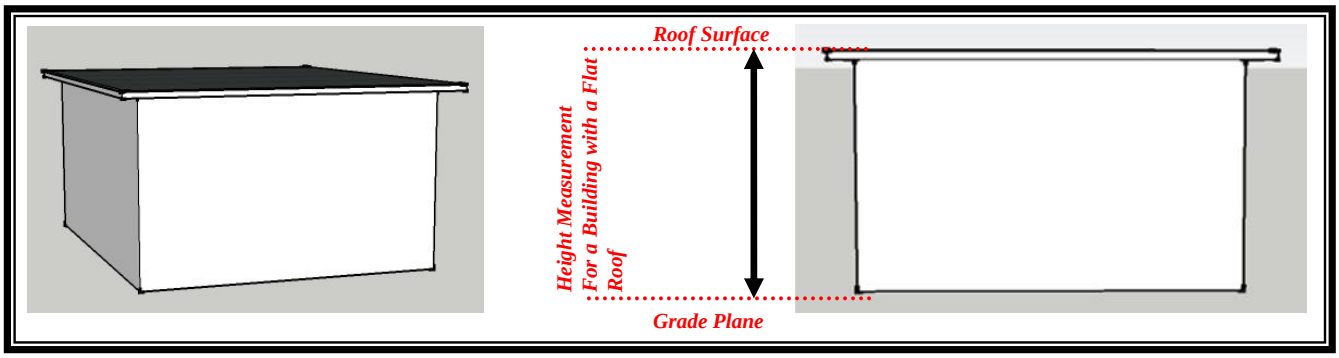


Figure VII-2a – Flat Roof, Measurement of Building Height

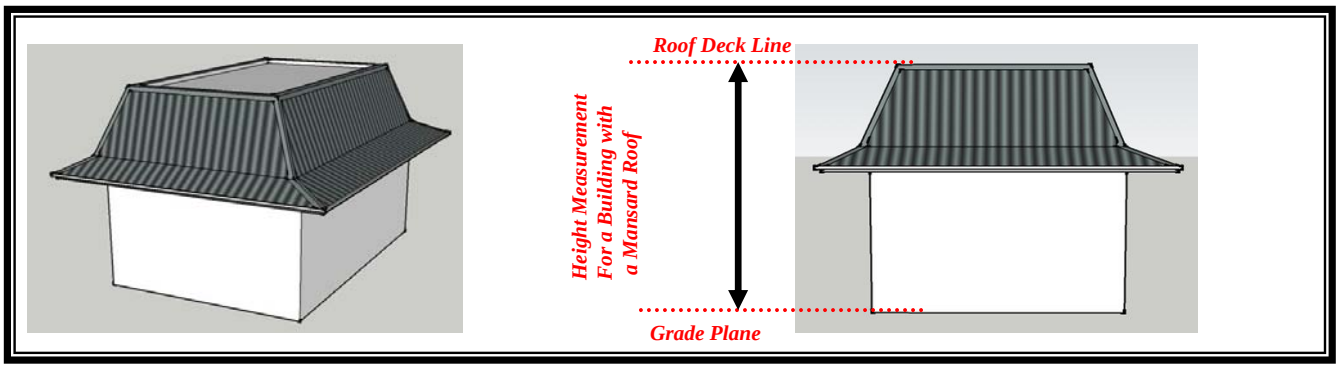


Figure VII-2b – Mansard Roof, Measurement of Building Height

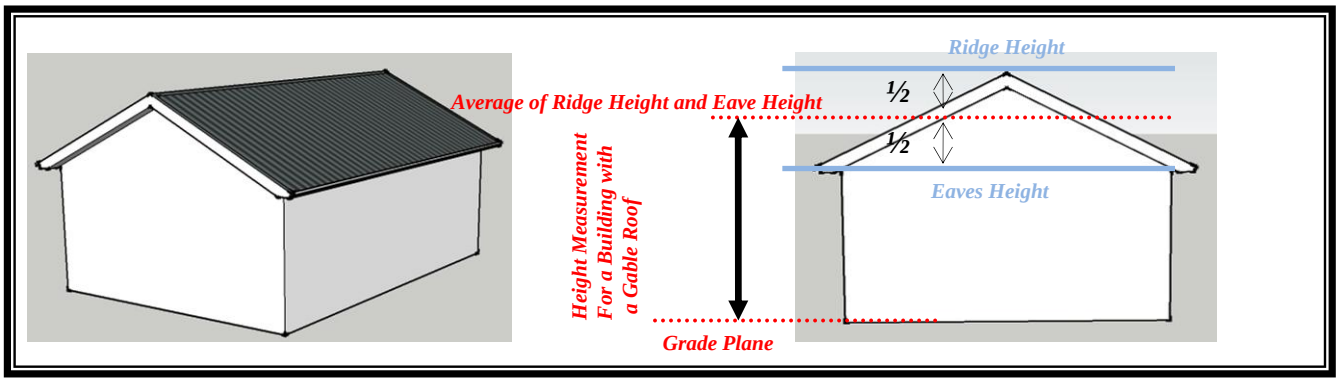


Figure VII-2c – Gable Roof, Measurement of Building Height

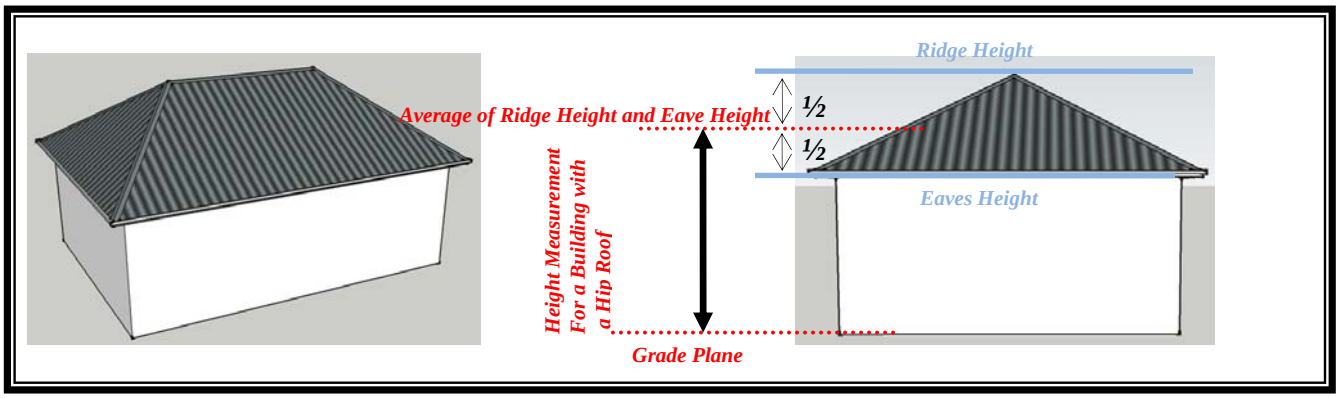


Figure VII-2d – Hip Roof, Measurement of Building Height

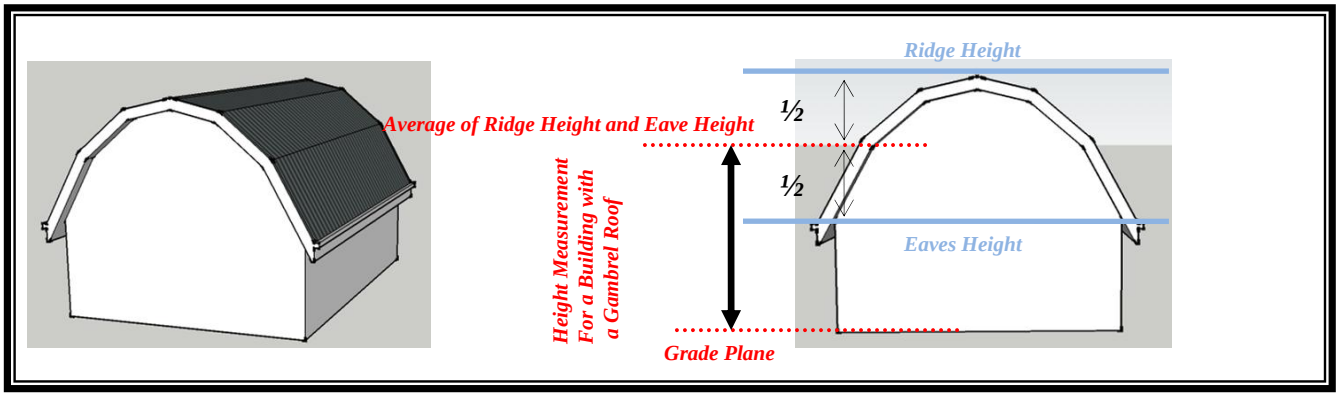


Figure VII-2e – Gambrel Roof, Measurement of Building Height

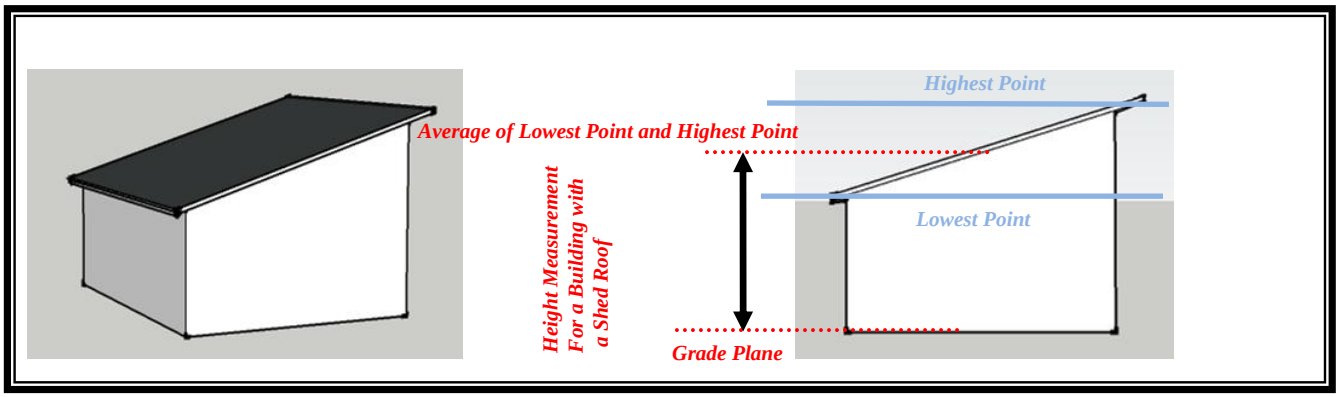


Figure VII-2f – Shed Roof, Measurement of Building Height

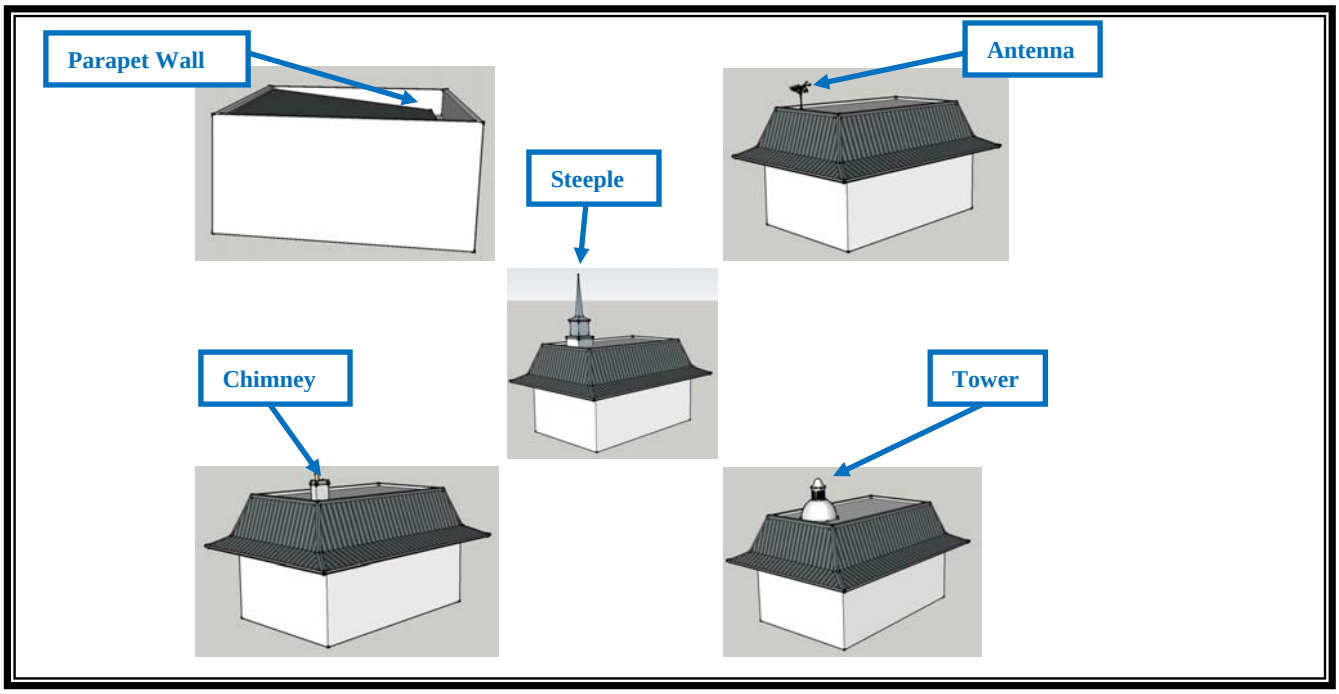


Figure VII-3 – Some Examples of Accessory Roof and Ornamental Roof Construction

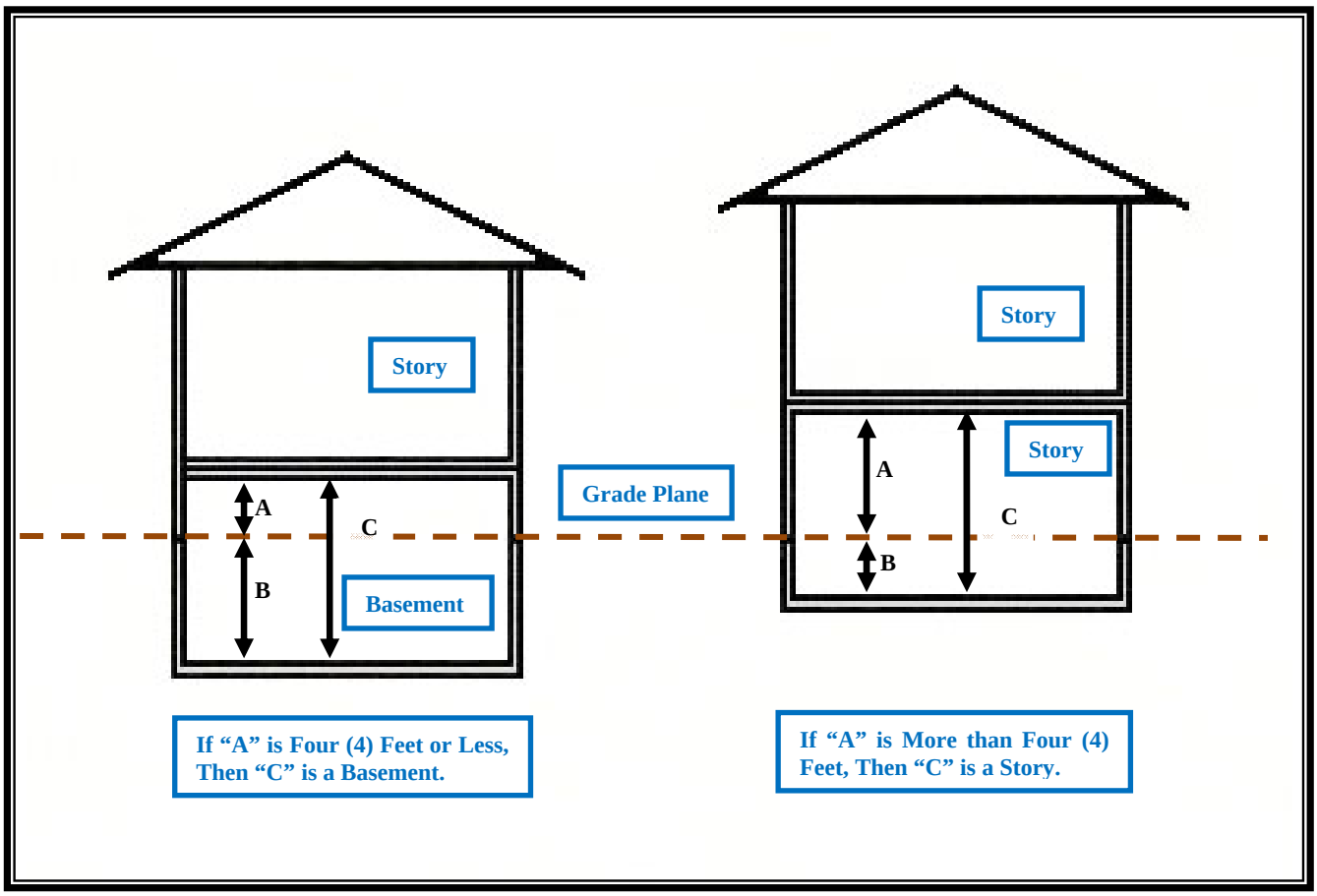


Figure VII-4 – Basement

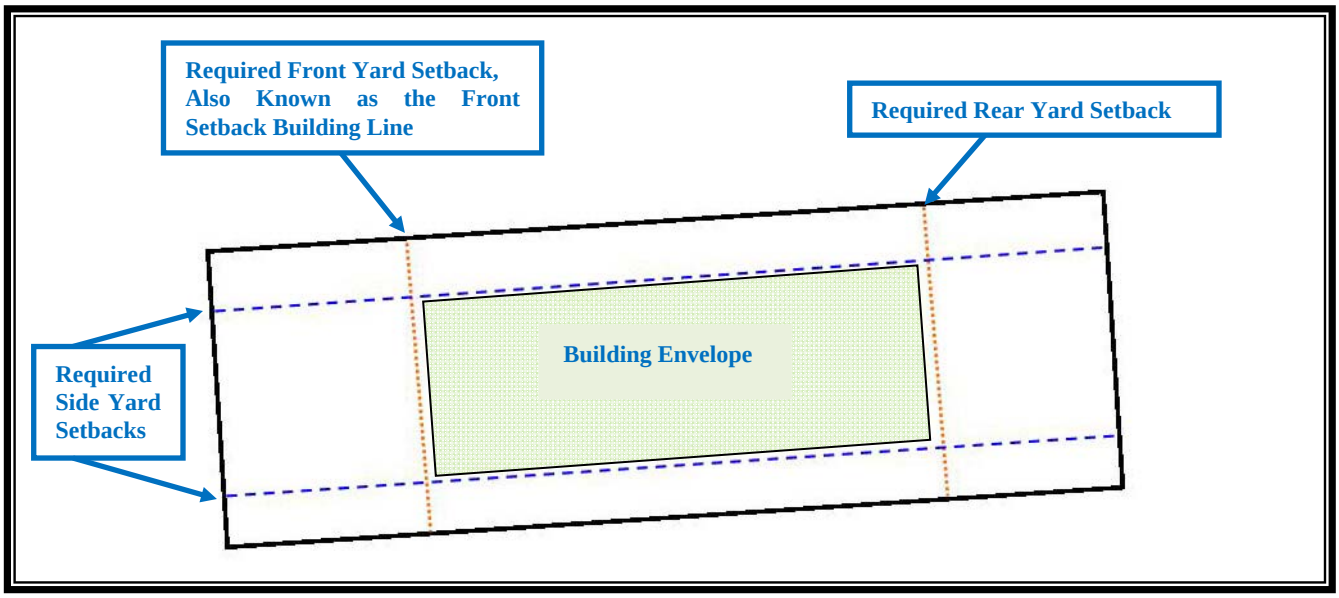
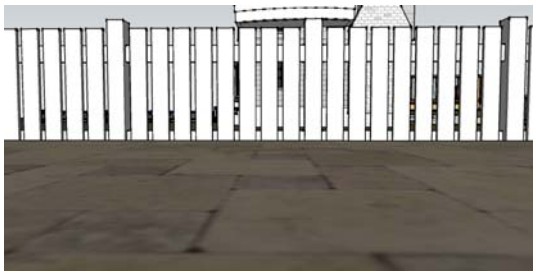


Figure VII-5 – Building Envelope

Figure VII-6 – Façade



Open Fence

Semi-Open Fence

Solid Fence

Fence Wall

Figure VII-7 – Some Fence Type Examples

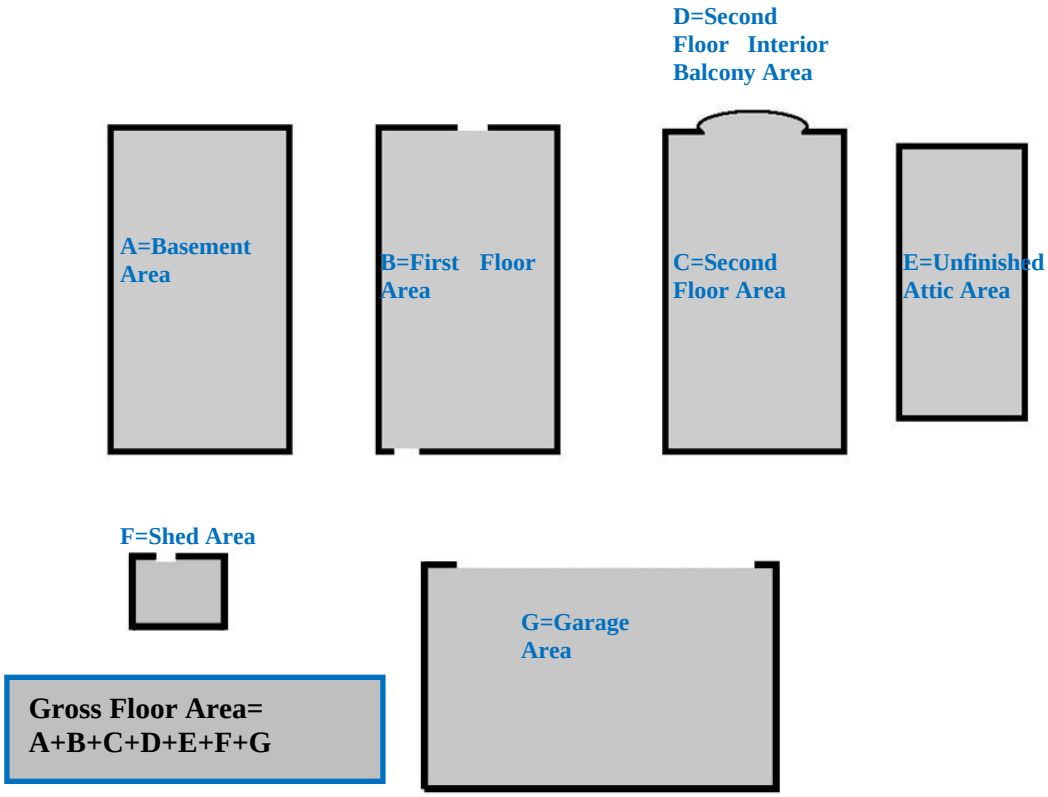


Figure VII-8 – Gross Floor Area

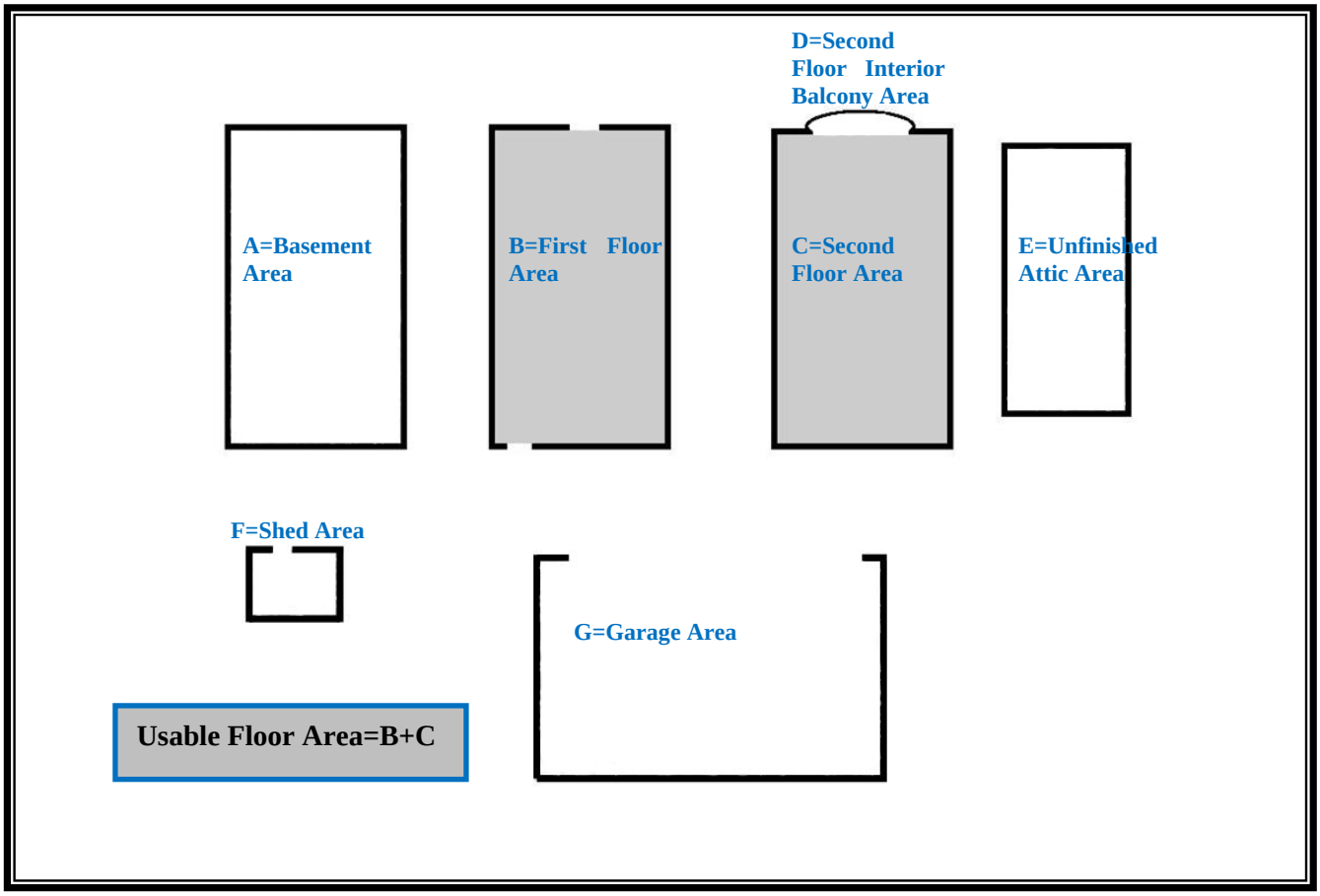


Figure VII-9 – Residential Usable Floor Area

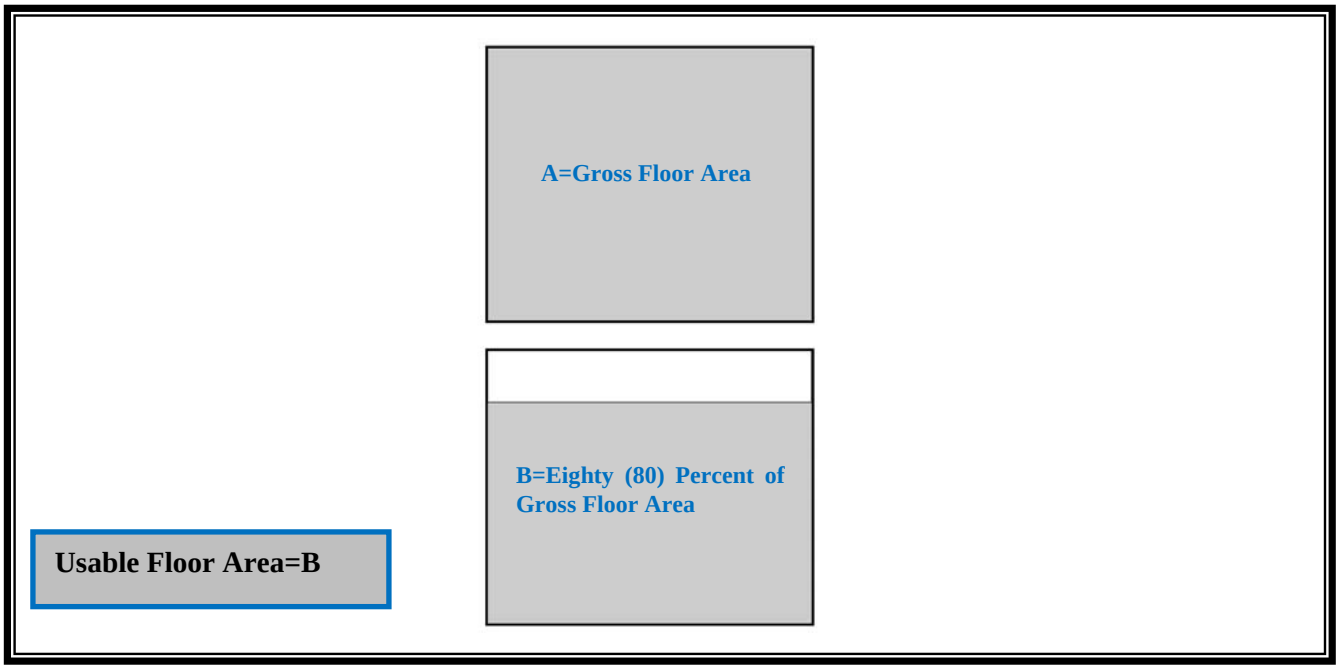
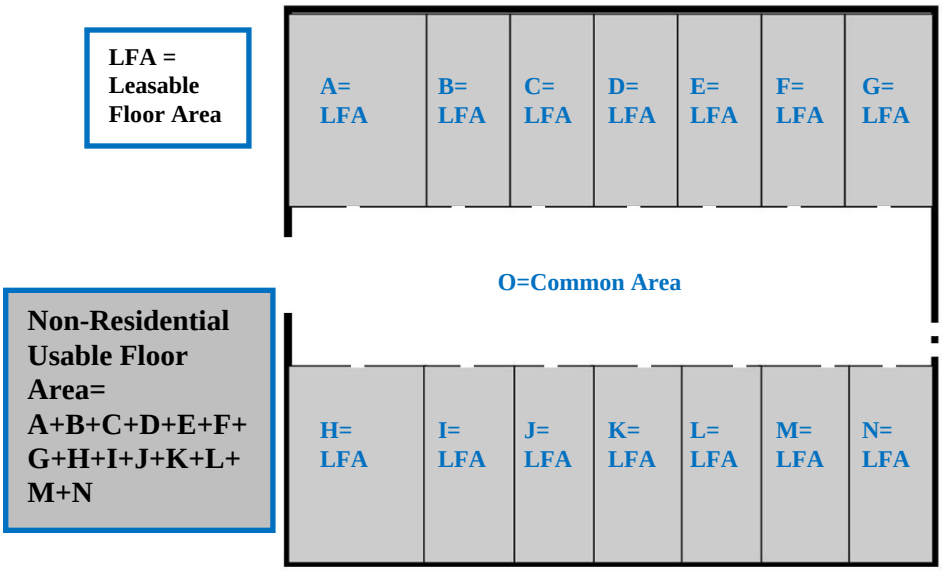
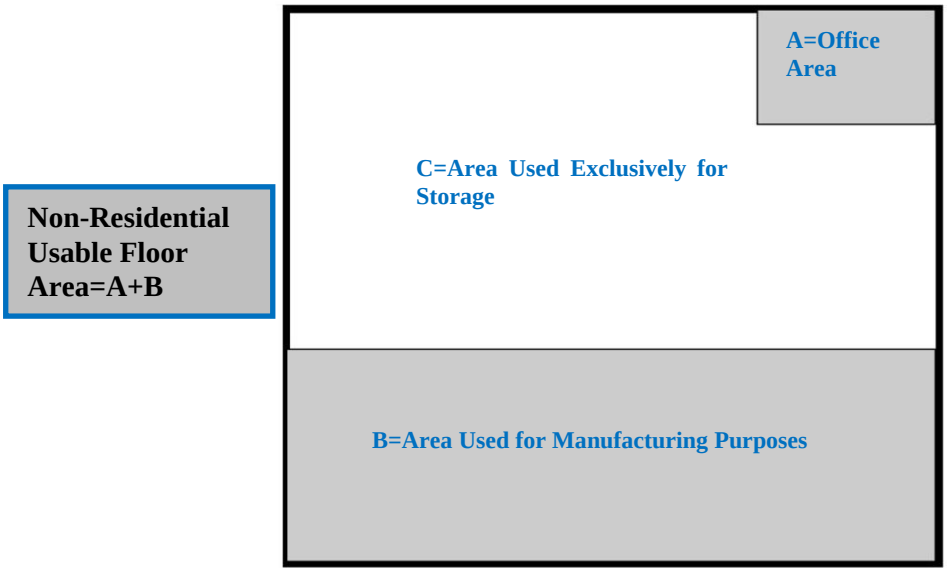


Figure VII-10 – General Calculation for Nonresidential Usable Floor Area



Gross Leasable Floor Area Method



Manufacturing Floor Area Method

Figure VII-11 – Alternative Methods of Calculation for Nonresidential Usable Floor Area

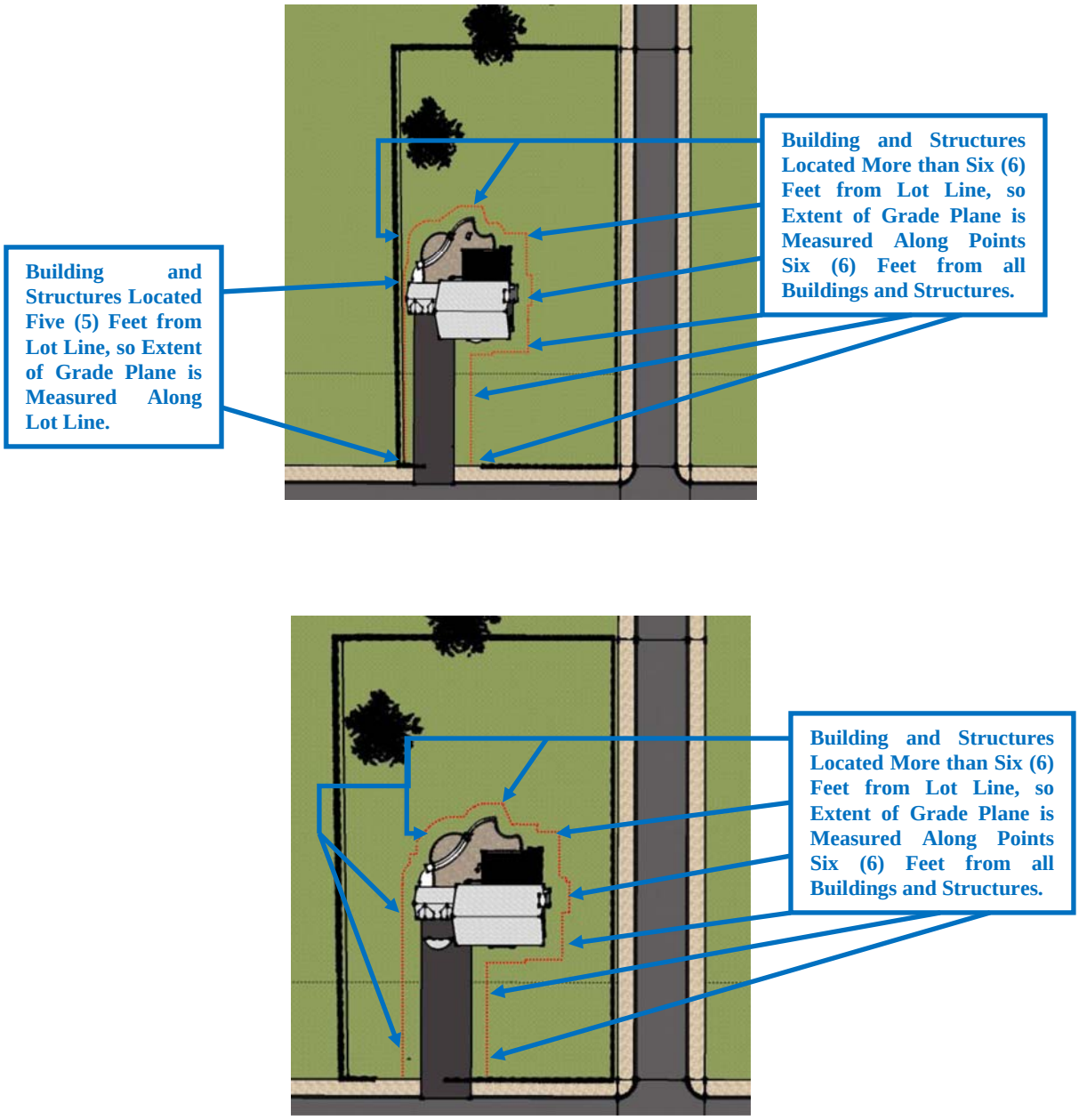


Figure VII-12 – Identification of Grade Plane Boundaries

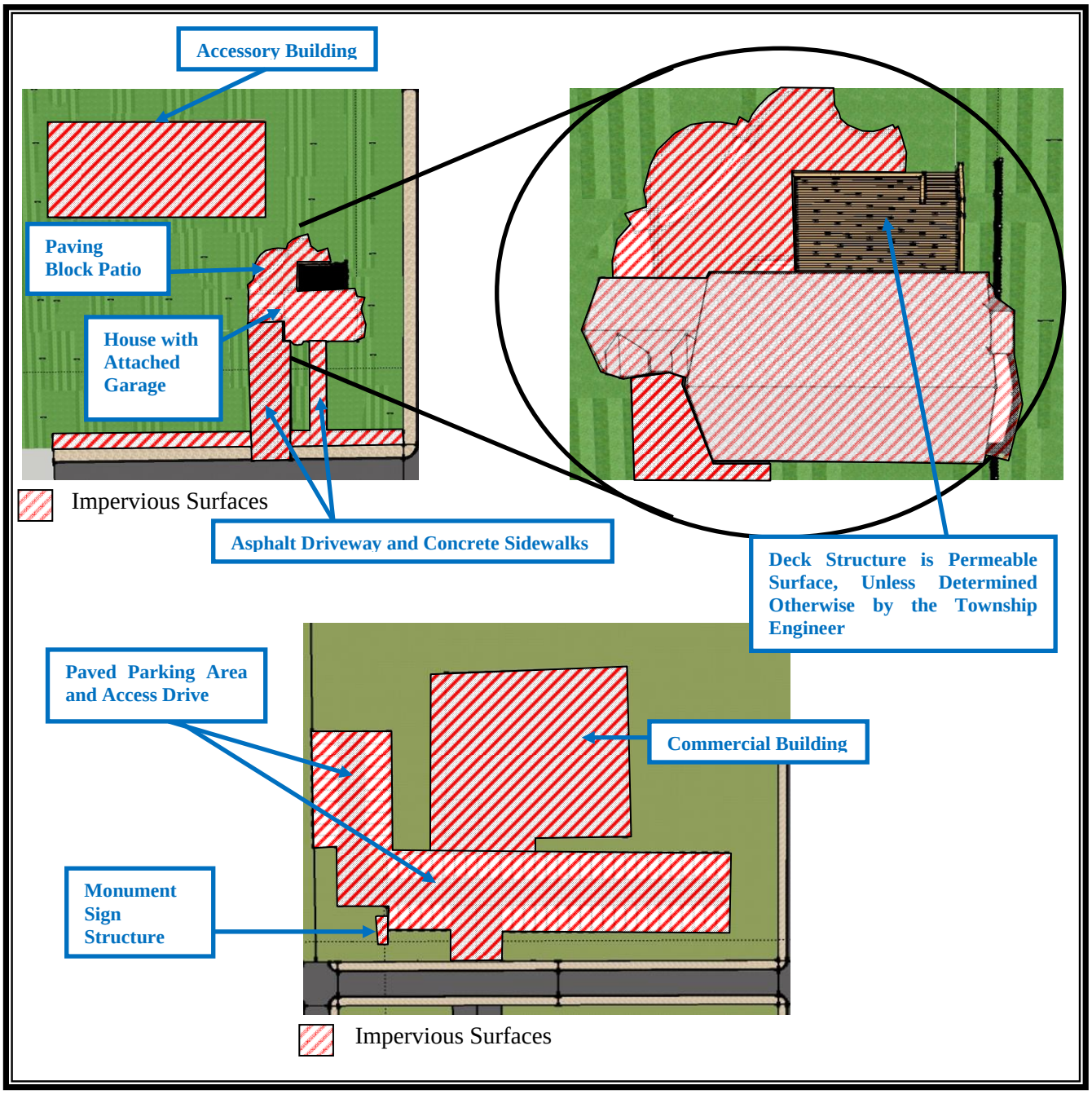


Figure VII-13 – Impervious Surfaces

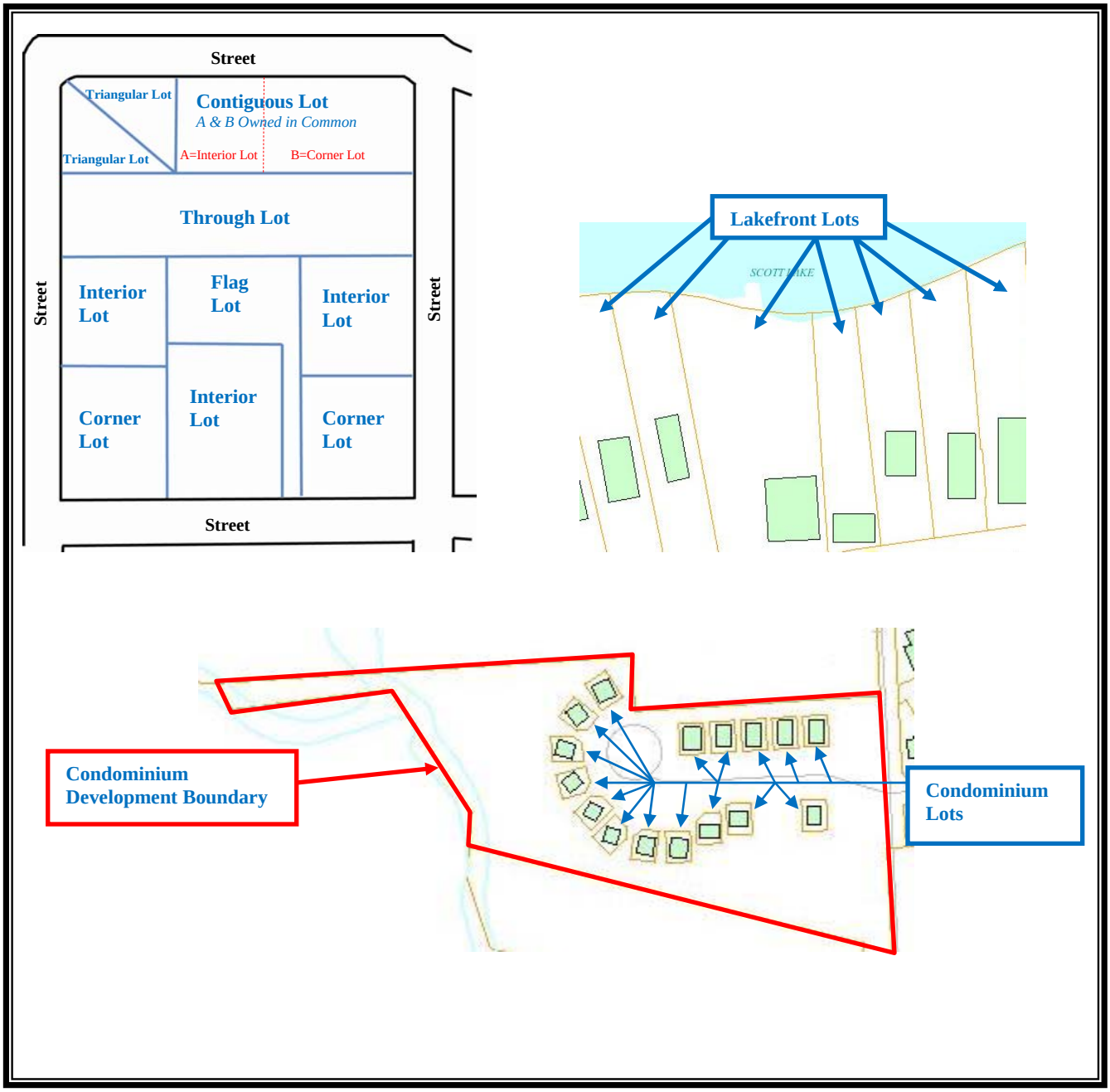


Figure VII-14 – Lot Types

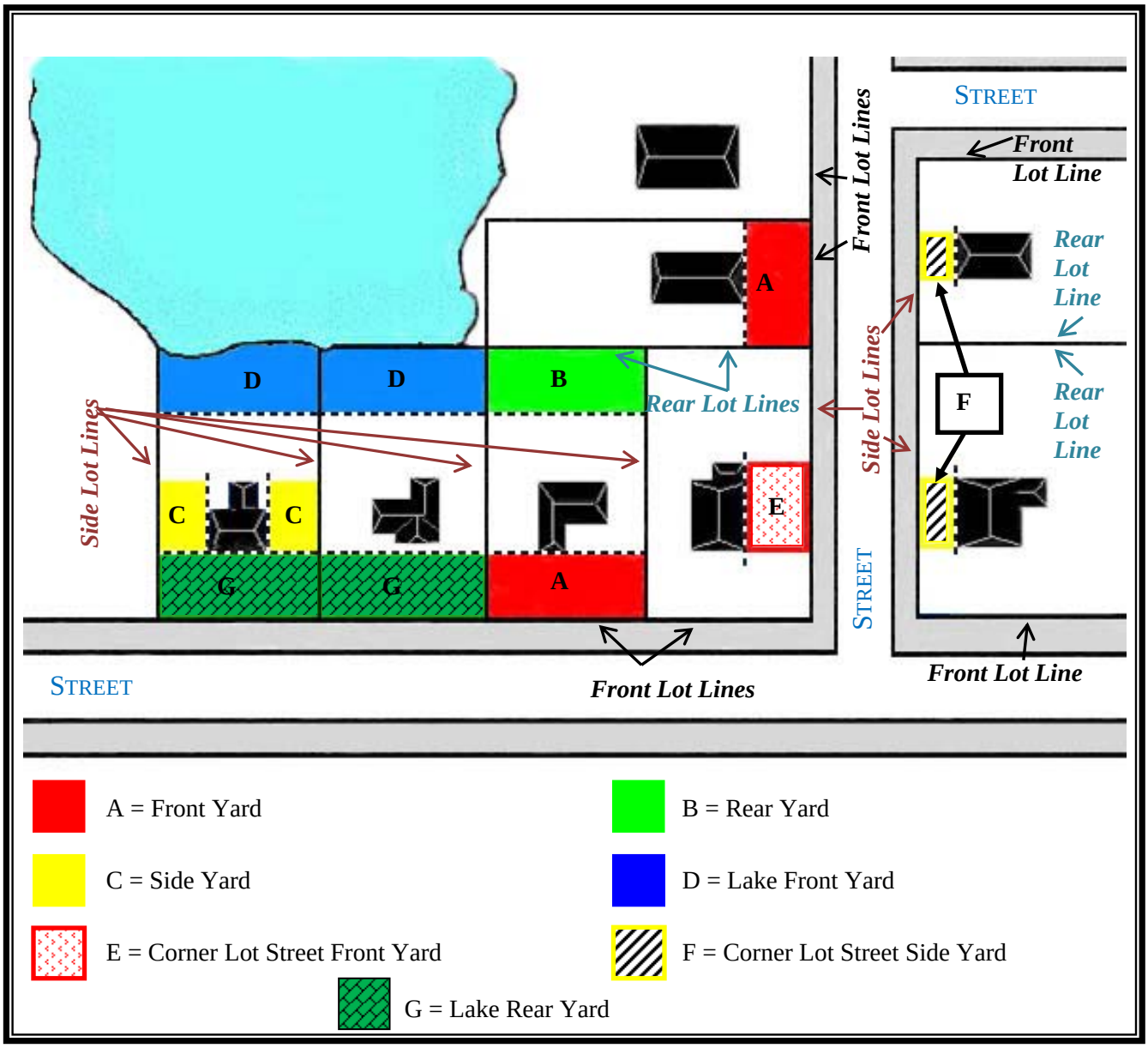


Figure VII-15 – Lot Lines and Yards

Figure VII-16 – Banner Signs

Figure VII-17 – Billboard Signs

Figure VII-18 – Canopy Signs

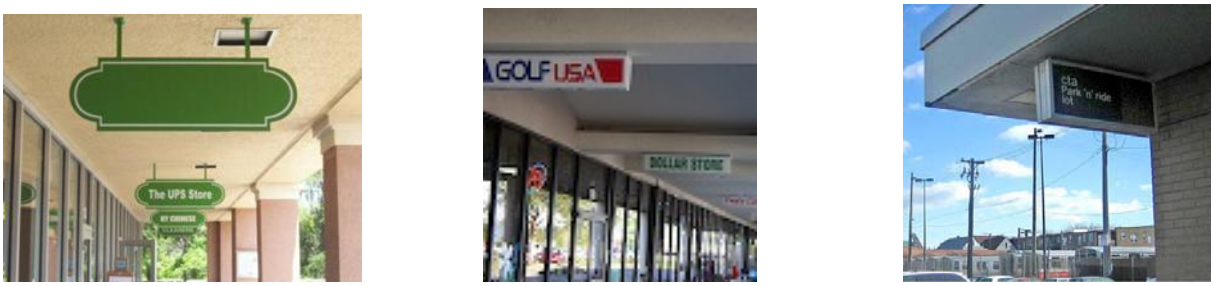


Figure VII-19 – Canopy Entry Signs

Figure VII-20 – Construction Signs

Figure VII-21 – Directional Signs

Figure VII-22 – Election Signs

Figure VII-23 – Entranceway Signs

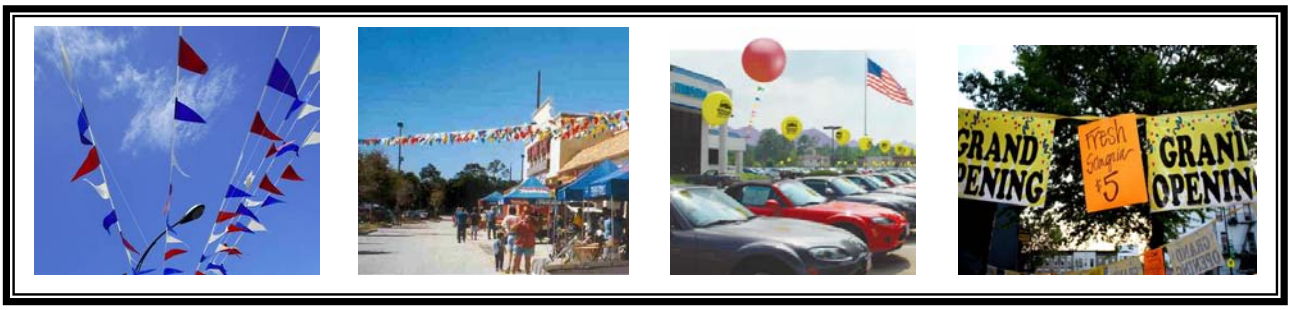


Figure VII-24 – Festoon Signs

Figure VII-25 – Ground Signs

Figure VII-26 – Historic Marker Signs

Figure VII-27 – Holiday Decoration Signs

Figure VII-28 – Home Improvement Signs

Figure VII-29 – Identification Signs

Figure VII-30 – Ideological Signs

Figure VII-31 – Inflatable Device Signs

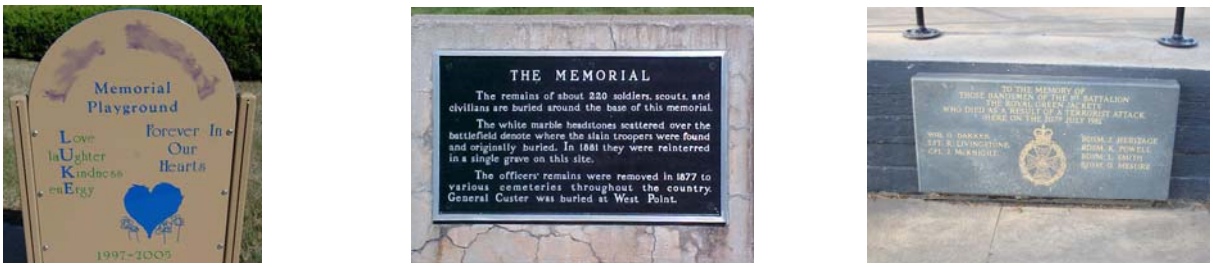


Figure VII-32 – Memorial Signs

Figure VII-33 – Portable Signs

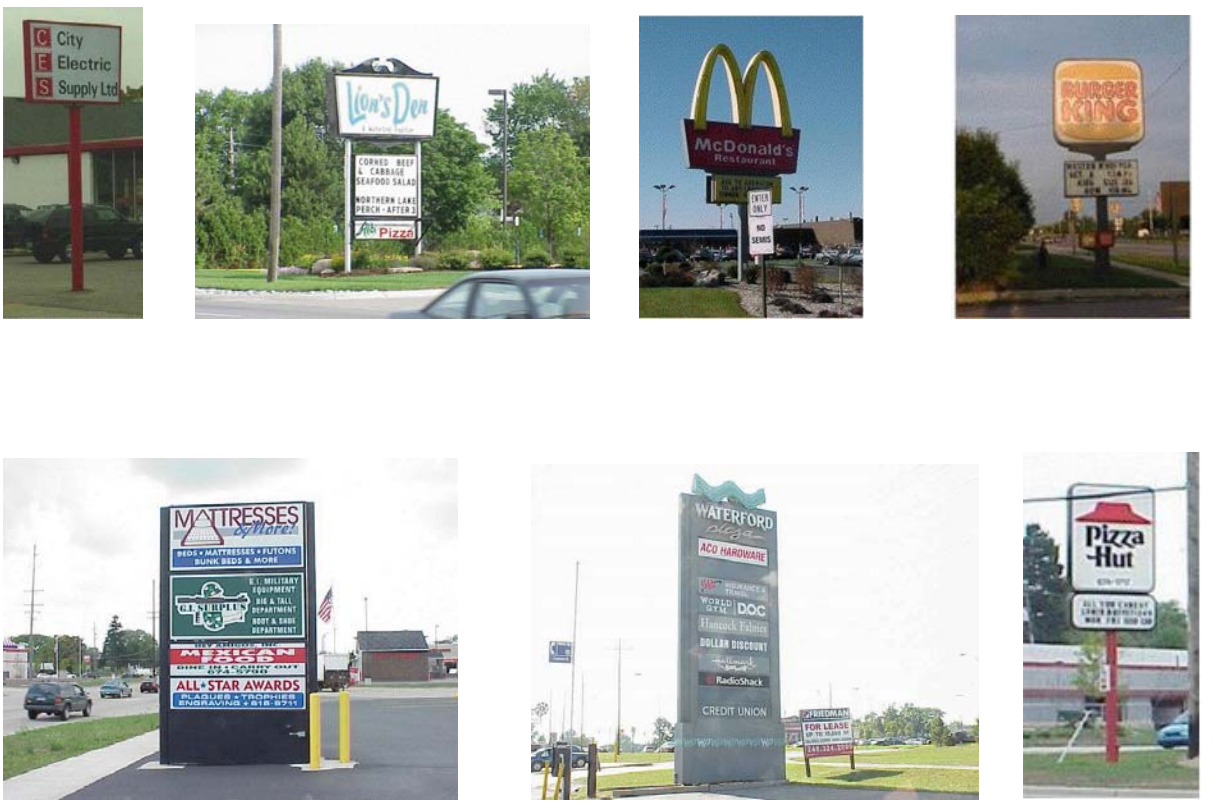


Figure VII-34 – Post-Pylon Signs

Figure VII-35 – Private Sale or Event Signs

Figure VII-36 – Projecting Signs

Figure VII-37 – Protective Signs

Figure VII-38 – Real Estate Signs

Figure VII-39 – Residential Site Development Signs

Figure VII-40 – Roof Signs

Figure VII-41 – Special Purpose Signs

Figure VII-42 – Vehicle Signs

Figure VII-43 – Wall Signs

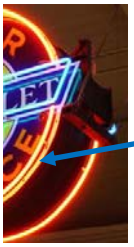
Figure VII-44 – Window Signs

Electronic Sign Message Boards

Traditional Sign Message Boards

Figure VII-45 – Sign Components – Sign Message Board

Electric Wiring and Light Bulbs in a Sign Frame



Neon Tubing

Figure VII-46 – Sign Components – Sign Illumination

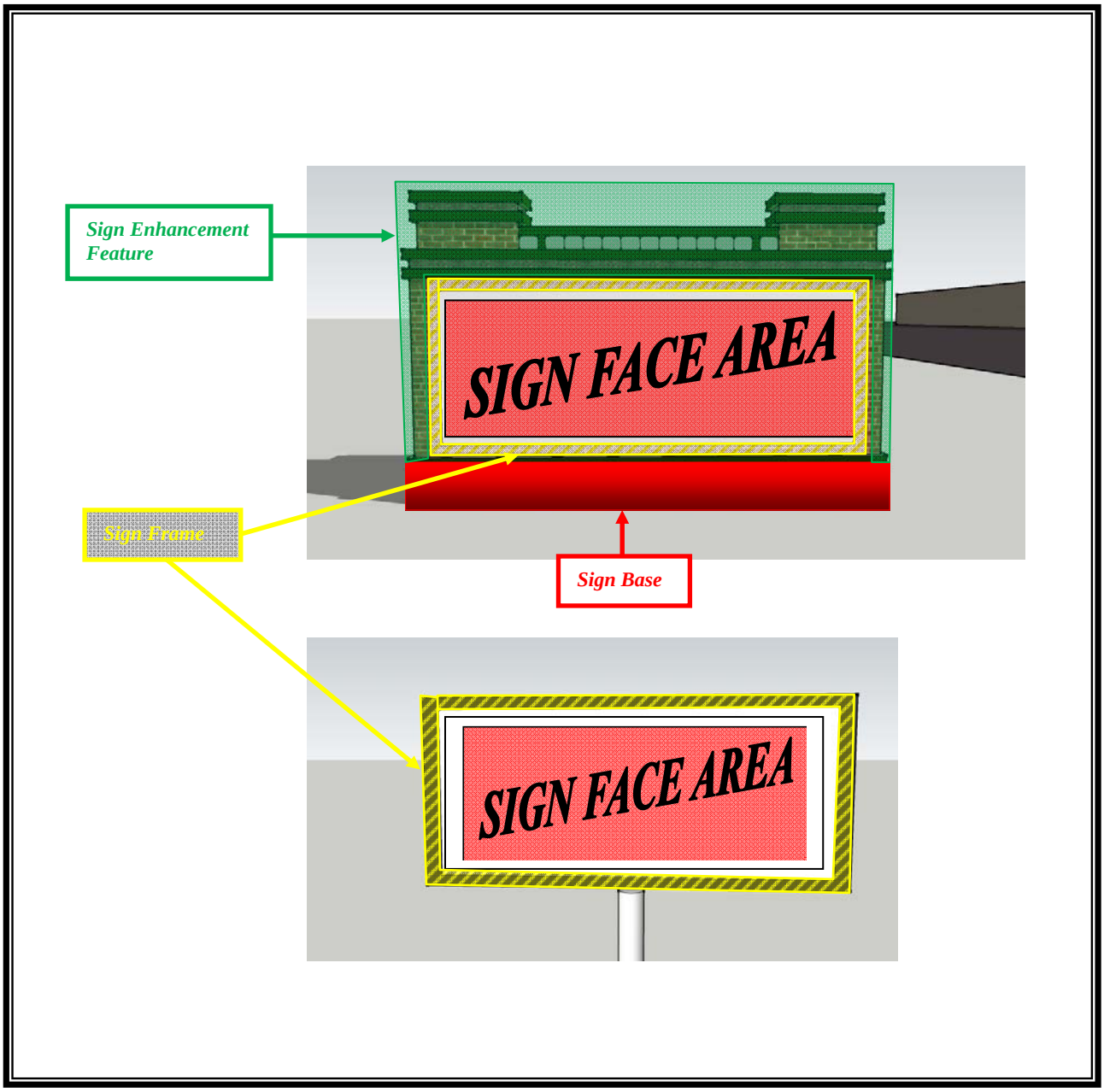


Figure VII-47 – Sign Components – Sign Base, Enhancement Feature, Face Area, and Frame

Figure VII-48 – Some Examples of Illegal Right-of-Way Signage

Sign message units have been installed on the sign frame, therefore such sign message units shall be added into the computation of the total sign area. A violation of Zoning Ordinance requirements occurs any time such total exceeds the maximum allowed sign area.

Figure VII-49 – An Example of the Sign Area Expanded onto the Sign Frame

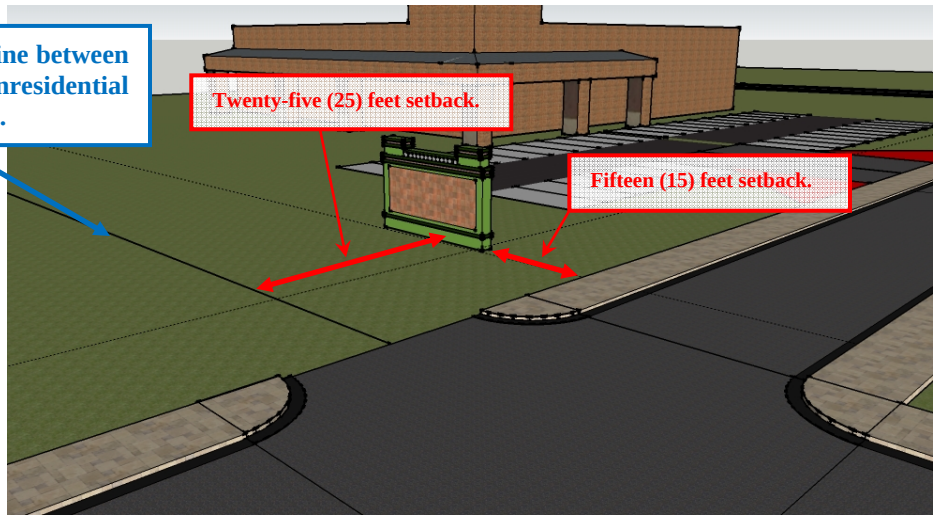


Figure VII-50 – Sign Setbacks-Between Two Nonresidential Properties

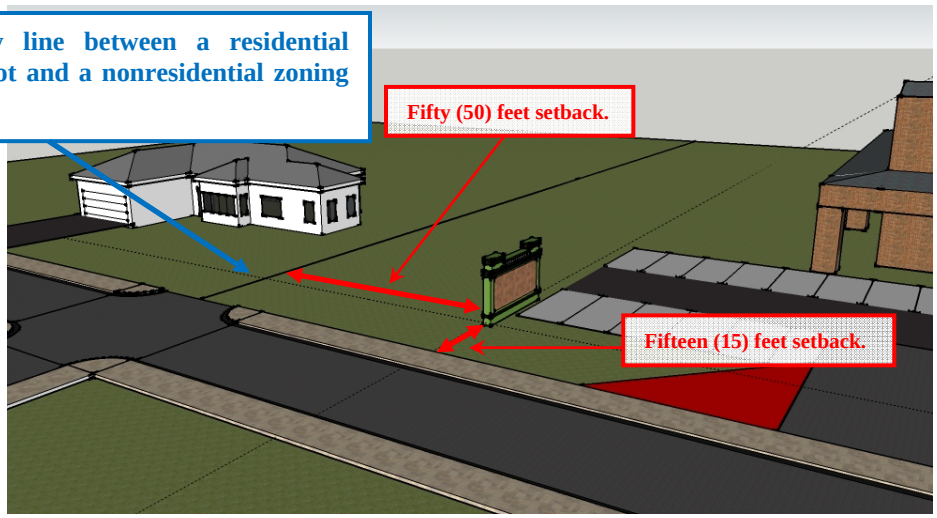


Figure VII-51 – Sign Setbacks-Between Residential and Nonresidential Properties

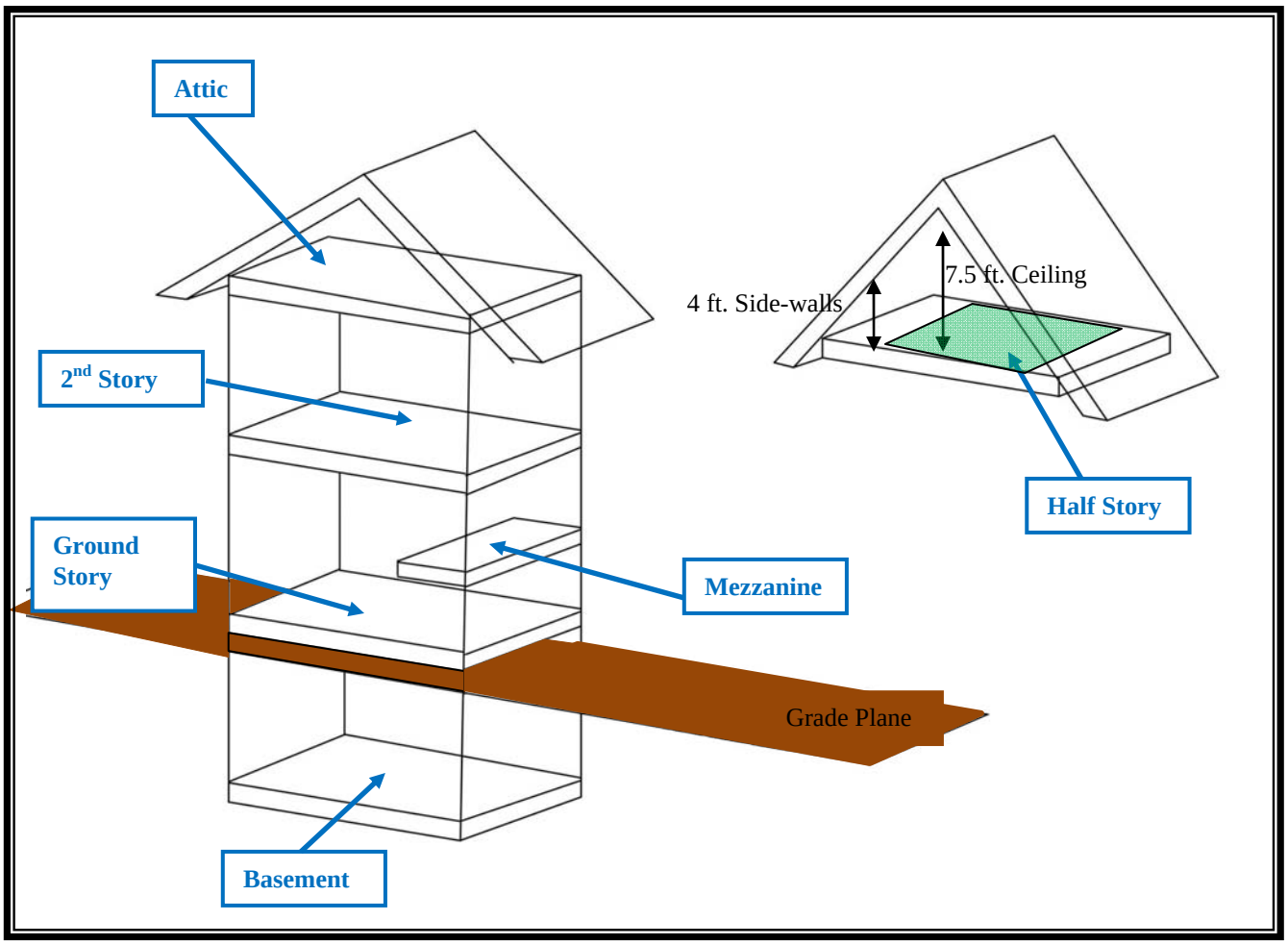


Figure VII-52 – Building Story Types

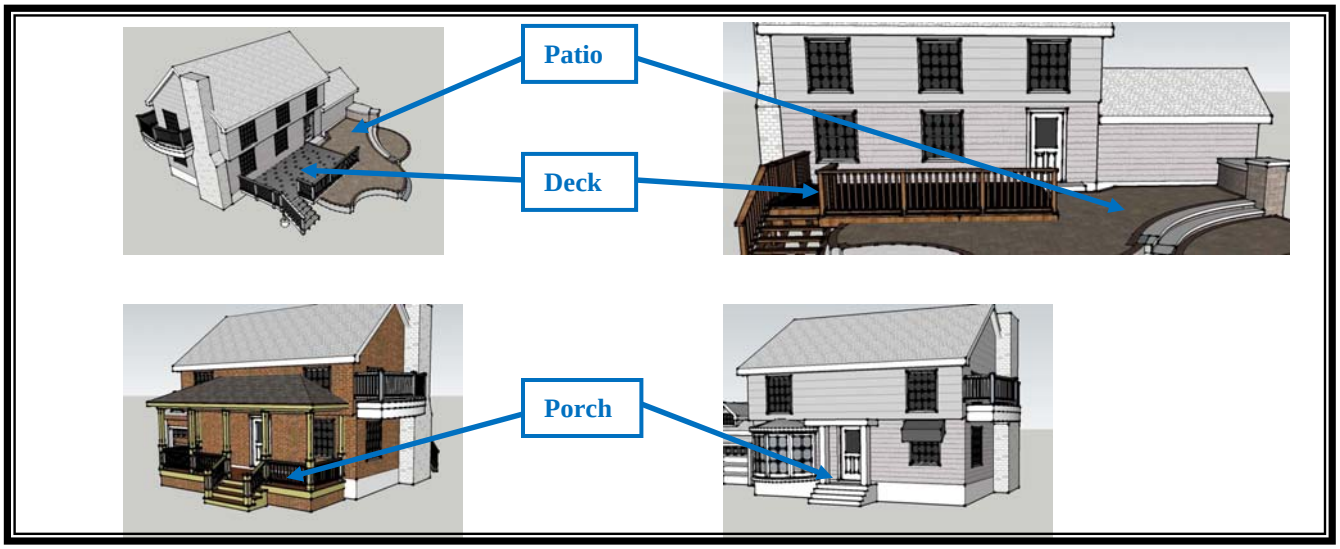


Figure VII-53 – Some Examples of Outdoor Relaxation Structures

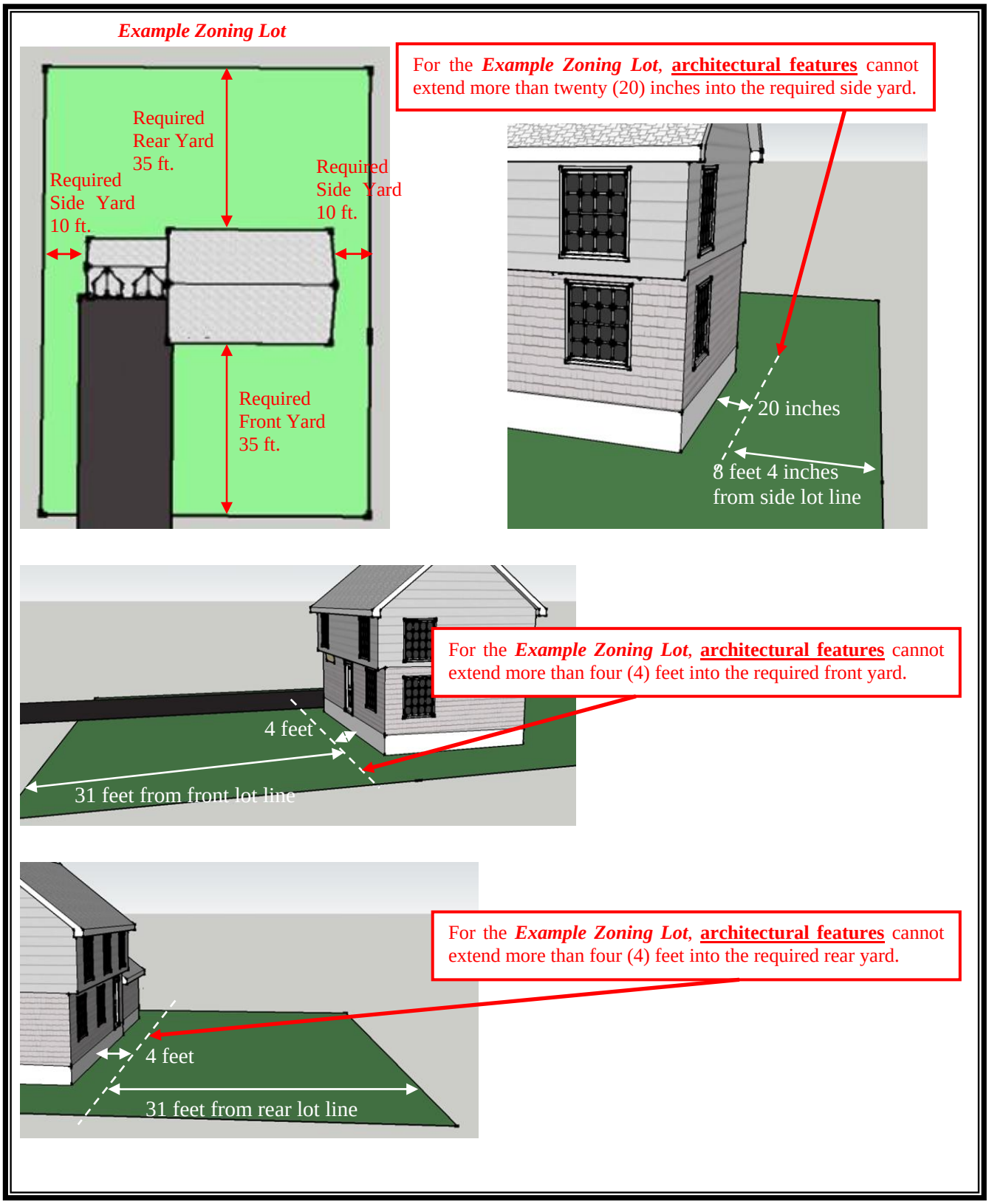


Figure VII-54 – Projections into Required Yards-Architectural Features

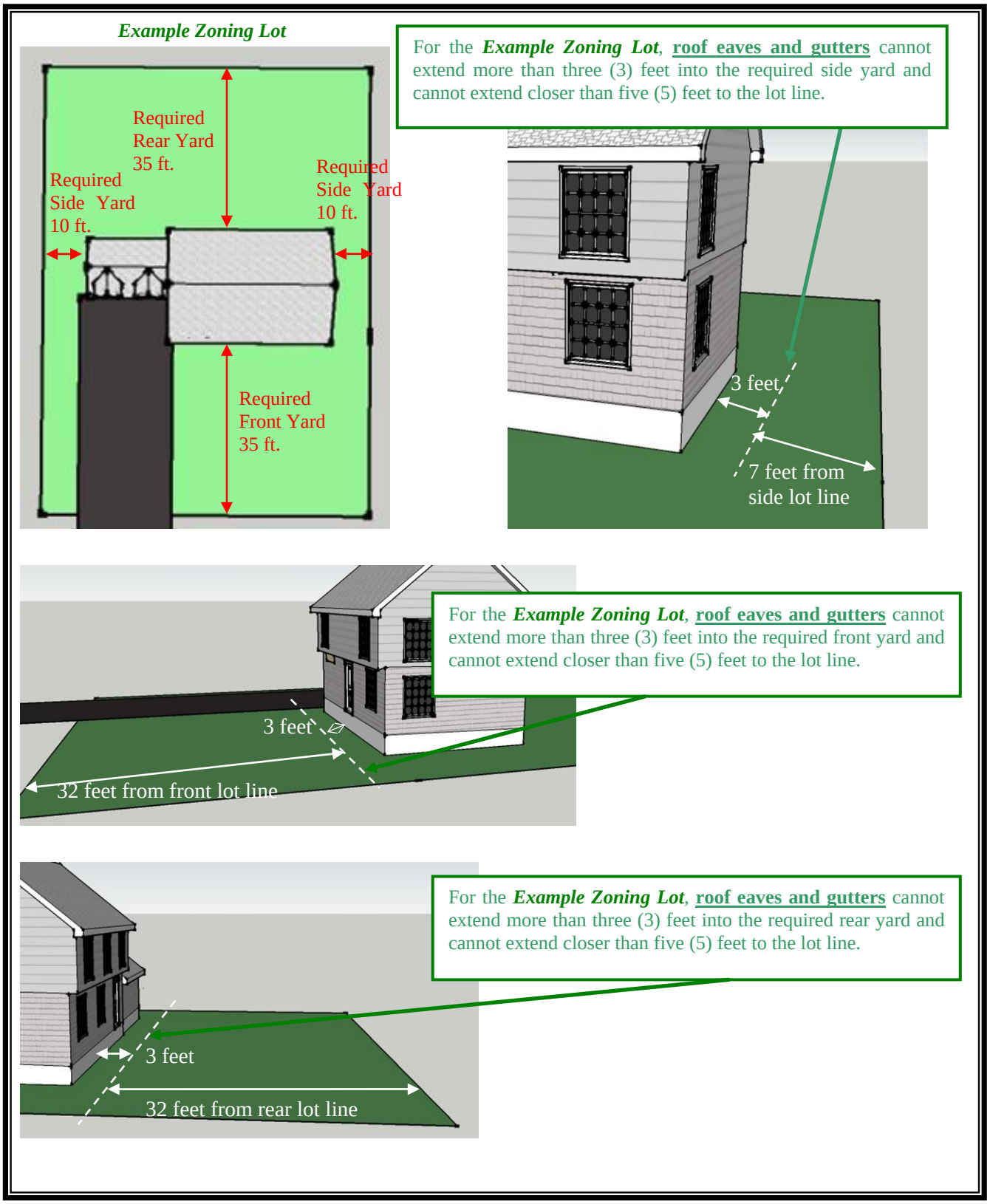
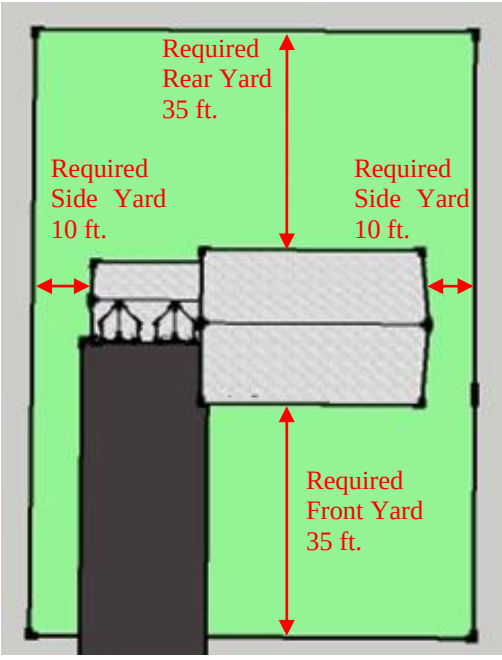
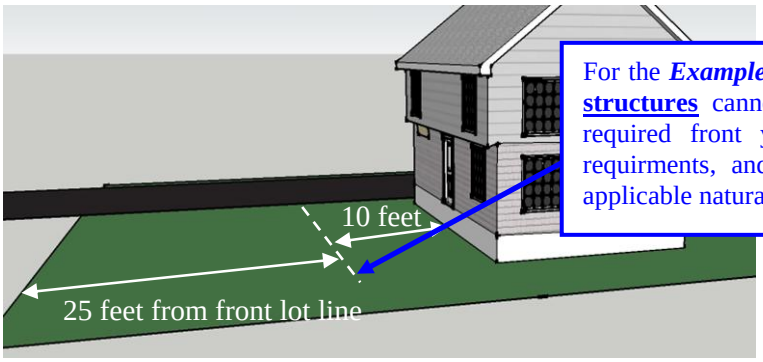


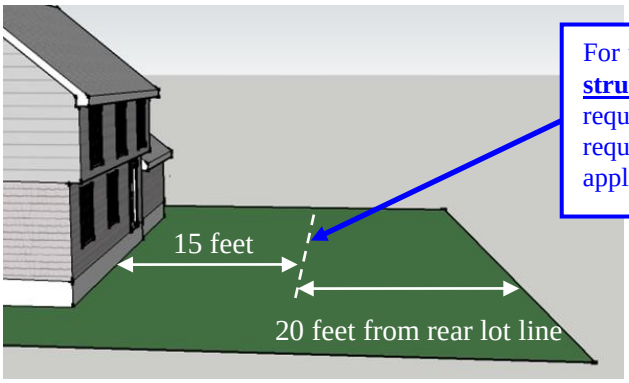
Figure VII-55 – Projections into Required Yards-Roof Eaves and Gutters

Example Zoning Lot





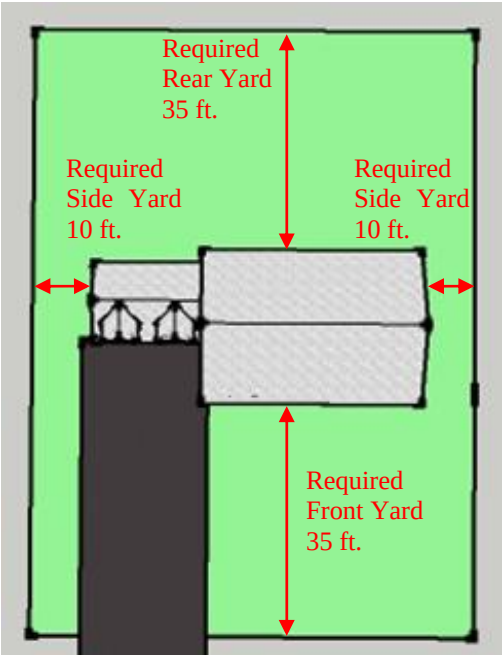
For the ***Example Zoning Lot***, **uncovered outdoor relaxation structures** cannot extend more than ten (10) feet into the required front yard, shall conform to side yard setback requirments, and shall not encroach into any easement or applicable natural feature setback.

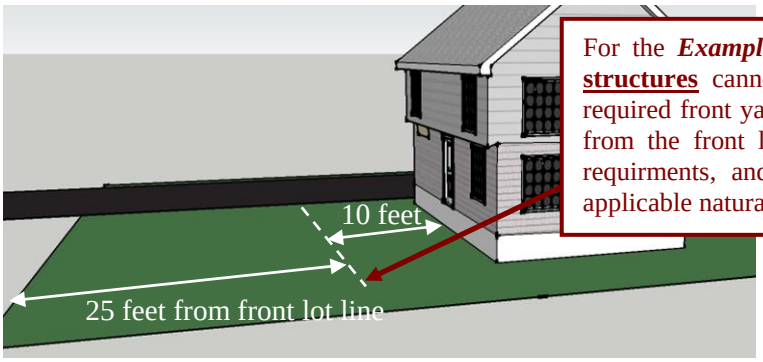


For the ***Example Zoning Lot***, **uncovered outdoor relaxation structures** cannot extend more than fifteen (15) feet into the required rear yard, shall conform to side yard setback requirments, and shall not encroach into any easement or applicable natural feature setback.

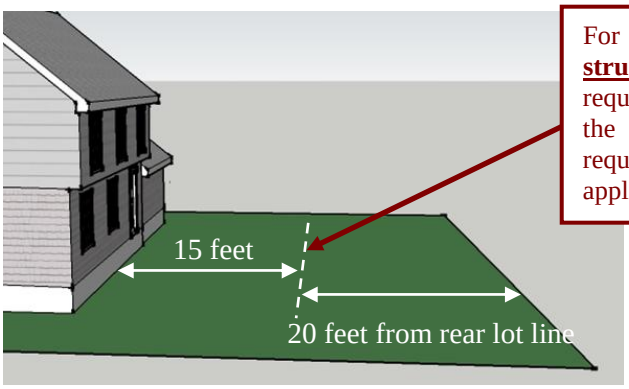
Figure VII-56 – Projections into Required Yards-Uncovered Outdoor Relaxation Structures

Example Zoning Lot





For the ***Example Zoning Lot***, **<u>covered outdoor relaxation structures</u>** cannot extend more than ten (10) feet into the required front yard, shall be no less than twenty-five (25) feet from the front lot line, shall conform to side yard setback requirments, and shall not encroach into any easement or applicable natural feature setback.



For the ***Example Zoning Lot***, **<u>covered outdoor relaxation structures</u>** cannot extend more than fifteen (15) feet into the required rear yard, shall be no less than twenty (20) feet from the rear lot line, shall conform to side yard setback requirments, and shall not encroach into any easement or applicable natural feature setback.

Figure VII-57 – Projections into Required Yards-Covered Outdoor Relaxation Structures

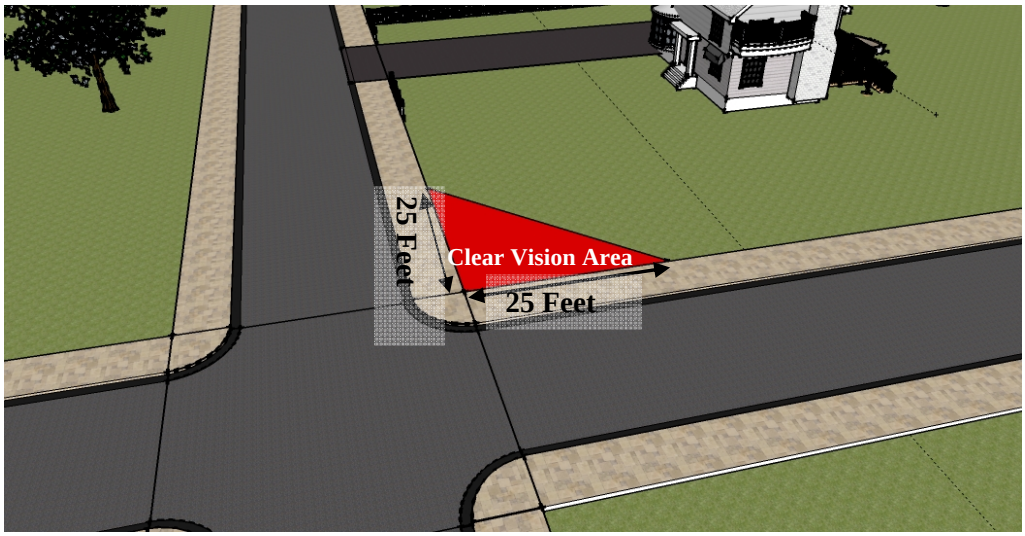


Figure VII-58 – Clear Vision Area-Street Intersection

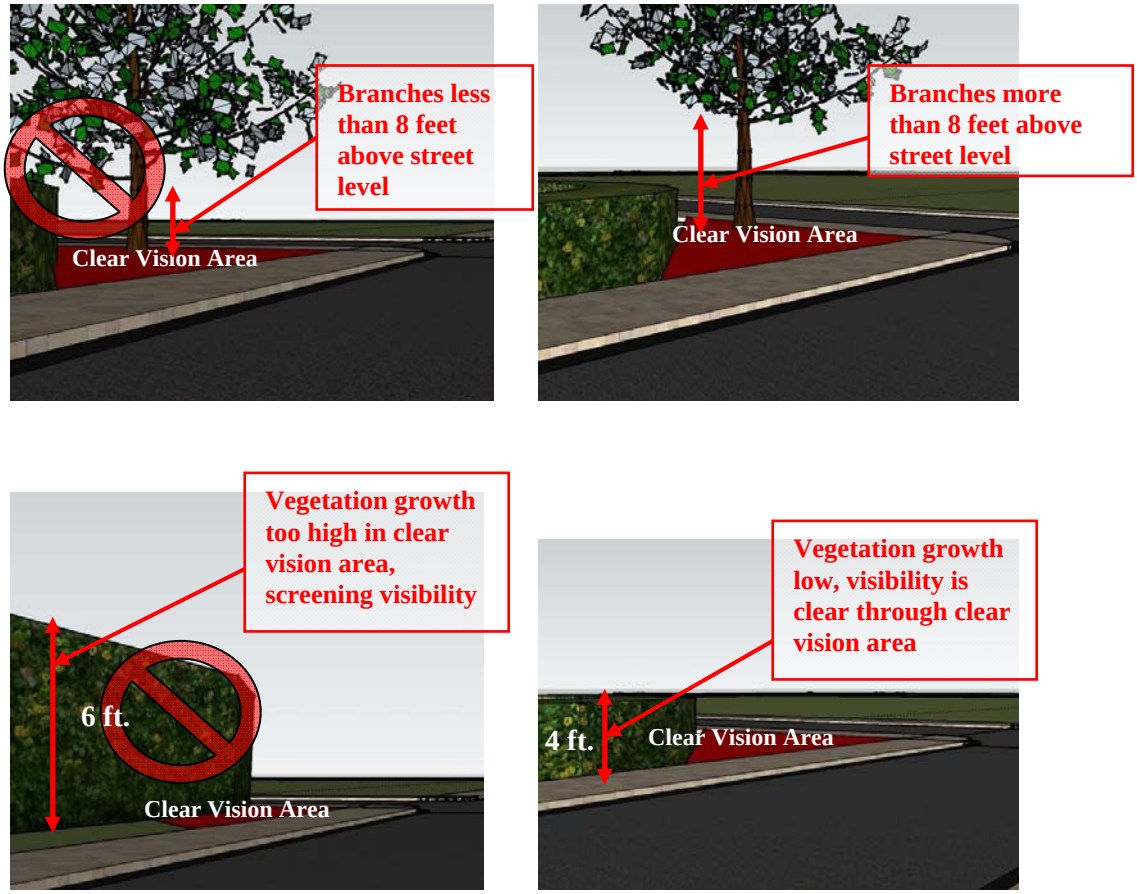


Figure VII-59 – Vegetation in Clear Vision Areas

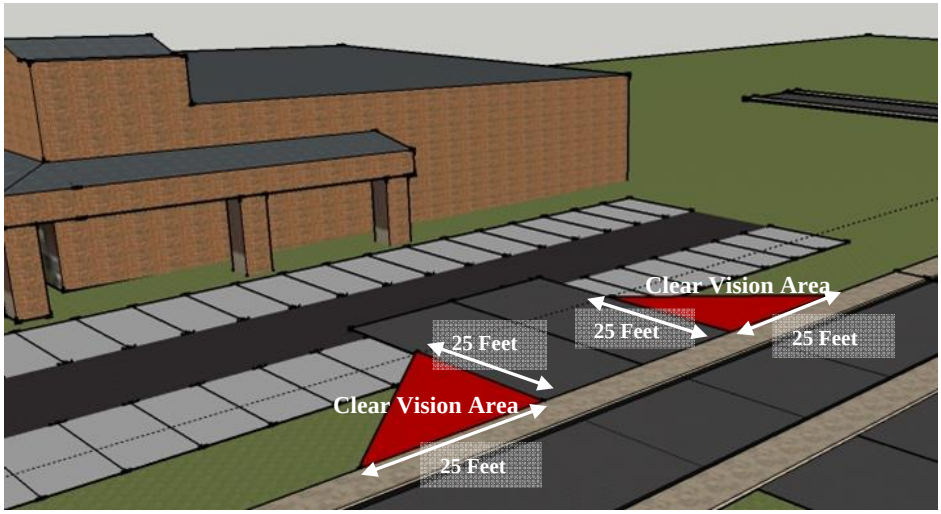


Figure VII-60 – Clear Vision Area-Vehicular Access Drives

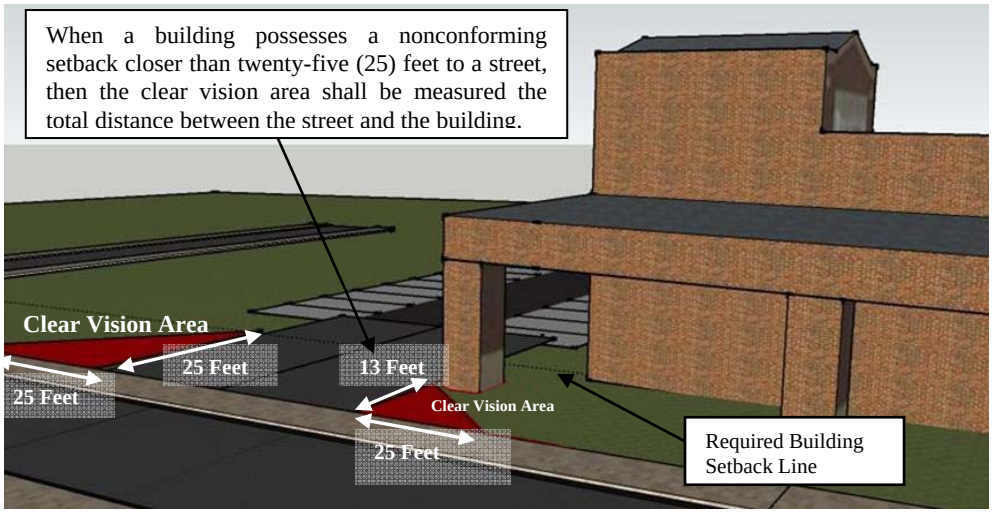


Figure VII-61 – Clear Vision Area-Nonconforming Building Setback Lines

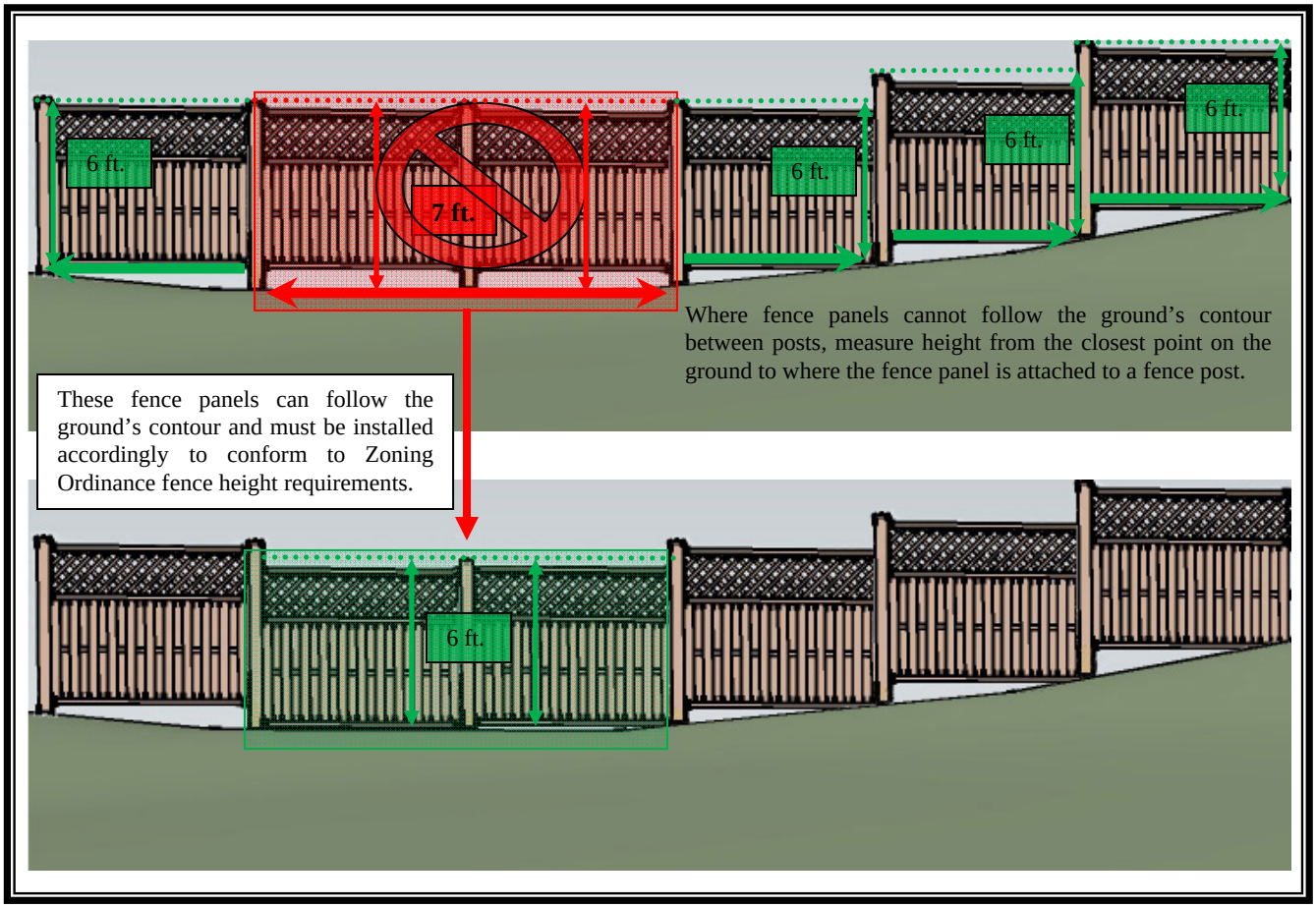


Figure VII-62 – Measurement of Pre-constructed Fence Panel Height on Uneven Ground

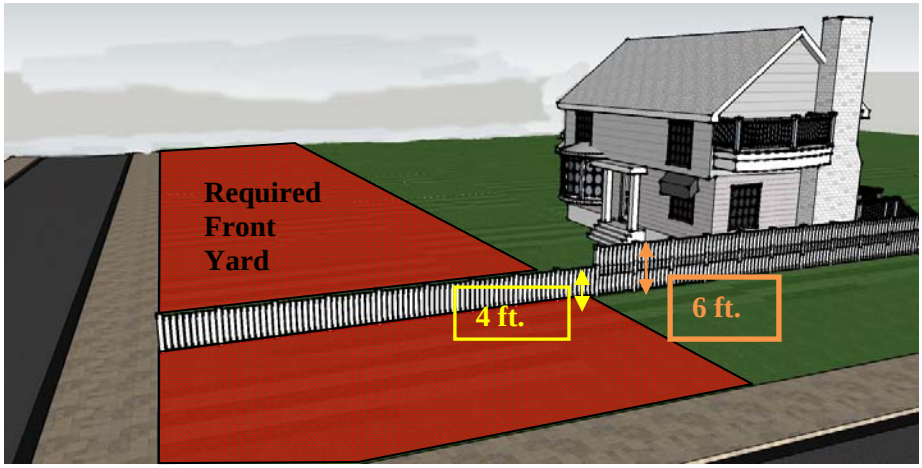


Figure VII-63 – Fence Height-Required Front Yard

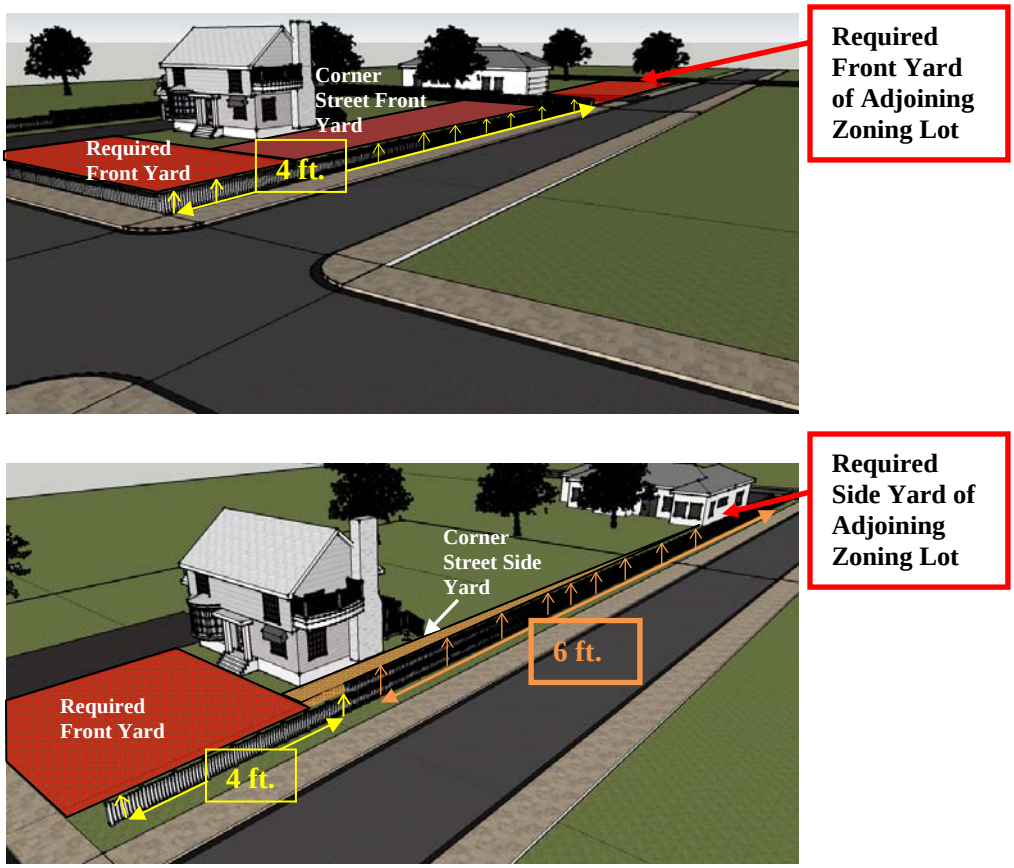


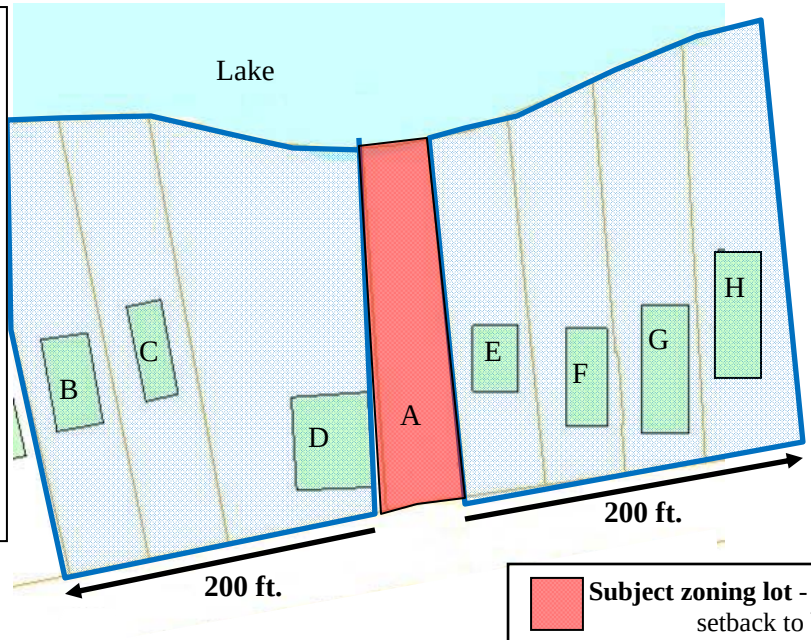
Figure VII-64 – Fence Height-Requirements on Corner Lots

Figure VII-65 – Fence Height Measurement along Lot Line with Immediate Grade Differential

Lakefront Yard Setbacks

B=136 FT.
C=120 FT.
D=155 FT.
E=120 FT.
F=148 FT.
G=155 FT.
H=140 FT.

A=139 FT.
(B+C+D+E+F+G+H)/7



Subject zoning lot - lakefront yard setback to be calculated.

Zoning lots within two hundred (200) feet of subject zoning lot - average of these lakefront yard setbacks determines the setback for the subject zoning lot.

Lakefront Yard Setbacks

B=60 FT.
C=82 FT.
D=75 FT.
E=32 FT.
F=15 FT.
G=15 FT.

A=46.5 Feet
(B+C+D+E+F+G)/6

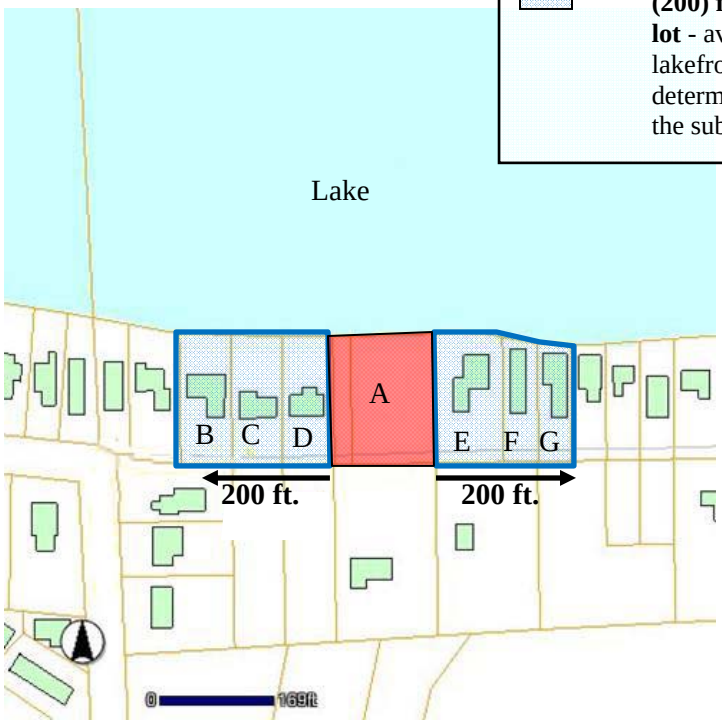


Figure VII-66 – Measurement of Lakefront Yard Setback

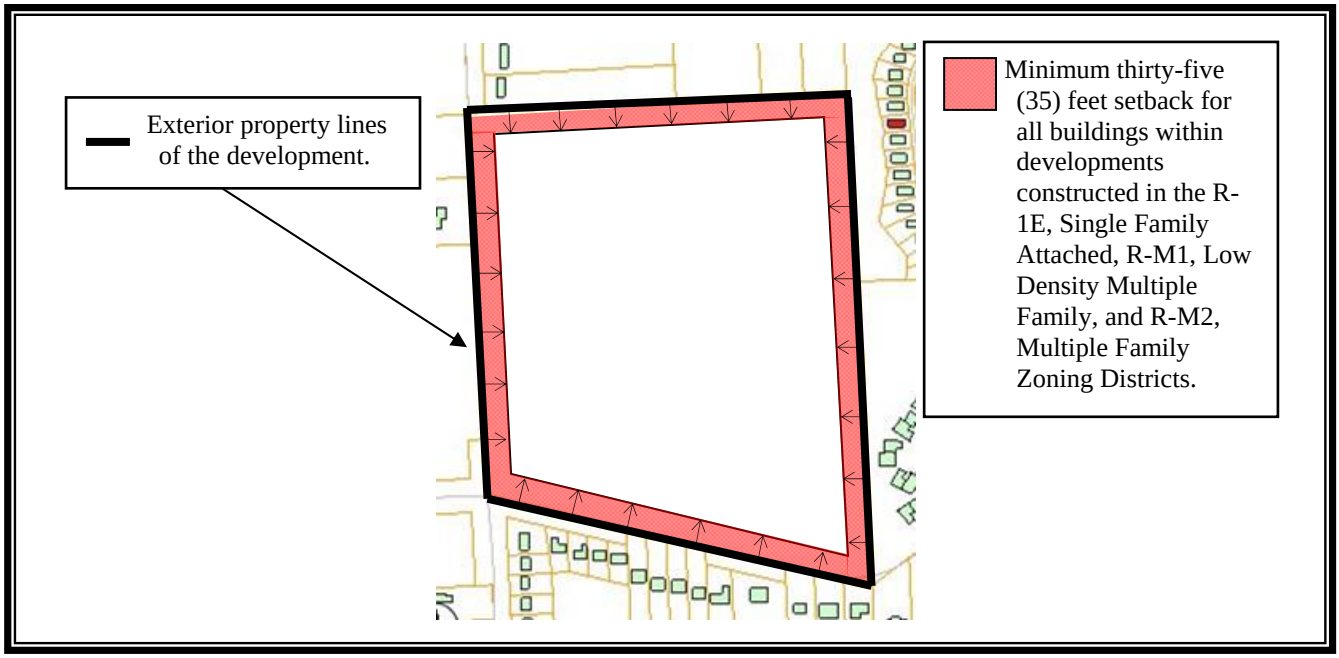
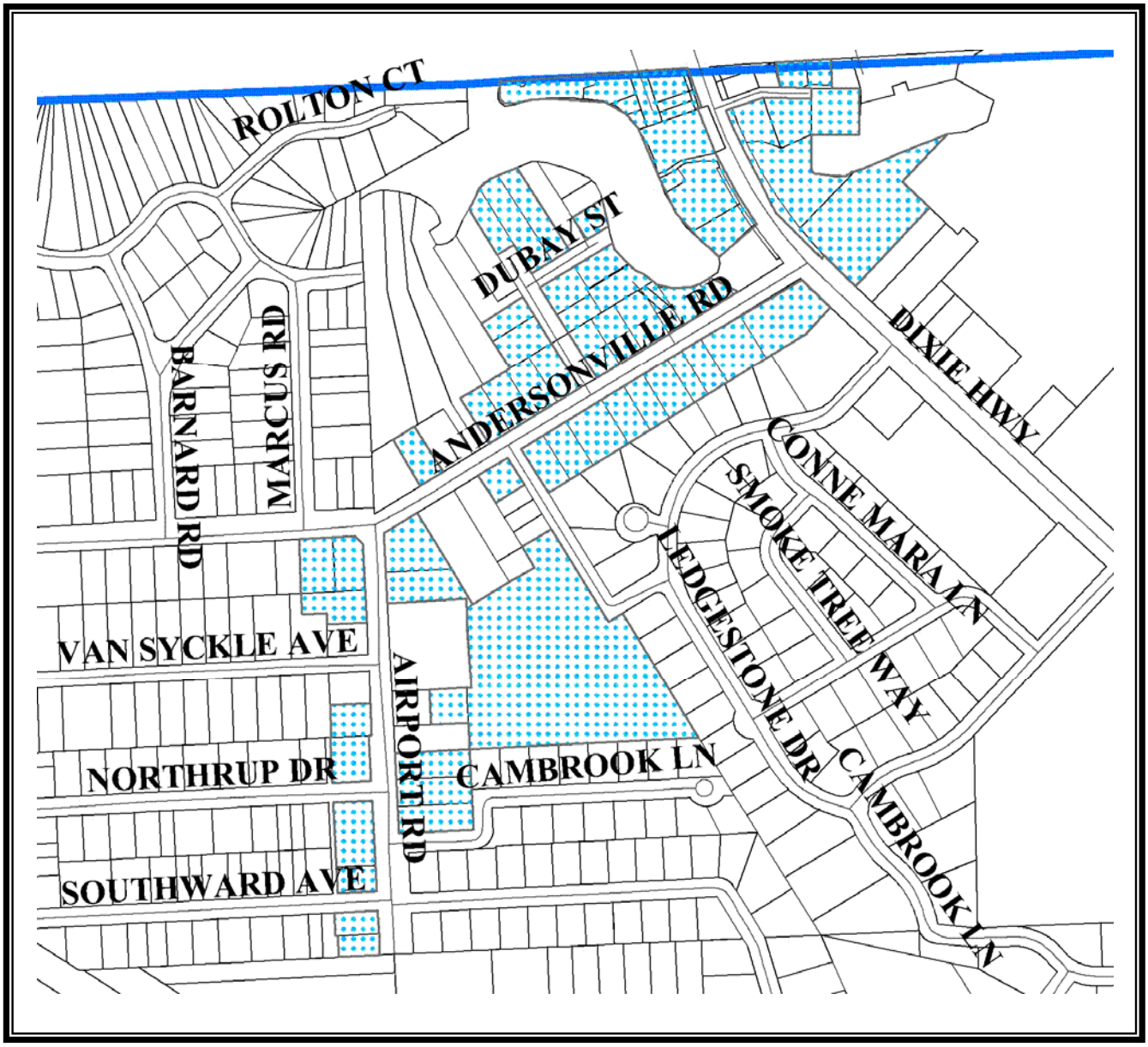


Figure VII-67 – Minimum Building Setback from Development Exterior Property Lines – R-1E, R-M1, and R-M2 Zoning Districts



Map VII-1 – Charter Township of Waterford Historic District

Properties Located within the Historic District